

TEMPORARY ORDINANCE NO. 3-17

PERMANENT ORDINANCE NO. _____

AN ORDINANCE APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES OF LANCASTER, OHIO

WHEREAS, various ordinances of a general and permanent nature have been passed which must be included in the Codified Ordinances of Lancaster, Ohio;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Lancaster, State of Ohio.

SECTION 1. That the editing, arrangement and numbering of those ordinances and resolutions enacted by Council from December 31, 2015 through December 31, 2016 as listed in the Comparative Section Table, are hereby approved and adopted as printed in the 2016 Replacement Pages to the Codified Ordinances so as to achieve uniformity of style and classification. A copy of such Replacement Pages is attached to this ordinance and incorporated as a part hereof.

SECTION 2. That the following sections of the Traffic and General Offenses Codes, as amended, are hereby approved and adopted as amended or enacted so as to conform to enactments of the Ohio General Assembly:

Traffic Code

- 301.04 Bicycle; Motorized Bicycle; Moped. (Amended)
- 301.19 Motorcycle. (Amended)
- 331.21 Right of Way of Public Safety or Coroner's Vehicle. (Amended)
- 331.211 Report of Vehicle Failing to Yield Right of Way to Public Safety Vehicle. (Added)
- 335.021 Ohio Driver's License Required for In State Residents. (Added)
- 335.09 Display of License Plates. (Amended)
- 335.111 Registration Within Thirty Days of Residency. (Added)
- 335.12 Stopping After Accident Upon Streets. (Amended)
- 335.13 Stopping After Accident Upon Property Other Than Street. (Amended)
- 373.02 Riding Upon Seats; Handlebars; Helmets and Glasses. (Amended)

General Offenses Code

- 501.06 Limitation of Criminal Prosecution. (Amended)
- 505.071 Cruelty to Companion Animals. (Amended)
- 513.02 Gift of Marihuana. (Amended)
- 513.03 Drug Abuse; Controlled Substance Possession or Use. (Amended)
- 513.04 Possessing Drug Abuse Instruments. (Amended)
- 513.05 Permitting Drug Abuse. (Amended)
- 513.07 Possessing or Using Harmful Ingredients. (Amended)
- 513.08 Illegally Dispensing Drug Samples. (Amended)
- 513.11 Possessing Nitrous Oxide in Motor Vehicle. (Amended)
- 513.12 Drug Paraphernalia. (Amended)
- 513.121 Marihuana Drug Paraphernalia. (Amended)

General Offenses Code (Cont.)

- 513.13 Counterfeit Controlled Substances. (Amended)
- 525.15 Assaulting Police Dog or Horse or an Assistance Dog. (Amended)
- 529.01 Liquor Control Definitions. (Amended)
- 529.07 Open Container Prohibited. (Amended)
- 537.051 Menacing by Stalking. (Amended)
- 537.10 Telecommunications Harassment. (Amended)
- 537.17 Criminal Child Enticement. (Amended)
- 541.04 Criminal Mischief. (Amended)
- 541.10 Vehicular Vandalism. (Amended)

SECTION 3: That the complete text of the sections listed above are set forth in full in the current replacement pages to the Codified Ordinances which are hereby attached to this ordinance as Exhibit A. The listing above of each new section by reference to its title shall constitute sufficient publication of new matter contained therein.

SECTION 4: That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health and safety of the Municipality and its inhabitants for the reason that there exists an imperative necessity for the earliest publication and distribution of current Replacement Pages to the officials and residents of the Municipality, so as to facilitate administration, daily operation and avoid practical and legal entanglements, including conflict with general State law, and shall go into effect immediately.

Passed: _____ after _____ reading. Vote: Yeas _____ Nays _____

Approved: _____

President of Council

Attest: _____

Mayor

Offered by: _____

Second by: _____

Requested by Law Committee

**INSTRUCTIONS FOR INSERTING
2016 REPLACEMENT PAGES
FOR THE
CODIFIED ORDINANCES OF LANCASTER**

All new replacement pages bear the footnote "2016 Replacement". Please discard old pages and insert these new replacement pages immediately as directed in the following table.

Discard Old Pages

Insert New Pages

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**CODIFIED
ORDINANCES
OF THE
CITY OF
LANCASTER
OHIO**

Complete to December 31, 2016

CERTIFICATION

We, Briand Kuhn, Mayor, and Teresa Sandy, Council Clerk, of Lancaster, Ohio, pursuant to Ohio Revised Code Sections 731.23 and 731.42, hereby certify that the general and permanent ordinances of the City of Lancaster, Ohio, as revised, rearranged, compiled, renumbered as to sections, codified and printed herewith in component codes are correctly set forth and constitute the Codified Ordinances of Lancaster, Ohio, 1967, as amended to December 31, 2016.

/s/ Briand Kuhn
Mayor

/s/ Teresa Sandy
Council Clerk

Codified, edited and prepared for
publication by
THE WALTER H. DRANE COMPANY
Cleveland, Ohio

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LANCASTER, OHIO
ROSTER OF OFFICIALS
(2017)

COUNCIL

Robert Hedges	President
David A. Uhl	At Large
Jon Hale	At Large
Gina Bentle	At Large
Melody Bobbitt	First Ward
Mike Fracassa	Second Ward
Randy Groff	Third Ward
Thomas Stoughton	Fourth Ward
Harry Hiles	Fifth Ward
Becky Tener	Sixth Ward
Teresa L. Sandy	Clerk

OFFICIALS

Briand Kuhn	Mayor
Patricia Nettles	Auditor
Randall T. Ullom	Law Director
Robert Wolfinger	Treasurer
Paul Martin	Service-Safety Director
Brad Fagrell	City Engineer
Donald McDaniel	Police Chief
David Ward	Fire Chief
James Fields	Municipal Court Judge
David Landefeld	Municipal Court Judge

The publisher
expresses his appreciation
to

RANDELL T. ULLOM
Law Director

who gave his
able assistance, cooperation and counsel
to this Codification

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A-156	Unno.	6-23-1890	Amends Ord. of 4-29-1889.
A-163	Unno.	11-24-1890	To W. G. Wagenhals and associates for an electric light and power plant.
A-202	Unno.	6-22-1891	Augmenting terms of franchise of 4-29-1899 re street ry.
A-210	Unno.	9-14-1891	To Western Union Telegraph Co. for telegraph service.
A-236	Unno.	11-14-1892	Amending Ords. of 4-29-1889 and 6-22-1891.
A-277	Unno.	8-12-1895	To N. M. Wynkoop and A. L. Conger et al., for electric telephone plant.
A-282	Unno.	1-13-1896	To Andrew Bauman for street ry. for 25 years.
A-315	Unno.	11-23-1896	To Lancaster Traction Co. to extend street ry.
A-324	Unno.	7-10-1899	To North Electric Co. for telephone exchange.
A-357	Unno.	6-13-1898	To O. N. Danison for telephone and telegraph lines.
A-362	Unno.	8-8-1898	Amending Ord. of 6-13-1898.
A-380	Unno.	7-10-1899	To North Electric Co. for telephone exchange.
A-392	Unno.	11-13-1899	To Federal Gas and Fuel Co. for natural gas mains.
A-398	Unno.	11-27-1899	To Columbus and Lancaster Traction Co. for street ry.
A-433	Unno.	9-10-1900	To Lancaster Traction Co. to extend street ry.
B-77	20	7-27-03	To Ohio Postal Telegraph-Cable Co. for telegraph service for 10 years.
B-96	23	9-28-03	To Fairfield Traction Co. for street ry.
B-112	35	3-28-04	To Ohio Fuel and Supply Co. of Columbus to lay pipes to supply C. P. Cole's glass factory with natural gas.
B-249	114	8-14-05	To Henry B. Peters for street ry.
C-93	320	5-8-11	To Lancaster Power and Traction Co. for street ry. on Front St.
C-325	425	6-8-14	To Lancaster Traction and Power Co. for street ry.
C-329	426	6-8-14	To Lancaster Traction and Power Co. for street ry.
F-116	1037	3-14-27	To Ohio Power Co. for electric system.
G-85	1289	6-23-30	To Lancaster Traction and Power Co. for electric system.
G-97	1300	8-25-30	To Lancaster Traction and Power Co. for street ry.
H-175	1738	6-28-37	To Lancaster Traction and Power Co. for street ry.
J-33	44-45	7-23-45	To Penna. R.R. for R.R.
J-365	24-49	4-11-49	Amending Ord. 1738.
K-256	49-53	7-13-53	Amending Ord. 24-49.
L-29	30-57	4-8-57	Amending Ord. 24-49.
L-432	77-60	10-10-60	Amending Ords. 30-57 and 24-49.
L-454	91-60	12-27-60	To 2300 Cab Co., Inc., granting a 5-year franchise.
M-344	114-65	12-13-65	To 2300 Cab Co., Inc., to maintain and operate a taxi company for 5 years.

TABLE A- FRANCHISES (Cont.)

<u>Ord. Book & Page</u>	<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>
M-384	29-66	3-14-66	To Ohio Power Co. for distribution of Electric energy.
N-153	13-69	2-24-69	Continental CATV, Inc. to erect, maintain and operate CATV for 10 years.
P-183	10-72	2-14-72	2300 Cab Co., Inc. taxicab franchise for 5 years.
P-232	37-72	6-26-72	To Fairfield Cable Television for CATV service for 15 years.
Q-22	13-73	2-26-73	Amends Ord. 37-72.
Q-121	57-73	12-10-73	Repeals Ord. 10-72.
	5-74	1-28-74	To William Patterson dba Safe-Way Cab Co.
	13-74	2-25-74	Approves assignment of CATV franchise from Fairfield Cablevision, Inc. to Fairfield Cablevision Associates.
	45-74	9-9-74	To South Central Power Co. to construct, maintain and operate an electrical system for 50 years.
	33-75	11-10-75	Amends Ord. 37-72 above re CATV rates.
	23-77	5-23-77	Street lighting contract with Ohio Power Co.
	12-78	5-8-78	Regulates street lighting charges of S. Central Power Co. for 10 years.
	23-83	5-9-83	To Lancaster Glass Corp. to construct and maintain a conveyor and loading hopper in Zane Alley for 25 years.
	7-92	3-9-92	Continental Cablevision granted a nonexclusive franchise renewal.
	23-93	6-14-93	Regulates street lighting charges of S. Central Power Co. for 10 years.
	6-02	3-26-02	Allows extension of the current nonexclusive cable franchise agreement with Time Warner Cable.
	22-02	6-24-02	Allows extension of the current nonexclusive cable franchise agreement with Time Warner Cable.
	35-02	9-23-02	Allows extension of the current nonexclusive cable franchise agreement with Time Warner Cable.
	14-03	4-28-03	Time Warner Cable granted a nonexclusive cable communications franchise.
	9-16	3-14-16	To Ohio Power Company, for the right to acquire, construct, maintain and operate in the streets, thoroughfares, alleys, bridges, and public places of the City, lines for the transmission and distribution of electric energy.

TABLE B - EASEMENTS (Cont.)

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>
12-14	8-11-14	Accepts an easement from Retriev Technologies, Inc, necessary for the construction of a sanitary sewer.
13-14	8-25-14	Accepts an easement from the Lancaster City School District Board of Education, necessary for the construction of gas and water lines.
17-14	10-6-14	Vacates a portion of public utility easement right-of-way on the Rock Mill Corporate Park.
19-14	12-8-14	Accepts an easement necessary for the construction fo a sanitary sewer from the Lancaster City School District Board of Education.
20-14	12-8-14	Accepts an easement necessary for the construction of a storm sewer from the Lancaster City School District Board of Education.
21-14	12-8-14	Accepts an easement necessary for the construction of a sanitary sewer from Renkas Properties, LLC.
22-14	12-8-14	Accepts an easement necessary for the construction of sanitary sewer from Lancaster Motor Speedway Inc.
9-15	6-22-15	Vacates a portion of a public gas utility easement right of way.
15-15	11-9-15	Authorizing an access easement to AEP.
27-15	12-7-15	Accepts ingress and egress easement through Parcel No. 0533800500 from Fairfield County Land Reutilization Corporation in Section 30, Township 1, Range 18.
19-16	5-9-16	Accepts easements necessary for the construction of the CSO 1014 sanitary sewer project.
21-16	6-27-16	Accepts an easement necessary to construct, repair, maintain, operate, inspect, replace or remove a sanitary sewer line and appurtenances.
26-16	9-26-16	Accepts an easement necessary for the construction of a gas line.
27-16	10-10-16	Accepts an easement necessary for access to a pump station and vacate an existing easement.
39-16	12-12-16	Grants an easement necessary for the installation of a pipeline by Columbia Gas Transmission.

TABLE D - DEDICATION OF PROPERTY (Cont.)

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>
49-05	6-27-05	Accepts the final plat for West View Heights Addition No. 3.
50-05	7-18-05	Accepts the final plat for the Overlook Section 1.
54-05	8-22-05	Accepts the final plat for Misty Meadows Section 3.
57-05	8-22-05	Dedicates property described in Exhibit A for public alley way and utility purposes.
71-05	11-14-05	Accepts the final plat for River Valley Highland Section 12, Phase 1.
14-06	4-10-06	Accepts the final plat for the Woods Section 1.
29-06	8-14-06	Accepts the final development plan for Primrose of Lancaster.
31-06	8-14-06	Accepts the final plat for Ewing Run Estates Phase 2A.
33-06	8-28-06	Accepts the final plat for Ety Pointe Centre.
40-06	9-11-06	Accepts the final plat for Ety Pointe Centre North.
47-06	11-27-06	Accept the dedication plat for Countryside Drive.
27-07	4-23-07	Accepts the final plat for Creekside Phase 3.
28-07	4-23-07	Amends the final plat for Ety Pointe Centre.
30-08	9-8-08	Accepts the revisions to the Lancaster Industrial Park final plat.
15-09	9-14-09	Accepts final plat for River Valley Highlands Section 12 Phase 2A.
6-10	4-12-10	Restores the right of one direct access driveway onto West Fair Avenue from Reserve D of the Overlook Section 1 Development.
9-10	6-28-10	Accepts the final plat for the Election House Road relocation.
23-12	12-10-12	Accepts the final plat for River Valley Highlands Section 12 Phase 2B.
24-12	12-10-12	Accepts the final plat for River Valley Highlands Section 12 Phase 3A.
11-13	4-8-13	Amends the approved Planned Unit Development Plan for an undeveloped 17 acre +/- tract in Hunter Trace Estates lying north of the Northern Termini of Trace Drive and Linda Lane, to allow for the construction of a school.
10-14	6-23-14	Accepts the final plat for River Valley Highlands Sections 13 Phase 1.
10-15	7-13-15	Accepts the final plat for River Valley Highlands Section 13 Phase 2.
13-16	4-11-16	Accepts the final plat for River Valley Highlands Section 13 Phase 3.
24-16	9-26-16	Accepts the final development plan for the Primrose Memory Care Facility.

TABLE E - SALE OF PROPERTY

<u>Ord. Book & Page</u>	<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>
A-391	Unno.	10-9-99	Lot 52 to M. A. Daugherty.
A-402	Unno.	1-22-1900	Lot 3 in William Cox's King St. Addition to W. McCleery; strip of land on south end of a 14-acre tract west of Lancaster and Groveport Turnpike in First Ward to Rev. G. W. Mechling.
A-404	Unno.	1-22-1900	Land beginning 3 chains and 10 links south 88 degrees west from the NE corner of Lot 2.
B-471	254	2-8-09	10-acre tract in Section 2, Twp. 14, Range 19.
D-147	559	11-12-17	Lot 11 of Hop Co.'s Addition of 1866.
E-232	826	3-10-24	Part of Lot 46 in Danehy's Maple St. Addition.
E-172	834	11-12-23	Portion of Lot 45 in Danehy's Maple St. Addition.
E-182	841	1-14-24	Portion of Lot 45 in Danehy's Maple St. Addition.
F-101	1032	2-28-27	Part of Lot 107 in Carter's 3rd Addition, known as the Starret St. Engine House.
G-255	1404	4-25-32	Tracks along Front St. from Fair Ave. to Schryver St.
H-464	1954	7-10-39	Lot on E. Main St. known as the Gas Reducing Station.
H-466	1956	7-24-39	Portion of Tract 28 of the Hocking Canal property.
I-167	42-41	6-9-41	Lot 5, Block 13, Chapin Addition; Lots 42 and 43 of Maple St. Addition; Lots 61 and 62 of Barrett's Addition.
I-231	96-41	12-15-41	Land to Margaret Kirn.
I-540	10-44	4-24-44	Exchange of real estate with Jacob Keller Kirn, Jr.
I-589	6-45	1-25-45	Repealed Ord. 1954.
J-343	7-49	2-14-49	Lot 5, Block 13, Chapin Addition; Lots 42 and 43 Maple St. Addition; Lot 61 and 62, Barrett's Addition.
J-403	56-49	11-28-49	Gift to State of birthplace of William Tecumseh Sherman.
J-510	72-50	8-24-50	Real estate of estate of Emma Cook.
K-224	23-53	-	8-room frame house and garage on Lot 483, Pioneer Subdivision.
K-330	36-54	6-28-54	Narrow strip of land along the north side of Edgewood Ave.
L-44	42-57	5-27-57	Authorizing execution of quit claim deed for disputed canal land to George H. Alten.
M-352	122-65	12-27-65	Quit claim deed to Anchor Hocking Glass for property vacated by Ord. 108-65.
M-560	46-67	4-25-67	Authorizes conveyance of hospital real estate to the County Commissioners.
N-22	93-67	10-9-67	Quit claim deed to Walter Graf for City's interest in a 12-foot alley along west side of Lot 675.
N-40	108-67	12-26-67	Amends Ord. 46-67 to terminate authority to transfer on 12-31-67.
N-183	25-69	5-12-69	Conveyance of hospital to Board of County Commissioners.
O-12	7-70	3-9-70	Authorizes sale of Lancaster Market House grounds.

TABLE E - SALE OF PROPERTY (Cont.)

<u>Ord. Book & Page</u>	<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>
O-13	8-70	3-9-70	Portion of Elmwood Cemetery across Walnut St. from the cemetery proper.
O-55	30-70	6-8-70	Lancaster Market Grounds at SE corner of Wheeling and Front Sts. to Alten Foundry and Machine Works, Inc.
P-95	33-71	7-12-71	Quit claim deed to Fisher for land recorded in Vol. 174, Page 142 of County Deed Records.
	57-81	11-9-81	Quit claim deed to Fairfield County Heritage Society for William Tecumseh Sherman birthplace and museum.
	02-90	1-8-90	Authorizes conveyance of property to Scott Lumber Co. in connection with Revenue Bonds.
	6-01	3-12-01	Authorizes sale of three acres more or less of City owned South Wellfield and Water Plant Property.
	18-01	8-13-01	Amends Ord. 6-01 to increase the amount of land to be sold to Berne Township from 3 to no more than 5 acres.
	27-04	5-10-04	Authorizes the sale of one acre to Berne Township on which to construct an information center.
	52-04	9-13-04	Amends Ord. 27-04 to increase the amount of land to be sold to Berne Township from one acre to 6.245 acres.
	21-05	4-25-05	Amends Ord. 18-01 to increase the amount of land to be sold to Berne Township to 5.010 acres.
	76-05	11-28-05	Authorizes the sale of 6.245 acres to the Fairfield County Park Board.
	18-14	11-24-14	Authorizes the Mayor to deed the Mithoff Building, 162-168 West Main Street, Lancaster, Fairfield County, Ohio (Parcel No. 0535803940) for one dollar (\$1.00) to the Lancaster Port Authority.
	25-14	12-8-14	Authorizes the Mayor to deed 20.771 acres, more or less, of property situated in Sections 5 and 8, Townships 14 North, Range 18, Berne Township, Back to Lancaster Glass Corporation for one dollar (\$1.00) excepting any and all easements granted to City.
	8-16	3-14-16	Authorizes the Mayor to deed approximately 4.495 acres of the approximately 18.182 acres of the former Anchor Hocking Plant 2 site located at 911 Lawrence Street for one dollar (\$1.00) to the Lancaster Port Authority.

TABLE J - ANNEXATION OR DETACHMENT OF TERRITORY (Cont.)

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>
07-90	4-9-90	Annexation application of Leonard Gorsuch for 46.042 acres in Pleasant Twp.
27-90	9-10-90	Annexation application of David C. Martens, agent for annexation of territory in Pleasant Twp., as described in Exhibit A.
29-90	9-24-90	Annexation of five tracts in Pleasant Twp. containing 40.69 acres, 0.50 acres, 1.9 acres and 9 acres in Pleasant Twp.
35-91	8-26-91	Annexation of 1.653 acres near Wheeling Rd.
4-92	2-24-92	Annexation of 61.52 acres in Pleasant Twp.
9-92	3-23-92	Annexation of 422.19 acres in Sections 26, 27 and 35 of Greenfield Twp.
24-92	9-14-92	Annexation of 32.062 acres in Pleasant Township.
32-92	10-26-92	Annexation of 59.11 acres in Greenfield Township.
37-93	8-23-93	Annexation application of Rick Snider for 41.39 acres in Pleasant Twp.
28-95	11-27-95	Annexation of 1.21 acres being Lots 3 and 4 in Block one of the West View Heights Addition.
14-96	4-22-96	Annexation of 78.153 acres being the Ety property on Ety Road.
27-96	6-24-96	Annexation application of Ray Michalski, agent for Ruble, Babbert, Inc. and Cupp Living Trust for 477.65 in Sections 4 and 5, Township 14, Range 19.
15-97	2-24-97	Annexation application of Kraner property in Greenfield Twp. for 106.317 acres on Wilson Rd.
20-97	4-14-97	Annexation application of Mary M. Gorsuch in Nocking Twp. for 46.485 acres in Section 11, Township 14, Range 19.
33-97	5-12-97	Annexation of 12.362 acres from Greenfield Twp. on the application of Ray Michalski.
40-97	6-9-97	Annexation of 38.957 acres on Sections 26 and 35 of Greenfield Twp. on the application of William J. Sitterly.
68-97	10-27-97	Annexation of 4.998 acres in Pleasant Township on the application of the Lancaster City School Board of Education.
42-98	6-29-98	Annexation of property owned by the City in Pleasant Township and Known as Water Works Hill.
46-99	8-23-99	Annexation of 11.51 acres on the application of Schultz.
64-99	11-8-99	Annexation of 1.135 acres known as the Morris property.
32-00	11-13-00	Annexation of 55.156 acres in Greenfield Township known as the Anderson/Claypool annexation.
27-01	10-22-01	Accepts an application for the Carpico Drive annexation for 15.8 acres in Pleasant Township.
36-02	9-27-02	Accepts an application for the Kimmell/Venz (Villas at Sherman Bluff Project) annexation for 9.38 acres in Pleasant Township.
41-03	9-22-03	Consents to the annexation of Keller-Kirn Park.
53-03	11-24-03	Accepts an application for the One Write Co. annexation for 13.049 acres in Pleasant Twp.
54-03	11-24-03	Accepts an application for the Blake M. Cole annexation for 1.403 acres in Pleasant Twp.
11-05	2-14-05	Accepts an application for the Gary and Lucinda Young annexation of 213.685 acres in Greenfield Township.
60-05	9-26-05	Annexation of 68.412 acres owned by Robert and Gwendolyn Shahan in Pleasant Township.

TABLE J - ANNEXATION OR DETACHMENT OF TERRITORY (Cont.)

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>
2-06	1-23-06	Accepts an application for the annexation of property owned by 3-S Co. for 68.412 acres in Pleasant Township.
23-06	5-22-06	Consents to the annexation of 24.524 acres in Greenfield Township.
37-06	9-11-06	Accepts a petition for the annexation of 24.524 acres in Greenfield Township.
46-06	11-13-06	Consents to the annexation of 4.879 acres in Greenfield Township.
49-06	11-27-06	Consents to the annexation of 49.053 acres in Greenfield Township.
9-07	3-12-07	Consents to the annexation of 4.879 acres in Greenfield Township.
25-07	4-9-07	Accepts an application for the annexation of 49.053 acres owned by the Smith Family Real Estate Ltd.
12-08	4-14-08	Accepts a petition for annexation of 17.4 acres known as the Cyril Scott annexation in Pleasant Twp.
18-08	6-9-08	Consents to the annexation of 1.595 acres for the new Ohio State Highway Patrol Posts.
19-08	6-9-08	Consents to the annexation of 15.482 acres known as Cedarlan Park.
24-08	8-25-08	Accepts a petition for the annexation of 1.595 +/- acres in Hocking Township for the New Ohio State Highway Patrol Post.
26-08	8-25-08	Accepts a petition for the annexation of 15.483 +/- acres in Hocking Township for Cedarlan Park.
46-08	10-20-08	Accepts a petition for the annexation of 76.799 +/- acres in Greenfield Township and Pleasant Township for Keller-Kirn Park.
8-09	4-27-09	Accepts a petition for the annexation of 1.020 acres in Greenfield Township for the new wastewater plant.
20-10	11-22-10	Accepts the annexation of .134 +/- acres known as Nauman Annexation.
3-11	2-28-11	Accepts a petition for the annexation of .134 +/- acres in Greenfield Township.
4-11	4-11-11	Authorizes a petition for the annexation of 10.246 +/- acres known as Olivedale Senior Facility in Hocking Township.
12-11	10-3-11	Detachment of a tract which is comprised of 7.117 acres, Section 27 of Township 15, Range 19, Fairfield County.
10-11	9-26-11	Consents to annexation for the Olivedale Parcel.
7-15	3-14-15	Amends Ord. 35-72 to correct the description of annexed property.
14-15	10-12-15	Accepts a petition for the annexation of 3.284 acres in Greenfield Township.
18-15	11-23-15	Accepts a petition for the annexation of 5.633 acres in Pleasant Township.
19-15	11-23-15	Accepts a petition for the annexation of 0.838 acres in Pleasant Township.
5-16	3-28-16	Conforming boundaries of the City and Pleasant Township and declare an emergency in the Sheridan Drive 1 Annexation.
11-16	3-28-16	Conforming boundaries of the City and Pleasant Township and declare an emergency in the Sheridan Drive 2 Annexation.

TITLE THREE - Legislative

Chap. 111. Rules of Council.

Chap. 113. Clerk of Council.

Chap; 115. Ordinances and Resolutions.

**CHAPTER 111
Rules of Council**

111.01	Time of regular meetings.	111.20	Voting.
111.02	Special meetings.	111.21	Introduction of ordinances.
111.03	Calling to order; preliminaries; presiding officer.	111.22	Limitations on reference.
111.04	Quorum.	111.23	Action of Council; procedure.
111.05	Permission to leave chamber.	111.24	Resolutions and expenditure of money.
111.06	President Pro Tempore and Clerk of Council.	111.25	Appeal from decision of the chair.
111.06.1	Standing committees and boards and commissions.	111.26	Undebatable motions.
111.07	Order of business.	111.26.1	Debatable motions.
111.08	Exception to order of business.	111.27	Calling member to order.
111.09	Committee or official's reports.	111.28	Change in rules.
111.10	Speaking.	111.29	Action upon failure of committee to report.
111.10.1	Voters and taxpayers addressing Council.	111.30	Suspension of rules.
111.11	Motions.	111.31	Chief of Police to preserve order and compel attendance.
111.12	Division of the question.	111.32	Power to compel attendance.
111.13	Writing out motion.	111.33	Refusal to attend special meetings.
111.14	Reference of motion to committee.	111.34	Use of Robert's Rules of Order.
111.15	Motion to adjourn.	111.35	Changing rules.
111.16	Motions considered during debate.	111.36	Smoking prohibited at all meetings.
111.17	Motion to take from the table.	111.37	Providing Council members with ordinance books. (Repealed)
111.18	Motion to reconsider.	111.38	Schedule of Council.
111.19	Previous question.		

CROSS REFERENCES

Adoption of ordinances and resolutions - see Ohio R.C. 715.03, 731.17

General powers - see Ohio R.C. 715.03, 731.01, 731.05, 731.47

To establish sewerage rates - see Ohio R. C. 729.49

Composition - see Ohio R. C. 731.01, 731.06

Qualifications - see Ohio R. C. 731.02, 731.44

Election and term - see Ohio R. C. 731.03, 733.09

CROSS REFERENCES (Cont.)

Election of officers - see Ohio R. C. 731.04
President pro tempore - see Ohio R. C. 731.04, 733.08
Powers as to salaries and bonds - see Ohio R. C. 731.07 et seq., 731.49 et seq.
Vacancy - see Ohio R. C. 731.43
Quorum - see Ohio R.C. 731.44
Regular and special meetings - see Ohio R.C. 731.44, 731.46
Rules; journal; expulsion of members - see Ohio R. C. 731.45
Contract restriction - see Ohio R. C. 731.48
Failure to take oath or give bond - see Ohio R. C. 731.49
Mayor and directors to attend meetings - see Ohio R. C. 733.06
President of Council - see Ohio R. C. 733.07 et seq.
President to preside with no vote except for a tie - see Ohio R. C. 733.09
Mayor's reports - see Ohio R. C. 733.32, 733.41
Misconduct - see Ohio R. C. 733.72 et seq.
Contract interest - see Ohio R. C. 733.78

111.01 TIME OF REGULAR MEETINGS.

Regular meetings of Council shall be held at the designated Council Chambers on the second and fourth Mondays of each month, at 7:00 p.m. or at such time as maybe ordered by Council. Council shall adopt at the first regular meeting of each year a schedule of regular meetings for the calendar year by resolution. (Ord. 14-16. Passed 4-4-16.)

111.02 SPECIAL MEETINGS.

Special meetings of Council may be called by the Mayor or any three members of Council upon written request delivered to the Clerk of Council. No business shall be transacted at any special meeting of Council, except the particular business for the transaction of which such special meeting may be called and the notice to be served on each member requiring his/her attendance at such special meeting shall contain a statement of the business for the transaction of which such special meeting may be called. (Ord. 14-16. Passed 4-4-16.)

111.03 CALLING TO ORDER; PRELIMINARIES; PRESIDING OFFICER.

The President or, in his/her absence, the President pro tempore shall take the chair at the hour to which Council shall have adjourned at the preceding session, shall immediately call the members to order, and shall direct the Clerk to call the roll. He/she shall then cause the journal of the preceding session to be read and disposed of, unless otherwise ordered by Council. In the absence of the President and President pro tempore, if a quorum shall be present, Council shall appoint one of its members President pro tempore for that meeting, or until the appearance of the President or President pro tempore. If a quorum is not present, the members may by a majority vote take a recess for a period not exceeding one hour. The President pro tempore retains his/her right to vote and enter into discussion and debate, even when chairing a session. (Ord. 14-16. Passed 4-4-16.)

111.04 QUORUM.

A majority of the members of Council shall constitute a quorum.
(Ord. 14-16. Passed 4-4-16.)

111.05 PERMISSION TO LEAVE CHAMBER.

No member shall leave the Council chamber while Council is in session, without permission being granted by the presiding officer.
(Ord. 14-16. Passed 4-4-16.)

111.06 PRESIDENT PRO TEMPORE AND CLERK OF COUNCIL.

Not later than January 5th of each year in a new term of Council, Council shall hold an Organizational Meeting for the purposes of appointing a President pro tempore and a Clerk of Council. Any Council member may make a motion in this meeting to appoint individuals to these positions. Any such motion must be seconded and passed by a majority vote of Council.
(Ord. 14-16. Passed 4-4-16.)

111.06.1 STANDING COMMITTEES AND BOARDS AND COMMISSIONS.

The President pro tempore in the first regular meeting of the new term of Council shall submit proposed committee assignments, proposed committee chairman, and proposed appointments to boards and commissions to Council for consideration and approval. Confirmation of these appointments is required by a majority of Council. Any Council member can move to strike out one or more names and offer alternate nominations. Any such motion must be seconded and passed by a majority vote of Council. Upon motion, second, and majority confirmation, Council may change such appointments during the term.

It shall be the duty of Council not later than the first regular meeting of the new term to appoint standing committees on each of the following subjects:

- (a) Code Enforcement & Zoning Committee
(Certified Building Department, Code Enforcement, & Engineering)
- (b) Economic Development Committee
(Annexations, CDBG Program & Economic Development) [Chamber of Commerce, CIC, etc.]
- (c) Finance Committee
(Auditor, Treasure, Income & City Budget)
- (d) Law Committee
(General Legal Issues, Law Director's Office, Municipal Court, Clerk of Court, Council, Council Rules & Council Clerk)
- (e) Public Service Boards & Administration Committee
(Parks & Recreation, Olivedale, Mayor's Office, & Service Safety Director)
- (f) Public Works Committee
(LDOT, Transit, & Cemetery)
- (g) Safety Committee
(Police & Fire)
- (h) Service Committee
(Gas, IT/Telecom, Utilities Collection, & Sanitation)
- (i) Water/Water Pollution Control Committee
(Water, Wastewater, & Storm Water)
(Ord. 14-16. Passed 4-4-16.)

111.07 ORDER OF BUSINESS.

The business of all regular meetings of Council shall be transacted in the following order:

- (a) Prayer
 - (b) Call to Order
 - (c) Pledge of Allegiance
 - (d) Roll Call
 - (e) Reading and disposing of the Journal
 - (f) Reports of City Officials
 - (g) Reading of Communications
 - (h) Reading of Petitions and Memorials
 - (i) Permission of voters and taxpayers to address Council
 - (j) Report of Standing Committees
 - (k) Reports of Special Committees
 - (l) Scheduled Public Hearings
 - (m) Resolutions
 - (n) Ordinances
 - (o) Unfinished Business and formal presentations of information
 - (p) New Business
 - (q) Announcement of Scheduled Meetings
 - (r) Reading of Bills
 - (s) Adjournment
- (Ord. 14-16. Passed 4-4-16.)

111.08 EXCEPTION TO ORDER OF BUSINESS.

After reading and disposing of the Journal it shall be the duty of the President to proceed with the order of business adopted in Section 111. 07. The President may, however, at any time permit a member to introduce an ordinance, resolution, motion or order out of the regular order for the same, if there is no objection on the part of a majority vote of Council.

(Ord. 14-16. Passed 4-4-16.)

111.09 COMMITTEE OR OFFICIAL'S REPORTS.

Any subject matter having been referred to any committee of Council or City officer shall be reported upon, in writing, by such committee or officer, and at least a majority of each and any committee to which a subject has been referred shall report thereon. Such report shall, in every instance be accompanied by the original papers upon which such report is based and be signed by such members thereof as concur therein, and the same shall be read by the Clerk, or at the Clerk's desk by the member making the report, without motion.

(Ord. 14-16. Passed 4-4-16.)

111.10 SPEAKING.

In all cases the member who shall first rise and address the chair shall speak first. However, when two or more members shall rise at once, the President shall name the member who is first to speak. No member shall be allowed to speak except from his/her own desk. No member shall speak more than twice on the same subject, nor longer than five minutes without leave, and no member shall speak more than once on the same motion until every member desiring to speak on that motion shall have had an opportunity to do so. Any member, while discussing a question, may read from books, papers or documents, any matter pertinent to the subject under consideration without asking leave.

(Ord. 14-16. Passed 4-4-16.)

111.10.1 VOTERS AND TAXPAYERS ADDRESSING COUNCIL.

In order to ensure that the amount of time allowed for voters and taxpayers to address Council is fair to all in attendance, it shall be the duty of the President of Council to enforce a 5 minute rule. No person speaking during the voter and taxpayer time shall be permitted to speak for longer than 5 minutes and no person shall receive permission under this agenda item to speak more than once per Council meeting.
(Ord. 14-16. Passed 4-4-16.)

111.11 MOTIONS.

When a motion is made and seconded, it shall be stated by the President before any debate shall be in order. Every such motion and all amendments thereto, if any, may be withdrawn by the movers thereof at any time before decision, if a majority of the members then present shall agree thereto. (Ord. 14-16. Passed 4-4-16.)

111.12 DIVISION OF THE QUESTION.

Any member may call for a division of the question, or the President may direct the same; and the same in either case shall be divided if it comprehends questions so distinct that one being taken away, the other will stand an entire question for decision.
(Ord. 14-16. Passed 4-4-16.)

111.13 WRITING OUT MOTION.

When required by any member, every motion or proposition shall be reduced to writing before action is taken thereon. (Ord. 14-16. Passed 4-4-16.)

111.14 REFERENCE OF MOTION TO COMMITTEE.

When a motion is made for reference of any subject to a standing committee, and it is moved to substitute therefor a select committee, the question of reference to a standing committee shall be first put. (Ord. 14-16. Passed 4-4-16.)

111.15 MOTION TO ADJOURN.

A motion to adjourn shall always be in order, unless Council is engaged in voting; but it being decided in the negative, shall not again be entertained until some motion, call or order takes place. (Ord. 14-16. Passed 4-4-16.)

111.16 MOTIONS CONSIDERED DURING DEBATE .

When a question or proposition is before Council, or under debate, no motion shall be received except the following:

- (a) To adjourn.
- (b) To lay on the table.
- (c) For the previous question.
- (d) To postpone to a day certain.
- (e) To amend.
- (f) To commit.
- (g) To postpone indefinitely.

(Ord. 14-16. Passed 4-4-16.)

111.17 MOTION TO TAKE FROM THE TABLE.

A motion to take from the table shall be in order when that order of business is being transacted in which such matter to be taken up was laid upon the table, and such motion shall be decided without debate; provided that the mover may be permitted to briefly state his/her reason for the motion. (Ord. 14-16. Passed 4-4-16.)

111.18 MOTION TO RECONSIDER.

Any member who voted on the prevailing side may move a reconsideration of any such action of Council, provided, that the motion be made not later than the next regular meeting after such action was taken. A motion to reconsider shall be in order any time, except when a motion on some other subject is pending. A motion to reconsider being laid upon the table, may be taken up and acted upon at any time when Council is engaged in transacting miscellaneous business. No motion to reconsider shall be made more than once on any matter or subject, and the same number of votes shall be required to reconsider any action of Council as is required to pass or adopt the same. (Ord. 14-16. Passed 4-4-16.)

111.19 PREVIOUS QUESTION.

When the previous question shall be moved and seconded by another, it shall be put in these words: "Shall the main question now be put?" Until decided, this shall preclude all further debate, and all amendments and motions, except one motion to adjourn and one motion to lay on the table, but shall not preclude pending amendments from being put in their order before the main question. If a call for previous question is not sustained, the subject under consideration shall not thereby be postponed, but the business shall proceed as if no such call had been made. (Ord. 14-16. Passed 4-4-16.)

111.20 VOTING.

When demanded by any member and seconded by another, the yeas and nays shall be taken on the adoption of any ordinance, resolution, or any question or proposition submitted to Council. In taking the yeas and nays the Clerk shall call the names of the members in alphabetical order, and the President shall announce the result of such vote. The Clerk may be required to read the vote taken upon the demand of any member. (Ord. 14-16. Passed 4-4-16.)

111.21 INTRODUCTION OF ORDINANCES.

Ordinances shall be introduced by members of Council with their names endorsed thereon. (Ord. 14-16. Passed 4-4-16.)

111.22 LIMITATIONS ON REFERENCE.

After an ordinance or resolution has been once referred to a standing or special committee and report made thereof to Council, the same may be again referred, but after ordinances have been read the third time and put on their passage, it shall not again be referred, except under instructions from Council, which instructions shall embody substantially the amendment or amendments proposed. (Ord. 14-16. Passed 4-4-16.)

111.23 ACTION OF COUNCIL; PROCEDURE.

The action of Council shall be by ordinance or resolution and on the passage of every ordinance or resolution the vote shall be taken by yeas and nays and entered on the Journal. However, this shall not apply to the ordering of an election, or direction by Council to any board or officer to furnish Council with information as to the affairs of any department or office. No ordinance or resolution granting a franchise, or creating a right, or involving the expenditure of money, or the levying of a tax, or for the purchase, lease, sale or transfer of property, shall be passed, unless the same shall have been read on three different days, and with respect to any such ordinance or resolution, there shall be no authority to dispense with this rule, except by three-fourths vote of all the members elected thereto. No ordinance shall be passed by Council without the concurrence of a majority of all members elected thereto. Ordinances for third reading shall not be considered or acted on in connection with other matters, and a separate roll call and vote shall be had on the passage of each and every ordinance. (Ord. 14-16. Passed 4-4-16.)

111.24 RESOLUTIONS AND EXPENDITURE OF MONEY.

Resolutions shall be offered by any member of Council present, with his/her name endorsed thereon, and may be referred to the proper committee. No contract, agreement or other subject involving the expenditure of money shall be entered into, nor shall any ordinance, resolution or order for the appropriation or expenditure of money be passed by Council unless the City Auditor shall have first certified that the money required for the contract, agreement or other obligation, or to pay the appropriation or expenditure is in the Treasury to the credit of the fund in which it is to be drawn, and not appropriated for any other purpose. (Ord. 14-16. Passed 4-4-16.)

111.25 APPEAL FROM DECISION OF THE CHAIR.

An appeal to Council from the decision of the chair may be taken by any member, if duly seconded, and the question shall be: "Shall the decision of the chair be sustained?" (Ord. 14-16. Passed 4-4-16.)

111.26 UNDEBATABLE MOTIONS.

The following motions are not debatable:

- (a) To adjourn.
- (b) To lay on the table.
- (c) To take from the table.
- (d) For the previous question.
- (e) Question of order.

(Ord. 14-16. Passed 4-4-16.)

111.26.1 DEBATABLE MOTIONS.

The following motion(s) are debatable:

- (a) Motion to suspend rules

This section does not prohibit any other motions from being debated which are otherwise permitted by ordinance or Roberts Rules of Order.

(Ord. 14-16. Passed 4-4-16.)

111.27 CALLING MEMBER TO ORDER.

If any member, in speaking or otherwise shall violate any rule of Council, the President shall, or any member may, call him to order. If such member shall be called to order while speaking, he/she shall immediately take his/her seat. The question of order shall be decided without debate, and if the decision shall be in favor of the member called to order while speaking, he/she shall be at liberty to proceed with his/her speech without leave of Council. (Ord. 14-16. Passed 4-4-16.)

111.28 CHANGE IN RULES.

Any proposed amendment or addition to the rules of Council may shall be first referred to the standing committee on Law Rules, which shall report them at the next regular meeting of Council. (Ord. 14-16. Passed 4-4-16.)

111.29 ACTION UPON FAILURE OF COMMITTEE TO REPORT.

If any matter is referred to any standing or special committee of Council, and the same is not reported upon by the committee at the next regular meeting of Council, Council may by a majority vote thereof take each matter so referred from such committee and act upon such matter without report, at the meeting following the failure to report, unless upon proper excuse an extension of time is granted such committee. (Ord. 14-16. Passed 4-4-16.)

111.30 SUSPENSION OF RULES.

These rules, or any one of them, may be temporarily suspended at any meeting of Council by a three fourths (3/4) vote of all members, and vote on such suspension, in such cases, shall be taken by yeas and nays and entered on the Journal. (Ord. 14-16. Passed 4-4-16.)

111.31 CHIEF OF POLICE TO PRESERVE ORDER AND COMPEL ATTENDANCE.

Under the direction of the presiding officer of Council, the Chief of Police shall preserve order and decorum, and, by order of Council, shall compel the attendance of absent members as may be prescribed by ordinance. (Ord. 14-16. Passed 4-4-16.)

111.32 POWER TO COMPEL ATTENDANCE.

At any special meeting of Council, the hour of meeting having arrived and three members being present, they shall have power to compel the attendance of absent members by summons, and it shall be the duty of the Chief of Police or other proper officer to punctually execute such summons. (Ord. 14-16. Passed 4-4-16.)

111.33 REFUSAL TO ATTEND SPECIAL MEETINGS.

Any member of Council who shall refuse to appear forthwith when summoned, unless he/she is sick or has sufficient excuse to be accepted by Council, shall be liable to expulsion or such other penalty as Council may prescribe. (Ord. 14-16. Passed 4-4-16.)

111.34 USE OF ROBERT'S RULES OF ORDER.

In the absence of any rule upon any matter of business, Council shall be governed by Robert's Rules of Order. (Ord. 14-16. Passed 4-4-16.)

111.35 CHANGING RULES.

These rules shall not be altered, amended or repealed except by a majority vote of all members of Council.

(Ord. 14-16. Passed 4-4-16.)

111.36 SMOKING PROHIBITED AT ALL MEETINGS.

Smoking of cigarettes, E-cigarettes, pipes and cigars and the use of all tobacco products shall be prohibited at all meetings of the Lancaster City Council including caucus.

(Ord. 14-16. Passed 4-4-16.)

111.37 PROVIDING COUNCIL MEMBERS WITH ORDINANCE BOOKS.

(REPEALED)

EDITOR'S NOTE: Former Section 111.37 was repealed by Ordinance 6-11.

111.38 SCHEDULE OF COUNCIL.

An announcement shall be made at each regularly scheduled meeting of Council notifying those in attendance of meetings currently scheduled for the next thirty days. These shall include but are not limited to Regular Council Sessions, Special Council Sessions, Public Hearings, and Committee Meetings. The Clerk shall be responsible for posting these advance notifications for the public. The postings shall include the meeting date, meeting time, meeting place, and a brief description of the purpose of the meeting.

(Ord. 14-16. Passed 4-4-16.)

CHAPTER 131
Police Department

<p>131.01 Fee for copies of records.</p> <p>131.02 Gasoline allowance for Police Chief.</p> <p>131.03 Pick-up of contributions to Disability and Pension Fund.</p>	<p>131.04 Acceptance of property received through Federal participation.</p> <p>131.05 Appointee age limitation waiver.</p> <p>131.06 Reserve Police Unit.</p> <p>131.06.1 Volunteer Peace Officers' Dependents Fund.</p>
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CROSS REFERENCES

Reductions, suspensions and removals - see Ohio R. C. 124.34 et seq., 737.12
 Police Chief suspension - see Ohio R. C. 124.34, 124.40
 Age and promotions - see Ohio R. C. 124.31, 124.41, 124.44
 Executive head - see Ohio R. C. 737.02
 Police protection contracts - see Ohio R. C. 737.04
 Chief of Police - see Ohio R. C. 737.06
 Emergency patrolmen - see Ohio R. C. 737.10
 Civil service application - see Ohio R. C. 737.11
 General duties - see Ohio R. C. 737.11
 Classification - see Ohio R. C. 737.13
 Recovered property and disposition - see Ohio R. C. 737.29 et seq.
 Compliance with police order - see TRAF. 303.07
 Impounding vehicles - see TRAF. Ch. 305
 Alarm systems - see GEN. OFF. Ch. 503
 Impersonating an officer - see GEN. OFF. 525.03
 False reports to law officers - see GEN. OFF. 509.07
 Reports of wounds inflicted by deadly weapons - see GEN. OFF. 525.05

131.01 FEE FOR COPIES OF RECORDS.

(a) There is hereby established the following fees for making and furnishing photo copies, photographs and audio tapes of Police Department records:

- (1) Photocopies. Three dollars (\$3.00) for each copy (both sides) of traffic accident and other records of the Police Department.
- (2) Photographs. Four dollars (\$4.00) for each photograph, eight by ten inches or smaller, of traffic accident and other records of the Police Department.
- (3) Audio tapes. Three dollars (\$3.00) for each audio tape, sixty minutes maximum, both sides.

(b) In addition to the above-described fees, if a request requires a search of records to obtain the requested information, and the search requires more than fifteen minutes to complete, a fee shall also be charged for such search time at the rate of ten dollars (\$10.00) per hour, prorated to actual search time.

(c) All fees collected in accordance with the provisions of this section shall be credited to the General Fund of the City.
(Ord. 12-16. Passed 3-28-16.)

131.02 GASOLINE ALLOWANCE FOR POLICE CHIEF.

There is hereby established a gasoline allowance of forty gallons per month for the Chief of Police for use of his private motor vehicle for police purposes.
(Ord. 12-16. Passed 3-28-16.)

131.03 PICK-UP OF CONTRIBUTIONS TO DISABILITY AND PENSION FUND.

(a) Effective 12:01 a.m. December 24, 1984, the City of Lancaster shall, as a fringe benefit for each employee of the Police Department, pay an amount equivalent to two and one-half percent (2.5%) of his/her compensation to the Police and Firemen's Disability and Pension Fund. Such payment is to be designated as a portion of each employee's statutorily required contributions to the Police and Firemen's Disability and Pension Fund and is to be paid by the City in lieu of contributions by each employee of the Police Department.

(b) In addition to the payment described in subsection (a) hereof, effective 12:01 a.m. December 24, 1984, an amount equivalent to six percent (6%) of the compensation of each employee of the Police Department shall be withheld from his/her gross pay and shall be assumed by the City and shall be paid to the Police and Firemen's Disability and Pension Fund. Such payment is to be designated as a portion of each employee's statutorily required contributions to the Police and Firemen's Disability and Pension Fund and is to be paid by the City in lieu of contributions by each employee of the Police Department.

(c) No person subject to the pick-up enacted by this section shall have the option of choosing to receive the statutorily required contributions to the Police and Firemen's Disability and Pension Fund directly instead of having them picked-up by the City.

(d) The above-described pick-up by the City commencing December 24, 1984, is and shall be designated as employee contributions and shall be paid by the City in lieu of contributions to the Police and Firemen's Disability and Pension Fund by each employee of the Police Department.

(e) The City Auditor is hereby directed, in reporting contributions and making remittance to the Police and Firemen's Disability and Pension Fund, to implement all procedures necessary in the administration of the pay of all employees of the Police Department to effect the above-described pick-up of the statutorily required contributions to the Police and Firemen's Disability and Pension Fund so as to enable them to obtain the resulting Federal and State tax deferments and other attendant benefits.
(Ord. 12-16. Passed 3-28-16.)

131.04 ACCEPTANCE OF PROPERTY RECEIVED THROUGH FEDERAL PARTICIPATION.

(a) The Mayor is hereby authorized and directed to accept money, real estate property, vessels, vehicles, aircraft, office equipment, computers and other property from the United States Government in accordance with the Comprehensive Drug Penalty Act of 1984. However, any acceptance of real estate by the Mayor shall be subject to subsequent approval by ordinance of Council.

(b) The Mayor is hereby directed to place all such money received into the City General Fund and all other items outlined in subsection (a) hereof which will be assigned by Council in the ordinance approving the acceptance.
(Ord. 12-16. Passed 3-28-16.)

131.05 APPOINTEE AGE LIMITATION WAIVER.

The limitation imposed by Ohio R. C. 124.41 which disqualifies all persons age thirty-five or over from initial hiring by and appointment to the Police Department is hereby waived. (Ord. 12-16. Passed 3-28-16.)

131.06 RESERVE POLICE UNIT.

(a) There is hereby established a reserve unit within the Police Department of the City, the members of which shall be appointed by the Service-Safety Director.

(b) Appointment to the Lancaster Police Department Reserve Unit shall not confer employee status upon any person for any reason; and members of the Reserve Unit are not subject to Ohio R.C. Chapter 124, the Rules and Regulations of the Lancaster Civil Service Commission or to any provisions of the laws of the Codified Ordinances of the City pertaining to Civil Service.

(c) The objective of the Reserve Unit shall be to complement, not supplement or replace, full-time regular officers in the performance of police work within the jurisdictional limits of the City.

(d) Members of the Reserve Unit shall have all police powers, but shall perform only such duties assigned to them by the Chief of Police and shall act only when in uniform as prescribed by the Chief of Police.

(e) Reserve Officers are subject to the same standards of conduct; and rules, regulations, policies, procedures, directives and training requirements applicable to other officers of the City Police Department.

(f) Reserve officers shall be under the general control of the Chief of Police, or the Chief's designee who shall report to the Chief of Police, regarding their activities and training.

(g) Reserve officers shall be certified by the Ohio Peace Officers Training Council and that each Reserve Officer shall totally pay for such certification. However, if the individual reserve officer totally pays for such certification for the sole purpose of serving as a reserve officer for the Lancaster Police Department, the City shall reimburse fifty percent (50%) of such certification cost after the reserve officer has served one continuous year with the Lancaster Police Department and shall reimburse the remaining fifty percent (50%) after the reserve officer has served two continuous years with the Lancaster Police Department.

(h) Reserve officers will be commissioned persons and shall consist of civilian volunteers who will serve a minimum number of hours per month, as established by the Chief of Police, without compensation.

(i) Reserve officers uniform parts, equipment and service weapons shall be the same as those required of regular officers of the Lancaster Police Department and reserve officers shall receive an annual equipment allowance, to help offset the costs of those required uniform parts and equipment, equal to that of regular patrol officers of the Police Department. However, the service weapon and police badges shall be issued by the Lancaster Police Department and will remain the property of the City.

(j) The strength of the Reserve Unit shall not exceed twenty-five percent (25%) of the authorized strength of regular full-time patrol officers of the Lancaster Police Department.

(k) Reserve officer selection criteria will be similar to that used for full-time officers with the exception that mandatory written tests are not required.
(Ord. 12-16. Passed 3-28-16.)

131.06.1 VOLUNTEER PEACE OFFICERS' DEPENDENTS FUND.

(a) There is hereby established a Volunteer Peace Officers' Dependents Fund pursuant to Ohio Revised Code Chapter 143 to assist dependents of volunteer peace officers killed in the line of duty and to assist volunteer peace officers that become totally and permanently disabled as a result of a line of duty injury. The Fund will be administered by the Ohio Department of Commerce.

(b) The Lancaster Police Department Reserve Unit, created by Lancaster Codified Ordinance 131.06, is subject to membership and participation in the Volunteer Peace Officers' Dependents Fund pursuant to the definition of "Volunteer peace officer" as set forth in Ohio Revised Code Chapter 143.01(C).

(c) There is hereby created a Volunteer Peace Officers' Dependents Fund Board in the City of Lancaster to administer any claims from the benefit fund pursuant to Ohio Revised Code Chapter 143. Board members shall serve without compensation. The five member Board must consist of the following volunteer members:

- (1) Two members elected by the legislative authority of the city;
- (2) Two members elected by the volunteer police officers; and
- (3) One member elected by the four other members. This member must be a elector of the City of Lancaster, but not a public employee, member of the legislative authority, or officer of the Lancaster Police Department.

(d) The term of office of a board member begins the first day of January and is one year. The election of board members in (c)(1) and (c)(2) above shall be held each year not earlier than the first day of November and not later than the second Monday in December. The election of the board member referenced in (c)(3) above shall be held each year on or before the thirty-first day of December. The secretary of the board shall give notice of the election of the board members referenced in (c)(2) above by posting it in a conspicuous place at the Lancaster Police Department. Between 9 a.m. and 9 p.m. on the day designated, each person eligible to vote shall send in writing the name of two persons eligible to be elected as their choices. The board shall count and record the votes and the two persons receiving the highest number of votes are elected. A tie vote may be decided by lot or in any other way agreed on by the persons for whom the tie vote was cast.

(e) The board shall select a chairperson and a secretary from among its members. The board may adopt rules as necessary for handling and processing claims and benefits in compliance with the requirements set forth in Ohio Revised Code Chapter 143.

(f) The secretary shall keep a complete record of the board's proceedings which shall be maintained as a permanent file. The secretary shall submit the following to the director of commerce:

- (1) The name and address of each board member and who elected the member;
- (2) The names of the chairperson and secretary;
- (3) A certificate indicating the current assessed property valuation of the City of Lancaster.

(g) The board shall meet not later than five days after receipt of a claim for benefits and determine the validity of the claim and compensation of the claim pursuant to the guidelines and requirements of Ohio Revised Code Chapter 143.

(h) The legislative authority shall provide sufficient meeting space and supplies for the board to carry out its duties and provide monetary contributions to the Fund as directed by Ohio Revised Code Chapter 143.
(Ord. 12-16. Passed 3-28-16.)

CODIFIED ORDINANCES OF LANCASTER

PART THREE - TRAFFIC CODE

TITLE ONE - Administration

- Chap. 301. Definitions.
- Chap. 303. Enforcement, Impounding and Penalty.
- Chap. 305. Traffic Control.

TITLE THREE - Streets and Traffic Control Devices

- Chap. 311. Street Obstructions and Special Uses.
- Chap. 313. Traffic Control Devices.

TITLE FIVE - Vehicles

- Chap. 331. Operation Generally.
- Chap. 333. OVI; Willful Misconduct; Speed.
- Chap. 335. Licensing; Accidents.
- Chap. 337. Safety and Equipment.
- Chap. 339. Commercial and Heavy Vehicles.
- Chap. 341. Commercial Drivers.
- Chap. 343. Storage of Junk and Other Motor Vehicles.
- Chap. 345. Low-Speed Vehicles.

TITLE SEVEN - Parking

- Chap. 351. Parking Generally.
- Chap. 353. Loading and Unloading Zones.
- Chap. 355. Parking Meters. (Repealed)

TITLE NINE - Pedestrians, Bicycles and Motorcycles

- Chap. 371. Pedestrians.
- Chap. 373. Bicycles and Motorcycles.
- Chap. 374. Motorized Bicycles.
- Chap. 375. Snowmobiles, Off-Highway Motorcycles and All Purpose Vehicles.

CODIFIED ORDINANCES OF LANCASTER

PART THREE - TRAFFIC CODE

TITLE ONE - Administration

- Chap. 301. Definitions.
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 Chap. 305. Traffic Control.

CHAPTER 301
Definitions

- | | | | |
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| 301.01 | Meaning of words and phrases. | 301.26 | Private road or driveway. |
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| 301.19 | Motorcycle. | 301.46 | Traffic control devices. |
| 301.20 | Motor vehicle. | 301.47 | Traffic control signal. |
| 301.201 | Operate. | 301.48 | Trailer. |
| 301.21 | Park or parking. | 301.49 | Truck. |
| 301.22 | Pedestrian. | 301.50 | Urban district. |
| 301.23 | Person. | 301.51 | Vehicle. |
| 301.24 | Pole trailer. | 301.52 | Wheelchair, motorized. |
| 301.25 | Police officer. | | |
| 301.251 | Predicate motor vehicle or traffic offense. | | |

CROSS REFERENCES

See sectional histories for similar State law
Funeral procession defined - see TRAF. 331.24
Street racing defined - see TRAF. 333.07
Studded tire defined - see TRAF. 339.11
Blind person defined - see TRAF. 371.02
Snowmobile, off-highway motorcycle and all purpose vehicle
defined - see TRAF. 375.01
School zones defined - see TRAF. 333.03(b)

301.01 MEANING OF WORDS AND PHRASES.

The following words and phrases when used in this Traffic Code, except as otherwise provided, shall have the meanings respectively ascribed to them in this chapter.

301.02 AGRICULTURAL TRACTOR.

"Agricultural tractor" means every self-propelling vehicle designed or used for drawing other vehicles or wheeled machinery but having no provision for carrying loads independently of such other vehicles, and used principally for agricultural purposes. (ORC 4511.01(J))

301.03 ALLEY.

"Alley" means a street or highway intended to provide access to the rear or side of lots or buildings in urban districts and not intended for the purpose of through vehicular traffic, and includes any street or highway that has been declared an "alley" by Council. (ORC 4511.01(XX))

301.031 BEACON; HYBRID BEACON.

(a) "Beacon" means a highway traffic signal with one or more signal sections that operate in a flashing mode. (ORC 4511.01(KKK))

(b) "Hybrid beacon" means a type of beacon that is intentionally placed in a dark mode between periods of operation where no indications are displayed and, when in operation, displays both steady and flashing traffic control signal indications. (ORC 4511.01(LLL))

301.04 BICYCLE; MOTORIZED BICYCLE; MOPED.

(a) "Bicycle" means every device, other than a device that is designed solely for use as a play vehicle by a child, that is propelled solely by human power, upon which a person may ride and that has two or more wheels any of which is more than fourteen inches in diameter. (ORC 4511.01(G))

(b) "Motorized bicycle" or "moped" means 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 fifty cubic centimeters piston displacement which produces no more than one brake horsepower and is capable of propelling the vehicle at a speed of no greater than twenty miles per hour on a level surface. (ORC 4511.01(H))

- (c) At a location controlled by a traffic control signal, regardless of the distance between the separate intersections as described in subsection (b) of this section:
- (1) 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.
 - (2) 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.
 - (3) 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. (ORC 4511.01(KK))

301.18 LANED STREET OR HIGHWAY.

"Laned street or highway" means a street or highway the roadway of which is divided into two or more clearly marked lanes for vehicular traffic.
(ORC 4511.01(GG))

301.181 MEDIAN.

"Median" means 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. (ORC 4511.01(NNN))

301.19 MOTORCYCLE.

"Motorcycle" means 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. (ORC 4511.01(C))

301.20 MOTOR VEHICLE.

"Motor vehicle" means every vehicle propelled or drawn by power other than muscular power, except motorized 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 twenty-five miles per hour or less.
(ORC 4511.01(B))

301.201 OPERATE.

"Operate" means to cause or have caused movement of a vehicle.
(ORC 4511.01(HHH))

301.21 PARK OR PARKING.

"Park or parking" means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

301.22 PEDESTRIAN.

"Pedestrian" means any natural person afoot. (ORC 4511.01(X))

301.23 PERSON.

"Person" means every natural person, firm, copartnership, association or corporation.
(ORC 4511.01(W))

301.24 POLE TRAILER.

"Pole trailer" means 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 connection.
(ORC 4511.01(O))

301.25 POLICE OFFICER.

"Police officer" means every officer authorized to direct or regulate traffic, or to make arrests for violations of traffic regulations.
(ORC 4511.01(Z))

301.251 PREDICATE MOTOR VEHICLE OR TRAFFIC OFFENSE.

"Predicate motor vehicle or traffic offense" means any of the following:

- (a) A violation of Ohio 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;
- (b) A violation of division (A)(2) of Ohio R.C. 4511.17, divisions (A) to (D) of Ohio R.C. 4511.51, or division (A) of Ohio R.C. 4511.74;
- (c) A violation of any provision of Ohio R.C. 4511.01 to 4511.76 for which no penalty otherwise is provided in the section that contains the provision violated;
- (d) A violation of a municipal ordinance that is substantially similar to any section or provision set forth or described in subsection (a) to (c) of this section.
(ORC 4511.01(III))

301.26 PRIVATE ROAD OR DRIVEWAY.

(a) "Private road or driveway" means 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. (ORC 4511.01(DD))

(b) "Private road open to public travel" means 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. "Private road open to public travel" 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. (ORC 4511.01(OOO))

301.27 PUBLIC SAFETY VEHICLE.

"Public safety vehicle" means any of the following:

- (a) Ambulances, including private ambulance companies under contract to a municipal corporation, township or county and private ambulances and transport vehicles bearing license plates issued under Ohio R.C. 4503.49;

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- Chap. 331. Operation Generally.
- Chap. 333. OVI; Willful Misconduct; Speed.
- Chap. 335. Licensing; Accidents.
- Chap. 337. Safety and Equipment.
- Chap. 339. Commercial and Heavy Vehicles.
- Chap. 341. Commercial Drivers.
- Chap. 343. Storage of Junk and Other Motor Vehicles.
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CHAPTER 331
Operation Generally

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CROSS REFERENCES

See sectional histories for similar State law

Obedience to traffic control devices - see TRAF. 313.01

Operation of bicycles and motorcycles - see TRAF. 373.01
et seq.

School bus operation - see OAC Ch. 4501-3

331.01 DRIVING UPON RIGHT SIDE OF ROADWAY; EXCEPTIONS.

(a) Upon all roadways of sufficient width, a vehicle shall be driven upon the right half of the roadway, except as follows:

- (1) When overtaking and passing another vehicle proceeding in the same direction, or when making a left turn under the rules governing such movements;
- (2) When an obstruction exists making it necessary to drive to the left of the center of the highway; provided, any person so doing shall yield the right of way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard;
- (3) When driving upon a roadway divided into three or more marked lanes for traffic under the rules applicable thereon;
- (4) When driving upon a roadway designated and posted with signs for one-way traffic;
- (5) When otherwise directed by a police officer or traffic control device.

- (b) (1) Upon all roadways any vehicle proceeding at less than the prevailing and lawful speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic, and far enough to the right to allow passing by faster vehicles if such passing is safe and reasonable, except under any of the following circumstances:
- A. When overtaking and passing another vehicle proceeding in the same direction;
 - B. When preparing for a left turn;
 - C. When the driver must necessarily drive in a lane other than the right-hand lane to continue on the driver's intended route.
- (2) Nothing in subsection (b)(1) of this section requires a driver of a slower vehicle to compromise the driver's safety to allow overtaking by a faster vehicle.

(b) Except as otherwise provided in this subsection, 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. (ORC 4511.42)

331.18 OPERATION OF VEHICLE AT YIELD SIGNS.

(a) The driver of a vehicle approaching a yield sign shall slow down to a speed reasonable for the existing conditions and, if required for safety to stop, shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. After slowing or stopping, the driver shall yield the right of way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time the driver is moving across or within the intersection or junction of roadways. Whenever a driver is involved in a collision with a vehicle in the intersection or junction of roadways, after driving past a yield sign without stopping, the collision shall be prima-facie evidence of the driver's failure to yield the right of way.

(b) Except as otherwise provided in this subsection, 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. (ORC 4511.43(B))

331.19 OPERATION OF VEHICLE AT STOP SIGNS.

(a) Except when directed to proceed by a law enforcement officer, every driver of a vehicle approaching a stop sign shall stop at a clearly marked stop line, but if none before entering the crosswalk on the near side of the intersection, or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. After having stopped, the driver shall yield the right of way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time the driver is moving across or within the intersection or junction of roadways.

(b) Except as otherwise provided in this subsection, 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. (ORC 4511.43(A))

331.20 EMERGENCY OR PUBLIC SAFETY VEHICLES AT STOP SIGNALS OR SIGNS.

(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 such 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 subsection, 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. (ORC 4511.03)

331.21 RIGHT OF WAY OF PUBLIC SAFETY OR CORONER'S VEHICLE.

(a) Upon the approach of a public safety vehicle or coroner's vehicle, equipped with at least one flashing, rotating or oscillating light visible under normal atmospheric conditions from a distance of 500 feet to the front of the vehicle and the driver is giving an audible signal by siren, exhaust whistle or bell, no driver of any other vehicle shall fail to yield the right-of-way, immediately drive if practical to a position parallel to and as close as possible to, the right edge or curb of the street clear of any intersection, and stop and remain in that position until the public safety vehicle or coroner's vehicle has passed, except when otherwise directed by a police officer.

(b) This section does not relieve the driver of a public safety vehicle or coroner's vehicle from the duty to drive with due regard for the safety of all persons and property upon the street.

(c) This section applies to a coroner's vehicle only when the vehicle is operated in accordance with Ohio R.C. 4513.171. As used in this section, "coroner's vehicle" means a vehicle used by a coroner, deputy coroner or coroner's investigator that is equipped with a flashing, oscillating or rotating red or blue light and a siren, exhaust whistle, or bell capable of giving an audible signal.

(d) Except as otherwise provided in this subsection or Section 331.211, whoever violates subsection (a) of this section is guilty of a misdemeanor of the fourth degree on a first offense. On a second offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree, and, on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the second degree. (ORC 4511.45)

331.211 REPORT OF VEHICLE FAILING TO YIELD RIGHT OF WAY TO PUBLIC SAFETY VEHICLE.

(a) When the failure of a motor vehicle operator to yield the right-of-way to a public safety vehicle as required by Section 331.21(a) impedes the ability of the public safety vehicle to respond to an emergency, any emergency personnel in the public safety vehicle may report the license plate number and a general description of the vehicle and the operator of the vehicle to the law enforcement agency exercising jurisdiction over the area where the alleged violation occurred.

- (b) (1) Upon receipt of a report under subsection (a) of this section, the law enforcement agency may conduct an investigation to attempt to determine or confirm the identity of the operator of the vehicle at the time of the alleged violation.
- (2) If the identity of the operator at the time of an alleged violation of Section 331.21(a) is established, the law enforcement agency has probable cause to issue either a written warning or a citation for that violation, and the agency shall issue a written warning or a citation to the operator.

- (3) If the identity of the operator of the vehicle at the time of the alleged violation cannot be established, the law enforcement agency may issue a warning to the person who owned the vehicle at the time of the alleged violation. However, in the case of a leased or rented vehicle, the law enforcement agency shall issue the written warning to the person who leased or rented the vehicle at the time of the alleged violation.
- (c)
 - (1) Whoever violates Section 331.21(a) based on a report filed under subsection (a) of this section is guilty of a minor misdemeanor and shall be fined one hundred fifty dollars (\$150.00).
 - (2) If a person who is issued a citation for a violation of Section 331.21(a) based on a report filed under subsection (a) of this section does not enter a written plea of guilty and does not waive the person's right to contest the citation but instead appears in person in the proper court to answer the charge, the trier of fact cannot find beyond a reasonable doubt that the person committed that violation unless the emergency personnel who filed the report appears in person in the court and testifies.
- (d) As used in this section:
 - (1) "License plate" includes any temporary license placard issued under Ohio R.C. 4503.182 or similar law of another jurisdiction.
 - (2) "Public safety vehicle" does not include an unmarked public safety vehicle or a vehicle used by a public law enforcement officer or other person sworn to enforce the criminal and traffic laws of the State or a vehicle used by the Motor Carrier Enforcement Unit for the enforcement of orders and rules of the Public Utilities Commission. (ORC 4511.454)

331.22 DRIVING ONTO ROADWAY FROM PLACE OTHER THAN ROADWAY: DUTY TO YIELD.

(a) Subject to compliance with any traffic control device, the operator of a vehicle about to enter or cross a highway from an alley or from any place other than another roadway shall yield the right of way to all traffic approaching on the roadway to be entered or crossed.

(b) Except as otherwise provided in this subsection, 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. (ORC 4511.44)

331.23 DRIVING ONTO ROADWAY FROM PLACE OTHER THAN ROADWAY: STOPPING AT SIDEWALK.

(a) Subject to compliance with any traffic control device, the driver of a vehicle emerging from an alley, building, private road or driveway within a business or residence district shall stop the vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across the alley, building entrance, road or driveway, or in the event there is no sidewalk area, shall stop at the point nearest the street to be entered where the driver has a view of approaching traffic thereon.

(b) Except as otherwise provided in this subsection, 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. (ORC 4511.431)

331.24 RIGHT OF WAY OF FUNERAL PROCESSION.

(a) As used in this section "funeral procession" means two or more vehicles accompanying the cremated remains or the body of a deceased person in the daytime when each of the vehicles has its headlights lighted and is displaying a purple and white or an orange and white pennant attached to each vehicle in such a manner as to be clearly visible to traffic approaching from any direction.

(b) Excepting public safety vehicles proceeding in accordance with Section 331.21 or when directed otherwise by a police officer, pedestrians and the operators of all vehicles shall yield the right of way to each vehicle that is a part of a funeral procession. Whenever the lead vehicle in a funeral procession lawfully enters an intersection, the remainder of the vehicles in the procession may continue to follow the lead vehicle through the intersection notwithstanding any traffic control devices or right-of-way provisions of this Traffic Code, provided that the operator of each vehicle exercises due care to avoid colliding with any other vehicle or pedestrian.

(c) No person shall operate any vehicle as a part of a funeral procession without having the headlights of the vehicle lighted and without displaying a purple and white or an orange and white pennant in such a manner as to be clearly visible to traffic approaching from any direction.

(d) Except as otherwise provided in this subsection, 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. (ORC 4511.451)

331.25 DRIVER'S VIEW AND CONTROL TO BE UNOBSTRUCTED BY LOAD OR PERSONS.

(a) No person shall drive a vehicle when it is so loaded, or when there are in the front seat such number of persons, as to obstruct the view of the driver to the front or sides of the vehicle or to interfere with the driver's control over the driving mechanism of the vehicle.

(b) No passenger in a vehicle shall ride in such position as to interfere with the driver's view ahead or to the sides, or to interfere with the driver's control over the driving mechanism of the vehicle.

(c) Except as otherwise provided in this subsection, 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. (ORC 4511.70(A),(B),(D))

331.26 DRIVING UPON STREET POSTED AS CLOSED FOR REPAIR.

(a) No person shall drive upon, along or across a street or highway, or any part of a street or highway that has been closed in the process of its construction, reconstruction or repair, and posted with appropriate signs by the authority having jurisdiction to close such street or highway.

(b) Except as otherwise provided in this subsection, 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. (ORC 4511.71)

331.27 FOLLOWING AND PARKING NEAR EMERGENCY OR SAFETY VEHICLES.

(a) The driver of any vehicle, other than an emergency vehicle or public safety vehicle on official business, shall not follow any emergency vehicle or public safety vehicle traveling in response to an alarm closer than 500 feet, or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm, unless directed to do so by a police officer or a firefighter.

(b) Except as otherwise provided in this subsection, 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. (ORC 4511.72)

331.28 DRIVING OVER FIRE HOSE.

(a) No vehicle shall, without the consent of the Fire Chief or fire official in command, be driven over any unprotected fire hose that is laid down on any street or private driveway to be used at any fire or alarm of fire.

(b) Except as otherwise provided in this subsection, 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. (ORC 4511.73)

331.29 DRIVING THROUGH SAFETY ZONE.

(a) No vehicle shall at any time be driven through or within a safety zone.

(b) Except as otherwise provided in this subsection, 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. (ORC 4511.60)

331.30 ONE-WAY STREETS AND ROTARY TRAFFIC ISLANDS.

(a) Upon a roadway designated and posted with signs for one-way traffic a vehicle shall be driven only in the direction designated. A vehicle passing around a rotary traffic island shall be driven only to the right of the rotary traffic island.

(b) Except as otherwise provided in this subsection, 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.
(ORC 4511.32)

331.31 DRIVING UPON DIVIDED ROADWAYS.

(a) Whenever any street has been divided into two roadways by an intervening space, or by a physical barrier, or clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle shall be driven only upon the right-hand roadway, and no vehicle shall be driven over, across or within any such dividing space, barrier or median section, except through an opening, crossover or intersection established by public authority. This section does not prohibit the occupancy of such dividing space, barrier or median section for the purpose of an emergency stop or in compliance with an order of a police officer.

(b) Except as otherwise provided in this subsection, 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.
(ORC 4511.35)

331.32 ENTERING AND EXITING CONTROLLED-ACCESS HIGHWAY.

(a) No person shall drive a vehicle onto or from any controlled-access highway except at such entrances and exits as are established by public authority.

(b) Whoever violates this section is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree.

331.33 OBSTRUCTING INTERSECTION, CROSSWALK OR GRADE CROSSING.

(a) No driver shall enter an intersection or marked crosswalk or drive onto any railroad grade crossing unless there is sufficient space on the other side of the intersection, crosswalk or grade crossing to accommodate the vehicle the driver is operating without obstructing the passage of other vehicles, pedestrians or railroad trains, notwithstanding any traffic control signal indication to proceed.

(b) Except as otherwise provided in this subsection, 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.
(ORC 4511.712)

331.34 FAILURE TO CONTROL; WEAVING; FULL TIME AND ATTENTION.

(a) No person shall operate a vehicle without exercising reasonable and ordinary control over such vehicle.

(b) No person shall operate a vehicle in a weaving or zigzag course unless such irregular course is necessary for safe operation or in compliance with law.

(c) No person shall operate a vehicle without giving his full time and attention to the operation of such vehicle.

(d) Whoever violates this section is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree.

331.35 OCCUPYING A MOVING TRAILER OR MANUFACTURED OR MOBILE HOME.

(a) No person shall occupy any travel trailer or manufactured or mobile home while it is being used as a conveyance upon a street or highway.

(b) Except as otherwise provided in this subsection, 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. (ORC 4511.701)

331.36 SQUEALING TIRES, "PEELING," CRACKING EXHAUST NOISES.

(a) No person shall unnecessarily race the motor of any vehicle and no person shall operate any motor vehicle, except in an emergency, in such a manner that the vehicle is so rapidly accelerated or started from a stopped position that the exhaust system emits a loud, cracking or chattering noise unusual to its normal operation, or whereby the tires of such vehicle squeal or leave tire marks on the roadway, commonly called "peeling".

(b) Whoever violates this section is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree.

331.37 DRIVING UPON SIDEWALKS, STREET LAWNS OR CURBS.

(a) No person shall drive any vehicle, other than a bicycle, upon a sidewalk or sidewalk area except upon a permanent or duly authorized temporary driveway. (ORC 4511.711)

(b) No person shall drive a vehicle on a street lawn area or the curb of a street, except upon a permanent or duly authorized temporary driveway or when otherwise lawfully authorized.

(c) Except as otherwise provided in this subsection, 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. (ORC 4511.711)

331.38 STOPPING FOR SCHOOL BUS; DISCHARGING CHILDREN.

(a) The driver of a vehicle upon meeting or overtaking from either direction any school bus stopped for the purpose of receiving or discharging any school child, person attending programs offered by community boards of mental health and County boards of developmental disabilities, or child attending a program offered by a head start agency, shall stop at least ten feet from the front or rear of the school bus and shall not proceed until such school bus resumes motion, or until signaled by the school bus driver to proceed.

It is no defense to a charge under this subsection (a) hereof that the school bus involved failed to display or be equipped with an automatically extended stop warning sign as required by subsection (b) hereof.

(b) Every school bus shall be equipped with amber and red visual signals meeting the requirements of Ohio R.C. 4511.771, and an automatically extended stop warning sign of a type approved by the State Board of Education, which shall be actuated by the driver of the bus whenever but only whenever the bus is stopped or stopping on the roadway for the purpose of receiving or discharging school children, persons attending programs offered by community boards of mental health and County boards of developmental disabilities, or children attending programs offered by head start agencies. A school bus driver shall not actuate the visual signals or the stop warning sign in designated school bus loading areas where the bus is entirely off the roadway or at school buildings when children or persons attending programs offered by community boards of mental health and County boards of developmental disabilities are loading or unloading at curbside or at buildings when children attending programs offered by head start agencies are boarding or unloading at curbside. The visual signals and stop warning sign shall be synchronized or otherwise operated as required by rule of the Board.

(c) Where a highway has been divided into four or more traffic lanes, a driver of a vehicle need not stop for a school bus approaching from the opposite direction which has stopped for the purpose of receiving or discharging any school child, persons attending programs offered by community boards of mental health and County boards of developmental disabilities, or children attending programs offered by head start agencies. The driver of any vehicle overtaking the school bus shall comply with subsection (a) hereof.

(d) School buses operating on divided highways or on highways with four or more traffic lanes shall receive and discharge all school children, persons attending programs offered by community boards of mental health and County boards of developmental disabilities, and children attending programs offered by head start agencies on their residence side of the highway.

(e) No school bus driver shall start the driver's bus until after any child, person attending programs offered by community boards of mental health and County boards of developmental disabilities, or child attending a program offered by a head start agency who may have alighted therefrom has reached a place of safety on the child or person's residence side of the road.

(f) As used in this section:

(1) "Head start agency" has the same meaning as in Ohio R.C. 3301.32.

- (2) "School bus", as used in relation to children who attend a program offered by a head start agency, means a bus that is owned and operated by a head start agency, is equipped with an automatically extended stop warning sign of a type approved by the State Board of Education, is painted the color and displays the markings described in Ohio R.C. 4511.77, and is equipped with amber and red visual signals meeting the requirements of Ohio R.C. 4511.771, irrespective of whether or not the bus has fifteen or more children aboard at any time. "School bus" does not include a van owned and operated by a head start agency, irrespective of its color, lights, or markings.
- (g) (1) Whoever violates subsection (a) of this section may be fined an amount not to exceed five hundred dollars (\$500.00). A person who is issued a citation for a violation of subsection (a) of this section is not permitted to enter a written plea of guilty and waive the person's right to contest the citation in a trial but instead must appear in person in the proper court to answer the charge.
- (2) In addition to and independent of any other penalty provided by law, the court or mayor may impose upon an offender who violates this section a class seven 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 division (a)(7) of Ohio R.C. 4510.02. When a license is suspended under this section, the court or mayor shall cause the offender to deliver the license to the court, and the court or clerk of the court immediately shall forward the license to the Registrar of Motor Vehicles, together with notice of the court's action. (ORC 4511.75)

331.39 DRIVING ACROSS GRADE CROSSING.

- (a) (1) Whenever any person driving a vehicle approaches a railroad grade crossing, the person shall stop within fifty feet, but not less than fifteen feet from the nearest rail of the railroad, if any of the following circumstances exist at the crossing:
- A. A clearly visible electric or mechanical signal device gives warning of the immediate approach of a train.
 - B. A crossing gate is lowered.
 - C. A flagperson gives or continues to give a signal of the approach or passage of a train.
 - D. There is insufficient space on the other side of the railroad grade crossing to accommodate the vehicle the person is operating without obstructing the passage of other vehicles, pedestrians, or railroad trains, notwithstanding any traffic control signal indication to proceed.
 - E. An approaching train is emitting an audible signal or is plainly visible and is in hazardous proximity to the crossing.
 - F. There is insufficient undercarriage clearance to safely negotiate the crossing.
- (2) A person who is driving a vehicle and who approaches a railroad grade crossing shall not proceed as long as any of the circumstances described in divisions (a)(1)A. to F. of this section exist at the crossing.

(b) No person shall drive any vehicle through, around, or under any crossing gate or barrier at a railroad crossing while the gate or barrier is closed or is being opened or closed unless the person is signaled by a law enforcement officer or flagperson that it is permissible to do so.

(c) Whoever violates this section is guilty of a misdemeanor of the fourth degree.
(ORC 4511.62)

331.40 STOPPING AT GRADE CROSSING.

- (a) (1) Except as provided in subsection (a)(2) hereof, the operator of any bus, any school vehicle, or any vehicle transporting material required to be placarded under 49 CFR Parts 100-185, before crossing at grade any track of a railroad, shall stop the vehicle, and, while so stopped, shall listen through an open door or open window and look in both directions along the track for any approaching train, and for signals indicating the approach of a train, and shall proceed only upon exercising due care after stopping, looking and listening as required by this section. Upon proceeding, the operator of such a vehicle shall cross only in a gear that will ensure there will be no necessity for changing gears while traversing the crossing and shall not shift gears while crossing the tracks.
- (2) This section does not apply at grade crossings when the Ohio Public Utilities Commission has authorized and approved an exempt crossing as provided in this subsection.
- A. Any local authority may file an application with the Commission requesting the approval of an exempt crossing. Upon receipt of such a request, the Commission shall authorize a limited period for the filing of comments by any party regarding the application and then shall conduct a public hearing in the community seeking the exempt crossing designation. The Commission shall provide appropriate prior public notice of the comment period and the public hearing. By registered mail, the Commission shall notify each railroad operating over the crossing of the comment period.
- B. After considering any comments or other information received, the Commission may approve or reject the application. By order, the Commission may establish conditions for the exempt crossing designation, including compliance with division (b) of 49 C.F.R. Part 392.10, when applicable. An exempt crossing designation becomes effective only when appropriate signs giving notice of the exempt designation are erected at the crossing as ordered by the Commission and any other conditions ordered by the Commission are satisfied.
- C. By order, the Commission may rescind any exempt crossing designation made under this section if the Commission finds that a condition at the exempt crossing has changed to such an extent that the continuation of the exempt crossing designation compromises public safety. The Commission may conduct a public hearing to investigate and determine whether to rescind the exempt crossing designation. If the Commission rescinds the designation, it shall order the removal of any exempt crossing signs and may make any other necessary order.

CHAPTER 335
Licensing; Accidents

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|---------|---------------------------------------------------------------------------------------------------------------------------|---------|--------------------------------------------------------------------------|
| 335.01 | Driver's license or commercial driver's license required. | 335.073 | Driving without complying with license reinstatement requirements. |
| 335.02 | Permitting operation without valid license; one license permitted. | 335.074 | Driving under license forfeiture or child support suspension. |
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| 335.07 | Driving under suspension or license restriction. | 335.14 | Vehicle accident resulting in damage to realty. |
| 335.071 | Driving under OVI suspension. | | |
| 335.072 | Driving under financial responsibility law suspension or cancellation; driving under a nonpayment of judgment suspension. | | |

CROSS REFERENCES

- See sectional histories for similar State law
- Deposit of driver's license as bond - see Ohio R.C. 2937.221
- Motor vehicle licensing law - see Ohio R.C. Ch. 4503
- Driver's license law - see Ohio R.C. Ch. 4507
- Power of trial court of record to suspend or revoke license for certain violations - see Ohio R.C. Ch. 4510
- State point system suspension - see Ohio R.C. 4510.03.6
- State accident reports - see Ohio R.C. 4509.01(J), 4509.06, 4509.74, 5502.11
- Motorized bicycle operator's license - see Ohio R.C. 4511.521
- Glass removal from street after accident - see TRAF. 311.01

**335.01 DRIVER'S LICENSE OR COMMERCIAL DRIVER'S LICENSE
REQUIRED.**

- (a) (1) No person, except those expressly exempted under Ohio R.C. 4507.03, 4507.04, and 4507.05, shall operate any motor vehicle upon a public road or highway or any public or private property used by the public for purposes of vehicular travel or parking in this Municipality unless the person has a valid driver's license issued under Ohio R.C. Chapter 4507 or a commercial driver's license issued under Ohio R.C. Chapter 4506.
- (2) No person, except a person expressly exempted under Ohio R.C. 4507.03, 4507.04, and 4507.05, shall operate any motorcycle upon a public road or highway or any public or private property used by the public for purposes of vehicular travel or parking in this Municipality unless the person has a valid license as a motorcycle operator that was issued upon application by the Registrar of Motor Vehicles under Ohio R.C. Chapter 4507. The license shall be in the form of an endorsement, as determined by the Registrar, upon a driver's or commercial driver's license, if the person has a valid license to operate a motor vehicle or commercial motor vehicle, or in the form of a restricted license as provided in Ohio R.C. 4507.14, if the person does not have a valid license to operate a motor vehicle or commercial motor vehicle.

(b) Upon the request or motion of the prosecuting authority, a noncertified copy of the law enforcement automated data system report or a noncertified copy of a record of the Registrar of Motor Vehicles that shows the name, date of birth, and social security number of a person charged with a violation of subsection (a)(1) or (2) of this section may be admitted into evidence as prima-facie evidence that the person did not have either a valid driver's or commercial driver's license at the time of the alleged violation of subsection (a)(1) of this section or a valid license as a motorcycle operator either in the form of an endorsement upon a driver's or commercial driver's license or a restricted license at the time of the alleged violation of subsection (a)(2) of this section. The person charged with a violation of subsection (a)(1) or (2) of this section may offer evidence to rebut this prima-facie evidence.

(c) Whoever violates this section is guilty of operating a motor vehicle or motorcycle without a valid license and shall be punished as follows:

- (1) If the trier of fact finds that the offender never has held a valid driver's or commercial driver's license issued by this state or any other jurisdiction, or, in a case involving the operation of a motorcycle by the offender, if the offender has never held a valid license as a motorcycle operator, either in the form of an endorsement upon a driver's or commercial driver's license or in the form of a restricted license, except as otherwise provided in this subsection, the offense is an unclassified misdemeanor. When the offense is an unclassified misdemeanor, the offender shall be sentenced pursuant to Ohio R.C. 2929.21 to 2929.28, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to Ohio R.C. 2929.26; notwithstanding division (A)(2)(a) of Ohio R.C. 2929.28, the offender may be fined up to one thousand dollars (\$1,000); and, notwithstanding division (A)(3) of Ohio R.C. 2929.27, the offender may be ordered pursuant to division (C) of that section to serve a term of community service of up to five hundred hours.

The failure of an offender to complete a term of community service imposed by the court may be punished as indirect criminal contempt under division (A) of Ohio R.C. 2705.02 that may be filed in the underlying case. If the offender previously has been convicted of or pleaded guilty to any violation of Ohio R.C. 4510.12 or a substantially equivalent municipal ordinance, the offense is a misdemeanor of the first degree.

- (2) If the offender's driver's or commercial driver's license or permit or, in a case involving the operation of a motorcycle by the offender, the offender's driver's or commercial driver's license bearing the motorcycle endorsement or the offender's restricted license was expired at the time of the offense, except as otherwise provided in this subsection, the offense is a minor misdemeanor. If, within three years of the offense, the offender previously has been convicted of or pleaded guilty to two or more violations of Ohio R.C. 4510.12 or a substantially equivalent municipal ordinance, the offense is a misdemeanor of the first degree.

(d) The court shall not impose a license suspension for a first violation of this section or if more than three years have passed since the offender's last violation of Ohio R.C. 4510.12 or a substantially equivalent municipal ordinance.

(e) If the offender is sentenced under subsection (c)(2) hereof, if within three years of the offense the offender previously was convicted of or pleaded guilty to one or more violations of Ohio R.C. 4510.12 or a substantially equivalent municipal ordinance, and if the offender's license was expired for more than six months at the time of the offense, the court may impose a class seven 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 division (A)(7) of Ohio R.C. 4510.02. (ORC 4510.12)

335.02 PERMITTING OPERATION WITHOUT VALID LICENSE; ONE LICENSE PERMITTED.

(a) No person shall permit the operation of a motor vehicle upon any public or private property used by the public for purposes of vehicular travel or parking knowing the operator does not have a valid driver's license issued to the operator by the Registrar of Motor Vehicles under Ohio R.C. Chapter 4507 or a valid commercial driver's license issued under Ohio R.C. Chapter 4506.

(b) No person shall receive a driver's license, or a motorcycle operator's endorsement of a driver's or commercial driver's license, unless and until he surrenders to the Registrar all valid licenses issued to him by another jurisdiction recognized by the State of Ohio. No person shall be permitted to have more than one valid license at any time. (ORC 4507.02)

- (c) (1) Except as otherwise provided in this subsection, whoever violates subsection (a) hereof is guilty of an unclassified misdemeanor. When the offense is an unclassified misdemeanor, the offender shall be sentenced pursuant to Ohio R.C. 2929.21 to 2929.28, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to Ohio R.C. 2929.26; notwithstanding division (A)(2)(a) of Ohio R.C. 2929.28, the offender may be fined up to one thousand dollars (\$1,000) and, notwithstanding division (A)(3) of Ohio R.C. 2929.27, the offender may be ordered pursuant to division (C) of that section to serve a term of community service of up to five hundred hours. The failure of an offender to complete a term of community service imposed by the court may be punished as indirect

criminal contempt under division (A) of Ohio R.C. 2705.02 that may be filed in the underlying case. If, within three years of the offense, the offender previously has been convicted of or pleaded guilty to two or more violations of Ohio R.C. 4507.02 or a substantially equivalent municipal ordinance, the offense is a misdemeanor of the first degree.

- (2) Whoever violates subsection (b) hereof is guilty of a misdemeanor of the first degree. (ORC 4507.02; 4507.99)

335.021 OHIO DRIVER'S LICENSE REQUIRED FOR IN STATE RESIDENTS.

(a) Any person who becomes a resident of this State, within thirty days of becoming a resident, shall surrender any driver's license issued by another state to the Registrar of Motor Vehicles or a Deputy Registrar. If such a person intends to operate a motor vehicle upon the public roads or highways, the person shall apply for a driver's license in this State. If the person fails to apply for a driver's license within thirty days of becoming a resident, the person shall not operate any motor vehicle in this Municipality under a license issued by another state.

- (b) (1) Whoever violates subsection (a) of this section is guilty of a minor misdemeanor.
- (2) The offense established under subsection (b)(1) of this section is a strict liability offense and strict liability is a culpable mental state for purposes of Ohio R.C. 2901.20. The designation of this offense as a strict liability offense shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is not a strict liability offense.

(c) For purposes of subsection (a) of this section, "resident" means any person to whom any of the following applies:

- (1) The person maintains their principal residence in this State and does not reside in this State as a result of the person's active service in the United States Armed Forces.
- (2) The person is determined by the Registrar of Motor Vehicles to be a resident in accordance with standards adopted by the Registrar under Ohio R.C. 4507.01. (ORC 4507.213)

335.03 DRIVING WITH TEMPORARY INSTRUCTION PERMIT; CURFEW.

(a) No holder of a temporary instruction permit issued under Ohio R.C. 4507.05(A) shall operate a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking in violation of the following conditions:

- (1) If the permit is issued to a person who is at least fifteen years six months of age, but less than sixteen years of age:
- A. The permit and identification card are in the holder's immediate possession;
 - B. The holder is accompanied by an eligible adult who actually occupies the seat beside the permit holder and does not have a prohibited concentration of alcohol in the whole blood, blood serum or plasma, breath, or urine as provided in Ohio R.C. 4511.19(A);
 - C. The total number of occupants of the vehicle does not exceed the total number of occupant restraining devices originally installed in the motor vehicle by its manufacturer, and each occupant of the vehicle is wearing all of the available elements of a properly adjusted occupant restraining device.
- (2) If the permit is issued to a person who is at least sixteen years of age:
- A. The permit and identification card are in the holder's immediate possession;

- B. The holder is accompanied by a licensed operator who is at least twenty-one years of age and is actually occupying a seat beside the driver and does not have a prohibited concentration of alcohol in the whole blood, blood serum or plasma, breath, or urine as provided in Ohio R.C. 4511.19(A);
- C. The total number of occupants of the vehicle does not exceed the total number of occupant restraining devices originally installed in the motor vehicle by its manufacturer, and each occupant of the vehicle is wearing all of the available elements of a properly adjusted occupant restraining device.

(b) Except as provided in subsection (b) hereof, no holder of a temporary instruction permit that is issued under Ohio R.C. 4507.05(A) and that is issued on or after July 1, 1998, and who has not attained the age of eighteen years, shall operate a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking between the hours of midnight and six a.m.

The holder of a permit issued under Ohio R.C. 4507.05(A) on or after July 1, 1998, who has not attained the age of eighteen years, may operate a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking between the hours of midnight and six a.m. if, at the time of such operation, the holder is accompanied by the holder's parent, guardian, or custodian, and the parent, guardian or custodian holds a current valid driver's or commercial driver's license issued by this State and is actually occupying a seat beside the permit holder, and does not have a prohibited concentration of alcohol in the whole blood, blood serum or plasma, breath, or urine as provided in Section 333.01(a).

(c) As used in this section:

(1) "Eligible adult" means any of the following:

- A. An instructor of a driver education course approved by the Department of Education or a driver training course approved by the Department of Public Safety;
- B. Any of the following persons who holds a current valid driver's or commercial driver's license issued by this State:
 - 1. A parent, guardian or custodian of the permit holder;
 - 2. A person twenty-one years of age or older who acts in loco parentis of the permit holder.

(2) "Occupant restraining device" has the same meaning as in Ohio R.C. 4513.263.

(d) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4507.05)

335.031 DRIVING WITH PROBATIONARY LICENSE; CURFEW.

- (a) (1) A. No holder of a probationary driver's license who has held the license for less than twelve months shall operate a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking between the hours of midnight and six a.m. unless the holder is accompanied by the holder's parent or guardian.
- B. No holder of a probationary driver's license who has held the license for twelve months or longer shall operate a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking between the hours of one a.m. and five a.m. unless the holder is accompanied by the holder's parent or guardian.

- (2) A. Subject to subsection (c)(1) of this section, subsection (a)(1)A. of this section does not apply to the holder of a probationary driver's license who is doing either of the following:
1. Traveling to or from work between the hours of midnight and six a.m. provided that the holder has in the holder's immediate possession written documentation from the holder's employer.
 2. Traveling to or from an official function sponsored by the school the holder attends between the hours of midnight and six a.m., provided that the holder has in the holder's immediate possession written documentation from an appropriate official of the school;
 3. Traveling to or from an official religious event between the hours of midnight and six a.m., provided that the holder has in the holder's immediate possession written documentation from an appropriate official affiliated with the event.
- B. Subsection (a)(1)B. of this section does not apply to the holder of a probationary driver's license who is doing either of the following:
1. Traveling to or from work between the hours of one a.m. and five a.m., provided that the holder has in the holder's immediate possession written documentation from the holder's employer.
 2. Traveling to or from an official function sponsored by the school the holder attends between the hours of one a.m. and five a.m., provided that the holder has in the holder's immediate possession written documentation from an appropriate official of the school;
 3. Traveling to or from an official religious event between the hours of one a.m. and five a.m., provided that the holder has in the holder's immediate possession written documentation from an appropriate official affiliated with the event.
- (3) An employer, school official or official affiliated with a religious event is not liable in damages in a civil action for any injury, death or loss to person or property that allegedly arises from, or is related to, the fact that the employer, school official, or official affiliated with a religious event provided the holder of a probationary driver's license with the written documentation described in subsection (a)(2) of this section. The Registrar of Motor Vehicles shall make available at no cost a form to serve as the written documentation described in subsection (a)(2) of this section, and employers, school officials, officials affiliated with religious events, and holders of probationary driver's licenses may utilize that form or may choose to utilize any other written documentation to meet the requirements of that subsection.
- (4) No holder of a probationary driver's license who has held the license for less than twelve months shall operate a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking with more than one person who is not a family member occupying the vehicle unless the probationary license holder is accompanied by the probationary license holder's parent, guardian or custodian.

(b) It is an affirmative defense to a violation of subsection (a)(1)A. or B. of this section if, at the time of the violation, an emergency existed that required the holder of the probationary driver's license to operate a motor vehicle in violation of subsection (a)(1)A. or B. of this section; or the holder was an emancipated minor.

- (c) (1) If a person is issued a probationary driver's license prior to attaining the age of seventeen years and the person pleads guilty to, is convicted of, or is adjudicated in juvenile court of having committed a moving violation during the six-month period commencing on the date on which the person is issued the probationary driver's license, the court with jurisdiction over the violation may order that the holder must be accompanied by the holder's parent or guardian whenever the holder is operating a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking for a period not to exceed six months or the date the holder attains the age of seventeen years, whichever occurs first.
- (2) Any person who is subject to the operating restrictions established under subsection (c)(1) of this section as a result of a first moving violation may petition the court for driving privileges without being accompanied by the holder's parent or guardian during the period of time determined by the court under that subsection. In granting the driving privileges, the court shall specify the purposes of the privileges and shall issue the person appropriate forms setting forth the privileges granted. If a person is convicted of, pleads guilty to, or is adjudicated in juvenile court of having committed a second or subsequent moving violation, the court with jurisdiction over the violation may terminate any driving privileges previously granted under this division.
- (3) No person shall violate any operating restriction imposed under subsection (c)(1) or (2) of this section.

(d) No holder of a probationary license shall operate a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking unless the total number of occupants of the vehicle does not exceed the total number of occupant restraining devices originally installed in the motor vehicle by its manufacturer, and each occupant of the vehicle is wearing all of the available elements of a properly adjusted occupant restraining device.

(e) Notwithstanding any other provision of law to the contrary, no law enforcement officer shall cause the operator of a motor vehicle being operated on any street or highway to stop the motor vehicle for the sole purpose of determining whether each occupant of the motor vehicle is wearing all of the available elements of a properly adjusted occupant restraining device as required by subsection (d) hereof, or for the sole purpose of issuing a ticket, citation, or summons if the requirement in that subsection has been or is being violated, or for causing the arrest of or commencing a prosecution of a person for a violation of that requirement.

(f) Notwithstanding any other provision of law to the contrary, no law enforcement officer shall cause the operator of a motor vehicle being operated on any street or highway to stop the motor vehicle for the sole purpose of determining whether a violation of subsection (a)(1)A. or B. hereof has been or is being committed or for the sole purpose of issuing a ticket, citation, or summons for such a violation or for causing the arrest of or commencing a prosecution of a person for such violation.

(g) As used in this section:

- (1) "Occupant restraining device" has the same meaning as in Ohio R.C. 4513.263.

- (2) "Family member" of a probationary license holder includes any of the following:
- A. A spouse;
 - B. A child or stepchild;
 - C. A parent, stepparent, grandparent, or parent-in-law;
 - D. An aunt or uncle;
 - E. A sibling, whether or the whole or half blood or by adoption, a brother-in-law or a sister-in-law;
 - F. A son or daughter of the probationary license holder's stepparent if the stepparent has not adopted the probationary license holder;
 - G. An eligible adult, as defined in Ohio R.C. 4507.05.
- (3) "Moving violation" means any violation of any statute or ordinance that regulates the operation of vehicles, streetcars, or trackless trolleys on the highways or streets. "Moving violation" does not include a violation of Ohio R.C. 4513.263 or a substantially equivalent municipal ordinance, or a violation of any statute or ordinance regulating pedestrians or the parking of vehicles, vehicle size or load limitations, vehicle fitness requirements, or vehicle registration.

(h) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4507.071)

**335.032 USE OF ELECTRONIC WIRELESS COMMUNICATION DEVICE
PROHIBITED WHILE DRIVING.**

(a) No holder of a temporary instruction permit who has not attained the age of eighteen years and no holder of a probationary driver's license shall drive a motor vehicle on any street, highway, or property used by the public for purposes of vehicular traffic or parking while using in any manner an electronic wireless communications device.

- (b) Subsection (a) of this section does not apply to either of the following:
- (1) A person using an electronic wireless communications device for emergency purposes, including an emergency contact with a law enforcement agency, hospital or health care provider, fire department, or other similar emergency agency or entity;
 - (2) A person using an electronic wireless communications device whose motor vehicle is in a stationary position and the motor vehicle is outside a lane of travel;
 - (3) A person using a navigation device in a voice-operated or hands-free manner who does not manipulate the device while driving.
- (c) (1) Except as provided in subsection (c)(2) of this section, whoever violates subsection (a) of this section shall be fined one hundred fifty dollars (\$150.00). In addition, the court shall impose a class seven suspension of the offender's driver's license or permit for a definite period of sixty days.
- (2) If the person previously has been adjudicated a delinquent child or a juvenile traffic offender for a violation of this section, whoever violates this section shall be fined three hundred dollars (\$300.00). In addition, the court shall impose a class seven suspension of the person's driver's license or permit for a definite period of one year.

(d) The filing of a sworn complaint against a person for a violation of Ohio R.C. 4511.205 does not preclude the filing of a sworn complaint for a violation of a substantially equivalent municipal ordinance for the same conduct. However, if a person is adjudicated a delinquent child or a juvenile traffic offender for a violation of Ohio R.C. 4511.205 and is also adjudicated a delinquent child or a juvenile traffic offender for a violation of a substantially equivalent municipal ordinance for the same conduct, the two offenses are allied offenses of similar import under Ohio R.C. 2941.25.

(e) As used in this section, "electronic wireless communications device" includes any of the following:

- (1) A wireless telephone;
- (2) A personal digital assistant;
- (3) A computer, including a laptop computer and a computer tablet;
- (4) A text-messaging device;
- (5) Any other substantially similar electronic wireless device that is designed or used to communicate via voice, image, or written word.
(ORC 4511.205)

335.04 CERTAIN ACTS PROHIBITED.

(a) No person shall do any of the following:

- (1) Display, or cause or permit to be displayed, or possess any identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license temporary instruction permit knowing the same to be fictitious, or to have been canceled, suspended or altered;
- (2) Lend to a person not entitled thereto, or knowingly permit a person not entitled thereto to use any identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license temporary instruction permit issued to the person so lending or permitting the use thereof;
- (3) Display or represent as one's own, any identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license temporary instruction permit not issued to the person so displaying the same;
- (4) Fail to surrender to the Registrar of Motor Vehicles, upon the Registrar's demand, any identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license temporary instruction permit that has been suspended or canceled;
- (5) In any application for an identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license temporary instruction permit, or any renewal or duplicate thereof, knowingly conceal a material fact, or present any physician's statement required under Ohio R.C. 4507.08 or 4507.081 when knowing the same to be false or fictitious.

(b) Whoever violates this section is guilty of a misdemeanor of the first degree.
(ORC 4507.30)

335.05 WRONGFUL ENTRUSTMENT OF A MOTOR VEHICLE.

(a) No person shall permit a motor vehicle owned by the person or under the person's control to be driven by another if any of the following apply:

- (1) The offender knows or has reasonable cause to believe that the other person does not have a valid driver's or commercial driver's license or permit or valid nonresident driving privileges.

- (2) The offender knows or has reasonable cause to believe that the other person's driver's or commercial driver's license or permit or nonresident operating privileges have been suspended or canceled under Ohio R.C. Chapter 4510, or any other provision of the Ohio Revised Code or this Traffic Code.
- (3) The offender knows or has reasonable cause to believe that the other person's act of driving the motor vehicle would violate any prohibition contained in Ohio R.C. Chapter 4509.
- (4) The offender knows or has reasonable cause to believe that the other person's act of driving would violate Ohio R.C. 4511.19 or any substantially equivalent municipal ordinance.
- (5) The offender knows or has reasonable cause to believe that the vehicle is the subject of an immobilization waiver order issued under Ohio R.C. 4503.235 and the other person is prohibited from operating the vehicle under that order.

(b) Without limiting or precluding the consideration of any other evidence in determining whether a violation of subsection (a)(1), (2), (3), (4) or (5) of this section has occurred, it shall be prima-facie evidence that the offender knows or has reasonable cause to believe that the operator of the motor vehicle owned by the offender or under the offender's control is in a category described in subsection (a)(1), (2), (3), (4) or (5) of this section if any of the following applies:

- (1) Regarding an operator allegedly in the category described in subsection (a)(1), (3) or (5) of this section, the offender and the operator of the motor vehicle reside in the same household and are related by consanguinity or affinity.
- (2) Regarding an operator allegedly in the category described in subsection (a)(2) of this section, the offender and the operator of the motor vehicle reside in the same household, and the offender knows or has reasonable cause to believe that the operator has been charged with or convicted of any violation of law or ordinance, or has committed any other act or omission, that would or could result in the suspension or cancellation of the operator's license, permit or privilege.
- (3) Regarding an operator allegedly in the category described in subsection (a)(4) of this section, the offender and the operator of the motor vehicle occupied the motor vehicle together at the time of the offense.

(c) Whoever violates this section is guilty of wrongful entrustment of a motor vehicle and shall be punished as provided in subsections (c) to (h) of this section.

- (1) Except as provided in subsection (c)(2) of this section, whoever violates subsection (a)(1), (2) or (3) of this section is guilty of an unclassified misdemeanor. When the offense is an unclassified misdemeanor, the offender shall be sentenced pursuant to Ohio R.C. 2929.21 to 2929.28, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to Ohio R.C. 2929.26; notwithstanding division (A)(2)(a) of Ohio R.C. 2929.28, the offender may be fined up to one thousand dollars (\$1,000); and, notwithstanding division (A)(3) of Ohio R.C. 2929.27, the offender may be ordered pursuant to division (C) of that section to serve a term of community service of up to five hundred hours. The failure of an offender to complete a term of community service imposed by the court may be punished as indirect criminal contempt under division (A) of Ohio R.C. 2705.02.

- (2) A. If, within three years of a violation of subsection (a)(1), (2) or (3) of this section, the offender previously has pleaded guilty to or been convicted of two or more violations of division (A)(1), (2) or (3) of Ohio R.C. 4511.203 or a substantially equivalent municipal ordinance, the offender is guilty of a misdemeanor of the first degree.
- B. Whoever violates subsection (a)(4) or (5) of this section is guilty of a misdemeanor of the first degree.
- (3) For any violation of this section, in addition to the penalties imposed under Section 303.99, the court may impose a class seven 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 division (A)(7) of Ohio R.C. 4510.02, and, if the vehicle involved in the offense is registered in the name of the offender, the court may order one of the following:
- A. Except as otherwise provided in subsection (c)(3)B. or C. of this section, the court may order, for thirty days, the immobilization of the vehicle involved in the offense and the impoundment of that vehicle's license plates. If issued, the order shall be issued and enforced under Ohio R.C. 4503.233.
- B. If the offender previously has been convicted of or pleaded guilty to one violation of Ohio R.C. 4511.203 or a substantially equivalent municipal ordinance, the court may order, for sixty days, the immobilization of the vehicle involved in the offense and the impoundment of that vehicle's license plates. If issued, the order shall be issued and enforced under Ohio R.C. 4503.233.
- C. If the offender previously has been convicted of or pleaded guilty to two or more violations of Ohio R.C. 4511.203 or a substantially equivalent municipal ordinance, the court may order the criminal forfeiture to the state of the vehicle involved in the offense. If issued, the order shall be issued and enforced under Ohio R.C. 4503.234.
- If title to a motor vehicle that is subject to an order for criminal forfeiture under this subsection is assigned or transferred and division (B)(2) or (3) of Ohio R.C. 4503.234 applies, in addition to or independent of any other penalty established by law, the court may fine the offender the value of the vehicle as determined by publications of the national automobile dealer's association. The proceeds from any fine imposed under this subsection shall be distributed in accordance with division (C)(2) of Ohio R.C. 4503.234.

(d) If a court orders the immobilization of a vehicle under subsection (c) of this section, the court shall not release the vehicle from the immobilization before the termination of the period of immobilization ordered unless the court is presented with current proof of financial responsibility with respect to that vehicle.

(e) If a court orders the criminal forfeiture of a vehicle under subsection (c) of this section, upon receipt of the order from the court, neither the Registrar of Motor Vehicles nor any deputy registrar shall accept any application for the registration or transfer of registration of any motor vehicle owned or leased by the person named in the order. The period of denial shall be five years after the date the order is issued, unless, during that five-year period, the court with jurisdiction of the offense that resulted in the order terminates the forfeiture and notifies the

Registrar of the termination. If the court terminates the forfeiture and notifies the Registrar, the Registrar shall take all necessary measures to permit the person to register a vehicle owned or leased by the person or to transfer the registration of the vehicle.

(f) This section does not apply to motor vehicle rental dealers or motor vehicle leasing dealers, as defined in Ohio R.C. 4549.65.

(g) Evidence of a conviction of, plea of guilty to, or adjudication as a delinquent child for a violation of this section or a substantially similar municipal ordinance shall not be admissible as evidence in any civil action that involves the offender or delinquent child who is the subject of the conviction, plea, or adjudication and that arises from the wrongful entrustment of a motor vehicle.

(h) For purposes of this section, a vehicle is owned by a person if, at the time of a violation of this section, the vehicle is registered in the person's name.
(ORC 4511.203)

335.06 DISPLAY OF LICENSE.

(a) The operator of a motor vehicle shall display the operator's driver's license, or furnish satisfactory proof that the operator has a driver's license, upon demand of any peace officer or of any person damaged or injured in any collision in which the licensee may be involved. When a demand is properly made and the operator has the operator's driver's license on or about the operator's person, the operator shall not refuse to display the license. A person's failure to furnish satisfactory evidence that the person is licensed under Ohio R.C. Chapter 4507 when the person does not have the person's license on or about the person's person shall be prima-facie evidence of the person's not having obtained a driver's license.

- (b) (1) Except as provided in subsection (b)(2) hereof, whoever violates this section is guilty of an unclassified misdemeanor. When the offense is an unclassified misdemeanor, the offender shall be sentenced pursuant to Ohio R.C. 2929.21 to 2929.28, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to Ohio R.C. 2929.26; notwithstanding division (A)(2)(a) of Ohio R.C. 2929.28, the offender may be fined up to one thousand dollars (\$1,000); and, notwithstanding division (A)(3) of Ohio R.C. 2929.27, the offender may be ordered pursuant to division (C) of that section to serve a term of community service of up to five hundred hours. The failure of an offender to complete a term of community service imposed by the court may be punished as indirect criminal contempt under division (A) of Ohio R.C. 2705.02 that may be filed in the underlying case.
- (2) If, within three years of the offense, the offender previously has been convicted of or pleaded guilty to two or more violations of Ohio R.C. 4507.35 or a substantially equivalent municipal ordinance, the offense is a misdemeanor of the first degree. (ORC 4507.35)

335.07 DRIVING UNDER SUSPENSION OR LICENSE RESTRICTION.

(a) Except as provided under subsection (b) hereof and Sections 335.072 and 335.074, no person whose driver's or commercial driver's license or permit or nonresident operating privilege has been suspended under any provision of the Ohio Revised Code, other than Ohio R.C. Chapter 4509, or under any applicable law in any other jurisdiction in which the person's license or permit was issued shall operate any motor vehicle upon the public roads and highways or upon any public or private property used by the public for purposes of vehicular travel or parking within this Municipality during the period of suspension unless the person is granted limited driving

privileges and is operating the vehicle in accordance with the terms of the limited driving privileges.

(b) No person shall operate any motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking in this Municipality in violation of any restriction of the person's driver's or commercial driver's license or permit imposed under division (D) of Ohio R.C. 4506.10 or under Ohio R.C. 4507.14.

(c) Upon the request or motion of the prosecuting authority, a noncertified copy of the law enforcement automated data system report or a noncertified copy of a record of the Registrar of Motor Vehicles that shows the name, date of birth, and social security number of a person charged with a violation of subsection (a) or (b) of this section may be admitted into evidence as prima-facie evidence that the license of the person was under suspension at the time of the alleged violation of subsection (a) of this section or the person operated a motor vehicle in violation of a restriction at the time of the alleged violation of subsection (b) of this section. The person charged with a violation of subsection (a) or (b) of this section may offer evidence to rebut this prima-facie evidence.

- (d) (1) Whoever violates subsection (a) or (b) hereof, is guilty of a misdemeanor of the first degree. The court may impose upon the offender a class seven 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 division (A)(7) of Ohio R.C. 4510.02.
- (2) A. Except as provided in subsection (d)(2)B. or C. of this section, the court, in addition to any other penalty that it imposes on the offender and if the vehicle is registered in the offender's name and if, within three years of the offense, the offender previously has been convicted of or pleaded guilty to one violation of Ohio R.C. 4510.11 or Ohio R.C. 4510.111 or 4510.16, or a substantially equivalent municipal ordinance, the court, in addition to or independent of any other sentence that it imposes upon the offender, may order the immobilization of the vehicle involved in the offense for thirty days and the impoundment of that vehicle's license plates for thirty days in accordance with Ohio R.C. 4503.233.
- B. If the vehicle is registered in the offender's name and if, within three years of the offense, the offender previously has been convicted of or pleaded guilty to two violations of Ohio R.C. 4510.11 or any combination of two violations of Ohio R.C. 4510.11 or Ohio R.C. 4510.111 or 4510.16, or of a substantially similar municipal ordinance, the court, in addition to any other sentence that it imposes on the offender may order the immobilization of the vehicle involved in the offense for sixty days and the impoundment of that vehicle's license plates for sixty days in accordance with Ohio R.C. 4503.233.
- C. If the vehicle is registered in the offender's name and if, within three years of the offense, the offender previously has been convicted of or pleaded guilty to three or more violations of Ohio R.C. 4510.11, or any combination of three or more violations of Ohio R.C. 4501.11 or Ohio R.C. 4510.111 or 4510.16, or of a substantially similar municipal ordinance, the court, in addition to any other sentence that it imposes on the offender may order the criminal forfeiture of the vehicle involved in the offense to the State.

(e) Any order for immobilization and impoundment under this section shall be issued and enforced under Ohio R.C. 4503.233 and 4507.02, as applicable. The court shall not release a vehicle from immobilization ordered under this section unless the court is presented with current proof of financial responsibility with respect to that vehicle.

(f) Any order of criminal forfeiture under this section shall be issued and enforced under Ohio R.C. 4503.234. Upon receipt of the copy of the order from the court, neither the Ohio Registrar of Motor Vehicles nor a deputy registrar shall accept any application for the registration or transfer of registration of any motor vehicle owned or leased by the person named in the declaration of forfeiture. The period of registration denial shall be five years after the date of the order, unless, during that period, the court having jurisdiction of the offense that lead to the order terminates the forfeiture and notifies the Registrar of the termination. The Registrar shall then take necessary measures to permit the person to register a vehicle owned or leased by the person or to transfer registration of the vehicle.

(g) The offender shall provide the court with proof of financial responsibility as defined in Ohio R.C. 4509.01. If the offender fails to provide that proof of financial responsibility, then, in addition to any other penalties provided by law, the court may order restitution pursuant to Ohio R.C. 2929.28 in an amount not exceeding five thousand dollars (\$5,000) for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the vehicle before, during, or after committing the offense for which the offender is sentenced under this section. (ORC 4510.11)

(h) Any person whose driver's or commercial driver's license or permit or nonresident operating privileges are suspended as a repeat traffic offender under this section and who, during the suspension, operates any motor vehicle upon any public roads and highways is guilty of driving under a twelve-point suspension, a misdemeanor of the first degree. The court shall sentence the offender to a minimum term of three days in jail. No court shall suspend the first three days of jail time imposed pursuant to this subsection. (ORC 4510.037)

335.071 DRIVING UNDER OVI SUSPENSION.

(a) No person whose driver's or commercial driver's license or permit or nonresident operating privilege has been suspended under Ohio R.C. 4511.19, 4511.191, or 4511.196 or under Ohio R.C. 4510.07 for a conviction of a violation of a municipal OVI ordinance shall operate any motor vehicle upon the public roads or highways within this Municipality during the period of the suspension.

(b) Whoever violates this section is guilty of driving under OVI suspension. The court shall sentence the offender under Ohio R.C. Chapter 2929, subject to the differences authorized or required by this section.

(1) Except as otherwise provided in subsection (b)(2) or (3) of this section, driving under OVI suspension is a misdemeanor of the first degree. The court shall sentence the offender to all of the following:

A. A mandatory jail term of three consecutive days. The three-day term shall be imposed, unless, subject to subsection (c) of this section, the court instead imposes a sentence of not less than thirty consecutive days of house arrest with electronic monitoring. A period of house arrest with electronic monitoring imposed under this subsection shall not exceed six months. If the court imposes a mandatory three-day jail term under this subsection, the court may impose a jail term in addition to that term, provided that in no case shall the cumulative jail term imposed for the offense exceed six months.

- B. A fine of not less than two hundred fifty dollars (\$250.00) and not more than one thousand dollars (\$1,000).
 - C. A license suspension under subsection (e) of this section.
- (2) If, within six years of the offense, the offender previously has been convicted of or pleaded guilty to one violation of this section or one equivalent offense, driving under OVI suspension is a misdemeanor of the first degree. The court shall sentence the offender to all of the following:
- A. A mandatory jail term of ten consecutive days. Notwithstanding the jail terms provided in Ohio R.C. Chapter 2929, the court may sentence the offender to a longer jail term of not more than one year. The ten-day mandatory jail term shall be imposed unless, subject to subsection (c) of this section, the court instead imposes a sentence of not less than ninety consecutive days of house arrest with electronic monitoring. The period of house arrest with electronic monitoring shall not exceed one year.
 - B. Notwithstanding the fines provided for in Ohio R.C. Chapter 2929, a fine of not less than five hundred dollars (\$500.00) and not more than two thousand five hundred dollars (\$2,500).
 - C. A license suspension under subsection (e) of this section.
- (3) If, within six years of the offense, the offender previously has been convicted of or pleaded guilty to two or more violations of this section or two or more equivalent offenses, driving under OVI suspension is a misdemeanor of the first degree. The court shall sentence the offender to all of the following:
- A. A mandatory jail term of thirty consecutive days. Notwithstanding the jail terms provided in Ohio R.C. Chapter 2929, the court may sentence the offender to a longer jail term of not more than one year. The court shall not sentence the offender to a term of house arrest with electronic monitoring in lieu of the mandatory portion of the jail term.
 - B. Notwithstanding the fines set forth in Ohio R.C. Chapter 2929, a fine of not less than five hundred dollars (\$500.00) and not more than two thousand five hundred dollars (\$2,500).
 - C. A license suspension under subsection (e) of this section.

(c) No court shall impose an alternative sentence of house arrest with electronic monitoring under subsection (b)(1) or (2) of this section unless, within sixty days of the date of sentencing, the court issues a written finding on the record that, due to the unavailability of space at the jail where the offender is required to serve the jail term imposed, the offender will not be able to begin serving that term within the sixty-day period following the date of sentencing.

An offender sentenced under this section to a period of house arrest with electronic monitoring shall be permitted work release during that period.

(d) Fifty per cent of any fine imposed by a court under subsection (b)(1), (2) or (3) of this section shall be deposited into the county indigent drivers alcohol treatment fund or municipal indigent drivers alcohol treatment fund under the control of that court, as created by the county or municipal corporation pursuant to division (H) of Ohio R.C. 4511.191.

(e) In addition to or independent of all other penalties provided by law or ordinance, the trial judge of any court of record or the mayor of a mayor's court shall impose on an offender who is convicted of or pleads guilty to a violation of this section 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 division (A)(7) of Ohio R.C. 4510.02.

When permitted as specified in Ohio R.C. 4510.021, if the court grants limited driving privileges during a suspension imposed under this section, the privileges shall be granted on the additional condition that the offender must display restricted license plates, issued under Ohio R.C. 4503.231, on the vehicle driven subject to the privileges, except as provided in division (B) of that section.

A suspension of a commercial driver's license under this section shall be concurrent with any period of suspension or disqualification under Ohio R.C. 3123.58 or 4506.16. No person who is disqualified for life from holding a commercial driver's license under Ohio R.C. 4506.16 shall be issued a driver's license under Ohio R.C. Chapter 4507 during the period for which the commercial driver's license was suspended under this section, and no person whose commercial driver's license is suspended under this section shall be issued a driver's license under Ohio R.C. Chapter 4507 during the period of the suspension.

(f) The offender shall provide the court with proof of financial responsibility as defined in Ohio R.C. 4509.01. If the offender fails to provide that proof of financial responsibility, then, in addition to any other penalties provided by law, the court may order restitution pursuant to Ohio R.C. 2929.28 in an amount not exceeding five thousand dollars (\$5,000) for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the vehicle before, during, or after committing the offense that is a misdemeanor of the first degree under this section for which the offender is sentenced. (ORC 4510.14)

- (g) (1) If a person is convicted of or pleads guilty to a violation of a municipal ordinance that is substantially equivalent to Ohio R.C. 4510.14, the court, in addition to and independent of any sentence that it imposes upon the offender for the offense, if the vehicle the offender was operating at the time of the offense is registered in the offender's name, shall do whichever of the following is applicable:
- A. If, within six years of the current offense, the offender has not been convicted of or pleaded guilty to a violation of Ohio R.C. 4510.14 or former division (D)(2) of Ohio R.C. 4507.02, or a municipal ordinance that is substantially equivalent to that section or former division, the court shall order the immobilization for thirty days of the vehicle involved in the offense and the impoundment for thirty days of the license plates of that vehicle in accordance with Ohio R.C. 4503.233.
 - B. If, within six years of the current offense, the offender has been convicted of or pleaded guilty to one violation of Ohio R.C. 4510.14 or former division (D)(2) of Ohio R.C. 4507.02, or a municipal ordinance that is substantially equivalent to that section or former division, the court shall order the immobilization for sixty days of the vehicle involved in the offense and the impoundment for sixty days of the license plates of that vehicle in accordance with Ohio R.C. 4503.233.
 - C. If, within six years of the current offense, the offender has been convicted of or pleaded guilty to two or more violations of Ohio R.C. 4510.14 or former division (D)(2) of Ohio R.C. 4507.02 or a municipal ordinance that is substantially equivalent to that section or former division, the court shall order the criminal forfeiture to the State of the vehicle the offender was operating at the time of the offense.

- (3) Fail to surrender any certificate of title or any certificate of registration or license plates upon cancellation of the same by the Registrar of Motor Vehicles and notice of the cancellation as prescribed in Ohio R.C. Chapter 4505;
- (4) Fail to surrender the certificate of title to a clerk of a court of common pleas as provided in Ohio R.C. Chapter 4505 in case of the destruction or dismantling or change of a motor vehicle in such respect that it is not the motor vehicle described in the certificate of title;
- (5) Violate any rules adopted pursuant to Ohio R.C. Chapter 4505;
- (6) Except as otherwise provided in Ohio R.C. Chapter 4505 and Chapter 4517, sell at wholesale a motor vehicle the ownership of which is not evidenced by an Ohio certificate of title, or the current certificate of title issued for the motor vehicle, or the manufacturer's certificate of origin, and all title assignments that evidence the seller's ownership of the motor vehicle, and an odometer disclosure statement that complies with Ohio R.C. 4505.06 and subchapter IV of the "Motor Vehicle Information and Cost Savings Act", 86 Stat. 961 (1972), 15 U.S.C. 1981;
- (7) Operate in this Municipality a motor vehicle knowing that the certificate of title to the vehicle or ownership of the vehicle as otherwise reflected in the automated title processing system has been canceled.

(b) This section does not apply to persons engaged in the business of warehousing or transporting motor vehicles for the purpose of salvage disposition.

(c) Whoever violates this section shall be fined not more than two hundred dollars (\$200.00) or imprisoned not more than ninety days, or both.
(ORC 4505.18)

335.09 DISPLAY OF LICENSE PLATES.

(a) No person who is the owner or operator of a motor vehicle shall fail to properly display in plain view on the front and rear of the motor vehicle the distinctive number and registration mark, including any county identification sticker and any validation sticker issued under Ohio R.C. 4503.19 and 4503.191, furnished by the Ohio Director of Public Safety, except that a manufacturer of motor vehicles or dealer therein, the holder of an intransit permit, and the owner or operator of a motorcycle, motorized bicycle, or moped, motor-driven cycle or motor scooter, auticycle, cab-enclosed motorcycle, manufactured home, mobile home, trailer or semitrailer shall display on the rear only. A motor vehicle that is issued two license plates shall display the validation sticker on the rear license plate. A commercial tractor that does not receive an apportioned license plate under the international registration plan shall be issued one license plate and one validation sticker, which license plate and validation sticker shall be displayed on the front of the commercial tractor. An apportioned vehicle receiving an apportioned license plate under the international registration plan shall display the license plate only on the front of a commercial tractor and on the rear of all other vehicles. All license plates shall be securely fastened so as not to swing, and shall not be covered by any material that obstructs their visibility.

No person to whom a temporary license placard or windshield sticker has been issued for the use of a motor vehicle under Ohio R.C. 4503.182, and no operator of that motor vehicle, shall fail to display the temporary license placard in plain view from the rear of the vehicle either in the rear window or on an external rear surface of the motor vehicle, or fail to display the windshield sticker in plain view on the rear window of the motor vehicle. No temporary license placard or windshield sticker shall be covered by any material that obstructs its visibility.

(b) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4503.21)

335.10 EXPIRED OR UNLAWFUL LICENSE PLATES.

(a) No person who is the owner of a motor vehicle which is parked or operated upon the public streets or highways shall fail to annually file the application for registration or to pay the tax therefor, as required by Ohio R.C. Chapter 4503. (ORC 4503.11)

(b) No person shall operate, drive or park upon the public streets or highways a motor vehicle acquired from a former owner who has registered the motor vehicle, while the motor vehicle displays the distinctive number or identification mark assigned to it upon its original registration. (ORC 4549.11)

(c) No person who is the owner of a motor vehicle and a resident of Ohio shall operate, drive or park the motor vehicle upon the public streets or highways, while it displays a distinctive number or identification mark issued by or under the authority of another state, without complying with the laws of Ohio relating to the registration and identification of motor vehicles.
(ORC 4549.12)

(d) No person shall park or operate any vehicle upon any public street or highway upon which is displayed an expired license plate or an expired validation sticker.

(e) No person shall park or operate any vehicle upon any public street or highway upon which are displayed any license plates not legally registered and issued for such vehicle, or upon which are displayed any license plates that were issued on an application for registration that contains any false statement by the applicant.

- (f)
- (1) Whoever violates subsection (a) hereof is guilty of a minor misdemeanor.
 - (2) Whoever violates subsection (b) hereof is guilty of a minor misdemeanor on a first offense and a misdemeanor of the fourth degree on each subsequent offense.
 - (3) Whoever violates any provision of this section for which no other penalty is provided is guilty of a minor misdemeanor.
(ORC 4549.11; 4549.12)

335.11 USE OF ILLEGAL LICENSE PLATES; TRANSFER OF REGISTRATION.

(a) No person shall operate or drive a motor vehicle upon the streets in this Municipality if it displays a license plate or a distinctive number or identification mark that meets any of the following criteria:

- (1) Is fictitious;
- (2) Is a counterfeit or an unlawfully made copy of any distinctive number or identification mark;
- (3) Belongs to another motor vehicle, provided that this section does not apply to a motor vehicle that is operated on the streets in this Municipality when the motor vehicle displays license plates that originally were issued for a motor vehicle that previously was owned by the same person who owns the motor vehicle that is operated on the streets in this Municipality, during the thirty-day period described in subsection (c) hereof.

(b) Whoever violates subsection (a)(1), (2) or (3) of this section is guilty of operating a motor vehicle bearing an invalid license plate or identification mark, a misdemeanor of the fourth degree on a first offense and a misdemeanor of the third degree on each subsequent offense. (ORC 4549.08)

(c) Upon the transfer of ownership of a motor vehicle, the registration of the motor vehicle expires, and the original owner shall immediately remove the license plates from the motor vehicle. The transfer of the registration and, where applicable, the license plates from the motor vehicle for which they originally were issued to a succeeding motor vehicle purchased by the same person in whose name the original registration and license plates were issued shall be done within a period not to exceed thirty days. During that thirty-day period, the license plates from the motor vehicle for which they originally were issued may be displayed on the succeeding motor vehicle, and the succeeding motor vehicle may be operated on the streets of the Municipality.

(d) Whoever violates subsection (c) of this section is guilty of a misdemeanor of the fourth degree. (ORC 4503.12)

335.111 REGISTRATION WITHIN THIRTY DAYS OF RESIDENCY.

(a) Within thirty days of becoming a resident of this State, any person who owns a motor vehicle operated or driven upon the public roads or highways shall register the vehicle in this State. If such a person fails to register a vehicle owned by the person, the person shall not operate any motor vehicle in this Municipality under a license issued by another state.

- (b) (1) Whoever violates subsection (a) of this section is guilty of a minor misdemeanor.
- (2) The offense established under subsection (b)(1) of this section is a strict liability offense and strict liability is a culpable mental state for purposes of Ohio R.C. 2901.20. The designation of this offense as a strict liability offense shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is not a strict liability offense.

(c) For purposes of subsection (a) of this section, "resident" means any person to whom any of the following applies:

- (1) The person maintains their principal residence in this State and does not reside in this State as a result of the person's active service in the United States Armed Forces.
- (2) The person is determined by the Registrar of Motor Vehicles to be a resident in accordance with standards adopted by the Registrar under Ohio R.C. 4507.01. (ORC 4503.111)

335.12 STOPPING AFTER ACCIDENT UPON STREETS; COLLISION WITH UNATTENDED VEHICLE.

- (a) (1) In the case of a motor vehicle accident or collision with persons or property on a public road or highway, the operator of the motor vehicle, having knowledge of the accident or collision, immediately shall stop the operator's motor vehicle at the scene of the accident or collision. The operator shall remain at the scene of the accident or collision until the operator has given the operator's name and address and, if the operator is not the owner, the name and address of the owner of that motor vehicle, together with the registered number of that motor vehicle, to all of the following:
- A. Any person injured in the accident or collision;

- B. The operator, occupant, owner or attendant of any motor vehicle damaged in the accident or collision;
- C. The police officer at the scene of the accident or collision.
- (2) In the event an injured person is unable to comprehend and record the information required to be given under subsection (a)(1) of this section, the other operator involved in the accident or collision shall notify the nearest police authority concerning the location of the accident or collision, and the operator's name, address and the registered number of the motor vehicle the operator was operating. The operator shall remain at the scene of the accident or collision until a police officer arrives, unless removed from the scene by an emergency vehicle operated by a political subdivision or an ambulance.
- (3) If the accident or collision is with an unoccupied or unattended motor vehicle, the operator who collides with the motor vehicle shall securely attach the information required to be given in this section, in writing, to a conspicuous place in or on the unoccupied or unattended motor vehicle.
- (b) (1) Whoever violates subsection (a) of this section is guilty of failure to stop after an accident. Except as otherwise provided in subsection (b)(2) or (3) of this section, failure to stop after an accident is a misdemeanor of the first degree.
- (2) If the accident or collision results in serious physical harm to a person, failure to stop after an accident is a felony and shall be prosecuted under appropriate State law.
- (3) If the accident or collision results in the death of a person, failure to stop after an accident is a felony and shall be prosecuted under appropriate State law.
- (4) In all cases, the court, in addition to any other penalties provided by law, shall impose upon the offender a class five 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 division (A)(5) of Ohio R.C. 4510.02. No judge shall suspend the first six months of suspension of an offender's license, permit, or privilege required by this subsection.

The offender shall provide the court with proof of financial responsibility as defined in Ohio R.C. 4509.01. If the offender fails to provide that proof of financial responsibility, then, in addition to any other penalties provided by law, the court may order restitution pursuant to Ohio R.C. 2929.18 or 2929.28 in an amount not exceeding five thousand dollars (\$5,000) for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the motor vehicle before, during or after committing the offense charged under this section. (ORC 4549.02)

335.13 STOPPING AFTER ACCIDENT UPON PROPERTY OTHER THAN STREET.

- (a) (1) In the case of a motor vehicle accident or collision resulting in injury or damage to persons or property on any public or private property other than a public road or highway, the operator of the motor vehicle, having knowledge of the accident or collision, shall stop at the scene of the accident or collision. Upon request of any person who is injured or damaged, or any other person, the operator shall give that person the operator's name and address, and, if the operator is not the owner, the name and address of the owner of that motor vehicle, together with the registered number of that motor vehicle, and, if available, exhibit the operator's driver's or commercial driver's license.

- (2) If the operator of the motor vehicle involved in the accident or collision does not provide the information specified in subsection (a)(1) of this section, the operator shall give that information, within twenty-four hours after the accident or collision, to the Police Department.
 - (3) If the accident or collision is with an unoccupied or unattended motor vehicle, the operator who collides with the motor vehicle shall securely attach the information required under subsection (a)(1) of this section, in writing, to a conspicuous place in or on the unoccupied or unattended motor vehicle.
- (b)
- (1) Whoever violates subsection (a) of this section is guilty of failure to stop after a nonpublic road accident. Except as otherwise provided in subsection (b)(2) or (3) of this section, failure to stop after a nonpublic road accident is a misdemeanor of the first degree.
 - (2) If the accident or collision results in serious physical harm to a person, failure to stop after a nonpublic road accident is a felony and shall be prosecuted under appropriate State law.
 - (3) If the accident or collision results in the death of a person, failure to stop after a nonpublic road accident is a felony and shall be prosecuted under appropriate State law.
 - (4) In all cases, the court, in addition to any other penalties provided by law, shall impose upon the offender a class five 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 division (A)(5) of Ohio R.C. 4510.02. No judge shall suspend the first six months of suspension of an offender's license, permit, or privilege required by this subsection.

The offender shall provide the court with proof of financial responsibility as defined in Ohio R.C. 4509.01. If the offender fails to provide that proof of financial responsibility, then, in addition to any other penalties provided by law, the court may order restitution pursuant to Ohio R.C. 2929.18 or 2929.28 in an amount not exceeding five thousand dollars (\$5,000) for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the motor vehicle before, during or after committing the offense charged under this section. (ORC 4549.021)

335.14 VEHICLE ACCIDENT RESULTING IN DAMAGE TO REALTY.

(a) The driver of any vehicle involved in an accident resulting in damage to real property, or personal property attached to real property, legally upon or adjacent to a public road or highway immediately shall stop and take reasonable steps to locate and notify the owner or person in charge of the property of that fact, of the driver's name and address, and of the registration number of the vehicle the driver is driving and, upon request and if available, shall exhibit the driver's or commercial driver's license.

If the owner or person in charge of the property cannot be located after reasonable search, the driver of the vehicle involved in the accident resulting in damage to the property, within twenty-four hours after the accident, shall forward to the police authority in the municipality in which the accident or collision occurred, the same information required to be given to the owner or person in control of the property and give the location of the accident and a description of the damage insofar as it is known.

(b) Whoever violates subsection (a) of this section is guilty of failure to stop after an accident involving the property of others, a misdemeanor of the first degree.

The offender shall provide the court with proof of financial responsibility as defined in Ohio R.C. 4509.01. If the offender fails to provide that proof of financial responsibility, then, in addition to any other penalties provided by law, the court may order restitution pursuant to Ohio R.C. 2929.28 in an amount not exceeding five thousand dollars (\$5,000) for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the motor vehicle before, during or after committing the offense charged under this section. (ORC 4549.03)

**CHAPTER 345
Low-Speed Vehicles**

345.01 Definitions.

345.02 Operation prohibited.

345.99 Penalty.

345.01 DEFINITIONS.

As used in this chapter, "low-speed vehicle" means a three or four-wheeled motor vehicle with an attainable speed in one mile on a paved level surface of more than twenty miles per hour but not more than twenty-five miles per hour and with a gross vehicle weight rating less than three thousand pounds as defined in Ohio Revised Code Section 4501.01(WW).
(Ord. 40-16. Passed 12-12-16.)

345.02 OPERATION PROHIBITED.

No person shall operate or be a passenger in a Low-speed vehicle on any public street or highway or public right-of-way within the City of Lancaster.
(Ord. 40-16. Passed 12-12-16.)

345.99 PENALTY.

Except as otherwise provided in this division, whoever violates Section 345.02 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.
(Ord. 40-16. Passed 12-12-16.)

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CHAPTER 373
Bicycles and Motorcycles

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| <p>373.01 Code application to bicycles.</p> <p>373.02 Riding upon seats; handle bars; helmets and glasses.</p> <p>373.03 Attaching bicycle or sled to vehicle.</p> <p>373.04 Riding bicycles and motorcycles abreast.</p> <p>373.05 Signal device on bicycle.</p> <p>373.06 Lights and reflector on bicycle; brakes.</p> <p>373.07 Riding bicycle on right side of roadway; obedience to traffic rules; passing.</p> | <p>373.08 Reckless operation; control, course and speed.</p> <p>373.09 Parking of bicycle.</p> <p>373.10 Vehicle other than a bicycle in bicycle parking zones.</p> <p>373.11 Riding on sidewalk. (Repealed)</p> <p>373.12 Impounding bicycle or skateboard in lieu of other penalty.</p> <p>373.13 Paths exclusively for bicycles.</p> |
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CROSS REFERENCES

See sectional histories for similar State law
 Motorcycle protective equipment - see OAC Ch. 4501-17
 Motorized bicycle equipment - see OAC Ch. 4501-23
 Bicycle defined - see TRAF. 301.04
 Motorcycle defined - see TRAF. 301.19
 Bicycles prohibited on freeways - see TRAF. 303.06
 Hand and arm signals - see TRAF. 331.15
 Motorcycle operator's license required - see TRAF. 335.01(a)
 Motorcycle headlight - see TRAF. 337.03
 Motorcycle brakes - see TRAF. 337.18(b)

373.01 CODE APPLICATION TO BICYCLES.

(a) The provisions of this Traffic Code that are applicable to bicycles apply whenever a bicycle is operated upon any street or upon any path set aside for the exclusive use of bicycles.

(b) Except as provided in subsection (d) of this section, a bicycle operator who violates any section of this Traffic Code described in subsection (a) of this section that is applicable to bicycles may be issued a ticket, citation or summons by a law enforcement officer for the violation in the same manner as the operator of a motor vehicle would be cited for the same violation. A person who commits any such violation while operating a bicycle shall not have any points assessed against the person's driver's license, commercial driver's license, temporary instruction permit, or probationary license under Ohio R.C. 4510.036.

(c) Except as provided in subsection (d) of this section, in the case of a violation of any section of this Traffic Code described in subsection (a) of this section by a bicycle operator or by a motor vehicle operator when the trier of fact finds that the violation by the motor vehicle operator endangered the lives of bicycle riders at the time of the violation, the court, notwithstanding any provision of this Traffic Code to the contrary, may require the bicycle operator or motor vehicle operator to take and successfully complete a bicycling skills course approved by the court in addition to or in lieu of any penalty otherwise prescribed by the Traffic Code for that violation.

(d) Subsections (b) and (c) of this section do not apply to violations of Section 333.01 of this Traffic Code. (ORC 4511.52)

(e) The provisions of this Traffic Code shall apply to bicycles except those which by their nature are not applicable.

373.02 RIDING UPON SEATS; HANDLE BARS; HELMETS AND GLASSES.

(a) For purposes of this section "snowmobile" has the same meaning as given that term in Ohio R.C 4519.01.

(b) No person operating a bicycle shall ride other than upon or astride the permanent and regular seat attached thereto, or carry any other person upon such bicycle other than upon a firmly attached and regular seat thereon, and no person shall ride upon a bicycle other than upon such a firmly attached and regular seat.

(c) No person operating a motorcycle shall ride other than upon or astride the permanent and regular seat or saddle attached thereto, or carry any other person upon such motorcycle other than upon a firmly attached and regular seat or saddle thereon, and no person shall ride upon a motorcycle other than upon such a firmly attached and regular seat or saddle.

(d) No person shall ride upon a motorcycle that is equipped with a saddle other than while sitting astride the saddle, facing forward, with one leg on each side of the motorcycle.

(e) No person shall ride upon a motorcycle that is equipped with a seat other than while sitting upon the seat.

(f) No person operating a bicycle shall carry any package, bundle or article that prevents the driver from keeping at least one hand upon the handle bars.

(g) No bicycle or motorcycle shall be used to carry more persons at one time than the number for which it is designed and equipped. No motorcycle shall be operated on a highway when the handlebars rise higher than the shoulders of the operator when the operator is seated in the operator's seat or saddle.

(h) (1) Except as provided in subsection (h)(2) of this section, no person shall operate or be a passenger on a snowmobile or motorcycle without using safety glasses or other protective eye device. Except as provided in subsection (i)(3) of this section, no person who is under the age of eighteen years, or who holds a motorcycle operator's endorsement or license bearing "novice" designation that is currently in effect as provided in Ohio R.C. 4507.13, shall operate a motorcycle on a highway, or be a passenger on a motorcycle, unless wearing a United States Department of Transportation-approved protective helmet on the person's head, and no other person shall

be a passenger on a motorcycle operated by such a person unless similarly wearing a protective helmet. The helmet, safety glasses or other protective eye device shall conform with rules adopted by the Ohio Director of Public Safety. The provisions of this subsection or a violation thereof shall not be used in the trial of any civil action.

- (2) Subsection (h)(1) of this section does not apply to a person operating an autocycle or cab-enclosed motorcycle when the occupant compartment top is in place enclosing the occupants.
- (i) (1) No person shall operate a motorcycle with a valid temporary permit and temporary instruction permit identification card issued by the Ohio Registrar of Motor Vehicles pursuant to Ohio R.C. 4507.05 unless the person, at the time of such operation, is wearing on the person's head a protective helmet that has been approved by the United States Department of Transportation that conforms with rules adopted by the Director.
- (2) No person shall operate a motorcycle with a valid temporary instruction permit and temporary instruction permit identification card issued by the Registrar pursuant to Ohio R.C. 4507.05 in any of the following circumstances:
 - A. At any time when lighted lights are required by Section 337.02(a)(1);
 - B. While carrying a passenger;
 - C. On any limited access highway or heavily congested roadway.

(j) Nothing in this section shall be construed as prohibiting the carrying of a child in a seat or trailer that is designed for carrying children and is firmly attached to the bicycle.

(k) Except as otherwise provided in this subsection, 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. (ORC 4511.53)

373.03 ATTACHING BICYCLE OR SLED TO VEHICLE.

(a) No person riding upon any motorcycle, bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or self to any vehicle upon a roadway.

No operator shall knowingly permit any person riding upon any motorcycle, bicycle, coaster, roller skates, sled or toy vehicle to attach the same or self to any vehicle while it is moving upon a roadway. This section does not apply to the towing of a disabled vehicle.

(b) Except as otherwise provided in this subsection, 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. (ORC 4511.54)

373.04 RIDING BICYCLES AND MOTORCYCLES ABREAST.

(a) Persons riding bicycles, motorbikes or motorcycles upon a roadway shall ride in single file:

- (1) In business districts of the City;
- (2) On through streets; and
- (3) In other places upon order of any police officer.

except upon paths or parts of roadways set aside for the exclusive use of bicycles, motorbikes or motorcycles, where persons shall in no event ride more than two abreast.
(ORC 4511.55; Ord. 4-52. Passed 1-22-52.)

(b) Except as otherwise provided in this subsection, 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.
(ORC 4511.55(B))

373.05 SIGNAL DEVICE ON BICYCLE.

(a) A bicycle may be equipped with a device capable of giving an audible signal, except that a bicycle shall not be equipped with nor shall any person use upon a bicycle any siren or whistle.

(b) Except as otherwise provided in this subsection, 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.
(ORC 4511.56)

373.06 LIGHTS AND REFLECTOR ON BICYCLE; BRAKES.

(a) Every bicycle when in use at the times specified in Section 337.02, shall be equipped with the following:

- (1) A lamp mounted on the front of either the bicycle or the operator that shall emit a white light visible from a distance of at least five hundred feet to the front; and three hundred feet to the sides. A generator-powered lamp that emits light only when the bicycle is moving may be used to meet this requirement.
- (2) A red reflector on the rear that shall be visible from all distances from one hundred feet to six hundred feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle.
- (3) A lamp emitting either flashing or steady red light visible from a distance of five hundred feet to the rear shall be used in addition to the red reflector; If the red lamp performs as a reflector in that it is visible as specified in subsection (a)(2) of this section, the red lamp may serve as the reflector and a separate reflector is not required.

(b) Additional lamps and reflectors may be used in addition to those required under subsection (a) of this section, except that red lamps and red reflectors shall not be used on the front of the bicycle and white lamps and white reflectors shall not be used on the rear of the bicycle.

(c) Every bicycle shall be equipped with an adequate brake when used on a street or highway.

(d) Except as otherwise provided in this subsection, 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. (ORC 4511.56)

373.07 RIDING BICYCLE ON RIGHT SIDE OF ROADWAY; OBEDIENCE TO TRAFFIC RULES; PASSING.

(a) Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable obeying all traffic rules applicable to vehicles and exercising due care when passing a standing vehicle or one proceeding in the same direction.

(b) This section does not require a person operating a bicycle to ride at the edge of the roadway when it is unreasonable or unsafe to do so. Conditions that may require riding away from the edge of the roadway include when necessary to avoid fixed or moving objects, parked or moving vehicles, surface hazards, or if it otherwise is unsafe or impracticable to do so, including if the lane is too narrow for the bicycle and an overtaking vehicle to travel safely side by side within the lane.

(c) Except as otherwise provided in this subsection, 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. (ORC 4511.55(A))

373.08 RECKLESS OPERATION; CONTROL, COURSE AND SPEED.

(a) No person shall operate a bicycle:

- (1) Without due regard for the safety and rights of pedestrians and drivers and occupants of all other vehicles, and so as to endanger the life, limb or property of any person while in the lawful use of the streets or sidewalks or any other public or private property;
- (2) Without exercising reasonable and ordinary control over such bicycle;
- (3) In a weaving or zigzag course unless such irregular course is necessary for safe operation in compliance with law;
- (4) Without both hands upon the handle grips except when necessary to give the required hand and arm signals, or as provided in Section 373.02(d);
- (5) At a speed greater than is reasonable and prudent under the conditions then existing.

(b) Whoever violates this section is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree.

373.09 PARKING OF BICYCLE.

(a) No person shall park a bicycle upon a sidewalk in such a manner so as to unduly interfere with pedestrian traffic or upon a roadway so as to unduly interfere with vehicular traffic.

(b) Whoever violates this section is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree.

373.10 VEHICLE OTHER THAN A BICYCLE IN BICYCLE PARKING ZONES.

(a) No owner or operator of any vehicle, other than a bicycle, shall park or allow to stand any such vehicle in any zone designated for bicycle parking at any time.
(Ord. 2098. Passed 10-21-40.)

(b) Except as otherwise provided in this subsection, 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.

373.11 RIDING ON SIDEWALK. (REPEALED)

EDITOR'S NOTE: Former Section 373.11 was repealed by Ordinance 9-13.

373.12 IMPOUNDING BICYCLE OR SKATEBOARD IN LIEU OF OTHER PENALTY.

A police officer of the City, acting in accordance with instructions issued by the Safety-Service Director, may punish violators of provisions of this Traffic Code relating to bicycles and skateboards by impounding the bicycle or skateboard for a period of ten days in lieu of the other penalties provided by this Traffic Code. (Ord. 30-90. Passed 10-8-90.)

373.13 PATHS EXCLUSIVELY FOR BICYCLES.

(a) No person shall operate a motor vehicle, snowmobile, golf cart, or all-purpose vehicle upon any path set aside for the exclusive use of bicycles, except for public safety services, public maintenance vehicles, and electric wheelchairs used by a disabled person or if permitted by a special event organized by Lancaster Parks and Recreation.

(b) Except as otherwise provided in this subsection, 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.
(Ord. 10-13. Passed 4-8-13.)

(d) An offense is committed when every element of the offense occurs. In the case of an offense of which an element is a continuing course of conduct, the period of limitation does not begin to run until such course of conduct or the accused's accountability for it terminates, whichever occurs first.

(e) A prosecution is commenced on the date an indictment is returned or an information filed, or on the date a lawful arrest without a warrant is made, or on the date a warrant, summons, citation or other process is issued, whichever occurs first. A prosecution is not commenced by the return of an indictment or the filing of an information unless reasonable diligence is exercised to issue and execute process on the same. A prosecution is not commenced upon issuance of a warrant, summons, citation or other process, unless reasonable diligence is exercised to execute the same.

(f) The period of limitation shall not run during any time when the corpus delicti remains undiscovered.

(g) The period of limitation shall not run during any time when the accused purposely avoids prosecution. Proof that the accused absented himself from this Municipality or concealed his identity or whereabouts is prima-facie evidence of his purpose to avoid prosecution.

(h) The period of limitation shall not run during any time a prosecution against the accused based on the same conduct is pending in this State, even though the indictment, information or process that commenced the prosecution is quashed or the proceedings on the indictment, information or process are set aside or reversed on appeal.

(i) The period of limitation for a violation of any provision of this General Offenses Code that involves a physical or mental wound, injury, disability or condition of a nature that reasonably indicates abuse or neglect of a child under eighteen years of age or of a child with a developmental disability or physical impairment under twenty-one years of age shall not begin to run until either of the following occurs:

- (1) The victim of the offense reaches the age of majority.
- (2) A public children services agency, or a municipal or county peace officer that is not the parent or guardian of the child, in the county in which the child resides or in which the abuse or neglect is occurring or has occurred has been notified that abuse or neglect is known, suspected, or believed to have occurred. (ORC 2901.13)

(j) This section shall not apply to prosecutions commenced within the period of limitations set forth in Ohio R.C. 718.12(B) for violations of the Municipal income tax ordinance.

501.07 REQUIREMENTS FOR CRIMINAL LIABILITY.

(a) Except as provided in subsection (b) hereof, a person is not guilty of an offense unless both of the following apply:

- (1) The person's liability is based on conduct that includes either a voluntary act, or an omission to perform an act or duty that the person is capable of performing;
- (2) The person has the requisite degree of culpability for each element as to which a culpable mental state is specified by the language defining the offense.

(b) When the language defining an offense does not specify any degree of culpability, and plainly indicates a purpose to impose strict criminal liability for the conduct described in the section, then culpability is not required for a person to be guilty of the offense. The fact that one subsection of a section plainly indicates a purpose to impose strict liability for an offense defined in that subsection does not by itself plainly indicate a purpose to impose strict criminal liability for an offense defined in other subsections of the section that do not specify a degree of culpability.

- (c) (1) When language defining an element of an offense that is related to knowledge or intent or to which mens rea could fairly be applied neither specifies culpability nor plainly indicates a purpose to impose strict liability, the element of the offense is established only if a person acts recklessly.
- (2) Subsection (c)(1) of this section does not apply to offenses defined in the Traffic Code.
- (3) Subsection (c)(1) of this section does not relieve the prosecution of the burden of proving the culpable mental state required by any definition incorporated into the offense.

(d) Voluntary intoxication may not be taken into consideration in determining the existence of a mental state that is an element of a criminal offense. Voluntary intoxication does not relieve a person of a duty to act if failure to act constitutes a criminal offense. Evidence that a person was voluntarily intoxicated may be admissible to show whether or not the person was physically capable of performing the act with which the person is charged.

- (e) As used in this section:
- (1) Possession is a voluntary act if the possessor knowingly procured or received the thing possessed, or was aware of the possessor's control of the thing possessed for a sufficient time to have ended possession.
- (2) Reflexes, convulsions, body movements during unconsciousness or sleep, and body movements that are not otherwise a product of the actor's volition, are involuntary acts.
- (3) "Culpability" means purpose, knowledge, recklessness or negligence, as defined in Section 501.08.
- (4) "Intoxication" includes, but is not limited to, intoxication resulting from the ingestion of alcohol, a drug, or alcohol and a drug.
(ORC 2901.21)

501.08 CULPABLE MENTAL STATES.

(a) A person acts purposely when it is the person's specific intention to cause a certain result, or when the gist of the offense is a prohibition against conduct of a certain nature, regardless of what the offender intends to accomplish thereby, it is the offender's specific intention to engage in conduct of that nature.

(b) A person acts knowingly, regardless of purpose, when the person is aware that the person's conduct will probably cause a certain result or will probably be of a certain nature. A person has knowledge of circumstances when the person is aware that such circumstances probably exist.

505.03 ANNUAL REGISTRATION OF DOGS; TAGS REQUIRED.

(a) Except for guide dogs registered under Ohio R.C. 955.011 and dogs kept by an institution or organization for teaching and research purposes under Ohio R.C. 955.16, no person shall own, keep or harbor a dog more than three months of age without annually registering such dog with the County Auditor. Failure of any dog at any time to wear a valid registration tag shall be prima-facie evidence of lack of registration and subject such dog to impounding and disposition as provided by Ohio R.C. 955.16.

(b) 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. (ORC 955.99(D)).

505.04 ABANDONING ANIMALS.

(a) No owner or keeper of a dog, cat or other domestic animal shall abandon such animal. (ORC 959.01)

(b) Whoever violates this section is guilty of a misdemeanor of the second degree on a first offense and a misdemeanor of the first degree on each subsequent offense. (ORC 959.99)

505.05 KILLING OR INJURING ANIMALS.

(a) No person shall maliciously, or willfully, and without the consent of the owner, kill or injure a farm animal, dog, cat or other domestic animal that is the property of another. This section does not apply to a licensed veterinarian acting in an official capacity, or to trespassing animals as set forth in Ohio R.C. 959.04. (ORC 959.02)

(b) Except as otherwise provided herein, whoever violates this section is guilty of a misdemeanor of the second degree. If the value of the animal killed or the injury done amounts to three hundred dollars (\$300.00) or more, such person is guilty of a misdemeanor of the first degree. (ORC 959.99(B))

505.06 POISONING ANIMALS.

(a) No person shall maliciously, or willfully and without the consent of the owner, administer poison, except a licensed veterinarian acting in such capacity, to a farm animal, dog, cat, poultry or other domestic animal that is the property of another; and no person shall, willfully and without the consent of the owner, place any poisoned food where it may be easily found and eaten by any of such animals, either upon his own lands or the lands of another. This section does not apply to trespassing animals as set forth in Ohio R.C. 959.04. (ORC 959.03)

(b) Whoever violates this section is guilty of a misdemeanor of the fourth degree. (ORC 959.99(C))

505.07 CRUELTY TO ANIMALS GENERALLY.

(a) No person shall:

- (1) Torture an animal, deprive one of necessary sustenance, unnecessarily or cruelly beat, needlessly mutilate or kill, or impound or confine an animal without supplying it during such confinement with a sufficient quantity of good wholesome food and water;

- (2) Impound or confine an animal without affording it, during such confinement, access to shelter from wind, rain, snow or excessive direct sunlight if it can reasonably be expected that the animal would otherwise become sick or in some other way suffer. This subsection (a)(2) does not apply to animals impounded or confined prior to slaughter. For the purpose of this section, "shelter" means a man-made enclosure, windbreak, sunshade or natural windbreak or sunshade that is developed from the earth's contour, tree development or vegetation;
- (3) Carry or convey an animal in a cruel or inhuman manner;
- (4) Keep animals other than cattle, poultry or fowl, swine, sheep or goats in an enclosure without wholesome exercise and change of air, nor feed cows on food that produces impure or unwholesome milk;
- (5) Detain livestock in railroad cars or compartments longer than twenty-eight hours after they are so placed without supplying them with necessary food, water and attention, nor permit such livestock to be so crowded as to overlie, crush, wound or kill each other.

(b) Upon the written request of the owner or person in custody of any particular shipment of livestock, which written request shall be separate and apart from any printed bill of lading or other railroad form, the length of time in which such livestock may be detained in any cars or compartments without food, water and attention, may be extended to thirty-six hours without penalty therefor. This section does not prevent the dehorning of cattle. (ORC 959.13)

(c) Whoever violates this section is guilty of a misdemeanor of the second degree. In addition, the court may order the offender to forfeit the animal or livestock and may provide for its disposition including, but not limited to, the sale of the animal or livestock. If an animal or livestock is forfeited and sold pursuant to this subsection, the proceeds from the sale first shall be applied to pay the expenses incurred with regard to the care of the animal from the time it was taken from the custody of the former owner. The balance of the proceeds from the sale, if any, shall be paid to the former owner of the animal. (ORC 959.99(D))

505.071 CRUELTY TO COMPANION ANIMALS.

(a) As used in this section:

- (1) "Companion animal" means any animal that is kept inside a residential dwelling and any dog or cat regardless of where it is kept, including a pet store as defined in Ohio R.C. 956.01. "Companion animal" does not include livestock or any wild animal.
- (2) "Cruelty", "torment" and "torture" have the same meanings as in Ohio R.C. 1717.01.
- (3) "Residential dwelling" means a structure or shelter or the portion of a structure or shelter that is used by one or more humans for the purpose of a habitation.
- (4) "Practice of veterinary medicine" has the same meaning as in Ohio R.C. 4741.01.
- (5) "Wild animal" has the same meaning as in Ohio R.C. 1531.01.

- (6) "Federal animal welfare act" means the "Laboratory Animal Act of 1966", Pub. L. No. 89-544, 80 Stat. 350 (1966), 7 U.S.C.A. 2131 et seq., as amended by the "Animal Welfare Act of 1970", Pub. L. No. 91-579, 84 Stat. 1560 (1970), the "Animal Welfare Act Amendments of 1976", Pub. L. No. 94-279, 90 Stat. 417 (1976), and the "Food Security Act of 1985", Pub. L. No. 99-198, 99 Stat. 1354 (1985), and as it may be subsequently amended.
 - (7) "Dog kennel" means an animal rescue for dogs that is registered under Ohio R.C. 956.06, a boarding kennel or a training kennel.
- (b) No person shall knowingly torture, torment, needlessly mutilate or maim, cruelly beat, poison, needlessly kill, or commit an act of cruelty against a companion animal.
- (c) No person who confines or who is the custodian or caretaker of a companion animal shall negligently do any of the following:
- (1) Torture, torment or commit an act or cruelty against the companion animal;
 - (2) Deprive the companion animal of necessary sustenance, or confine the companion animal without supplying it during the confinement with sufficient quantities of good, wholesome food and water, if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the deprivation or confinement;
 - (3) Impound or confine the companion animal without affording it, during the impoundment or confinement, with access to shelter from heat, cold, wind, rain, snow, or excessive direct sunlight if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the lack of adequate shelter.
- (d) No owner, manager or employee of a dog kennel who confines or is the custodian or caretaker of a companion animal shall negligently do any of the following:
- (1) Torture, torment, or commit an act of cruelty against the companion animal;
 - (2) Deprive the companion animal of necessary sustenance, or confine the companion animal without supplying it during the confinement with sufficient quantities of good, wholesome food and water, if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the deprivation or confinement;
 - (3) Impound or confine the companion animal without affording it, during the impoundment or confinement, with access to shelter from heat, cold, wind, rain, snow or excessive direct sunlight if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the lack of adequate shelter.

- (e) Subsections (b), (c) and (d) of this section do not apply to any of the following:
- (1) A companion animal used in scientific research conducted by an institution in accordance with the federal animal welfare act and related regulations;
 - (2) The lawful practice of veterinary medicine by a person who has been issued a license, temporary permit, or registration certificate to do so under Ohio R.C. Chapter 4741;
 - (3) Dogs being used or intended for use for hunting or field trial purposes, provided that the dogs are being treated in accordance with usual and commonly accepted practices for the care of hunting dogs;
 - (4) The use of common training devices, if the companion animal is being treated in accordance with usual and commonly accepted practices for the training of animals;
 - (5) The administering of medicine to a companion animal that was properly prescribed by a person who has been issued a license, temporary permit, or registration certificate under Ohio R.C. Chapter 4741.
(ORC 959.131)
- (f)
- (1) Whoever violates subsection (b) hereof is guilty of a misdemeanor of the first degree on a first offense. On each subsequent offense such person is guilty of a felony and shall be prosecuted under appropriate State law.
 - (2) Whoever violates subsection (c) hereof is guilty of a misdemeanor of the second degree on a first offense and a misdemeanor of the first degree on each subsequent offense.
 - (3) Whoever violates subsection (d) hereof is guilty of a misdemeanor of the first degree.
 - (4) A. A court may order a person who is convicted of or pleads guilty to a violation of this section to forfeit to an impounding agency, as defined in Ohio R.C. 959.132, any or all of the companion animals in that person's ownership or care. The court also may prohibit or place limitations on the person's ability to own or care for any companion animals for a specified or indefinite period of time.
B. A court may order a person who is convicted of or pleads guilty to a violation of this section to reimburse an impounding agency for the reasonably necessary costs incurred by the agency for the care of a companion animal that the agency impounded as a result of the investigation or prosecution of the violation, provided that the costs were not otherwise paid under Ohio R.C. 959.132.
 - (5) If a court has reason to believe that a person who is convicted of or pleads guilty to a violation of this section suffers from a mental or emotional disorder that contributed to the violation, the court may impose as a community control sanction or as a condition of probation a requirement that the offender undergo psychological evaluation or counseling. The court shall order the offender to pay the costs of the evaluation or counseling. (ORC 959.99)

505.08 NUISANCE CONDITIONS PROHIBITED.

(a) No person shall keep or harbor any animal or fowl in the Municipality so as to create noxious, or offensive odors or unsanitary conditions which are a menace to the health, comfort or safety of the public.

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

505.09 BARKING OR HOWLING DOGS.

(a) No person shall keep or harbor any dog within the Municipality which, by frequent and habitual barking, howling or yelping, creates unreasonably loud and disturbing noises of such a character, intensity and duration as to disturb the peace, quiet and good order of the Municipality. Any person who shall allow any dog habitually to remain, be lodged or fed within any dwelling, building, yard or enclosure, which he occupies or owns, shall be considered as harboring such dog.

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

505.10 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 Health Commissioner within twenty-four hours. Whenever it is reported to the Health Commissioner that any dog or cat has bitten a person, that dog or cat shall be quarantined under an order issued by the Health Commissioner. The dog or cat shall be quarantined by its owner or by a harborer, or shall be quarantined in a pound or kennel. In all cases, such quarantine shall be under the supervision of the Health Commissioner and shall be at the expense of the owner or harborer. Quarantine shall continue until the Health Commissioner 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 Health Commissioner 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 Health Commissioner the conclusions reached as a result of the examinations. The examination by a veterinarian shall be at the expense of the owner or harborer. No dog or cat shall be released from the required quarantine unless and until it has been properly vaccinated against rabies.

No person shall fail to comply with the requirements of this section or with any order of the Health Commissioner made pursuant thereto, nor fail to immediately report to the Health Commissioner any symptoms or behavior suggestive of rabies.

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

505.11 HUNTING PROHIBITED.

(a) No person shall hunt, kill or attempt to kill any animal or fowl by the use of firearms, bow and arrow, air rifle or any other means within the corporate limits of the Municipality.

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

505.12 COLORING RABBITS OR BABY POULTRY; SALE OR DISPLAY OF POULTRY.

(a) No person shall dye or otherwise color any rabbit or baby poultry, including, but not limited to, chicks and ducklings. No person shall sell, offer for sale, expose for sale, raffle or give away any rabbit or poultry which has been dyed or otherwise colored. No poultry younger than four weeks of age may be sold, given away or otherwise distributed to any person in lots of less than six. Stores, shops, vendors and others offering young poultry for sale or other distribution shall provide and operate brooders or other heating devices that may be necessary to maintain poultry in good health, and shall keep adequate food and water available to the poultry at all times. (ORC 925.62)

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

505.13 DANGEROUS WILD ANIMALS AND RESTRICTED SNAKES.

(a) For purposes of this section, "dangerous wild animal" and "restricted snake" have the same meanings as set forth in Ohio R.C. 935.01.

- (b) (1) Except for a restricted snake specified in Ohio R.C. 935.01(L)(1), no person shall sell or offer for sale at auction a dangerous wild animal or restricted snake.
- (2) Except for a microchip removed for purposes of a medical emergency by a veterinarian that is qualified to provide veterinary care to the dangerous wild animal, no person shall knowingly remove a microchip that is implanted in a dangerous wild animal as required in Ohio R.C. 935.04.
- (3) No person that possesses a dangerous wild animal or restricted snake shall fail to post and display any of the following:
- A. On each cage in which a dangerous wild animal is confined, signs warning the public that a dangerous wild animal is confined in the cage;
 - B. At each entrance to the property where a dangerous wild animal is confined, a sign warning the public that a dangerous wild animal is on the property;
 - C. On each container in which a restricted snake is confined, a sign warning the public that a restricted snake is in the container;
 - D. At the main entrance to each structure where a restricted snake is confined, a sign warning the public that a restricted snake is in the structure;
 - E. On a vehicle that is used to transport a dangerous wild animal or restricted snake, a sign warning that a dangerous wild animal or restricted snake, as applicable, is in the vehicle.
- The signs shall comply with standards established in rules adopted by the State Director of Agriculture.
- (4) No person shall allow a dangerous wild animal or restricted snake to roam off the property where it is confined.
- (5) No person shall remove any teeth or claws from a dangerous wild animal or restricted snake, as applicable, unless determined to be medically necessary by a veterinarian. (ORC 935.18)

- (kk) "Public premises" means any hotel, restaurant, tavern, store, arena, hall, or other place of public accommodation, business, amusement, or resort.
- (ll) "Methamphetamine" means 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.
- (mm) "Lawful prescription" means a prescription that is issued for a legitimate medical purpose by a licensed health professional authorized to prescribe drugs, that is not altered or forged, and that was not obtained by means of deception or by the commission of any theft offense.
- (nn) "Deception" and "theft offense" have the same meanings as in Ohio R.C. 2913.01. (ORC 2925.01)

513.02 GIFT OF MARIHUANA.

(a) No person shall knowingly give or offer to make a gift of twenty grams or less of marihuana.

(b) Whoever violates this section is guilty of trafficking in marihuana. Trafficking in marihuana is a minor misdemeanor for the first offense and, for any subsequent offense, it is a misdemeanor of the third degree. If the offense was committed in the vicinity of a school or the vicinity of a juvenile, trafficking in marihuana is a misdemeanor of the third degree.

(c) The court may by order suspend for not more than five years the driver's or commercial driver's license or permit of any person who is convicted of or pleads guilty to any violation of this section. However, if the offender pleaded guilty to or was convicted of a violation of Ohio R.C. 4511.19 or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit in accordance with Ohio R.C. 2925.03(G). If an offender's driver's or commercial driver's license or permit is suspended pursuant to this subsection, the offender, at any time after the expiration of two years from the day on which the offender's sentence was imposed, may file a motion with the sentencing court requesting termination of the suspension; upon the filing of such a motion and the court's finding of good cause for the termination, the court may terminate the suspension. (ORC 2925.03)

513.03 DRUG ABUSE; CONTROLLED SUBSTANCE POSSESSION OR USE.

(a) No person shall knowingly obtain, possess or use a controlled substance or a controlled substance analog.

- (b) (1) This section does not apply to the following:
 - A. Manufacturers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies and other persons whose conduct was in accordance with Ohio R.C. Chapters 3719, 4715, 4729, 4730, 4731 and 4741.
 - B. If the offense involves an anabolic steroid, any person who is conducting or participating in a research project involving the use of an anabolic steroid if the project has been approved by the United States Food and Drug Administration;
 - C. Any person who sells, offers for sale, prescribes, dispenses or administers for livestock or other nonhuman species an anabolic steroid that is expressly intended for administration through implants to livestock or other nonhuman species and approved for that purpose under the "Federal Food, Drug and Cosmetic Act", 52

- Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, and is sold, offered for sale, prescribed, dispensed or administered for that purpose in accordance with that Act;
- D. Any person who obtained the controlled substance pursuant to a lawful prescription issued by a licensed health professional authorized to prescribe drugs.
- (2) A. As used in subsection (b)(2) of this section:
1. "Community addiction services provider" has the same meaning as in Ohio R.C. 5119.01.
 2. "Community control sanction" and "drug treatment program" have the same meanings as in Ohio R.C. 2929.01.
 3. "Health care facility" has the same meaning as in Ohio R.C. 2919.16.
 4. "Minor drug possession offense" means a violation of this section that is a misdemeanor or a felony of the fifth degree.
 5. "Post-release control sanction" has the same meaning as in Ohio R.C. 2967.28.
 6. "Peace officer" has the same meaning as in Ohio R.C. 2935.01.
 7. "Public agency" has the same meaning as in Ohio R.C. 2930.01.
 8. "Qualified individual" means a person who is not on community control or post-release control and is a person acting in good faith who seeks or obtains medical assistance for another person who is experiencing a drug overdose, a person who experiences a drug overdose and who seeks medical assistance for that overdose, or a person who is the subject of another person seeking or obtaining medical assistance for that overdose as described in subsection (b)(2)B. of this section.
 9. "Seek or obtain medical assistance" includes, but is not limited to making a 9-1-1 call, contacting in person or by telephone call an on-duty peace officer, or transporting or presenting a person to a health care facility.
- B. Subject to subsection (b)(2)F. of this section, a qualified individual shall not be arrested, charged, prosecuted, convicted or penalized pursuant to this chapter for a minor drug possession offense if all of the following apply:
1. The evidence of the obtaining, possession or use of the controlled substance or controlled substance analog that would be the basis of the offense was obtained as a result of the qualified individual seeking the medical assistance or experiencing an overdose and needing medical assistance.
 2. Subject to subsection (b)(2)G. of this section, within thirty days after seeking or obtaining the medical assistance, the qualified individual seeks and obtains a screening and receives a referral for treatment from a community addiction services provider or a properly credentialed addiction treatment professional.
 3. Subject to subsection (b)(2)G. of this section, the qualified individual who obtains a screening and receives a referral for treatment under subsection (b)(2)B.1. of this section, upon the request of any prosecuting attorney, submits

documentation to the prosecuting attorney that verifies that the qualified individual satisfied the requirements of that subsection. The documentation shall be limited to the date and time of the screening obtained and referral received.

- C. If a person is found to be in violation of any community control sanction and if the violation is a result of either of the following, the court shall first consider ordering the person's participation or continued participation in a drug treatment program or mitigating the penalty specified in Ohio R.C. 2929.13, 2929.15, or 2929.25, whichever is applicable, after which the court has the discretion either to order the person's participation or continued participation in a drug treatment program or to impose the penalty with the mitigating factor specified in any of those applicable sections:
1. Seeking or obtaining medical assistance in good faith for another person who is experiencing a drug overdose;
 2. Experiencing a drug overdose and seeking medical assistance for that overdose or being the subject of another person seeking or obtaining medical assistance for that overdose as described in subsection (b)(2)B. of this section.
- D. If a person is found to be in violation of any post-release control sanction and if the violation is a result of either of the following, the court or the parole board shall first consider ordering the person's participation or continued participation in a drug treatment program or mitigating the penalty specified in Ohio R.C. 2929.141 or 2967.28, whichever is applicable, after which the court or the parole board has the discretion either to order the person's participation or continued participation in a drug treatment program or to impose the penalty with the mitigating factor specified in either of those applicable sections:
1. Seeking or obtaining medical assistance in good faith for another person who is experiencing a drug overdose;
 2. Experiencing a drug overdose and seeking medical assistance for that emergency or being the subject of another person seeking or obtaining medical assistance for that overdose as described in subsection (b)(2)B. of this section.
- E. Nothing in subsection (b)(2)B. of this section shall be construed to do any of the following:
1. Limit the admissibility of any evidence in connection with the investigation or prosecution of a crime with regards to a defendant who does not qualify for the protections of subsection (b)(2)B. of this section or with regards to any crime other than a minor drug possession offense committed by a person who qualifies for protection pursuant to subsection (b)(2)B. of this section for a minor drug possession offense;
 2. Limit any seizure of evidence or contraband otherwise permitted by law;
 3. Limit or abridge the authority of a peace officer to detain or take into custody a person in the course of an investigation or to effectuate an arrest for any offense except as provided in that division;
 4. Limit, modify or remove any immunity from liability available pursuant to law in effect prior to the effective date of this amendment to any public agency or to an employee of any public agency.

- F. Subsection (b)(2)B. of this section does not apply to any person who twice previously has been granted an immunity under subsection (b)(2)B. of this section. No person shall be granted an immunity under subsection (b)(2)B. of this section more than two times.
 - G. Nothing in this section shall compel any qualified individual to disclose protected health information in a way that conflicts with the requirements of the "Health Insurance Portability and Accountability Act of 1996", 104 Pub. L. No. 191, 110 Stat. 2021, 42 U.S.C. 1320d et seq., as amended, and regulations promulgated by the United States Department of Health and Human Services to implement the act or the requirements of 42 C.F.R. Part 2.
- (c) Whoever violates subsection (a) hereof is guilty of one of the following:
- (1) If the drug involved in the violation is a compound, mixture, preparation, or substance included in Schedule III, IV, or V, whoever violates subsection (a) hereof is guilty of possession of drugs. Possession of drugs is a misdemeanor if the amount of the drug involved does not exceed the bulk amount. The penalty for the offense shall be determined as follows: possession of drugs is a misdemeanor of the first degree or, if the offender previously has been convicted of a drug abuse offense, a felony and shall be prosecuted under appropriate State law.
 - (2) If the drug involved in the violation is marihuana or a compound, mixture, preparation, or substance containing marihuana other than hashish, whoever violates subsection (a) hereof is guilty of possession of marihuana. Possession of marihuana is a misdemeanor if the amount of the drug involved does not exceed 200 grams. The penalty for the offense shall be determined as follows:
 - A. Except as otherwise provided in subsection (c)(2)B. hereof, possession of marihuana is a minor misdemeanor.
 - B. If the amount of the drug involved equals or exceeds 100 grams but is less than 200 grams, possession of marihuana is a misdemeanor of the fourth degree.
 - (3) If the drug involved in the violation is hashish or a compound, mixture, preparation, or substance containing hashish, whoever violates subsection (a) hereof is guilty of possession of hashish. Possession of hashish is a misdemeanor if the amount of the drug involved does not exceed the maximum amount specified in subsection (c)(3)B. hereof. The penalty for the offense shall be determined as follows:
 - A. Except as otherwise provided in subsection (c)(3)B. hereof, possession of hashish is a minor misdemeanor.
 - B. If the amount of the drug involved equals or exceeds five grams but is less than ten grams of hashish in a solid form or equals or exceeds one gram but is less than two grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, possession of hashish is a misdemeanor of the fourth degree.

(d) In addition to any other sanction that is imposed for an offense under this section, the court that sentences an offender who is convicted of or pleads guilty to a violation of this section may suspend for not more than five years the offender's driver's or commercial driver's license or permit. However, if the offender pleaded guilty to or was convicted of a violation of Ohio R.C. 4511.19 or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit for not more than five years.

(e) Arrest or conviction for a minor misdemeanor violation of this section does not constitute a criminal record and need not be reported by the person so arrested or convicted in response to any inquiries about the person's criminal record, including any inquiries contained in any application for employment, license, or other right or privilege, or made in connection with the person's appearance as a witness. (ORC 2925.11)

513.04 POSSESSING DRUG ABUSE INSTRUMENTS.

(a) No person shall knowingly make, obtain, possess or use any instrument, article or thing the customary and primary purpose of which is for the administration or use of a dangerous drug, other than marihuana, when the instrument involved is a hypodermic or syringe, whether or not of crude or extemporized manufacture or assembly, and the instrument, article or thing involved has been used by the offender to unlawfully administer or use a dangerous drug, other than marihuana, or to prepare a dangerous drug, other than marihuana, for unlawful administration or use.

(b) This section does not apply to manufacturers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies and other persons whose conduct was in accordance with Ohio R.C. Chapters 3719, 4715, 4729, 4730, 4731 and 4741.

(c) Whoever violates this section is guilty of possessing drug abuse instruments, a misdemeanor of the second degree. If the offender previously has been convicted of a drug abuse offense, violation of this section is a misdemeanor of the first degree.

(d) In addition to any other sanction imposed upon an offender for a violation of this section, the court may suspend for not more than five years the offender's driver's or commercial driver's license or permit. However, if the offender pleaded guilty to or was convicted of a violation of Ohio R.C. 4511.19 or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit for not more than five years. (ORC 2925.12)

513.05 PERMITTING DRUG ABUSE.

(a) No person, who is the owner, operator or person in charge of a locomotive, watercraft, aircraft or other vehicle as defined in Ohio R.C. 4501.01(A), shall knowingly permit the vehicle to be used for the commission of a felony drug abuse offense.

(b) No person, who is the owner, lessee or occupant, or who has custody, control or supervision of premises, or real estate, including vacant land, shall knowingly permit the premises, or real estate, including vacant land, to be used for the commission of a felony drug abuse offense by another person.

(c) Whoever violates this section is guilty of permitting drug abuse, a misdemeanor of the first degree. If the felony drug abuse offense in question is a violation of Ohio R.C. 2925.02 or 2925.03, permitting drug abuse is a felony and shall be prosecuted under appropriate State law.

(d) In addition to any other sanction imposed for an offense under this section, the court that sentences a person who is convicted of or pleads guilty to a violation of this section may suspend for not more than five years the offender's driver's or commercial driver's license or permit. However, if the offender pleaded guilty to or was convicted of a violation of Ohio R.C. 4511.19 or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit for not more than five years.

(e) Any premises or real estate that is permitted to be used in violation of subsection (b) hereof constitutes a nuisance subject to abatement pursuant to Ohio R.C. Chapter 3767. (ORC 2925.13)

513.06 ILLEGAL CULTIVATION OF MARIHUANA.

(a) No person shall knowingly cultivate marihuana.

(b) This section does not apply to any person listed in Ohio R.C. 2925.03(B)(1) to (3) to the extent and under the circumstances described in those divisions.

(c) Whoever commits a violation of subsection (a) hereof is guilty of illegal cultivation of marihuana. Illegal cultivation of marihuana is a misdemeanor if the amount of marihuana involved does not exceed 200 grams.

(1) Except as otherwise provided in subsection (c)(2) hereof, illegal cultivation of marihuana is a minor misdemeanor, or if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, a misdemeanor of the fourth degree.

(2) If the amount of marihuana involved equals or exceeds 100 grams but is less than 200 grams, illegal cultivation of marihuana is a misdemeanor of the fourth degree, or if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, a misdemeanor of the third degree.

(d) In addition to any other sanction imposed for an offense under this section, the court that sentences an offender who is convicted of or pleads guilty to a violation of this section may suspend the offender's driver's or commercial driver's license or permit in accordance with division (G) of Ohio R.C. 2925.03. If an offender's driver's or commercial driver's license or permit is suspended in accordance with that division, the offender may request termination of, and the court may terminate, the suspension in accordance with that division.

(e) Arrest or conviction for a minor misdemeanor violation of this section does not constitute a criminal record and need not be reported by the person so arrested or convicted in response to any inquiries about the person's criminal record, including any inquiries contained in an application for employment, a license, or any other right or privilege or made in connection with the person's appearance as a witness. (ORC 2925.04)

513.07 POSSESSING OR USING HARMFUL INTOXICANTS.

(a) Except for lawful research, clinical, medical, dental or veterinary purposes, no person, with purpose to induce intoxication or similar physiological effects, shall obtain, possess or use a harmful intoxicant.

(b) Whoever violates this section is guilty of abusing harmful intoxicants, a misdemeanor of the first degree. If the offender previously has been convicted of a drug abuse offense, abusing harmful intoxicants is a felony and shall be prosecuted under appropriate State law.

(c) In addition to any other sanction imposed upon an offender for a violation of this section, the court may suspend for not more than five years the offender's driver's or commercial driver's license or permit. However, if the offender pleaded guilty to or was convicted of a violation of Ohio R.C. 4511.19 or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit for not more than five years. (ORC 2925.31)

513.08 ILLEGALLY DISPENSING DRUG SAMPLES.

(a) No person shall knowingly furnish another a sample drug.

(b) Subsection (a) hereof does not apply to manufacturers, wholesalers, pharmacists, owners of pharmacies, licensed health professionals authorized to prescribe drugs, and other persons whose conduct is in accordance with Ohio R.C. Chapters 3719, 4715, 4729, 4730, 4731, and 4741.

(c) Whoever violates this section is guilty of illegal dispensing of drug samples. If the drug involved in the offense is a dangerous drug or a compound, mixture, preparation, or substance included in Schedule III, IV, or V, or is marihuana, the penalty for the offense shall be determined as follows:

- (1) Except as otherwise provided in subsection (c)(2) hereof, illegal dispensing of drug samples is a misdemeanor of the second degree.
- (2) If the offense was committed in the vicinity of a school or in the vicinity of a juvenile, illegal dispensing of drug samples is a misdemeanor of the first degree.

(d) In addition to any other sanction imposed for an offense under this section, the court that sentences an offender who is convicted of or pleads guilty to a violation of this section may suspend for not more than five years the offender's driver's or commercial driver's license or permit. However, if the offender pleaded guilty to or was convicted of a violation of Ohio R.C. 4511.19 or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit for not more than five years. (ORC 2925.36)

513.09 CONTROLLED SUBSTANCE OR PRESCRIPTION LABELS.

(a) No person shall alter, deface or remove any label affixed by a manufacturer, wholesaler, pharmacist or licensed health professional authorized to prescribe drugs who dispenses a controlled substance in a package or container, as long as any of the original contents remain, except when lawfully filling a prescription. (ORC 3719.08)

(b) Whoever violates this section is guilty of a misdemeanor of the first degree. If the offender has previously been convicted of a violation of this section, Ohio R.C. 3719.07 or 3719.08 or a drug abuse offense, such violation is a felony and shall be prosecuted under appropriate State law. (ORC 3719.99)

513.10 HYPODERMIC POSSESSION, DISPLAY AND DISPENSING.

(a) Possession of a hypodermic is authorized for the following:

- (1) A manufacturer or distributor of, or dealer in, hypodermics or medication packaged in hypodermics, and any authorized agent or employee of that manufacturer, distributor or dealer, in the regular course of business;
- (2) Terminal distributor of dangerous drugs, in the regular course of business;
- (3) A person authorized to administer injections, in the regular course of the person's profession or employment;
- (4) A person, when the hypodermic was lawfully obtained and is kept and used for the purpose of self-administration of insulin or other drug prescribed for the treatment of disease by a licensed health professional authorized to prescribe drugs;
- (5) A person whose use of a hypodermic is for legal research, clinical, educational or medicinal purposes;
- (6) A farmer, for the lawful administration of a drug to an animal;

- (7) A person whose use of a hypodermic is for lawful professional, mechanical, trade or craft purposes.

(b) No manufacturer or distributor of, or dealer in, hypodermics or medication packaged in hypodermics, or their authorized agents or employees, and no terminal distributor of dangerous drugs, shall display any hypodermic for sale. No person authorized to possess a hypodermic pursuant to division (a) of this section shall negligently fail to take reasonable precautions to prevent any hypodermic in the person's possession from theft or acquisition by any unauthorized person. (ORC 3719.172)

(c) Whoever violates this section is guilty of a misdemeanor of the third degree. If the offender has previously been convicted of a violation of this section, Ohio R.C. 3719.05, 3719.06, 3719.13, 3719.172(B) or (E), or 3719.31 or a drug abuse offense, a violation is a misdemeanor of the first degree. (ORC 3719.99)

513.11 HARMFUL INTOXICANTS; POSSESSING NITROUS OXIDE IN MOTOR VEHICLE.

(a) As used in this section, "motor vehicle", "street" and "highway" have the same meanings as in Ohio R.C. 4511.01.

(b) Unless authorized under Ohio R.C. Chapter 3719, 4715, 4729, 4731, 4741 or 4765, no person shall possess an open cartridge of nitrous oxide in either of the following circumstances:

- (1) While operating or being a passenger in or on a motor vehicle on a street, highway, or other public or private property open to the public for purposes of vehicular traffic or parking;
- (2) While being in or on a stationary motor vehicle on a street, highway, or other public or private property open to the public for purposes of vehicular traffic or parking.

(c) Whoever violates this section is guilty of possessing nitrous oxide in a motor vehicle, a misdemeanor of the fourth degree.

(d) In addition to any other sanction imposed upon an offender for possessing nitrous oxide in a motor vehicle, the court may suspend for not more than five years the offender's driver's or commercial driver's license or permit. (ORC 2925.33)

513.12 DRUG PARAPHERNALIA.

(a) As used in this section, "drug paraphernalia" means any equipment, product or material of any kind that is used by the offender, intended by the offender for use or designed for use, in propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body, a controlled substance in violation of this chapter or Ohio R.C. Chapter 2925. "Drug paraphernalia" includes, but is not limited to, any of the following equipment, products or materials that are used by the offender, intended by the offender for use or designated by the offender for use, in any of the following manners:

- (1) A kit for propagating, cultivating, growing or harvesting any species of a plant that is a controlled substance or from which a controlled substance can be derived;
- (2) A kit for manufacturing, compounding, converting, producing, processing or preparing a controlled substance;

- (3) Any object, instrument, or device for manufacturing, compounding, converting, producing, processing, or preparing methamphetamine;
- (4) An isomerization device for increasing the potency of any species of a plant that is a controlled substance;
- (5) Testing equipment for identifying, or analyzing the strength, effectiveness or purity of, a controlled substance;
- (6) A scale or balance for weighing or measuring a controlled substance;
- (7) A diluent or adulterant, such as quinine hydrochloride, mannitol, mannite, dextrose or lactose, for cutting a controlled substance;
- (8) A separation gin or sifter for removing twigs and seeds from, or otherwise cleaning or refining, marihuana;
- (9) A blender, bowl, container, spoon or mixing device for compounding a controlled substance;
- (10) A capsule, balloon, envelope or container for packaging small quantities of a controlled substance;
- (11) A container or device for storing or concealing a controlled substance;
- (12) A hypodermic syringe, needle or instrument for parenterally injecting a controlled substance into the human body;
- (13) An object, instrument or device for ingesting, inhaling or otherwise introducing into the human body, marihuana, cocaine, hashish or hashish oil, such as a metal, wooden, acrylic, glass, stone, plastic or ceramic pipe, with or without a screen, permanent screen, hashish head or punctured metal bowl; water pipe; carburetion tube or device; smoking or carburetion mask; roach clip or similar object used to hold burning material, such as a marihuana cigarette, that has become too small or too short to be held in the hand; miniature cocaine spoon, or cocaine vial; chamber pipe; carburetor pipe; electric pipe; air driver pipe; chillum; bong; or ice pipe or chiller.

(b) In determining if any equipment, product or material is drug paraphernalia, a court or law enforcement officer shall consider, in addition to other relevant factors, the following:

- (1) Any statement by the owner, or by anyone in control, of the equipment, product or material, concerning its use;
- (2) The proximity in time or space of the equipment, product or material, or of the act relating to the equipment, product or material, to a violation of any provision of this chapter or Ohio R.C. Chapter 2925;
- (3) The proximity of the equipment, product or material to any controlled substance;
- (4) The existence of any residue of a controlled substance on the equipment, product or material;
- (5) Direct or circumstantial evidence of the intent of the owner, or of anyone in control, of the equipment, product or material, to deliver it to any person whom the owner or person in control of the equipment, product or material knows intends to use the object to facilitate a violation of any provision of this chapter or Ohio R.C. Chapter 2925. A finding that the owner, or anyone in control, of the equipment, product or material, is not guilty of a violation of any other provision of this chapter or Ohio R.C. Chapter 2925, does not prevent a finding that the equipment, product or material was intended or designed by the offender for use as drug paraphernalia;
- (6) Any oral or written instruction provided with the equipment, product or material concerning its use;
- (7) Any descriptive material accompanying the equipment, product or material and explaining or depicting its use;

- (8) National or local advertising concerning the use of the equipment, product or material;
 - (9) The manner and circumstances in which the equipment, product or material is displayed for sale;
 - (10) Direct or circumstantial evidence of the ratio of the sales of the equipment, product or material to the total sales of the business enterprise;
 - (11) The existence and scope of legitimate uses of the equipment, product or material in the community;
 - (12) Expert testimony concerning the use of the equipment, product or material.
- (c)
- (1) Subject to subsection (d)(2) of this section, no person shall knowingly use, or possess with purpose to use, drug paraphernalia.
 - (2) No person shall knowingly sell, or possess or manufacture with purpose to sell, drug paraphernalia, if the person knows or reasonably should know that the equipment, product or material will be used as drug paraphernalia.
 - (3) No person shall place an advertisement in any newspaper, magazine, handbill or other publication that is published and printed and circulates primarily within this State, if the person knows that the purpose of the advertisement is to promote the illegal sale in the State of the equipment, product or material that the offender intended or designed for use as drug paraphernalia.
- (d)
- (1) This section does not apply to manufacturers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies and other persons whose conduct is in accordance with Ohio R.C. Chapters 3719, 4715, 4729, 4730, 4731, and 4741. This section shall not be construed to prohibit the possession or use of a hypodermic as authorized by Section 513.10.
 - (2) Subsection (c)(1) of this section does not apply to a person's use, or possession with purpose to use, any drug paraphernalia that is equipment, a product, or material of any kind that is used by the person, intended by the person for use, or designed for use in storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body marihuana.
- (e) Notwithstanding Ohio R.C. Chapter 2981, any drug paraphernalia that was used, possessed, sold or manufactured in violation of this section shall be seized, after a conviction for that violation shall be forfeited, and upon forfeiture shall be disposed of pursuant to Ohio R.C. 2981.12.
- (f)
- (1) Whoever violates subsection (c)(1) hereof is guilty of illegal use or possession of drug paraphernalia, a misdemeanor of the fourth degree.
 - (2) Except as provided in subsection (f)(3) hereof, whoever violates subsection (c)(2) hereof is guilty of dealing in drug paraphernalia, a misdemeanor of the second degree.
 - (3) Whoever violates subsection (c)(2) hereof by selling drug paraphernalia to a juvenile is guilty of selling drug paraphernalia to juveniles, a misdemeanor of the first degree.
 - (4) Whoever violates subsection (c)(3) hereof is guilty of illegal advertising of drug paraphernalia, a misdemeanor of the second degree.

(g) In addition to any other sanction imposed upon an offender for a violation of this section, the court may suspend for not more than five years the offender's driver's or commercial driver's license or permit. However, if the offender pleaded guilty to or was convicted of a violation of Ohio R.C. 4511.19 or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit for not more than five years. If the offender is a professionally licensed person, in addition to any other sanction imposed for a violation of this section, the court immediately shall comply with Ohio R.C. 2925.38. (ORC 2925.14)

513.121 MARIHUANA DRUG PARAPHERNALIA.

(a) As used in this section, "drug paraphernalia" has the same meaning as in Section 513.12.

(b) In determining if any equipment, product, or material is drug paraphernalia, a court or law enforcement officer shall consider, in addition to other relevant factors, all factors identified in subsection (b) of Section 513.12.

(c) No person shall knowingly use, or possess with purpose to use, any drug paraphernalia that is equipment, a product, or material of any kind that is used by the person, intended by the person for use, or designed for use in storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body marihuana.

(d) This section does not apply to any person identified in subsection (d)(1) of Section 513.12 and it shall not be construed to prohibit the possession or use of a hypodermic as authorized by Section 513.10.

(e) Subsection (e) of Section 513.12 applies with respect to any drug paraphernalia that was used or possessed in violation of this section.

(f) Whoever violates subsection (c) of this section is guilty of illegal use or possession of marihuana drug paraphernalia, a minor misdemeanor.

(g) In addition to any other sanction imposed upon an offender for a violation of this section, the court may suspend for not more than five years the offender's driver's or commercial driver's license or permit. However, if the offender pleaded guilty to or was convicted of a violation of Ohio R.C. 4511.19 or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit for not more than five years. If the offender is a professionally licensed person, in addition to any other sanction imposed for a violation of this section, the court immediately shall comply with Ohio R.C. 2925.38. (ORC 2925.141)

513.13 COUNTERFEIT CONTROLLED SUBSTANCES.

(a) No person shall knowingly possess any counterfeit controlled substance.

(b) Whoever violates this section is guilty of possession of counterfeit controlled substances, a misdemeanor of the first degree. (ORC 2925.37)

(c) The court may suspend for not more than five years the offender's driver's or commercial driver's license or permit. However, if the offender pleaded guilty to or was convicted of a violation of Ohio R.C. 4511.19 or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit for not more than five years. (ORC 2925.37)

513.14 OFFENDER MAY BE REQUIRED TO PAY FOR CONTROLLED SUBSTANCE TESTS.

In addition to the financial sanctions authorized or required under Ohio R.C. 2929.18 and 2929.28 and to any costs otherwise authorized or required under any provision of law, the court imposing sentence upon an offender who is convicted of or pleads guilty to a drug abuse offense may order the offender to pay to the state, municipal, or county law enforcement agencies that handled the investigation and prosecution all of the costs that the state, municipal corporation, or county reasonably incurred in having tests performed under Ohio R.C. 2925.51, or in any other manner on any substance that was the basis of, or involved in, the offense to determine whether the substance contained any amount of a controlled substance if the results of the tests indicate that the substance tested contained any controlled substance. No court shall order an offender under this section to pay the costs of tests performed on a substance if the results of the tests do not indicate that the substance tested contained any controlled substance.

The court shall hold a hearing to determine the amount of costs to be imposed under this section. The court may hold the hearing as part of the sentencing hearing for the offender. (ORC 2925.511)

513.99 PENALTY.

(EDITOR'S NOTE: See Section 501.99 for penalties applicable to any misdemeanor classification.)

- (2) Whoever violates subsection (b) hereof is guilty of harassing a police dog or horse. Except as otherwise provided in this subsection, harassing a police dog or horse is a misdemeanor of the second degree. If the violation results in the death of the police dog or horse or if the violation results in serious physical harm to the police dog or horse but does not result in its death, harassing a police dog or horse is a felony and shall be prosecuted under appropriate State law. If the violation results in physical harm to the police dog or horse but does not result in its death or in serious physical harm to it, harassing a police dog or horse is a misdemeanor of the first degree.
- (3) Whoever violates subsection (c) hereof is guilty of assaulting an assistance dog. If the violation results in physical harm to the dog other than death or serious physical harm, assaulting an assistance dog is a misdemeanor of the first degree. If the violation does not result in death, serious physical harm, or physical harm to the dog, assaulting an assistance dog is a misdemeanor of the second degree. If the violation results in death or serious physical harm to the dog, such violation is a felony and shall be prosecuted under appropriate State law.
- (4) Whoever violates subsection (d) of this section is guilty of harassing an assistance dog. Except as otherwise provided in this subsection, harassing an assistance dog is a misdemeanor of the second degree. If the violation results in the death of or serious physical harm to the assistance dog but does not result in its death, harassing an assistance dog is a felony and shall be prosecuted under appropriate State law. If the violation results in physical harm to the assistance dog but does not result in its death or in serious physical harm to it, harassing an assistance dog is a misdemeanor of the first degree.
- (5) In addition to any other sanction or penalty imposed for the offense under this section, whoever violates subsection (a), (b), (c) or (d) of this section is responsible for the payment of all of the following:
 - A. Any veterinary bill or bill for medication incurred as a result of the violation by the Police Department regarding a violation of subsection (a) or (b) of this section or by the blind, deaf or hearing impaired, or mobility impaired person assisted or served by the assistance dog regarding a violation of subsection (c) or (d) of this section;
 - B. The cost of any damaged equipment that results from the violation;
 - C. If the violation did not result in the death of the police dog or horse or the assistance dog that was the subject of the violation and if, as a result of that dog or horse being the subject of the violation, the dog or horse needs further training or retraining to be able to continue in the capacity of a police dog or horse or an assistance dog, the cost of any further training or retraining of that dog or horse by a law enforcement officer or by the blind, deaf or hearing impaired, or mobility impaired person assisted or served by the assistance dog;

D. If the violation resulted in the death of the assistance dog that was the subject of the violation or resulted in serious physical harm to the police dog or horse or the assistance dog or horse that was the subject of the violation to the extent that the dog or horse needs to be replaced on either a temporary or a permanent basis, the cost of replacing that dog or horse and of any further training of a new police dog or horse or a new assistance dog by a law enforcement officer or by the blind, deaf or hearing impaired, or mobility impaired person assisted or served by the assistance dog, which replacement or training is required because of the death of or the serious physical harm to the dog or horse that was the subject of the violation.

(f) This section does not apply to a licensed veterinarian whose conduct is in accordance with Ohio R.C. Chapter 4741.

(g) This section only applies to an offender who knows or should know at the time of the violation that the police dog or horse or assistance dog that is the subject of a violation under this section is a police dog or horse or assistance dog.

(h) As used in this section:

- (1) "Physical harm" means any injury, illness, or other physiological impairment, regardless of its gravity or duration.
- (2) "Police dog or horse" means a dog or horse that has been trained, and may be used, to assist law enforcement officers in the performance of their official duties.
- (3) "Serious physical harm" means any of the following:
 - A. Any physical harm that carries a substantial risk of death;
 - B. Any physical harm that causes permanent maiming or that involves some temporary, substantial maiming;
 - C. Any physical harm that causes acute pain of a duration that results in substantial suffering.
- (4) "Assistance dog", "blind", and "mobility impaired person" have the same meanings as in Ohio R.C. 955.011.
(ORC 2921.321)

525.16 FALSE ALLEGATION OF PEACE OFFICER MISCONDUCT.

(a) As used in this section, "peace officer" has the same meaning as in Ohio R.C. 2935.01.

(b) No person shall knowingly file a complaint against a peace officer that alleges that the peace officer engaged in misconduct in the performance of the officer's duties if the person knows that the allegation is false.

CHAPTER 529
Liquor Control

<p>529.01 Definitions.</p> <p>529.02 Sales to and use by underage persons; securing public accommodations.</p> <p>529.021 Purchase by minor; misrepresentation.</p> <p>529.03 Sales to intoxicated persons.</p> <p>529.04 Liquor consumption in motor vehicle.</p>	<p>529.05 Permit required.</p> <p>529.06 Low-alcohol beverages: sale to and purchase by underage persons prohibited.</p> <p>529.07 Open container prohibited.</p> <p>529.08 Hours of sale or consumption.</p> <p>529.99 Penalty.</p>
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CROSS REFERENCES

See sectional histories for similar State law
 Prohibiting sale of intoxicating liquor on Sunday - see
 Ohio R.C. 4301.22(D)
 Local option - see Ohio R.C. 4301.32 et seq., 4303.29
 Disorderly conduct; intoxication - see GEN. OFF. 509.03
 Using weapons while intoxicated - see GEN. OFF. 549.03

529.01 DEFINITIONS.

As used in the Codified Ordinances:

- (a) "Alcohol" means ethyl alcohol, whether rectified or diluted with water or not, whatever its origin may be, and includes synthetic ethyl alcohol. Such term excludes denatured alcohol and wood alcohol.
- (b) "Intoxicating liquor" and "liquor" include all liquids and compounds, other than beer as defined in subsection (c) hereof, containing one half of one percent (0.5%) or more of alcohol by volume which are fit to use for beverage purposes, from whatever source and by whatever process produced, by whatever name called and whether they are medicated, proprietary or patented. Such phrase includes cider and alcohol and all solids and confections which contain one-half of one percent or more of alcohol by volume.
- (c) (1) "Beer" includes all beverages brewed or fermented wholly or in part from malt products and containing one-half of one percent (0.5%) or more, of alcohol by volume. (ORC 4301.01)
- (2) Beer, regardless of the percent of alcohol by volume, is not intoxicating liquor for purposes of this chapter. (ORC 4301.244)
- (d) "Person" includes firms and corporations.
- (e) "Low-alcohol beverage" means any brewed or fermented malt product, or any product made from the fermented juices of grapes, fruits, or other agricultural products, that contains either no alcohol or less than one-half of one percent (0.5%) of alcohol by volume. The beverages described in subsection (e) hereof do not include a soft drink such as root beer, birch beer, or ginger beer. (ORC 4301.01)

529.02 SALES TO AND USE BY UNDERAGE PERSONS; SECURING PUBLIC ACCOMMODATIONS.

(a) Except as otherwise provided in this chapter or Ohio R.C. Chapter 4301, no person shall sell beer or intoxicating liquor to an underage person, or shall buy beer or intoxicating liquor for an underage person, or shall furnish it to, an underage person, unless given by a physician in the regular line of his practice or given for established religious purposes, or unless the underage person is supervised by a parent, spouse who is not an underage person or legal guardian.

In proceedings before the Liquor Control Commission, no permit holder, or no employee or agent of a permit holder, charged with a violation of this subsection shall be charged, for the same offense, with a violation of Ohio R.C. 4301.22(A)(1).

(b) No person who is the owner or occupant of any public or private place shall knowingly allow any underage person to remain in or on the place while possessing or consuming beer or intoxicating liquor, unless the intoxicating liquor or beer is given to the person possessing or consuming it by that person's parent, spouse who is not an underage person or legal guardian and the parent, spouse who is not an underage person or legal guardian is present at the time of the person's possession or consumption of the beer or intoxicating liquor.

An owner of a public or private place is not liable for acts or omissions in violation of this subsection that are committed by a lessee of that place, unless the owner authorizes or acquiesces in the lessee's acts or omissions.

(c) No person shall engage or use accommodations at a hotel, inn, cabin, campground or restaurant when he knows or has reason to know either of the following:

- (1) That beer or intoxicating liquor will be consumed by an underage person on the premises of the accommodations that the person engages or uses, unless the person engaging or using the accommodations is the spouse of the underage person and is not an underage person, or is the parent or legal guardian of all of the underage persons, who consume beer or intoxicating liquor on the premises and that person is on the premises at all times when beer or intoxicating liquor is being consumed by an underage person;
- (2) That a drug of abuse will be consumed on the premises of the accommodations by any person, except a person who obtained the drug of abuse pursuant to a prescription issued by a practitioner and has the drug of abuse in the original container in which it was dispensed to the person.

(k) Whoever violates subsection (b) hereof shall be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00). The court imposing a fine for a violation of subsection (b) hereof may order that the fine be paid by the performance of public work at a reasonable hourly rate established by the court. The court shall designate the time within which the public work shall be completed.
(ORC 4301.99)

529.07 OPEN CONTAINER PROHIBITED.

- (a) As used in this section:
- (1) "Chauffeured limousine" means a vehicle registered under Ohio R.C. 4503.24.
 - (2) "Street," "highway" and "motor vehicle" have the same meanings as in Ohio 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) In a State liquor store;
 - (2) Except as provided in subsection (c) hereof, 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 subsection (d) or (e) hereof, 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 subsection (d) or (e) hereof, 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-2(f), 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, D8, E, F, F-2, F-5, F-7 or F-8 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 permit holder or S 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 Ohio 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. Spirituous liquor to be consumed for purposes of a tasting sample, as defined in Ohio R.C. 4301.171.

- (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 section, "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 forty 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 subsection (c)(3)A. of this section:
1. "Orchestral performance" means a concert comprised of a group of not fewer than forty musicians playing various musical instruments.
 2. "Outdoor performing arts center" means an outdoor performing arts center that is located on not less than one hundred fifty acres of land and that is open for performances from the first day of April to the last day of October of each year.
- (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 subsection (c)(3)B.1. hereof 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 person is attending an orchestral performance and the holder the F-9 permit 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.
- As used in subsection (c)(5) hereof, "orchestral performance" has the same meaning as in subsection (c)(3)B. of this section.
- (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 subsection (c)(6)A. of this section:
1. "Racing event" means a motor vehicle racing event sanctioned by one or more motor racing sanctioning organizations.

2. "Outdoor motorsports facility" means an outdoor racetrack to which all of the following apply:
 - a. It is two and four-tenths miles or more in length.
 - b. It is located on two hundred 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.
- (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 Ohio R.C. 4301.82, if the opened container of beer or intoxicating liquor was purchased from a qualified 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. Subsection (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 motor vehicle is stationary and is not being operated in a lane of vehicular travel or unless the possession is otherwise authorized under subsection (d) or (e) of this section.
- (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 division (A)(3) of Ohio R.C. 4303.208.
- B. As used in subsection (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 the use of a chauffeured limousine pursuant to a prearranged contract, or the guest of such a 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:

- (1) The opened bottle of wine is securely resealed by the permit holder or an employee of the permit holder before the bottle is removed from the premises. The bottle shall be secured in such a manner that it is visibly apparent if the bottle has been subsequently opened or tampered with.
- (2) The opened bottle of wine that is resealed in accordance with subsection (e)(1) of this section is stored in the trunk of a motor vehicle or, if the motor vehicle does not have a trunk, behind the last upright seat or in an area not normally occupied by the driver or passengers and not easily accessible by the driver.

- (f) (1) Except if an ordinance or resolution is enacted or adopted under subsection (f)(2) of this section, this section does not apply to a person who, pursuant to a prearranged contract, is a passenger riding on a commercial quadricycle when all of the following apply:
- A. The person is not occupying a seat in the front of the commercial quadricycle where the operator is steering or braking.
 - B. The commercial quadricycle is being operated on a street, highway or other public or private property open to the public for purposes of vehicular travel or parking.
 - C. The person has in their possession on the commercial quadricycle an opened container of beer or wine.
 - D. The person has in their possession on the commercial quadricycle not more than either thirty-six ounces of beer or eighteen ounces of wine.
- (2) The legislative authority of a municipal corporation or township may enact an ordinance or adopt a resolution, as applicable, that prohibits a passenger riding on a commercial quadricycle from possessing an opened container or beer or wine.
- (3) As used in this section, "commercial quadricycle" means a vehicle that has fully-operative pedals for propulsion entirely by human power and that meets all of the following requirements:
- A. It has four wheels and is operated in a manner similar to a bicycle.
 - B. It has at least five seats for passengers.
 - C. It is designed to be powered by the pedaling of the operator and the passengers.
 - D. It is used for commercial purposes.
 - E. It is operated by the vehicle owner or an employee of the owner.

(g) This section does not apply to a person that has in the person's possession an opened container of beer or intoxicating liquor on the premises of a market if the beer or intoxicating liquor has been purchased from a D liquor permit holder that is located in the market.

As used in subsection (g) of this section, "market" means an establishment that:

- (1) Leases space in the market to individual vendors, not less than fifty percent of which are retail food establishments or food service operations licensed under Ohio R.C. Chapter 3717;
- (2) Has an indoor sales floor area of not less than twenty-two thousand square feet;
- (3) Hosts a farmer's market on each Saturday from April through December. (ORC 4301.62)

(h) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4301.99(A))

529.08 HOURS OF SALE OR CONSUMPTION.

(a) This rule shall apply to the retail sale of beer, wine, mixed beverages, or spirituous liquor.

(b) No beer, wine, mixed beverages, or spirituous liquor shall be sold or delivered by an A-1, A-2, B-1, B-2, B-4, B-5, C-1, C-2, C-2X, D-1, D-2, D-2X, D-3 when issued without a D-3A, D-3X, D-4, D-5G, D-5H, D-5K, D-8, F, F-1, F-2, F-3, F-4, F-5, F-6, G or I permit holder:

- (1) From Monday to Saturday between the hours of one a.m. and five thirty a.m.
- (2) On Sunday between the hours of one a.m. and Sunday midnight, unless statutorily authorized otherwise.
- (3) Consumption of beer, wine, mixed beverages, or spirituous liquor is also prohibited during the above hours upon the premises of the above permit holders who are authorized by their permit to sell beer, wine, mixed beverages, or spirituous liquor for on-premises consumption.

(c) No beer, wine, mixed beverages, or spirituous liquid shall be sold or delivered by an A-1A, D-3 when issued with a D-3A, D-4A, D-5, D-5A, D-5B, D-5C, D-5D, D-5E, D-5F, D-5I, D-5J, or D-7 permit holder:

- (1) From Monday to Saturday between the hours of two thirty a.m. and five thirty a.m.
- (2) On Sunday between the hours of two thirty a.m. and Sunday midnight, unless statutorily authorized otherwise.
- (3) Consumption of beer, wine, mixed beverages, or spirituous liquor is also prohibited during the above hours upon the premises of the above permit holders who are authorized by their permit to sell beer, wine, mixed beverages or spirituous liquor for on-premises consumption.

(d) Permit holders authorized to sell beer, wine, mixed beverages, or spirituous liquor at retail who are not specifically identified in subsection (b) or (c) above shall be subject to the provisions of subsection (b), unless statutorily authorized otherwise.

(e) The hours on Sunday during which sales, delivery, or consumption of alcoholic beverages may take place are established by statute, but in no event shall they begin prior to five thirty a.m. (OAC 4301:1-1-49)

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

529.99 PENALTY.

(EDITOR'S NOTE: See Section 501.99 for penalties applicable to any misdemeanor classification.)

(EDITOR'S NOTE: This page is intentionally left blank.)

537.04 NEGLIGENT ASSAULT.

(a) No person shall negligently, by means of a deadly weapon or dangerous ordnance as defined in Section 549.01 cause physical harm to another or to another's unborn.

(b) Whoever violates this section is guilty of negligent assault, a misdemeanor of the third degree. (ORC 2903.14)

537.05 AGGRAVATED MENACING.

(a) No person shall knowingly cause another to believe that the offender will cause serious physical harm to the person or property of the other person, the other person's unborn, or a member of the other person's immediate family. In addition to any other basis for the other person's belief that the offender will cause serious physical harm to the person or property of the other person, the other person's unborn, or a member of the other person's immediate family, the other person's belief may be based on words or conduct of the offender that are directed at or identify a corporation, association or other organization that employs the other person or to which the other person belongs.

(b) Whoever violates this section is guilty of aggravated menacing. Except as otherwise provided in this subsection (b), aggravated menacing is a misdemeanor of the first degree. If the victim of the offense is an officer or employee of a public children services agency or a private child placing agency and the offense relates to the officer's or employee's performance or anticipated performance of official responsibilities or duties, or, if the offender previously has been convicted of or pleaded guilty to an offense of violence, the victim of that prior offense was an officer or employee of a public children services agency or private child placing agency, and that prior offense related to the officer's or employee's performance or anticipated performance of official responsibilities or duties, aggravated menacing is a felony and shall be prosecuted under appropriate State law.

(c) As used in this section, "organization" includes an entity that is a governmental employer. (ORC 2903.21)

537.051 MENACING BY STALKING.

(a) (1) No person by engaging in a pattern of conduct shall knowingly cause another person to believe that the offender will cause physical harm to the other person or a family or household member of the other person or cause mental distress to the other person or a family or household member of the other person. In addition to any other basis for the other person's belief that the offender will cause physical harm to the other person or the other person's family or household member or mental distress to the other person or the other person's family or household member, the other person's belief or mental distress may be based on words or conduct of the offender that are directed at or identify a corporation, association or other organization that employs the other person or to which the other person belongs.

(2) No person, through the use of any form of written communication or any electronic method of remotely transferring information, including, but not limited to, any computer, computer network, computer program, computer system or telecommunication device shall post a message or use any intentionally written or verbal graphic gesture with purpose to do either of the following:

- A. Violate subsection (a)(1) of this section;
- B. Urge or incite another to commit a violation of subsection (a)(1) of this section.

- (3) No person, with sexual motivation, shall violate subsection (a)(1) or (2) of this section.
- (b) Whoever violates this section is guilty of menacing by stalking.
- (1) Except as otherwise provided in subsections (b)(2) and (3) of this section, menacing by stalking is a misdemeanor of the first degree.
- (2) Menacing by stalking is a felony and shall be prosecuted under appropriate State law if any of the following applies:
- A. The offender previously has been convicted of or pleaded guilty to a violation of this section or a violation of Section 541.051.
- B. In committing the offense under subsection (a)(1), (2), or (3) of this section, the offender made a threat of physical harm to or against the victim, or as a result of an offense committed under subsection (a)(2) or (3) of this section, a third person induced by the offender's posted message made a threat of physical harm to or against the victim.
- C. In committing the offense under subsection (a)(1), (2), or (3) of this section, the offender trespassed on the land or premises where the victim lives, is employed, or attends school, or as a result of an offense committed under subsection (a)(2) or (3) of this section, a third person induced by the offender's posted message trespassed on the land or premises where the victim lives, is employed, or attends school.
- D. The victim of the offense is a minor.
- E. The offender has a history of violence toward the victim or any other person or a history of other violent acts toward the victim or any other person.
- F. While committing the offense under subsection (a)(1) of this section or a violation of subsection (a)(3) of this section is based on conduct in violation of subsection (a)(1) of this section, the offender had a deadly weapon on or about the offender's person or under the offender's control. Subsection (b)(2)F. of this section does not apply in determining the penalty for a violation of subsection (a)(2) of this section or a violation of subsection (a)(3) of this section based on conduct in violation of subsection (a)(1) of this section.
- G. At the time of the commission of the offense, the offender was the subject of a protection order issued under Ohio R.C. 2903.213 or 2903.214, regardless of whether the person to be protected under the order is the victim of the offense or another person.
- H. In committing the offense under subsection (a)(1), (2), or (3) of this section, the offender caused serious physical harm to the premises at which the victim resides, to the real property on which that premises is located, or to any personal property located on that premises, or as a result of an offense committed under subsection (a)(2) of this section, or an offense committed under subsection (a)(3) of this section based on a violation of subsection (a)(2) of this section, a third person induced by the offender's posted message caused serious physical harm to that premises, that real property, or any personal property on that premises.

- I. Prior to committing the offense, the offender had been determined to represent a substantial risk of physical harm to others as manifested by evidence of then-recent homicidal or other violent behavior, evidence of then-recent threats that placed another in reasonable fear of violent behavior and serious physical harm, or other evidence of then-present dangerousness.
- (3) If the victim of the offense is an officer or employee of a public children services agency or a private child placing agency and the offense relates to the officer's or employee's performance or anticipated performance of official responsibilities or duties, or, if the offender previously has been convicted of or pleaded guilty to an offense of violence, the victim of that prior offense was an officer or employee of a public children services agency or private child placing agency, and that prior offense related to the officer's or employee's performance or anticipated performance of official responsibilities, or duties, menacing by stalking is a felony and shall be prosecuted under appropriate State law.

(c) Ohio R.C. 2919.271 applies in relation to a defendant charged with a violation of this section.

(d) As used in this section:

- (1) "Pattern of conduct" means two or more actions or incidents closely related in time, whether or not there has been a prior conviction based on any of those actions or incidents, or two or more actions or incidents closely related in time, whether or not there has been a prior conviction based on any of those actions or incidents, directed at one or more persons employed by or belonging to the same corporation, association, or other organization. Actions or incidents that prevent, obstruct, or delay the performance by a public official, firefighter, rescuer, emergency medical services person, or emergency facility person of any authorized act within the public official's, firefighter's, rescuer's, emergency medical services person's, or emergency facility person's official capacity, or the posting of messages, use of intentionally written or verbal graphic gestures, or receipt of information or data through the use of any form of written communication or an electronic method of remotely transferring information, including, but not limited to, a computer, computer network, computer program, computer system, or telecommunications device, may constitute a "pattern of conduct".
- (2) "Mental distress" means any of the following:
 - A. Any mental illness or condition that involves some temporary substantial incapacity;
 - B. Any mental illness or condition that would normally require psychiatric treatment, psychological treatment, or other mental health services, whether or not any person requested or received psychiatric treatment, psychological treatment, or other mental health services.
- (3) "Emergency medical services person" is the singular of "emergency medical services personnel" as defined in Ohio R.C. 2133.21.
- (4) "Emergency facility person" is the singular of "emergency facility personnel" as defined in Ohio R.C. 2909.04.
- (5) "Public official" has the same meaning as in Ohio R.C. 2921.01.
- (6) "Computer", "computer network", "computer program", "computer system" and "telecommunications device" have the same meanings as in Ohio R.C. 2913.01.

- (7) "Post a message" means transferring, sending, posting, publishing, disseminating or otherwise communicating, or attempting to transfer, send, post, publish, disseminate or otherwise communication, any message or information, whether truthful or untruthful, about an individual, and whether done under one's own name, under the name of another, or while impersonating another.
- (8) "Third person" means, in relation to conduct as described in subsection (a)(2) of this section, an individual who is neither the offender nor the victim of the conduct.
- (9) "Sexual motivation" has the same meaning as in Ohio R.C. 2971.01.
- (10) "Organization" includes an entity that is a governmental employer.
- (11) "Family or household member" means any of the following:
 - A. Any of the following who is residing or has resided with the person against whom the act prohibited in subsection (a)(1) of this section is committed:
 - 1. A spouse, a person living as a spouse, or a former spouse of the person;
 - 2. A parent, a foster parent, or a child of the person, or another person related by consanguinity or affinity to the person;
 - 3. A parent or a child of a spouse, person living as a spouse, or former spouse of the person, or another person related by consanguinity or affinity to a spouse, person living as a spouse, or former spouse of the person.
 - B. The natural parent of any child of whom the person against whom the act prohibited in subsection (a)(1) of this section is committed is the other natural parent or is the putative other natural parent.
- (12) "Person living as a spouse" means a person who is living or has lived with the person against whom the act prohibited in subsection (a)(1) of this section is committed in a common law marital relationship, who otherwise is cohabiting with that person, or who otherwise has cohabited with the person within five years prior to the date of the alleged commission of the act in question.

(e) The Municipality does not need to prove in a prosecution under this section that a person requested or received psychiatric treatment, psychological treatment, or other mental health services in order to show that the person was caused mental distress as described in subsection (d)(2)B. of this section.

- (f) (1) This section does not apply to a person solely because the person provided access or connection to or from an electronic method of remotely transferring information not under that person's control, including having provided capabilities that are incidental to providing access or connection to or from the electronic method of remotely transferring the information, and that do not include the creation of the content of the material that is the subject of the access or connection. In addition, any person providing access or connection to or from an electronic method of remotely transferring information not under that person's control shall not be liable for any action voluntarily taken in good faith to block the receipt or transmission through its service of any information that it believes is, or will be sent, in violation of this section.

- (2) Subsection (f)(1) of this section does not create an affirmative duty for any person providing access or connection to or from an electronic method of remotely transferring information not under that person's control to block the receipt or transmission through its service of any information that it believes is, or will be sent, in violation of this section except as otherwise provided by law.
- (3) Subsection (f)(1) of this section does not apply to a person who conspires with a person actively involved in the creation or knowing distribution of material in violation of this section or who knowingly advertises the availability of material of that nature. (ORC 2903.211)

537.06 MENACING.

(a) No person shall knowingly cause another to believe that the offender will cause physical harm to the person or property of the other person, the other person's unborn, or a member of the other person's immediate family. In addition to any other basis for the other person's belief that the offender will cause physical harm to the person or property of the other person, the other person's unborn, or a member of the other person's immediately family, the other person's belief may be based on words or conduct of the offender that are directed at or identify a corporation, association or other organization that employs the other person or to which the other person belongs.

(b) Whoever violates this section is guilty of menacing. Except as otherwise provided in this subsection (b), menacing is a misdemeanor of the fourth degree. If the victim of the offense is an officer or employee of a public children services agency or a private child placing agency and the offense relates to the officer's or employee's performance or anticipated performance of official responsibilities or duties, or, if the offender previously has been convicted of or pleaded guilty to an offense of violence, the victim of that prior offense was an officer or employee of a public children services agency or private child placing agency, and that prior offense related to the officer's or employee's performance or anticipated performance of official responsibilities or duties, menacing is a felony and shall be prosecuted under appropriate State law.

(c) As used in this section, "organization" includes an entity that is a governmental employer. (ORC 2903.22)

537.07 ENDANGERING CHILDREN.

(a) No person, who is the parent, guardian, custodian, person having custody or control, or person in loco parentis of a child under eighteen years of age or a mentally or physically handicapped child under twenty-one years of age, shall create a substantial risk to the health or safety of the child, by violating a duty of care, protection or support. It is not a violation of a duty of care, protection or support under this subsection when the parent, guardian, custodian or person having custody or control of a child treats the physical or mental illness or defect of the child by spiritual means through prayer alone, in accordance with the tenets of a recognized religious body.

(b) No person shall abuse a child under eighteen years of age or a mentally or physically handicapped child under twenty-one years of age.

- (c) (1) No person shall operate a vehicle in violation of Section 333.01(a) of the Traffic Code when one or more children under eighteen years of age are in the vehicle. Notwithstanding any other provision of law, a person may be convicted at the same trial or proceeding of a violation of subsection (c) hereof and a violation of Section 333.01(a) of the Traffic Code that constitutes the basis of the charge of the violation of subsection (c) hereof.

- For purposes of Ohio R.C. 4511.191 to 4511.197 and all related provisions of law, a person arrested for a violation of subsection (c) hereof shall be considered to be under arrest for operating a vehicle while under the influence of alcohol, a drug of abuse, or a combination of them or for operating a vehicle with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath, or urine.
- (2) As used in subsection (c) hereof:
 - A. "Controlled substance" has the same meaning as in Ohio R.C. 3719.01.
 - B. "Vehicle" has the same meaning as in Ohio R.C. 4511.01.
 - (d) Whoever violates this section is guilty of endangering children.
 - (1) Whoever violates subsection (a) or (b) hereof is guilty of a misdemeanor of the first degree. If the violation results in serious physical harm to the child involved, or if the offender previously has been convicted of an offense under this section, Ohio R.C. 2919.22 or of any offense involving neglect, abandonment, contributing to the delinquency of or physical abuse of a child, endangering children is a felony and shall be prosecuted under appropriate State law.
 - (2) Whoever violates subsection (c) hereof is guilty of a misdemeanor of the first degree. Endangering children is a felony and shall be prosecuted under appropriate State law if either of the following applies:
 - A. The violation results in serious physical harm to the child involved or the offender previously has been convicted of an offense under Ohio R.C. 2919.22 or any offense involving neglect, abandonment, contributing to the delinquency of, or physical abuse of a child.
 - B. The violation results in serious physical harm to the child involved and the offender previously has been convicted of a violation of Ohio R.C. 2919.22(C) or subsection (c) hereof, Ohio R.C. 2903.06, or 2903.08, Section 2903.07 as it existed prior to March 23, 2000, or Ohio R.C. 2903.04 in a case in which the offender was subject to the sanctions described in division (D) of that section.
 - (3) In addition to any term of imprisonment, fine, or other sentence, penalty, or sanction it imposes upon the offender pursuant to subsection (d)(2) hereof, or pursuant to any other provision of law, the court also may impose upon the offender any of the sanctions provided under Ohio R.C. 2919.22(E)(5)(d).
 - (e)
 - (1) If a person violates subsection (c) hereof and if, at the time of the violation, there were two or more children under eighteen years of age in the motor vehicle involved in the violation, the offender may be convicted of a violation of subsection (c) hereof for each of the children, but the court may sentence the offender for only one of the violations.
 - (2) A. If a person is convicted of or pleads guilty to a violation of subsection (c) hereof but the person is not also convicted of and does not also plead guilty to a separate charge charging the violation of Section 333.01(a) of the Traffic Code that was the basis of the charge of the violation of subsection (c) hereof, both of the following apply:

1. For purposes of the provisions of the Traffic Code penalty that set forth the penalties and sanctions for a violation of Section 333.01(a) of the Traffic Code, the conviction of or plea of guilty to the violation of subsection (c) hereof shall not constitute a violation of Section 333.01(a) of the Traffic Code.
 2. For purposes of any provision of law that refers to a conviction of or plea of guilty to a violation of Section 333.01(a) of the Traffic Code and that is not described in subsection (e)(2)A.1. hereof, the conviction of or plea of guilty to the violation of subsection (c) hereof shall constitute a conviction of or plea of guilty to a violation of Section 333.01(a) of the Traffic Code.
- B. If a person is convicted of or pleads guilty to a violation of subsection (c) hereof and the person also is convicted of or pleads guilty to a separate charge charging the violation of Section 333.01(a) of the Traffic Code that was the basis of the charge of the violation of subsection (c) hereof, the conviction of or plea of guilty to the violation of subsection (c) hereof shall not constitute, for purposes of any provision of law that refers to a conviction of or plea of guilty to a violation of Section 333.01(a) of the Traffic Code, a conviction of or plea of guilty to a violation of Section 333.01(a) of the Traffic Code. (ORC 2919.22)

537.08 UNLAWFUL RESTRAINT.

- (a) No person, without privilege to do so, shall knowingly restrain another of the other person's liberty.
- (b) No person, without privilege to do so and with a sexual motivation, shall knowingly restrain another of the other person's liberty.
- (c) Whoever violates this section is guilty of unlawful restraint, a misdemeanor of the third degree.
- (d) As used in this section, "sexual motivation" has the same meaning as in Ohio R.C. 2971.01. (ORC 2905.03)

537.09 COERCION.

- (a) No person, with purpose to coerce another into taking or refraining from action concerning which the other person has a legal freedom of choice, shall do any of the following:
- (1) Threaten to commit any offense;
 - (2) Utter or threaten any calumny against any person;
 - (3) Expose or threaten to expose any matter tending to subject any person to hatred, contempt or ridicule, to damage any person's personal or business repute, or to impair any person's credit;
 - (4) Institute or threaten criminal proceedings against any person;
 - (5) Take or withhold, or threaten to take or withhold official action, or cause or threaten to cause official action to be taken or withheld.
- (b) Subsections (a)(4) and (5) hereof shall not be construed to prohibit a prosecutor or court from doing any of the following in good faith and in the interest of justice:
- (1) Offering or agreeing to grant, or granting immunity from prosecution pursuant to Ohio 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 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 subsection (a)(3), (4) or (5) hereof that the actor's conduct was a reasonable response to the circumstances that 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 that 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:

- (1) "Threat" includes a direct threat and a threat by innuendo.
- (2) "Community control sanction" has the same meaning as in Ohio R.C. 2929.01. (ORC 2905.12)

537.10 TELECOMMUNICATION HARASSMENT.

(a) No person shall knowingly make or cause to be made a telecommunication, or knowingly permit telecommunication to be made from a telecommunications device under the person's control, to another, if the caller does any of the following:

- (1) Makes the telecommunication with purpose to harass, intimidate, or abuse, any person at the premises to which the telecommunication is made, whether or not actual communication takes place between the caller and a recipient;
- (2) Describes, suggests, requests, or proposes that the caller, the recipient of the telecommunication, or any other person engage in sexual activity, and the recipient or another person at the premises to which the telecommunication is made has requested, in a previous telecommunication or in the immediate telecommunication, that the caller not make a telecommunication to the recipient or to the premises to which the telecommunication is made;
- (3) During the telecommunication, violates Ohio R.C. 2903.21;
- (4) Knowingly states to the recipient of the telecommunication that the caller intends to cause damage to or destroy public or private property, and the recipient, any member of the recipient's family, or any other person who resides at the premises to which the telecommunication is made owns, leases, resides, or works in, will at the time of the destruction or damaging be near or in, has the responsibility of protecting, or insures the property that will be destroyed or damaged;

- (5) Knowingly makes the telecommunication to the recipient of the telecommunication, to another person at the premises to which the telecommunication is made, or to those premises, and the recipient or another person at those premises previously has told the caller not to make a telecommunication to those premises or to any person at those premises.
 - (6) Knowingly makes any comment, request, suggestion, or proposal to the recipient of the telecommunication that is threatening, intimidating, menacing, coercive, or obscene with the intent to abuse, threaten or harass the recipient;
 - (7) Without a lawful business purpose, knowingly interrupts the telecommunication service of any person;
 - (8) Without a lawful business purpose, knowingly transmits to any person, regardless of whether the telecommunication is heard in its entirety, any file, document or other communication that prevents that person from using the person's telephone service or electronic communication device;
 - (9) Knowingly makes any false statement concerning the death, injury, illness, disfigurement, reputation, indecent conduct, or criminal conduct of the recipient of the telecommunication or family or household member of the recipient with purpose to abuse, threaten, intimidate, or harass the recipient;
 - (10) Knowingly incites another person through a telecommunication or other means to harass or participate in the harassment of a person;
 - (11) Knowingly alarms the recipient by making a telecommunication without a lawful purpose at an hour or hours known to be inconvenient to the recipient and in an offensive or repetitive manner.
- (b)
- (1) No person shall make or cause to be made a telecommunication, or permit a telecommunication to be made from a telecommunications device under the person's control, with purpose to abuse, threaten, or harass another person.
 - (2) No person shall knowingly post a text or audio statement or an image on an internet web site or web page for the purpose of abusing, threatening, or harassing another person.
- (c)
- (1) Whoever violates this section is guilty of telecommunication harassment.
 - (2) A violation of subsections (a)(1), (2), (3), (5), (6), (7), (8), (9), (10), or (11) or (b) hereof is a misdemeanor of the first degree on a first offense. Each subsequent offense is a felony and shall be prosecuted under appropriate State law.
 - (3) Whoever violates subsection (a)(4) hereof is guilty of a misdemeanor of the first degree for a first offense. For each subsequent offense or if a violation of subsection (a)(4) hereof results in economic harm of one thousand dollars (\$1,000) or more, a violation of subsection (a)(4) hereof is a felony and shall be prosecuted under appropriate State law.
- (d) No cause of action may be asserted in any court of this State against any provider of a telecommunications service, interactive computer service as defined in Section 230 of Title 47 of the United States Code, or information service, or against any officer, employee, or agent of a telecommunication service, interactive computer service as defined in Section 230 of Title 47 of the United States Code, or information service, for any injury, death, or loss to person or property that allegedly arises out of the provider's, officer's, employee's, or agent's provision of information, facilities, or assistance in accordance with the terms of a court order that is issued

in relation to the investigation or prosecution of an alleged violation of this section. A provider of a telecommunications service, interactive computer service as defined in Section 230 of Title 47 of the United States Code, or information service, or an officer, employee, or agent of a telecommunications service, interactive computer service as defined in Section 230 of Title 47 of the United States Code, of information service, is immune from any civil or criminal liability for injury, death, or loss to person or property that allegedly arises out of the provider's, officer's, employee's, or agent's provision of information, facilities, or assistance in accordance with the terms of a court order that is issued in relation to the investigation or prosecution of an alleged violation of this section.

- (e)
 - (1) This section does not apply to a person solely because the person provided access or connection to or from an electronic method of remotely transferring information not under that person's control, including having provided capabilities that are incidental to providing access or connection to or from the electronic method of remotely transferring the information, and that do not include the creation of the content of the material that is the subject of the access or connection. In addition, any person providing access or connection to or from an electric method of remotely transferring information not under that person's control shall not be liable for any action voluntarily taken in good faith to block the receipt or transmission through its service of any information that the person believes is, or will be sent, in violation of this section.
 - (2) Subsection (e)(1) of this section does not create an affirmative duty for any person providing access or connection to or from an electronic method of remotely transferring information not under that person's control to block the receipt or transmission through its service of any information that it believes is, or will be sent, in violation of this section except as otherwise provided by law.
 - (3) Subsection (e)(1) of this section does not apply to a person who conspires with a person actively involved in the creation or knowing distribution of material in violation of this section or who knowingly advertises the availability of material of that nature.
 - (4) A provider or user of an interactive computer service, as defined in Section 230 of Title 47 of the United States Code, shall neither be treated as the publisher or speaker of any information provided by another information content provider, as defined in Section 230 of Title 47 of the United States Code, nor held civilly or criminally liable for the creation or development of information provided by another information content provider, as defined in Section 230 of Title 47 of the United States Code. Nothing in this subsection shall be construed to protect a person from liability to the extent that the person developed or created any content in violation of this section.

(f) Subsections (a)(5) to (11) and (b)(2) of this section do not apply to a person who, while employed or contracted by a newspaper, magazine, press association, news agency, news wire service, cable channel or cable operator, or radio or television station, is gathering, processing, transmitting, compiling, editing or disseminating information for the general public, within the scope of the person's employment in that capacity or the person's contractual authority in that capacity.

- (g) As used in this section:
 - (1) "Economic harm" means all direct, incidental, and consequential pecuniary harm suffered by a victim as a result of criminal conduct. "Economic harm" includes, but is not limited to, all of the following:

- A. All wages, salaries, or other compensation lost as a result of the criminal conduct;
 - B. The cost of all wages, salaries or other compensation paid to employees for time those employees are prevented from working as a result of the criminal conduct;
 - C. The overhead costs incurred for the time that a business is shut down as a result of the criminal conduct;
 - D. The loss of value to tangible or intangible property that was damaged as a result of the criminal conduct.
- (2) "Caller" means the person described in subsection (a) hereof who makes or causes to be made a telecommunication or who permits a telecommunication to be made from a telecommunications device under that person's control.
 - (3) "Telecommunication" and "telecommunications device" have the same meanings as in Ohio R.C. 2913.01.
 - (4) "Sexual activity" has the same meaning as in Ohio R.C. 2907.01.
 - (5) "Family or household member" means any of the following:
 - A. Any of the following who is residing or has resided with the recipient of the telecommunication against whom the act prohibited in subsection (a)(9) of this section is committed:
 - 1. A spouse, a person living as a spouse, or a former spouse of the recipient;
 - 2. A parent, a foster parent, or a child of the recipient, or another person related by consanguinity or affinity to the recipient;
 - 3.. A parent or a child of a spouse, person living as a spouse, or former spouse of the recipient, or another person related by consanguinity or affinity to a spouse, person living as a spouse, or former spouse of the recipient.
 - B. The natural parent of any child of whom the recipient of the telecommunication against whom the act prohibited in subsection (a)(9) of this section is committed is the other natural parent or is the putative other natural parent.
 - (6) "Person living as a spouse" means a person who is living or has lived with the recipient of the telecommunication against whom the act prohibited in subsection (a)(9) of this section is committed in a common law marital relationship, who otherwise is cohabiting with the recipient, or who otherwise has cohabited with the recipient within five years prior to the date of the alleged commission of the act in question.
 - (7) "Cable operator" has the same meaning as in Ohio R.C. 1332.21.

(h) Nothing in this section prohibits a person from making a telecommunication call to a debtor that is in compliance with the "Fair Debt Collection Practices Act", 91 Stat. 874 (1977), 15 U.S.C. 1692, as amended, or the "Telephone Consumer Protection Act", 105 Stat. 2395 (1991), 47 U.S.C. 227, as amended. (ORC 2917.21)

537.11 THREATENING OR HARASSING TELEPHONE CALLS.

(EDITOR'S NOTE: Former Ohio R.C. 4931.31 from which Section 537.11 was derived was repealed by Senate Bill 162, effective September 13, 2010. See now Section 537.10 "Telecommunication Harassment".)

537.12 MISUSE OF 9-1-1 SYSTEM.

(a) "9-1-1 system" means a system through which individuals can request emergency service using the telephone number 9-1-1. (ORC 128.01)

(b) No person shall knowingly use the telephone number of the 9-1-1 system established under Ohio R.C. Chapter 128 to report an emergency if he knows that no emergency exists.

(c) No person shall knowingly use a 9-1-1 system for a purpose other than obtaining emergency service.

(d) No person shall disclose or use any information concerning telephone numbers, addresses, or names obtained from the data base that serves the public safety answering point of a 9-1-1 system established under Ohio R.C. Chapter 128, except for any of the following purposes or under any of the following circumstances:

- (1) For the purpose of the 9-1-1 system;
- (2) For the purpose of responding to an emergency call to an emergency service provider;
- (3) In the circumstance of the inadvertent disclosure of such information due solely to technology of the wireline telephone network portion of the 9-1-1 system not allowing access to the data base to be restricted to 9-1-1 specific answering lines at a public safety answering point;
- (4) In the circumstance of access to a data base being given by a telephone company that is a wireline service provider to a public utility or municipal utility in handling customer calls in times of public emergency or service outages. The charge, terms, and conditions for the disclosure or use of such information for the purpose of such access to a data base shall be subject to the jurisdiction of the steering committee.
- (5) In the circumstance of access to a data base given by a telephone company that is a wireline service provider to a state and local government in warning of a public emergency, as determined by the steering committee. The charge, terms, and conditions for the disclosure or use of that information for the purpose of access to a data base is subject to the jurisdiction of the steering committee.
(ORC 128.32)

- (e) (1) Whoever violates subsection (b) hereof is guilty of a misdemeanor of the fourth degree.
- (2) Whoever violates subsection (c) or (d) hereof is guilty of a misdemeanor of the fourth degree on a first offense. For each subsequent offense such person is guilty of a felony and shall be prosecuted under appropriate State law. (ORC 128.99)

537.13 ADULTERATING OF OR FURNISHING ADULTERATED FOOD OR CONFECTION.

(a) No person shall do either of the following, knowingly or having reasonable cause to believe that any person may suffer physical harm or be seriously inconvenienced or annoyed thereby:

- (1) Place a pin, needle, razor blade, glass, laxative, drug of abuse, or other harmful or hazardous object or substance in any food or confection;
- (2) Furnish to any person any food or confection which has been adulterated in violation of subsection (a)(1) hereof. (ORC 3716.11)

(b) Whoever violates this section is guilty of a misdemeanor of the first degree.
(ORC 3716.99(C))

537.14 DOMESTIC VIOLENCE.

(a) No person shall knowingly cause or attempt to cause physical harm to a family or household member.

(b) No person shall recklessly cause serious physical harm to a family or household member.

(c) No person, by threat of force, shall knowingly cause a family or household member to believe that the offender will cause imminent physical harm to the family or household member.

(d) (1) Whoever violates this section is guilty of domestic violence.

(2) Except as otherwise provided in subsection (d)(3) to (5) of this section, a violation of subsection (c) of this section is a misdemeanor of the fourth degree, and a violation of subsection (a) or (b) of this section is a misdemeanor of the first degree.

(3) Except as otherwise provided in subsection (d)(4) of this section, if the offender previously has pleaded guilty to or been convicted of domestic violence, a violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially similar to domestic violence, a violation of Ohio R.C. 2903.14, 2909.06, 2909.07, 2911.12, 2911.211, or 2919.22 if the victim of the violation was a family or household member at the time of the violation, a violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially similar to any of those sections if the victim of the violation was a family or household member at the time of the commission of the violation, or any offense of violence if the victim of the offense was a family or household member at the time of the commission of the offense, a violation of subsection (a) or (b) of this section is a felony and shall be prosecuted under appropriate state law, and a violation of subsection (c) of this section is a misdemeanor of the second degree.

(4) If the offender previously has pleaded guilty to or been convicted of two or more offenses of domestic violence or two or more violations or offenses of the type described in subsection (d)(3) of this section involving a person who was a family or household member at the time of the violations or offenses, a violation of subsection (a) or (b) of this section is a felony and shall be prosecuted under appropriate state law, and a violation of subsection (c) of this section is a misdemeanor of the first degree.

(5) Except as otherwise provided in subsection (d)(3) or (4) of this section, if the offender knew that the victim of the violation was pregnant at the time of the violation, a violation of subsection (a) or (b) of this section is a felony and shall be prosecuted under appropriate State law, and a violation of subsection (c) of this section is a misdemeanor of the third degree.

(e) Notwithstanding any provision of law to the contrary, no court or unit of local government shall charge any fee, cost, deposit, or money in connection with the filing of charges against a person alleging that the person violated this section or in connection with the prosecution of any charges so filed.

(f) As used in this section:

(1) "Family or household member" means any of the following:

A. Any of the following who is residing or has resided with the offender:

1. A spouse, a person living as a spouse or a former spouse of the offender;
 2. A parent, a foster parent or a child of the offender, or another person related by consanguinity or affinity to the offender;
 3. A parent, or a child of a spouse, person living as a spouse, or former spouse of the offender; or another person related by consanguinity or affinity to a spouse, person living as a spouse or former spouse of the offender.
- B. The natural parent of any child of whom the offender is the other natural parent or is the putative other natural parent.
- (2) "Person living as a spouse" means a person who is living or has lived with the offender in a common law marital relationship, who otherwise is cohabiting with the offender, or who otherwise has cohabited with the offender within five years prior to the date of the alleged commission of the act in question. (ORC 2919.25)

(g) The same relief available under the Ohio Revised Code for filing a complaint for violation of Ohio R.C. 2919.25 shall be available for filing a complaint for violation of this section.

537.15 TEMPORARY PROTECTION ORDER.

- (a) No person shall recklessly violate the terms of any of the following:
- (1) A protection order issued or consent agreement approved pursuant to Ohio R.C. 2919.26 or 3113.31;
 - (2) A protection order issued pursuant to Ohio R.C. 2151.34, 2903.213 or 2903.214;
 - (3) A protection order issued by a court of another state.
- (b)
- (1) Whoever violates this section is guilty of violating a protection order.
 - (2) Except as otherwise provided in subsection (b)(3) of this section, violating a protection order is a misdemeanor of the first degree.
 - (3) If the offender previously has been convicted of, pleaded guilty to or been adjudicated a delinquent child for a violation of a protection order issued pursuant to Ohio R.C. 2151.34, 2903.213 or 2903.214, two or more violations of Ohio R.C. 2903.21, 2903.211, 2903.22, or 2911.211 that involved the same person who is the subject of the protection order or consent agreement, or one or more violations of this section, violating a protection order is a felony and shall be prosecuted under appropriate state law.
 - (4) If the offender violates a protection order or consent agreement while committing a felony offense, violating a protection order is a felony and shall be prosecuted under appropriate state law.
 - (5) If the protection order violated by the offender was an order issued pursuant to Ohio R.C. 2151.34 or 2903.214 that required electronic monitoring of the offender pursuant to that section, the court may require in addition to any other sentence imposed upon the offender that the offender be electronically monitored for a period not exceeding five years by a law enforcement agency designated by the court. If the court requires under this subsection that the offender be electronically monitored, unless the court determines that the offender is indigent, the court shall order that the offender pay the costs of the installation of the electronic monitoring device

and the cost of monitoring the electronic monitoring device. If the court determines that the offender is indigent and subject to the maximum amount allowable and the rules promulgated by the Attorney General under Ohio R.C. 2903.214, the costs of the installation of the electronic monitoring device and the cost of monitoring the electronic monitoring device may be paid out of funds from the reparations fund created pursuant to Ohio R.C. 2743.191. The total amount paid from the reparations fund created pursuant to Ohio R.C. 2743.191 for electronic monitoring under this section and Ohio R.C. 2151.34 and 2903.214 shall not exceed three hundred thousand dollars per year.

(c) It is an affirmative defense to a charge under subsection (a)(3) of this section that the protection order issued by a court of another state does not comply with the requirements specified in 18 U.S.C. 2265(b) for a protection order that must be accorded full faith and credit by a court of this State or that it is not entitled to full faith and credit under 18 U.S.C. 2265(c).

(d) As used in this section, "protection order issued by a court of another state" means an injunction or another order issued by a criminal court of another state for the purpose of preventing violent or threatening acts or harassment against, contact or communication with, or physical proximity to another person, including a temporary order, and means an injunction or order of that nature issued by a civil court of another state, including a temporary order and a final order issued in an independent action or as a pendente lite order in a proceeding for other relief, if the court issued it in response to a complaint, petition or motion filed by or on behalf of a person seeking protection. "Protection order issued by a court of another state" does not include an order for support or for custody of a child. (ORC 2919.27)

537.16 ILLEGAL DISTRIBUTION OF CIGARETTES, OTHER TOBACCO PRODUCTS, OR ALTERNATE NICOTINE PRODUCTS.

(a) As used in this section:

- (1) "Age verification" means a service provided by an independent third party (other than a manufacturer, producer, distributor, wholesaler, or retailer of cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes) that compares information available from a commercially available database, or aggregate of databases, that regularly are used by government and businesses for the purpose of age and identity verification to personal information provided during an internet sale or other remote method of sale to establish that the purchaser is eighteen years of age or older.
- (2) A. "Alternative nicotine product" means, subject to subsection (a)(2)B. of this section, an electronic cigarette or any other product or device that consists of or contains nicotine that can be ingested into the body by any means, including, but not limited to, chewing, smoking, absorbing, dissolving or inhaling.
 B. "Alternative nicotine product" does not include any of the following:
 1. Any cigarette or other tobacco product;
 2. Any product that is a "drug" as that term is defined in 21 U.S.C. 321(g)(1);
 3. Any product that is a "device" as that term is defined in 21 U.S.C. 321(h);
 4. Any product that is a "combination product" as described in 21 U.S.C. 353(g).
- (3) "Child" has the same meaning as in Ohio R.C. 2151.011.
- (4) "Cigarette" includes clove cigarettes and hand-rolled cigarettes.

- (5) "Distribute" means to furnish, give, or provide cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes to the ultimate consumer of the cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes.
- (6) A. "Electronic cigarette" means, subject to subsection (a)(6)B. of this section, any electronic product or device that produces a vapor that delivers nicotine or any other substance to the person inhaling from the device to simulate smoking and that is likely to be offered to or purchased by consumers as an electronic cigarette, electronic cigar, electronic cigarillo or electronic pipe.
B. "Electronic cigarette" does not include any item, product or device described in subsections (a)(2)B.1. to 4. of this section.
- (7) "Proof of age" means a driver's license, a commercial driver's license, a military identification card, a passport, or an identification card issued under Ohio R.C. 4507.50 to 4507.52 that shows that a person is eighteen years of age or older.
- (8) "Tobacco product" means any product that is made from tobacco, including, but not limited to, a cigarette, a cigar, pipe tobacco, chewing tobacco or snuff.
- (9) "Vending machine" has the same meaning as "coin machine" in Ohio R.C. 2913.01.

(b) No manufacturer, producer, distributor, wholesaler, or retailer of cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes, no agent, employee, or representative of a manufacturer, producer, distributor, wholesaler, or retailer of cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes, and no other person shall do any of the following:

- (1) Give, sell or otherwise distribute cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes to any child;
- (2) Give away, sell or distribute cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes in any place that does not have posted in a conspicuous place a sign stating that giving, selling or otherwise distributing cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes to a person under eighteen years of age is prohibited by law;
- (3) Knowingly furnish any false information regarding the name, age or other identification of any child with purpose to obtain cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes for that child;
- (4) Manufacture, sell or distribute in this state any pack or other container of cigarettes containing fewer than twenty cigarettes or any package of roll-your-own tobacco containing less than six-tenths of one ounce of tobacco;
- (5) Sell cigarettes or alternative nicotine products in a smaller quantity than that placed in the pack or other container by the manufacturer;
- (6) Give, sell or otherwise distribute alternative nicotine products, papers used to roll cigarettes, or tobacco products other than cigarettes over the internet or through another remote method without age verification.

(c) No person shall sell or offer to sell cigarettes, other tobacco products or alternative nicotine products by or from a vending machine, except in the following locations:

- (1) An area within a factory, business, office, or other place not open to the general public;

- (2) An area to which children are not generally permitted access;
- (3) Any other place not identified in subsection (c)(1) or (2) of this section, upon all of the following conditions:
 - A. The vending machine is located within the immediate vicinity, plain view, and control of the person who owns or operates the place, or an employee of that person, so that all cigarettes, other tobacco product and alternative nicotine product purchases from the vending machine will be readily observed by the person who owns or operates the place or an employee of that person. For the purpose of this section, a vending machine located in any unmonitored area, including an unmonitored coatroom, restroom, hallway or outer-waiting area, shall not be considered located within the immediate vicinity, plain view, and control of the person who owns or operates the place, or an employee of that person.
 - B. The vending machine is inaccessible to the public when the place is closed.
- (d) The following are affirmative defenses to a charge under subsection (b)(1) of this section:
 - (1) The child was accompanied by a parent, spouse who is eighteen years of age or older, or legal guardian of the child.
 - (2) The person who gave, sold or distributed cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes to a child under subsection (b)(1) of this section is a parent, spouse who is eighteen years of age or older, or legal guardian of the child.
- (e) It is not a violation of subsection (b)(1) or (2) of this section for a person to give or otherwise distribute to a child cigarettes, other tobacco products, alternative nicotine products or papers used to roll cigarettes while the child is participating in a research protocol if all of the following apply:
 - (1) The parent, guardian or legal custodian of the child has consented in writing to the child participating in the research protocol;
 - (2) An institutional human subjects protection review board, or an equivalent entity, has approved the research protocol;
 - (3) The child is participating in the research protocol at the facility or location specified in the research protocol.
- (f) (1) Whoever violates subsection (b)(1), (2), (4), (5) or (6) or (c) of this section is guilty of illegal distribution of cigarettes, other tobacco products, or alternative nicotine products. Except as otherwise provided in this subsection, illegal distribution of cigarettes, other tobacco products, or alternative nicotine products is a misdemeanor of the fourth degree. If the offender previously has been convicted of a violation of subsection (b)(1), (2), (4), (5) or (6) or (c) of this section, illegal distribution of cigarettes, other tobacco products, or alternative nicotine products is a misdemeanor of the third degree.

- (2) Whoever violates subsection (b)(3) of this section is guilty of permitting children to use cigarettes, other tobacco products, or alternative nicotine products. Except as otherwise provided in this subsection, permitting children to use cigarettes, other tobacco products, or alternative nicotine products is a misdemeanor of the fourth degree. If the offender previously has been convicted of a violation of subsection (b)(3) of this section, permitting children to use cigarettes, other tobacco products, or alternative nicotine products is a misdemeanor of the third degree.

(g) Any cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes that are given, sold or otherwise distributed to a child in violation of this section and that are used, possessed, purchased or received by a child in violation of Ohio R.C. 2151.87 are subject to seizure and forfeiture as contraband under Ohio R.C. Chapter 2981.
(ORC 2927.02)

537.17 CRIMINAL CHILD ENTICEMENT.

(a) No person, by any means and without privilege to do so, shall knowingly solicit, coax, entice or lure any child under fourteen years of age to accompany the person in any manner, including entering into any vehicle, or onto any vessel, whether or not the offender knows the age of the child, if both of the following apply:

- (1) The actor does not have the express or implied permission of the parent, guardian or other legal custodian of the child in undertaking the activity;
- (2) The actor is not a law enforcement officer, medic, firefighter, or other person who regularly provides emergency services, and is not an employee or agent of, or a volunteer acting under the direction of any Board of Education, or the actor is any of such persons, but, at the time the actor undertakes the activity, the actor is not acting within the scope of the actor's lawful duties in that capacity.

(b) No person, with a sexual motivation, shall violate subsection (a) of this section.

(c) No person, for any unlawful purpose other than, or in addition to, that proscribed by subsection (a) of this section, shall engage in any activity described in subsection (a) of this section.

(d) It is an affirmative defense to a charge under subsection (a) hereof that the actor undertook the activity in response to a bona fide emergency situation or that the actor undertook the activity in a reasonable belief that it was necessary to preserve the health, safety or welfare of the child.

(e) Whoever violates this section is guilty of criminal child enticement, a misdemeanor of the first degree. If the offender has previously been convicted of a violation of this section or Ohio R.C. 2905.05, 2907.02, or 2907.03, or former Section 2907.12, or Ohio R.C. 2905.01 or 2907.05 when the victim of that prior offense was under seventeen years of age at the time of the offense, criminal child enticement is a felony and shall be prosecuted under appropriate State law.

(f) As used in this section:

- (1) "Sexual motivation" has the same meaning as in Ohio R.C. 2971.01.
- (2) "Vehicle" has the same meaning as in Ohio R.C. 4501.01.
- (3) "Vessel" has the same meaning as in Ohio R.C. 1546.01.

(ORC 2905.05)

537.18 CONTRIBUTING TO UNRULINESS OR DELINQUENCY OF A CHILD.

(a) No person, including a parent, guardian or other custodian of a child, shall do any of the following:

- (1) Aid, abet, induce, cause, encourage or contribute to a child or a ward of the juvenile court becoming an unruly child as defined in Ohio R.C. 2151.022, or a delinquent child as defined in Ohio R.C. 2152.02.
- (2) Act in a way tending to cause a child or a ward of the juvenile court to become an unruly child as defined in Ohio R.C. 2151.022 or a delinquent child as defined in Ohio R.C. 2152.02.
- (3) If the person is the parent, guardian, or custodian of a child who has the duties under Ohio R.C. Chapters 2152 and 2950 to register, register a new residence address, and periodically verify a residence address and, if applicable, to send a notice of intent to reside, and if the child is not emancipated, as defined in Ohio R.C. 2919.121, fail to ensure that the child complies with those duties under Ohio R.C. Chapters 2152 and 2950.

(b) Whoever violates this section is guilty of contributing to the unruliness or delinquency of a child, a misdemeanor of the first degree. Each day of violation of this section is a separate offense. (ORC 2919.24)

537.99 PENALTY.

(EDITOR'S NOTE: See Section 501.99 for penalties applicable to any misdemeanor classification.)

(EDITOR'S NOTE: This page is intentionally left blank.)

CHAPTER 541
Property Offenses

541.01 Determining property value in arson. 541.02 Arson. 541.03 Criminal damaging or endangering. 541.04 Criminal mischief. 541.05 Criminal trespass. 541.051 Aggravated trespass.	541.06 Destruction of shrubs, trees or crops. 541.07 Desecration. 541.08 Ethnic intimidation. 541.09 Advertising on public property. 541.10 Vehicular vandalism. 541.11 Trespass on a place of public amusement. 541.99 Penalty.
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CROSS REFERENCES

See sectional histories for similar State law
 Parents' liability for destructive acts of their
 children - see Ohio R.C. 3109.09
 Physical harm to property defined - see GEN. OFF. 501.01(d), (f)
 Reimbursement for investigation or prosecution
 costs - see GEN. OFF. 501.99(a)
 Damage to sidewalks - see GEN. OFF. 521.04
 Vehicle trespass - see GEN. OFF. 545.06

541.01 DETERMINING PROPERTY VALUE IN ARSON.

(a) The following criteria shall be used in determining the value of property or amount of physical harm involved in a violation of Section 541.02.

- (1) If the property is an heirloom, memento, collector's item, antique, museum piece, manuscript, document, record or other thing that is either irreplaceable or is replaceable only on the expenditure of substantial time, effort or money, the value of the property or the amount of physical harm involved is the amount that would compensate the owner for its loss.
- (2) If the property is not covered under subsection (a)(1) hereof, and the physical harm is such that the property can be restored substantially to its former condition, the amount of physical harm involved is the reasonable cost of restoring the property.
- (3) If the property is not covered under subsection (a)(1) hereof, and the physical harm is such that the property cannot be restored substantially to its former condition, the value of the property, in the case of personal property, is the cost of replacing the property with new property of like kind and quality, and in the case of real property or real property fixtures, is the difference in the fair market value of the property immediately before and immediately after the offense.

(b) As used in this section, "fair market value" has the same meaning as in Section 545.02(c)(3).

(c) Prima-facie evidence of the value of property, as provided in Section 545.02(d) may be used to establish the value of property pursuant to this section. (ORC 2909.11)

541.02 ARSON.

(a) No person, by means of fire or explosion, shall knowingly cause or create a substantial risk of physical harm to any property of another without the other person's consent.

(b) This section does not apply if the violation is done with purpose to defraud or the property involved is a statehouse or a courthouse, school building or other building or structure that is owned or controlled by the State, any political subdivision, or any department, agency or instrumentality of the State or a political subdivision, and that is used for public purposes.

(c) Whoever violates this section is guilty of arson, a misdemeanor of the first degree. If the value of the property or the amount of physical harm involved is one thousand dollars (\$1,000) or more, arson is a felony and shall be prosecuted under appropriate State law. (ORC 2909.03)

541.03 CRIMINAL DAMAGING OR ENDANGERING.

(a) No person shall cause, or create a substantial risk of physical harm to any property of another without the other person's consent:

- (1) Knowingly, by any means;
- (2) Recklessly, by means of fire, explosion, flood, poison gas, poison, radioactive material, caustic or corrosive material, or other inherently dangerous agency or substance.

(b) Whoever violates this section is guilty of criminal damaging or endangering, a misdemeanor of the second degree. If violation of this section creates a risk of physical harm to any person, criminal damaging or endangering is a misdemeanor of the first degree. If the property involved in a violation is an aircraft, an aircraft engine, propeller, appliance, spare part, or any other equipment or implement used or intended to be used in the operation of an aircraft and if the violation creates a risk of physical harm to any person or if the property involved in a violation is an occupied aircraft, criminal damaging or endangering is a felony and shall be prosecuted under appropriate State law. (ORC 2909.06)

541.04 CRIMINAL MISCHIEF.

(a) No person shall:

- (1) Without privilege to do so, knowingly move, deface, damage, destroy or otherwise improperly tamper with either of the following:
 - A. The property of another;
 - B. One's own residential real property with the purpose to decrease the value of or enjoyment of the residential real property, if both of the following apply:
 1. The residential real property is subject to a mortgage.
 2. The person has been served with a summons and complaint in a pending residential mortgage loan foreclosure action relating to that real property. As used in this subsection, "pending" includes the time between judgment entry and confirmation of sale.

- (d)
 - (1) Whoever violates this section is guilty of criminal trespass, a misdemeanor of the fourth degree.
 - (2) Notwithstanding Section 501.99, if the person, in committing the violation of this section, used a snowmobile, off-highway motorcycle, or all-purpose vehicle, the court shall impose a fine of two times the usual amount imposed for the violation.
 - (3) If an offender previously has been convicted of or pleaded guilty to two or more violations of this section or a substantially equivalent municipal ordinance, or state law, and the offender, in committing each violation, used a snowmobile, off-highway motorcycle, or all-purpose vehicle, the court, in addition to or independent of all other penalties imposed for the violation, may impound the certificate of registration of that snowmobile or off-highway motorcycle or the certificate of registration and license plate of that all-purpose vehicle for not less than sixty days. In such a case, Ohio R.C. 4519.47 applies.
- (e) As used in this section:
 - (1) "All-purpose vehicle" has the same meaning as in Section 375.01 of the Traffic Code.
 - (2) "Land or premises" includes any land, building, structure, or place belonging to, controlled by, or in custody of another, and any separate enclosure or room, or portion thereof. (ORC 2911.21)

541.051 AGGRAVATED TRESPASS.

(a) No person shall enter or remain on the land or premises of another with purpose to commit on that land or those premises a misdemeanor, the elements of which involve causing physical harm to another person or causing another person to believe that the offender will cause physical harm to him.

(b) Whoever violates this section is guilty of aggravated trespass, a misdemeanor of the first degree. (ORC 2911.211)

541.06 DESTRUCTION OF SHRUBS, TREES OR CROPS.

(a) No person, without privilege to do so, shall recklessly cut down, destroy, girdle or otherwise injure a vine, bush, shrub, sapling, tree or crop standing or growing on the land of another or upon public land.

(b) In addition to any penalty provided, whoever violates this section is liable in treble damages for the injury caused. (ORC 901.51)

(c) Whoever violates this section is guilty of a misdemeanor of the fourth degree. (ORC 901.99(A))

541.07 DESECRATION.

(a) No person, without privilege to do so, shall purposely deface, damage, pollute or otherwise physically mistreat any of the following:

- (1) The flag of the United States or of this State;
- (2) Any public monument;
- (3) Any historical or commemorative marker, or any structure, Indian mound or earthwork, cemetery, thing or site of great historical or archeological interest;
- (4) A work of art or museum piece;
- (5) Any other object of reverence or sacred devotion.

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

(c) As used in this section, "cemetery" means any place of burial and includes burial sites that contain American Indian burial objects placed with or containing American Indian human remains. (ORC 2927.11)

541.08 ETHNIC INTIMIDATION.

(a) No person shall violate Ohio R.C. 2903.21, 2903.22, 2909.06, 2909.07 or 2917.21(A)(3) to (5) or Sections 537.05, 537.06, 537.10(a)(3) to (5), 541.03 or 541.04 of the General Offenses Code by reason of the race, color, religion or national origin of another person or group of persons.

(b) Whoever violates this section is guilty of ethnic intimidation. Ethnic intimidation is an offense of the next higher degree than the offense the commission of which is a necessary element of ethnic intimidation.
(ORC 2927.12)

541.09 ADVERTISING ON PUBLIC PROPERTY.

(a) No person shall stick, post or attach any advertisement, poster, sign, handbill or placard of any kind or description upon any telegraph, electric pole, communication box, telephone, railway, electric light pole, or fire hydrant within the corporate limits or upon any public building, vehicle, voting booth, flagging, curb, tree lawn, walk, step, stone or sidewalk, or write, print or impress or in any manner attach any notice or advertisement of any kind upon any public building, voting booth, flagging, curb, tree lawn, step, stone or sidewalk, the property of the Municipality or within the street lines of the Municipality or over which the Municipality or Council thereof has the care, custody or control, except such as may be required by laws of the State, or the ordinances of the Municipality.

(b) Whoever violates this section is guilty of a minor misdemeanor.
(Ord. 12-97. Passed 2-24-97.)

541.10 VEHICULAR VANDALISM.

(a) As used in this section:

- (1) "Highway" means any highway as defined in Section 301.42 of the Traffic Code or any lane, road, street, alley, bridge, or overpass.
- (2) "Alley", "street", and "vehicle" have the same meanings as in Chapter 301 of the Traffic Code.
- (3) "Vessel" and "waters in this State" have the same meanings as in Ohio R.C. 1546.01.

(b) No person shall knowingly, and by any means, drop or throw any object at, onto, or in the path of any of the following:

- (1) Any vehicle on a highway;
- (2) Any boat or vessel on any of the waters in this State that are located in the Municipality.

(c) Whoever violates this section is guilty of vehicular vandalism. Except as otherwise provided in this subsection, vehicular vandalism is a misdemeanor of the first degree. If the violation of this section creates a substantial risk of physical harm to any person, serious physical harm to property, physical harm to any person or serious physical harm to any person, vehicular vandalism is a felony and shall be prosecuted under appropriate State law.
(ORC 2909.09)

CODIFIED ORDINANCES OF LANCASTER
PART SEVEN - BUSINESS REGULATION CODE

- Chap. 705. Outdoor Refreshment Areas.**
- Chap. 707. Sexually Oriented Business Standards.**
- Chap. 709. Cultivation, Processing or Dispensing of Medical Marijuana.**
- Chap. 711. Auctions.**
- Chap. 715. Arcades.**
- Chap. 721. Liquidation Sales.**
- Chap. 731. Mechanical Amusement Devices.**
- Chap. 741. Mechanical Musical Instruments.**
- Chap. 751. Peddlers, Solicitors and Canvassers.**
- Chap. 753. Peddling on Private Property. (Repealed)**
- Chap. 761. Solicitors and Canvassers. (Repealed)**
- Chap. 771. Taxicabs. (Repealed)**
- Chap. 781. Scrap Metal Dealers.**
- Chap. 785. Itinerant Merchants.**
- Chap. 791. Vehicle Racing.**
- Chap. 795. Yard Sales.**
- Chap. 797. Video Service Providers.**

CODIFIED ORDINANCES OF LANCASTER
PART SEVEN - BUSINESS REGULATION CODE

CHAPTER 705
Outdoor Refreshment Areas

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| <p>705.01 Definitions.</p> <p>705.02 Creation of outdoor refreshment areas.</p> <p>705.03 Review and re-approval existing outdoor refreshment areas.</p> | <p>705.04 Rules governing patrons in an outdoor refreshment area.</p> <p>705.05 Safety requirements and application process for outdoor refreshment area events.</p> |
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705.01 DEFINITIONS.

As used in this Chapter:

- (a) "Qualified permit holder" means the holder of an A-1, A-1-A, A-1c, A-2, or D permit issued under Chapter 4303 of the Ohio Revised Code ("ORC").
- (b) "Outdoor refreshment area" shall mean a designated territory in the City of Lancaster, no larger than one-half square mile, within which no fewer than four businesses with liquor permits may sell beer or intoxicating liquor for on-premises consumption and for consumption off-premises but within the outdoor refreshment area, in accordance with ORC §§ 4301.62 and 4301.82. (Ord. 22-16. Passed 6-27-16.)

705.02 CREATION OF OUTDOOR REFRESHMENT AREAS.

- (a) The Mayor may file an application with city council to have property within the city of Lancaster designated as an outdoor refreshment area or to expand an existing outdoor refreshment area to include additional property within the City, in accordance with ORC §§ 4301.62 and 4301.82. The Mayor or his or her designee shall ensure that the application contains all of the following:

- (1) A map or survey of the proposed outdoor refreshment area, which shall not exceed three hundred and twenty contiguous acres or one-half square mile, in sufficient detail to identify the boundaries of the area;
- (2) A general statement of the nature and types of establishments that will be located within the proposed outdoor refreshment area;
- (3) A statement that the proposed outdoor refreshment area will encompass not fewer than four qualified permit holders;
- (4) Evidence that the uses of land within the proposed outdoor refreshment area are in accord with the master zoning plan or map of the City; and
- (5) Proposed requirements for the purpose of ensuring safety within the proposed outdoor refreshment area.

(b) Notice and Time Requirements.

- (1) Within forty-five days after the date the application is filed with City Council, City Council shall publish public notice of the application once a week for two consecutive weeks in one newspaper of general circulation in the City of Lancaster or as provided in ORC § 7.16. City Council shall ensure that the notice states that the application is on file in the office of the Clerk of Council and is available for inspection by the public during regular business hours. City Council also shall indicate in the notice the date and time of any public hearing to be held regarding the application by City Council.
- (2) Not earlier than thirty but not later than sixty days after the initial publication of notice, City Council shall approve or disapprove the application by ordinance. Approval of an application requires an affirmative vote of a majority of City Council.

(c) Upon approval of the application by City Council, the territory described in the application shall constitute an outdoor refreshment area. City Council shall provide to the Ohio Division of Liquor Control notice of the approval of the application and a description of the area specified in the application. If City Council disapproves the application, the Mayor may make changes in the application to secure its approval by City Council.

(d) The number of outdoor refreshment areas is limited as provided in ORC §4301.82 or any successor statute.

(e) As soon as possible after receiving notice that an outdoor refreshment area has been approved, the Ohio Division of Liquor Control, for purposes of ORC § 4301.62, shall issue an outdoor refreshment area designation to each qualified permit holder located within the refreshment area that is in compliance with all applicable requirements under ORC Chapters 4301 and 4303. The division shall not charge any fee for the issuance of the designation. Any permit holder that receives such a designation shall comply with all laws, rules, and regulations that govern its license type and, if applicable, any safety requirements established for the outdoor refreshment area under division (F) of this section.

- (f) Safety requirements and modification of existing outdoor refreshment areas.
- (1) At the time of the creation of an outdoor refreshment area or any time thereafter, City Council may adopt an ordinance that establishes requirements City Council determines necessary to ensure safety within the area. City Council may, but is not required to, include in the ordinance any safety requirements proposed in an application under division (a) of this section to designate or expand the outdoor refreshment area. City Council may subsequently modify the safety requirements as it determines necessary.
 - (2) Prior to adopting an ordinance under this subsection, City Council shall give notice of its proposed action by publication once a week for two consecutive weeks in one newspaper of general circulation in the City of Lancaster or as provided in ORC § 7.16.
 - (3) City Council shall provide to the Division of Liquor Control notice of any safety requirements established or modified under this subsection.

(g) ORC § 4399.18 applies to a liquor permit holder located within an outdoor refreshment area in the same manner as if the liquor permit holder were not located in an outdoor refreshment area. (Ord. 22-16. Passed 6-27-16.)

705.03 REVIEW AND RE-APPROVAL EXISTING OUTDOOR REFRESHMENT AREAS.

(a) Five years after the date of creation of an outdoor refreshment area, city council shall review the operation of the area and shall, by ordinance, either approve the continued operation of the area or dissolve the area.

- (1) Prior to adopting the ordinance, City Council shall give notice of its proposed action by publication once a week for two consecutive weeks in one newspaper of general circulation in Lancaster or as provided in ORC § 7.16.
- (2) If city council dissolves the outdoor refreshment area, the outdoor refreshment area ceases to exist. City Council then shall provide notice of its action to the Ohio Division of Liquor Control, and the division shall revoke all outdoor refreshment area designations issued to qualified permit holders within the dissolved area.
- (3) If City Council approves the continued operation of the outdoor refreshment area, the area continues in operation.

(b) Five years after the approval of the continued operation of an outdoor refreshment area under division (a)(3) of this Section, City Council shall conduct a review in the same manner as provided in division (a) of this section. The legislative authority also shall conduct such a review five years after any subsequent approval of continued operation under this subsection of this section.

(c) At any time, City Council may, by ordinance, dissolve all or a part of the outdoor refreshment area.

- (1) Prior to adopting the ordinance, City Council shall give notice of its proposed action by publication once a week for two consecutive weeks in one newspaper of general circulation in Lancaster or as provided in ORC § 7.16.

- (2) If City Council dissolves all or part of an outdoor refreshment area, the area designated in the ordinance shall no longer constitute an outdoor refreshment area. City Council shall provide notice of its actions to the Division of Liquor Control. Upon receipt of the notice, the division shall revoke all outdoor refreshment area designations issued to qualified permit holders within the dissolved area or portion of the area.
(Ord. 22-16. Passed 6-27-16.)

705.04 RULES GOVERNING PATRONS IN AN OUTDOOR REFRESHMENT AREA.

(a) A person may possess an opened container of beer or intoxicating liquor at an outdoor location within an outdoor refreshment area created under ORC § 4301.82 if the opened container of beer or intoxicating liquor was purchased from a qualified permit holder to which both of the following apply:

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

(b) Subsection (a) 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 open container of beer or intoxicating liquor acquired elsewhere; or
- (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 motor vehicle is stationary and is not being operated in a lane of vehicular travel or unless the possession is otherwise authorized under divisions (D), (E), or (F) of ORC § 4301.62.
(Ord. 22-16. Passed 6-27-16.)

705.05 SAFETY REQUIREMENTS AND APPLICATION PROCESS FOR OUTDOOR REFRESHMENT AREA EVENTS.

(a) Pursuant to 705.02(f)(1), in the interest of the safety of the City, City Council authorizes the Service Safety Director to create and implement an application process for outdoor refreshment area events. City Council vests the authority to approve or deny applications for outdoor refreshment area events exclusively in the Service Safety Director.

(b) City Council authorizes the Service Safety Director to create and post appropriate signage designating the boundaries of the outdoor refreshment area.

(c) City Council authorizes the Service Safety Director to coordinate with designated permit holders to determine the type of cup that shall be used by all designated permit holders during open refreshment area events.

(Ord. 22-16. Passed 6-27-16.)

CHAPTER 707
Sexually Oriented Business Standards

707.01	Rationale and findings.	707.14	Regulations pertaining to exhibition of sexually explicit films or videos.
707.02	Definitions.	707.15	Loitering and exterior lighting and monitoring requirements.
707.03	Classification.	707.16	Penalties and enforcement.
707.04	License required.	707.17	Applicability of ordinance to existing businesses.
707.05	Issuance of license.	707.18	Prohibited activities.
707.06	Fees.	707.19	Scienter required to prove violation or business licensee liability.
707.07	Inspection.	707.20	Failure of City to meet deadline not to risk applicant/licensee rights.
707.08	Expiration of license.	707.21	Severability.
707.09	Suspension.		
707.10	Revocation.		
707.11	Hearing; denial, suspension and revocation; appeal.		
707.12	Transfer of license.		
707.13	Hours of operation.		

CROSS REFERENCES

Sexually oriented businesses - see P. & Z. Ch. 1137

707.01 RATIONALE AND FINDINGS.

(a) **Purpose.** It is the purpose of this ordinance to regulate sexually oriented businesses in order to promote the health, safety, moral, and general welfare of the citizens of the City, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of sexually oriented businesses within the City. The provisions of this ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this ordinance to condone or legitimize the distribution of obscene material.

(b) Findings and Rationale. Based on evidence of the adverse secondary effects of adult uses presented in hearings and in reports made available to the City Council, and on findings, interpretations, and narrowing constructions incorporated in the cases of *City of Littleton v. Z.J. Gifts D-4, L.L.C.*, 124 S.Ct. 2219 (June 7, 2004); *City of Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425 (2002); *Pap's A.M. v. City of Erie*, 529 U.S. 277 (2000); *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986), *Young v. American Mini Theatres*, 426 U.S. 50 (1976), *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *California v. LaRue*, 409 U.S. 109 (1972); and *Deja Vu of Cincinnati, Inc. v. Union Township, Ohio*, 411 F.3d 777 (6th Cir. 2005) (en banc); *DLS, Inc. v. City of Chattanooga*, 107 F.3d 403 (6th Cir. 1997); *Brandywine, Inc. v. City of Richmond*, 359 F.3d 830 (6th Cir. 2004); *Currence v. City of Cincinnati*, 2002 U.S. App. LEXIS 1258; *Broadway Books v. Roberts*, 642 F.Supp. 486 (E.D. Tenn. 1986); *Bright Lights, Inc. v. City of Newport*, 830 F. Supp. 378 (E.D. Ky. 1993); *Richland Bookmart v. Nichols*, 137 F.3d 435 (6th Cir. 1998); *Center for Fair Public Policy v. Maricopa County*, 336 F.3d 1153 (9th Cir. 2003); *Déjà vu v. Metro Government*, 1999 U.S. App. LEXIS 535 (6th Cir. 1999); *Bamon Corp. v. City of Dayton*, 923 F.2d 470 (6th Cir. 1991); *Triplett Grille, Inc. v. City of Akron*, 40 F.3d 129 (6th Cir. 1994); *O'Connor v. City and County of Denver*, 894 F.2d 1210 (10th Cir. 1990); *Déjà vu of Nashville, Inc., et al. v. Metropolitan Government of Nashville and Davidson County*, 274 F.3d 377 (6th Cir. 2001); *Z.J. Gifts D-2, L.L.C. v. City of Aurora*, 136 F.3d 683 (10th Cir. 1998); *ILQ Investments, Inc. v. City of Rochester*, 25 F.3d 1413 (8th Cir. 1994); *Threesome Entertainment v. Strittmather*, 4 F.Supp.2d 710 (N.D. Ohio 1998); *Bigg Wolf Discount Video Sales, Inc. v. Montgomery County*, 256 F. Supp. 2d 385 (D. Md. 2003); *Kentucky Restaurant Concepts, Inc. v. City of Louisville and Jefferson County*, 209 F.Supp.2d 672 (W.D. Ky. 2002); *Lady J. Lingerie, Inc. v. City of Jacksonville*, 176 F.3d 1358 (11th Cir. 1999); *Restaurant Ventures v. Lexington-Fayette Urban County Gov't*, 60 S.W.3d 572 (Ct. App. Ky. 2001); *World Wide Video of Washington, Inc. v. City of Spokane*, 368 F.3d 1186 (9th Cir. 2004); *Ben's Bar, Inc. v. Village of Somerset*, 316 F.3d 702 (7th Cir. 2003);

and based upon reports concerning secondary effects occurring in and around sexually oriented businesses, including, but not limited to, Austin, Texas - 1986; Indianapolis, Indiana - 1984; Garden Grove, California - 1991; Houston, Texas - 1983, 1997; Phoenix, Arizona - 1979, 1995-98; Chattanooga, Tennessee - 1999-2003; Minneapolis, Minnesota - 1980; Los Angeles, California - 1977; Whittier, California - 1978; Spokane, Washington - 2001; St. Cloud, Minnesota - 1994; Littleton, Colorado - 2004; Oklahoma City, Oklahoma - 1986; Dallas, Texas - 1997; Greensboro, North Carolina - 2003; Amarillo, Texas - 1977; New York, New York Times Square - 1994; and the Report of the Attorney General's Working Group On The Regulation Of Sexually Oriented Businesses, (June 6, 1989, State of Minnesota), the City Council finds:

- (1) Sexually oriented businesses, as a category of commercial uses, are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, prostitution, potential spread of disease, lewdness, public indecency, obscenity, illicit drug use and drug trafficking, negative impacts on surrounding properties, urban blight, litter, and sexual assault and exploitation.
- (2) Sexually oriented businesses should be separated from sensitive land uses to minimize the impact of their secondary effects upon such uses, and should be separated from other sexually oriented businesses, to minimize the secondary effects associated with such uses and to prevent an unnecessary concentration of sexually oriented businesses in one area.

CHAPTER 709
Cultivation, Processing or Dispensing of
Medical Marijuana

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| 709.01 Definitions. | 709.99 Penalty. |
| 709.02 Cultivating, processing or dispensing medical marijuana prohibited. | |

CROSS REFERENCES
Illegal cultivation - see GEN. OFF. 513.06

709.01 DEFINITIONS.

As used in this chapter:

- (a) "Marijuana" means marihuana as defined in Section 3719.01 of the Ohio Revised Code.
- (b) "Medical marijuana" means marijuana that is cultivated, processed, dispensed, tested, possessed or used for a medical purpose.
(Ord. 20-16. Passed 9-26-16.)

709.02 CULTIVATING, PROCESSING OR DISPENSING MEDICAL MARIJUANA PROHIBITED.

No person shall cultivate, process, dispense or sell medical marijuana.
(Ord. 20-16. Passed 9-26-16.)

709.99 PENALTY.

Whoever violates any section of this chapter is guilty of a misdemeanor of the first degree. Each day that any person continues to violate this chapter shall constitute a separate and complete offense. (Ord. 20-16. Passed 9-26-16.)

CHAPTER 711
Auctions

711.01	License required; issuance.	711.05	Conduct of sale; inventory and sales list required.
711.02	Application and bond.	711.06	By-bidding prohibited.
711.03	Fee for auctioneer.	711.99	Penalty.
711.04	Mayor's authority.		

CROSS REFERENCES

Power to regulate - see Ohio R. C. 715.24, 715.63
 State licensing of new merchandise public auction sales - see Ohio R.C. Ch. 1318
 State licensing of motor vehicle auctioning - see Ohio R. C. Ch. 4517
 State licensing of auctioneers - see Ohio R. C. Ch. 4707
 Liquidation sales - see BUS. REG. Ch. 721

711.01 LICENSE REQUIRED; ISSUANCE.

Except sales under judicial processes and exceptions granted by Ohio R. C. 4707.01, no person shall sell, dispose of or offer for sale in the City at public auction any merchandise, whether the same is his property or whether he sells or offers the same for sale as an agent, unless a license therefor is issued for such sale. Such license shall be issued by the Mayor. (1939 R.O., 4:02)

711.02 APPLICATION AND BOND.

All applications for such licenses shall be in writing and filed with the Mayor fifteen days previous to the commencement of such sale. The application shall state that the applicant has been in continuous business in the City as a retail or wholesale merchant for a period of one year preceding such application, that such applicant shall have owned the goods to be sold for a period of one month prior thereto, that such applicant has tendered with the application a bond in a sum not to exceed two thousand five hundred dollars (\$2,500) and conditioned for the observance of this chapter and for the indemnification of any purchaser at such auction sale suffering loss, upon proof by reason of misrepresentation, and that such applicant consents to the forfeiture of the license and bond in the event of conviction of a violation of this chapter. (1939 R.O., 4:02)

711.03 FEE FOR AUCTIONEER.

Any auctioneer shall pay a fee of five dollars (\$5.00) per day, or one hundred dollars (\$100.00) per annum. (1939 R.O., 4:02)

711.04 MAYOR'S AUTHORITY.

Authority is vested with the Mayor as to the granting and revoking of licenses, the time such auction sale may be held and the length of time of such sale. (1939 R.O., 4:02)

711.05 CONDUCT OF SALE; INVENTORY AND SALES LIST REQUIRED.

All auction sales shall be held on successive days, Sundays and legal holidays excepted. Satisfactory evidence shall be submitted to the Mayor that the property proposed to be sold is a bona fide part of the applicant's stock in trade and was not secured, purchased or brought into such place of business for, or in anticipation of, such sale. No person shall, during the progress of any auction sale, replenish his stock by substitutions, fill-ins or goods of any character. On the day preceding the commencement of any such auction sale, the licensee shall file with the Mayor a complete inventory of stock to be sold. At the close of each day's business and before the opening of the next day's sale, the licensee shall file with the Mayor an itemized list of the articles sold on the previous day's sale, which list shall identify such articles on the inventory. Failure to file such sales list shall be deemed a violation of this chapter and the right to conduct further sales under such license shall be suspended during such delinquency. (1939 R.O., 4:02)

711.06 BY-BIDDING PROHIBITED.

No person shall act or employ another to act as a by-bidder, or what is commonly known as a "caper" or "booster", at any such auction sale or make or accept any false or misleading bid or pretend to buy or sell any articles sold or offered for sale at any such auction sale. (1939 R.O., 4:02)

711.99 PENALTY.

Whoever violates this chapter shall be deemed guilty of a misdemeanor and shall be fined not more than fifty dollars (\$50.00). Each day's violation shall constitute a separate offense. (Ord. 72-55. Passed 11-28-55.)

CHAPTER 903
Streets and Sidewalks

<p>903.01 Sidewalks responsibility of the property owner.</p> <p>903.02 Encumbering streets or sidewalks.</p> <p>903.03 Sidewalks to be cleaned of ice and snow.</p> <p>903.04 Riding on sidewalks.</p> <p>903.05 Sidewalks construction specifications.</p>	<p>903.06 Duty to keep sidewalks in repair.</p> <p>903.07 Notice of violation.</p> <p>903.08 Right to appeal.</p> <p>903.09 Enforcement.</p> <p>903.10 Remedies not exclusive.</p> <p>903.99 Criminal penalty.</p>
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CROSS REFERENCES

Construction or repair at owner's expense - see Ohio R. C. 729.01 et seq.

Notice to construct or repair - see Ohio R. C. 729.03 et seq.

903.01 SIDEWALKS RESPONSIBILITY OF THE PROPERTY OWNER.

(a) The owner of any lot or land abutting upon any street shall be responsible for the maintenance, repair, and if necessary replacement of the sidewalk in front of such lot or land; provided, however, that such owner shall not be responsible for the maintenance, repair or replacement of any existing curb ramp or curb ramp structure required for crossing streets and alleys, including the inclined ramp, detectable warnings, landing area and transition section of sidewalk.

(b) The maintenance, repair or replacement of sidewalk in the public right of way shall require a permit in accordance with Chapter 901.
(Ord. 4-16. Passed 2-22-16.)

903.02 ENCUMBERING STREETS OR SIDEWALKS.

(a) No person shall encumber any street or sidewalk, nor shall the owner, occupant or person having care or control of any building or lot of land bordering on any street or sidewalk permit the same to be encumbered, either temporarily or permanently so as to cause an obstruction of the travel path measured thirty-six inches (36") wide by eighty inches (80") high.

(b) Any person or entity wishing to use or occupy any portion of the sidewalk within the public right of way for the placement of amenities, including but not limited to artwork, seating or dining, removable railings, flower boxes, movable planters, benches, temporary signage or other barricades must comply with the requirements of Chapter 901.
(Ord. 4-16. Passed 2-22-16.)

903.03 SIDEWALKS TO BE CLEANED OF ICE AND SNOW.

It shall be the duty of the owner of each and every parcel of real estate in the City abutting upon any sidewalk to keep such sidewalk abutting his or her premises free and clear of snow and ice, and to remove therefrom all snow and ice accumulated thereon within a reasonable time, which will ordinarily not exceed twelve hours after the abatement of any storm from which such snow and ice may have accumulated.

(Ord. 4-16. Passed 2-22-16.)

903.04 RIDING ON SIDEWALKS.

(a) No person shall ride a bicycle or skateboard upon a sidewalk within a Commercial District.

(b) Whenever a person is riding a bicycle or skateboard upon the sidewalk, such person shall yield the right of way to any pedestrian and shall give an audible signal before attempting to overtake and pass any pedestrian.

(Ord. 4-16. Passed 2-22-16.)

903.05 SIDEWALK CONSTRUCTION SPECIFICATIONS.

All public and private sidewalks, curbing and handicap ramps shall be designed and constructed in conformance with the standards adopted by the City Engineer, and shall furthermore be in conformance with the guidelines set forth in the Americans with Disabilities Act, 42 U.S.C. 12101 et seq.

(Ord. 4-16. Passed 2-22-16.)

903.06 DUTY TO KEEP SIDEWALKS IN REPAIR.

(a) No owner of any lot or land abutting upon any street shall refuse, fail or neglect to repair or keep in repair the sidewalk in front of such land or lot. The following criteria shall be used to determine whether a sidewalk is in a state of repair:

- (1) Adjoining sections or parts thereof whose edges differ vertically by more than one-half inch (1/2");
- (2) Adjoining sections with open joints greater than five-eighths of an inch (5/8") in width;
- (3) Sections that are cracked so that pieces are missing or loose;
- (4) Sections sloping away from the street unless so constructed by design;
- (5) Sections with cross slopes exceeding three-fourths of an inch (3/4") vertical per one foot (1') horizontal;
- (6) Sections that cause an abrupt change in the longitudinal grade of the sidewalk;
- (7) Sections with deteriorating surfaces presenting loose aggregate;
- (8) Sections containing structures such as cellar doors, grates, water boxes, meter pits or hatches, which protrude above the sidewalk more than one-half inch (1/2") so that they present a tripping hazard; and
- (9) Sidewalks constructed without the approval of the City.

(b) All bushes, hedges and trees located on private property shall be kept trimmed by the owner or occupant of that property so as to prevent interference with the normal use of the sidewalks abutting that property.

(c) Structures including but not limited to retaining walls, fences, light fixtures, or planters shall be kept in repair by the owner or occupant of that property, so as to prevent injury and allow for the normal and unobstructed use of the sidewalks abutting the property.

(Ord. 4-16. Passed 2-22-16.)

903.07 NOTICE OF VIOLATION.

The Service-Safety Director or his authorized designee, upon finding that a person has violated any section of this Chapter, may order compliance by written notice of violation as set forth in Section 1303.12. Any notice issued under this section shall allow the property owner a reasonable period of time, and in any event not less than 30 days, in which to abate the violation.

(Ord. 4-16. Passed 2-22-16.)

903.08 RIGHT TO APPEAL.

Any person effected by a decision of the Service-Safety Director or his authorized designee with respect to this Chapter shall have the right to appeal to the Structural Board of Appeals as set forth in Section 1303.06. Any appeal must be made, in writing, within 20 days following service of the decision, notice or order upon which the appeal is being made.

(Ord. 4-16. Passed 2-22-16.)

903.09 ENFORCEMENT.

(a) Upon the failure or refusal of a property owner to remedy or abate any violation within the time period set forth in the notice of violation or, in the case of an appeal, within 30 days of the decision of the Board upholding the decision of the Service-Safety Director or his authorized designee, the Service-Safety Director or his authorized designee may institute appropriate proceedings in law or equity to restrain, correct or abate the violation, and may assess the costs of those proceedings to the property owner, including any administrative processing fees.

(b) Whenever charges for correction or abatement remain unpaid for 60 days after a statement of costs has been mailed to the property owner, Council may by resolution certify the charges to the County Auditor to be placed on the tax duplicate, to be collected in the same manner as other taxes and returned to the City. Such charges for correction or abatement expenses shall be a lien on the property from the date of entry upon the tax duplicate.

(Ord. 4-16. Passed 2-22-16.)

903.10 REMEDIES NOT EXCLUSIVE.

The remedies listed in this Chapter are not exclusive of any other remedies available under any applicable federal, state or local law, and it is within the discretion of the Service-Safety Director or his authorized designee to seek cumulative remedies.

(Ord. 4-16. Passed 2-22-16.)

903.99 CRIMINAL PENALTY.

(a) Whoever violates any provision of this Chapter is guilty of a misdemeanor of the third degree. Every day the violation continues constitutes a new offense.

(Ord. 4-16. Passed 2-22-16.)

**CHAPTER 937
Waste Removal**

<p>937.01 Definitions. 937.02 Purpose. 937.03 Rates for collection. 937.04 Private waste disposal. 937.05 Acceptable waste container regulations. 937.06 Collection business prohibited. 937.07 Vehicles of private haulers. 937.08 Collection regulations. 937.09 Ownership of waste on disposal site.</p>	<p>937.10 Discontinuance of service; nuisance conditions. 937.11 Dumpsters. 937.12 Transfer station rates. 937.13 Solid waste disposal fees. 937.14 Unacceptable waste and yard waste. 937.15 Bulk pick-up rates and regulations. 937.16 Charges a lien. 937.99 Penalty.</p>
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CROSS REFERENCES

Collection and disposal - see Ohio R.C. 715.43, 717.01

Employment of scavengers - see Ohio R.C. 3707.39

Disposal and transportation upon public ways - see Ohio R.C. 3767.20 et seq.

Obstructing streets with building construction refuse - see BLDG. 1311.01

937.01 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply:

- (a) "Acceptable waste" means that portion of the residential and commercial stream that is normally disposed of by occupants of a residential dwelling or commercial establishment including only common household waste and refuse.
- (b) "Acceptable waste container" means those containers that may be used for acceptable waste disposal pursuant to the requirements in Section 937.04. An acceptable waste container does include a sealed plastic bag.
- (c) "Common household waste" means waste originating from a residential unit or commercial entities and includes, but is not limited to fiber material, paper, cardboard, packaging, cans, bottles, jars, food wastes and other similar materials.
- (d) "Condemned products" means any structure, installation, utensil, equipment, food, drink, feed, chemical or biological preparation, device or article of any kind, that may be a health hazard as determined by the Health Commissioner and which has been seized, tagged or labeled by the Health Commissioner as a hazard and which may not be used in any manner until the Health Commissioner determines the hazard has been abated.

- (e) "Construction, remodeling and demolition waste" means all waste building materials, rubble and spoils resulting from construction, remodeling, repair, and demolition operations on buildings, dwelling units, places of business, garages, pavements, streets, alleys, trenches, ditches, underground utilities, excavations, and other structures including, but not limited to roofing, concrete and cinder block, plaster, insulation, lumber, structural steel, plumbing fixtures, electrical wiring, heating and ventilation equipment, windows and doors, interior finishing materials such as woodwork and cabinets, siding, sheathing and aged railroad ties.
- (f) "Double or duplex family residence" means the grouping together of two residential units under a common roof.
- (g) "Hazardous waste" means any chemical, compound mixture, substance, or article which has been designated by the United States Environmental Protection Agency or an appropriate agency of the State to be hazardous, including, but not limited to flammables such as paint, gasoline, lacquer thinner, or any container that once contained these materials, as well as propane tanks, gun powder and other explosives, and automobile batteries.
- (h) "Medical waste, infectious waste" shall include:
 - (1) Cultures and stocks of infectious agents and associated biologicals;
 - (2) Laboratory wastes that were, or are likely to have been, in contact with infectious agents that may present a substantial threat to public health if improperly managed;
 - (3) Pathological wastes;
 - (4) Waste materials from the rooms of humans, or the enclosures of animals, that have been isolated because of diagnosed communicable disease that are likely to transmit infectious agents;
 - (5) Human and animal blood specimens and blood products that are being disposed of not including patient care waste such as bandages or disposable gowns that are lightly soiled with blood or other body fluids;
 - (6) Contaminated carcasses, body parts, and bedding of animals that were intentionally exposed to infectious agents during research, production of biologicals, or testing of pharmaceuticals, and carcasses and bedding of animals otherwise infected that may present a substantial threat to public health if improperly managed;
 - (7) Sharp wastes such as hypodermic needles, syringes, or scalpel blades used in the treatment, diagnosis, or inoculation of human beings or animals or that have, or are likely to have, come in contact with infectious agents in medical research or industrial laboratories and which must be placed into puncture resistant containers before disposal;
 - (8) Any other waste materials generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals that the public council created in Ohio R.C. 3701.33;
 - (9) Any other waste materials the generator designates as infectious waste.
- (i) "Multiple family residence" or "apartment" means the grouping together under a common roof of three or more residential units.
- (j) "Radioactive waste" means any substance that spontaneously emits ionizing radiation.

- (k) "Recyclables" means aluminum cans, glass bottles and jars, plastic containers, tin cans, newspaper and any other material designated by the Sanitation Department as recyclables.
- (l) "Refrigerants and items containing chlorofluorocarbons (CFC) or their substitutes" means items that contain chlorofluorocarbons which contribute to the depletion of the ozone layer. This includes refrigerators and other devices utilizing either chlorofluorocarbons as a coolant or the substitutes for chlorofluorocarbons which may not cause ozone depletion but which are subject to special handling requirements.
- (m) "Refuse" means paper, boxes, baskets, rags, old shoes, broken glass, tin cans, ashes and similar discarded materials. It does not include construction, remodeling, and demolition waste.
- (n) "Residential unit" means the place of abode of persons living separately or together as an independent family.
- (o) "Unacceptable waste" means that portion of the waste stream that will not be picked up by the City of Lancaster and is further defined in Section 937.14.
- (p) "Volume", as used in Section 937.02, means average volume.
- (q) "White goods" are a type of bulk refuse that may be recycled or resold including, but not limited to large, enameled appliances such as clothing washers and dryers, dish washers, furnaces and electrical heaters, hot water heaters, stove and ovens.
- (r) "Yard waste" means solid waste that included only grass clippings, brush, garden waste, tree trunks, holiday trees, tree trimmings, and/or prunings. (Source: EPA definition from The Municipal Solid Waste Landfill Regulations OAC 3745-27).
(Ord. 7-16. Passed 3-14-16.)

937.02 PURPOSE.

(a) This waste code is enacted to preserve and promote the public health, safety and welfare by establishing minimum standards for the storage, collection, transportation and disposal of acceptable and unacceptable waste in order to maintain a sanitary environment for the residents of the City of Lancaster. Whenever this chapter conflicts with any other portion of the Codified Ordinances, this chapter shall prevail with respect to any matters relating to acceptable or unacceptable waste generated by residential units or places of business.
(Ord. 7-16. Passed 3-14-16.)

937.03 RATES FOR COLLECTION.

(a) Monthly Rates. Monthly rates for the collection and disposal of acceptable waste by the City are hereby established as follows:

- (1) Class 1. Any one or two persons, sixty-two years of age or older, occupying a single dwelling, unlimited quantity. Occupants must sign an application at the Sanitation Office.
2003 Rate - nine dollars (\$9.00) per month.
- (2) Class 2. Residence using no more than eight forty-five gallon cans or forty-five gallon bags OR no more than two ninety-six gallon rollout trash cans weighing no more than fifty pounds per container, excluding yard waste.
2003 Rate - thirteen dollars and fifty cents (\$13.50) per month.

- (3) Class 3. Small business using no more than four thirty-three gallon cans or thirty-three gallon bags per week.
2003 Rate - thirteen dollars and fifty cents (\$13.50) per month.
- (4) Class 4. Normal business using bags or cans, not to exceed a maximum of two cubic yards (twelve thirty-three gallon bags or cans per week) of acceptable waste.
2003 Rate - twenty-four dollars (\$24.00) per month.
- (5) Class 5a. Commercial, industrial, multiple-family and business using dumpsters per uncompacted cubic yard, with minimum of two cubic yards.
2003 Rate - eighteen dollars and seventy-five cents (\$18.75) per month.
- (6) Class 5b. Commercial, industrial, multiple-family and business using dumpster per compacted cubic yard.
2003 Rate - sixty-eight dollars and fifty cents (\$68.50) per month.

(b) Dumpsters. Dumpsters shall be approved by the Sanitation Department.
(Ord. 7-16. Passed 3-14-16.)

937.04 PRIVATE WASTE DISPOSAL.

(a) No person shall throw, dump or deposit acceptable or unacceptable waste upon the ground or bury the same upon any premises, public or private, within the City, and no person shall permit any acceptable or unacceptable waste to stand or lay on the premises occupied by him, as tenant or owner, for a period of longer than one week or burn the same in any place except a heating plant or incinerator so designed as to thoroughly consume the same without causing nuisance or smoke, fly ash or offensive odors. Whenever a landlord assumes responsibility for utility services for a tenant, such landlord shall be equally responsible with the tenant for sanitation services as provided herein.

(Ord. 7-16. Passed 3-14-16.)

937.05 ACCEPTABLE WASTE CONTAINER REGULATIONS.

(a) Garbage Cans.

- (1) It shall be the duty of each family or person requiring the removal of acceptable waste to provide suitable metal or plastic containers not exceeding forty-five gallons with lids of standard design for holding waste.
- (2) Acceptable containers shall be water tight, provided with suitable handles on the outside and a tight fitting cover which shall not be removed except when necessary in the use of such cans.
- (3) Each can shall not exceed fifty pounds in weight when loaded.

(b) Plastic Bags.

- (1) Standard plastic bags not exceeding forty-five gallons may be used in lieu of cans.
 - (2) Standard plastic bags must be tied in such manner that no materials will escape.
 - (3) Each plastic bag shall not exceed fifty pounds in weight when loaded.
- (Ord. 7-16. Passed 3-14-16.)

937.06 COLLECTION BUSINESS PROHIBITED.

(a) No person, business, firm or corporation, except the City, shall engage in or carry on the business of collection, hauling and disposing of waste in the City.

(b) An exception to this section is permitted if such person, business, firm or corporation received permission in writing from the Superintendent of Sanitation and Service Safety Director.

(Ord. 7-16. Passed 3-14-16.)

937.07 VEHICLES OF PRIVATE HAULERS.

Industrial or other producers of waste herein granted the right to convey waste to the waste disposal site shall accomplish the same in trucks or vehicles so constructed as to prevent the leakage or scattering of the contents thereof, and all such conveyances shall be provided with a suitable tarpaulin which shall at all times cover the contents thereof, except when being loaded or unloaded. (Ord. 7-16. Passed 3-14-16.)

937.08 COLLECTION REGULATIONS.

(a) It is the intention of this chapter that each family or person occupying a separate place of residence, or each business or firm, shall make a separate provision for the collection and removal of acceptable waste. There shall be no doubling up. Any dwelling of three apartments and/or three separate businesses shall, if deemed necessary, be required to have a dumpster.

(b) No acceptable waste shall be placed or allowed to be placed for removal except in the acceptable waste containers provided for that purpose by the person so placing such waste. Acceptable waste containers shall not be placed for pick up until the night before or the day of pick up service and no later than 7:30 a.m. on day of pickup.

(c) Collection shall be made at the street curb or alley property line as determined by the Superintendent of the Sanitation Department.

(d) When, in the opinion of the Superintendent of the Sanitation Department, an alternate routine of collection will better serve the City and the person whose acceptable waste is being collected, the Superintendent may use such an alternate route.

(e) All cans shall be returned by the City employees to designated pick up points. Owners shall then return containers to the point of origin.

(Ord. 7-16. Passed 3-14-16.)

937.09 OWNERSHIP OF WASTE ON DISPOSAL SITE.

All waste on the disposal site is the property of the City, and no person shall be allowed to separate and collect, carry off or dispose of the same except under the direction of the Sanitation Superintendent.

(Ord. 7-16. Passed 3-14-16.)

937.10 DISCONTINUANCE OF SERVICE; NUISANCE CONDITIONS.

Fermenting, putrefying and odoriferous waste in containers which has not been collected or which has been dumped in the open due to failure to pay waste removal fees shall be declared a nuisance and the person or persons responsible shall be liable to prosecution under Ohio R.C. 3767.13.

(Ord. 7-16. Passed 3-14-16.)

937.11 DUMPSTERS.

(a) It shall be the duty of all commercial businesses and multiple-family dwellings, where thirty three gallon containers are not suitable for the amount of acceptable waste accumulated, to maintain a dumpster. Such dumpster shall be constructed and located so as to allow servicing by City equipment by means of a specially designed dumping mechanism.

(b) It shall be the duty of the Superintendent of Sanitation to determine the need, size, number, and frequency of pick up of dumpsters and require use of same.

(Ord. 7-16. Passed 3-14-16.)

937.12 TRANSFER STATION RATES.

(a) The following rates shall be charged at the Transfer Station for all residents and customers within the Solid Waste District.

- (1) Class 2. Minimum charge per customer, up to 999 lbs. Rate - \$20.00.
- (2) Class 3. Per ton, if 1,000 lbs. or over. Rate - \$45.00.
- (3) Class 4. Each appliance, other than refrigerant base. Rate - \$10.00.
- (4) Class 5. Each refrigerant based appliance. Rate - \$15.00.
- (5) Class 5. Tires - each.
 - a. Light truck or passenger care tire. Rate - \$10.00.
 - b. Heavy truck tire. Rate - \$15.00.
 - c. Tractor tire. Rate - \$25.00.

(b) The Transfer Station will not accept building materials, yard waste, dirt, liquids, or large automotive parts.

(c) The use of the Transfer Station shall be restricted to the residents and commercial haulers of the Coshocton Fairfield Licking-Perry County Solid Waste District.

(d) Transfer Station Accounts. Customers using charge accounts at the Transfer Station shall be charged a penalty of one and five tenths percent (1.5%) per month (18% APR) on outstanding balances thirty calendar days from the closing date of their statement. Charge accounts are to be approved at the discretion of the Sanitation Superintendent using volume as one of the criteria. The superintendent has the authority to refuse to open charge accounts.

(Ord. 7-16. Passed 3-14-16.)

937.13 SOLID WASTE DISPOSAL FEES.

The following fees shall be established for the Coshocton, Fairfield, Licking, Perry Solid Waste District:

- (a) One dollar (\$1.00)/ton for waste generated within the District;
- (b) Two dollars (\$2.00)/ton for waste generated outside the District, but inside the State; and
- (c) One dollar (\$1.00)/ton for waste generated outside the State.

(Ord. 7-16. Passed 3-14-16.)

937.14 UNACCEPTABLE WASTE, RECYCLABLES AND YARD WASTE.**(a) Unacceptable Waste, and Yard Waste and Exclusions.****(1) Unacceptable waste.**

A. "Unacceptable waste" means that portion of the waste stream that will not be collected by the City of Lancaster. If any other governmental agency or unit having appropriate jurisdiction determines that substances which are not as of yet considered harmful, toxic, or dangerous, are in fact harmful, toxic or dangerous or are hazardous or harmful to health, then any such substances or materials should thereafter constitute unacceptable waste.

B. "Unacceptable waste" includes but is not limited to:

1. Medical waste, infectious waste (defined in Section 937.01.)
2. Radioactive waste (defined in Section 937.01.)
3. Hazardous waste (defined in Section 937.01.)
4. Explosive materials
5. Liquid waste including motor oil
6. Asbestos
7. Whole and shredded tires
8. Lead acid batteries
9. Drums and barrels
10. Motor vehicles or major parts thereof
11. Equipment or machinery
12. Fecal matter, other than human fecal matter contained in a diaper or other sanitary garment, pad or napkin and wrapped separately in plastic before it is placed into a container or receptacle
13. Construction, remodeling and demolition waste (defined in Section 937.01.)
14. Refrigerants or items containing chlorofluorocarbons (CFCs) or their substitutes (defined in Section 937.01.)
15. Ashes of any kind
16. Offal or animal wastes, byproducts or hide trimmings
17. Nonresidential waste
18. Shredder fluff from shredding automobiles, light duty trucks, motor vehicle engines, household appliances, white goods, (defined in Section 937.01) and other miscellaneous metal parts
19. Condemned products (defined in Section 937.01)
20. And other items as may be determined by the Sanitation Superintendent.

(2) Yard waste.

A. Yard waste will be collected at curb line only in approved container at no additional cost.

B. Yard waste must be:

1. Tied in bundles not exceeding four feet in length and two feet in diameter or fifty pounds; or
2. Placed in acceptable waste containers or bags weighing no more than fifty pounds each when loaded with waste.

- (3) Any exclusion or exception to any part of this chapter shall be approved by the Superintendent or his designated representative.
(Ord. 7-16. Passed 3-14-16.)

937.15 BULK PICK-UP RATES AND REGULATIONS.

(a) Bulk Pick-up. Any resident or business within Lancaster City limits may call the Sanitation Department to make an appointment for bulk pick-up of items not picked up with normal waste for an additional fee.

- (1) Minimum \$25.00 charge per bulk pick-up, with minimum of one cubic yard.
- (2) Each additional yard will have a fee of \$18.75 per cubic yard with a maximum of eight cubic yards, not exceeding \$150.00.
(Ord. 7-16. Passed 3-14-16.)

937.16 CHARGES A LIEN.

Each charge or rental levied by or pursuant to the chapter is made a lien upon the corresponding lot, land or premises served by the Sanitation Department of the City, and if the same is not paid within thirty days after it shall become due and payable, it shall be certified to the County Auditor who shall place the same on the tax duplicate of the County with the interest and penalties allowed by law and shall be collected.
(Ord. 7-16. Passed 3-14-16.)

937.99 PENALTY.

Whoever violates this chapter shall be deemed guilty of a minor misdemeanor and shall be fined not more than one hundred dollars (\$100.00). Each day's violation shall constitute a separate offense. (Ord. 7-16. Passed 3-14-16.)

**CHAPTER 1123
General Provisions**

<p>1123.01 Zoning and Overlay Zoning Districts established.</p> <p>1123.02 Official Zoning Map established.</p> <p>1123.03 District boundary description and interpretation.</p> <p>1123.04 Limitation on land use.</p> <p>1123.05 Similar uses.</p> <p>1123.06 Division of lots.</p> <p>1123.07 Street frontage required.</p> <p>1123.08 One single-family dwelling per lot of record.</p> <p>1123.09 Height exceptions.</p> <p>1123.10 Existing building encroachment on front yards or building setbacks.</p>	<p>1123.11 Screening walls or fences.</p> <p>1123.12 Platting requirement.</p> <p>1123.13 Major street plan.</p> <p>1123.14 Structure setback from abutting streets.</p> <p>1123.15 Display for sale, storage and parking of vehicles and portable storage units.</p> <p>1123.16 Essential services.</p> <p>1123.17 Family day care and family child care homes.</p> <p>1123.18 Group residential facilities.</p> <p>1123.19 Convict Prerelease and/or Correctional Community Treatment Centers.</p> <p>1123.20 Location of cemeteries.</p> <p>1123.21 Medical marijuana cultivators, processors and retail dispensaries.</p>
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1123.01 ZONING AND OVERLAY ZONING DISTRICTS ESTABLISHED.

The Zoning Districts and Overlay Zoning Districts set forth below are hereby established:

AG	Agriculture District
RE	Residential Single-Family Estate District
RS-1	Residential Single-Family Low Density District
RS-2	Residential Single-Family Medium Density District
RS-3	Residential Single-Family High Density District
RS-4	Residential Single-Family Highest Density District
RM-0	Residential Multifamily Lowest Density District
RM-1	Residential Multifamily Low Density District
RM-2	Residential Multifamily Medium Density District
RM-3	Residential Multifamily High Density District
RMH	Residential Manufactured Home District
OM	Office Medium Intensity District

CN	Commercial Neighborhood District
CG	Commercial General District
CH	Commercial High Intensity District
CBD	Central Business District
IL	Industrial Light District
IM	Industrial Moderate District
IH	Industrial Heavy District
PUD	Planned Unit Development (Overlay Zoning District)
HP	Historic Preservation District (Overlay Zoning District)
WH	Wellhead Protection District (Overlay Zoning District)
FP	Flood Plain District (Overlay Zoning District)

(Ord. 42-05. Passed 6-27-05.)

1123.02 OFFICIAL ZONING MAP ESTABLISHED.

The locations and boundaries of the various districts as defined herein shall be established by ordinance and shall be shown and delineated on the Official Zoning Map of the City of Lancaster. The Official Zoning Map shall be maintained by the Engineering Office of the City of Lancaster, and may be divided into parts, and such parts may be separately employed for identification purposes when adopting or amending the Official Zoning Map or for any reference to the Official Zoning Map. (Ord. 42-05. Passed 6-27-05.)

1123.03 DISTRICT BOUNDARY DESCRIPTION AND INTERPRETATION.

District boundary lines shall be described by legal description or by a map. When a legal description is used, the boundary line shall be deemed to extend to the centerline of abutting streets and shall be so designated on the Official Zoning Map. When a map is used, district boundary lines shall be established by dimensions, property lines, recorded lot lines, or the centerline of abutting street, alley, or railroad rights-of-way, as the same were of record at the time of adoption. In all cases where there is doubt as to the exact location of district boundary lines, the same shall be determined by the Board of Zoning Appeals. (Ord. 42-05. Passed 6-27-05.)

1123.04 LIMITATION ON LAND USE.

No person, firm or corporation shall use or permit to be used any land or buildings, nor shall any person, firm or corporation make, erect, construct, move, alter, enlarge or rebuild or permit the making, erection, construction, moving, altering, enlarging or rebuilding of any building, structure or improvement, which is designed, arranged or intended to be used or maintained for any purpose or in any manner except in accordance with the use, height, area, yard, space, and other requirements established in the district in which such land, building, structure or improvement is located except as provided by Chapter 1153, Nonconformities. Nothing in this Code shall be deemed to require a change in the plans, construction, or designated use of any building, where a building permit has been lawfully issued prior to the effective date of this Code, and pursuant to such permit, construction is diligently carried to completion. Upon completion, such building or use shall be deemed nonconforming and may continue as regulated by Chapter 1153, Nonconformities. (Ord. 42-05. Passed 6-27-05.)

- (a) When the provisions of this Code require construction of a screening wall or fence, unless otherwise specified, such screening wall or fence
- (1) Shall consist of a fence, landscaped earthen mound of suitable slope, wall, planting or combination thereof installed, repaired, replaced and maintained to the total height required herein and to an opacity of not less than seventy-five percent (75%). The percentage of opacity shall be determined by measurement of any square foot of vertical surface of the screening from a point perpendicular thereto.
 - (2) Shall not be less than six (6) feet in height, except when in a required front yard in which case the screening wall or fence shall be four (4) feet in height.
 - (3) Shall be constructed with all braces and supports on the interior, except when both sides are of the same design and appearance.
 - (4) Shall be erected prior to the occupancy of the building or initiation of the use required to be screened.
 - (5) Shall be uniform in height except for significant changes in topography.
 - (6) Shall have consistency of design.
 - (7) Shall not be topped with barbed or razor wire.
 - (8) Shall not consist of a chain link fence which utilizes inserts of metal or other materials. Inserts may be added to existing chain link fencing to provide screening, as long as inserts are of a neutral color. Inserts should be made of durable material and replaced whenever an insert is damaged.
- (b) When screening consisting of live plants, alone or in combination with other materials, is installed, the plants
- (1) Shall be selected for density of year round foliage
 - (2) Shall be selected to achieve the required height and density within three (3) years of installation
 - (3) Shall have a minimum height of three (3) feet at time of installation
 - (4) Shall be maintained in a healthy, live state and replaced as needed to comply with the original site plan and the specifications herein set forth.
- (c) When the erection of a screening wall or fence is required by this Code due to the location of the use adjacent to an R District, and the R District property abutting such use is an arterial or collector roadway, such screening wall or fence shall not be required, except as provided in Section 1123.11 (d) below.
- (d) For junk and salvage yards, as defined in Chapter 1161, the required screen or fence enclosing such use shall:
- (1) Be a minimum of eight (8) feet high
 - (2) Be constructed of common fencing materials, designed and arranged to provide substantial visual separation from other land uses, and from view from adjacent streets, highways and thoroughfares.
 - (3) Be uniform in height, except for significant changes in topography
 - (4) Be constructed with all braces and supports on the interior, except when both sides are of the same design and appearance.
 - (5) Be erected prior to occupancy and/or use of the site.
- (e) The screening wall or fence shall be maintained by the owner of the lot containing the use required to construct the screening. Failure to maintain after notice by the Zoning Inspector shall constitute an offense hereunder.

- (f) The Board of Zoning Appeals, as a Special Exception, may:
- (1) Modify or remove the screening requirement where existing physical features provide for the visual separation of the uses.
 - (2) Modify the screening requirement where alternative screening will provide for the visual separation of the uses.
 - (3) Grant an extension of time to erect a screen where properties which are to be benefited by the screen are undeveloped.
 - (4) Remove the screening requirement where the purposes of the screening requirement cannot be achieved, or is prohibited by other ordinances or regulations. (Ord. 16-16. Passed 4-11-16.)

1123.12 PLATTING REQUIREMENT.

(a) For the purposes of providing a proper arrangement of streets and assuring the adequacy of open spaces for traffic, utilities, and access of emergency vehicles, commensurate with the intensification of land use customarily incident to a change in zoning, a platting requirement is established as follows:

(b) For any land which has been rezoned to a zoning classification other than AG upon application of a private party, no building permit or zoning clearance permit shall be issued until that portion of the tract on which the permit is sought has been included in a subdivision plat or replat, as the case may be, submitted to and approved by the Planning Commission, and filed of record in the Office of the Fairfield County Recorder. Provided that the Planning Commission, pursuant to their exclusive jurisdiction over subdivision plats, may remove this platting requirement upon determining that the above purposes have been achieved by previous platting or could not be achieved by a plat or replat. (Ord. 42-05. Passed 6-27-05.)

1123.13 MAJOR STREET PLAN.

“The Official Thoroughfare Map of the City of Lancaster”, hereinafter referred to as “The Major Street Plan”, as adopted by the City Council of Lancaster, Ohio, as Resolution 90-04 on June 14, 2004, as may be subsequently amended. (Ord. 42-05. Passed 6-27-05.)

1123.14 STRUCTURE SETBACK FROM ABUTTING STREETS.

The structure setback from abutting streets shall be as provided for each zoning district. (Ord. 42-05. Passed 6-27-05.)

1123.15 DISPLAY FOR SALE, STORAGE AND PARKING OF VEHICLES AND PORTABLE STORAGE UNITS.

(a) All motor vehicles which are designed for travel upon public streets and which are being parked, stored or displayed for sale shall be parked, stored or displayed on an all- weather material as defined in Chapter 1161 Definitions.

(b) All recreational vehicles and portable storage units shall be parked, stored or displayed for sale in accordance with the following conditions:

- (1) On an all weather material/surface as defined in Chapter 1161 of this Code;
- (2) No closer than three feet to the side property lines; and
- (3) Not within the front yard. Furthermore, no recreational vehicle or portable storage unit shall be parked, stored or displayed for sale in a manner that blocks any sidewalk or obstructs sight lines for any vehicle entering or exiting the right of way.

- A. Recreational vehicles and Portable Storage Units may be parked on an all weather surface within the front yard for a period not to exceed 48 hours for loading or unloading.
- B. A Portable Storage Unit may be placed in any right of way without first obtaining the appropriate permit(s) from the City.

(c) All vehicles not defined as a motor vehicle or recreational vehicle shall be parked stored or displayed for sale in accordance with the following conditions;

- (1) On an all weather material/surface as defined in Chapter 1161 of this Code;
- (2) No closer than three feet to the side property lines; and
- (3) Not within the front yard within a residential district.

(d) This provision shall not apply to vehicles located within junk and salvage yards or construction equipment on a site with an approved active building permit.

(e) For the purposes of this sections, "recreational vehicle" shall have the same meaning as in Section 1161.01(96) of this Code, and the terms "vehicle" and "motor vehicle" shall have the same meaning as Chapter 301 of this Code.
(Ord. 16-16. Passed 4-11-16.)

1123.16 ESSENTIAL SERVICES.

For the purposes of this Code, essential services, as defined in Chapter 1161, shall be considered a permitted use in all zoning districts. (Ord. 42-05. Passed 6-27-05.)

1123.17 FAMILY DAY CARE AND FAMILY CHILD CARE HOMES.

(a) "Type A Family Day Care Home" and "Type A Home" mean a permanent residence of the administrator in which the day care is provided:

- (1) For seven to twelve children at one time, including any children under six years of age who are related to a licensee, administrator or employee of the Type A home and who are on the premises of the Type A home; or
- (2) For four to twelve children at one time if four or more of the children are under two years of age, including any children under six years of age who are related to a licensee, administrator or employee of the Type A home and who are on the premises of the Type A home.
- (3) Type A homes are considered Special Exceptions and require approval of the Board of Zoning Appeals.
- (4) All Type A homes must be licensed by the State of Ohio and must follow the standards set forth by the Department of Human Services.

(b) "Type B Family Day Care Home" and "Type B Home" mean a permanent residence of the provider in which child care is provided for one to six children at one time and in which no more than three children are under the age of two years.

- (1) In counting children for the purpose of this section, any children under six years of age who are related to the provider and who are on the premises of the Type B home shall be counted. Children six years of age and older who are related to the provider, who are not publicly funded and who are on the premises of the Type B home shall not be included in this count.
- (2) A "Type B Home" also includes a home which is the permanent residence of the provider and the parent.
- (3) Type B homes are considered a permitted use in all R Districts.

- (4) Type B homes do not require a license as long as no more than six children are cared for at one time. Type B homes must be certified by local and/or State officials if child care is paid for with public funds.
 - (5) No person shall be employed other than a member of the immediate family residing on the premises or as a substitute caregiver as required by the standards for a Type B Child Care Home, as adopted by the Ohio Department of Human Services.
- (c) All licensed Type A and Type B homes must obtain a Zoning Clearance Permit, pursuant to Chapter 1155 if established after the effective date of this Ordinance.
- (d) Any signs on the lot shall comply with the provisions of Chapter 1317 of the Codified Ordinances.
- (e) No exterior alterations of the dwelling or any customary accessory structure shall be made which would detract from the residential character of the structure.
- (f) No Type A family day care home may be located on a lot within 300 feet from any other lot containing a Type A family day care home if any boundary of said lots abut the same street.
- (g) Type A Family Day Care Homes licensed by the State of Ohio, in existence on the effective date of this amendment, but which would be prohibited by the spacing requirements herein, may continue as otherwise required herein.
(Ord. 42-05. Passed 6-27-05.)

1123.18 GROUP RESIDENTIAL FACILITIES.

"Group residential facilities" shall be defined and classified in Chapter 1161 of this Code. A Class I Type B group residential facility, as defined in Chapter 1161, is permitted by right in any zoning district that permits single-family dwellings. A Class I Type A group residential facility shall be considered as a Special Exception in the RM-2., RM-3, RM-4, CG and CH Districts, subject to the standards below. A Class II Type A or Type B group residential facility shall be treated as a Special Exception in the CG and CH Districts subject to the standards below:

- (a) The facility shall obtain all approvals and/or licenses as required by state and local laws.
- (b) The facility shall provide 24-hour supervision by trained and qualified professional personnel.
- (c) No exterior alterations of the structure shall be made which would be inconsistent with the residential character of the residential structures in the surrounding neighborhood.
- (d) The facility shall comply with the district regulations applicable to other properties in the zoning district in which they are located.
- (e) Such facilities shall be required to provide appropriate sleeping quarters without using normal living areas, such as living rooms, dining room or kitchen for sleeping.
- (f) Such facilities shall meet all applicable local and/or state building, safety and fire safety requirements for the proposed use and level of occupancy.
- (g) Such facilities shall be reasonably accessible, by virtue of location or transportation provided by the applicant, to medical, recreational and retail services, and employment opportunities.
- (h) The applicant shall provide a plan indicating the manner in which the facility will maintain contact with neighborhood residents, including a structured procedure whereby their grievances may be filed and resolved.
(Ord. 42-05. Passed 6-27-05.)

1123.19 CONVICT PRERELEASE AND/OR CORRECTIONAL COMMUNITY TREATMENT CENTERS.

"Convict PreRelease and/or Correctional Community Centers" shall be defined and classified in Chapter 1161 of this Code. In order to provide opportunities for location of convict pre-release and correctional community treatment centers, to avoid over concentration of said facilities, and to establish the suitability of the requested use at the proposed location, a convict pre-release or correctional community treatment center shall be allowed as a Special Exception only in the IL or IM Districts. No application for a Special Exception for such a facility shall be accepted for review unless accompanied by sufficient documentation by the appropriate licensing or certifying agency determining the need for such a facility at the proposed location. The applicant shall be responsible for demonstrating compliance with the requirements of this Section. The Board of Zoning Appeals shall consider the following criteria in determining whether a location is appropriate for such a facility and may attach conditions to zoning clearance consistent with the purposes of this Section.

- (a) The facility shall be occupied by not more than thirty (30) residents, exclusive of staff, limited by the size of the existing or proposed building and its allocated space for sleeping quarters.
- (b) Prior to occupancy and continuously thereafter, the applicant convict pre-release and correctional community treatment center shall:
 - (1) Be licensed or certified by a federal, state, or local agency which requires screening potential residents.
 - (2) Comply with all applicable City codes,
 - (3) Agree in writing to maintain with the Lancaster Police Department a current list of all residents of the facility by name and photograph,
 - (4) Submit a copy of the B.1 License or Certificate to the Zoning Inspector initially prior to occupancy and therefore subsequent to each renewal.
(Ord. 42-05. Passed 6-27-05.)

1123.20 LOCATION OF CEMETERIES.

No person/group shall establish any cemetery or other place for the interment of dead bodies, human remains, or human ashes within the corporate limits of the City. However, nothing in this section shall prevent cemeteries existing before October 31, 2005, from acquiring land for expansion when done in accordance with the provision of the Ohio Revised Code.
(Ord. 16-16. Passed 4-11-16.)

1123.21 MEDICAL MARIJUANA CULTIVATORS, PROCESSORS AND RETAIL DISPENSARIES.

The term "medical marijuana" shall have the same meaning as in Section 3769.01(A) of the Ohio Revised Code, effective September 8, 2016.

No person shall open, establish or operate any business or commercial enterprise engaged as a cultivator, processor, or retail dispenser of medical marijuana within the corporate limits of the City.

No zoning clearance, permit, or other administrative approval shall be approved or issued by any administrative official of the City, nor shall any variance be approved or granted, to any person, business, or other applicant desiring or intending to operate a business or commercial enterprise engaged as a cultivator, processor, or retail dispenser of medical marijuana within the corporate limits of the City.

(Ord. 24-16. Passed 10-24-16.)

CHAPTER 1125
Yards and Accessory Uses

1125.01	Yards.	1125.04	Antennas, satellite dishes and supporting structures.
1125.02	Accessory uses and/or structures.	1125.05	Private swimming pools.
1125.03	Residential fences and walls.	1125.06	Home occupations.
		1125.07	Temporary accessory tents.

1125.01 YARDS.

Except as otherwise provided, required yards shall be open and unobstructed from ground to sky. Yards provided for a building for the purpose of complying with the provisions of this Code, shall not be considered the yard for any other building, and yards provided for a lot shall not be considered the yard of any other lot.

Obstructions are permitted in required side and rear yards as follows:

- (a) Cornices, canopies, eaves, fireplaces and similar architectural features may project not more than two (2) feet into a required yard.
- (b) Fire escapes may project not more than 4 1/2 feet into a required yard.
- (c) Fences, plant materials, berms, walls and permitted signs may be located in any yard provided that the same do not constitute a nuisance as provided in Lancaster Revised Code. Fences must meet the standards of Section 1125.03 below.
- (d) Detached accessory structures, subject to the standards of Section 1125.02 below.
- (e) Swimming pools, tennis courts, clotheslines, barbeque pits, playground equipment, portable or permanent dog run, house or kennel and similar structures customary and ancillary to the primary residential use of the property.
- (f) Antennas and supporting structures, subject to the standards of Section 1125.04 below.
- (g) Signs which are otherwise permitted as an accessory use in the specific district, may be located within any yard bounded by a public street, provided the setback requirements of Chapter 1317 are met.
(Ord. 16-16. Passed 4-11-16.)

1125.02 ACCESSORY USES AND/OR STRUCTURES.

"Accessory use or structure" shall mean a use and/or structure which is located on the same lot as the principal building or use and is subordinate, secondary, and incidental to such principal building or use. Such accessory uses or structures are subject to the requirements for Accessory Uses in the district in which they are located, and the following additional requirements:

- (a) An unattached accessory structure shall be located within any side or rear yard, subject to the following:
 - (1) In the AG District, any detached accessory structure must be located not closer to the side or rear lot line than the requirement for principal structures.
 - (2) In the RE and RS Districts, a detached accessory building shall be located a distance at least ten percent (10%) of the lot width, not less than three (3) feet from any lot line; provided, however, in those cases where such lot line abuts a public street, the detached accessory building shall be located not closer than twenty (20) feet from the right-of-way line.
 - (3) In the OM, C and I Districts, any detached accessory structure shall meet all building setback requirements for principal buildings in the district.
- (b) In the AG, RE and RS Districts, the height of a detached accessory structure shall not exceed eighteen (18) feet.
- (c) In R Districts, the total floor area of any single detached accessory structure shall not exceed twenty percent (20%) of the area of the rear yard. In R Districts, the total floor area of all detached structures shall not exceed 60% of the ground floor area of the principal residential structure on the lot. If the ground floor area of the structure is less than 1,000 square feet, the total floor area of all detached structures shall not exceed 576 square feet.
- (d) Accessory commercial uses allowed in the RMH Districts shall be designed and located for the convenience of the occupants of the multi-family structure, shall be located entirely within such structure with exterior public entrance(s) solely from the lobby of such structure, and shall occupy not more than 10% of the gross floor area of the multi-family structure.
(Ord. 42-05. Passed 6-27-05.)

1125.03 RESIDENTIAL FENCES AND WALLS.

For residential properties, fences and/or walls within or enclosing yards shall not exceed a height of eight (8) feet in a side or rear yard, and four (4) feet in a front yard. Fences or walls containing barbed wire, razor wire or charged with electrical current are prohibited unless such fences or walls are in the AG District and solely used for the enclosure of livestock.
(Ord. 42-05. Passed 6-27-05.)

1125.04 ANTENNAS, SATELLITE DISHES AND SUPPORTING STRUCTURES.

- (a) Antennas or towers of licensed amateur radio stations are exempt from municipal overview, but subject to licensing criteria of Part 97 of the Federal Communication Rules.
- (b) Antennas, satellite dishes and their supporting structures shall comply with Chapter 1339 of the Lancaster Codified Ordinances.
- (c) Structures other than a dwelling or customary accessory building which are used to support accessory antennas, including guy lines, shall:
 - (1) Be located only in the rear yard, and shall be limited to one such structure.
 - (2) Not exceed 65 feet in height, measured from the average ground elevation of the rear building wall of the residential dwelling to the highest horizontal plane of the antenna supporting structure.

- (3) Not encroach upon the land or airspace of any abutting property, and
- (4) Not exceed twenty-four (24) inches in width above twenty-five (25) feet in height, exclusive of guy lines.
(Ord. 42-05. Passed 6-27-05.)

1125.05 PRIVATE SWIMMING POOLS.

A "private swimming pool" as regulated herein, means any pool or open tank not located within a completely enclosed building and containing water to a depth, at any point greater than one and one-half (1 1/2) feet. A private spa or hot tub with a lockable cover shall not be considered as a "swimming pool" subject to the provisions of this Section. No such swimming pool, exclusive of storable swimming pools, shall be allowed in any residential district unless the following conditions and requirements are complied with:

- (a) The pool is intended to be used solely for the occupants of the principal use of the property on which it is located.
- (b) No pool of any kind (including storable swimming pools), including any walks, paved areas, and appurtenances thereto, shall not be located in any front yard, nor closer than five (5) feet to any property line or structure.
- (c) The area of the swimming pool, exclusive of decks, walks and other appurtenances, shall not exceed ten percent (10%) of the area of the lot or parcel.
- (d) Any private swimming pool, or the property on which the pool is located, shall be enclosed by a wall or fence constructed so as to prevent uncontrolled access. Such wall or fence shall meet the requirements established in the current version of the International Residential Code (IRC), Appendix G (Swimming Pools, Spas and Hot Tubs) and be maintained in good condition.
- (e) All lights used for the illumination of the swimming pool and adjacent areas shall be designed, located and installed so as to confine the direct beams thereof to the lot or parcel on which the pool is located.

A zoning clearance permit shall be required for the construction or installation of any private swimming pool. The owner of the property, or his agent, shall certify that the pool will be constructed, installed and maintained in conformance with the above requirements.
(Ord. 16-16. Passed 4-11-16.)

1125.06 HOME OCCUPATIONS.

Home occupations shall be considered as an accessory use as specified in the respective zoning districts of this Zoning Ordinance. The applicant requesting use of property for a home occupation shall submit evidence that the proposed home occupation will comply with the following standards:

- (a) The use shall be clearly incidental and secondary to residential use of the dwelling and not more than twenty-five percent (25%) of dwelling unit floor area is devoted to the home occupation.
- (b) The home occupation shall be performed by the occupant of the premises. Not more than one (1) person, other than immediate family residing at the premises, shall be employed in such occupation.
- (c) The home occupation shall not generate greater vehicular traffic than is normal for a residential neighborhood.
- (d) External indication of such home occupation shall be limited to one sign. Such sign shall comply with the standards in Chapter 1317 of this Ordinance.

- (e) No equipment or process shall be used in the home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to normal senses off the lot.
- (f) No home occupation shall involve the exterior storage of equipment or inventory.
- (g) No parking space associated with the home occupation shall be located within the front yard other than a paved driveway.

Generally, home occupations shall be regulated not by the specific activity performed, but rather by the presence of external impacts that may affect the residential character of the surrounding area. In particular, a home occupation shall consist primarily of rendering specific personal services. Examples would include a salesperson, member of the clergy, lawyer, engineer, architect, real estate consultant, accountant, artist, computer or telecommunications worker or private teacher.

(Ord. 42-05. Passed 6-27-05.)

1125.07 TEMPORARY ACCESSORY TENTS.

Temporary tents shall be considered as an accessory use in particular zoning districts of this Ordinance as so specified. The applicant requesting use of such tents shall submit evidence that the following standards will be met:

- (a) Tent(s) on a lot or contiguous lot in the same ownership shall have an aggregate floor area of not more than 900 square feet.
- (b) Tent(s) may not be erected for more than 89 days during any calendar year.
- (c) Tent(s) shall not cover or restrict access to any parking space.

(Ord. 42-05. Passed 6-27-05.)

**CHAPTER 1129
Residential Districts**

1129.01	Establishment and purpose.	1129.04	(RM) Residential Multi-Family Districts.
1129.02	(RE) Residential Single-Family Estate District.	1129.05	(RMH) Residential Manufactured Home District.
1129.03	(RS) Residential Single-Family Districts.		

1129.01 ESTABLISHMENT AND PURPOSE.

There are hereby established ten (10) Residential Districts. These Residential Districts are designed to:

- (a) Protect the character of residential areas by limiting the intrusion of inconsistent commercial and industrial activities.
- (b) Promote a suitable environment for family life by permitting appropriate neighborhood facilities, such as churches, schools and specific cultural and recreational activities in residential areas.
- (c) Preserve openness of living areas and avoid overcrowding by requiring minimum yards, open spaces, lot areas, and by limiting the bulk of structures.
- (d) Permit a variety of dwelling types and densities to meet the varying needs of families.
- (e) Control the density of residential development to facilitate planning for the cost effective provision of streets, utilities, and other public facilities.
(Ord. 17-16. Passed 4-11-16.)

1129.02 (RE) RESIDENTIAL SINGLE-FAMILY ESTATE DISTRICT.

(a) Purpose. The RE District is designed to permit the development and continuance of single-family dwellings in relatively large lot suburban-type environments.

- (b) Permitted Uses.
 - (1) Single-family detached dwellings, provided such structures comply with all other City codes and ordinances.
 - (2) Public or private open land uses, such as arboretums, parks, playgrounds, flood management and storm water detention areas, reservoirs and wildlife preserves.
 - (3) Permanently sited manufactured homes, as defined in Section 1161.01
 - (4) Class I Type B group residential facilities, subject to the requirements of Section 1123.18 of this Code.

- (c) Accessory Uses.
- (1) Accessory buildings or structures customarily associated with single-family residential use, including detached garages or carports, tool or garden sheds, playhouses, and/or similar facilities for primary use by occupants of the principal use of the property on which the facility is located, provided such structures meet the yard and setback requirements as specified in Section 1125.02 of this Code.
 - (2) Home occupations, subject to the requirements of Section 1125.06 of this Code.
 - (3) Private swimming pools, tennis courts and similar facilities for primary use by occupants of the principal use of the property on which the facility is located, provided such structures meet the yard and setback requirements as specified in Chapter 1125 of this Code.
 - (4) Antennas or dish-type receiving or transmission facilities, subject to the licensing criteria of Part 97 of the Federal Communications Commission Rules, and/or Chapter 1339 of the Lancaster Codified Ordinances.
 - (5) Type B Child Care Homes, subject to the requirements of Section 1123.17 of this Code
- (d) Special Exception Uses.
- (1) Type A Family Child Care Homes, subject to the requirements of Section 1123.17 of this Code, and approval by the Board of Zoning Appeals.
 - (2) Churches and similar places of public assembly, on lots of not less than two (2) acres, provided a site plan is submitted to and approved by the Board of Zoning Appeals
 - (3) Public or private schools, on lots of not less than two (2) acres, provided a site plan is submitted to and approved by the Board of Zoning Appeals
 - (4) Colleges and/or universities, provided a site plan is submitted to and approved by the Board of Zoning Appeals
 - (5) Community services, such as community centers, museums, galleries, libraries and similar facilities, provided a site plan is submitted to and approved by the Board of Zoning Appeals
 - (6) Public protection facilities, including police, fire, and ambulance facilities and civil defense or storm shelters, provided a site plan is submitted to and approved by the Board of Zoning Appeals
 - (7) Bed-and-Breakfast establishments, subject to the following standards:
 - A. The establishment must be operated by the owner-occupant of the premises.
 - B. Structures shall maintain the appearance of a single-family residence and be compatible with surrounding residences, in size and scale
 - C. All parking shall be provided in the rear yard or in specially designated off-site areas.
 - D. Accommodations shall be provided for not more than three (3) guests
 - (8) Assisted living facilities, community group homes and life care retirement centers, on lots of not less than two (2) acres, provided a site plan is submitted to and approved by the Board of Zoning Appeals.
 - (9) Golf courses or country clubs, provided a site plan showing the location of all facilities is approved by the Board of Zoning Appeals.

(e) Bulk and Area Requirements. Bulk and area requirements for Permitted Uses within the RE District are as shown in the following Table:

Minimum Lot Width (feet)	150
Minimum Lot Area (S.F.)	22,500
Minimum Land Area per Dwelling Unit (S.F.)	22,500
Minimum Front Yard and Any Yard Abutting a Public Street (feet)	
Arterial or Freeway Service Road	35
Not an Arterial or Freeway Service Road	35
Minimum Side Yard (feet)	
One Side Yard	15
Other Side Yard	15
Minimum Rear Yard (feet)	25
Maximum Building Height (feet)	35

There shall be a side yard on each side of a building of not less than fifteen (15) feet. However, on a lot having less than fifty (50) feet as shown by the last conveyance of record at the time of this Code, there shall be a side yard on each side of the building of not less than ten percent (10%) of the width of the lot, but in no case shall the side yard be less than five (5) feet.

When a single-family or two-family lot abuts a non-arterial street or roadway on two (2) sides, the owner may select the front yard, and the other yard abutting the non-arterial street shall have not less than twenty (20) feet.

Bulk and area requirements for Special Exception Uses in the RE District shall be as specified in Section 1129.02(e) above, or as required in the zoning district where such use is first listed as a permitted use. In specific cases, upon review of the site plan, the Board of Zoning Appeals shall have the authority to interpret the intent of this requirement.

Off-street parking regulations are subject to the requirements of Chapter 1151 of this Code. (Ord. 17-16. Passed 4-11-16.)

1129.03 (RS) RESIDENTIAL SINGLE-FAMILY DISTRICTS.

(a) Purpose. The RS-1, RS-2, RS-3 and RS-4 Districts are designed to permit the development and conservation of single-family detached dwellings in suitable environments in a variety of densities to meet the varying requirements of families.

(b) Permitted Uses. The permitted uses in RS-1, RS-2, RS-3 and RS-4 Districts shall be the same as in the RE District. In addition, two-family dwellings (duplexes) are a permitted use in RS-4 District.

(c) Accessory Uses. The accessory uses in RS-1, RS-2, RS-3 and RS-4 Districts shall be the same as in the RE District.

(d) Special Exception Uses. The special exception uses in RS-1, RS-2, RS-3 and RS-4 Districts shall be the same as in the RE District. In addition, two-family dwellings (duplexes) are a special exception use in RS-3 District.

(e) **Bulk and Area Requirements.** Bulk and area requirements for permitted uses and two-family dwellings within the RS Districts are as shown on the following Table:

	RS-1	RS-2	RS-3	RS-4
Minimum Lot Width (feet)				
Single-Family Dwelling	100	75	60	40
Two-Family Dwelling (Duplex)			75	75
Minimum Lot Area (S.F.)				
Single-Family Dwelling	13,500	9,500	7,500	5,000
Two-Family Dwelling (Duplex)			9,000	9,000
Minimum Land Area per Dwelling Unit (S.F.)				
Single-Family Dwelling	13,500	9,500	7,500	5,000
Two-Family Dwelling (Duplex)			9,000	9,000
Minimum Front Yard and Any Yard Abutting a Public Street (feet)				
Arterial or Freeway Service Road	35	35	35	35
Not an Arterial or Freeway Service Road	35	30	25	20
Minimum Side Yard (feet)	10	10	5	5
One Side Yard	10	10	5	5
Other Side Yard	5	5	5	5
Minimum Rear Yard (feet)	25	25	20	20
Maximum Building Height (feet)	35	35	35	35

There shall be a side yard on each side of a building of not less than five (5) feet. However, on a lot having less than fifty (50) feet as shown by the last conveyance of record at the time of this Code, there shall be a side yard on each side of the building of not less than ten percent (10%) of the width of the lot, but in no case shall the side yard be less than three (3) feet.

When a single-family or two-family lot abuts a non-arterial street or roadway on two (2) sides, the owner may select the front yard, and the other yard abutting the non-arterial street shall have not less than fifteen (15) feet; provided that any garages which access this street shall have a setback of not less than twenty (20) feet.

Bulk and area requirements for Special Exception Uses in the RS Districts shall be as specified in Section 1129.03(e) above, or as required in the zoning district where such use is first listed as a permitted use. In specific cases, upon review of the site plan, the Board of Zoning Appeals shall have the authority to interpret the intent of this requirement.

Off-street parking regulations are subject to the requirements of Chapter 1151 of this Code. (Ord. 17-16. Passed 4-11-16.)

1129.04 (RM) RESIDENTIAL MULTI-FAMILY DISTRICTS.

(a) **Purpose.** The RM-0, RM-1, RM-2 and RM-3 Districts are designed to permit the development and continuance of multiple family dwellings in suitable environments in a variety of densities to meet the varying requirements of families.

(b) **Permitted Uses.** The permitted uses in the RM-0, RM-1, RM-2 and RM-3 Districts shall be the same as in the RS-4 District, with the following additions:

- (1) Single-family townhouse units, provided such structures:
 - A. Are located on a separate lot within a townhouse development containing at least three (3) lots,
 - B. Are attached by a common party wall to another townhouse unit,
 - C. Are not located above any other dwelling unit, and
 - D. Comply with all other City codes and ordinances.

- (2) Apartment
- (3) Assisted Living Facility
- (4) Convent or Monastery
- (5) Rooming or Boarding House
- (6) Elderly/Retirement Housing
- (7) Life Care Retirement Center, provided the nursing or medical facility meets all applicable licensing requirements by the State of Ohio and/or Ohio State Health Department as an intermediate care facility or as a skilled nursing home.

All permitted uses shall comply with all other applicable City codes and/or ordinances.

In addition, when located on a lot abutting an RE or RS District, permitted uses listed in (1) through (7) above shall be screened by the erection and maintenance of an opaque wall or fence along the lot lines abutting the RE or RS District. Such wall or fence shall comply with the requirements of Section 1123.11 of this Code.

(c) Accessory Uses. The accessory uses in the RM-0, RM-1, RM-2 and RM-3 Districts shall be the same as in the RS-4 District. In addition, management offices, private recreational, laundry and storage facilities for exclusive use by residents of the premises shall be allowed as accessory uses.

In the RM-3 District, the following accessory commercial uses shall be allowed, provided such facilities are located entirely within the multi-family structure where located, shall not occupy more than ten percent (10%) of the floor area of the building, and contain no signs or advertising visible from outside the lot:

- (1) Cafes, cafeterias, coffee shops, delicatessens, restaurants and similar eating establishments.
- (2) Retail convenience establishments, including dairy and drug stores; food stores including bakeries, candy, grocery specialty foods, etc.; gift and/or novelty stores; newsstands and tobacco stores.
- (3) Personal service establishments, including animal grooming, barber and beauty shops, dry cleaning and laundry, tanning salons and tattoo parlors.

(d) Special Exception Uses.

- (1) Type A Family Child Care Homes, subject to the requirements of Section 1123.17 of this Code, and approval by the Board of Zoning Appeals.
- (2) Class I Type A group residential facilities, subject to the provisions of Section 1123.18 of this Code.
- (3) Churches and similar places of public assembly, on lots of not less than one (1) acre, provided a site plan is submitted to and approved by the Board of Zoning Appeals
- (4) Public or private schools, on lots of not less than one (1) acre, provided a site plan is submitted to and approved by the Board of Zoning Appeals
- (5) Colleges and/or universities, provided a site plan is submitted to and approved by the Board of Zoning Appeals
- (6) Community services, such as community centers, museums, galleries, libraries and similar facilities, provided a site plan is submitted to and approved by the Board of Zoning Appeals
- (7) Public protection facilities, including police, fire, and ambulance facilities and civil defense or storm shelters, provided a site plan is submitted to and approved by the Board of Zoning Appeals.

- (8) Bed-and-Breakfast establishments, subject to the following standards:
 - A. The establishment must be operated by the owner-occupant of the premises.
 - B. Accommodations shall be provided for not more than three (3) guests
 - C. All parking shall be provided in the rear yard or in specially designated off-site areas.
- (9) In addition to the above, the following uses shall be considered as Special Exceptions in the RM-1, RM-2, and RM-3 Districts, subject to approval by the Board of Zoning Appeals:
 - A. Professional offices, including attorneys, accountants, insurance and consulting services.
 - B. Studios or schools for teaching ballet, dance, drama, music, language, business or modeling.
 - C. Artist's or photography studios.
 - D. General business offices.
 - E. Medical, dental or optical laboratories.
 - F. Banks and savings and loans.
 - G. Funeral homes.
 - H. Off-street parking areas and garages as a principal use, subject to the requirements of Chapter 1151 of this Code (RM-2 and RM-3 Districts only)
 - I. Structures containing separate small, self-serve storage facilities leased or rented to individuals or businesses, provided such facilities are located on a site with frontage on an arterial street, and that any such use, when located adjacent to an R District, shall be screened by erection and maintenance of a screening wall or fence along the lot line(s) which abut such R District.

(e) Bulk and Area Requirements. Bulk and area requirements for permitted uses within the RM Districts are as shown on the following Table:

	RM-0	RM-1	RM-2	RM-3
Minimum Lot Width (feet)				
Single-Family Dwelling	60	60	60	60
Two-Family Dwelling (Duplex)	60	60	60	60
Multi-Family Development	100	100	50	100
Minimum Lot Area (S.F.)				
Single-Family Dwelling	6,900	6,000	6,000	6,000
Two-Family Dwelling (Duplex)	6,900	6,900	6,900	6,000
Multi-Family Development	10,000	10,000	6,000	24,000
Minimum Land Area per Dwelling Unit (S.F.)				
Single-Family Dwelling	6,900	6,000	6,000	6,000
Two-Family Dwelling (Duplex)	6,900	6,900	6,900	6,000
Multi-Family Development				
Within a PUD / One bedroom or less	2,000	1,800	1,200	600
Not Within a PUD / One bedroom or less	2,500	2,000	1,400	600
For each additional bedroom, add	400	400	400	400

	RM-0	RM-1	RM-2	RM-3
Minimum Front Yard and Any Yard Abutting a Public Street (feet)				
Arterial or Freeway Service Road	35	35	35	35
Not an Arterial or Freeway Service Road	25	25	10	25
Minimum Side Yard (feet)				
One Side Yard	10	10	10	25
Other Side Yard	10	10	10	25
Minimum Rear Yard (feet)	20	20	10	25
Maximum Building Height (feet)	35	35	35	35

There shall be a side yard on each side of a building of not less than five (5) feet. However, on a lot having less than fifty (50) feet as shown by the last conveyance of record at the time of this Code, there shall be a side yard on each side of the building of not less than ten percent (10%) of the width of the lot, but in no case shall the side yard be less than three (3) feet.

When a single-family or two-family lot abuts a non-arterial street or roadway on two (2) sides, the owner may select the front yard, and the other yard abutting the non-arterial street shall have not less than fifteen (15) feet; provided that any garages which access this street shall have a setback of not less than twenty (20) feet.

Notwithstanding the above, all multi-family dwellings and their accessory buildings shall be located at least twenty-five (25) feet from any property in the RE or RS District. A two-story limitation shall apply to all multi-family dwellings located within fifty (50) feet from any RE or RS District. All multi-family structures more than two stories in height shall be located at least seventy-five (75) feet from any RE or RS District.

Bulk and area requirements for Special Exception Uses in the RM Districts shall be as specified in Section 1129.04(e) above, or as required in the zoning district where such use is first listed as a permitted use. In specific cases, upon review of the site plan, the Board of Zoning Appeals shall have the authority to interpret the intent of this requirement.

Office uses allowed as Special Exceptions in Section 1129.04(d)(8)A. and D. above, shall be subject to the bulk and area requirements of the OM District, except no structure in the RM-1 or RM-2 District shall exceed two stories in height.

Off-street parking regulations are subject to the requirements of Chapter 1151 of this Code. (Ord. 17-16. Passed 4-11-16.)

1129.05 (RMH) RESIDENTIAL MANUFACTURED HOME DISTRICT.

(a) **Purpose.** The RMH District is designed to provide areas for manufactured homes so as to provide a desirable residential environment, protected from adverse neighboring influences, with adequate access for vehicular traffic and circulation. These residential communities shall be developed and located so as to not promote excessive vehicular traffic on streets in adjoining neighborhoods, and shall provide overall desirability equivalent to that for other forms of residential development.

(b) **Requirements Generally.** Permanently sited manufactured homes, as defined in Section 1161.01 of this Code, shall be considered as a permitted use in any zoning district that permits single-family residential dwellings. Manufactured homes not meeting the standards for "permanently sited manufactured homes", manufactured home communities, and mobile homes as defined in Section 1161.01, shall require location in the RMH District; however, mobile homes which were built prior to the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976, shall not be considered as a permitted use in the RMH District or any other zoning district within the City.

- (c) Permitted Uses.
- (1) Public or private open land uses, such as arboretums, parks, playgrounds, flood management and storm water detention areas, reservoirs and wildlife preserves.
 - (2) Manufactured homes and manufactured home communities, provided a site plan for any manufactured home community is approved.
 - (3) Mobile homes, as defined in Chapter 1161 of this Code.
- (d) Accessory Uses. The accessory uses in the RMH District shall be the same as in the RS-4 District. In addition, management offices, private recreational, laundry and storage facilities for exclusive use by residents of the premises shall be allowed as accessory uses.
- (e) Special Exception Uses.
- (1) Single-family detached dwellings, provided such structures comply with all other City codes and ordinances.
 - (2) Type A Family Child Care Homes, subject to the requirements of Section 1123.17 of this Code, and approval by the Board of Zoning Appeals.
 - (3) Churches and similar places of public assembly, on lots of not less than one (1) acre, provided a site plan is submitted to and approved by the Board of Zoning Appeals
 - (4) Public or private schools, on lots of not less than one (1) acre, provided a site plan is submitted to and approved by the Board of Zoning Appeals
 - (5) Colleges and/or universities, provided a site plan is submitted to and approved by the Board of Zoning Appeals
 - (6) Community services, such as community centers, museums, galleries, libraries and similar facilities, provided a site plan is submitted to and approved by the Board of Zoning Appeals
 - (7) Public protection facilities, including police, fire, and ambulance facilities and civil defense or storm shelters, provided a site plan is submitted to and approved by the Board of Zoning Appeals
- (f) Bulk and Area Requirements.
- (1) Manufactured Home Communities. The development shall consist of one or more tracts under common ownership or control which shall be contiguous or separated only by non-arterial streets or alleys.
 - (2) General Requirements.
 - A. Minimum internal private street surfacing width - 24 feet
 - B. All dwellings shall be anchored and skirted
 - C. All dwellings shall be certified and display such certification that they have been constructed and comply with the Federal Manufactured Home Construction and Safety Standards.
 - D. One (1) identification sign may be erected on each perimeter street frontage of a manufactured home community. The standards for such identification sign shall be the same as for any conventional single family subdivision, as further specified in Chapter 1317 of this Code.
 - (3) Tract Development Standards.
 - A. Minimum tract area - 5 acres
 - B. Minimum gross land area per dwelling unit - 4,000 SF
 - C. Minimum tract width - 200 feet

- D. Setback abutting a public arterial or freeway service road - 35 feet
 - E. Setback abutting a public non-arterial or freeway service road - 25 feet
 - F. Setback from perimeter boundary not abutting public street - 10 feet
 - G. Maximum height - One story
 - H. Common park/recreational open space and facilities, including trails, playgrounds, community buildings and/or tot-lots, shall be delineated and provided to equal at least six percent (6%) of the total gross tract area, exclusive of open space on each lot or space.
- (4) Lot or Space Requirements.
- A. Minimum lot width - 40 feet
 - B. Minimum lot area - 4,000 SF
 - C. Minimum side yard
 - One side yard - 5 feet
 - Other side yard - 10 feet
 - D. Minimum rear yard - 10 feet
 - E. Minimum front yard - 10 feet
 - F. Minimum separation between dwellings - 15 feet
 - G. Maximum lot coverage - 45%
- (5) Off-street parking regulations are subject to the requirements of Chapter 1151 of this Code.
(Ord. 17-16. Passed 4-11-16.)

**CHAPTER 1133
Commercial Districts**

<p>1133.01 Establishment and purpose.</p> <p>1133.02 (CN) Commercial Neighborhood District.</p> <p>1133.03 (CG) Commercial General District.</p>	<p>1133.04 (CH) Commercial High Intensity District.</p> <p>1133.05 (CBD) Central Business District.</p>
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1133.01 ESTABLISHMENT AND PURPOSE.

There are hereby established four (4) Commercial Districts. These Commercial Districts are designed to:

- (a) Encourage the provision of suitable areas for commercial growth and development within the City.
- (b) Meet the needs for commercial goods and services within the community.
- (c) Promote a range of diverse commercial environments.
- (d) Encourage a compatible relationship between commercial facilities and other land uses.
- (e) Facilitate the planning for the cost effective provision of streets, utilities, and other public facilities to serve commercial facilities.
- (f) Protecting the character of commercial districts and their unique suitability for commercial use.
- (g) Requiring off-street loading and parking facilities.
- (h) Controlling the number, area, location and types of signs.
(Ord. 17-16. Passed 4-11-16.)

1133.02(CN) COMMERCIAL NEIGHBORHOOD DISTRICT.

(a) Purpose. The (CN) Commercial Neighborhood District is designed to provide for the orderly development of neighborhood-oriented businesses serving the regular day-to-day convenience and personal service needs of nearby residents. Because commercial establishments within the CN District are more closely associated with the residential land uses, more restrictive requirements related to size and scale, traffic control and landscaping are needed than in other commercial districts.

(b) Permitted Uses.

- (1) Single-family detached dwellings and permanently sited manufactured homes, as defined in Section 1161.01, provided such structures comply with the requirements of the RM-2 District and with all other City codes and ordinances.
- (2) Class I Type B group residential facilities

- (3) Public or private open land uses, such as arboretums, parks, playgrounds, flood management and storm water detention areas, reservoirs and wildlife preserves.
- (4) Multi-family dwellings, subject to the requirements of the RM-2 District, including:
 - A. Single-family townhouse units, provided such structures are located on a separate lot within a townhouse development containing at least three (3) lots, are attached by a common party wall to another townhouse unit, are not located above any other dwelling unit, and comply with all other City codes and ordinances.
 - B. Apartment
 - C. Assisted Living Facility
 - D. Convent or Monastery
 - E. Rooming or Boarding House
 - F. Elderly/Retirement Housing,
 - G. Life Care Retirement Center, provided the nursing or medical facility meets all applicable licensing requirements by the State of Ohio and/or Ohio State Health Department as an intermediate care facility or as a skilled nursing home.
- (5) Type A and/or Type B Family Child Care Homes, subject to the requirements of Section 1123.17 of this Code.
- (6) Churches and similar places of public assembly.
- (7) Public or private schools.
- (8) Colleges and/or universities.
- (9) Community services, such as community centers, museums, galleries, libraries and similar facilities.
- (10) Public protection facilities, including police, fire, and ambulance facilities and civil defense or storm shelters.
- (11) Off-street parking areas and garages as a principal use, subject to the requirements of Chapter 1151 of this Code
- (12) Administrative, business or professional offices not carrying on retail trade with the public and having no stock of goods maintained for sale to customers consisting of:
 - A. Brokers and dealers in securities, investments and associated services, not including commercial banks and savings institutions.
 - B. Insurance agents and brokers and associated services.
 - C. Real estate sales and associated services.
 - D. Medical and medical-related activities, but not including veterinary offices or animal hospitals, kennels, or facilities covered in 1123.19.
 - E. Professional, legal, engineering and architectural services, not including the outside storage of equipment.
 - F. Accounting, auditing and other bookkeeping services.
- (13) Retail Stores primarily engaged in selling merchandise for personal or household consumption, and rendering services incidental to the sale of those goods; provided all storage and display of merchandise shall be within the principal structure; and not including drive-through establishments or businesses selling gasoline or similar fuels. Examples include:

- A. Food and food products, consisting of: grocery stores, meat and fish markets, fruit and vegetable markets, and specialty stores such as bakery, candy or confectionery.
 - B. Proprietary drug and hardware stores.
 - C. Similar retail stores, consisting of: florists, gift, antique or second-hand stores, books and newspapers, sporting goods, jewelry, optical goods, and other retail stores which conform to the purpose and intent of the CN District.
- (14) Personal Services, involving the care of the person and his/her personal effects, consisting of consumer services generally involving the care and maintenance of tangible personal property, except for motor vehicles. Examples include:
- A. Restaurants, but not including restaurants with drive-through facilities.
 - B. Banks, savings and loans, and credit agencies, but not including establishments with drive-through facilities.
 - C. Barber and beauty shops, having no more than four work stations.
 - D. Laundromats and/or dry-cleaning facilities.
 - E. Funeral services.
 - F. Human medical and/or dental clinics.
 - G. Radio, television or small appliance repair.
 - H. Commercial photography.
 - I. On-premises duplication services.
 - J. Licensed Day Care Center

(c) Accessory Uses. Accessory uses customarily incident to a principal permitted use shall be allowed in the CN District. Accessory buildings shall meet minimum building setback requirements for principal buildings. Signs must meet the requirements of Chapter 1317 of this Code.

(d) Bulk and Area Requirements. Bulk and area requirements for the permitted and accessory uses within the (CN) Commercial Neighborhood District are shown in the following Table:

Minimum Frontage (feet)	
Arterial or Freeway Service Road	150
Not an Arterial or Freeway Service Road	50
Maximum Floor Area Ratio	.5
Minimum Setback from Property Line (feet)	
Arterial or Freeway Service Road	50
Not an Arterial or Freeway Service Road	25
Minimum Setback from Abutting R District (feet)	10*
Maximum Building Height	NA

* Plus two (2) feet for each additional foot of building height exceeding fifteen (15) feet, if abutting property is in RE or RS District.

Front yard setbacks in the CN District shall comply with Ordinance 83-41 (see APPENDIX B) .

- (e) Additional Standards.
- (1) Lighting. Lighting fixtures within the CN District shall be arranged shielded and directed so as not to shine on any adjacent residential property.
 - (2) Parking and loading. Parking and loading requirements shall be as specified in Chapter 1151 of this Code.
 - (3) Traffic and circulation. Traffic circulation for developments within the CN District is subject to review by the Engineering Department.
 - (4) Trash and garbage control. All trash and garbage shall be stored and managed consistent with the requirements of Chapter 1303 and Chapter 937 of the Codified Ordinances.
 - (5) Screening and landscaping. The landscaping and screening of parking and service areas is encouraged in the CN District. If side or rear yards are adjacent to any RE or RS District, landscaping shall be required in those yards to meet the standards of Section 1123.11 of this Code.
(Ord. 17-16. Passed 4-11-16.)

1133.03 (CG) COMMERCIAL GENERAL DISTRICT.

(a) Purpose. The (CG) Commercial General District is designed to provide for a broad range of business activity oriented toward community and/or regional markets. Such business uses, by their nature, rely on higher volumes of customer traffic and generally have higher impact levels on adjacent uses. The intent of the CG District is to encourage the most compatible relationship between permitted uses and overall traffic movement within the City, while minimizing negative impacts on adjacent land uses.

- (b) Permitted Uses.
- (1) Public or private open land uses, such as arboretums, parks, playgrounds, flood management and storm water detention areas, reservoirs and wildlife preserves.
 - (2) Churches and similar places of public assembly.
 - (3) Public or private schools.
 - (4) Colleges and/or universities.
 - (5) Community services, such as community centers, museums, galleries, libraries and similar facilities.
 - (6) Public protection facilities, including police, fire, and ambulance facilities and civil defense or storm shelters.
 - (7) Off-street parking areas and garages as a principal use, subject to the requirements of Chapter 1151 of this Code.
 - (8) Administrative, business or professional offices, including:
 - A. Brokers and dealers in securities, investments and associated services, not including commercial banks and savings institutions.
 - B. Insurance agents and brokers and associated services.
 - C. Real estate sales and associated services.
 - D. Medical and medical-related activities, but not including facilities covered in 1123.19.
 - E. Professional, legal, engineering and architectural services, not including the outside storage of equipment.
 - F. Accounting, auditing and other bookkeeping services.
 - (9) Retail Stores primarily engaged in selling merchandise for personal or household consumption, and rendering services incidental to the sale of these goods:

- A. Food and food products, consisting of: grocery, meat, fish, fruit or vegetable markets or combinations thereof, dairy or bakery products, specialty food stores such as candy or confectionery, and miscellaneous food stores.
 - B. General merchandise, including home furnishings and hardware and similar "hard lines:"
 - C. Apparel, consisting of: clothing, furnishings, and accessory items for men, women and children, custom tailor shops and combined apparel sales and personal service operations, and miscellaneous apparel and accessory stores.
 - D. Similar retail stores, including: drug stores, florists, gift and novelty stores, books and newspapers, camera, photographic and optical goods, jewelry, antique stores, specialty stores, and other retail stores which conform to the purpose and intent of the CG District.
- (10) Personal Services, involving the care of the person and his/her personal effects, including consumer services generally involving the care and maintenance of tangible property or the provision of tangible services for personal consumption including:
- A. Restaurants, including establishments with drive-through facilities, but not including outside seating areas.
 - B. Bars and/or taverns and similar establishments whose principal activity is dispensing intoxicating beverages, but not including outside seating areas.
 - C. Carry out food and beverage establishments with drive-through facilities
 - D. Banks, savings and loans, and credit agencies, including establishments with drive-through facilities.
 - E. Barber and beauty shops.
 - F. Dry-cleaning establishments.
 - G. Funeral services.
 - H. Human medical and dental clinics.
 - I. Radio, television, or small appliance repair.
 - J. Public and private parking areas.
 - K. On-premises duplication facilities.
 - L. Licensed Day Care Centers.
- (11) Business Services engaged in the providing of services to business establishments on a fee or contract basis, including consulting services, protective services, office equipment rental, lease or purchase, commercial research and development.
- (12) Commercial recreational facilities such as community and public swimming pools, skating rinks, bowling alleys, physical fitness centers.
- (13) Lumber and home improvement sales.
- (14) Automobile sales and service establishments, including gasoline service stations, but not including truck servicing establishments.
- (15) Theatres and similar public assembly facilities.
- (16) Hotels and motels.
- (17) Garden centers.

- (c) Special Exception Uses.
- (1) Single-family detached dwellings and permanently sited manufactured homes, as defined in Section 1161.01, provided such structures comply with the requirements of the RM-2 District and with all other City codes and ordinances.
 - (2) Multi-family dwellings, subject to the requirements of the RM-2 District, including:
 - A. Single-family townhouse units, provided such structures are located on a separate lot within a townhouse development containing at least three (3) lots, are attached by a common party wall to another townhouse unit, are not located above any other dwelling unit, and comply with all other City codes and ordinances.
 - B. Apartment
 - C. Assisted Living Facility
 - D. Convent or Monastery
 - E. Rooming or Boarding House
 - F. Elderly/Retirement Housing
 - G. Life Care Retirement Center, provided the nursing or medical facility meets all applicable licensing requirements by the State of Ohio and/or Ohio State Health Department as an intermediate care facility or as a skilled nursing home.
 - (3) Type A and/or Type B Family Child Care Homes, subject to the requirements of Section 1123.17 of this Code.
 - (4) Class I Type A group residential facilities, subject to the requirements of Section 1123.18 of this Code.
 - (5) Class II Type A or Type B group residential facilities, subject to the requirements of Section 1123.18 of this Code.
 - (6) Structures containing separate small, self-serve storage facilities leased or rented to individuals or businesses, provided such facilities are located on a site with frontage on an arterial street, and that any such use, when located adjacent to an R District, shall be screened by erection and maintenance of a screening wall or fence along the lot line(s) which abut such R District.
 - (7) Restaurants, bars, taverns and similar facilities with outside seating facilities.
 - (8) Self-service car washes.
 - (9) Temporary or seasonal outdoor sales lots having a maximum operating duration of four (4) months, provided all other permits are obtained.
 - (10) Trade establishments primarily providing business and household maintenance services. Such establishments could offer incidental fabricating, processing, installation and repair, including:
 - A. Heating and air conditioning
 - B. Appliance repair
 - C. Plumbing
 - D. Extermination and pest control
 - E. Janitorial services
 - F. Window cleaning
 - G. Contract construction services

- (11) Motor vehicle sales and servicing, (including body repair and painting) not included in Section 1133.03(b)14 above.
- (12) Intensive open air commercial recreational facilities, including arenas, race tracks, fairgrounds, golf driving ranges, stadiums, and water slides.
- (13) Facilities for scientific research, development and testing, within enclosed buildings.

(d) Bulk and Area Requirements. Bulk and area requirements for the permitted and accessory uses within the (CG) General Commercial District are shown in the following Table:

Minimum Frontage (feet)	
Arterial or Freeway Service Road	100
Not an Arterial or Freeway Service Road	50
Maximum Floor Area Ratio	.75
Minimum Setback from Property Line (feet)	
Arterial or Freeway Service Road	50
Not an Arterial or Freeway Service Road	25
Minimum Setback from Abutting R District (feet)	10*
Maximum Building Height	NA

* Plus two (2) feet for each additional foot of building height exceeding fifteen (15) feet, if abutting property is in RE or RS District.

Front yard setbacks in the CG District shall comply with Ordinance 83-41 (see APPENDIX B).

(e) Additional Standards.

- (1) Lighting. Lighting fixtures within the CG District shall be arranged shielded and directed so as not to shine on any adjacent residential property.
- (2) Parking and loading. Parking and loading requirements shall be as specified in Chapter 1151 of this Code.
- (3) Traffic and circulation. Traffic circulation for developments within the CG District is subject to review by the Engineering Department.
- (4) Trash and garbage control. All trash and garbage shall be stored and managed consistent with the requirements of Chapter 1303 and Chapter 937 of the Codified Ordinances.
(Ord. 17-16. Passed 4-11-16.)

1133.04 (CH) COMMERCIAL HIGH INTENSITY DISTRICT.

(a) Purpose. The (CH) Commercial High Intensity District is designed to provide for large commercial and mixed commercial/industrial developments which serve primarily a regional market and/or are characterized by a particularly high level of intensity. Such projects require large volumes of traffic, high demands for access and visibility, and will usually be insulated from residential uses.

(b) Permitted Uses. The uses specified as Permitted Uses in the CG District shall be permitted in the CH District. In addition, the following uses shall be permitted in the CH District:

- (1) Structures containing separate small, self-serve storage facilities leased or rented to individuals or businesses, provided such facilities are located on a site with frontage on an arterial street, and that any such use, when located adjacent to an R District, shall be screened by erection and maintenance of a screening wall or fence along the lot line(s) which abut such R District

- (2) Restaurants and similar facilities with outside seating facilities.
 - (3) Self-service car washes.
 - (4) Temporary or seasonal outdoor sales lots having a maximum operating duration of four (4) months, provided all other permits are obtained.
 - (5) Trade establishments primarily providing business and household maintenance services. Such establishments could offer incidental fabricating, processing, installation and repair, including:
 - A. Heating and air conditioning
 - B. Appliance repair
 - C. Plumbing
 - D. Extermination and pest control
 - E. Janitorial services
 - F. Window cleaning
 - G. Contract construction services
 - (6) Motor vehicle sales and servicing, body repair and painting, including new and used automobiles, trucks, and agricultural equipment.
 - (7) Manufactured home sales.
 - (8) Facilities for scientific research, development and testing, within enclosed buildings.
 - (9) Warehousing, distribution and wholesaling establishments involved with the movement and/or storage of goods, including:
 - A. Warehouses used by retail stores
 - B. Food and hardware distributors
 - C. General freight storage
 - D. Truck terminals
 - E. Parcel and post office facilities
- (c) Special Exception Uses.
- (1) Multi-family dwellings, subject to the requirements of the RM-2 District, including:
 - A. Single-family townhouse units, provided such structures are located on a separate lot within a townhouse development containing at least three (3) lots, are attached by a common party wall to another townhouse unit, are not located above any other dwelling unit, and comply with all other City codes and ordinances.
 - B. Apartment
 - C. Assisted Living Facility
 - D. Convent or Monastery
 - E. Rooming or Boarding House
 - F. Elderly/Retirement Housing
 - G. Life Care Retirement Center, provided the nursing or medical facility meets all applicable licensing requirements by the State of Ohio and/or Ohio State Health Department as an intermediate care facility or as a skilled nursing home.
 - (2) Type A and/or Type B Family Child Care Homes, subject to the requirements of Section 1123.17 of this Code.
 - (3) Class I Type A group residential facilities, subject to the requirements of Section 1123.18 of this Code.
 - (4) Class II Type A or Type B group residential facilities, subject to the requirements of Section 1123.18 of this Code.
 - (5) Adult entertainment establishments.

- (6) Intensive open air commercial recreational facilities, including arenas, race tracks, fairgrounds, golf driving ranges, stadiums, and water slides.
- (7) Manufacturing and/or industrial facilities which operate primarily within enclosed structures and have minimal adverse environmental and/or economic impact on adjacent non-industrial properties. Such uses must provide to the Board of Zoning Appeals documentation of anticipated levels of noise, dust, odor, light, glare and vibration from the proposed use and a plan for alleviation or control of such impacts.

(d) Bulk and Area Requirements. Bulk and area requirements for the permitted and accessory uses within the (CH) Commercial High Intensity District are shown in the following Table:

Minimum Frontage (feet)	
Arterial or Freeway Service Road	NA
Not an Arterial or Freeway Service Road	NA
Maximum Floor Area Ratio	NA
Minimum Setback from Property Line (feet)	
Arterial or Freeway Service Road	0
Not an Arterial or Freeway Service Road	0
Minimum Setback from Abutting R District (feet)	0
Maximum Building Height	NA

Front yard setbacks in the CG District shall comply with Ordinance 83-41 (see APPENDIX B).

- (e) Additional Standards.
 - (1) Lighting. Lighting fixtures within the CH District shall be arranged shielded and directed so as not to shine on any adjacent residential property.
 - (2) Parking and loading. Parking and loading requirements shall be as specified in Chapter 1151 of this Code.
 - (3) Traffic and circulation. Traffic circulation for developments within the CH District is subject to review by the Engineering Department.
 - (4) Trash and garbage control. All trash and garbage shall be stored and managed consistent with the requirements of Chapter 1303 and Chapter 937 of the Codified Ordinances.
(Ord. 17-16. Passed 4-11-16.)

1133.05 (CBD) CENTRAL BUSINESS DISTRICT.

(a) Purpose. The Central Business District (CBD) is designed to promote and foster the economic and physical revitalization of downtown Lancaster. The standards and requirements of the CBD District are based on the following principles:

- (1) The downtown should contain a healthy mix of land uses. The marketplace - not regulations - should be the primary force driving the mix of downtown uses.
- (2) The downtown should be particularly receptive to small local-based entrepreneurship and start-up businesses.
- (3) The maintenance and improvement of the downtown physical environment is important in promoting an active and vital business environment.
- (4) Development standards and regulations should encourage the adaptive use of older structures.

(b) Permitted Uses.

- (1) Single-family detached dwellings and permanently sited manufactured homes, as defined in section 1161.01, provided such structures comply with the Residential Standards requirements, established Historic Lancaster Design Guidelines, and with all other city codes and ordinances.
- (2) Public or private open land uses, such as arboretums, parks, playgrounds, flood management and storm water detention areas, reservoirs and wildlife preserves.
- (3) Multi-family dwellings, subject to the Residential Standards requirements and the Historic Lancaster Design Guidelines.
Including:
 - A. Single-family townhouse units, provided such structures are located on a separate lot within a townhouse development containing at least three (3) lots, are attached by a common party wall to another townhouse unit, are not located above any other dwelling unit, and comply with all other city codes and ordinances.
 - B. Apartment
 - C. Elderly/Retirement Housing
 - D. Life Care Retirement Center, provided the nursing or medical facility meets all applicable licensing requirements by The State of Ohio and/or Ohio State Health Department as an intermediate care facility or as a skilled nursing home
- (4) Churches and similar places of public assembly
- (5) Public or private schools exclusive of correctional school facilities
- (6) Colleges and/or Universities
- (7) Community services, such as community centers, museums, galleries, libraries and similar facilities.
- (8) Public protection facilities, including police, fire, and ambulance facilities and civil defense or storm shelters.
- (9) Off-street parking areas and garages as a principal use, subject to the requirements of chapter 1151 of this code.
- (10) Administrative, business or professional offices, such as:
 - A. Brokers and dealers in securities, investments and associated services
 - B. Insurance agents, brokers and associated services
 - C. Real estate sales and associated services
 - D. Doctor and Dental offices, but not including Veterinary offices or animal hospitals
 - E. Professional, legal, engineering and architectural services, not including the outside storage of equipment.
 - F. Accounting, auditing and other bookkeeping services.
- (11) Performing Arts Theaters, Opera Houses, or Center for The Arts.
- (12) Personal Services, involving the care of the person and his/her personal effects; including consumer services generally involving the care and maintenance of tangible property or the provision of tangible services for personal consumption including:
 - A. Restaurants, including establishments with outside seating areas but not including drive-through facilities
 - B. Bars and/or Taverns and similar establishments whose principal activity is dispensing intoxicating beverages, including outside seating areas as long as all city codes and ordinances, such as noise, are maintained.

- C. Carry out food and beverage establishments but not including drive-through facilities.
 - D. Banks, savings and loans, and credit agencies
 - E. Barbers and beauty shops
 - F. Dry-cleaning establishments
 - G. Funeral Services
 - H. Human medical and dental clinics exclusive of Residential, Institutional and Recovery Treatment centers/facilities
 - I. Radio, television, broadcasting, and small appliance repair
 - J. Public and private parking areas
 - K. On-premises duplication facilities
 - L. Clubs, Social or Fraternal
 - M. Licensed Day Care Center
- (13) Business Services engaged in the providing of services to business establishments on a fee or contract basis, including consulting services, protective services, office equipment rental, lease or purchase, commercial research and development
- (14) Commercial recreational facilities such as physical fitness centers, skating rinks, bowling alleys
- (15) Retail Stores primarily engaged in selling merchandise for personal or household consumption, and rendering services incidental to the sale of these goods:
- A. Food and food products, consisting of: grocery, meat, fish, fruit or vegetable markets or combinations thereof, dairy or bakery products, specialty food stores such as candy or confectionery, and miscellaneous food stores.
 - B. General merchandise, including home furnishings and hardware and similar "hard lines"
 - C. Apparel, consisting of: clothing, furnishings, and accessory items for men, women and children, custom tailor shops and combined apparel and accessory stores.
 - D. Similar retail stores, including; drug stores, florists, gift and novelty stores, books and newspapers, camera, photographic and optical goods, jewelry, antique stores, specialty stores and other retail stores which conform to the purpose and intent of the CG District.

(c) Special Exception Uses.

- (1) Hotels and Motels
- (2) Movie theaters and similar public assembly facilities.
- (3) Residences in the upper stories of existing buildings, provided that each dwelling unit has at least 500 1,000 square feet of habitable floor area, and further provided that a specific Development Plan for the project is approved by the Board of Zoning Appeals.
- (4) Processing, assembly and/or packaging of products or materials, provided such operations are carried out totally within the building, such operations do not produce levels of noise or odors perceptible outside the building, and such use promotes the purpose of the CBD District as stated in Section 1133.05 (a) above.

- (5) Any combination of two or more individual Permitted or Special Exceptions on separate floors of an existing building.
- (6) Similar uses, which conform to the purpose of the CBD District, as determined by the Board of Zoning Appeals.

(d) Bulk and Area Requirements.

Bulk and area requirements for the permitted and accessory uses within the (CBD) Central Business District are shown in the following Table:

Minimum Frontage (feet)	
Arterial or Freeway Service Road	NA
Not an Arterial or Freeway Service Road	NA
Maximum Floor Area Ratio	NA
Minimum Setback from Property Line (feet)	
Arterial or Freeway Service Road	0*
Not an Arterial or Freeway Service Road	0*
Minimum Setback from Abutting R District (feet)	0*
Maximum Building Height	NA

* The distance between any building or structure and the right-of-way line of any public street shall be not greater than that of the most proximate building on the same side of the street. No minimum side yard setback shall be required, unless the building or structure is located adjacent to a district in which single-family residences are a permitted use, in which case the setback shall be twenty-five (25) feet.

(e) Additional Standards.

- (1) Lighting. Lighting fixtures within the CBD District shall be arranged shielded and directed so as not to shine on any adjacent residential property.
- (2) Parking and loading. Parking and loading requirements shall be as specified in Chapter 1151 of this Code.
- (3) Traffic and circulation. Traffic circulation for developments within the CBD District is subject to review by the Engineering Department.
- (4) Manufactured/modular buildings. The use of manufactured and/or modular buildings for business purposes in the CBD District shall be prohibited.
- (5) Trash and garbage control. All trash and garbage shall be stored and managed consistent with the requirements of Chapter 1303 and Chapter 937 of the Codified Ordinances.

(f) Residential Standards

A. Bulk and Area Requirements

Bulk and area requirements will be determined based on the first floor use of the building. For residential uses, the bulk and area requirements are shown in the following table.

Minimum Lot Width	
Single Family Dwelling	40 ft
Two Family Dwelling (Duplex)	75 ft
Multi-Family Dwelling	NA
Multi-Family located above Commercial Structure	NA

Minimum Lot Area (S.F.)	
Single Family Dwelling	5,000
Two Family Dwelling (Duplex)	9,000
Multi-Family Dwelling	5,000
Multi-Family located above Commercial Structure	NA
Minimum Land Area per Dwelling Unit (S.F)	
Single Family	5,000
Two Family Dwelling (Duplex)	9,000
Multi-Family Dwelling One Bedroom or less	600
For each additional bedroom add	400
Multi-Family located above Commercial Structure	NA
Maximum Building Height	
Single Family Dwelling	30 ft
Duplex Family Dwelling	30 ft
Multi-Family Dwelling	NA
Multi-Family located above Commercial Structure	NA

B. Mandatory Front Yard

Mandatory front yards shall comply with Chapter 1123.10

When a single-family or two family lot abuts a non-arterial street or roadway on two (2) sides, the owner may select the front yard, and the other yard abutting the non-arterial street shall have not less than fifteen (15) feet; provided that any garages which access this street shall have a setback of not less than twenty (20) feet.

C. Setback from Residential Districts

Notwithstanding the above, all multi-family dwellings and their accessory buildings shall be located at least twenty-five feet from any property in the RE or RS District. All multi-family structures more than two stories in height shall be located at least seventy five (75) feet from any RE or RS District.

D. Accessory Uses shall be the same as in RS-4 District. In addition, management offices, private recreational, laundry and storage facilities for exclusive use by residents of the premises shall be allowed as accessory uses.

The following accessory commercial uses shall be allowed, provided such facilities are located entirely within the multifamily structure where located, shall not occupy more than ten percent (10%) of the floor area of the building, and contain no signs or advertising visible from the outside of the lot:

Cafes, cafeterias, coffee shops, delicatessens, restaurants and similar eating establishments.

Retail convenience establishments including dairy and drug stores; food stores including bakeries, candy, grocery specialty foods, etc.; gift and/or novelty stores; newsstands and tobacco stores.

Personal service establishments, including animal grooming, barber and beauty shops, laundry, and tanning salons.

(Ord. 17-16. Passed 4-11-16.)

**CHAPTER 1155
Enforcement**

1155.01	Duty of Zoning Inspector(s) and other officials.	1155.03	Penalties for violation.
1155.02	Zoning clearance permit.	1155.04	Construction and use to be as provided in applications, plans and permits.

1155.01 DUTY OF ZONING INSPECTOR(S) AND OTHER OFFICIALS.

The Mayor shall designate a Zoning Inspector to oversee the Zoning Code. It shall be the duty of the Zoning Inspector(s) to enforce this Code. If the Zoning Inspector(s) shall find that any of the provisions of this Code are being violated, they shall notify in writing the persons responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it, and shall take such action to ensure compliance with or to prevent violation of its provisions as is authorized by law. All departments, officials, and employees of the City of Lancaster vested with the duty or authority to issue permits or licenses shall comply with the provisions of this Code, and shall issue no permit or licenses for any use, purpose, excavation, construction, structure, building, or sign in conflict with the provisions of this Code.

(Ord. 14-00. Passed 5-22-00.)

1155.02 ZONING CLEARANCE PERMIT.

(a) Zoning Clearance Permit Required. It shall be unlawful for any person, firm or corporation to erect, move, add to or structurally alter any building or structure, or to use or change the use of any building or land or to permit the aforementioned actions, until a Zoning Clearance Permit has been issued by the Zoning Inspector.

(b) Application for Zoning Clearance Permit. Application for a Zoning Clearance Permit shall be accompanied by a legal description of the lot and plans in duplicate, drawn to scale in black line or blueprint, showing the actual shape and dimension of the lot; the location and dimensions of all easements, the location, size and height of any existing buildings or structures to be erected or altered; the existing and intended use of each building, structure or portion of the lot; the number of dwellings and buildings the lot is intended to accommodate, if any; and such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this Code.

(c) Response to Application for Zoning Clearance Permit. After an application for a Zoning Clearance Permit is filed in compliance with the provisions herein, the Zoning Inspector shall issue a Zoning Clearance Permit, and return one copy of submitted plans or shall notify the applicant, in writing, of his refusal to issue a permit setting forth the reasons therefore.

(d) Fees for Zoning Clearance Permits. No Zoning Clearance Permit shall be issued until a fee shall have been paid in accordance with the schedule of fees adopted by resolution of the Council of the City of Lancaster. (Ord. 14-00. Passed 5-22-00.)

(e) Permit Expiration. A Zoning Clearance Permit shall expire twelve months after issuance date. (Ord. 36-07. Passed 7-16-07.)

1155.03 PENALTIES FOR VIOLATION.

(a) Any person, firm or corporation who violates any provisions of the Lancaster Zoning Code, or who otherwise fail to comply with any of its requirements, including violations of conditions and safeguards established in connection with grants of variance or special exceptions, is guilty of a minor misdemeanor on a first offense and of a misdemeanor of the fourth degree on each subsequent offense. Each day that a violation continues shall be deemed a separate offense.

(b) Nothing herein contained shall prevent the City of Lancaster or its authorized officials from taking other action, authorized by law, to remedy a violation. (Ord. 16-16. Passed 4-11-16.)

1155.04 CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATIONS, PLANS AND PERMITS.

Zoning Clearance permits, Variances, or Special Exception uses issued on the basis of approved plans and applications authorize only the uses, arrangement and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction varying from that authorized shall be deemed a violation of this Zoning Ordinance, and punishable as provided by Section 1155.03. (Ord. 14-00. Passed 5-22-00.)

CHAPTER 1157
Board of Zoning Appeal

<p>1157.01 Establishment of the Board of Zoning Appeal.</p> <p>1157.02 Powers of the Board.</p> <p>1157.03 Proceedings of the Board.</p> <p>1157.04 Conflict of interest.</p> <p>1157.05 Notice of public hearing.</p> <p>1157.06 Fees.</p>	<p>1157.07 Appeals from an Administrative Official.</p> <p>1157.08 Interpretation.</p> <p>1157.09 Variances.</p> <p>1157.10 Special exception.</p> <p>1157.11 Appeals to the District Court.</p> <p>1157.12 Compensation.</p>
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1157.01 ESTABLISHMENT OF THE BOARD OF ZONING APPEAL.

(a) There is hereby established a Board of Zoning Appeal of the City of Lancaster with the powers and duties hereinafter set forth. The Board of Zoning Appeal shall consist of five members, who shall be nominated by the Mayor and confirmed by the City Council, and shall serve with pay for a term of three years. Initial appointments will be as follows: two members serving for three years; two members serving for two years; and one member serving for one year. Thereafter all full term appointments shall be for three years.

(b) Vacancies shall be filled for an unexpired term of any member in the manner set forth for appointments to a full term. A Board member may be removed for cause, by the appointing authority after notice, written charges and public hearing. The Board shall organize, elect its chairman, and appoint a secretary and adopt rules necessary to the conduct of its affairs.
(Ord. 28-16. Passed 10-24-16.)

1157.02 POWERS OF THE BOARD.

The Board shall have the power to hear appeals from the determinations of an administrative official in enforcing this Code, to grant special exceptions and/or variances, and to make interpretations of the zoning map and text, in accordance with the substantive and procedural standards hereinafter set forth. (Ord. 28-16. Passed 10-24-16.)

1157.03 PROCEEDINGS OF THE BOARD.

Meetings shall be held monthly at the call of the Chairman, and at such other times as the Board may determine. The Chairman, or in his absence, the acting Chairman, may administer oaths and compel attendance of witnesses. A quorum shall consist of three members of the Board. A minimum of three affirmative votes shall be required to pass a measure. All meetings, deliberations, and voting of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. In all matters, the Board shall decide at the conclusion of the hearing on the application for relief. The notice, filing, and substantive requirements of the Board shall be set forth in the following sections concerning the Board's exercise of a particular power. (Ord. 28-16. Passed 10-24-16.)

1157.04 CONFLICT OF INTEREST.

In the event a member of the Board of Zoning Appeals finds himself or herself in a "conflict of interest" with regard to any matter coming before the Board, said member shall at the beginning of the proceeding declare that a conflict exists and refrain from participating in the hearing and in voting on the issue. If a member of the Board does not declare a conflict, and the petitioner or other Board members perceive that a conflict exists, they may request that the Board member be excluded from the hearing process. If the Board member declines to step down, the matter will be heard by the Board prior to undertaking the scheduled hearing, and the Board by majority vote will determine whether a conflict exists. If the Board finds a conflict to exist, the Board member in conflict will be prohibited from participating in the hearing and voting on the petition. (Ord. 28-16. Passed 10-24-16.)

1157.05 NOTICE OF PUBLIC HEARINGS.

(a) The Board of Zoning Appeal shall give notice and conduct a public hearing before acting on any appeal from an administrative official enforcing this Code, or before granting any special exception, or variance, or minor variance, or exception. The Board shall set forth in an adopted statement of policy a list of variances and exceptions which constitute minor variances or exceptions and such statement of policy shall be approved by the Council of the City of Lancaster.

- (b) Ten days notice of public hearing shall be given as follows:
- (1) For special exception, variance or appeal from a determination of an administrative official enforcing this Code:
 - A. By publication in a newspaper of general circulation.
 - B. By mailing written notice via first class mail to all owners of property within and contiguous to and directly across the street from such parcel or parcels for which a special exception, variance or appeal from a determination of an administrative official enforcing this Code.
 - (2) For minor variance or exception by mailing written notice to all owners of abutting property of the subject property. Nothing herein shall preclude the Board of Zoning Appeal from requiring the giving of public notice of hearings to all owners of property within and contiguous to and directly across the street from such parcel or parcels for which a minor variance or exception is sought.
 - (3) The failure of delivery of such notice as provided in (b)(1) and (b)(2) above shall not invalidate any subsequent action of the Board of Zoning Appeals.
- (c) The notice shall contain:
- (1) The legal description of the property and the street address or approximate location of the property.

- (2) The present zoning classification of the property and the nature of the relief sought.
- (3) The date, time and place of the hearing.

(d) The applicant shall furnish the names and mailing addresses of all owners of property within and contiguous to and directly across the street from subject parcel or parcels, or in the case of a minor variance or exception, the owners of abutting property of the subject property. Costs of publication shall be billed to the applicant.

(Ord. 28-16. Passed 10-24-16.)

1157.06 FEES.

An application for an appeal from an administrative official enforcing this Code, or any variance or special exception shall be accompanied by the payment of a fee in accordance with the schedule of fees adopted by resolution of City Council of the City of Lancaster. Additionally, the applicant shall pay a fee to cover the costs of publishing notice.

(Ord. 28-16. Passed 10-24-16.)

1157.07 APPEALS FROM AN ADMINISTRATIVE OFFICIAL.

(a) General. An appeal to the Board of Zoning Appeal may be taken by any person aggrieved or by any officer, department, board or bureaus of the city affected, where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this Code.

(b) Notice of Appeal. An appeal shall be taken within 30 days from the determination complained of by filing with the appropriate administrative official and with the Clerk of the Board, a notice of appeal, specifying the grounds thereof. The administrative official, upon receipt of notice, shall forthwith transmit to the Clerk of the Board, certified copies of all the papers constituting the record of said matter. Upon receipt of the record the Clerk shall set the matter for public hearing within 30 days of the filing of the notice of appeal.

(c) Board of Zoning Appeal Action. The Board shall hold the public hearing. At the conclusion of the public hearing the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken. The concurring vote of three members of the Board shall be necessary to reverse any order, requirement, decision or determination of an administrative official enforcing this Code. The Board shall make its findings within 45 days of the filing of the notice of appeal.

(d) Stay of Proceedings. An appeal stays all proceedings in furtherance of the action appealed from, unless the administrative official from whom the appeal is taken certifies to the Board of Zoning Appeal, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order granted by the Board on due and sufficient cause shown. (Ord. 28-16. Passed 10-24-16.)

1157.08 INTERPRETATION.

(a) The Board shall interpret the text of this Code or the Official Zoning Map upon an appeal from a determination of an administrative official after compliance with the procedural standards of Section 1157.07.

(b) Where a question arises as to the zoning district classification of a particular use, the Board of Zoning Appeal, upon written request of an administrative official may find and determine the classification of the use in question and may, prior to such determination, order the giving of notice and hold a public hearing. Such public hearing shall be held within 30 days of the date of request from the administrative official. At the conclusion of the public hearing, the Board shall rule upon the question. Costs of publication shall be borne by the City.
(Ord. 28-16. Passed 10-24-16.)

1157.09 VARIANCES.

(a) General. The Board of Zoning Appeals, upon application, and after hearing and subject to the procedural and substantive standards set forth herein, may grant variances from the terms of this Code. Variances are distinguished as either "use" variances or "area" variances. A "use" variance is an application for a deviation from the permitted uses in a zoning district as opposed to a variance from a zoning restriction on set-backs, bulk, height, etc. An "area" variance is an application for a deviation from the zoning restrictions on set-backs, bulk, height, etc. in a zoning district.

(b) Application.

- (1) A request for a variance may be initiated upon denial of a Zoning Clearance Permit, by completing a Zoning Variance Application. Zoning Variance Applications will be provided by the Zoning Inspector(s) upon request.
- (2) The applicant for a Zoning Variance will pay the required fee as referenced in Section 1157.06 at the time of submitting the application.
- (3) Upon payment of the required fee, the Zoning Inspector(s) will forward the application for the Zoning Variance to the Clerk of the Zoning Board of Appeals. The Clerk shall set a date and time for a public hearing in accordance with the rules established by the Board.

(c) Board of Zoning Appeal Action. The Board shall hold the hearing and upon the concurring vote of three members may grant a variance after finding:

- (1) The Board of Zoning Appeals may grant a use variance only upon a finding by clear and convincing evidence of an "unnecessary hardship". The factors to be considered and weighed by the Board in determining whether and unnecessary hardship exists include, but are not limited to, the following:
 - A. Whether the requested use variance stems from a condition which is unique to the property at issue and not ordinarily found in the same zone or district;
 - B. Whether the claimed hardship was created by actions of the applicant;
 - C. Whether granting the variance will adversely affect the rights of adjacent property owners;
 - D. Whether granting the variance will adversely affect the public health, safety or general welfare;
 - E. Whether the variance will be consistent with the general spirit and intent of the Zoning Code;
 - F. Whether the variance sought is the minimum which will afford relief to the applicant; and

- G. Whether there is an economically viable use of the property which is permitted in the zoning district.
- (2) The Board of Zoning Appeals may grant an area variance upon a finding by clear and convincing evidence of "practical difficulty" in meeting Code requirements. The factors to be considered and weighed by the Board in determining whether a property owner has encountered practical difficulties include, but are not limited to, the following:
- A. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
 - B. Whether the variance is substantial;
 - C. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variance;
 - D. Whether the variance would adversely affect the delivery of governmental services, for example, water, sewer, garbage, etc.;
 - E. Whether the property owner purchased the property with knowledge of the zoning restriction;
 - F. Whether the property owner's practical difficulty can be eliminated through some method other than a variance, and;
 - G. Whether the spirit and intent behind the zoning requirement can be observed and substantial justice can be done by granting a variance.

(d) Time Limitation on Variances. A variance which has not been utilized within 24 months from date of the order granting the variance shall thereafter be void, provided that the Board has not extended the time for utilization. For the purpose of this provision, utilization shall mean actual use or the issuance of a building permit, when applicable, provided construction is diligently carried to completion. (Ord. 28-16. Passed 10-24-16.)

1157.10 SPECIAL EXCEPTION.

- (a) Powers.
- (1) To grant Special Exception zoning clearance permits for uses listed as Special Exceptions in the various zoning districts, where it is shown that the special use can be granted without substantial detriment to the public good, without substantial impairment of the general purpose and intent of the zoning district in which the use is to be located, and without significant incompatibility with the general character of the neighborhood. In granting a Special Exception, the Board of Zoning Appeal shall have the authority to prescribe appropriate conditions and safeguards in conformance with the purposes and intent of this Code.
 - A. Special exception uses as designated and regulated within the permitted principal or accessory use provisions of the zoning districts;
 - B. Modification of restrictions as provided within Section 1123.09;
 - C. The change of a nonconforming use as provided in Section 1153.03(f);
 - D. The restoration of a partially destroyed structure, containing a nonconforming use as provided in Section 1153.03(g);
 - E. The restoration of a partially destroyed nonconforming structure as provided in Section 1153.06;
 - F. The modification of a screening requirement, as provided in Section 1123.12(e);

- G. The modification of a screening requirement, as provided in Section 1149.32(e)(3);
 - H. The modification of the parking and loading requirements as provided in Section 1153.08(c);
 - I. The modification of the requirements and conditions of Section 1149.05(c) regarding antennas and towers;
 - J. The modification of permitted yard obstructions as provided in Section 1123.10(b);
 - K. Permit residential accessory uses and structures on abutting residentially zoned lots which are under common ownership;
 - L. (EDITOR'S NOTE: This subsection was deleted by Ordinance 50-03.
 - M. Reduction of the number of required off-street parking spaces on a lot or may allow the required off-street parking on a lot other than the lot which contains the adult business as provided in Section 1153.08(c);
 - N. Increases in the number of days per year and the number of days within a 30 day period that special event parking is permitted as provided in Section 1149.03(c)(8)F.;
 - O. Sexually oriented businesses that apply for a special exception permit enjoy First Amendment Protection not given other business and therefore the following procedures shall apply in addition to all others:
 - 1. The Board of Zoning Appeals shall issue its written decision with 30 days of the filing of the application.
 - 2. The Board of Zoning Appeals shall consider the following criteria:
 - A. Compliance with all applicable fire and life safety codes.
 - B. Assure that lighting on exterior would illuminate the entire parking lot.
 - C. Meet requirements of Section 1133.06 of this code.
- (2) The grant special exception permits for the enlargement or expansion of non-conforming buildings, except for the floodway as governed by Lancaster Codified Ordinance 1331, where it can be shown that the expansion or enlargement of the nonconforming use can be granted without substantial impairment of the general purpose and intent of the underlying zoning district or floodway ordinance where appropriate, and without significant incompatibility with the general character of the neighborhood. No enlargement or expansion to any nonconforming use shall be more than fifty percent of the total floor area of the original nonconforming building.
- (3) To impose such requirements and conditions regarding the location, character, and other features of the proposed uses or structures as the board deems necessary to carry out the intent and purpose of the Zoning Code and to otherwise safeguard the public safety and welfare.
- (4) Upon application by the City Law Director, to revoke any special permit whose condition has been violated after notice and opportunity to conform have been given.
- (b) Application.
- (1) A request for a Special Exception may be initiated upon denial of a Zoning Clearance Permit, by completing a Special Exception Application. Special Exception Applications will be provided by the Zoning Inspector(s) upon request.
 - (2) The applicant for a Special Exception will pay the required fee as referenced in Section 1157.06 at the time of submitting the application.

- (3) Upon payment of the required fee, the Zoning Inspector(s) will forward the application for the Special Exception to the Clerk of the Zoning Board of Appeals. The Clerk shall set a date and time for a public hearing in accordance with the rules established by the Board.

(c) Board of Zoning Appeal Action. The Board of Zoning Appeal shall take action within thirty (30) days from submittal of the application as specified in Section 1157.10 (b) (3) above, unless the applicant and the Board mutually agree to waive this requirement. The Board of Zoning Appeal shall hold the hearing as specified above and, upon concurring vote of at least three members may grant the special exception after finding that the special exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. Provided that the Board in granting the special exception shall have the authority to prescribe appropriate conditions and safeguards, may limit the grant of the special exception to a specified period of time, and may require such evidence and guarantee or bond as it may deem necessary to enforce compliance with the conditions attached. The Board shall not entertain any appeal applied for more than thirty (30) days after the date of the order, requirement, decision or determination appealed from or within such different time as may be specifically provided in this Code.

(d) Time Limitation on Special Exceptions. A special exception which has not been utilized within 24 months from date of the order granting same shall thereafter be void, provided that the Board has not extended the time for utilization. For the purposes of this provision, utilization shall mean actual use or the issuance of a building permit, when applicable, provided construction is diligently carried to completion. (Ord. 28-16. Passed 10-24-16.)

1157.11 APPEALS TO THE COMMON PLEAS COURT.

(a) Procedure. An appeal from any action, decision, ruling, judgment, or order of the Board of Zoning Appeal may be taken by any person or persons aggrieved, or any taxpayer or any officer, department, board or bureau of the City to the Common Pleas Court of Fairfield County by filing with the City Clerk and with the Clerk of the Board within 30 days from the date of such action, a notice of appeal, which notice shall specify the grounds of such appeal. No bond or deposit for costs shall be required for such appeal. Upon filing of the notice of appeal, the Board shall forthwith transmit to the Court Clerk of the County, the original or certified copies of all the papers constituting the record in the case, together with the order, decision or ruling of the Board. Said case shall be heard and tried de novo in the Common Pleas Court of Fairfield County, Ohio. An appeal shall be from the action of the Common Pleas Court as in all other civil actions. Costs shall not be allowed against the Board unless it shall appear to the Court that it acted with gross negligence or in bad faith, or with malice in making the decision appealed from.

(b) Stay of Proceedings. An appeal to the Common Pleas Court stays all proceedings in furtherance of the action appealed from unless the Chairman of the Board certifies to the Court Clerk, after notice of appeal shall have been filed, that by reason of facts stated in the certificate, a stay would cause imminent peril of life or property. In such case, proceedings shall not be stayed other than by a restraining order granted by the Common Pleas Court.
(Ord. 28-16. Passed 10-24-16.)

1157.12 COMPENSATION.

Compensation for members of the Board of Zoning Appeals shall be established as ten dollars (\$10.00) per application for each member in attendance at the meeting for all meetings beginning September 18, 2001.
(Ord. 28-16. Passed 10-24-16.)

(93) **Principal Use Restaurant:** An eating establishment which employs at least one full-time cook, has a menu, a fully equipped kitchen for cooking and preparation of meals and which eating establishment, including the kitchen area but excluding the bar area, occupies at least 75% of the total floor area of the business.

(94) **Private Club:** A private commercial establishment, not open to the general public, but which is operated for profit and which sells and serves intoxicating beverages (as defined herein) for consumption on the premises.

(95) **Right-of-Way:** A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalk, lighting and drainage facilities and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts and bridges.

(96) **Recreational Vehicle (RV):** A vehicular portable structure that is designed and constructed to be used as a temporary dwelling for travel, recreation, and vacation uses and is classed as follows:

- A. "Travel trailer" means a nonself-propelled recreational vehicle that does not exceed an overall length of thirty-five feet, exclusive of bumper and tongue or coupling, and includes a tent-type fold-out camping trailer as defined in Section 4517.01 of the ORC.
- B. "Motor Home" means a self-propelled recreational vehicle that is constructed with permanently installed facilities for cold storage, cooking and consuming of food, and for sleeping.
- C. "Truck camper" means a non-self propelled recreational vehicle that does not have wheels for road use and designed to be placed upon and attached to a motor vehicle. "Truck camper" does not include truck covers than consist of walls and a roof, but do not have floors and facilities enabling them to be used as a dwelling.
- D. "Fifth wheel trailer" means a vehicle that is of such size and weight as to be movable without a special highway permit, that has a gross trailer area of four hundred square feet or less, that is constructed with a raised forward section that allows a bi-level floor plan, and that is designed to be towed by a vehicle equipped with a fifth-wheel hitch ordinarily installed in the bed of a truck.
- E. "Park trailer" means a vehicle that is commonly known as a park model recreational vehicle, meets the American national standard institutê standard A119.5 (1988) for park trailers, is built on a single chassis, has a gross trailer area of four hundred square feet or less when set up, is designed for seasonal or temporary living quarters, and may be connected to utilities necessary for the operation of installed features and appliances.

(97) **Residential Treatment Center:** A community-based residential facility providing diagnostic or therapeutic services, counseling, or treatment and long-term room and board in a highly structured environment for its residents for alcoholism, drug abuse, or behavioral disorders.

(98) **Rooming and Boarding House:** A facility wherein congregate meals and lodging are provided for its residents exclusive of a supervised living or residential care facility as elsewhere defined (e.g. Nursing Homes, Group Homes, Transitional Living Center, Residential Treatment Center, etc.), and exclusive of a hotel or motel.

(99) **Screening Fence:** Screening Fence means a barrier at least six feet in height, constructed of non-transparent material, and maintained so as to obscure the facility from the ordinary view of persons passing upon adjacent streets. Such screening fence can be a combination of barrier fence and landscape plantings if approved by the Zoning Board of Appeals. (See Section 1123.12)

(100) **Setback:** A horizontal distance determining the location of a building with respect to a street, use district boundary line, or another use. Where the term "setback" is used in conjunction with a modifying word or words such as "parking area", the setback shall in its application include, but not be limited to, buildings.

(101) **Signs:** see Chapter 1317 of this Code.

(102) **Single Family Dwelling:** A detached individual dwelling unit designed and intended for occupancy by one family unit.

(103) **Special Exception:** A use or a design element of a use which is not permitted by right in a particular district because of potential adverse affect, but which if controlled in the particular instance as to its relationship to the neighborhood and to the general welfare, may be permitted by the Board of Zoning Appeal, where specifically authorized by the Code, and in accordance with the substantive and procedural standards of the Code.

(103A) **Storable Swimming Pool:** A pool capable of holding water to a maximum depth of forty two inches (42") and is constructed of non-metallic, molded polymeric or fabric walls supported on a rigid frame or by an inflatable ring and entirely on or above ground, and is designed and constructed to be readily disassembled for storage and re-assembled to its original integrity.

(104) **Story:** A room or set of rooms on one floor level of a building.

(105) **Street:** A way for vehicular traffic defined as the area form the back of curb to the back of curb or the area form the backslope of the drainage ditch to the backslope of the drainage ditch.

(106) **Street Yard:** The minimum required yard (residential) abutting a public street or the area of a lot contained between the minimum required building setback line (nonresidential) and an abutting public street.

(107) **Structure:** Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground, and includes buildings, walks, fences, and signs.

(108) **Substantial Improvement:** Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either, (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration affects the external dimensions of the structure. The term does not, however; include either (1) any project for improvement of a structure to comply with the existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

(109) Supplemental District: A zoning district to be mapped as an overlay to a use district and which modifies or supplements the regulations of the general district in recognition of distinguishing circumstances such as historic preservation, wellhead protection, flood plain or unit development while maintaining the character and purposes of the general use district area over which it is superimposed.

(110) Tent: Any structure, enclosure, or shelter constructed of fabric or other pliable material supported by any manner except by air or the contents protected by the material. The horizontal area covered by the fabric or other pliable material shall be considered building floor area. In residential district a tent shall be considered a detached accessory building.

(111) Top Plate: The horizontal timber directly carrying the trusses of a roof or the rafters.

(112) Townhouse Development: A subdivision containing at least three townhouse lots.

(113) Transitional Living Center: A community-based residential facility that provides short-term (120 days or less) room and board in a supervised living environment utilizing counseling and rehabilitation services for persons with a history of juvenile delinquency, behavioral disorders, alcoholism or drug abuse.

(114) Variance: A relaxation of a restriction of the Code, granted by the Board of Zoning Appeal, where by reason of exceptional narrowness, shallowness, shape, topography, or other extraordinary or exceptional situation, condition or circumstance of a particular property, the literal enforcement of the Code restriction, would result in unnecessary hardship.

(115) Veterinarian Clinic: A building used exclusively for the care and treatment of animals, including incidental overnight boarding of animals within the enclosed building, but excluding outside animal runs or boarding services.

(116) Wind Device: Any flag, banner, pennant, streamer or similar device that moves freely in the wind.

(117) Word: For the purpose of this Code, one word shall be deemed to be any of the following.

- A. Any word in any language found in any standard unabridged dictionary or dictionary of slang.
- B. Any proper noun or any initial.
- C. Any separate symbol or abbreviation, such as "&", "S"1, "%" and "INC".
- D. Any telephone number, street number or commonly used combination of numerals and/or symbols such as "\$5.00, or "50%".
- E. Any symbol or logo which is a registered trademark, but which itself contains no word or character.
- F. Otherwise, each separate character is considered to be a word.

(118) Yard: An open unoccupied space on a lot between a building and a lot line measured from the right-of-way.

(119) Yard, Front: A yard extending along the full length of the front lot lines between the side lot lines.

(120) Yard, Required: The minimum permitted distance of open unoccupied space between a building and a lot line.

(121) Yard, Rear: A yard extending along the full length of the rear lot line between the side lot lines.

(122) Yard, Side: A yard extending along a side lot line between the front yard and the rear yard.
(Ord. 16-16. Passed 4-11-16.)