

**Green, Ohio
Instruction Sheet
2025 S-2 Supplement**

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CITY OF GREEN, OHIO

CODE OF ORDINANCES

2025 S-2 Supplement contains:

Local legislation current through Ordinance No. 2024-11, passed 8-27-2024

State legislation current through June 26, 2024

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CHAPTER 31: CITY COUNCIL

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Council

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Statutory reference:

Legislative authority of cities, see R.C. §§ 731.01 et seq.

Meetings of governmental bodies to be public, see R.C. § 121.22

COUNCIL

§ 31.01 MEETINGS.

Council shall have as its regular meeting dates the second and fourth Tuesdays of each calendar month at 7:00 p.m. at the City Administration Building. Special meetings may be called by a vote of Council taken at any regular or special meeting thereof, or shall be called by the Clerk of Council or by any three members of Council. All special meetings are pursuant to § 4.8 of the City Charter.

(Prior Code, § 220.01) (Ord. 93-6, passed 2-20-1993; Res. 98-R52, passed 6-23-1998)

§ 31.02 RULES OF PROCEDURE.

The following rules of procedure shall control the parliamentary conduct of Council. The rules, regulations, bylaws and journal of City Council shall be open for public inspection at all reasonable times. All future amendments of these rules of procedure shall be adopted through a resolution passed by the City Council.

SECTION 1 - Meetings.**Rule 1.1 - Organizational Meetings.**

Within the first seven (7) days of January of each year, Council shall meet for the purpose of organization. The Mayor, or a person appointed by the Mayor, shall call this meeting and shall preside as temporary Chairman only until the President of Council is elected.

Rule 1.2 - Regular Meetings.

The City Council shall hold its Regular meetings on the second and fourth Tuesday of each month at 7:00 p.m. at the Green Administration Bldg. Council may also convene a regular meeting directly following the Organizational Meeting as provided for in Rule 1.1.

The Council President or acting president shall have the sole authority to cancel any regularly scheduled Council meeting.

Council President shall notify the Clerk of Council who will then notify interested parties of the cancellation, including, but not limited to:

- Council members
- Mayor
- City employees
- Media/press
- School personnel/students
- Scheduled speakers

Rule 1.3 - Special Meetings.

After the organizational meeting, Council shall meet at such times prescribed in its rules, regulations, bylaws, or by resolution or ordinance, except that it shall hold regularly scheduled meetings at least once during each calendar month. Such Council meetings shall be known as Regular meetings. All other Council meetings shall be known as Special Meetings.

Special Meetings of the Council may be called as provided by its rules, regulations, bylaws, or by resolution or ordinance. In the absence of any such provisions, Special Meetings may be called by a vote of Council taken at any Regular or Special meeting thereof, or shall be called by the Clerk of Council upon written request of the Mayor, or the President of Council, or by any three (3) members of Council. Notice in writing of each Special Meeting called at the request of the Mayor, the President of Council, or by three (3) members of Council shall state the date and time, and subject or subjects to be considered at such meeting. No subject or subjects, other than those listed in this written notice shall be considered at such Special Meetings. The written notice required by this section shall be served by the Clerk of Council upon the Mayor and each member of Council, either personally, electronically, or by leaving a copy thereof at his usual place of residence, not less than twenty-four (24) hours proceeding the time for the meeting. In the event that a Special Meeting is called by a vote of Council taken at any Regular or Special Meeting from which any member of Council was absent, written notice of such special meeting shall be given such absentee in the manner provided here.

Service of such notice may be waived by an instrument in writing signed prior to the hour of such meeting, and the Mayor and any Council member shall be deemed conclusively to have waived such notice by their attendance at any such meeting.

All Regular and Special Meetings of Council shall be held at the City Administration Building or at such other places in the City as Council may direct, providing that notice of the change in location shall be posted at the administration building no later than one (1) hour prior to the meeting. (Charter 4.8)

Rule 1.4 - Holiday Scheduling.

Council may choose to suspend a regular meeting, but not to exceed two consecutive regular meetings. Council shall hold at least one regularly scheduled meeting during each calendar month.

Rule 1.5 - Executive Sessions.

An Executive Session may be called during Regular or Special Meetings, including Committee Meetings, in compliance with the Sunshine Law. Items discussed in Executive Session are to remain confidential. Any Member of Council violating this rule may be subject to censure.

Rule 1.6 - Sunshine Law.

All Regular Meetings, Special Meetings, Executive Sessions, and Committee Meetings shall be conducted in accordance with the Sunshine Law. (R.C. § 121.22) All Meetings of Council, and its committee meetings, shall be public and any citizen shall have access to the minutes and record of these meetings at all reasonable times.

Rule 1.7 - Quorum.

A majority of Council shall constitute a quorum to conduct business, but a lesser number may adjourn from time to time and compel the attendance of the absent members in such manner and under such penalties as may be prescribed by resolution or ordinance.

Rule 1.8 - Order of Business.

Business shall be conducted in the following order:

- 1.) Call to Order
- 2.) Pledge of allegiance
- 3.) Roll Call
- 4.) Council Study Session
- 5.) Public Report
- 6.) Public Hearings
- 7.) Reading of Correspondence
- 8.) First Reading of New Legislation
- 9.) Report of Council Committees
- 10.) Mayor's Report
- 11.) Unfinished Business
- 12.) New Business
- 13.) Adjournment

SECTION 2 - Council Organization.**Rule 2.1 - Officers.**

At the organizational meeting of Council in January of each year as provided by the City Charter, Council shall by simple majority vote, through the use of a roll call vote elect from among its members a President of Council and a Vice-President of Council each to serve for one (1) year.
(Charter section 4.5)

Rule 2.2 - Term of Office.

Any Council member so elected as president of council or vice president of council may serve for two (2) consecutive one (1) year terms, after which they shall be ineligible for re-election to those Council offices until a period of not less than one (1) year has elapsed.
(Charter section 4.5)

Rule 2.3 - Removal of Officers.

The officers of Council shall serve at the pleasure of Council. A vote of a majority of members of the Council shall be required to remove a member from office.

Rule 2.4 - Presiding Officer.

The President is the presiding officer of Council. In the absence of the President, the Vice-President shall preside.

Rule 2.5 - Vacancy of Officer.

Any vacancy of the office of President of Council, whether occurring by death, disqualification, recall, removal, resignation, or by succession to the office of Mayor, shall be filled by the Vice-President of Council for the remainder of the unexpired term of President of Council. The vacancy so created in the office of Vice President of Council shall be filled by a Council member elected by the majority of the remaining members of Council, without first appointing a replacement council member. The successor shall hold office for the balance of the un-expired term of Vice-President of Council. If the vacancy created by the accession of Vice-President of Council shall not be filled by the Council within thirty (30) days from the date such vacancy occurs, the power of Council to do so shall lapse, and the Mayor shall appoint one (1) of the remaining member of Council to fill the vacancy.
(Charter Section 4.6)

Rule 2.6 - Duties of the President.

The President shall preserve order and decorum, prevent personal reflections and confine members in debate to the question. They may, in common with any other member, call any member to order who shall violate any of the rules and shall, when in the chair, decide all questions of order, subject to an appeal to Council on the demand by two or more members. On such appeal there shall be no debate, but the members making the appeal may briefly state the reason for the same, and the presiding officer shall have the right to a similar brief statement.

Rule 2.7 - Clerk of Council.

The Clerk of Council shall be appointed by Council, and the Clerk shall serve at the pleasure of the Council. The Clerk shall keep the Journal of Council, an accurate and complete record of all proceedings of Council; authenticate by the Clerk's signature and have custody of all laws, ordinances, and resolutions of Council; have custody of all official documents, reports, papers, and files of Council; and perform other such duties as Council shall require. Copies of minutes of Boards and Commissions will be kept on file. (Charter section 4.12) If the Clerk should need to correct previously approved minutes, the Clerk shall notify the President of Council and obtain written approval before making such corrections.

Rule 2.8 - Vacancy of Clerk Position.

During the temporary absence or disability of the Clerk of Council, the deputy clerk shall perform the duties of the Clerk of Council. If no individual holds the position of deputy clerk, Council shall by an affirmative vote of a simple majority of its members appoint a liked-qualified individual to perform the duties of that office. (Charter section 4.12)

SECTION 3 - Committees.**Rule 3.1 - Standing Committees.**

The seven standing committees shall be as follows:

- a. Finance
- b. Planning and Community Economic Development
- c. Public Safety
- d. Rules and Personnel
- e. Environment and Parks
- f. Transportation, Connectivity & Storm Water
- g. Intergovernmental and Utilities

Rule 3.2 - Special Committees.

The President of Council may appoint special committees as are necessary to carry out the duties of Council.

Rule 3.3 - Number of Members on Committees.

There shall be three (3) members on each standing committee. Membership on special committees will be established by the President of Council.

Rule 3.4 - Committee Appointments.

The President of Council shall appoint committee members and special committee members as are necessary to carry out the duties of Council.

Rule 3.5 - Attendance by Non-Committee Members.

Council members may attend Committee meetings of committees of which they are not a member, however they are in attendance as a member of the general public and not in their official capacity.

Rule 3.6 - Committee Chair and Vice-Chair.

The Chair is the first name appearing on the list of committee members and the Vice-Chair will be the second name appearing on the list of committee members.

Rule 3.7 - Committee Meetings.

The Committees shall meet in the Council Chambers at 5:00 p.m. on the second and fourth Tuesday of each month. A committee may call a special meeting. The notice for a special meeting shall state the date and time, and the subject or subjects to be considered at such meeting. No subject or subjects, other than those listed in this written notice, shall be considered at such special meetings. Written minutes of the meetings are to be taken and kept on file with the Clerk of Council.

Rule 3.8 - Duties of Committees.

a. All proposed ordinances and resolutions, except those of a purely ceremonial nature, shall be referred by the President of Council to one (1) or more of the standing committees of Council as appropriate to the subject matter, unless this requirement is waived by a vote of two-thirds (2/3) of the members of Council.

b. Said committee(s) shall consider the proposed legislative action separately and/or jointly and shall report their recommendations to Council for final disposition.

c. Such report of the committee(s) recommendations shall be given by the Chair during Council session. Minutes and documentation shall be entered into the Journal of the Committees. The video shall serve as the official minutes for council meetings. A summary of the meeting which detail the general discussion on each agenda item as well as the vote(s) on all ordinances and resolutions and shall be accompanied by the original documents, if any, upon which such report is based. Such report and documentation shall be entered or referred to upon the Journal of Council.

d. If any matter referred to committee has not been reported upon for two (2) successive Regular Council Meetings, such matter may be brought before Council, with or without an accompanying committee report, upon the vote of a two-thirds (2/3) vote of the members of Council.

e. Nothing in this provision shall preclude any standing committee from proposing an ordinance or resolution on its own initiative. Intentional failure to follow this section pertaining to committees which results in gross abuse of corporate power shall invalidate any action taken by the Council as a whole.
(Charter section 4.9)

Rule 3.9 - Quorum for Committees.

Committees containing three members must have two members present for a quorum. A majority vote of the members is necessary to take action.

Rule 3.10 - The President and the Standing Committees

The President of Council shall be an ex officio member of all standing committees of which they are not a member, or does not chair, but shall not vote upon any question coming before those committees. The President

of Council may, however, be counted as a member of a committee for the purpose of making a quorum. The President may also serve as a regular member with full voting power for a maximum of forty-five (45) days in the event of the death, resignation, or removal of a Council member from a committee. The President shall fill any vacancy occurring on a committee within forty-five (45) days after the vacancy occurs by appointing another member of Council to fill the unexpired term.

Rule 3.11 - Committee of the Whole.

The Council may resolve itself into a Committee of the Whole when it wishes, so that the entire Council may consider an issue.

SECTION 4 - Parliamentary Procedures.

Rule 4.1 - Call to Order.

At the time appointed for Council to meet, the President shall take the Chair and immediately call the members to order.

Rule 4.2 - Roll Call.

Before proceeding, the Clerk shall call the roll and enter into the minutes the members present or absent.

Rule 4.3 - Suspension of Rules.

These rules of procedure may be temporarily suspended at any meeting of Council by a three-fourths (3/4) vote of all members elected, (6 yeas needed), insofar as said suspension is not a conflict with the status of the Constitution of the State of Ohio. The vote on such suspension shall be taken by yeas and nays, and entered into the Journal of Council. Any measure to be adopted as an emergency measure requires an explanation be given prior to a motion being made as to why such an action is necessary. (Charter Section 4.9)

Rule 4.4 - Amendments to Rules.

The Rules of Council are to remain in full force and effect until amended or repealed by Council. These rules may be amended, altered, or new rules adopted by a simple majority of the Council members at any meeting of Council on the report of the Rules Committee to which the subject had been referred at a previous meeting.

Rule 4.5 - Questions and Motions.

When a motion is made and seconded, the President or the Clerk shall state the question, which then places it before Council. Following debate, the President or the Clerk shall put the question to a vote and announce the results of the vote.

Rule 4.6 - Demand for a Vote.

The President of Council or any other member of Council may demand a division, which shall be taken by a roll call. The motion calling the previous question closes debate, stops further amendments to the last motion and brings it to an immediate vote. The previous question applies only to the last motion made. It is not in order for

a member of Council to speak to a question under consideration or to make a motion and immediately demand the previous question.

Rule 4.7 - Objection to Consideration.

As soon as a motion or proposition has been stated, any member may object to consideration. This cannot be amended or debated. It requires a majority vote of all members to pass.

Rule 4.8 - Reconsideration.

Any member who previously voted with the prevailing side, may move to reconsider any vote or proceeding of the Council. This motion shall be made not later than the next regular meeting. An action taken by Council shall only be reconsidered once.

Rule 4.9 - Point of Order.

A point of order is a motion made by a member of Council when they believe the Rules of Council are being violated. This motion may be made when another member has the floor and does not require a second. The presiding officer must determine the validity of the motion. If the decision is that the Rules are being violated, the presiding officer shall enforce the Rules of Council.

Rule 4.10 - Point of Information.

A point of information is a request by a member of Council to the presiding officer, requesting information relevant to the business at hand. The presiding officer shall direct the request to the appropriate person and all information shall be exchanged through the presiding officer in order to maintain decorum.

Rule 4.11 - Procedures Not Included in Council Rules.

In the absence of any rule governing matters of business in either the Rules of Council, the City Charter, or the Statutes of the State of Ohio, *Roberts Rules of Order, Revised* shall be the standard of parliamentary usage.

Rule 4.12 - Withdrawal.

The sponsor of legislation may withdraw such legislation at any time before the President of Council has "stated the question" and placed it before Council as set forth in Rule 4.5 in a regular or special meeting of Council.

SECTION 5 - Debate and Decorum.

Rule 5.1 - Preservation of Decorum.

The presiding officer shall preserve decorum and maintain order at all times, prevent personal reflections during debate and in making assignments, and confine members to the question before Council.

The presiding officer or any other member of the Council may call to order a member who violates these rules. This decision shall be subject to an appeal to Council at the request of one (1) member, who shall state the reasons for the appeal. There shall be no debate on such appeal, but the President shall have the right to answer the appeal.

Rule 5.2 - Speaking by Council Members.

Any member of Council desiring to speak shall raise his hand for recognition by the President. Upon recognition, the member shall be allowed to speak. No member shall speak longer than five minutes at one time, without leave, and no member shall speak again on the same motion until all members of Council desiring to speak on that motion have had an opportunity to do so.

Rule 5.3 - Speaking by Members of the Administration.

Any member of the administration, including the Mayor, who desires to speak shall ask for recognition by the President. Upon recognition, the member of the Administration shall be allowed to speak.

Rule 5.4 - Speaking by Non-Members of Council.

(See Section 7)

Rule 5.5 - Profane Language.

The use of profane or vulgar language is absolutely forbidden, either by Council members or by any others attending the Council meeting.

Rule 5.6 - Power to Preserve Decorum.

The Council may, with a majority vote by yeas and nays, vote to suspend the meeting in order to preserve order and decorum.

Rule 5.7 - Recording of Council Meetings.

Any and all forms of the official recording of Council meetings shall be under the direction of Council without any form of censorship, excepting the deletion of profanity, obscenity, or any matter unacceptable under FCC regulations.

SECTION 6 - Enacting Legislation.**Rule 6.1 - Council Actions.**

The Council shall act officially only by ordinance or resolution.

Rule 6.2 - Passage or Adoption.

All ordinances, resolutions, and rules for the government of Council shall require for their passage or adoption, an affirmative vote of a simple majority of all members elected, and the votes on their passage or adoption shall be taken by yeas and nays and recorded in the Journal of Council.

(Charter Section 4.9)

Rule 6.3 - Voting.

All members of Council present shall vote on the question on the call by yea or by nay. The only exception being if the Council member feels they have a personal interest in the matter, at which time it is permissible for them to abstain from voting. Any members, not being excused, who refuses to vote on the question when the yeas and nays are taken, shall be guilty of contempt of Council and may for such contempt be censured by a majority vote of Council.

Rule 6.4 - Demand for Vote.

Any member may demand the yeas and nays and it shall be taken on the passage of any resolution, question or proposition submitted to Council. In taking the yeas and nays, the Clerk shall call the names of the members. Before the announcement of the vote by the President, the Clerk shall read the votes so taken upon demand of any member.

Rule 6.5 - Motions.

When a motion is made and seconded, it shall be stated by the President before any debate shall be in order. Any such motion and any amendment thereto may be withdrawn by the movers thereof at any time before decision, if the majority of the members so agree.

Rule 6.6 - Non-Debatable Motions.

Motion to adjourn, lay on the table, for the previous question, or for reconsideration of a previous ordinance or resolution shall be decided without debate.

Rule 6.7 - Motions - Procedures During Debate.

When a question is before Council, no motion shall be entertained except:

- 1.) To adjourn (without debate)
- 2.) To lay on the Table (without debate)
- 3.) For the previous question (without debate)
- 4.) To refer to committee (with debate)
- 5.) To amend (with debate)
- 6.) To postpone indefinitely (with debate)

Such motions shall have precedence in the foregoing order.

Rule 6.8 - Presenting Ordinances and Resolutions to Council.

Proposed Ordinances and Resolutions shall be introduced in written or printed form. Each one shall contain only one subject, which shall be clearly stated in the title. The exception is the general appropriation ordinance, for which monies are to be appropriated.

(Charter 4.9)

The title of proposed ordinances and resolutions relating to a matter pending in litigation shall clearly identify the parties to the litigation, the court in which the matter is pending, and the relevant case number(s).

Rule 6.9 - Introduction of Legislation.

All new legislation must be received by the Clerk of Council by 12:00 noon on the Thursday preceding the meeting at which it is to be introduced. Legislation received after the time stated above will be deferred until the next regularly scheduled Council meeting unless authorized by Council President.

Rule 6.10 - Resolutions, Congratulations, and Commendations.

Resolutions of congratulations, commendations, condolences, and the like, which are not a general and permanent nature, may be voted and acted upon at once after one reading.

Rule 6.11 - Assigning New Legislation.

The President of Council shall assign all new legislative items to the appropriate committee and/or committees.

Rule 6.12 - Copies of Legislation.

When legislation is presented to Council, the Clerk of Council shall have copies made and distributed to each Council member, make all relevant documents available to Council in electronic format and will provide written copies upon request.

Rule 6.13 - Number of Readings.

Every resolution and every ordinance shall be read at three (3) different Regular Council Meetings, unless any or all readings are dispensed with by a three-fourths (3/4) vote of the members of Council (6 yeas needed). Ordinances and resolutions shall be deemed to have been read if a written, printed, or an electronic copy of the ordinance or resolution shall have been furnished to each member of Council prior to its introduction and if the title thereof is fully read, provided that such ordinance or resolution shall be read in full if so directed by motion approved by affirmative vote of a simple majority of Council.
(Charter Section 4.9)

Rule 6.14 - When Legislation Becomes Effective.

Each resolution or ordinance providing for

- a.) the appropriation of money; or
- b.) improvements petitioned for by a majority of the adjacent property to be benefitted and specially assessed therefore; or
- c.) any emergency resolution or ordinance necessary for the immediate preservation of public peace, health, welfare, or safety,

shall take effect, unless a later date be specified therein, upon its passage and approval by the Mayor, or upon the expiration of the time within which it may be vetoed by the Mayor, or upon its passage over veto by the Mayor, as the case may be.

No other resolution or ordinance shall become effective until thirty (30) days after its passage and approval by the Mayor, or upon the expiration of the time within which it may be vetoed by the Mayor, or upon its passage over veto by the Mayor, as the case may be.
(Charter Section 4.9)

Rule 6.15 - Legislation Requiring a Public Hearing.

No action of Council authorizing

- a.) the surrender of joint exercise of any of its powers; or
- b.) the granting of any franchise; or
- c.) the enactment, amendment, or repeal of any zoning or building resolution or ordinance; or
- d.) an increase of utility rate; or
- e.) the changing of any ward boundaries; or
- f.) any change in the boundaries of the City,

shall be taken until a public hearing on said action shall have occurred, no later than seven (7) days before final enactment by Council.
(Charter Section 4.9)

Rule 6.16 - Appropriation of Money.

Money may be appropriated by ordinance or resolution. All legislation for the appropriation of money, the issue of bonds, the transfer of any money to any fund or the payment of claims shall designate the code number of the funds from which and to which such moneys are appropriated or transferred. Such legislation shall be referred without debate to the Finance Committee for consideration and report, unless the rules be suspended by an affirmative vote of three-fourths (3/4) of all elected members.

Rule 6.17 - Amendments.

No resolution or ordinance shall be revised or amended unless the resolution or ordinance superseding it contains the entire resolution or ordinance as revised or amended, or the section or sections so revised or amended. The original resolution or ordinance, or section or sections thereof, shall be considered to be repealed.
(Charter Section 4.9)

SECTION 7 - Public Comment

Rule 7.1 - Citizens Addressing Council.

Individual citizens shall be permitted to address Council at Regular and Special Meetings. This rule shall not pertain to previously set public hearings on specific matters before Council.

Rule 7.2 - Time Allotted.

The Public Comment portion of the Meeting shall continue for no longer than thirty (30) minutes. No individual shall be permitted to speak longer than three minutes on any one particular subject.

The Public Comment portion of the meeting shall not be shortened by a scheduled public hearing or special presentation to Council, but shall be the full thirty (30) minutes as set forth in these rules.

Rule 7.3 - Speaking Roster.

Any individual wishing to address Council shall sign the speaking roster prepared by the Clerk of Council. This roster will be left at the door until such time as the presiding officer requests the list to begin the Public Comment portion of the meeting. Signatures shall include addresses.

Rule 7.4 - Conduct of Speakers.

Each speaker must identify themselves and shall state the subject of their comments which shall be addressed to the presiding officer. The presiding officer shall have the power to equitably divide the time available among the speakers. All speakers shall observe all rules of decorum. No debate, disrespect or obscenities shall be permitted.

Rule 7.5 - Employee Grievances.

No person shall be permitted to speak on any individual City employee grievance problem unless all the City Grievances Procedure Steps have been exhausted by the person involved.

Rule 7.6 - Response of the Presiding Officer.

The presiding officer may refer any question posed, to a member of Council or the Administration to answer.

SECTION 8 - General.

Rule 8.1 - Access to Information.

Any person may visit, email or telephone the office of the Clerk of Council during that office's regular office hours to determine, based on information available at that office, the time and place of regular meetings; the time, place, and purpose of any then known Special Meetings; and the agenda for such meetings as then available.

Rule 8.2 - Council Relationship to Administrative Officers.

Neither Council, nor any of its committees, nor any of its several members, shall in any matter take part in the discipline of, give orders to, any subordinates and employees in the administrative service of the City responsible to the Mayor, but must deal directly with the Mayor. Council may inquire into the conduct of any office or department and into the performance of any contract or any of the affairs of the City.

(Charter Section 4.15)

(Prior Code, § 220.02) (Ord. 2015-11, passed 8-13-2015; Ord. 2018-07, passed 4-10-2018; Ord. 2023-16, passed 2-13-2024)

§ 31.03 CLERK OF COUNCIL.

Council hereby authorizes a change in employment status for the Clerk of Council from part-time to full-time status, with all city benefits, effective immediately.

(Prior Code, § 220.03) (Res. 94-R19, passed 3-22-1994)

§ 31.04 DEPUTY CLERK.

(A) The City Council establishes the position of Deputy Clerk of Council.

(B) The position of Deputy Clerk of Council will be added to the listing of non-bargaining positions at pay grade level 5 and the salary range for the position shall be as set forth by resolution from time to time.
(Prior Code, § 220.04) (Res. 2007-R50, passed 9-25-2007)

PUBLIC MEETINGS**§ 31.15 ADOPTION OF RULES FOR NOTIFICATION OF MEETINGS TO THE PUBLIC AND NEWS MEDIA; PURPOSES.**

(A) The rules set forth in this subchapter are adopted pursuant to R.C. § 121.22(F) for the purposes of:

(1) Establishing a reasonable method for any person to determine the time and place of all regularly scheduled meetings and the time, place and purpose of all special meetings;

(2) Making provisions for giving advance notice of special meetings to the news media that have requested notification; and

(3) Making provisions for persons to request and obtain reasonable advance notification of all meetings at which any specific type of public business is to be discussed.

(B) These rules apply to each municipal body, as defined in § 31.16, of the city, and are in addition to any applicable legal requirements as to notices to members of a municipal body or to others in connection with specific meetings or specific subject matters.

(Prior Code, § 208.01) (Ord. 91-22, passed 6-25-1991)

§ 31.16 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CLERK. The Clerk of Council.

DAY. A calendar day.

MEETING. Any prearranged discussion of the public business of a municipal body by a majority of the members of the municipal body.

MUNICIPAL BODY. The legislative authority and any board, commission, committee, agency, authority or similar decision-making body of the city.

ORAL NOTIFICATION. Notification given orally either in person or by telephone, directly to the person for whom such notification is intended, or by leaving an oral message for such person at the address, or if by telephone at the telephone number, of such person as shown on the records kept by the Clerk under these rules.

POST.

(1) To post in an area accessible to the public during the usual business hours at the office of the Clerk and at the following locations:

- (a) The Administrative Offices, 1755 Town Park Boulevard, Green, OH 44232;

CHAPTER 34: CITY ORGANIZATIONS

Section

Civil Service Commission

- 34.001 Adoption of rules; scope; amendments; variations from state law

Parks and Recreation Board

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Statutory reference:

Authority to create joint recreation boards, see R.C. § 755.14
City Planning Commission may preserve historic sites, objects and facilities, see R.C. § 713.02
Civil service law, see R.C. Ch. 124
Corporations for preservation of historic sites, objects and facilities, see R.C. § 1743.07
Encouragement of local historical societies, see R.C. § 149.30
Municipal civil service commissions, see R.C. §§ 124.40 et seq.
Parks and recreation, see R.C. Ch. 755
State Historical Society, see R.C. §§ 149.30 et seq.

CIVIL SERVICE COMMISSION

§ 34.001 ADOPTION OF RULES; SCOPE; AMENDMENTS; VARIATIONS FROM STATE LAW.

(A) Council hereby adopts the rules of the Civil Service Commission as set forth below. The rules of the Civil Service Commission provide for the ascertainment of merit and fitness as the basis for appointment and promotion in the service of the city and for appeals from actions of transfer, reduction or removal of classified personnel under civil service provisions.

§ 34.106 TOPPING PROHIBITED; EXEMPTIONS.

It shall be unlawful as a normal practice for any person, firm or city department to top any street tree, park tree or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical, may be exempted from this chapter as recommended by the Tree Commission.

(Prior Code, § 286.07) (Ord. 2018-25, passed 11-27-2018)

§ 34.107 RESPONSIBILITY OF OWNERS.

Every owner of any tree overhanging any street or right-of-way within the city shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of eight feet above the surface of the street or sidewalk. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The city shall have the right after prior notifications to property owner to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or interferes with visibility of any traffic-control device or sign. Property owners may be assessed for any necessary work.

(Prior Code, § 286.08) (Ord. 2018-25, passed 11-27-2018)

§ 34.108 REMOVAL OF DEAD OR DISEASED TREES FROM PRIVATE PROPERTY.

The city shall have the right to cause the removal of any dead or diseased trees on private property within the city, when such trees constitute a hazard to life and property, or harbor insects or disease which constitute a potential threat to other trees within the city. The Director of Public Service will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within 60 days after the date of service of notice. In the event of failure of owners to comply with such provisions, the city shall have the authority to remove such trees and charge the cost of removal on the owner's property tax notice.

(Prior Code, § 286.09) (Ord. 2018-25, passed 11-27-2018)

§ 34.109 REMOVAL OF STUMPS.

All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

(Prior Code, § 286.10) (Ord. 2018-25, passed 11-27-2018)

§ 34.110 INTERFERENCE PROHIBITED.

It shall be unlawful for any person to prevent, delay or interfere with the Tree Advisory Commission, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any street trees, park trees, or trees on private grounds, as authorized in this chapter.

(Prior Code, § 286.11) (Ord. 2018-25, passed 11-27-2018)

§ 34.111 CITY COUNCIL REVIEW.

The City Council shall have the right to review the conduct, acts and decisions of the Tree Advisory Commission. Any person may appeal from any ruling or order of the Tree Commission to City Council who may hear the matter and make a final decision.

(Prior Code, § 286.12) (Ord. 2018-25, passed 11-27-2018)

DIVERSITY COMMITTEE**§ 34.125 ESTABLISHMENT.**

The City Council establishes a committee to review the hiring practices and workplace procedures, as well as the appointment process for city boards and commissions of the city in order to prevent racial injustice and promote best practices that are inclusive and equitable for all people. The Committee may also review policies and practices relating to equitable compensation, training, development, succession and advancement of employees, and other human resource matters. The Committee membership shall include the Human Resource Manager, Council chairperson for the Rules and Personnel Committee (who shall serve for a period of one year, even if their appointment as chair expires during this time), and a nominee from the Inclusion Committee, who acting together, shall recommend to City Council no more than seven additional Committee members in an effort to reflect the diverse components of the community, including race, sex, age, sexual orientation, religion and other pertinent characteristics. A member of the Civil Service Commission will be invited to serve as one of the seven additional members, all of which shall be confirmed by majority vote of City Council. The Mayor shall not serve on the Committee but will receive monthly updates beginning no later than 60 days after the Committee is formed and the Mayor will have the opportunity to contribute suggestions to the Committee as part of the monthly update. The Committee, who may choose to work in conjunction with a consultant (described more fully in § 34.126), shall present its final recommendations to the Mayor and City Council within one year of the date this legislation is passed.

(Prior Code, § 288.01) (Res. 2020-R59, passed 9-8-2020)

§ 34.126 CONSULTANT.

The Committee described in § 34.125 may wish to hire a consultant with an expertise in diversity, equity, and inclusion in hiring and workplace practice to assist the Committee. If the Committee determines that the consultant would be beneficial to its review, the consultant shall be chosen as follows: the Committee shall recommend three consultants or consultant firms to the Mayor, who shall present his selection of the preferred consultant(s) or firm(s) to Council for approval by resolution for any expenditure that exceeds \$10,000 pursuant to § 35.08 of this code.

(Prior Code, § 288.02) (Res. 2020-R59, passed 9-8-2020)

VETERANS' COMMISSION**§ 34.135 ESTABLISHMENT.**

The City of Green desires to create and establish a Veterans' Commission. The Commission shall consist of five voting members. Two members shall be appointed by the City Council and three members shall be appointed by the Mayor. Members shall be qualified and serve without compensation. Each member shall be a resident of the municipality preceding the appointment and shall remain a resident during that member's term. A City Council Member shall be appointed to serve as liaison to and be a non-voting member of the Commission. Each voting member shall have served, or shall be currently serving, in the United States Armed Forces. Each veteran member shall have received either an honorable discharge or shall be retired from service. The Commission may create ad hoc committees of residents who need not have served in the armed forces.
(Ord. 2024-06, passed 4-23-2024)

§ 34.136 TERM.

With the exception of the appointments of the Commission's initial members, each member of the Commission shall serve a three-year term, with the term expiring on December 31 of each year. The term of the Council Member serving as liaison shall not exceed their term of office on Council. The initial members shall be appointed for staggered terms of one, two, and three years. Members shall serve no more than three consecutive full terms.
(Ord. 2024-06, passed 4-23-2024)

§ 34.137 RECOMMENDATIONS; ADVICE AND ASSISTANCE.

The Commission shall make recommendations to the Mayor with respect to the American military and veteran related issues, ceremonies, events and activities that occur within the municipal limits of the City of Green. Upon request, the Commission may provide advice and assistance to city residents regarding resources available to the members of the United States Armed Forces, veterans, and members of their respective families. The Commission shall act as a conduit of communication and coordination between the local military and veteran community and the City of Green.
(Ord. 2024-06, passed 4-23-2024)

§ 34.999 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) Notwithstanding division (A) of this section, any impending change in violation of this chapter may be subject to appropriate proceedings to prevent such unlawful change.
(Prior Code, § 278.99) (Ord. 94-16, passed 2-14-1995; Ord. 2017-20, passed 10-10-2017)

intersecting highways include two roadways 30 feet or more apart, then every crossing of any two roadways of such highways constitutes a separate intersection.

(3) At a location controlled by a traffic control signal, regardless of the distance between the separate intersections as described in division (2) of this definition:

(a) If a stop line, yield line, or crosswalk has not been designated on the roadway within the median between the separate intersections, the two intersections and the roadway and median constitute one intersection.

(b) Where a stop line, yield line, or crosswalk line is designated on the roadway on the intersection approach, the area within the crosswalk and any area beyond the designated stop line or yield line constitute part of the intersection.

(c) Where a crosswalk is designated on a roadway on the departure from the intersection, the intersection includes the area that extends to the far side of the crosswalk.

LANED HIGHWAY. A highway the roadway of which is divided into two or more clearly marked lanes for vehicular traffic.

LOCAL AUTHORITIES. Every county, municipal, and other local board or body having authority to adopt police regulations under the Constitution and laws of this state.

LOW-SPEED MICROMOBILITY DEVICE. Means a device weighing less than 100 pounds that has handlebars, is propelled by an electric motor or human power, and has an attainable speed on a paved level surface of not more than 20 miles per hour when propelled by the electric motor.

MEDIAN. The area between two roadways of a divided highway, measured from edge of traveled way to edge of traveled way, but excluding turn lanes. The width of a median may be different between intersections, between interchanges, and at opposite approaches of the same intersection.

MOTOR VEHICLE. Every vehicle propelled or drawn by power other than muscular power or power collected from overhead electric trolley wires, except motorized bicycles, electric bicycles, road rollers, traction engines, power shovels, power cranes and other equipment used in construction work, and not designed for or employed in general highway transportation, hole-digging machinery, well-drilling machinery, ditch-digging machinery, farm machinery, and trailers designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a street or highway for a distance of no more than ten miles and at a speed of 25 miles per hour or less.

MOTORCYCLE. Every motor vehicle, other than a tractor, having a seat or saddle for the use of the operator and designed to travel on not more than three wheels in contact with the ground, including but not limited to motor vehicles known as “motor-driven cycle”, “motor scooter”, “autocycle”, “cab-enclosed motorcycle”, or “motorcycle” without regard to weight or brake horsepower.

MOTORIZED BICYCLE or MOPED. Any vehicle having either two tandem wheels or one wheel in the front and two wheels in the rear, that may be pedaled, and that is equipped with a helper motor of not more than 50 cubic centimeters piston displacement that produces not more than one brake horsepower and is capable of propelling the vehicle at a speed of not greater than 20 miles per hour on a level surface. The terms do not include an electric bicycle.

MOTORIZED WHEELCHAIR. Any self-propelled vehicle designed for, and used by, a person with a disability and that is incapable of a speed in excess of eight miles per hour.

MULTI-WHEEL AGRICULTURAL TRACTOR. A type of agricultural tractor that has two or more wheels or tires on each side of one axle at the rear of the tractor, is designed or used for drawing other vehicles or wheeled machinery, has no provision for carrying loads independently of the drawn vehicles or machinery, and is used principally for agricultural purposes.

NATURAL RESOURCES OFFICER. An officer appointed pursuant to R.C. § 1501.24.

OPERATE. To cause or have caused movement of a vehicle.

OPERATOR. Any person who drives or is in actual physical control of a vehicle.

PARKED or PARKING. The standing of a vehicle upon a street, road, alley, highway or public ground, whether accompanied or unaccompanied by a driver, but does not include the temporary standing of a vehicle for the purpose of and while actually engaged in loading or loading merchandise or passengers.

PEDESTRIAN. Any natural person afoot. The term includes a personal delivery device as defined in R.C. § 4511.513 unless the context clearly suggests otherwise.

PERSON. Every natural person, firm, partnership, association or corporation.

POLE TRAILER. Every trailer or semitrailer attached to the towing vehicle by means of a reach, pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregular shaped loads such as poles, pipes, or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

POLICE OFFICER. Every officer authorized to direct or regulate traffic, or to make arrests for violations of traffic regulations.

PREDICATE MOTOR VEHICLE OR TRAFFIC OFFENSE. Any of the following:

(1) A violation of R.C. § 4511.03, 4511.051, 4511.12, 4511.132, 4511.16, 4511.20, 4511.201, 4511.21, 4511.211, 4511.213, 4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 4511.29, 4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 4511.36, 4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 4511.43, 4511.431, 4511.432, 4511.44, 4511.441, 4511.451, 4511.452, 4511.46, 4511.47, 4511.48, 4511.481, 4511.49, 4511.50, 4511.511, 4511.53, 4511.54, 4511.55, 4511.56, 4511.57, 4511.58, 4511.59, 4511.60, 4511.61, 4511.64, 4511.66, 4511.661, 4511.68, 4511.70, 4511.701, 4511.71, 4511.711, 4511.712, 4511.713, 4511.72, 4511.73, 4511.763, 4511.771, 4511.78, or 4511.84;

(2) A violation of R.C. § 4511.17(A)(2), 4511.51(A) through (D), or 4511.74(A);

(3) A violation of any provision of R.C. §§ 4511.01 through 4511.76 for which no penalty otherwise is provided in the section that contains the provision violated;

(4) A violation of R.C. § 4511.214;

(5) A violation of a municipal ordinance that is substantially equivalent to any section or provision set forth or described in division (1), (2), (3), or (4) of this definition.

PRIVATE ROAD OPEN TO PUBLIC TRAVEL. A private toll road or road, including any adjacent sidewalks that generally run parallel to the road, within a shopping center, airport, sports arena, or other similar business or recreation facility that is privately owned but where the public is allowed to travel without access restrictions. The term includes a gated toll road but does not include a road within a private gated property where access is restricted at all times, a parking area, a driving aisle within a parking area, or a private grade crossing.

PRIVATE ROAD OR DRIVEWAY. Every way or place in private ownership used for vehicular travel by the owner, and those having express or implied permission from the owner, but not by other persons.

PUBLIC SAFETY VEHICLE. Any of the following:

(1) Ambulances, including private ambulance companies under contract to a municipality, township, or county, and private ambulances and nontransport vehicles bearing license plates issued under R.C. § 4503.49;

(2) Motor vehicles used by public law enforcement officers or other persons sworn to enforce the criminal and traffic laws of the state;

(3) Any motor vehicle when properly identified as required by the Director of Public Safety, when used in response to fire emergency calls or to provide emergency medical service to ill or injured persons, and when operated by a duly qualified person who is a member of a volunteer rescue service or a volunteer fire department, and who is on duty pursuant to the rules or directives of that service. The State Fire Marshal shall be designated by the Director of Public Safety as the certifying agency for all public safety vehicles described herein;

(4) Vehicles used by fire departments, including motor vehicles when used by volunteer firefighters responding to emergency calls in the fire department service when identified as required by the Director of Public Safety;

(5) Any vehicle used to transport or provide emergency medical service to an ill or injured person, when certified as a public safety vehicle, shall be considered such a vehicle when transporting an ill or injured person to a hospital, regardless of whether such vehicle has already passed a hospital;

(6) Vehicles used by the Motor Carrier Enforcement Unit for the enforcement of orders and rules of the Public Utilities Commission as specified in R.C. § 5503.34.

RAILROAD. A carrier of persons or property operating upon rails placed principally on a private right-of-way.

RAILROAD SIGN OR SIGNAL. Any sign, signal, or device erected by authority of a public body or official or by a railroad, and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

RAILROAD TRAIN. A steam engine or an electric or other motor, with or without cars coupled thereto, operated by a railroad.

RESIDENCE DISTRICT. The territory, not comprising a business district, fronting on a street or highway, including the street or highway, where, for a distance of 300 feet or more, the frontage is improved with residences or residences and buildings in use for business.

RIDESHARING ARRANGEMENT. Includes the transportation of persons in a motor vehicle where the transportation is incidental to another purpose of a volunteer driver, and includes arrangements known as carpools, vanpools, and buspools.

RIGHT-OF-WAY. Either of the following, as the context requires:

(1) The right of a vehicle or pedestrian to proceed uninterruptedly in a lawful manner in the direction in which it, he or she is moving, in preference to another vehicle or pedestrian approaching from a different direction into its, his or her path;

(2) A general term denoting land, property, or the interest therein, usually in the configuration of a strip, acquired for or devoted to transportation purposes. When used in this context, “right-of-way” includes the roadway, shoulders or berm, ditch, and slopes extending to the right-of-way limits under the control of the state or local authority.

ROAD SERVICE VEHICLE. Means wreckers, utility repair vehicles, and state, county, and municipal service vehicles equipped with visual signals by means of flashing, rotating, or oscillating lights.

ROADWAY. That portion of a highway improved, designed, or ordinarily used for vehicular travel, except the berm or shoulder. If a highway includes two or more separate roadways, the term means any roadway separately, but not all the roadways collectively.

RURAL MAIL DELIVERY VEHICLE. Every vehicle used to deliver United States mail on a rural mail delivery route.

SAFETY ZONE. The area or space officially set apart within a roadway for the exclusive use of pedestrians, and protected or marked or indicated by adequate signs so as to be plainly visible at all times.

SCHOOL BUS. Every bus designed for carrying more than nine passengers which is owned by a public, private, or governmental agency or institution of learning, and operated for the transportation of children to or from a school session or a school function, or owned by a private person and operated for compensation for the transportation of children to or from a school session or a school function; provided the term does not include a bus operated by a municipally owned transportation system, a mass transit company operating exclusively within the territorial limits of a municipality, or within such limits and the territorial limits of municipalities immediately contiguous to the municipality, nor a common passenger carrier certified by the Public Utilities Commission unless the bus is devoted exclusively to the transportation of children to and from a school session or a school function, and the term does not include a van or bus used by a licensed child care center or type A family child care home to transport children from the child care center or type A family child care home to a school if the van or bus does not have more than 15 children in the van or bus at any time.

SEMITRAILER. Every vehicle designed or used for carrying persons or property with another and separate motor vehicle so that in operation a part of its own weight or that of its load, or both, rests upon and is carried by another vehicle.

SHARED-USE PATH. A bikeway outside the traveled way and physically separated from motorized vehicular traffic by an open space or barrier and either within the highway right-of-way or within an independent alignment. A shared-use path also may be used by pedestrians, including skaters, joggers, users of manual and motorized wheelchairs, and other authorized motorized and non-motorized users. A shared-use path does not

include any trail that is intended to be used primarily for mountain biking, hiking, equestrian use, or other similar uses, or any other single track or natural surface trail that has historically been reserved for non-motorized use.

SIDEWALK. That portion of a street between the curb lines, or the lateral line of a roadway, and the adjacent property lines, intended for the use of pedestrians.

STANDING. When prohibited, means any halting of a vehicle, even momentarily, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device.

STATE HIGHWAY. A highway under the jurisdiction of the Department of Transportation, outside the limits of municipalities, provided that the authority conferred upon the Director of Transportation in R.C. § 5511.01 to erect state highway route markers and signs directing traffic shall not be modified by R.C. §§ 4511.01 through 4511.79 and 4511.99.

STATE ROUTE. Every highway which is designated with an official state route number and so marked.

STOP. When required, means a complete cessation of movement.

STOP INTERSECTION. Any intersection at one or more entrances of which stop signs are erected.

STOPPING. When prohibited, means any halting of a vehicle, even momentarily, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device.

STREET. The entire width between the boundary lines of every way open to the use of the public as a thoroughfare for purposes of vehicular travel.

THROUGH HIGHWAY. Every street or highway as provided in R.C. § 4511.65, or a substantially equivalent municipal ordinance.

THRUWAY. A through highway whose entire roadway is reserved for through traffic and on which roadway parking is prohibited.

TRAFFIC. Pedestrians, ridden or herded animals, vehicles, streetcars, and other devices, either singly or together, while using for purposes of travel any highway or private road open to public travel.

TRAFFIC CONTROL DEVICE. A flagger, sign, signal, marking, or other device used to regulate, warn, or guide traffic, placed on, over, or adjacent to a street, highway, private road open to public travel, pedestrian facility, or shared-use path by authority of a public agency or official having jurisdiction, or, in the case of a private road open to public travel, by authority of the private owner or private official having jurisdiction.

TRAFFIC CONTROL SIGNAL. Any highway traffic signal by which traffic is alternately directed to stop and permitted to proceed.

TRAILER. Every vehicle designed or used for carrying persons or property wholly on its own structure, and for being drawn by a motor vehicle, including any vehicle when formed by or operated as a combination of a semitrailer and a vehicle of the dolly type, such as that commonly known as a trailer dolly, a vehicle used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm when drawn or towed on a street or highway at a speed greater than 25 miles per hour and a vehicle designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a

marina, when drawn or towed on a street or highway for a distance of more than ten miles or at a speed of more than 25 miles per hour.

TRUCK. Every motor vehicle, except trailers and semitrailers, designed and used to carry property.

TYPE A FAMILY CHILD CARE HOME. Has the same meaning as set forth in R.C. § 5104.01.

URBAN DISTRICT. The territory contiguous to and including any street or highway which is built up with structures devoted to business, industry, or dwelling houses situated at intervals of less than 100 feet for a distance of one-quarter of a mile or more, and the character of the territory is indicated by official traffic-control devices.

VEHICLE. Every device, including a motorized bicycle and an electric bicycle, in, upon, or by which any person or property may be transported or drawn upon a highway, except that the term does not include any motorized wheelchair, any electric personal assistive mobility device, any low-speed micromobility device, any personal delivery device as defined in R.C. § 4511.513, any device that is moved by power collected from overhead electric trolley wires or that is used exclusively upon stationary rails or tracks, or any device, other than a bicycle, that is moved by human power.

WASTE COLLECTION VEHICLE. A vehicle used in the collection of garbage, refuse, trash, or recyclable materials.

WILDLIFE OFFICER. An officer designated pursuant to R.C. § 1531.13.
(R.C. § 4511.01) (Prior Code, § 402.01)

§ 70.02 COMPLIANCE WITH ORDER OF POLICE OFFICER.

(A) No person shall fail to comply with any lawful order or direction of any police officer invested with authority to direct, control, or regulate traffic.

(B) No person shall operate a motor vehicle so as willfully to elude or flee a police officer after receiving a visible or audible signal from a police officer to bring the person's motor vehicle to a stop.

(C) (1) Whoever violates this section is guilty of failure to comply with an order or signal of a police officer.

(2) A violation of division (A) of this section is a misdemeanor of the first degree.

(3) Except as provided in divisions (C)(4) and (C)(5) of this section, a violation of division (B) of this section is a felony to be prosecuted under appropriate state law.

(4) A violation of division (B) of this section is a felony and shall be prosecuted under appropriate state law if the jury or judge as trier of fact finds by proof beyond a reasonable doubt that in committing the offense, the offender was fleeing immediately after the commission of a felony.

(5) (a) A violation of division (B) of this section is a felony and shall be prosecuted under appropriate state law if the jury or judge as trier of fact finds any of the following by proof beyond a reasonable doubt:

1. The operation of the motor vehicle by the offender was a proximate cause of serious physical harm to persons or property.

2. The operation of the motor vehicle by the offender caused a substantial risk of serious physical harm to persons or property.

(b) If a police officer pursues an offender who is violating division (B) of this section and division (C)(5)(a) of this section applies, the sentencing court, in determining the seriousness of an offender's conduct for purposes of sentencing the offender for a violation of division (B) of this section, shall consider, along with the factors set forth in R.C. §§ 2929.12 and 2929.13 that are required to be considered, all of the following:

1. The duration of the pursuit;
2. The distance of the pursuit;
3. The rate of speed at which the offender operated the motor vehicle during the pursuit;
4. Whether the offender failed to stop for traffic lights or stop signs during the pursuit;
5. The number of traffic lights or stop signs for which the offender failed to stop during the pursuit;
6. Whether the offender operated the motor vehicle during the pursuit without lighted lights during a time when lighted lights are required;
7. Whether the offender committed a moving violation during the pursuit;
8. The number of moving violations the offender committed during the pursuit;
9. Any other relevant factors indicating that the offender's conduct is more serious than conduct normally constituting the offense.

(D) In addition to any other sanction imposed for a violation of division (A) of this section, the court shall impose a class five suspension from the range specified in R.C. § 4510.02(A)(5). If the offender previously has been found guilty of an offense under this section or under R.C. § 2921.331 or any other substantially equivalent municipal ordinance, in addition to any other sanction imposed for the offense, the court shall impose a class one suspension as described in R.C. § 4510.02(A)(1). The court may grant limited driving privileges to the offender on a suspension imposed for a misdemeanor violation of this section as set forth in R.C. § 4510.021. No judge shall suspend any portion of the suspension under a class one suspension of an offender's license, permit, or privilege required by this division.

(E) As used in this section:

MOVING VIOLATION. Has the same meaning as in R.C. § 2743.70.

POLICE OFFICER. Has the same meaning as in R.C. § 4511.01.

(R.C. § 2921.331(A) - (C), (E), (F))

Cross-reference:

Resisting arrest, see § 136.08

§ 70.03 EMERGENCY VEHICLES TO PROCEED CAUTIOUSLY PAST RED OR STOP SIGNAL.

(A) The driver of any emergency vehicle or public safety vehicle, when responding to an emergency call, upon approaching a red or stop signal or any stop sign, shall slow down as necessary for safety to traffic, but may proceed cautiously past the red or stop sign or signal with due regard for the safety of all persons using the street or highway.

(B) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

(C) If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under § 70.99(B). (R.C. § 4511.03) (Prior Code, § 432.18)

§ 70.04 EXCEPTIONS GENERALLY; EMERGENCY, PUBLIC SAFETY AND CORONER VEHICLES EXEMPT.

(A) The provisions of this traffic code, except for §§ 73.01 and 73.02, do not apply to persons, teams, motor vehicles, and other equipment while actually engaged in work upon the surface of a highway within an area designated by traffic-control devices, but apply to those persons and vehicles when traveling to or from such work.

(B) The driver of a highway maintenance vehicle owned by this state or any political subdivision of this state, while the driver is engaged in the performance of official duties upon a street or highway, provided the highway maintenance vehicle is equipped with flashing lights and such other markings as are required by law and such lights are in operation when the driver and vehicle are so engaged, shall be exempt from criminal prosecution for violations of R.C. §§ 4511.22, 4511.25, 4511.26, 4511.27, 4511.28, 4511.30, 4511.31, 4511.33, 4511.35, 4511.66, and 4513.02, and R.C. §§ 5577.01 through 5577.09, and any substantially equivalent municipal ordinance.

(C) (1) This section does not exempt a driver of a highway maintenance vehicle from civil liability arising from a violation of R.C. § 4511.22, 4511.25, 4511.26, 4511.27, 4511.28, 4511.30, 4511.31, 4511.33, 4511.35, 4511.66, or 4513.02 or R.C. §§ 5577.01 through 5577.09, or any substantially equivalent municipal ordinance.

(2) This section does not exempt a driver of a vehicle who is not a state employee and who is engaged in the transport of highway maintenance equipment from criminal liability for a violation of R.C. §§ 5577.01 through 5577.09, or any substantially equivalent municipal ordinance.

(D) As used in this section, ***ENGAGED IN THE PERFORMANCE OF OFFICIAL DUTIES*** includes driving a highway maintenance vehicle to and from the manufacturer or vehicle maintenance provider and transporting a highway maintenance vehicle, equipment, or materials to and from a work location. (R.C. § 4511.04)

(c) Except as provided in division (B)(2)(d) of this section, a private towing service that was authorized, employed, or arranged by a public safety official to perform the removal of the unoccupied motor vehicle, cargo, or personal property but the private towing service performed the removal in a negligent manner;

(d) A private towing service that was authorized, employed, or arranged by a public safety official to perform the removal of the unoccupied motor vehicle, cargo, or personal property that was endangering public safety but the private towing service performed the removal in a reckless manner.

(C) As used in divisions (A) and (B) of this section:

HAZARDOUS MATERIAL. Has the same meaning as in R.C. § 2305.232.

PUBLIC SAFETY OFFICIAL. Means any of the following:

(a) The sheriff of the county, or the chief of a law enforcement agency in the municipal corporation, township, port authority, conservancy district, university campus police department, park district police force, or township or joint police district, in which the accident occurred;

(b) A state highway patrol trooper;

(c) The chief of the fire department having jurisdiction where the accident occurred;

(d) A duly authorized subordinate acting on behalf of an official specified in divisions (a) to (c) of this definition;

(e) A natural resources officer or a wildlife officer.
(R.C. § 4513.66)

(D) If a towing service is removing a motor vehicle, and the removal was not authorized under R.C. § 4513.60, 4513.601, 4513.61, or 4513.66, or any substantially equivalent municipal ordinance, prior to removing the motor vehicle, the towing service shall provide a written estimate of the price for the removal to the operator of the motor vehicle, if requested.

(E) The towing service shall ensure that any estimate provided under division (D) of this section includes the fees, services to be rendered, and destination of the vehicle.

(F) If a towing service fails to provide a written estimate as required by this section, the towing service shall not charge fees for the towing and storage of the motor vehicle that exceed 25 % of any applicable fees established by the public utilities commission in rules adopted under R.C. § 4921.25(B)(4) or, if the vehicle was towed within a municipal corporation that has established vehicle removal and storage fees, 25 % of the fees established by the municipal corporation.

(G) Any storage facility that accepts towed vehicles shall conspicuously post a notice at the entrance to the storage facility that states the limitation on fees established under division (F) of this section.
(R.C. § 4513.68) (Prior Code, § 436.14)

§ 70.13 IMPOUNDING OF VEHICLES; REDEMPTION.

(A) Law enforcement officers are authorized to provide for the removal and impounding of a vehicle under the following circumstances:

(1) When any vehicle is left unattended upon any street, bridge or causeway and is so illegally parked so as to constitute a hazard or obstruction to the normal movement of traffic, or so as to unreasonably interfere with street cleaning or snow removal operations;

(2) When any vehicle or abandoned junk motor vehicle, as defined in R.C. § 4513.63, is left on private property for more than 72 consecutive hours without the permission of the person having the right to the possession of the property, or on a public street or other property open to the public for purposes of vehicular travel or parking, or upon or within the right-of-way of any road or highway, for 48 consecutive hours or longer;

(3) When any vehicle has been stolen or operated without the consent of the owner and is located upon either public or private property;

(4) When any vehicle displays illegal license plates or fails to display the current lawfully required plates and is located upon any public street or other property open to the public for purposes of vehicular travel or parking;

(5) When any vehicle has been used in or connected with the commission of a felony and is located upon either public or private property;

(6) When any vehicle has been damaged or wrecked so as to be inoperable or violates equipment provisions of this Traffic Code whereby its continued operation would constitute a condition hazardous to life, limb or property and is located upon any public street or other property open to the public for purposes of vehicular travel or parking;

(7) When any vehicle is left unattended either on public or private property due to the removal of an ill, injured or arrested operator, or due to the abandonment thereof by the operator during or immediately after pursuit by a law enforcement officer;

(8) When any vehicle has been operated by any person who has failed to stop in case of an accident or collision and is located either on public or on private property;

(9) When any vehicle has been operated by any person who is driving without a lawful license or while his or her license has been suspended or revoked, and is located upon a public street or other property open to the public for purposes of vehicular travel or parking;

(10) When any vehicle is found for which two or more citation tags for violations of this Traffic Code have been issued and the owner or operator thereof has failed to respond to such citation tags as lawfully required, and is located upon a public street or other property open to the public for purposes of vehicular travel or parking;
or

(11) When any vehicle is left unattended upon any property and such stopped vehicle is preventing ingress or egress to or from such a property or use of buildings thereon, or a vehicle is parked in a fire lane or when a vehicle is parked in such a way as to prevent maintenance or repair of the property.

(B) Any vehicle removed under authority of division (A)(2) of this section shall be ordered into storage and/or disposed of as provided under R.C. §§ 4513.60 et seq. Any other vehicle removed under authority of this section shall be ordered into storage and the law enforcement agency shall forthwith notify the registered vehicle owner of the fact of such removal and impounding, reasons therefor and the place of storage. Any person desiring to redeem an impounded vehicle shall appear at the law enforcement agency offices to furnish satisfactory

CHAPTER 73: MOTOR VEHICLE CRIMES

Section

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Stopping After Accident

- 73.30 Failure to stop after accident
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Statutory reference:

Notice of arrest of certain commercial drivers, see R.C. § 5577.14

GENERAL PROVISIONS

§ 73.01 DRIVING UNDER THE INFLUENCE OF ALCOHOL OR DRUGS.

(A) (1) No person shall operate any vehicle within this municipality, if, at the time of the operation, any of the following apply:

- (a) The person is under the influence of alcohol, a drug of abuse, or a combination of them.
- (b) The person has a concentration of 0.08% or more but less than 0.17% by weight per unit volume of alcohol in the person's whole blood.
- (c) The person has a concentration of 0.096% or more but less than 0.204% by weight per unit volume of alcohol in the person's blood serum or plasma.
- (d) The person has a concentration of 0.08 grams or more but less than 0.17 grams by weight of alcohol per 210 liters of the person's breath.
- (e) The person has a concentration of 0.11 grams or more but less than 0.238 grams by weight of alcohol per 100 milliliters of the person's urine.
- (f) The person has a concentration of 0.17% or more by weight per unit volume of alcohol in the person's whole blood.
- (g) The person has a concentration of 0.204% or more by weight per unit volume of alcohol in the person's blood serum or plasma.
- (h) The person has a concentration of 0.17 grams or more by weight of alcohol per 210 liters of the person's breath.
- (i) The person has a concentration of 0.238 grams or more by weight of alcohol per 100 milliliters of the person's urine.
- (j) Except as provided in division (K) of this section, the person has a concentration of any of the following controlled substances or metabolites of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or exceeds any of the following:
 - 1. The person has a concentration of amphetamine in the person's urine of at least 500 nanograms of amphetamine per milliliter of the person's urine or has a concentration of amphetamine in the person's whole blood or blood serum or plasma of at least 100 nanograms of amphetamine per milliliter of the person's whole blood or blood serum or plasma.
 - 2. The person has a concentration of cocaine in the person's urine of at least 150 nanograms of cocaine per milliliter of the person's urine or has a concentration of cocaine in the person's whole blood or blood serum or plasma of at least 50 nanograms of cocaine per milliliter of the person's whole blood or blood serum or plasma.
 - 3. The person has a concentration of cocaine metabolite in the person's urine of at least 150 nanograms of cocaine metabolite per milliliter of the person's urine or has a concentration of cocaine metabolite in the person's whole blood or blood serum or plasma of at least 50 nanograms of cocaine metabolite per milliliter of the person's whole blood or blood serum or plasma.
 - 4. The person has a concentration of heroin in the person's urine of at least 2,000 nanograms of heroin per milliliter of the person's urine or has a concentration of heroin in the person's whole blood or blood serum or plasma of at least 50 nanograms of heroin per milliliter of the person's whole blood or blood serum or plasma.

(B) Whoever violates this section is guilty of operating a motor vehicle or agricultural tractor without being in control of it, a minor misdemeanor.

(R.C. § 4511.202) (Prior Code, § 434.025)

§ 73.08 IMMOBILIZING OR DISABLING DEVICE VIOLATION.

(A) (1) No offender who has been granted limited or unlimited driving privileges, during any period that the offender is required to operate only a motor vehicle equipped with an immobilizing or disabling device, shall request or permit any other person to breathe into the device if it is an ignition interlock device or another type of device that monitors the concentration of alcohol in a person's breath or to otherwise start the motor vehicle equipped with the device, for the purpose of providing the offender with an operable motor vehicle.

(2) No person shall breathe into an immobilizing or disabling device that is an ignition interlock device or another type of device that monitors the concentration of alcohol in a person's breath or otherwise start a motor vehicle equipped with an immobilizing or disabling device, for the purpose of providing an operable motor vehicle to another person who has been granted limited or unlimited driving privileges under the condition that the person operate only a motor vehicle equipped with an immobilizing or disabling device.

(3) No unauthorized person shall tamper with or circumvent the operation of an immobilizing or disabling device.

(B) Whoever violates this section is guilty of an immobilizing or disabling device violation, a misdemeanor of the first degree.

(R.C. § 4510.44) (Prior Code, § 434.011)

§ 73.09 STREET RACING, STUNT DRIVING AND STREET TAKEOVERS PROHIBITED.

(A) As used in this section:

BURNOUT. A maneuver performed while operating a vehicle whereby the vehicle is kept in a stationary position, but the wheels of the vehicle are spun, which may cause the tires of the vehicle to become heated and emit smoke from the friction.

DOUGHNUT. A maneuver performed while operating a vehicle whereby the front or rear of the vehicle is rotated around the opposite set of wheels in a continuous motion, which may cause a circular skid-mark pattern of rubber on the driving surface, or the tires of the vehicle to become heated and emit smoke from the friction, or both.

DRIFTING. A maneuver performed while operating a vehicle whereby the vehicle is driven in a manner that causes a controlled, sideways skid during a turn, with the front wheels pointing in a direction that is the opposite of the direction of the turn.

STREET RACING. The operation of two or more vehicles from a point side by side at accelerating speeds in a competitive attempt to out-distance each other or the operation of one or more vehicles over a common selected course, from the same point to the same point, wherein timing is made of the participating vehicles

involving competitive accelerations or speeds. The operation of two or more vehicles side by side either at speeds in excess of prima-facie lawful speeds established by R.C. § 4511.21(B)(1)(a) to (B)(9) or rapidly accelerating from a common starting point to a speed in excess of such prima-facie lawful speeds shall be prima-facie evidence of street racing.

STREET TAKEOVER. Blocking or impeding the regular flow of vehicle or pedestrian traffic on a public road, street, or highway or on private property that is open to the general public for the purpose of street racing or stunt driving.

STUNT DRIVING. Performing or engaging in burnouts, doughnuts, drifting, or wheelies, or allowing a passenger to ride either partially or fully outside of the vehicle while operating that vehicle.

WHEELIE. A maneuver performed while operating a vehicle whereby the front wheel or wheels of the vehicle are raised off of the ground or whereby two wheels that are on the same side of the vehicle are raised off of the ground.

(B) No person shall knowingly participate in street racing, stunt driving, or street takeover upon any public road, street, or highway, or on private property that is open to the general public.

(C) Whoever violates this section is guilty of street racing, stunt driving, or street takeover, a misdemeanor of the first degree. In addition to any other sanctions, the court shall suspend the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege for not less than 30 days or more than three years. No judge shall suspend the first 30 days of any suspension of an offender's license, permit, or privilege imposed under this division.

(D) Persons rendering assistance in any manner to street racing, stunt driving, or street takeover shall be equally charged as the participants.

(E) This section does not apply to the competitive operation of vehicles on public or private property when the political subdivision with jurisdiction of the location or owner of the property knowingly permits such operation thereon.

(R.C. § 4511.251) (Prior Code, § 434.07)

§ 73.10 SPEED LIMITS.

(A) No person shall operate a motor vehicle at a speed greater or less than is reasonable or proper, having due regard for the traffic, surface, and width of the street or highway and any other conditions, and no person shall drive any motor vehicle in and upon any street or highway at a greater speed than will permit him or her to bring it to a stop within the assured clear distance ahead.

(B) It is prima facie lawful, in the absence of a lower limit declared or established pursuant to this section by the Director of Transportation or local authorities, for the operator of a motor vehicle to operate the same at a speed not exceeding the following:

(1) (a) Twenty miles per hour in school zones during school recess and while children are going to or leaving school during the opening or closing hours, and when 20 miles per hour school speed limit signs are

erected, except that on controlled-access highways and expressways, if the right-of-way line fence has been erected without pedestrian opening, the speed shall be governed by division (B)(4) of this section, and on freeways, if the right-of-way line fence has been erected without pedestrian opening, the speed shall be governed by divisions (B)(10) and (B)(11) of this section. The end of every school zone may be marked by a sign indicating the end of the zone. Nothing in this section or in the *Manual and Specifications for a Uniform System of Traffic-Control Devices* shall be construed to require school zones to be indicated by signs equipped with flashing or other lights, or giving other special notice of the hours in which the school zone speed limit is in effect.

(b) As used in this section, ***SCHOOL*** means all of the following:

1. Any school chartered under R.C. § 3301.16;
2. Any nonchartered school that during the preceding year filed with the Ohio Department of Education and Workforce in compliance with O.A.C. § 3301-35-08, a copy of the school's report for the parents of the school's pupils certifying that the school meets state minimum standards for nonchartered, nontax-supported schools and presents evidence of this filing to the jurisdiction from which it is requesting the establishment of a school zone;
3. Any special elementary school that in writing requests the County Engineer to create a school zone at the location of the school. Upon receipt of such written request, the County Engineer shall create a school zone at that location by erecting appropriate signs;
4. Any preschool education program operated by an educational service center that is located on a street or highway with a speed limit of 45 miles per hour or more, when the educational service center in writing requests that the County Engineer create a school zone at the location of that program. Upon receipt of such a written request, the County Engineer shall create a school zone at that location by erecting the appropriate signs.

(c) As used in this section, ***SCHOOL ZONE*** means that portion of a street or highway passing a school fronting upon the street or highway that is encompassed by projecting the school property lines to the fronting street or highway, and also includes that portion of a state highway. Upon request from local authorities for streets and highways under their jurisdiction and that portion of a state highway under the jurisdiction of the Director of Transportation or a request from a County Engineer in the case of a school zone for a special elementary school, the Director may extend the traditional school zone boundaries. The distances in divisions (B)(1)(c)1. through (B)(1)(c)3. below shall not exceed 300 feet per approach per direction, and are bounded by whichever of the following distances or combination thereof the Director approves as most appropriate:

guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

(R.C. § 4511.214)

(E) By ordinance or resolution, the municipality may authorize the operation of under-speed or utility vehicles or mini-trucks on a public street or highway under its jurisdiction. The municipality shall do all of the following:

(1) Limit the operation of those vehicles to streets and highways having an established speed limit not greater than 35 miles per hour;

(2) Require the vehicle owner who wishes to operate an under-speed or utility vehicle or a mini-truck on the public streets or highways to submit the vehicle to an inspection conducted by a local law enforcement agency that complies with inspection requirements established by the Department of Public Safety under R.C. § 4513.02;

(3) Permit the operation on public streets or highways of only those vehicles that successfully pass the required vehicle inspection, are registered in accordance with R.C. Chapter 4503, and are titled in accordance with R.C. Chapter 4505;

(4) Notify the Director of Public Safety, in a manner the Director determines, of the authorization for the operation of under-speed or utility vehicles or mini-trucks.

(F) The municipality may establish additional requirements for the operation of under-speed or utility vehicles or mini-trucks on its streets and highways.

(R.C. § 4511.215)

(G) Notwithstanding divisions (A) through (F) of this section, a person may operate a utility vehicle on any public roads or right-of-way, other than a freeway, when traveling from one farm field to another for agricultural purposes if the vehicle is displaying a triangular slow-moving vehicle emblem as described in R.C. § 4513.112.

(R.C. § 4511.216)

(H) (1) Except as provided in this division (H) and divisions (E) and (F) of this section, no person shall operate a mini-truck within this municipality.

(2) A person may operate a mini-truck on a farm for agricultural purposes only when the owner of the farm qualifies for the current agricultural use valuation tax credit. A mini-truck may be operated by or on behalf of such a farm owner on public roads and rights-of-way only when traveling from one farm field to another.

(3) A person may operate a mini-truck on property owned or leased by a dealer who sells mini-trucks at retail.

(4) Whoever violates this division (H) shall be penalized as provided in division (D) of this section.

(R.C. § 4519.401)

(Prior Code, § 434.09)

§ 73.17 VEHICULAR HOMICIDE; VEHICULAR MANSLAUGHTER; VEHICULAR ASSAULT.

(A) No person, while operating or participating in the operation of a motor vehicle, motorcycle, utility vehicle, mini-truck, snowmobile, locomotive, watercraft, or aircraft, shall cause the death of another or the unlawful termination of another's pregnancy in any of the following ways:

(1) (a) As the proximate result of committing a violation of R.C. § 4511.19(A) or of a substantially equivalent municipal ordinance;

(b) As the proximate result of committing a violation of R.C. § 1547.11(A) or of a substantially equivalent municipal ordinance; or

(c) As the proximate result of committing a violation of R.C. § 4561.15(A)(3) or of a substantially equivalent municipal ordinance.

(2) In one of the following ways:

(a) Recklessly; or

(b) As the proximate result of committing, while operating or participating in the operation of a motor vehicle, utility vehicle, mini-truck, or motorcycle in a construction zone, a reckless operation offense, provided that this division applies only if the person whose death is caused or whose pregnancy is unlawfully terminated is in the construction zone at the time of the offender's commission of the reckless operation offense in the construction zone and does not apply as described in division (D) of this section.

(3) In one of the following ways:

(a) Negligently; or

(b) As the proximate result of committing, while operating or participating in the operation of a motor vehicle, utility vehicle, mini-truck, or motorcycle in a construction zone, a speeding offense, provided that this division applies only if the person whose death is caused or whose pregnancy is unlawfully terminated is in the construction zone at the time of the offender's commission of the speeding offense in the construction zone and does not apply as described in division (D) of this section.

(4) As the proximate result of committing a violation of any provision of any section contained in R.C. Title 45 that is a minor misdemeanor or of a municipal ordinance that, regardless of the penalty set by ordinance for the violation, is substantially equivalent to any provision of any section contained in R.C. Title 45 that is a minor misdemeanor.

(B) (1) Whoever violates division (A)(1) or (A)(2) of this section is guilty of aggravated vehicular homicide, a felony to be prosecuted under appropriate state law.

(2) (a) Whoever violates division (A)(3) of this section is guilty of vehicular homicide. Except as otherwise provided in this division, vehicular homicide is a misdemeanor of the first degree. Vehicular homicide committed in violation of division (A)(3) of this section is a felony to be prosecuted under appropriate state law if, at the time of the offense, the offender was driving under a suspension or cancellation imposed under R.C.

Ch. 4510 or any other provision of the Ohio Revised Code or was operating a motor vehicle or motorcycle, did not have a valid driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege, and was not eligible for renewal of the offender's driver's license or commercial driver's license without examination under R.C. § 4507.10 or if the offender previously has been convicted of or pleaded guilty to a violation of this section or any traffic-related homicide, manslaughter, or assault offense.

(b) In addition to any other sanctions imposed pursuant to this division, the court shall impose upon the offender a class four suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in R.C. § 4510.02(A)(4).

(3) (a) Whoever violates division (A)(4) of this section is guilty of vehicular manslaughter. Except as otherwise provided in this division, vehicular manslaughter is a misdemeanor of the second degree. Vehicular manslaughter is a misdemeanor of the first degree if, at the time of the offense, the offender was driving under a suspension or cancellation imposed under R.C. Ch. 4510 or any other provision of the Revised Code or was operating a motor vehicle or motorcycle, did not have a valid driver's license, commercial driver's license, temporary instruction permit, probationary license or nonresident operating privilege, and was not eligible for renewal of the offender's driver's license or commercial driver's license without examination under R.C. § 4507.10 or if the offender previously has been convicted of or pleaded guilty to a violation of this section or any traffic-related homicide, manslaughter or assault offense.

(b) In addition to any other sanctions imposed pursuant to this division, the court shall impose upon the offender a class six suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license or nonresident operating privilege from the range specified in R.C. § 4510.02(A)(6); or, if the offender previously has been convicted of or pleaded guilty to a violation of this section, any traffic-related homicide, manslaughter or assault offense, or a traffic-related murder, felonious assault or attempted murder offense, a class four suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license or nonresident operating privilege from the range specified in R.C. § 4510.02(A)(4).

(C) The court shall impose a mandatory jail term of at least 15 days on an offender who is convicted of or pleads guilty to a misdemeanor violation of division (A)(3)(b) above and may impose upon the offender a longer jail term as authorized pursuant to R.C. § 2929.24.

(D) Divisions (A)(2)(b) and (A)(3)(b) above do not apply in a particular construction zone unless signs of the type described in R.C. § 2903.081 are erected in that construction zone in accordance with the guidelines and design specifications established by the Director of Transportation under R.C. § 5501.27. The failure to erect signs of the type described in R.C. § 2903.081 in a particular construction zone in accordance with those guidelines and design specifications does not limit or affect the application of division (A)(1), (A)(2)(a), (A)(3)(a) or (A)(4) of this section in that construction zone or the prosecution of any person who violates any of those divisions in that construction zone.

(E) (1) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CONSTRUCTION ZONE. Has the same meaning as in R.C. § 5501.27.

MANDATORY PRISON TERM and **MANDATORY JAIL TERM**. Have the same meanings as in R.C. § 2929.01.

MINI-TRUCK. Has the same meaning as in R.C. § 4501.01.

MOTOR VEHICLE. Has the same meaning as in R.C. § 4501.01.

RECKLESS OPERATION OFFENSE. A violation of R.C. § 4511.20 or a municipal ordinance substantially equivalent to R.C. § 4511.20.

SPEEDING OFFENSE. A violation of R.C. § 4511.21 or a municipal ordinance pertaining to speed.

TRAFFIC-RELATED HOMICIDE, MANSLAUGHTER OR ASSAULT OFFENSE. A violation of R.C. § 2903.04 in circumstances in which division (D) of that section applies, a violation of R.C. §§ 2903.06 or 2903.08, or a violation of R.C. §§ 2903.06, 2903.07 or 2903.08 as they existed prior to March 23, 2000.

TRAFFIC-RELATED MURDER, FELONIOUS ASSAULT OR ATTEMPTED MURDER OFFENSE. A violation of R.C. §§ 2903.01 or 2903.02 in circumstances in which the offender used a motor vehicle as the means to commit the violation, a violation of R.C. § 2903.11(A)(2) in circumstances in which the deadly weapon used in the commission of the violation is a motor vehicle, or an attempt to commit aggravated murder or murder in violation of R.C. § 2923.02 in circumstances in which the offender used a motor vehicle as the means to attempt to commit the aggravated murder or murder.

UTILITY VEHICLE. Has the same meaning as in R.C. § 4501.01.

(2) For the purposes of this section, when a penalty or suspension is enhanced because of a prior or current violation of a specified law or a prior or current specified offense, the reference to the violation of the specified law or the specified offense includes any violation of any substantially equivalent municipal ordinance, former law of this state, or current or former law of this or another state or the United States.
(R.C. § 2903.06)

(F) Vehicular assault.

(1) No person, while operating or participating in the operation of a motor vehicle, motorcycle, utility vehicle, or mini-truck, shall cause serious physical harm to another person or another's unborn as the proximate result of committing, while operating or participating in the operation of a motor vehicle, utility vehicle, mini-truck, or motorcycle in a construction zone, a speeding offense, provided that this division applies only if the person to whom the serious physical harm is caused or to whose unborn the serious physical harm is caused is in the construction zone at the time of the offender's commission of the speeding offense in the construction zone and does not apply as described in division (F)(4) of this section.

(2) (a) Except as otherwise provided in this division, vehicular assault committed in violation of division (F)(1) of this section is a misdemeanor of the first degree. Vehicular assault committed in violation of division (F)(1) of this section is a felony to be prosecuted under appropriate state law if, at the time of the offense, the offender was driving under a suspension imposed under R.C. Ch.4510 or any other provision of the Ohio

Revised Code or if the offender previously has been convicted of or pleaded guilty to a violation of division (F)(1) of this section, R.C. § 2903.08, or any traffic-related homicide, manslaughter, or assault offense.

(b) In addition to any other sanctions imposed, the court shall impose upon the offender a class four suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in R.C. § 4510.02(A)(4).

(3) The court shall impose a mandatory jail term of at least seven days on an offender who is convicted of or pleads guilty to a misdemeanor violation of division (F)(1) of this section and may impose upon the offender a longer jail term as authorized pursuant to R.C. § 2929.24.

vehicle not further than 18 inches from the curb and the bus approximately parallel to the curb so as not to unduly impede the movement of other vehicular traffic.

(D) No operator of a taxicab shall stand or park such vehicle upon any street or other public way at any place other than in a taxicab stand so designated and posted as such. This provision shall not prevent the operator of a taxicab from temporarily stopping in accordance with other stopping or parking provisions at any place for the purpose of, and while actually engaged in, the expeditious loading or unloading of passengers.

Penalty, see § 70.99

§ 76.10 PARKING IN ALLEYS AND NARROW STREETS; EXCEPTIONS.

(A) No person shall stop, stand or park any vehicle upon a street, other than an alley, in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for free movement of vehicular traffic, except that a driver may stop temporarily during the actual loading or unloading of passengers or when directed to by a police officer or traffic control signal.

(B) Except as otherwise provided by law, no person shall stop, stand or park a vehicle within an alley except while actually loading and unloading, and then only for a period not to exceed 30 minutes.

Penalty, see § 70.99

§ 76.11 REGISTERED OWNER PRIMA FACIE LIABLE FOR UNLAWFUL PARKING.

In any hearing on a charge of illegally parking a motor vehicle, testimony that a vehicle bearing a certain license plate was found unlawfully parked as prohibited by the provisions of this Traffic Code, and further testimony that the record of the Ohio Registrar of Motor Vehicles shows that the license plate was issued to the defendant, shall be prima facie evidence that the vehicle which was unlawfully parked, was so parked by the defendant. A certified registration copy, showing such fact, from the Registrar shall be proof of such ownership.

§ 76.12 WAIVER.

Any person charged with a violation of any provision of this chapter for which payment of a prescribed fine may be made, may pay such sum in the manner prescribed on the issued traffic ticket. Such payment shall be deemed a plea of guilty, waiver of court appearance and acknowledgment of conviction of the alleged offense and may be accepted in full satisfaction of the prescribed penalty for such alleged violation. Payment of the prescribed fine need not be accepted when laws prescribe that a certain number of such offenses shall require court appearance.

(Prior Code, § 452.13)

§ 76.13 PROHIBITED STANDING OR PARKING PLACES.

No person shall stand or park a vehicle, except when necessary to avoid conflict with other traffic or to comply with the provisions of this title, or while obeying the directions of a police officer or a traffic-control device, in any of the following places:

(A) On a sidewalk, except a bicycle;

- (B) In front of a public or private driveway;
- (C) Within an intersection;
- (D) Within ten feet of a fire hydrant;
- (E) On a crosswalk;
- (F) Within 20 feet of a crosswalk at an intersection;
- (G) Within 30 feet of, and upon the approach to, any flashing beacon, stop sign or traffic-control device;
- (H) Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by a traffic-control device;
- (I) Within 50 feet of the nearest rail of a railroad crossing;
- (J) Within 20 feet of a driveway entrance to any fire station and, on the side of the street opposite the entrance to any fire station, within 75 feet of the entrance when it is properly posted with signs;
- (K) Alongside or opposite any street excavation or obstruction when such standing or parking would obstruct traffic;
- (L) Alongside any vehicle stopped or parked at the edge or curb of a street;
- (M) Upon any bridge or elevated structure upon a highway, or within a highway tunnel;
- (N) At any place where signs prohibit stopping, including, but not limited to, loading and unloading zones at the Akron-Canton Regional Airport where posted signs prohibit parking;
- (O) Within one foot of another parked vehicle;
- (P) On the roadway portion of a freeway, expressway or thruway.

(Prior Code, § 452.03) (Ord. 03-06, passed 3-11-2003)

Statutory reference:

See parking prohibitions, see R.C. § 4511.68

§ 76.14 WILLFULLY LEAVING VEHICLES ON PRIVATE OR PUBLIC PROPERTY.

- (A) The County Sheriff, upon notification to the County Sheriff of such action and of the location of the place of storage, may order into storage any motor vehicle, including an abandoned junk motor vehicle as defined in R.C. § 4513.63, that:
 - (1) Has come into the possession of the County Sheriff as a result of the performance of the County Sheriff's duties; or

(2) Has been left on a public street or other property open to the public for purposes of vehicular travel, or upon or within the right-of-way of any road or highway, for 48 hours or longer without notification to the Police Chief of the reasons for leaving the motor vehicle in such place. However, when such a motor vehicle constitutes an obstruction to traffic it may be ordered into storage immediately unless either of the following applies:

(a) The vehicle was involved in an accident and is subject to R.C. § 4513.66, or any substantially equivalent municipal ordinance;

(b) The vehicle is a commercial motor vehicle. If the vehicle is a commercial motor vehicle, the County Sheriff shall allow the owner or operator of the vehicle the opportunity to arrange for the removal of the motor vehicle within a period of time specified by the County Sheriff. If the County Sheriff determines that the vehicle cannot be removed within the specified period of time, the County Sheriff shall order the removal of the vehicle.

(3) Subject to division (C) of this section, the County Sheriff shall designate the place of storage of any motor vehicle so ordered removed.

(B) If the County Sheriff issues an order under division (A) of this section and arranges for the removal of a motor vehicle by a towing service, the towing service shall deliver the motor vehicle to the location designated by the County Sheriff not more than two hours after the time it is removed.

(C) (1) The County Sheriff shall cause a search to be made of the records of an applicable entity listed in R.C. § 4513.601(F)(1) to ascertain the identity of the owner and any lienholder of a motor vehicle ordered into storage by the County Sheriff within five business days of the removal of the vehicle. Upon obtaining such identity, the County Sheriff shall send or cause to be sent to the owner and any lienholder at the owner's and any lienholder's last known address by certified or express mail with return receipt requested, by certified mail with electronic tracking, or by a commercial carrier service utilizing any form of delivery requiring a signed receipt. The notice shall inform the owner and any lienholder that the motor vehicle will be declared a nuisance and disposed of if not claimed within ten days of the date of the sending of the notice.

(2) (a) The owner or lienholder of the motor vehicle is responsible for payment of any expenses or charges incurred in its removal and storage and may reclaim the motor vehicle upon payment of those expenses or charges, and presentation of proof of ownership, which may be evidenced by a certificate of title or memorandum certificate of title to the motor vehicle, a certificate of registration for the motor vehicle, or a lease agreement. Upon presentation of proof of ownership evidenced as provided above, the owner of the motor vehicle also may retrieve any personal items from the vehicle without retrieving the vehicle and without paying any fee. However, a towing service or storage facility may charge an after-hours retrieval fee established by the Public Utilities Commission in rules adopted under R.C. § 4921.25 if the owner retrieves the personal items after hours, unless the towing service or storage facility fails to provide the notice required under R.C. § 4513.69(B)(3), if applicable. However, the owner shall not do either of the following:

1. Retrieve any personal item that has been determined by the County Sheriff to be necessary to a criminal investigation;

2. Retrieve any personal item from a vehicle if it would endanger the safety of the owner, unless the owner agrees to sign a waiver of liability.

(b) For purposes of division (C)(2) of this section, “personal items” do not include any items that are attached to the vehicle.

(3) If the owner or lienholder of the motor vehicle reclaims it after a search of the applicable records has been conducted and after notice has been sent to the owner and any lienholder as described in this section, and the search was conducted by the place of storage, and the notice was sent to the motor vehicle owner by the place of storage, the owner or lienholder shall pay to the place of storage a processing fee of \$25, in addition to any expenses or charges incurred in the removal and storage of the vehicle.

(D) If the owner or lienholder makes no claim to the motor vehicle within ten days of the date of sending the notice, and if the vehicle is to be disposed of at public auction as provided in R.C. § 4513.62 or any substantially equivalent municipal ordinance, the County Sheriff, without charge to any party, shall file with the clerk of courts of the county in which the place of storage is located an affidavit showing compliance with the requirements of this section. Upon presentation of the affidavit, the clerk, without charge, shall issue a salvage certificate of title, free and clear of all liens and encumbrances, to the County Sheriff. If the vehicle is to be disposed of to a motor vehicle salvage dealer or other facility as provided in R.C. § 4513.62 or any substantially equivalent municipal ordinance, the County Sheriff shall execute in triplicate an affidavit, as prescribed by the Registrar of Motor Vehicles, describing the motor vehicle and the manner in which it was disposed of, and that all requirements of this section have been complied with. The County Sheriff shall retain the original of the affidavit for the County Sheriff’s records, and shall furnish two copies to the motor vehicle salvage dealer or other facility. Upon presentation of a copy of the affidavit by the motor vehicle salvage dealer, the clerk of courts, within 30 days of the presentation, shall issue a salvage certificate of title, free and clear of all liens and encumbrances.

(E) Whenever a motor vehicle salvage dealer or other facility receives an affidavit for the disposal of a motor vehicle as provided in this section, the dealer or facility shall not be required to obtain an Ohio certificate of title to the motor vehicle in the dealer’s or facility’s own name if the vehicle is dismantled or destroyed and both copies of the affidavit are delivered to the Clerk of Courts.

(F) No towing service or storage facility shall fail to comply with this section.
(R.C. § 4513.61)

(G) *Abandonment of junk motor vehicle prohibited.*

(1) (a) No person shall willfully leave an abandoned junk motor vehicle as defined in R.C. § 4513.63 on private property for more than 72 hours without the permission of the person having the right to the possession of the property, or on a public street or other property open to the public for purposes of vehicular travel or parking, or upon or within the right-of-way of any road or highway for 48 hours or longer without notification to the County Sheriff’s of the reason for leaving the motor vehicle in such place.

(b) For purposes of this division (G)(1), the fact that a motor vehicle has been so left without permission or notification is prima facie evidence of abandonment.

(c) Nothing contained in this section and R.C. §§ 4513.60, 4513.61 and 4513.63 shall invalidate or prevent the enactment of further provisions of municipal ordinances regulating or prohibiting the abandonment of motor vehicles on streets, highways, public property or private property within the municipality.

REGISTRATION TAG. The metal tag issued annually by the County Auditor evidencing a registered dog.

SECURITY DOG. Any dog that has been trained or is being trained to protect persons or property through aggressive or intimidating behavior, whether or not under the direct control of the owner, as defined herein.

UNSECURED. Not securely confined indoors, or not securely restrained by means of a collar and chain, pen, fence or similar physical device, and in such a manner which effectively prevents the animal from going beyond the premises of the owner.

VICIOUS DOG. A dog that, without provocation, has either killed or caused injury to any person, or killed another dog. **VICIOUS DOG** does not include either a police dog that has killed or caused injury to any person while the police dog is being used to assist a law enforcement officer in the performance of his or her official duties, or a dog that has caused death or serious injury to any person while a person was committing or attempting to commit a criminal trespass or other crime of violence on the property of the owner of the dog.

WHOEVER. An owner, keeper, handler or harborer.

WITHOUT PROVOCATION. A dog was not teased, tormented or abused by a person, or that a dog was not coming to the aid or the defense of a person who was not engaged in illegal or criminal activity and who was not using the dog as a means of carrying out such activity.
(Prior Code, § 618.01) (Ord. 92-14, passed 6-9-1992)

§ 90.02 ANIMAL BITES; REPORTS AND QUARANTINE.

(A) Whenever any person is bitten by a dog or other animal, report of such bite shall be made to the animal warden or the municipal law enforcement agency within 24 hours. Whenever it is reported to the animal warden that any dog or cat has bitten a person, that dog or cat shall be quarantined by its owner or by a harbinger, or shall be quarantined in a pound or kennel. In all cases, such quarantine shall be under the supervision of the animal warden and shall be at the expense of the owner or harbinger. Quarantine shall continue until the animal warden determines that the dog or cat is not afflicted with rabies. The quarantine period hereby required shall not be less than ten days from the date on which the person was bitten. If at any time during the quarantine, the animal warden requires the dog or cat to be examined for symptoms of rabies, then the examination shall be by a licensed doctor of veterinary medicine. The veterinarian shall report to the animal warden the conclusions reached as a result of the examinations. The examination by a veterinarian shall be at the expense of the owner or harbinger. No dog or cat shall be released from the required quarantine unless and until it has been properly vaccinated against rabies.

(B) No person shall fail to comply with the requirements of this section or with any order of the animal warden made pursuant thereto, nor fail to immediately report to the animal warden any symptoms or behavior suggestive of rabies.

(C) Whoever violates this section is guilty of a misdemeanor of the fourth degree.
(Prior Code, § 618.02) (Ord. 92-14, passed 6-9-1992)

§ 90.03 CONTROL OF DOGS.

(A) No owner, keeper or harbinger of any dog shall fail at any time to keep such dog either physically confined or restrained upon the premises of the owner by a leash, tether, adequate fence or secure enclosure to prevent escape, or properly in leash and under the immediate control of some person, except when the dog is lawfully engaged in hunting or training for the purpose of hunting, and accompanied by the owner.

(B) No dog shall be at large within the city unless securely attached upon a leash held in the hand of a person in a manner which continuously controls the dog, except when the dog is lawfully engaged in hunting, or training for the purpose of hunting, and accompanied by the owner.

(C) No person shall take, lead, or have in his or her possession any animal in any city park, except;

(1) Service animals in accordance with Ohio Administrative Code 3344-79-02; and

(2) Dogs in accordance with the following:

(a) A dog upon a strapped or corded (not a virtual) leash that is no longer than six feet in length and held in the hand of a person in a manner that continuously controls the dog, except that a dog in Ariss park may be unleashed within the designated fenced area;

(b) A dog wearing a valid registration tag pursuant to R.C. Chapter 955 and § 90.30;

(c) A dog within the following parks, including inside the spectator area of a sport field or sport court, but not on the sport field or sport court:

1. Ariss Park;

2. Boettler Park;

3. Central Park (except that dogs are not permitted in the amphitheater seating area, the playground area, or the splash pad);

4. East Liberty Park;

5. Greensburg Park;

6. Kleckner Park;

7. Kreighbaum Park;

8. Southgate Park; and

9. Spring Hill Sports Complex.

(d) Dogs are not permitted at the following parks or city owned properties:

1. Raintree Golf and Event Center, including on the course;
2. Veteran's Park;
3. Torok Community/Senior Center walking trails;
4. Central Park Amphitheater seating area;
5. Any indoor facility owned or operated by the city;
6. Any park playground areas, play structures;
7. Splash pad; and
8. Within the playing limits of competitive/play sports fields or sports courts.

(e) Dogs are prohibited at special events hosted by the city at any city park.

(D) No person shall fail to clean up after and properly dispose of the waste of his or her service animal or dog in any city park.

(E) No person, being the owner of a dog, shall encourage or permit such dog to:

(1) Snap at, menace, attempt to bite or attempt to cause physical harm to any person or animal, while the dog is off the premises of the owner, or while on premises which are not exclusively controlled by the owner;

(2) Cause physical harm to the property of another while the dog is off the premises of the owner, or while on premises which are not exclusively controlled by the owner; or

(3) Bite or otherwise cause physical harm to any person or animal while the dog is off the premises of the owner, or while on premises which are not exclusively controlled by the owner.

(F) It shall be an affirmative defense to a violation of divisions (A) and (B) of this section that the dog was:

(1) Securely confined in an automobile or cage which is adequately ventilated; or

(2) Being exhibited at a public dog show, zoo, museum or public institution.

(G) No public law enforcement agency or member thereof, or a licensed private law enforcement agency or member thereof, shall be convicted of any violation of this section where the dog is owned by the agency and at that time engaged in law enforcement activities.

(H) Lack of intent, knowledge or fault on the part of the owner is not a defense to a violation of this section.

(I) Whoever violates this section is guilty of a minor misdemeanor for a first offense and a misdemeanor of the fourth degree for each subsequent offense.

(Prior Code, § 618.03) (Ord. 92-14, passed 6-9-1992; Ord. 2018-08, passed 5-22-2018; Ord. 2024-05, passed 4-9-2024)

CHAPTER 91: CEMETERIES

Section

- 91.01 Artificial flowers
- 91.02 Price for cemetery lots and columbarium niches
- 91.03 Price for grave and niche opening/closings
- 91.04 Price for grave monument/marker foundations
- 91.05 Maximum cost for indigent burials
- 91.06 Mayor may amend or change prices
- 91.07 Conveyance of cemetery lot(s) and niche(s) by city; conveyance to others prohibited
- 91.08 Valid conveyances of cemetery lots or niches
- 91.09 Conveyances from deceased owner

Statutory reference:

Burial permits, see R.C. §§ 3705.17 et seq.

Burial of indigent persons, see R.C. § 5121.53

Burials may be prohibited, see R.C. § 759.05

Management and control, see R.C. § 759.09

Union cemeteries, see R.C. §§ 759.27 et seq.

§ 91.01 ARTIFICIAL FLOWERS.

No artificial flowers shall be permitted in the city cemeteries during the period of April 1 through October 1 of each calendar year.

(Prior Code, § 1062.01) (Res. 91-R27, passed 6-11-1991; Ord. 2012-01, passed 3-13-2012; Ord. 2017-09, passed 5-9-2017)

§ 91.02 PRICE FOR CEMETERY LOTS AND COLUMBARIUM NICHES.

The price for cemetery lots and columbarium niches in the city shall be as follows.

(A) *Cemetery lot - resident of the city.*

- (1) Monument lot with two graves: \$1,200;
- (2) Marker lot with two graves: \$950;
- (3) Marker lot with one grave: \$475; and
- (4) Mausoleum (two lots/four graves): \$2,400.

(B) *Cemetery lot - nonresident of the city.*

- (1) Monument lot with two graves: \$2,200;
- (2) Marker lot with two graves: \$1,900;
- (3) Marker lot with one grave: \$850; and
- (4) Mausoleum (two lots/four graves): \$4,800.

(C) *Columbarium niche:*

- (1) Resident of the city: \$1,600.
- (2) Nonresident of the city: \$2,500.

(Prior Code, § 1062.02) (Res. 2003-R02, passed 1-14-2003; Ord. 2012-01, passed 3-13-2012; Ord. 2017-09, passed 5-9-2017; Ord. 2024-08, passed 7-9-2024)

§ 91.03 PRICE FOR GRAVE AND NICHE OPENING/CLOSINGS.

The price for grave openings/closings in the city shall be as follows.

(A) *Resident of the city.*

- (1) Monday through Friday burial arrival before 3:00 p.m.: \$800;
- (2) Monday through Friday burial arrival after 3:00 p.m.: \$1,200;
- (3) Saturday burial 8:00 a.m. to 3:00 p.m.: \$1,800;
- (4) Sunday and holidays: N/A;
- (5) Burial of urn: \$300;
- (6) Saturday 8:00 a.m. to 3:00 p.m. burial of urn: \$400;
- (7) Infant burial: \$150;
- (8) Disinterment: \$2,500;
- (9) Monday through Friday inurnment arrival before 3:00 p.m.: \$200;
- (10) Monday through Friday inurnment arrival after 3:00 p.m.: \$300; and
- (11) Saturday inurnment 8:00 a.m. to 3:00 p.m.: \$400.

(B) *Nonresident of the city.*

- (1) Monday through Friday arrival before 3:09 p.m.: \$1,200;
- (2) Monday through Friday arrival after 3:00 p.m.: \$1,800;
- (3) Saturday 8:00 a.m. to 3:00 p.m.: \$1,800;
- (4) Sunday and holidays: N/A;
- (5) Burial of urn: \$500;
- (6) Saturday 8:00 a.m. to 3:00 p.m. burial of urn: \$600;
- (7) Infant burial: \$150;
- (8) Disinterment: \$2,500;
- (9) Monday through Friday inurnment arrival before 3:00 p.m.: \$300;
- (10) Monday through Friday inurnment arrival after 3:00 p.m.: \$400; and
- (11) Saturday inurnment 8:00 a.m. to 3:00 p.m.: \$500.

(Prior Code, § 1062.03) (Res. 2003-R02, passed 1-14-2003; Ord. 2012-01, passed 3-13-2012; Ord. 2017-09, passed 5-9-2017; Ord. 2024-08, passed 7-9-2024)

§ 91.04 PRICE FOR GRAVE MONUMENT/MARKER FOUNDATIONS.

The price for the city to install grave monument/marker foundations shall be \$0.75 per square inch. Temporary plating boxes are permitted under certain conditions and shall be installed at an initial price of \$250 and for one year thereafter at a price of \$150.

(Prior Code, § 1062.04) (Res. 2003-R02, passed 1-14-2003; Ord. 2012-01, passed 3-13-2012; Ord. 2017-09, passed 5-9-2017)

§ 91.05 MAXIMUM COST FOR INDIGENT BURIALS.

The maximum cost authorized by the city for indigent burials, required by R.C. § 9.15, shall be \$1,000. (Prior Code, § 1062.05) (Ord. 2012-01, passed 3-13-2012; Ord. 2017-09, passed 5-9-2017)

§ 91.06 MAYOR MAY AMEND OR CHANGE PRICES.

The Mayor shall have authority to amend and/or change the price for cemetery lots or niches, the price for grave or niche openings/closings, the price for grave monument/ marker foundations and the allowance for indigent burial when determined to be necessary and appropriate.

(Prior Code, § 1062.06) (Ord. 2012-01, passed 3-13-2012; Ord. 2024-08, passed 7-9-2024)

§ 91.07 CONVEYANCE OF CEMETERY LOT(S) AND NICHE(S) BY CITY; CONVEYANCE TO OTHERS PROHIBITED.

(A) If the owner of a cemetery lot(s) or niche(s) desires to sell the lot(s) or niche(s), he or she must offer to sell the lot(s) or niche(s) to the city. The city may buy back a cemetery lot or niche at the purchased price.

(B) A cemetery lot or niche owner shall not convey, sell or transfer cemetery lot(s) or niche(s) to any other person, association or corporation other than the city, except as provided in § 91.08.

(C) A deed transfer administration fee shall apply to any conveyances permitted under this section of \$50 payable to the city.

(Prior Code, § 1062.07) (Ord. 2017-09, passed 5-9-2017; Ord. 2024-08, passed 7-9-2024)

§ 91.08 VALID CONVEYANCES OF CEMETERY LOTS OR NICHES.

(A) Transfers or conveyance of cemetery lots or niches are and shall be permitted to persons other than the city if the proposed transfer meets all of the following requirements:

(1) The transfer or conveyance is from a record owner (transferor) to:

(a) A transferee or transferees who are related to the transferor, or are related to a deceased person who is interred in the lot or inurned in the niche, by blood, marriage or adoption. A legal adoption shall be deemed to have the effect upon all persons as if the adopted person were the natural child of the adoptive parent. For the purposes of this section, a relationship is established if the transferee is the transferor's or deceased person's:

1. Spouse;
2. Lineal ancestor or lineal descendent;
3. Brother, sister, uncle or aunt;
4. Lineal descendant of a brother, sister, uncle or aunt; or
5. Spouse of a person in divisions (A)(1)(a)2., (A)(1)(a)3. or (A)(1)(a)4. of this section.

(b) The city; or

(c) A trustee or guardian for the transferor or for beneficiaries who are so related to the transferor.

(2) The transfer and/or conveyance shall be gratuitous and cannot be the result of a sale resulting in any gain or profit to the transferor.

(3) A notarized affidavit shall be submitted to the city by the transferor stating the following:

- (a) The relationship between the transferor and the transferee;
 - (b) The proposed transfer is not the result of a sale and shall not result in any gain or profit to the transferor; and
 - (c) The transfer is made of the transferor's free will.
- (4) All transfers and/or conveyance made pursuant to this section are subject to the provisions of this chapter and other existing ordinances and cemetery rules and regulations.

(B) Transfers made in violation of the requirements of this section shall be void and the title to the plot or niche sought to be transferred shall revert to the last record owner as determined by official records of the city. Transfers and/or conveyances of cemetery lots or niches made prior to the date of this passage of this section which meets all the requirements of this section are ratified and confirmed.

(C) All other transfers and/or conveyances of cemetery lots or niches shall be as set forth in this chapter and other existing ordinances and/or cemetery rules and regulations.
(Prior Code, § 1062.08) (Ord. 2017-09, passed 5-9-2017; Ord. 2024-08, passed 7-9-2024)

§ 91.09 CONVEYANCES FROM DECEASED OWNER.

(A) A cemetery lot or niche may be transferred from a deceased owner of record by will, or under statutes of descent and distribution to any transferee, except a corporation, other than a fiduciary or the city. If the estate of a deceased owner is not administered or if such lot, niche or space is omitted from property administered, the right to succeed to record ownership may be established by sworn statement or affidavit. In such case, title to the lot, niche or space shall be deemed to have passed under the statutes of descent and distribution of the state in effect upon the date of such statement or affidavit, without regard to the domicile of the decedent, or the date of death.

(B) Regarding the provisions in this chapter providing for the furnishing of a sworn statement or affidavit, the city and its Director of Public Service shall be entitled to rely upon the sworn statement or affidavit. Neither the city nor the Director of Public Service shall be liable for any action taken or denied in good faith in reliance upon any sworn statement or affidavit provided pursuant to the terms of this chapter.
(Prior Code, § 1062.09) (Ord. 2017-09, passed 5-9-2017; Ord. 2024-08, passed 7-9-2024)

CHAPTER 92: ALARM SYSTEMS

Section

- 92.01 Definitions
- 92.02 Permit required; fees; applications; false statements; transferability
- 92.03 (Reserved)
- 92.04 Proper operation and maintenance
- 92.05 Manual reset
- 92.06 Relay of alarm notifications
- 92.07 Direct reporting of automatic alarm notifications
- 92.08 On-site copy of permit and operating instructions
- 92.09 Records; notice at alarm site
- 92.10 System performance reviews
- 92.11 False alarm notifications
- 92.12 Suspension of permit
- 92.13 Revocation of permit
- 92.14 Reinstatement of permit

- 92.99 Penalty

§ 92.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALARM ADMINISTRATOR. A person or persons designated by the Mayor to administer, control and review alarm applications, permits and false alarm notifications.

ALARM NOTIFICATION. A notification intended to summon a law enforcement agency or fire department, which is designed either to be initiated purposely by a person or by an alarm system that responds to stimuli that are characteristic of unauthorized intrusions, or heat, smoke or fire. At the discretion of the Alarm Administrator, multiple false **ALARM NOTIFICATIONS** in a 24-hour period of time may be counted as only one false alarm notification.

ALARM SITE. A single premises or location served by an alarm system or systems.

ALARM SYSTEM. A device or system that emits, transmits or relays a signal intended to summon, or that would reasonably be expected to summon police or fire services of the city, including, but not limited to, local alarms. **ALARM SYSTEM** does not include:

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- (1) An alarm installed on a vehicle, unless the vehicle is permanently located at a site; or
- (2) An alarm designed to alert only the inhabitants of a premises and that does not have an external local alarm.

FALSE ALARM NOTIFICATION (F.A.N). An alarm notification to a law enforcement agency or fire department, when the responding officer finds no evidence of a criminal offense, attempted criminal offense or a fire and/or damage. Excluded from this definition are:

- (1) Alarms occurring during electrical storms, hurricanes, tornadoes, blizzards and acts of God;
- (2) Alarms caused by the intermittent disruption or the total disruption of the telephone circuits beyond the control of the alarm company and/or alarm user;
- (3) Alarms caused by electrical power disruption or failure; and
- (4) Alarms caused by a failure of the equipment of the communications center.

LOCAL ALARM. An alarm system that emits a signal at an alarm site that is audible or visible from the exterior of a structure.

MAYOR. The Mayor of the city or an authorized representative.

PERMIT HOLDER. The person designated in the application, as required in § 92.02(C)(1), who is responsible for responding to alarms and giving access to the site and who is responsible for the proper maintenance and operation of the alarm system and payment of fees.

PERSON. An individual, corporation, partnership, association, organization or similar entity.
(Prior Code, § 1066.01) (Ord. 94-19, passed 12-20-1994; Ord. 02-10, passed 8-27-2002)

§ 92.02 PERMIT REQUIRED; FEES; APPLICATIONS; FALSE STATEMENTS; TRANSFERABILITY.

(A) A person commits an offense if he or she operates or causes to be operated an alarm system without a valid permit therefor issued by the city. A separate permit is required for each alarm system.

(B) Upon receipt of a completed application form, the Mayor shall issue an alarm permit to an applicant, unless the applicant has:

- (1) Failed to pay a fee assessed under § 92.11; or
- (2) Had an alarm permit for the alarm site revoked and the violation causing the revocation has not been corrected.

(C) Each permit applicant must include the following information:

- (1) The name, address and telephone number of the person who will be the permit holder and be responsible for the proper maintenance and operation of the alarm system, and payment of fees assessed under this chapter;

(2) The classification of the alarm site as residential, commercial or apartment;

(3) For each alarm system located at the alarm site, the purpose of the alarm system, i.e., burglary, robbery, personal hostage, panic or fire;

(4) A detailed legible site plan documenting the location of the fire, alarm panel, related annunciator panels and any known hazards in the occupancy;

(5) The name and phone number of the company monitoring the police or fire alarm system;

(6) The applicant for registration shall also provide the name and telephone number of at least three persons to be notified in the event of an alarm. The individuals designated to be notified in the event of an alarm may be changed by contacting the Alarm Administrator; and

(7) Any other information required by the Mayor that is necessary for the enforcement of this chapter.

(D) Any false statement of material matter made by an applicant for the purpose of obtaining a police or fire alarm permit shall be sufficient cause for refusal to issue a permit.

(E) An alarm permit cannot be transferred to another person. A permit holder shall inform the Mayor, in writing, of any change that alters any information listed on the permit application within ten business days. No fee will be assessed for such changes.

(F) All fees owed by an applicant must be paid before a permit may be issued or renewed.

(G) When any information in division (C) of this section has changed, it shall be reported to the enforcement official by the owner within 15 days of the owner becoming aware of such change.

(Prior Code, § 1066.02) (Ord. 94-19, passed 12-20-1994; Ord. 02-10, passed 8-27-2002)

§ 92.03 (RESERVED)

§ 92.04 PROPER OPERATION AND MAINTENANCE.

(A) A permit holder or person in control of an alarm system shall:

(1) Maintain the premises and the alarm system in a manner that will minimize or eliminate false alarm notifications;

(2) Respond or cause his or her representative to appear at the system's location within a reasonable period of time when notified by the Fire Department or a law enforcement agency to deactivate a malfunctioning alarm system, to provide access to the premises or to provide security for the premises; and

(3) Not manually activate an alarm for any reason other than an occurrence of an event that the alarm system was intended to report.

(B) A person in control of a local alarm shall adjust the mechanism or cause the mechanism to be adjusted so that an alarm signal will sound for no longer than 15 minutes after being activated.

(C) Local alarms shall not resemble the sound of any emergency signal or civil defense alarm or siren. (Prior Code, § 1066.04) (Ord. 94-19, passed 12-20-1994; Ord. 02-10, passed 8-27-2002)

§ 92.05 MANUAL RESET.

A person in control of a local alarm or alarm system that causes an alarm notification to be sent directly to the city law enforcement agency or Fire Department shall adjust the mechanism or cause the mechanism to be adjusted so that, upon activation, the system will not transmit another alarm signal without first being manually reset.

(Prior Code, § 1066.05) (Ord. 94-19, passed 12-20-1994; Ord. 02-10, passed 8-27-2002)

§ 92.06 RELAY OF ALARM NOTIFICATIONS.

A person who is engaged in the business of relaying alarm notifications to a law enforcement agency or Fire Department shall:

(A) Report alarms only over special trunklines or other communication facilities designated by the city law enforcement agency; and

(B) Communicate alarm notifications only in a manner and form determined by the city law enforcement agency or Fire Department.

(Prior Code, § 1066.06) (Ord. 94-19, passed 12-20-1994; Ord. 02-10, passed 8-27-2002)

§ 92.07 DIRECT REPORTING OF AUTOMATIC ALARM NOTIFICATIONS.

A permit holder or person in control of an alarm site, other than an alarm system in a financial institution, whose alarm system transmits automatic alarm notifications directly to the communications center of the city law enforcement agency or Fire Department, shall:

(A) Transmit the alarm in the form and with the content specified by the law enforcement agency or Fire Department;

(B) Ensure that any recorded message is intelligible; and

(2) No person shall be subject to any criminal prosecution or any proceedings before the Department or the Liquor Control Commission for failing to display this card. No permit issued by the Department shall be suspended, revoked or canceled because of the failure of the permit holder to display this card.

(B) (1) Every place in this municipality for which a D permit has been issued under R.C. Chapter 4303 shall be issued a printed card by the Division of Liquor Control that shall read substantially as follows:

WARNING

If you are carrying a firearm

Under the statutes of Ohio, if you possess a firearm in any room in which liquor is being dispensed in premises for which a D permit has been issued under Chapter 4303 of the Revised Code, you may be guilty of a felony and may be subjected to a prison term of up to one year.

(2) No person shall be subject to any criminal prosecution or any proceedings before the Division of Liquor Control or the Liquor Control Commission for failing to display this card. No permit issued by the Department shall be suspended, revoked or canceled because of the failure of the permit holder to display this card.

(R.C. § 4301.637)

(C) Whoever violates this section is guilty of a minor misdemeanor.

(R.C. § 4301.70, 4301.99(A))

(Prior Code, § 612.06)

§ 96.07 OPEN CONTAINER PROHIBITED.

(A) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CHAUFFEURED LIMOUSINE. A vehicle registered under R.C. § 4503.24.

STREET, HIGHWAY, and MOTOR VEHICLE. Have the same meanings as in R.C. § 4511.01.

(B) No person shall have in the person's possession an opened container of beer or intoxicating liquor in any of the following circumstances:

(1) Except as provided in division (C)(1)(e) of this section, in a state liquor store;

(2) Except as provided in division (C) or (J) of this section, on the premises of the holder of any permit issued by the Division of Liquor Control;

(3) In any other public place;

(4) Except as provided in division (D) or (E) of this section while operating or being a passenger in or on a motor vehicle on any street, highway or other public or private property open to the public for purposes of vehicular travel or parking;

(5) Except as provided in division (D) or (E) of this section while being in or on a stationary motor vehicle on any street, highway or other public or private property open to the public for purposes of vehicular travel or parking.

(C) (1) A person may have in the person's possession an opened container of any of the following:

(a) Beer or intoxicating liquor that has been lawfully purchased for consumption on the premises where bought from the holder of an A-1-A, A-2, A-2f, A-3a, D-1, D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, D-7, D-8, D-9, E, F, F-2, F-5, F-7, F-8, or F-9 permit;

(b) Beer, wine, or mixed beverages served for consumption on the premises by the holder of an F-3 permit, wine served as a tasting sample by an A-2, A-2f, S-1, or S-2 permit holder for consumption on the premises of a farmers market for which an F-10 permit has been issued, or wine served for consumption on the premises by the holder of an F-4 or F-6 permit;

(c) Beer or intoxicating liquor consumed on the premises of a convention facility as provided in R.C. § 4303.201;

(d) Beer or intoxicating liquor to be consumed during tastings and samplings approved by rule of the Liquor Control Commission;

(e) Spiritous liquor to be consumed for purposes of a tasting sample, as defined in R.C. § 4301.171;

(f) Beer or intoxicating liquor to be consumed in an outdoor area described in R.C. § 4303.188(B)(1).

(2) A person may have in the person's possession on an F liquor permit premises an opened container of beer or intoxicating liquor that was not purchased from the holder of the F permit if the premises for which the F permit is issued is a music festival and the holder of the F permit grants permission for that possession on the premises during the period for which the F permit is issued. As used in this division (C)(2), **MUSIC FESTIVAL** means a series of outdoor live musical performances extending for a period of at least three consecutive days and located on an area of land of at least 40 acres.

(3) (a) A person may have in the person's possession on a D-2 liquor permit premises an opened or unopened container of wine that was not purchased from the holder of the D-2 permit if the premises for which the D-2 permit is issued is an outdoor performing arts center, the person is attending an orchestral performance, and the holder of the D-2 permit grants permission for the possession and consumption of wine in certain predesignated areas of the premises during the period for which the D-2 permit is issued.

(b) As used in division (C)(3)(a) of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ORCHESTRAL PERFORMANCE. A concert comprised of a group of not fewer than 40 musicians playing various musical instruments.

(4) A person may have in the person's possession an opened or unopened container of beer or intoxicating liquor at an outdoor location at which the person is attending an orchestral performance as defined in division (C)(3)(b) of this section if the person with supervision and control over the performance grants permission for the possession and consumption of beer or intoxicating liquor in certain predesignated areas of that outdoor location.

(5) A person may have in the person's possession on an F-9 liquor permit premises an opened or unopened container of beer or intoxicating liquor that was not purchased from the holder of the F-9 permit if the F-9 permit holder grants permission for the possession and consumption of beer or intoxicating liquor in certain predesignated areas of the premises during the period for which the F-9 permit is issued.

(6) (a) A person may have in the person's possession on the property of an outdoor motorsports facility an opened or unopened container of beer or intoxicating liquor that was not purchased from the owner of the facility if both of the following apply:

1. The person is attending a racing event at the facility; and

2. The owner of the facility grants permission for the possession and consumption of beer or intoxicating liquor on the property of the facility.

(b) As used in division (C)(6)(a) of this section:

1. ***OUTDOOR MOTORSPORTS FACILITY.*** An outdoor racetrack to which all of the following apply:

- a. It is 2.4 miles or more in length.

- b. It is located on 200 acres or more of land.

- c. The primary business of the owner of the facility is the hosting and promoting of racing events.

- d. The holder of a D-1, D-2, or D-3 permit is located on the property of the facility.

2. ***RACING EVENT.*** A motor vehicle racing event sanctioned by one or more motor racing sanctioning organizations.

(7) (a) A person may have in the person's possession an opened container of beer or intoxicating liquor at an outdoor location within an outdoor refreshment area created under R.C. § 4301.82 if the opened

container of beer or intoxicating liquor was purchased from an A-1, A-1-A, A-1c, A-2, A-2f, D class, or F class permit holder to which both of the following apply:

1. The permit holder's premises is located within the outdoor refreshment area.
2. The permit held by the permit holder has an outdoor refreshment area designation.

(b) Division (C)(7) of this section does not authorize a person to do either of the following:

1. Enter the premises of an establishment within an outdoor refreshment area while possessing an opened container of beer or intoxicating liquor acquired elsewhere;

2. Possess an opened container of beer or intoxicating liquor while being in or on a motor vehicle within an outdoor refreshment area, unless the possession is otherwise authorized under division (D) or (E) of this section.

(c) As used in division (C)(7) of this section, **D CLASS PERMIT HOLDER** does not include a D-6 or D-8 permit holder.

(8) (a) A person may have in the person's possession on the property of a market, within a defined F-8 permit premises, an opened container of beer or intoxicating liquor that was purchased from a D permit premises that is located immediately adjacent to the market if both of the following apply:

1. The market grants permission for the possession and consumption of beer and intoxicating liquor within the defined F-8 permit premises;

2. The market is hosting an event pursuant to an F-8 permit and the market has notified the division of liquor control about the event in accordance with R.C. § 4303.208(A)(3).

(b) As used in division (C)(8) of this section, **MARKET** means a market, for which an F-8 permit is held, that has been in operation since 1860.

(D) This section does not apply to a person who pays all or a portion of the fee imposed for use of a chauffeured limousine pursuant to a prearranged contract or the guest of the person, when all of the following apply:

- (1) The person or guest is a passenger in the limousine.

- (2) The person or guest is located in the limousine, but is not occupying a seat in the front compartment of the limousine where the operator of the limousine is located.

- (3) The limousine is located on any street, highway or other public or private property open to the public for purposes of vehicular travel or parking.

(E) An opened bottle of wine that was purchased from the holder of a permit that authorizes the sale of wine for consumption on the premises where sold is not an opened container for the purposes of this section if both of the following apply:

(B) (1) A jail term or sentence of imprisonment for a misdemeanor shall be served consecutively to any other prison term, jail term, or sentence of imprisonment when the trial court specifies that it is to be served consecutively or when it is imposed for a misdemeanor violation of R.C. § 2907.322, 2921.34 or 2923.131. When consecutive sentences are imposed for misdemeanors under this division, the term to be served is the aggregate of the consecutive terms imposed, except that the aggregate term to be served shall not exceed 18 months.

(2) A jail term or sentence of imprisonment imposed for a misdemeanor violation of R.C. § 4510.11, 4510.14, 4510.16, 4510.21, or 4511.19, or a substantially equivalent municipal ordinance, shall be served consecutively to a prison term that is imposed for a felony violation of R.C. § 2903.06, 2903.08 or 4511.19 or a felony violation of R.C. § 2903.04 involving the operation of a vehicle by the offender and that is served in a state correctional institution when the trial court specifies that it is to be served consecutively. When consecutive jail terms or sentences of imprisonment and prison terms are imposed for one or more misdemeanors and one or more felonies under this division, the term to be served is the aggregate of the consecutive terms imposed, and the offender shall serve all terms imposed for a felony before serving any term imposed for a misdemeanor. (R.C. § 2929.41) (Prior Code, § 698.05)

§ 130.20 APPREHENSION, DETENTION, OR ARREST OF PERSON ON BOND.

(A) No person, other than a law enforcement officer, shall apprehend, detain, or arrest a principal on bond, wherever issued, unless that person meets all of the following criteria:

(1) The person is any of the following:

- (a) Qualified, licensed, and appointed as a surety bail bond agent under R.C. §§ 3905.83 through 3905.95;
- (b) Licensed as a surety bail bond agent by the state where the bond was written;
- (c) Licensed as a private investigator under R.C. Chapter 4749;
- (d) Licensed as a private investigator by the state where the bond was written;
- (e) An off-duty peace officer, as defined in R.C. § 2921.51.

(2) The person, prior to apprehending, detaining, or arresting the principal, has entered into a written contract with the surety or with a licensed surety bail bond agent appointed by the surety, which contract sets forth the name of the principal who is to be apprehended, detained, or arrested. For purposes of this division (A)(2), **SURETY** has the same meaning as in R.C. § 3905.83.

(3) The person, prior to apprehending, detaining, or arresting the principal, has notified the local law enforcement agency having jurisdiction over the area in which such activities will be performed and has provided any form or identification or other information requested by the law enforcement agency.

(B) No person shall represent the person's self to be a bail enforcement agent or bounty hunter, or claim any similar title, in this municipality.

(C) Whoever violates this section is guilty of illegal bail bond agent practices.

(1) A violation of division (A) of this section is a misdemeanor of the first degree or, if the offender previously has been convicted of or pleaded guilty to two or more violations of division (A) of this section, or any substantially equivalent state law or municipal ordinance, a felony to be prosecuted under appropriate state law.

(2) A violation of division (B) of this section is a misdemeanor of the first degree or, if the offender previously has been convicted of or pleaded guilty to two or more violations of division (B) of this section, or any substantially equivalent state law or municipal ordinance, a felony to be prosecuted under appropriate state law.

(R.C. § 2927.27)

§ 130.21 SELF DEFENSE: LIMITATIONS ON DUTY TO RETREAT PRIOR TO USING FORCE.

(A) As used in this section, **RESIDENCE** has the same meaning as in R.C. § 2901.05.

(B) For purposes of any section of this code that sets forth a criminal offense, a person has no duty to retreat before using force in self-defense, defense of another, or defense of that person's residence if that person is in a place in which the person lawfully has a right to be.

(C) A trier of fact shall not consider the possibility of retreat as a factor in determining whether or not a person who used force in self-defense, defense of another, or defense of that person's residence reasonably believed that the force was necessary to prevent injury, loss, or risk to life or safety.

(R.C. § 2901.09) (Prior Code, § 606.30)

§ 130.99 PENALTY FOR TITLE XIII.

(A) *Generally.* Except where otherwise specifically classified within the body of the section of a chapter of this title, a violation of such section shall be deemed a misdemeanor punishable upon conviction by a fine of not more than \$500, imprisonment of not more than six months, or both.

(R.C. § 715.67)

(B) *Considerations in misdemeanor sentencing.*

(1) A court that sentences an offender for a misdemeanor or minor misdemeanor violation of any provision of the Ohio Revised Code, or of any municipal ordinance that is substantially equivalent to a misdemeanor or minor misdemeanor violation of a provision of the Ohio Revised Code, shall be guided by the overriding purposes of misdemeanor sentencing. The overriding purposes of misdemeanor sentencing are to protect the public from future crime by the offender and others and to punish the offender. To achieve those purposes, the sentencing court shall consider the impact of the offense upon the victim and the need for changing the offender's behavior, rehabilitating the offender, and making restitution to the victim of the offense, the public, or the victim and the public.

(2) A sentence imposed for a misdemeanor or minor misdemeanor violation of an Ohio Revised Code provision or for a violation of a municipal ordinance that is subject to division (B)(1) of this section shall be

PERFORMANCE. Any motion picture, preview, trailer, play, show, skit, dance, or other exhibition performed before an audience.

PLACE WHERE A PERSON HAS A REASONABLE EXPECTATION OF PRIVACY. A place where a reasonable person would believe that the person could fully disrobe in private.

PRIVATE AREA. The genitals, pubic area, buttocks, or female breast below the top of the areola, where nude or covered by an undergarment.

PROSTITUTE. A male or female who promiscuously engages in sexual activity for hire, regardless of whether the hire is paid to the prostitute or to another.

SADO-MASOCHISTIC ABUSE. Flagellation or torture by or upon a person or the condition of being fettered, bound, or otherwise physically restrained.

SEXUAL ACTIVITY. Sexual conduct or sexual contact, or both.

SEXUAL CONDUCT. Vaginal intercourse between a male and female; anal intercourse, fellatio, and cunnilingus between persons regardless of sex; and, without privilege to do so, the insertion, however slight, of any part of the body or any instrument, apparatus, or other object into the vaginal or anal opening of another. Penetration, however slight, is sufficient to complete vaginal or anal intercourse.

SEXUAL CONTACT. Any touching of an erogenous zone of another, including without limitation the thigh, genitals, buttock, pubic region, or, if the person is a female, a breast, for the purpose of sexually arousing or gratifying either person.

SEXUAL EXCITEMENT. The condition of human male or female genitals when in a state of sexual stimulation or arousal.

SPOUSE. A person married to an offender at the time of an alleged offense, except that such person shall not be considered the spouse when any of the following apply:

- (1) When the parties have entered into a written separation agreement pursuant to R.C. § 3103.06.
 - (2) When an action is pending between the parties for annulment, divorce, dissolution of marriage, or legal separation.
 - (3) In the case of an action for legal separation, after the effective date of the judgment for legal separation.
- (R.C. § 2907.01) (Prior Code, § 666.01)

§ 133.02 UNLAWFUL SEXUAL CONDUCT WITH A MINOR.

(A) No person who is 18 years of age or older shall engage in sexual conduct with another when the offender knows the other person is 13 years of age or older but less than 16 years of age, or the offender is reckless in that regard.

(B) Whoever violates this section is guilty of unlawful sexual conduct with a minor.

(1) Except as otherwise provided in division (B)(2), unlawful sexual conduct with a minor is a felony to be prosecuted under appropriate state law.

(2) Except as otherwise provided in division (B)(3) of this section, if the offender is less than four years older than the other person, unlawful sexual conduct with a minor is a misdemeanor of the first degree.

(3) If the offender previously has been convicted of or pleaded guilty to a violation of R.C. § 2907.02, 2907.03 or 2907.04, or any substantially equivalent municipal ordinance, or a violation of former R.C. § 2907.12, or any substantially equivalent municipal ordinance, unlawful sexual conduct with a minor is a felony to be prosecuted under appropriate state law.

(R.C. § 2907.04) (Prior Code, § 666.02)

§ 133.03 SEXUAL IMPOSITION.

(A) No person shall have sexual contact with another; cause another to have sexual contact with the offender; or cause two or more other persons to have sexual contact when any of the following applies:

(1) The offender knows that the sexual contact is offensive to the other person, or one of the other persons, or is reckless in that regard.

(2) The offender knows that the other person's, or one of the other person's ability to appraise the nature of or control the offender's or touching person's conduct is substantially impaired.

(3) The offender knows that the other person, or one of the other persons, submits because of being unaware of the sexual contact.

(4) The other person, or one of the other persons, is 13 years of age or older but less than 16 years of age, whether or not the offender knows the age of the person, and the offender is at least 18 years of age and four or more years older than the other person.

(5) The offender is a mental health professional, the other person or one of the other persons is a mental health client or patient of the offender, and the offender induces the other person who is the client or patient to submit by falsely representing to the other person who is the client or patient that the sexual contact is necessary for mental health treatment purposes.

(B) No person shall be convicted of a violation of this section solely upon the victim's testimony unsupported by other evidence.

(C) Whoever violates this section is guilty of sexual imposition, a misdemeanor of the third degree. If the offender previously has been convicted of or pleaded guilty to a violation of this section, R.C. § 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, former R.C. § 2907.12, or a substantially equivalent state law or municipal ordinance, a violation of this section is a misdemeanor of the first degree. If the offender previously has been convicted of or pleaded guilty to three or more violations of this section, R.C. § 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, former R.C. § 2907.12, or a substantially equivalent state law or municipal ordinance, or of any combination of those sections, a violation of this section is a misdemeanor of the first degree and,

CHAPTER 135: OFFENSES AGAINST PERSONS

Section

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Statutory reference:

Child care, misrepresentations by providers and failure to disclose death or serious injuries, misdemeanors, see R.C. §§ 2919.223 et seq.

Extortionate extension of credit, see R.C. §§ 2905.21 through 2905.24

Failure to send child to school, see R.C. § 3321.38

Permitting child abuse, felony offense, see R.C. § 2903.15

Reckless homicide, felony offense, see R.C. § 2903.041

Rights of victims of crimes, see R.C. Chapter 2930

§ 135.01 DEFINITIONS.

(A) For the purpose of §§ 135.01 through 135.06, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ANOTHER'S UNBORN or **OTHER PERSON'S UNBORN**. A member of the species *Homo sapiens* who is or was carried in the womb of another during a period that begins with fertilization and that continues unless and until live birth occurs.

UNLAWFUL TERMINATION OF ANOTHER'S PREGNANCY. Causing the death of an unborn member of the species *Homo sapiens* who is or was carried in the womb of another, as a result of injuries inflicted during the period that begins with fertilization and that continues unless and until live birth occurs.

(B) Notwithstanding division (A) of this section, in no case shall the definitions of the terms "another's unborn", "other person's unborn" and "unlawful termination of another's pregnancy" that are set forth in division (A) of this section be applied or construed in any of the following manners:

(1) Except as otherwise provided in division (B)(1) of this section, in a manner so that the offense prohibits or is construed as prohibiting any pregnant woman or her physician from performing an abortion with the consent of the pregnant woman, with the consent of the pregnant woman implied by law in a medical emergency, or with the approval of one otherwise authorized by law to consent to medical treatment on behalf of the pregnant woman. An abortion that violates the conditions described in the immediately preceding sentence may be punished as any violation of R.C. § 2903.01, 2903.02, 2903.03, 2903.04, 2903.05, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 2903.14, 2903.21 or 2903.22, or a substantially equivalent municipal ordinance, as applicable. An abortion that does not violate the conditions described in the second immediately preceding sentence but that does violate R.C. § 2919.12, 2919.13(B), 2919.15, 2919.151, 2919.17 or 2919.18, or a substantially equivalent municipal ordinance, may be punished as a violation of such section, as applicable.

(2) In a manner so that the offense is applied or is construed as applying to a woman based on an act or omission of the woman that occurs while she is or was pregnant and that results in any of the following:

(a) Her delivery of a stillborn baby.

(b) Her causing, in any other manner, the death in utero of a viable, unborn human that she is carrying.

(c) Her causing the death of her child who is born alive but who dies from one or more injuries that are sustained while the child is a viable, unborn human.

(d) Her causing her child who is born alive to sustain one or more injuries while the child is a viable, unborn human.

(e) Her causing, threatening to cause, or attempting to cause, in any other manner, an injury, illness, or other psychological illness or condition, regardless of its duration or gravity, to a viable, unborn human that she is carrying.

(R.C. § 2903.09) (Prior Code, § 636.001)

§ 135.02 NEGLIGENT HOMICIDE.

(A) No person shall negligently cause the death of another or the unlawful termination of another's pregnancy by means of a deadly weapon or dangerous ordnance, as defined in R.C. § 2923.11.

(B) Whoever violates this section is guilty of negligent homicide, a misdemeanor of the first degree.

(R.C. § 2903.05) (Prior Code, § 636.01)

Statutory reference:

Reckless homicide, felony offense, see R.C. § 2903.041

§ 135.03 VEHICULAR HOMICIDE; VEHICULAR MANSLAUGHTER; VEHICULAR ASSAULT.

(A) No person, while operating or participating in the operation of a motor vehicle, motorcycle, utility vehicle, mini-truck, snowmobile, locomotive, watercraft, or aircraft, shall cause the death of another or the unlawful termination of another's pregnancy in any of the following ways:

(1) (a) As the proximate result of committing a violation of R.C. § 4511.19(A) or of a substantially equivalent municipal ordinance;

(b) As the proximate result of committing a violation of R.C. § 1547.11(A), or of a substantially equivalent municipal ordinance;

(c) As the proximate result of committing a violation of R.C. § 4561.15(A)(3), or of a substantially equivalent municipal ordinance.

(2) In one of the following ways:

(a) Recklessly;

(b) As the proximate result of committing, while operating or participating in the operation of a motor vehicle, utility vehicle, mini-truck, or motorcycle in a construction zone, a reckless operation offense, provided that this division applies only if the person whose death is caused or whose pregnancy is unlawfully terminated is in the construction zone at the time of the offender's commission of the reckless operation offense in the construction zone and does not apply as described in division (D) of this section.

(3) In one of the following ways:

(a) Negligently;

(b) As the proximate result of committing, while operating or participating in the operation of a motor vehicle, utility vehicle, mini-truck, or motorcycle in a construction zone, a speeding offense, provided that

this division applies only if the person whose death is caused or whose pregnancy is unlawfully terminated is in the construction zone at the time of the offender's commission of the speeding offense in the construction zone and does not apply as described in division (D) of this section.

(4) As the proximate result of committing a violation of any provision of any section contained in R.C. Title 45 that is a minor misdemeanor or of a municipal ordinance that, regardless of the penalty set by ordinance for the violation, is substantially equivalent to any provision of any section contained in R.C. Title 45 that is a minor misdemeanor.

(B) (1) Whoever violates division (A)(1) or (A)(2) of this section is guilty of aggravated vehicular homicide, a felony to be prosecuted under appropriate state law.

(2) (a) Whoever violates division (A)(3) of this section is guilty of vehicular homicide. Except as otherwise provided in this division, vehicular homicide is a misdemeanor of the first degree. Vehicular homicide committed in violation of division (A)(3) of this section is a felony to be prosecuted under appropriate state law if, at the time of the offense, the offender was driving under a suspension or cancellation imposed under R.C. Chapter 4510 or any other provision of the Ohio Revised Code or was operating a motor vehicle or motorcycle, did not have a valid driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege, and was not eligible for renewal of the offender's driver's license or commercial driver's license without examination under R.C. § 4507.10 or if the offender previously has been convicted of or pleaded guilty to a violation of this section or any traffic-related homicide, manslaughter, or assault offense.

(b) In addition to any other sanctions imposed pursuant to this division, the court shall impose upon the offender a class four suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in R.C. § 4510.02(A)(4).

(3) (a) Whoever violates division (A)(4) of this section is guilty of vehicular manslaughter. Except as otherwise provided in this division, vehicular manslaughter is a misdemeanor of the second degree. Vehicular manslaughter is a misdemeanor of the first degree if, at the time of the offense, the offender was driving under a suspension or cancellation imposed under R.C. Chapter 4510 or any other provision of the Ohio Revised Code or was operating a motor vehicle or motorcycle, did not have a valid driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege, and was not eligible for renewal of the offender's driver's license or commercial driver's license without examination under R.C. § 4507.10 or if the offender previously has been convicted of or pleaded guilty to a violation of this section or any traffic-related homicide, manslaughter, or assault offense.

(b) In addition to any other sanctions imposed pursuant to this division, the court shall impose upon the offender a class six suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in R.C. § 4510.02(A)(6) or, if the offender previously has been convicted of or pleaded guilty to a violation of this section, any traffic-related homicide, manslaughter, or assault offense, or a traffic-related murder, felonious assault, or attempted murder offense, a class four suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in R.C. § 4510.02(A)(4).

(C) The court shall impose a mandatory jail term of at least 15 days on an offender who is convicted of or pleads guilty to a misdemeanor violation of division (A)(3)(b) of this section and may impose upon the offender a longer jail term as authorized pursuant to R.C. § 2929.24.

(D) Divisions (A)(2)(b) and (A)(3)(b) of this section do not apply in a particular construction zone unless signs of the type described in R.C. § 2903.081 are erected in that construction zone in accordance with the guidelines and design specifications established by the Director of Transportation under R.C. § 5501.27. The failure to erect signs of the type described in R.C. § 2903.081 in a particular construction zone in accordance with those guidelines and design specifications does not limit or affect the application of division (A)(1), (A)(2)(a), (A)(3)(a), or (A)(4) of this section in that construction zone or the prosecution of any person who violates any of those divisions in that construction zone.

(E) (1) As used in this section:

CONSTRUCTION ZONE. Has the same meaning as in R.C. § 5501.27.

MANDATORY JAIL TERM. Has the same meaning as in R.C. § 2929.01.

MANDATORY PRISON TERM. Has the same meaning as in R.C. § 2929.01.

MINI-TRUCK. Has the same meaning as in R.C. § 4501.01.

MOTOR VEHICLE. Has the same meaning as in R.C. § 4501.01.

RECKLESS OPERATION OFFENSE. Means a violation of R.C. § 4511.20 or a municipal ordinance substantially equivalent to R.C. § 4511.20.

SPEEDING OFFENSE. Means a violation of R.C. § 4511.21 or a municipal ordinance pertaining to speed.

TRAFFIC-RELATED HOMICIDE, MANSLAUGHTER, OR ASSAULT OFFENSE. Means a violation of R.C. § 2903.04 in circumstances in which division (D) of that section applies, a violation of R.C. § 2903.06 or 2903.08, or a violation of R.C. § 2903.06, 2903.07, or 2903.08 as they existed prior to March 23, 2000.

TRAFFIC-RELATED MURDER, FELONIOUS ASSAULT, OR ATTEMPTED MURDER OFFENSE. Means a violation of R.C. § 2903.01 or R.C. § 2903.02 in circumstances in which the offender used a motor vehicle as the means to commit the violation, a violation of R.C. § 2903.11(A)(2) in circumstances in which the deadly weapon used in the commission of the violation is a motor vehicle, or an attempt to commit aggravated murder or murder in violation of R.C. § 2923.02 in circumstances in which the offender used a motor vehicle as the means to attempt to commit the aggravated murder or murder.

UTILITY VEHICLE. Has the same meaning as in R.C. § 4501.01.

(2) For the purposes of this section, when a penalty or suspension is enhanced because of a prior or current violation of a specified law or a prior or current specified offense, the reference to the violation of the

specified law or the specified offense includes any violation of any substantially equivalent municipal ordinance, former law of this state, or current or former law of this or another state or the United States.
(R.C. § 2903.06)

(F) *Vehicular assault.*

(1) No person, while operating or participating in the operation of a motor vehicle, motorcycle, utility vehicle, or mini-truck, shall cause serious physical harm to another person or another's unborn as the proximate result of committing, while operating or participating in the operation of a motor vehicle, utility vehicle, mini-truck, or motorcycle in a construction zone, a speeding offense, provided that this division applies only if the person to whom the serious physical harm is caused or to whose unborn the serious physical harm is caused is in the construction zone at the time of the offender's commission of the speeding offense in the construction zone and does not apply as described in division (F)(4) of this section.

(2) (a) Except as otherwise provided in this division, vehicular assault committed in violation of division (F)(1) of this section is a misdemeanor of the first degree. Vehicular assault committed in violation of division (F)(1) of this section is a felony to be prosecuted under appropriate state law if, at the time of the offense, the offender was driving under a suspension imposed under R.C. Chapter 4510 or any other provision of the Ohio Revised Code or if the offender previously has been convicted of or pleaded guilty to a violation of division (F)(1) of this section, R.C. § 2903.08, or any traffic-related homicide, manslaughter, or assault offense.

(b) In addition to any other sanctions imposed, the court shall impose upon the offender a class four suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in R.C. § 4510.02(A)(4).

(3) The court shall impose a mandatory jail term of at least seven days on an offender who is convicted of or pleads guilty to a misdemeanor violation of division (F)(1) of this section and may impose upon the offender a longer jail term as authorized pursuant to R.C. § 2929.24.

(4) Division (F)(1) of this section does not apply in a particular construction zone unless signs of the type described in R.C. § 2903.081 are erected in that construction zone in accordance with the guidelines and design specifications established by the Director of Transportation under R.C. § 5501.27.

(5) As used in this division (F):

CONSTRUCTION ZONE. Has the same meaning as in R.C. § 5501.27.

MANDATORY JAIL TERM. Has the same meaning as in R.C. § 2929.01.

SPEEDING OFFENSE. Has the same meaning as in R.C. § 2903.06.

TRAFFIC-RELATED HOMICIDE, MANSLAUGHTER, OR ASSAULT OFFENSE. Has the same meaning as in R.C. § 2903.06.

(6) For the purposes of this division (F), when a penalty or suspension is enhanced because of a prior or current violation of a specified law or a prior or current specified offense, the reference to the violation of the

specified law or the specified offense includes any violation of any substantially equivalent municipal ordinance, former law of this state, or current or former law of another state or the United States.

(R.C. 2903.08(A)(3), (C)(3), (D)(3), (E) - (G))

Statutory reference:

Court to suspend driver's license, see R.C. §§ 4510.05 and 4510.07

Vehicular assault and aggravated vehicular assault, felony offenses, see R.C. § 2903.08

§ 135.04 ASSAULT; NEGLIGENT ASSAULT.

(A) Assault.

(1) No person shall knowingly cause or attempt to cause physical harm to another or to another's unborn.

(1) Offering or agreeing to grant, or granting immunity from prosecution pursuant to R.C. § 2945.44.

(2) In return for a plea of guilty to one or more offenses charged or to one or more other or lesser offenses, or in return for the testimony of the accused in a case to which the accused is not a party, offering or agreeing to dismiss, or dismissing one or more charges pending against an accused, or offering or agreeing to impose, or imposing a certain sentence or modification of sentence.

(3) Imposing a community control sanction on certain conditions, including without limitation requiring the offender to make restitution or redress to the victim of the offense.

(C) It is an affirmative defense to a charge under division (A)(3), (A)(4), or (A)(5) of this section that the actor's conduct was a reasonable response to the circumstances which occasioned it, and that the actor's purpose was limited to any of the following:

(1) Compelling another to refrain from misconduct or to desist from further misconduct.

(2) Preventing or redressing a wrong or injustice.

(3) Preventing another from taking action for which the actor reasonably believed the other person to be disqualified.

(4) Compelling another to take action which the actor reasonably believed the other person to be under a duty to take.

(D) Whoever violates this section is guilty of coercion, a misdemeanor of the second degree.

(E) As used in this section:

COMMUNITY CONTROL SANCTION has the same meaning as in R.C. § 2929.01.

THREAT includes a direct threat and a threat by innuendo.

(R.C. § 2905.12) (Prior Code, § 636.09)

§ 135.10 BIGAMY.

(A) No married person shall marry another or continue to cohabit with such other person in this municipality.

(B) It is an affirmative defense to a charge under this section that the actor's spouse was continuously absent for five years immediately preceding the purported subsequent marriage, and was not known by the actor to be alive within that time.

(C) Whoever violates this section is guilty of bigamy, a misdemeanor of the first degree.
(R.C. § 2919.01)

§ 135.11 (RESERVED)

Editor's note: In November 2023, voters approved Issue 1, enacting Article 1, Section 22 to the Ohio Constitution relating to reproductive rights. To ensure that there are no conflicts with this Constitutional amendment, this section, relating to unlawful abortion, failure to perform viability testing, and abortion trafficking, has been removed from this code.

§ 135.12 MISREPRESENTATION RELATING TO PROVISION OF CHILD CARE.

(A) No child care provider shall knowingly misrepresent any factor or condition that relates to the provision of child care and that substantially affects the health or safety of any child or children in that provider's facility or receiving child care from that provider to any of the following:

- (1) A parent, guardian, custodian, or other person responsible for the care of a child in the provider's facility or receiving child care from the provider;
- (2) A parent, guardian, custodian, or other person responsible for the care of a child who is considering the provider as a child care provider for the child;
- (3) A public official responsible for issuing the provider a license or certificate to provide child care;
- (4) A public official investigating or inquiring about the provision of child care by the provider;
- (5) A peace officer.

(B) For the purposes of this section, "any factor or condition that relates to the provision of child care" includes, but is not limited to, the following:

- (1) The person or persons who will provide child care to the child of the parent, guardian, custodian, or other person responsible for the care of the child, or to the children in general;
- (2) The qualifications to provide child care of the child care provider, of a person employed by the provider, or of a person who provides child care as a volunteer;
- (3) The number of children to whom child care is provided at one time or the number of children receiving child care in the child care facility at one time;
- (4) The conditions or safety features of the child care facility;
- (5) The area of the child care facility in which child care is provided.

(C) Whoever violates division (A) of this section is guilty of misrepresentation by a child care provider, a misdemeanor of the first degree.

(R.C. § 2919.224)

§ 135.13 NONSUPPORT OF DEPENDENTS.

(A) No person shall abandon, or fail to provide adequate support to:

(1) The person's spouse, as required by law;

(2) The person's child who is under age 18, or the person's child with a mental or physical disability who is under age 21;

(3) The person's aged or infirm parent or adoptive parent, who from lack of ability and means is unable to provide adequately for the parent's own support.

(B) (1) No person shall abandon, or fail to provide support as established by a court order to, another person whom, by court order or decree, the person:

(a) Is legally obligated to support; or

(b) Was legally obligated to support, and an amount for support:

1. Was due and owing prior to the date the person's duty to pay current support terminated;

and

2. Remains unpaid.

(2) The period of limitation under R.C. § 2901.13 applicable to division (B)(1)(b) of this section shall begin to run on the date the person's duty to pay current support terminates.

(C) No person shall aid, abet, induce, cause, encourage, or contribute to a child or a ward of the juvenile court becoming a dependent child, as defined in R.C. § 2151.04, or a neglected child, as defined in R.C. § 2151.03.

(c) A tactical medical professional who is qualified to carry firearms while on duty under R.C. § 109.771 has the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license under R.C. § 2923.125.

(d) A fire investigator who is qualified to carry firearms while on duty under R.C. § 109.774 has the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license under R.C. § 2923.125.

(6) (a) A qualified retired peace officer who possesses a retired peace officer identification card issued pursuant to division (B)(6)(b) of this section and a valid firearms requalification certification issued pursuant to division (B)(6)(c) of this section has the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license under R.C. § 2923.125 and is subject to the same restrictions that apply to a person who has been issued a license issued under that section that is valid at the time in question. For purposes of reciprocity with other states, a qualified retired peace officer who possesses a retired peace officer identification card issued pursuant to division (B)(6)(b) of this section and a valid firearms requalification certification issued pursuant to division (B)(6)(c) of this section shall be considered to be a licensee in this state.

(b) 1. Each public agency of this state or of a political subdivision of this state that is served by one or more peace officers shall issue a retired peace officer identification card to any person who retired from service as a peace officer with that agency, if the issuance is in accordance with the agency's policies and procedures and if the person, with respect to the person's service with that agency, satisfies all of the following:

a. The person retired in good standing from service as a peace officer with the public agency, and the retirement was not for reasons of mental instability.

b. Before retiring from service as a peace officer with that agency, the person was authorized to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law and the person had statutory powers of arrest.

c. At the time of the person's retirement as a peace officer with that agency, the person was trained and qualified to carry firearms in the performance of the peace officer's duties.

d. Before retiring from service as a peace officer with that agency, the person was regularly employed as a peace officer for an aggregate of 15 years or more, or, in the alternative, the person retired from service as a peace officer with that agency, after completing any applicable probationary period of that service, due to a service-connected disability, as determined by the agency.

2. A retired peace officer identification card issued to a person under division (B)(6)(b)1. of this section shall identify the person by name, contain a photograph of the person, identify the public agency of this state or of the political subdivision of this state from which the person retired as a peace officer and that is issuing the identification card, and specify that the person retired in good standing from service as a peace officer with the issuing public agency and satisfies the criteria set forth in divisions (B)(6)(b)1.a. to (B)(6)(b)1.d. of this section. In addition to the required content specified in this division, a retired peace officer identification card issued to a person under division (B)(6)(b)1. of this section may include the firearms requalification certification described in division (B)(6)(c) of this section, and if the identification card includes that certification, the identification card shall serve as the firearms requalification certification for the retired peace officer. If the issuing public agency issues credentials to active law enforcement officers who serve the agency, the agency may

comply with division (B)(6)(b)1. of this section by issuing the same credentials to persons who retired from service as a peace officer with the agency and who satisfy the criteria set forth in divisions (B)(6)(b)1.a. to (B)(6)(b)1.d. of this section, provided that the credentials so issued to retired peace officers are stamped with the word “RETIRED”.

3. A public agency of this state or of a political subdivision of this state may charge persons who retired from service as a peace officer with the agency a reasonable fee for issuing to the person a retired peace officer identification card pursuant to division (B)(6)(b)1. of this section.

(c) 1. If a person retired from service as a peace officer with a public agency of this state or of a political subdivision of this state and the person satisfies the criteria set forth in divisions (B)(6)(b)1.a. to (B)(6)(b)1.d. of this section, the public agency may provide the retired peace officer with the opportunity to attend a firearms requalification program that is approved for purposes of firearms requalification required under R.C. § 109.801. The retired peace officer may be required to pay the cost of the course.

2. If a retired peace officer who satisfies the criteria set forth in divisions (B)(6)(b)1.a. to (B)(6)(b)1.d. of this section attends a firearms requalification program that is approved for purposes of firearms requalification required under R.C. § 109.801, the retired peace officer’s successful completion of the firearms requalification program requalifies the retired peace officer for purposes of division (B)(6) of this section for five years from the date on which the program was successfully completed, and the requalification is valid during that five-year period. If a retired peace officer who satisfies the criteria set forth in divisions (B)(6)(b)1.a. to (B)(6)(b)1.d. of this section satisfactorily completes such a firearms requalification program, the retired peace officer shall be issued a firearms requalification certification that identifies the retired peace officer by name, identifies the entity that taught the program, specifies that the retired peace officer successfully completed the program, specifies the date on which the course was successfully completed, and specifies that the requalification is valid for five years from that date of successful completion. The firearms requalification certification for a retired peace officer may be included in the retired peace officer identification card issued to the retired peace officer under division (B)(6)(b) of this section.

3. A retired peace officer who attends a firearms requalification program that is approved for purposes of firearms requalification required under R.C. § 109.801 may be required to pay the cost of the program.

(7) As used in division (B) of this section:

FIRE INVESTIGATOR. Has the same meaning as in R.C. § 109.71.

GOVERNING BODY. Has the same meaning as in R.C. § 154.01.

GOVERNMENT FACILITY OF THIS STATE OR A POLITICAL SUBDIVISION OF THIS STATE. Means any of the following:

1. A building or part of a building that is owned or leased by the government of this state or a political subdivision of this state and where employees of the government of this state or the political subdivision regularly are present for the purpose of performing their official duties as employees of the state or political subdivision;

2. The office of a deputy registrar serving pursuant to R.C. Chapter 4503 that is used to perform deputy registrar functions.

NONPROFIT CORPORATION. Means any private organization that is exempt from federal income taxation pursuant to subsection 501(a) and described in subsection 501(c) of the Internal Revenue Code.

QUALIFIED RETIRED PEACE OFFICER. Means a person who satisfies all of the following:

1. The person satisfies the criteria set forth in divisions (B)(6)(b)1.a. to (B)(6)(b)1.d. of this section.
2. The person is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.
3. The person is not prohibited by federal law from receiving firearms.

RETIRED PEACE OFFICER IDENTIFICATION CARD. Means an identification card that is issued pursuant to division (B)(6)(b) of this section to a person who is a retired peace officer.

TACTICAL MEDICAL PROFESSIONAL. Has the same meaning as in R.C. § 109.71.

VALIDATING IDENTIFICATION. Means photographic identification issued by the agency for which an individual serves as a peace officer that identifies the individual as a peace officer of the agency.
(R.C. § 2923.126)

(C) *Posting of signs prohibiting possession.* Each person, board, or entity that owns or controls any place or premises identified in R.C. § 2923.126(B) as a place into which a valid license does not authorize the licensee to carry a concealed handgun, or a designee of such a person, board, or entity, shall post in the following one or more conspicuous locations in the premises a sign that contains a statement in substantially the following form: “Unless otherwise authorized by law, pursuant to the Ohio Revised Code, no person shall knowingly possess, have under the person’s control, convey, or attempt to convey a deadly weapon or dangerous ordnance onto these premises.”

(R.C. § 2923.1212)

(Prior Code § 672.14)

§ 137.14 DEFACED FIREARMS.

(A) No person shall do either of the following:

(1) Change, alter, remove, or obliterate the name of the manufacturer, model, manufacturer’s serial number, or other mark of identification on a firearm.

(2) Possess a firearm knowing or having reasonable cause to believe that the name of the manufacturer, model, manufacturer’s serial number, or other mark of identification on the firearm has been changed, altered, removed, or obliterated.

(B) (1) Whoever violates division (A)(1) of this section is guilty of defacing identification marks of a firearm. Except as otherwise provided in this division, defacing identification marks of a firearm is a misdemeanor of the first degree. If the offender previously has been convicted of or pleaded guilty to a violation of division (A)(1) of this section, defacing identification marks of a firearm is a felony to be prosecuted under appropriate state law.

(2) Whoever violates division (A)(2) of this section is guilty of possessing a defaced firearm. Except as otherwise provided in this division, possessing a defaced firearm is a misdemeanor of the first degree. If the offender previously has been convicted of or pleaded guilty to a violation of division (A)(2) of this section, possessing a defaced firearm is a felony to be prosecuted under appropriate state law.

(C) Division (A) of this section does not apply to any firearm on which no manufacturer's serial number was inscribed at the time of its manufacture.

(R.C. § 2923.201) (Prior Code § 672.15)

§ 137.15 DISCHARGE OF FIREARMS; HUNTING.

(A) Discharge of firearms.

(1) Except as enumerated below, no person shall discharge, or cause to be discharged, a cannon, pistol, revolver or rifle within the city limits.

(2) No person shall negligently discharge, or cause to be discharged, any firearm in such manner as to cause the projectile or projectiles to exit the property on which the shooter is lawfully discharging said firearm.

(3) Lawful hunting sanctioned by the Ohio Division of Wildlife or the Ohio Division of Natural Resources within the boundaries of Nimisila Reservoir is not prohibited by this section.

(4) Discharge of a firearm in self-defense is not prohibited by this section.

(5) Organized firing of ceremonial salutes with blank ammunition by members of the military, veterans' organizations or police honor guard units is not prohibited by this section.

(6) Discharge of any authorized firearm by any law enforcement officer in the course of his or her duty within the city is not prohibited by this section.

(7) Shooting ranges operated by any law enforcement agency for the purpose of training and/or proficiency enhancement are not prohibited by this section.

(8) The discharge of shot guns, using bird shot, is not prohibited on a parcel of land consisting of 30 acres or more, providing that such discharge occurs more than 450 feet in the direction of fire and 350 feet from an adjoining property. Single projectile ammunition is prohibited.

(9) The landowner of 40 acres or more, or his or her designated agent, for purposes of nuisance animal control, may discharge a .22 caliber rimfire firearm, providing that such discharge occurs more than 350 feet from an adjoining property or public road.

(10) Trapped nuisance animals may be euthanized using a .22 caliber firearm.

(11) No person shall discharge a firearm on the property of another without first having obtained written permission from the property owner or other person having legal control of the property.

(B) *Penalties.*

(1) Whoever violates division (A) of this section is guilty of a first degree misdemeanor and shall be subject to the penalty provided in § 130.99.

(2) Whoever violates division (A) of this section is guilty of improper hunting within the city limits, a misdemeanor of the first degree, and shall be subject to the penalty provided in § 130.99.
(Prior Code, § 672.11) (Ord. 93-18, passed 8-24-1993; Ord. 03-09, passed 6-24-2003)

CHAPTER 138: DRUG OFFENSES

Section

- 138.01 Definitions
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- 138.18 Sale of pseudoephedrine
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- 138.20 Sale of dextromethorphan

Statutory reference:

Administration of epinephrine, exemption from prosecution, see R.C. § 2925.64

Controlled substances, regulation of pharmacists and other professionals, see R.C. Chapters 3719 and 4729

Conviction of professionally licensed persons to be reported to licensing board, see R.C. § 2925.38

Criminal and civil forfeiture of property for felony drug abuse offenses, see R.C. Chapter 2981

Destruction of chemicals used to produce methamphetamine; preservation of samples, see R.C. § 2925.52

Tampering with drugs, felony offense, see R.C. § 2925.24

§ 138.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Words, terms and phrases and their derivatives used in this chapter which are not defined in this section shall have the meanings given to them in the Ohio Revised Code.

ADMINISTER. Has the same meaning as in R.C. § 3719.01.

ADULTERATE. To cause a drug to be adulterated as described in R.C. § 3715.63.

ALCOHOL AND DRUG ADDICTION SERVICES. Has the same meaning as in R.C. § 5119.01.

BULK AMOUNT. Of a controlled substance means any of the following:

(1) For any compound, mixture, preparation, or substance included in Schedule I, Schedule II, or Schedule III, with the exception of any controlled substance analog, marihuana, cocaine, L.S.D., heroin, any fentanyl-related compound, and hashish and except as provided in division (2), (5), or (6) of this definition, whichever of the following is applicable:

(a) An amount equal to or exceeding ten grams or 25 unit doses of a compound, mixture, preparation, or substance that is or contains any amount of a Schedule I opiate or opium derivative;

(b) An amount equal to or exceeding ten grams of a compound, mixture, preparation, or substance that is or contains any amount of raw or gum opium;

(c) An amount equal to or exceeding 30 grams or ten unit doses of a compound, mixture, preparation, or substance that is or contains any amount of a Schedule I hallucinogen other than tetrahydrocannabinol or lysergic acid amide, or a Schedule I stimulant or depressant;

(d) An amount equal to or exceeding 20 grams or five times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a Schedule II opiate or opium derivative;

(e) An amount equal to or exceeding five grams or ten unit doses of a compound, mixture, preparation, or substance that is or contains any amount of phencyclidine;

(f) An amount equal to or exceeding 120 grams or 30 times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a Schedule II stimulant that is in a final dosage form manufactured by a person authorized by the Federal Food, Drug, and Cosmetic Act (21 U.S.C. §§ 301 et seq., as amended) and the federal drug abuse control laws, as defined in this section, that is or contains any amount of a Schedule II depressant substance or a Schedule II hallucinogenic substance;

(g) An amount equal to or exceeding three grams of a compound, mixture, preparation, or substance that is or contains any amount of a Schedule II stimulant, or any of its salts or isomers, that is not in a final dosage form manufactured by a person authorized by the Federal Food, Drug, and Cosmetic Act (21 U.S.C. §§ 301 et seq., as amended) and the federal drug abuse control laws;

(2) An amount equal to or exceeding 120 grams or 30 times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a Schedule III or IV substance other than an anabolic steroid or a Schedule III opiate or opium derivative;

(b) It has a delta-9 tetrahydrocannabinol concentration of more than 0.3%.

(2) The term does not include a hemp byproduct in the possession of a licensed hemp processor under R.C. Chapter 928, provided that the hemp byproduct is being produced, stored, and disposed of in accordance with rules adopted under R.C. § 928.03.

HYPODERMIC. Has the same meaning as in R.C. § 3719.01.

JUVENILE. A person under 18 years of age.

LICENSED HEALTH PROFESSIONAL AUTHORIZED TO PRESCRIBE DRUGS. Has the same meaning as in R.C. § 4729.01.

L.S.D. Lysergic acid diethylamide.

MAJOR DRUG OFFENDER. Has the same meaning as in R.C. § 2929.01.

MANDATORY PRISON TERM. Has the same meaning as in R.C. § 2929.01.

MANUFACTURE. To plant, cultivate, harvest, process, make, prepare, or otherwise engage in any part of the production of a drug, by propagation, extraction, chemical synthesis, or compounding, or any combination of the same, and includes packaging, repackaging, labeling, and other activities incident to production.

MANUFACTURER. Has the same meaning as in R.C. § 3719.01.

MARIHUANA. Has the same meaning as in R.C. § 3719.01, except that it does not include hashish.

METHAMPHETAMINE. Methamphetamine, any salt, isomer, or salt of an isomer of methamphetamine, or any compound, mixture, preparation, or substance containing methamphetamine or any salt, isomer, or salt of an isomer of methamphetamine.

MINOR DRUG POSSESSION OFFENSE. Either of the following:

(1) A violation of R.C. § 2925.11 as it existed prior to July 1, 1996, or a substantially equivalent municipal ordinance.

(2) A violation of R.C. § 2925.11 as it exists on and after July 1, 1996, or a substantially equivalent municipal ordinance, that is a misdemeanor or a felony of the fifth degree.

OFFICIAL WRITTEN ORDER. Has the same meaning as in R.C. § 3719.01.

PERSON. Has the same meaning as in R.C. § 3719.01.

PERSON WITH A DRUG DEPENDENCY. Has the same meaning as in R.C. § 3719.011.

PHARMACIST. Has the same meaning as in R.C. § 3719.01.

PHARMACY. Has the same meaning as in R.C. § 3719.01.

POSSESS or POSSESSION. Having control over a thing or substance but may not be inferred solely from mere access to the thing or substance through ownership or occupation of the premises upon which the thing or substance is found.

PREMISES OF A SUBSTANCE ADDICTION SERVICES PROVIDER'S FACILITY. Means the parcel of real property on which any substance addiction service provider's facility is situated.

PRESCRIPTION. Has the same meaning as in R.C. § 4729.01.

PRESUMPTION FOR A PRISON TERM or PRESUMPTION THAT A PRISON TERM SHALL BE IMPOSED. A presumption as described in R.C. § 2929.13(D) that a prison term is a necessary sanction for a felony in order to comply with the purposes and principles of sentencing under R.C. § 2929.11.

PROFESSIONAL LICENSE. Any license, permit, certificate, registration, qualification, admission, temporary license, temporary permit, temporary certificate, or temporary registration that is described in R.C. § 2925.01(W)(1) through (W)(37) and that qualifies a person as a professionally licensed person.

PROFESSIONALLY LICENSED PERSON. Any of the following:

(1) A person who has received a certificate or temporary certificate as a certified public accountant or who has registered as a public accountant under R.C. Chapter 4701 and who holds an Ohio permit issued under that chapter;

(2) A person who holds a certificate of qualification to practice architecture issued or renewed and registered under R.C. Chapter 4703;

(3) A person who is registered as a landscape architect under R.C. Chapter 4703 or who holds a permit as a landscape architect issued under that chapter;

(4) A person licensed under R.C. Chapter 4707;

(5) A person who has been issued a barber's license, barber instructor's license, assistant barber instructor's license, or independent contractor's license under R.C. Chapter 4709;

(6) A person licensed and regulated to engage in the business of a debt pooling company by a legislative authority, under authority of R.C. Chapter 4710;

(7) A person who has been issued a cosmetologist's license, hair designer's license, manicurist's license, esthetician's license, natural hair stylist's license, advanced license to practice cosmetology, advanced license to practice hair design, advanced license to practice manicuring, advanced license to practice esthetics, advanced license to practice natural hair styling, cosmetology instructor's license, hair design instructor's license, manicurist instructor's license, esthetics instructor's license, natural hair style instructor's license, independent contractor's license, or tanning facility permit under R.C. Chapter 4713;

(8) A person who has been issued a license to practice dentistry, a general anesthesia permit, a conscious sedation permit, a limited resident's license, a limited teaching license, a dental hygienist's license, or a dental hygienist's teacher's certificate under R.C. Chapter 4715;

SCHOOL BUILDING. Any building in which any of the instruction, extracurricular activities, or training provided by a school is conducted, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted in the school building at the time a criminal offense is committed.

SCHOOL PREMISES. Either of the following:

(1) The parcel of real property on which any school is situated, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the premises at the time a criminal offense is committed.

(2) Any other parcel of real property that is owned or leased by a board of education of a school, the governing authority of a community school established under R.C. Chapter 3314, or the governing body of a nonpublic school for which the Director of Education and Workforce prescribes minimum standards under R.C. § 3301.07 and on which some of the instruction, extracurricular activities, or training of the school is conducted, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the parcel of real property at the time a criminal offense is committed.

STANDARD PHARMACEUTICAL REFERENCE MANUAL. The current edition, with cumulative changes if any, of references that are approved by the State Board of Pharmacy.

SUBSTANCE ADDICTION SERVICES PROVIDER. Means an agency, association, corporation or other legal entity, individual, or program that provides one or more of the following at a facility:

(1) Either alcohol addiction services, or drug addiction services, or both such services that are certified by the Ohio Director of Mental Health and Addiction Services under R.C. § 5119.36;

(2) Recovery supports that are related to either alcohol addiction services, or drug addiction services, or both such services and paid for with federal, state, or local funds administered by the Ohio Department of Mental Health and Addiction Services or a board of alcohol, drug addiction, and mental health services.

UNIT DOSE. An amount or unit or a compound, mixture, or preparation containing a controlled substance that is separately identifiable and in a form that indicates that it is the amount or unit by which the controlled substance is separately administered to or taken by an individual.

WHOLESALE. Has the same meaning as in R.C. § 3719.01.
(R.C. § 2925.01) (Prior Code, § 624.01)

§ 138.02 ADULT USE CANNABIS CONTROL; LIMITATIONS ON CONDUCT BY INDIVIDUALS.

(A) Except as otherwise provided in R.C. Chapter 3780 and notwithstanding any conflicting provision of this code or the Ohio Revised Code, an adult use consumer, may do the following:

(1) Use adult use cannabis;

(2) Possess, transfer without remuneration to another adult consumer, or transport adult use cannabis, subject to division (B) of this section; and

(3) Purchase adult use cannabis from an adult use dispensary per day in amounts that do not exceed the possession limits set forth in division (B)(1) of this section.

(B) Except as otherwise provided in R.C. Chapter 3796:

(1) The amount of cannabis that may be possessed by an adult use consumer shall not exceed:

- (a) Two and one-half ounces of adult use cannabis in any form except adult use extract; and
- (b) Fifteen grams of adult use cannabis in the form of adult use extract.

(2) The amount of cannabis that may be transferred by an adult use consumer without remuneration and not advertised or promoted to the public shall not exceed:

- (a) Two and one-half ounces of adult use cannabis in any form except adult use extract; and
- (b) Fifteen grams of adult use cannabis in the form of adult use extract.

(3) The amount of cannabis that may be transported by an adult use consumer shall not exceed:

- (a) Two and one-half ounces of adult use cannabis in any form except adult use extract; and
- (b) Fifteen grams of adult use cannabis in the form of adult use extract.

(C) Except as otherwise provided in R.C. Chapter 3780, an adult use consumer shall not be subject to arrest, criminal prosecution, or civil penalty for engaging in any of the activities authorized under R.C. Chapter 3780, including:

- (1) Obtaining, using, possessing, or transporting adult use cannabis;
- (2) Performing conduct authorized under R.C. § 3780.29;
- (3) Acquiring, possessing, using, purchasing, manufacturing, selling, or transporting paraphernalia;

and

(4) Assisting another adult use consumer, or allowing property to be used, in any of the acts authorized by R.C. Chapter 3780.

(D) (1) An individual is prohibited from operating a vehicle, motor vehicle, streetcar, trackless trolley, bike, watercraft, or aircraft while using adult use cannabis or while under the influence of adult use cannabis and is subject to R.C. § 4511.19 or a substantially equivalent municipal ordinance for any violation of this division.

(2) An individual is prohibited from smoking, vaporizing, or using any other combustible adult use cannabis product while in a vehicle, motor vehicle, streetcar, trackless trolley, bike, watercraft, or aircraft and is subject to R.C. § 4511.19 or a substantially equivalent municipal ordinance for any violation of this division.

(E) Except as otherwise provided in R.C. Chapter 3780, no individual under 21 years of age shall knowingly show or give false information concerning the individual's name, age, or other identification for the purpose of purchasing adult use cannabis from an adult use dispensary licensed under R.C. Chapter 3780.

(F) Nothing in R.C. Chapter 3780 is intended to permit the transfer or sale of adult use cannabis, with or without remuneration, to an individual under 21 years of age, or to allow an individual under 21 years of age to purchase, possess, use, process, transport, or cultivate cannabis except where authorized by R.C. Chapter 3796.

(G) It is unlawful for any parent or guardian to knowingly permit their residence, any other private property under their control, or any vehicle, conveyance, or watercraft under their control to be used by an invitee of the parent's child or the guardian's ward, if the invitee is under 21 years of age, in a manner that constitutes a violation of R.C. Chapter 3780.

(1) A parent or guardian is deemed to have knowingly permitted their residence, any other private property under their control, or any vehicle, conveyance, or watercraft under their control to be used in violation of R.C. Chapter 3780 if they knowingly authorize or permit consumption of cannabis by underage invitees.

(2) Where the residence or other property has an owner and a tenant or lessee, the trier of fact may infer that the residence or other property is occupied only by the tenant or lessee.
(R.C. § 3780.36)

(H) *Penalties.*

(1) Except as otherwise provided in R.C. Chapter 3796, R.C. § 2925.11 or a substantially equivalent municipal ordinance shall apply when an adult use consumer possesses an amount of cannabis greater than the limits set forth in division (B)(1) of this section.

(2) Except as otherwise provided in R.C. Chapter 3780, an adult use consumer who uses adult use cannabis in public areas, or who violates division (D)(2) of this section as a passenger, is guilty of a minor misdemeanor.

(3) (a) An individual under 21 years of age who knowingly shows or gives false information concerning the individual's name, age, or other identification for the purpose of purchasing or otherwise obtaining adult use cannabis from an adult use dispensary licensed under R.C. Chapter 3780 is guilty of a misdemeanor of the first degree. If, in committing a first violation, the offender presented to an adult use dispensary licensed under R.C. Chapter 3780 a false, fictitious, or altered identification card, a false or fictitious driver's license purportedly issued by any state, or a driver's license issued by any state that has been altered, the offender is guilty of a misdemeanor of the first degree and shall be fined not less than \$250 and not more than \$1,000, and may be sentenced to a term of imprisonment of not more than six months.

(b) On a second violation in which, for the second time, the offender presented to an adult use dispensary licensed under R.C. Chapter 3780 a false, fictitious, or altered identification card, a false or fictitious driver's license purportedly issued by any state, or a driver's license issued by any state that has been altered, the offender is guilty of a misdemeanor of the first degree and shall be fined not less than \$500 nor more than \$1,000, and may be sentenced to a term of imprisonment of not more than six months. The court also may impose a class seven suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege from the range specified in R.C. § 4510.02(A)(7). The court, in lieu of suspending the

offender's temporary instruction permit, probationary driver's license, or driver's license, instead may order the offender to perform a determinate number of hours of community service, with the court determining the actual number of hours and the nature of the community service the offender shall perform.

(c) On a third or subsequent violation in which, for the third or subsequent time, the offender presented to an adult use dispensary licensed under R.C. Chapter 3780 a false, fictitious, or altered identification card, a false or fictitious driver's license purportedly issued by any state, or a driver's license issued by any state that has been altered, the offender is guilty of a misdemeanor of the first degree and shall be fined not less than \$500 nor more than \$1,000, and may be sentenced to a term of imprisonment of not more than six months. Except as provided in this division, the court also may impose a class six suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege from the range specified in R.C. § 4510.02(A)(6), and the court may order that the suspension or denial remain in effect until the offender attains the age of 21 years. The court, in lieu of suspending the offender's temporary instruction permit, probationary driver's license, or driver's license, instead may order the offender to perform a determinate number of hours of community service, with the court determining the actual number of hours and the nature of the community service the offender shall perform.

(4) An individual who is under 21 years of age and who solicits another individual to purchase adult use cannabis from an adult use dispensary licensed under R.C. Chapter 3780 is guilty of:

- (a) For a first violation, a misdemeanor of the fourth degree; and
- (b) For a second or subsequent violation, a misdemeanor of the second degree.

(5) An employee or agent of an adult use dispensary licensed under R.C. Chapter 3780 who knowingly sells cannabis to an individual under 21 years of age is guilty of a misdemeanor of the first degree.

(6) Any individual who violates R.C. § 3780.10(A), or R.C. § 3780.29(F), is guilty of the illegal trafficking in drugs under R.C. § 2925.03 and the illegal manufacture of drugs under R.C. § 2925.04.

(7) Any individual who violates division (B)(2) or (B)(3) of this section guilty of the illegal trafficking in drugs under R.C. § 2925.03.

(8) Any individual who violates R.C. § 3780.20(B) is guilty of illegal dispensing of drug samples under R.C. § 2925.36 or a substantially equivalent municipal ordinance.

(9) (a) An individual who violates division (G) of this section is guilty of:

- 1. For a first violation, a misdemeanor of the third degree; and
- 2. For a second or subsequent violation, a misdemeanor of the first degree.

(b) If a violation of division (G) of this section directly or indirectly results in great bodily harm or death to any individual, the individual violating division (G) is guilty of a felony to be prosecuted under appropriate state law.

(R.C. § 3780.99)

§ 138.03 DRUG POSSESSION OFFENSES.

(A) No person shall knowingly obtain, possess, or use a controlled substance or a controlled substance analog.

TABLE II: EASEMENTS

<i>Ord./Res. No.</i>	<i>Date Passed</i>	<i>Description</i>
Res. 97-R42	6-10-1997	Authorizing appropriation proceedings to obtain an easement on 0.063 acres owned by W.H. Beavers and located on the southeast corner of Arlington Road and Boettler Road, for highway, drainage and utility purposes
Res. 99-R78	12-14-1999	Authorizing an easement for maintenance and landscaping purposes to the Raintree Estates Homeowners Association in the landscaping islands on Cobworth Court and Carmelle Court
Res. 99-R81	12-14-1999	Authorizing purchase of an easement from E. and N. March Trustees, located on the west side of Massillon Road
Res. 04-R07	3-9-2004	Authorizing a storm sewer easement over property owned by the city to MG&L Properties, LLC
Res. 04-R31	5-11-2004	Authorizing an easement for the installation of a cabinet at Greensburg Road to SBC Ohio
Res. 04-R52	7-13-2004	Authorizing an easement for the construction of a sanitary sewer line in conjunction with the County Department of Environmental Services
Res. 06-80	10-10-2006	Accepting the Planning and Zoning Commission's approval of a plat to vacate the drainage easements around Blocks B and C in Mystic Pointe Subdivision
Res. 2007-R51	9-25-2007	Accepting a conservation easement from Wagler Development to the city totaling 4.3515 acres in relation to the Villages at Meadow Wood final plat approval
Res. 2007-R73	11-28-2007	Authorizing the city to grant a sanitary sewer easement to the county for the sanitary sewer on the Spring Hill Sports Complex property
Res. 2007-R77	12-11-2007	Accepting utility easements related to the dedication of Fortuna Drive

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Res. 2008-R30	6-24-2008	Authorizing the city to grant a water utility easement to Aqua Ohio, Inc. to install water lines on Wise Road
Res. 2010-R15	5-11-2010	Accepting a conservation easement by Wagner Homes of Akron to the city
Res. 2011-R62	12-13-2011	Accepting a maintenance and beautification easement for Heritage Crossings of Green
Res. 20185-R60	1-8-2015	Approving the assignment/transfer of storm sewer easements from the county to the city
Ord. 2017-05	4-11-2017	Executing a water utility easement granting Aqua Ohio, Inc. a ten-foot by 128-foot easement on property owned by the city at 4310 Massillon Road
Res. 2017-R74	12-12-2017	Declaring the necessity and intention to appropriate for street purposes certain fee simple interests, temporary and permanent easements in and to various premises along Corporate Woods Circle and Corporate Wood Parkway
Res. 2018-R05	2-13-2018	Declaring the necessity and intention to appropriate for street purposes certain fee simple interests, temporary and permanent easements in and to various premises along State Route 619, Pickle Road
Res. 2019-R22	3-26-2019	Declaring the necessity and intention to appropriate for street purposes certain fee simple interests, temporary and permanent easements in, and to various premises along State Route 619, Myersville Road
Res. 2019-R112	1-14-2020	Declaring the necessity and intention to appropriate for street purposes certain fee simple interests, temporary and permanent easements in, and to various premises along Moore Road
Res. 2024-R62	9-24-2024	Authorizing the city to execute a utility easement granting Summit County a 25 foot easement on property owned by the city at 393 E. Turkeyfoot Lake Road

Res. 2017-R36	6-13-2017	Approval of the replat of Raintree Estates, Phase II Subdivision
Res. 2017-R42	9-12-2017	Confirming the final plat of Diamond Shores Allotment #5
Res. 2017-R63	11-28-2017	Accepting the Planning and Zoning Commission's approval of the replat of Phases 5 and 6 of the King's Ridge Subdivision
Res. 2018-R01	2-27-2018	Approving the final plat and performance bond for Kings Ridge, Phase VIII
Res. 2018-R02	2-27-2018	Approving the replat of the CAK International Business Park
Res. 2018-R14	2-27-2018	Confirming the dedication plat of Moore Road
Res. 2018-R30	3-27-2018	Approving the final plat of the Chenoweth Crossing Planned Development
Res. 2018-R40	5-8-2018	Accepting the Planning and Zoning Commission's approval of the replat of Lots 76 and 77 of Wampetek Village Allotment No. 3
Res. 2018-R56	7-10-2018	Accepting the Planning and Zoning Commission's approval of the replat of Deer Valley Estates, Phase II
Res. 2018-R57	7-10-2018	Accepting the Planning and Zoning Commission's approval of the replat of Fox Ridge Estates
Res. 2018-R60	8-14-2018	Accepting the Planning and Zoning Commission's approval of the replat No. 2 of Fox Ridge Estates
Res. 2018-R62	9-11-2018	Approving the final plat and performance bond for Spring Hill Business Park, Phase I
Res. 2019-R11	3-12-2019	Approving the replat of Lot 1-R of Heritage Crossings of Green, Phase I
Res. 2019-R30	4-23-2019	Approving the Raintree Estates Phase I and II Replat #2
Res. 2019-R88	10-8-2019	Approval of Heron Watch Subdivision Replat #5
Res. 2019-R115	2-11-2020	Approving the final plat and performance bond for Brier Creek, Phase II
Res. 2020-R01	2-11-2020	Accepting the Planning and Zoning Commission's approval for the replat of Estates at Meadow Wood, Phase II Subdivision

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Res. 2020-R26	2-25-2020	Accepting the Planning and Zoning Commission's approval of Liberty Green, Subdivision Replat #2
Res. 2020-R22	3-10-2020	Approving the final plats and performance bond for Forest Lakes Subdivision, Phase I, the replat of Block A in the Akron Canton Corporate Park, Phase VII and the dedication plat for the extension of Tabs Drive, and the replat of Akron Canton Corporate Park, Phase VIII and the platting of Akron Canton Corporate Park, Phase IX
Res. 2020-R28	3-24-2020	Accepting the Planning and Zoning Commission's approval of Kimmel Allotment, Replat No. 1
Res. 2020-R34	4-28-2020	Approving the final plat and performance bond for New Seasons Planned Development, Phase I
Res. 2020-R55	9-22-2020	Approving the amended conceptual site plan of Brier Creek
Res. 2020-R90	1-12-2021	Accepting the Planning and Zoning Commission's approval of Homewood Farm No. 4 allotment replat
Res. 2021-R01	2-9-2021	Accepting the Planning and Zoning Commission's approval of the replat of High Tower Estates No. 2
Res. 2021-R27	5-11-2021	Accepting the Planning and Zoning Commission's approval of the replat of Pine Knoll Estates No. 2 Subdivision
Res. 2023-R20	5-9-2023	Approving the final plat and performance bond for Jacobs Ridge Planned Development Phase II
Res. 2023-R26	6-27-2023	Approving the final plat and performance bond for Spring Hill Phase V
Res. 2023-R44	10-24-2023	Approving the final plat and performance bond for Forest Lakes Subdivision Phase IV
Res. 2024-R01	2-27-2024	Approving the final plat and performance bond for Jacobs Ridge Planned Development Phase III
Res. 2024-R02	2-27-2024	Approving the final plat and performance bond for Jacobs Ridge Planned Development Phase IV
Res. 2024-R38	7-9-2024	Approving the final plat and performance bond for Spring Hill Phase VI
Res. 2024-R39	7-9-2024	Approving the final plat and performance bond for Spring Hill Villas

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Res. 2024-R55	9-24-2024	Approving the final plat and performance bond for Stoney Creek Estates Phase IV
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Ord. 2021-08	8-24-2021	Changing the zoning classification of approximately eight acres of land located at 1541 East Turkeyfoot Lake Road from R-1 (Single-Family Residential) to PD (Planned Development), approximately 9.4 acres of land from I-1 (General Industrial) to PD (Planned Development), and approximately eight acres of land from B-1 (General Business) to PD (Planned Development)
Ord. 2021-11	8-24-2021	Changing the zoning classification of approximately 24.78 acres of land located at 2961 and 3015 Graybill Road from I-1 (General Industrial) to R-1 (Single-Family Residential)
Ord. 2021-21	11-9-2021	Changing the zoning classification of approximately 26.4 acres of land from B-2 (Business Office) to PD (Planned Development)
Ord. 2021-26	1-11-2022	Changing the zoning classification of approximately 79 acres of land located at 1265 Boettler Road from R-1 Single-Family Residential) to PD (Planned Development)
Ord. 2022-03	4-12-2022	Changing the zoning classification of approximately 7.9 acres of land located at 6083 and 6095 S. Main Street and including three vacant parcels of land directly north of 6083 S. Main Street from B-1 (General Business) to R-R (Rural Residential)
Ord. 2022-05	5-10-2022	Changing the zoning classification of approximately 11.4 acres of land located at 3029 Graybill Road from I-1 (General Industrial) to R-1 (Single-Family Residential)
2023-01	5-9-2023	Changing the zoning classification of approximately 7.0 acres of land located at 1364, 1356, 1336, and 1320 E. Turkeyfoot Lake Road from R-1 (Single-Family Residential) to I-1 (General Industrial)
2023-05	8-22-2023	Changing the zoning classification of approximately 36.1 acres of land located at 2430 Bonna Drive plus additional contiguous land from I-1 (General Industrial) to R-1 (Single-Family Residential)
2023-08	9-26-2023	Changing the zoning classification of approximately 7.04 acres of land located at 1134 E. Turkeyfoot Lake Road from R-1 (Single-Family Residential) to B-3 (Neighborhood Business)
2023-15	2-13-2024	Changing the zoning classification of approximately 1.27 acres of land located at Southwood Drive from R-1 (Single Family Residential) and B-2 (Professional Office) to PD (Planned Development)

Green - Table of Special Ordinances

2024-11	8-27-2024	Changing the zoning classification of approximately 1.17 acres of land located at 728 Moore Road from B-2 (Professional Office) to PD (Planned Development)
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<i>R.C. Section</i>	<i>Code Section</i>
2917.40	132.13
2917.41	132.14
2919.01	135.10
2919.21	135.13
2919.22(A) - (E), (H)	135.14
2919.224	135.12
2919.23	135.15(A)
2919.231	135.15(B)
2919.24	135.18
2919.25	135.16
2919.27	135.23
2921.01	136.01
2921.04	136.17
2921.13	136.02(A) - (F)
2921.14	136.14
2921.15	136.19
2921.21	136.03
2921.22	136.04
2921.23	136.05
2921.24	136.16(A) - (D)
2921.25	136.16(E), (F)
2921.29	136.21(A) - (D)
2921.31	136.06
2921.32	136.07
2921.321	136.15
2921.33	136.08
2921.331(A) - (C), (E), (F)	70.02
2921.36	136.13(A) - (G)
2921.37	136.13(H)
2921.42	136.09
2921.43	136.10
2921.44	136.11
2921.45	136.12
2921.51	132.12
2921.52(A) - (D)	136.18
2923.02	130.11
2923.03	130.12
2923.11	137.01
2923.12	137.02
2923.1211(B), (C)	137.13(A)
2923.1212	137.13(C)
2923.122(C) - (G)	137.11
2923.126	137.13(B)
2923.131	137.12
2923.15	137.03

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<i>R.C. Section</i>	<i>Code Section</i>
2923.16	137.04
2923.162	137.09
2923.18	137.10
2923.19	137.06
2923.20	137.07
2923.201	137.14
2923.211	137.08
2923.24	137.05
2925.01	138.01
2925.04(A), (B), (C)(5), (G)	138.06
2925.11	138.03
2925.12	138.04
2925.13(A) - (C), (F)	138.05
2925.14	138.13(A) - (G)
2925.141	138.13(H)
2925.31	138.07
2925.32(B)(4), (D)(2), (F), (G)	138.10(A)
2925.33	138.10(B)
2925.34	138.19
2925.36(A) - (C)	138.08
2925.37(A), (G)	138.12
2925.50	138.09
2925.51	138.11(A) - (F)
2925.511	138.11(G)
2925.55	138.18(A)
2925.56	138.18(B)
2925.57	138.18(C)
2925.58	138.18(D)
2925.62	138.20
2927.01	135.28
2927.02	135.25(A)
2927.021	135.25(B)
2927.022	135.25(C)
2927.023	135.25(D)
2927.024	135.25(E)
2927.03	135.21
2927.11	131.35
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Operating motor vehicle or motorcycle without valid license, 71.29

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