

TEMPORARY ORDINANCE NO. 1-22

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, AND TO DECLARE AN EMERGENCY

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

WHEREAS, these ordinances should be available collectively for public knowledge;

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, 2020, to December 13, 2021, as listed in the Comparative Section Table, are hereby approved and adopted as printed in the 2021 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

- 301.183 Low-Speed Micromobility Device. (Added)
- 301.22 Pedestrian. (Amended)
- 301.51 Vehicle. (Amended)
- 331.211 Report of Vehicle Failing to Yield Right of Way to Public Safety Vehicle. (Amended)
- 331.37 Driving Upon Sidewalks, Street Lawns or Curbs. (Amended)
- 333.03 Maximum Speed Limits. (Amended)
- 335.02 Permitting Operation Without Valid License; One License Permitted. (Amended)
- 335.021 Ohio Driver's License Required for In State Residents. (Amended)
- 335.04 Certain Acts Prohibited. (Amended)
- 335.09 Display of License Plates or Validation Stickers; Temporary License Placard. (Amended)
- 371.13 Operation of Personal Delivery Device on Sidewalks and Crosswalks. (Added)
- 371.14 Low-Speed Micromobility Devices. (Added)
- 374.01 Motorized Bicycle Operation. (Amended)
- 373.11 Paths Exclusively for Bicycles. (Amended)
- 373.14 Electric Bicycles. (Amended)

General Offenses Code

- 501.99 Penalties for Misdemeanors. (Amended)
- 505.071 Cruelty to Companion Animals. (Amended)
- 509.07 Making False Alarms. (Amended)
- 513.01 Drug Abuse Control Definitions. (Amended)

- 525.13 Interfering with Civil Rights. (Amended)
- 529.01 Liquor Control Definitions. (Amended)
- 529.07 Open Container Prohibited. (Amended)
- 533.08 Procuring; Engagement in Sexual Activity for Hire. (Amended)
- 533.09 Soliciting. (Amended)
- 533.091 Loitering to Engage in Solicitation. (Amended)
- 533.10 Prostitution. (Amended)
- 537.02 Vehicular Homicide and Manslaughter. (Amended)
- 541.04 Criminal Mischief. (Amended)
- 541.05 Criminal Trespass. (Amended)
- 541.051 Aggravated Trespass. (Amended)
- 545.03 Property Exceptions as Felony Offense. (Amended)
- 545.09 Passing Bad Checks. (Amended)
- 549.02 Carrying Concealed Weapons. (Amended)
- 549.06 Unlawful Transactions in Weapons. (Amended)
- 553.04 Railroad 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

Clerk: _____

Mayor

Offered by: _____

Second by: _____

Requested by Law Committee

I, Teresa Lee Sandy, Clerk of Council do hereby certify that on _____, 2022 the Lancaster Eagle Gazette published the summary of this ordinance in accordance with Ohio Revised Code 731.24.

Clerk of Council

INSTRUCTIONS FOR INSERTING
2021 REPLACEMENT PAGES
FOR THE
CODIFIED ORDINANCES OF LANCASTER

All new replacement pages bear the footnote "2021 Replacement". Please discard old pages and insert these new replacement pages immediately as directed in the following table.

Discard Old Pages

Insert New Pages

PRELIMINARY UNIT

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

Local legislation current through December 13, 2021

State legislation current through June 8, 2021

CERTIFICATION

We, David Scheffler, 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 13, 2021.

/s/ David Scheffler
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
(2021)

COUNCIL

David Uhl	President
Corey Schoonover	At Large
Orman Hall	At Large
Don McDaniel	At Large
Melody Bobbitt	First Ward
Tom James	Second Ward
Jack Mattlin	Third Ward
Thomas Stoughton	Fourth Ward
Kristina Crites	Fifth Ward
Becky Tener	Sixth Ward
Teresa Sandy	Clerk

OFFICIALS

David Scheffler	Mayor
Patricia Nettles	Auditor
Randall Ullom	Law Director
Robert Wolfinger	Treasurer
Paul Martin	Service-Safety Director
Mitch Noland	City Engineer
Adam Pillar	Police Chief
David Ward	Fire Chief
James Fields	Municipal Court Judge
David Landefeld	Municipal Court Judge
Trevor Innocenti	Municipal Court Magistrate

The publisher
expresses their appreciation
to

RANDALL T. ULLOM
Law Director

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

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1-17	5-22-17	182.013	25-20	11-23-20	183.01 to 183.39,
11-17	4-10-17	1303.01(a), 1525.01, 1525.02	27-20	11-23-20	183.97 to 183.99 183.012, 183.013, 183.02
12-17	4-10-17	1303.01(b)	5-21	2-22-21	Repeals 133.08
13-17	4-10-17	1303.01(e)	6-21	2-22-21	Repeals 131.01 to 131.03
14-17	4-10-17	1303.01(g)	7-21	3-8-21	1123.01 to 1123.21, 1129.01 to 1129.05, 1133.01 to 1133.05, 1151.01 to 1151.10, 1161.01
15-17	4-10-17	1303.01(d)	8-21	3-8-21	1135.01 to 1135.04, 1151.01 to 1151.10, 1161.01
18-17	5-8-17	911.07(d)(2)	9-21	3-22-21	937.01 to 937.18, 937.99
19-17	5-8-17	1327.01 to 1327.24, 1327.99	10-21	4-12-21	133.09
22-17	6-26-17	1101.02	12-21	4-26-21	1303.01
27-17	9-11-17	131.07	13-21	4-26-21	1303.01
28-17	9-11-17	1123.01 to 1123.21, 1125.01 to 1125.07, 1133.01 to 1133.05, 1139.01 to 1139.05, 1153.01 to 1153.09, 1161.01	14-21	4-26-21	1525.01, 1525.02
38-17	12-11-17	Repeals 145.01 to 145.17, 145.19 to 145.24	15-21	4-26-21	1125.05
40-17	12-11-17	111.06.1	16-21	5-24-21	185.01 to 185.03
41-17	12-11-17	1327.04	18-21	6-14-21	705.01 to 705.05
3-18	3-12-18	183.01 to 183.39, 183.97, 183.98, 183.99	27-21	9-13-21	1105.03, 1109.06
7-18	6-11-18	1331.07	32-21	10-25-21	1157.03
9-18	7-16-18	937.01 to 937.18, 937.99	46-21	12-13-21	183.013
19-18	10-22-18	905.01 to 905.05, 905.99	51-21	12-13-21	183.012, 183.013, 183.02
23-18	11-26-18	1317.01 to 1317.16, 1317.99			
8-19	4-22-19	1303.06			
9-19	4-22-19	903.08			
11-19	6-24-19	187.01 to 187.03			
13-19	9-9-19	901.01 to 901.22, 901.99, 902.01 to 902.11, 902.99, 903.01 to 903.10, 903.99, 905.01 to 905.05, 905.99			
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TABLE B - EASEMENTS (Cont.)

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>
12-14	8-11-14	Accepts an easement from Retrie 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.
5-17	2-13-17	Grants an easement necessary for the provision of electric services by Ohio Power Company, a unit of American Electric Power.
9-17	3-27-17	Accepts an easement necessary for a sanitary sewer constructed by the developer of the Moo Moo Car Wash to serve a 4.334 acres property at the northwest corner of Pierce Avenue and River Valley Boulevard.
16-17	4-10-17	Approves an easement for H & W Investment Properties LLC nka The Mithoff Companies, Ltd.
17-17	4-10-17	Grants a temporary easement to Columbia Gas Transmission, LLC for temporary work space and/or a temporary road access easement to perform service on their gas line B105 as part of the B-Systems Modernization Project from Lancaster to Columbus.
23-17	7-17-17	Accepts an easement necessary to construct, repair, maintain, operate, inspect, replace or remove a gas line and appurtenances.
25-17	9-11-17	Accepts an easement necessary to construct, maintain, operate, tap into, replace or remove one or more municipal gas lines.

TABLE B - EASEMENTS (Cont.)

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>
26-17	9-11-17	Accepts an access easement necessary for use as a vehicle turnaround.
32-17	11-13-17	Accepts an easement necessary to construct, repair, maintain, operate, inspect, replace or remove a gas line and appurtenances.
33-17	11-13-17	Accepts an easement necessary to construct, repair, maintain, operate, inspect, replace or remove a gas line and appurtenances.
11-18	9-10-18	Grants an easement necessary for the provision of electric services by Ohio Power Company, a unit of American Electric Power.
13-18	9-24-18	Approves an easement for Fairfield Homes, Inc.
4-19	2-11-19	Accepts an easement necessary to construct, repair, maintain, operate, inspect, replace, or remove City utilities and appurtenances from One Write Company.
5-19	2-11-19	Grants a supplemental easement for the provision of electric services.
19-19	11-4-19	Supersedes a previous easement necessary for the construction of electric lines.
6-20	4-13-20	Accepts an easement necessary for a sanitary sewer from Fairfield Commercial Properties, LLC.
9-20	6-8-20	Permanent General Utility Easement Agreement, in a portion of Fulkerson Avenue and a 12-foot alley to be vacated.
2-21	1-11-21	Grants multiple easements to Zayo Group, LLC for the construction of a Fiber Optic Telecommunications System through the City.
23-21	8-9-21	Accepts sanitary sewer easement from Robert E. Ruble.
30-21	9-27-21	Accepts sanitary sewer easements from Lancaster Port Authority.
50-21	12-13-21	Accepts an easement necessary to survey, construct, operate, maintain, remove, replace and control City gas pipeline beginning on Hawthorne Ave.

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.
3-17	1-9-17	Accepts the final plat for Ewing Street Business Park.
20-17	6-12-17	Accepts a permanent right-of-way on Sheridan Drive for the turn lane widening and sidewalk project in front of Medill Elementary.
5-18	5-7-18	Accepts the right of way dedication on North Columbus Street (for the turn lane widening project near the intersection of North Columbus Street/Bush Hill Drive/Fairfield Medical Center - Health and Wellness Center Entrance).
10-18	8-13-18	Accepts the final plat for the General Sherman Junior High School Subdivision.
14-19	10-14-19	Accepts the final plat for Misty Meadows Section 4.

TABLE D - DEDICATION OF PROPERTY (Cont.)

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>
18-20	10-12-20	Accepts the replat of Wesley Woods Subdivision, Phase 2.
20-20	10-26-20	Accepts the final plat for the Overlook Section 2.
4-21	2-8-21	Accepts the final plat for Timbertop Phase 1.
36-21	10-25-21	Accepts the final plat for Timbertop Phase 2.

TABLE E - SALE OF PROPERTY (Cont.)

<u>Ord. Book & Page</u>	<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>
	15-20	8-10-20	Granting indemnification to the Lancaster Port Authority by the City in regard to real property transfers from the City to the Port Authority.
	48-21	12-13-21	Donates a 2.054 Parcel of land to Fairfield County to be used for Horns Mill Road Bridge Replacement and Roadway Improvement.

TABLE F - PURCHASE OF PROPERTY FOR CITY USE (Cont.)

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>
10-19	5-6-19	Authorizes the Service-Safety Director to accept approximately 10 acres of property in Township 14, Range 19, Sections 2 & 3, from Fairfield Homes, Inc.
12-19	7-5-19	Authorizes the Service-Safety Director to accept approximately 21 acres, of property in Section 33, Township 15, Range 19, Township of Greenfield, from the estate of D. Merrill Bowers.
17-20	9-28-20	Authorizes the Mayor to enter into an agreement to purchase approximately 0.982 acres, more or less, of real property identified as Parcel Number 0535023192 from Fair-Com Rentals Ltd.
22-20	10-26-20	Authorizes the Mayor to enter into an agreement to purchase approximately 0.14 acres, more or less, of real property identified as Parcel Number 0535118000 from Wayne A. Hedges and Lorena J. Hedges.
29-21	9-27-21	Authorizes the Mayor to enter into an agreement to accept approximately 0.076 acres, more or less, of real property identified as Parcel Number 0532027400, from Fairfield County Land Reutilization Corporation.

TABLE I - ZONING MAP CHANGES (Cont.)

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>
11-11	9-26-11	The 10.246 +/- acres known as the Olivedale Annexation zoned Commercial Neighborhood, the same as the other Olivedale property.
11-15	8-24-15	Amends the Zoning Map subject to passage of the annexation of 3.284 acres in Greenfield Township to zone such property Commercial General (CG).
20-15	11-23-15	Amends the Zoning Map subject to the passage of the annexation of 0.838 acres in Pleasant Township.
21-15	11-23-15	Amends the Zoning Map subject to the passage of the annexation of 5.633 acres in Pleasant Township.
2-17	1-9-17	184.264 acres on the west side of Whiley Road and north of Royalton Road from CH High Intensity Commercial, RM-3 Residential Multifamily and RS-3 Single Family Residential to CH High Intensity Commercial, IH Heavy Industrial and RS-3 Single Family Residential.
18-18	10-22-18	The 4.971 acre property at the southwest corner of the Canal Street and South Maple Street intersection with Parcel Number 0535026000 from IH Industrial Heavy to IL Industrial Light.
4-20	3-23-20	Amends the Zoning Map subject to passage of the annexation of 76.877 +/- acres in Greenfield Township to establish zoning as follows: a. Commercial Neighborhood (CN) b. Residential Multi-Family (RM-2) c. Residential Single Family (RS-3)
11-20	6-8-20	18.939 acre property between North Memorial Drive and North Columbus Street/Nelson Road Parcel Numbers 0532152400, 0532152600, 0532144900, 0532145000 from RS-3 Residential Single Family and CG Commercial General to RM-2 Residential Multi-Family with a Planned Unit Development (PUD) overlay.
12-20	6-8-20	21.000 acre property consisting of three parcels located along Campground Road and including the existing residence address 1443 Campground Road Parcel Numbers 0531004100, 0531004300, and 0531004110 from RS-1 Single Family Residential to IH Industrial Heavy District.
13-20	6-8-20	12.646 acres tract, Parcel Number 0534000700, behind 2535 East Main Street from RS-3 Single Family Residential to CG Commercial General.
38-21	11-22-21	Subject to passage of the annexation of 25.8723 +/- acres in Hocking Township, change of zoning from NB (Neighborhood Business) in Hocking Township to CH (Commercial High Intensity) zoning district in the City of Lancaster.

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

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>
16-20	8-10-20	Council authorizes the annexation of Parcel No. 0140112530 and Parcel No. 0140112520, for the development of "Bowers Park".
37-21	11-22-21	Accepts a petition for the annexation of 25.8723 +/- acres in Hocking Township.

CHAPTER 131
Police Department

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|--|--|
| <p>131.01 Fee for copies of records.
(Repealed)</p> <p>131.02 Gasoline allowance for Police Chief. (Repealed)</p> <p>131.03 Pick-up of contributions to Disability and Pension Fund. (Repealed)</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> <p>131.07 Donation of unclaimed property.</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. (REPEALED)

(EDITOR'S NOTE: Former Section 131.01 was repealed by Ordinance 6-21, passed February 22, 2021.)

131.02 GASOLINE ALLOWANCE FOR POLICE CHIEF. (REPEALED)

(EDITOR'S NOTE: Former Section 131.02 was repealed by Ordinance 6-21, passed February 22, 2021.)

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

(EDITOR'S NOTE: Former Section 131.03 was repealed by Ordinance 6-21, passed February 22, 2021.)

CHAPTER 133
Fire Department

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| <p>133.01 Authorizing runs outside the City.</p> <p>133.02 Authorizing contracts.</p> <p>133.03 Charges.</p> <p>133.04 Disposition of funds.</p> <p>133.05 When runs may be made.</p> <p>133.06 Defense and liability of paramedics.</p> | <p>133.07 Power to subpoena witnesses and documents.</p> <p>133.08 Pick-up of contributions to Disability and Pension Fund. (Repealed)</p> <p>133.09 Appointee age limitation.</p> <p>133.10 Emergency medical and/or ambulance service; charges.</p> |
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CROSS REFERENCES

- Reductions, suspensions and removals - see Ohio R.C. 124.34 et seq., 737.12
- Fire Chief suspension - see Ohio R.C. 124.34, 124.40
- Age and promotions - see Ohio R. C. 124.31, 124.42, 124.45 et seq.
- Schooling, buildings and equipment - see Ohio R. C. 715.05, 737.23 et seq.
- Fire protection contracts - see Ohio R. C. 717.02, 717.021
- Executive head - see Ohio R. C. 737.02
- Civil service application - see Ohio R. C. 737.11
- General duties - see Ohio R. C. 737.11
- Classification - see Ohio R. C. 737.13
- False fire alarm - see GEN. OFF. 509.07
- False reports - see GEN. OFF. 509.06
- Fire prevention - see Part Fifteen - Fire Prevention Code

133.01 AUTHORIZING RUNS OUTSIDE THE CITY.

The Fire Department of the City is authorized to make runs outside the corporate limits into any fire district, city, village or township which has a contract with the City as hereinafter provided, and to make runs to industries, individual properties and institutions which have a contract with the City as hereinafter provided, when the interest of the City would not be jeopardized thereby. However, no more than approximately one-half the equipment and force of the Fire Department shall be sent out at any one time so as to be available for City use. (Ord. 37-52, Passed 5-26-52.)

133.02 AUTHORIZING CONTRACTS.

The Safety-Service Director is authorized to enter into a contract with any fire district, township, city, village, individual person, group of persons, firm, corporation or institution, which desires such fire protection, in accordance with Ohio R. C. 717.02. (Ord. 37-52, Passed 5-26-52.)

133.03 CHARGES.

Such contracts shall provide that the contracting party shall pay the City the following charges: fifty dollars (\$50.00) for any run made by the Fire Department for each piece of apparatus answering a call; five dollars (\$5.00) per mile traveled by the Department to the fire; fifty dollars (\$50.00) per hour or part thereof after the first hour; one hundred twenty dollars (\$120.00) for entering into such contract except when such contract is a mutual protection contract, where the contracting party has fire equipment to aid the City. Such mutual protection contracts may provide for the City to pay any amount to any contracting party furnishing equipment to the City, not to exceed the above stated charges.
(Ord. 8-81. Passed 2-9-81; Ord. 27-93. Passed 6-14-93.)

133.04 DISPOSITION OF FUNDS.

All money received by the City on any such contract shall be placed to the credit of the General Fund, except as otherwise provided by Ohio R . C. 717.02.
(Ord. 37-52. Passed 5-26-52.)

133.05 WHEN RUNS MAY BE MADE.

The Fire Department shall not answer any call or make any run outside the corporate limits unless the City is under contract to do so, except in an extreme emergency the Fire Chief or Acting Fire Chief may send aid to neighboring municipalities, and then only when, in the opinion of the Chief or Acting Chief, it would not be harmful to the City to answer such calls.
(Ord. 37-52. Passed 5-26-52.)

133.06 DEFENSE AND LIABILITY OF PARAMEDICS.

Any claim or suit brought against any member of the Fire Department or any physician or nurse instructing members of the Fire Department, arising from or because of any action or inaction by such member in the scope of his employment as a member of an emergency squad or other emergency unit on a medical assignment operated by the Fire Department and subsequent to the effective date hereof, shall be defended by the City Attorney until the final termination of the proceedings therein. The City shall save such member of the Fire Department and any physician or nurse instructing such member harmless from personal liability or any judgment resulting from such claim or suit defended by the City Attorney.
(Ord. 7-76. Passed 1-19-76.)

133.07 POWER TO SUBPOENA WITNESSES AND DOCUMENTS.

(a) The Chief of the Fire Department and the Chief of the Fire Prevention Bureau of the City may summon and compel the attendance of witnesses to testify in relation to any matter which is a proper subject of inquiry and investigation, and may require the production of any book, paper or document. (Ord. 25-82. Passed 5-24-82.)

(b) Failure to cooperate, comply or produce the necessary documents requested, or refusal to testify or disobey the order of the investigating officer, shall be contemptuous behavior. Such contemptuous behavior shall be a first degree misdemeanor.
(Ord. 33-8. Passed 1-14-88.)

133.08 PICK-UP OF CONTRIBUTIONS TO DISABILITY AND PENSION FUND. (REPEALED)

(EDITOR'S NOTE: Former Section 133.08 was repealed by Ordinance 5-21, passed February 22, 2021.)

133.09 APPOINTEE AGE LIMITATION.

No person shall be eligible to receive an original appointment as firefighter unless the person has reached the age of eighteen (18). No person shall be eligible to receive an original appointment on and after the person's thirty-sixth (36) birthday. Any person who was originally appointed as a full-time firefighter in another political subdivision in Ohio prior to the age of thirty-six (36) shall qualify for subsequent appointment with the City of Lancaster, so long as the person is otherwise eligible.

(Ord. 10-21. Passed 4-12-21.)

**133.10 EMERGENCY MEDICAL AND/OR AMBULANCE SERVICE;
CHARGES.**

The Service-Safety Director, or his or her designate, is authorized to review, consider, and recommend a schedule of levels and/or types of services and charges or fees therefor to be billed to the benefitting party, insurance carrier, or other responsible third party for the use of the City's emergency medical and/or ambulance services. Such schedule of charges shall be approved by City Council on a periodic basis as needed.

(Ord. 54-97. Passed 8-25-97.)

CHAPTER 134
Building Department

134.01 Established; authority.

134.01 ESTABLISHED; AUTHORITY.

- (a) The Certified Building Department is hereby established.
- (b) The department shall have full authority to enforce all laws, statutes and regulations as provided and authorized in the Ohio Revised Code and the Ohio Administrative Code pursuant to the Certification approved by the Ohio Board of Building Standards. (Ord. 29-03. Passed 8-11-03.)

183.012 PURPOSES OF TAX; RATE.

(A) To provide funds for the purpose of general municipal operations, maintenance, new equipment, extension and enlargement of municipal services and facilities and capital improvements of the City of Lancaster, Ohio, there shall be, and is hereby, levied a tax on salaries, wages, commissions and other compensation, and on net profits as hereinafter provided.

(B) Rate of tax is two and thirty hundredths percent (2.30%) for taxable years that begin on or after January 1, 2023, the rate of tax is two and twenty hundredths percent (2.20%) for taxable years that begin on or after January 1, 2021 and before January 1, 2023, and the rate of tax is one and seventy-five hundredths percent (1.75%) for taxable years that begin before January 1, 2021. (Ord. 51-21. Passed 12-13-21.)

183.013 ALLOCATION OF FUNDS.

(A) To provide funds for the purposes of operating, maintaining, repairing, and providing capital facilities for municipal park and recreational activities and facilities, there shall be and is hereby levied an annual tax, in addition to the tax levied by Section 183.012, and any other section imposing a tax on earnings and income, for the period January 1, 2018 through December 31, 2022 upon those classes of earnings and income set forth in Section 183.012 at the rate of fifteen hundredths of one percent (0.15%). To provide funds for the purposes of operating, maintaining, repairing, and providing capital facilities for municipal park and recreational activities and facilities and paying principal and interest on bonds and notes issued for such purposes on and after January 1, 2023, there shall be and is hereby levied an annual tax, in addition to the tax levied by Section 183.012, and any other section imposing a tax on earnings and income, a continuing tax upon those classes of earnings and income set forth in Section 183.012 at the rate of twenty-five hundredths of one percent (0.25%).

(B) Of the remaining total imposed tax at the rate of two and five hundredths percent (2.05%), nine tenths of one percent (0.9%) is to provide funds for the purpose of operating, maintaining, repairing and providing capital facilities for the Fire and Police Departments of the City.

(C) Of the remaining total imposed tax at the rate of one and fifteen hundredths percent (1.15%), fifteen hundredths of one percent (0.15%) is, effective July 1, 2005, to provide funds for the purpose of providing fire services within the City and acquiring equipment for such services and paying principal and interest on securities issued and public obligations incurred to finance such equipment.

(D) Of the remaining total imposed tax at the rate of one percent (1.0%) for the period beginning January 1, 2021, and continuing thereafter, such tax shall be used for the following purposes and in the respective percentages:

General Fund 0.93 %
Parks Improvement Fund 0.01 %
Cemetery Fund 0.01 %
City Capital Improvement Fund 0.05 %

(Ord. 46-21. Passed 12-13-21; Ord. 51-21. Passed 12-13-21.)

183.014 STATEMENT OF PROCEDURAL HISTORY; STATE MANDATED CHANGES TO MUNICIPAL INCOME TAX.

(A) Significant and wide-ranging amendments to ORC 718 were enacted by Am Sub HB 49, passed by the 132nd General Assembly, and signed by Governor Kasich requiring municipal corporations to conform to and adopt the provisions of ORC 718 in order to have the authority to impose, enforce, administer and collect a municipal income tax.

(B) As mandated by H.B. 49, municipal income tax Temporary Ordinance No. 3-18, effective January 1, 2018, comprehensively amends Chapter 182 in accordance with the provisions of ORC 718 to allow the Municipality to continue the income tax and withholding tax administration and collection efforts on behalf of the Municipality. (Ord. 25-20. Passed 11-23-20.)

183.02 EFFECTIVE DATE.

(A) Temporary Ordinance No. 3-18, effective January 1, 2018, and corresponding changes to ORC 718, apply to municipal taxable years beginning on or after January 1, 2018. All provisions of this Chapter 183 apply to taxable years beginning 2018 and succeeding taxable years.

(B) Temporary Ordinance No. 3-18 does not repeal the existing sections of Chapter 181 for any taxable year prior to 2016, and Chapter 182 for taxable years 2016 and 2017 but rather amends Chapter 181 and 182 effective January 1, 2018. For municipal taxable years beginning before January 1, 2018, the Municipality shall continue to administer, audit, and enforce the income tax of the Municipality under ORC 718 and ordinances and resolutions of the Municipality as those chapters and those ordinances and resolutions existed before January 1, 2018.

(C) Permanent Ordinance No. 27-20, effective January 1, 2021, applies to municipal tax years beginning on or after January 1, 2021. Temporary Ordinance No. 17-21 effective January 1, 2023, applies to municipal tax years beginning on or after January 1, 2023. (Ord. 51-21. Passed 12-13-21.)

183.03 DEFINITIONS.

Any term used in this chapter that is not otherwise defined in this chapter has the same meaning as when used in a comparable context in laws of the United States relating to federal income taxation or in Title LVII of the Ohio Revised Code, unless a different meaning is clearly required. Except as provided in Section 183.25 of the Codified Ordinances, if a term used in this chapter that is not otherwise defined in this chapter is used in a comparable context in both the laws of the United States relating to federal income tax and in Title LVII of the Ohio Revised Code and the use is not consistent, then the use of the term in the laws of the United States relating to federal income tax shall control over the use of the term in Title LVII of the Ohio Revised Code.

For purposes of this Section, the singular shall include the plural, and the masculine shall include the feminine and the gender-neutral.

Except as otherwise provided in Section 183.25 of the Codified Ordinances, as used in this chapter:

- (1) **"ADJUSTED FEDERAL TAXABLE INCOME,"** for a person required to file as a C corporation, or for a person that has elected to be taxed as a C corporation under division 23(D) of this section, means a C corporation's federal taxable income before net operating losses and special deductions as determined under the Internal Revenue Code, adjusted as follows:

- (A) Deduct intangible income to the extent included in federal taxable income. The deduction shall be allowed regardless of whether the intangible income relates to assets used in a trade or business or assets held for the production of income.
- (B) Add an amount equal to five per cent of intangible income deducted under division (1)(A) of this section, but excluding that portion of intangible income directly related to the sale, exchange, or other disposition of property described in section 1221 of the Internal Revenue Code;
- (C) Add any losses allowed as a deduction in the computation of federal taxable income if the losses directly relate to the sale, exchange, or other disposition of an asset described in section 1221 or 1231 of the Internal Revenue Code;
- (D)
 - (i) Except as provided in division (1)(D)(ii) of this section, deduct income and gain included in federal taxable income to the extent the income and gain directly relate to the sale, exchange, or other disposition of an asset described in section 1221 or 1231 of the Internal Revenue Code;
 - (ii) Division (1)(D)(i) of this section does not apply to the extent the income or gain is income or gain described in section 1245 or 1250 of the Internal Revenue Code.
- (E) Add taxes on or measured by net income allowed as a deduction in the computation of federal taxable income;
- (F) In the case of a real estate investment trust or regulated investment company, add all amounts with respect to dividends to, distributions to, or amounts set aside for or credited to the benefit of investors and allowed as a deduction in the computation of federal taxable income;
- (G) Deduct, to the extent not otherwise deducted or excluded in computing federal taxable income, any income derived from a transfer agreement or from the enterprise transferred under that agreement under section 4313.02 of the Ohio Revised Code;
- (H)
 - (i) Except as limited by divisions (1)(H)(ii), (iii) and (iv) of this section, deduct any net operating loss incurred by the person in a taxable year beginning on or after January 1, 2017.
The amount of such net operating loss shall be deducted from net profit that is reduced by exempt income to the extent necessary to reduce municipal taxable income to zero, with any remaining unused portion of the net operating loss carried forward to not more than five consecutive taxable years following the taxable year in which the loss was incurred, but in no case for more years than necessary for the deduction to be fully utilized.
 - (ii) No person shall use the deduction allowed by division (1)(H) of this section to offset qualifying wages.
 - (iii)
 - (a) For taxable years beginning in 2018, 2019, 2020, 2021, or 2022, a person may not deduct, for purposes of an income tax levied by a municipal corporation that levies an income tax before January 1, 2016, more than fifty per cent of the amount of the deduction otherwise allowed by division (1)(H)(i) of this section.
 - (b) For taxable years beginning in 2023 or thereafter, a person may deduct, for purposes of an income tax levied by a municipal corporation that levies an income tax before January 1, 2016, the full amount allowed by division (1)(H)(i) of this section.

- (iv) Any pre-2017 net operating loss carryforward deduction that is available must be utilized before a taxpayer may deduct any amount pursuant to division (1)(H) of this section.
- (v) Nothing in division (1)(H)(iii)(a) of this section precludes a person from carrying forward, for use with respect to any return filed for a taxable year beginning after 2018, any amount of net operating loss that was not fully utilized by operation of division (1)(H)(iii)(a) of this section. To the extent that an amount of net operating loss that was not fully utilized in one or more taxable years by operation of division (1)(H)(iii)(a) of this section is carried forward for use with respect to a return filed for a taxable year beginning in 2019, 2020, 2021, or 2022, the limitation described in division (1)(H)(iii)(a) of this section shall apply to the amount carried forward.
- (I) Deduct any net profit of a pass-through entity owned directly or indirectly by the taxpayer and included in the taxpayer's federal taxable income unless an affiliated group of corporations includes that net profit in the group's federal taxable income in accordance with division (E)(3)(b) of Section 183.063 of this Chapter.
- (J) Add any loss incurred by a pass-through entity owned directly or indirectly by the taxpayer and included in the taxpayer's federal taxable income unless an affiliated group of corporations includes that loss in the group's federal taxable income in accordance with division (E)(3)(b) of Section 183.063 of this Chapter.

If the taxpayer is not a C corporation, is not a disregarded entity that has made the election described in division (47)(B) of this section, is not a publicly traded partnership that has made the election described in division (23)(D) of this section, and is not an individual, the taxpayer shall compute adjusted federal taxable income under this section as if the taxpayer were a C corporation, except guaranteed payments and other similar amounts paid or accrued to a partner, former partner, shareholder, former shareholder, member, or former member shall not be allowed as a deductible expense unless such payments are in consideration for the use of capital and treated as payment of interest under section 469 of the Internal Revenue Code or United States treasury regulations. Amounts paid or accrued to a qualified self-employed retirement plan with respect to a partner, former partner, shareholder, former shareholder, member, or former member of the taxpayer, amounts paid or accrued to or for health insurance for a partner, former partner, shareholder, former shareholder, member, or former member, and amounts paid or accrued to or for life insurance for a partner, former partner, shareholder, former shareholder, member, or former member shall not be allowed as a deduction.

Nothing in division (1) of this section shall be construed as allowing the taxpayer to add or deduct any amount more than once or shall be construed as allowing any taxpayer to deduct any amount paid to or accrued for purposes of federal self-employment tax.

- (2) (A) "ASSESSMENT" means any of the following:
 - (i) A written finding by the Tax Administrator that a person has underpaid municipal income tax, or owes penalty and interest, or any combination of tax, penalty, or interest, to the municipal corporation;
 - (ii) A full or partial denial of a refund request issued under Section 183.096 (B)(2) of this Chapter;
 - (iii) A Tax Administrator's denial of a taxpayer's request for use of an alternative apportionment method, issued under Section 183.062(B)(2) of this Chapter; or
 - (iv) A Tax Administrator's requirement for a taxpayer to use an alternative apportionment method, issued under Section 183.062(B)(3) of this Chapter.

- (v) For purposes of division (2)(A)(i), (ii), (iii) and (iv) of this Section, an assessment shall commence the person's time limitation for making an appeal to the Local Board of Tax Review pursuant to Section 183.18 of this Chapter, and shall have "ASSESSMENT" written in all capital letters at the top of such finding.
- (B) "ASSESSMENT" does not include notice(s) denying a request for refund issued under Section 183.096 (B)(3) of this Chapter, a billing statement notifying a taxpayer of current or past-due balances owed to the municipal corporation, a Tax Administrator's request for additional information, a notification to the taxpayer of mathematical errors, or a Tax Administrator's other written correspondence to a person or taxpayer that does not meet the criteria prescribed by division (2)(A) of this section.
- (3) "AUDIT" means the examination of a person or the inspection of the books, records, memoranda, or accounts of a person, ordered to appear before the Tax Administrator, for the purpose of determining liability for a municipal income tax.
- (4) "BOARD OF REVIEW" has same meaning as "Local Board of Tax Review".
- (5) "CALENDAR QUARTER" means the three-month period ending on the last day of March, June, September, or December.
- (6) "CASINO OPERATOR" and "CASINO FACILITY" have the same meanings as in section 3772.01 of the Ohio Revised Code.
- (7) "CERTIFIED MAIL," "EXPRESS MAIL," "UNITED STATES MAIL," "POSTAL SERVICE," and similar terms include any delivery service authorized pursuant to section 5703.056 of the Ohio Revised Code.
- (8) "COMPENSATION" means any form of remuneration paid to an employee for personal services.
- (9) "DISREGARDED ENTITY" means a single member limited liability company, a qualifying subchapter S subsidiary, or another entity if the company, subsidiary, or entity is a disregarded entity for federal income tax purposes.
- (10) "DOMICILE" means the true, fixed and permanent home of the taxpayer to which, whenever absent, the taxpayer intends to return.
- (11) "EXEMPT INCOME" means all of the following:
- (A) The military pay or allowances of members of the armed forces of the United States or members of their reserve components, including the national guard of any state;
- (B) (i) Except as provided in division (11)(B)(ii) of this section, intangible income;
- (ii) A municipal corporation that taxed any type of intangible income on March 29, 1988, pursuant to Section 3 of S.B. 238 of the 116th general assembly, may continue to tax that type of income if a majority of the electors of the municipal corporation voting on the question of whether to permit the taxation of that type of intangible income after 1988 voted in favor thereof at an election held on November 8, 1988.
- (C) Social security benefits, railroad retirement benefits, unemployment compensation, pensions, retirement benefit payments, payments from annuities, and similar payments made to an employee or to the beneficiary of an employee under a retirement program or plan, disability payments received from private industry or local, state, or federal governments or from charitable, religious or educational organizations, and the proceeds of sickness, accident, or liability insurance policies. As

- used in division (11)(C) of this section, "unemployment compensation" does not include supplemental unemployment compensation described in section 3402(o)(2) of the Internal Revenue Code.
- (D) The income of religious, fraternal, charitable, scientific, literary, or educational institutions to the extent such income is derived from tax-exempt real estate, tax-exempt tangible or intangible property, or tax-exempt activities.
 - (E) Compensation paid under section 3501.28 or 3501.36 of the Ohio Revised Code to a person serving as a precinct election official to the extent that such compensation does not exceed one thousand dollars for the taxable year. Such compensation in excess of one thousand dollars for the taxable year may be subject to taxation by a municipal corporation. A municipal corporation shall not require the payer of such compensation to withhold any tax from that compensation.
 - (F) Dues, contributions, and similar payments received by charitable, religious, educational, or literary organizations or labor unions, lodges, and similar organizations;
 - (G) Alimony and child support received;
 - (H) Awards for personal injuries or for damages to property from insurance proceeds or otherwise, excluding compensation paid for lost salaries or wages or awards for punitive damages;
 - (I) Income of a public utility when that public utility is subject to the tax levied under section 5727.24 or 5727.30 of the Ohio Revised Code. Division (11)(I) of this section does not apply for purposes of Chapter 5745. of the Ohio Revised Code.
 - (J) Gains from involuntary conversions, interest on federal obligations, items of income subject to a tax levied by the state and that a municipal corporation is specifically prohibited by law from taxing, and income of a decedent's estate during the period of administration except such income from the operation of a trade or business;
 - (K) Compensation or allowances excluded from federal gross income under section 107 of the Internal Revenue Code;
 - (L) Employee compensation that is not qualifying wages as defined in division (34) of this section;
 - (M) Compensation paid to a person employed within the boundaries of a United States air force base under the jurisdiction of the United States air force that is used for the housing of members of the United States air force and is a center for air force operations, unless the person is subject to taxation because of residence or domicile. If the compensation is subject to taxation because of residence or domicile, tax on such income shall be payable only to the municipal corporation of residence or domicile.
 - (N) An S corporation shareholder's distributive share of net profits of the S corporation, other than any part of the distributive share of net profits that represents wages as defined in section 3121(a) of the Internal Revenue Code or net earnings from self-employment as defined in section 1402(a) of the Internal Revenue Code
 - (O) A portion of the municipal taxable income earned by individuals or a class of individuals under eighteen years of age, specifically exempting fifteen years and younger.

- (P) (i) Except as provided in divisions (11)(P)(ii), (iii), and (iv) of this section, qualifying wages described in division (B)(1) or (E) of Section 183.052 of this Chapter to the extent the qualifying wages are not subject to withholding for the Municipality under either of those divisions.
- (ii) The exemption provided in division (11)(P)(i) of this section does not apply with respect to the municipal corporation in which the employee resided at the time the employee earned the qualifying wages.
- (iii) The exemption provided in division (11)(P)(i) of this section does not apply to qualifying wages that an employer elects to withhold under division (D)(2) of Section 183.052 of this Chapter
- (iv) The exemption provided in division (11)(P)(i) of this section does not apply to qualifying wages if both of the following conditions apply:
- (a) For qualifying wages described in division (B)(1) of Section 183.052 of this Chapter, the employee's employer withholds and remits tax on the qualifying wages to the municipal corporation in which the employee's principal place of work is situated, or, for qualifying wages described in division (E) of Section 183.052 of this Chapter, the employee's employer withholds and remits tax on the qualifying wages to the municipal corporation in which the employer's fixed location is located;
- (b) The employee receives a refund of the tax described in division (11)(P)(iv)(a) of this section on the basis of the employee not performing services in that municipal corporation.
- (Q) (i) Except as provided in division (11)(Q)(ii) or (iii) of this section, compensation that is not qualifying wages paid to a nonresident individual for personal services performed in the Municipality on not more than twenty days in a taxable year.
- (ii) The exemption provided in division (11)(Q)(i) of this section does not apply under either of the following circumstances:
- (a) The individual's base of operation is located in the Municipality.
- (b) The individual is a professional athlete, professional entertainer, or public figure, and the compensation is paid for the performance of services in the individual's capacity as a professional athlete, professional entertainer, or public figure. For purposes of division (11)(Q)(ii)(b) of this section, "professional athlete," "professional entertainer," and "public figure" have the same meanings as in Section 183.052 of this Chapter.
- (iii) Compensation to which division (11)(Q) of this section applies shall be treated as earned or received at the individual's base of operation. If the individual does not have a base of operation, the compensation shall be treated as earned or received where the individual is domiciled.
- (iv) For purposes of division (11)(Q) of this section, "base of operation" means the location where an individual owns or rents an office, storefront, or similar facility to which the individual regularly reports and at which the individual regularly performs personal services for compensation.

- (R) Compensation paid to a person for personal services performed for a political subdivision on property owned by the political subdivision, regardless of whether the compensation is received by an employee of the subdivision or another person performing services for the subdivision under a contract with the subdivision, if the property on which services are performed is annexed to a municipal corporation pursuant to section 709.023 of the Ohio Revised Code on or after March 27, 2013, unless the person is subject to such taxation because of residence. If the compensation is subject to taxation because of residence, municipal income tax shall be payable only to the municipal corporation of residence.
- (S) Income the taxation of which is prohibited by the constitution or laws of the United States.
Any item of income that is exempt income of a pass-through entity under division (11) of this section is exempt income of each owner of the pass-through entity to the extent of that owner's distributive or proportionate share of that item of the entity's income.
- (T) Any gains or losses from federal form 4797 and definitely no deduction against any other sources of income including income from W2 wages, income or losses from federal schedule C, E or F and any other type of income.
- (12) **"FORM 2106"** means internal revenue service form 2106 filed by a taxpayer pursuant to the Internal Revenue Code.
- (13) **"GENERIC FORM"** means an electronic or paper form that is not prescribed by a particular municipal corporation and that is designed for reporting taxes withheld by an employer, agent of an employer, or other payer, estimated municipal income taxes, or annual municipal income tax liability, including a request for refund.
- (14) **"INCOME"** means the following:
- (A) (i) For residents, all income, salaries, qualifying wages, commissions, and other compensation from whatever source earned or received by the resident, including the resident's distributive share of the net profit of pass-through entities owned directly or indirectly by the resident and any net profit of the resident, except as provided in division (23)(D) of this section.
- (ii) For the purposes of division (14)(A)(i) of this section:
- (a) Any net operating loss of the resident incurred in the taxable year and the resident's distributive share of any net operating loss generated in the same taxable year and attributable to the resident's ownership interest in a pass-through entity shall be allowed as a deduction, for that taxable year and the following five taxable years, against any other net profit of the resident or the resident's distributive share of any net profit attributable to the resident's ownership interest in a pass-through entity until fully utilized, subject to division (14)(A)(iv) of this section;
- (b) The resident's distributive share of the net profit of each pass-through entity owned directly or indirectly by the resident shall be calculated without regard to any net operating loss that is carried forward by that entity from a prior taxable year and applied to reduce the entity's net profit for the current taxable year.

- (iii) Division (14)(A)(ii) of this section does not apply with respect to any net profit or net operating loss attributable to an ownership interest in an S corporation unless shareholders' distributive shares of net profits from S corporations are subject to tax in the municipal corporation as provided in division 11(N) of this Section.
 - (iv) Any amount of a net operating loss used to reduce a taxpayer's net profit for a taxable year shall reduce the amount of net operating loss that may be carried forward to any subsequent year for use by that taxpayer. In no event shall the cumulative deductions for all taxable years with respect to a taxpayer's net operating loss exceed the original amount of that net operating loss available to that taxpayer.
- (B) In the case of nonresidents, all income, salaries, qualifying wages, commissions, and other compensation from whatever source earned or received by the nonresident for work done, services performed or rendered, or activities conducted in the Municipality, including any net profit of the nonresident, but excluding the nonresident's distributive share of the net profit or loss of only pass-through entities owned directly or indirectly by the nonresident.
- (C) For taxpayers that are not individuals, net profit of the taxpayer;
- (D) Lottery, sweepstakes, gambling and sports winnings, winnings from games of chance, and prizes and awards. If the taxpayer is a professional gambler for federal income tax purposes, the taxpayer may deduct related wagering losses and expenses to the extent authorized under the Internal Revenue Code and claimed against such winnings. Credit for tax withheld or paid to another municipal corporation on such winnings paid to the municipal corporation where winnings occur is limited to the credit as specified in Section 183.081 of this Chapter.
- (15) **"INTANGIBLE INCOME"** means income of any of the following types: income yield, interest, capital gains, dividends, or other income arising from the ownership, sale, exchange, or other disposition of intangible property including, but not limited to, investments, deposits, money, or credits as those terms are defined in Chapter 5701. of the Ohio Revised Code, and patents, copyrights, trademarks, trade names, investments in real estate investment trusts, investments in regulated investment companies, and appreciation on deferred compensation. "Intangible income" does not include prizes, awards, or other income associated with any lottery winnings, gambling winnings, or other similar games of chance.
- (16) **"INTERNAL REVENUE CODE"** means the "Internal Revenue Code of 1986," 100 Sta. 2085, 26 U.S.C.A. 1, as amended.
- (17) **"LIMITED LIABILITY COMPANY"** means a limited liability company formed under Chapter 1705 of the Ohio Revised Code or under the laws of another state.
- (18) **"LOCAL BOARD OF TAX REVIEW"** and **"BOARD OF TAX REVIEW"** means the entity created under Section 183.18 of this Chapter.
- (19) **"MUNICIPAL CORPORATION"** means, in general terms, a status conferred upon a local government unit, by state law giving the unit certain autonomous operating authority such as the power of taxation, power of eminent domain, police power and regulatory power, and includes a joint economic development district or joint economic development zone that levies an income tax under section 715.691, 715.70, 715.71, or 715.74 of the Ohio Revised Code.
- (20) (A) **"MUNICIPAL TAXABLE INCOME"** means the following:

- (i) For a person other than an individual, income apportioned or situated to the Municipality under Section 183.062 of this Chapter, as applicable, reduced by any pre-2017 net operating loss carryforward available to the person for the Municipality.
 - (ii)
 - (a) For an individual who is a resident of a Municipality other than a qualified municipal corporation, income reduced by exempt income to the extent otherwise included in income, then reduced as provided in division (20)(B) of this section, and further reduced by any pre-2017 net operating loss carryforward available to the individual for the Municipality.
 - (b) For an individual who is a resident of a qualified municipal corporation, Ohio adjusted gross income reduced by income exempted, and increased by deductions excluded, by the qualified municipal corporation from the qualified municipal corporation's tax on or before December 31, 2013. If a qualified municipal corporation, on or before December 31, 2013, exempts income earned by individuals who are not residents of the qualified municipal corporation and net profit of persons that are not wholly located within the qualified municipal corporation, such individual or person shall have no municipal taxable income for the purposes of the tax levied by the qualified municipal corporation and may be exempted by the qualified municipal corporation from the requirements of section 718.03 of the Ohio Revised Code.
 - (iii) For an individual who is a nonresident of the Municipality, income reduced by exempt income to the extent otherwise included in income and then, as applicable, apportioned or situated to the Municipality under Section 183.062 of this Chapter, then reduced as provided in division (20)(B) of this section, and further reduced by any pre-2017 net operating loss carryforward available to the individual for the Municipality.
- (B) In computing the municipal taxable income of a taxpayer who is an individual, the taxpayer may subtract, as provided in division (20)(A)(ii)(a) or (iii) of this section, the amount of the individual's employee business expenses reported on the individual's form 2106 that the individual deducted for federal income tax purposes for the taxable year, subject to the limitation imposed by section 67 of the Internal Revenue Code. For the municipal corporation in which the taxpayer is a resident, the taxpayer may deduct all such expenses allowed for federal income tax purposes. For a municipal corporation in which the taxpayer is not a resident, the taxpayer may deduct such expenses only to the extent the expenses are related to the taxpayer's performance of personal services in that nonresident municipal corporation.
- (21) "MUNICIPALITY" means the City of Lancaster.
- (22) "NET OPERATING LOSS" means a loss incurred by a person in the operation of a trade or business. "Net operating loss" does not include unutilized losses resulting from basis limitations, at-risk limitations, or passive activity loss limitations.

CHAPTER 185
Lodging Tax

185.01	Purpose and effective period.	185.10	Actions to collect.
185.02	Definitions.	185.11	Interest on unpaid lodging tax.
185.03	Application of lodging tax.	185.12	Rules and regulations; appeals.
185.04	Transient guest to pay the lodging tax.	185.13	Violations.
185.05	Records inspection and preservation.	185.14	Collection of lodging tax after termination of chapter.
185.06	Lodging tax to be separately stated and charged.	185.99	Penalty.
185.07	Regulations for filing returns.		
185.08	Refund of erroneous payments.		
185.09	Failure to report and collect lodging tax; determination by Administrator; fraudulent reports.		

CROSS REFERENCES

Power to levy - see Ohio R.C. 5739.02(C)

185.01 PURPOSE AND EFFECTIVE PERIOD.

To provide funds to Fairfield County Visitors and Convention Bureau, there is hereby levied an excise tax of three percent (3%) on transactions occurring after July 1, 1994 by which lodging by a hotel or transient accommodations (as hereinafter defined) is or is to be furnished to transient guests, all as permitted and authorized by Ohio R.C. 5739.08. The tax shall remain in effect until repealed. (Ord. 16-21. Passed 5-24-21.)

185.02 DEFINITIONS.

(a) As used in this chapter, the following words shall have the meaning ascribed to them as provided in this section, except as and if the context clearly indicates or requires a different meaning:

- (1) "Administrator" means the individual designated by this chapter, whether appointed or elected, to administer and enforce the provisions of this chapter.
- (2) "Board of Review" means the Board of Review created pursuant to Section 181.14.
- (3) "Hotel" means every establishment kept, used, maintained, advertised or held out to the public to be a place where sleeping accommodations are offered to guests, in which five or more rooms are used for the accommodation of such guests, whether such rooms are in one or several structures.

- (4) "Lodging tax" means the excise tax levied pursuant to this chapter.
- (5) "Transient accommodation" means every establishment kept, used, maintained, advertised or held out to the public to be a place where sleeping accommodations are offered to guests in which four or less rooms are used for the accommodation of such guests, whether such rooms are in one or several structures.
- (6) "Transient guests" means persons occupying a room or rooms for sleeping accommodations for less than thirty consecutive days.
- (7) "Person" as used in the definition of "Transient guests" includes individuals, receivers, assignees, trustees in bankruptcy, estates, firms, partnerships, associations, joint-stock companies, joint ventures, clubs, societies, corporations, the state and its political subdivisions, and combinations of individuals of any form.
- (8) "Vendor" means the person who is the owner or operator of the hotel or transient accommodation and who furnishes the lodging.
(Ord. 16-21. Passed 5-24-21.)

185.03 APPLICATION OF LODGING TAX.

(a) The lodging tax applies and is collectible at the time the lodging is furnished, regardless of the time when the charge for the lodging is paid. The tax shall not apply to transactions by which lodging is furnished to the Federal government or a State government, excluding Ohio, but only when the accommodations are paid for by the Federal or State government agency by direct billing or government agency credit card at the time of lodging. The Federal and State government exemption does not apply if the traveler pays for the accommodations personally. All revenues received by the City from the lodging tax shall be deposited in a separate fund and, after deducting the real and actual costs of collecting and administering the lodging tax, shall be contributed to the Fairfield County Visitors and Convention Bureau. (Ord. 16-21. Passed 5-24-21.)

(b) This section shall indicate that five percent (5%) shall include the actual cost for the administration of the tax collection, which five percent (5%) shall be deducted before distribution of the tax proceeds.
(Ord. 46-94. Passed 12-28-94.)

185.04 TRANSIENT GUEST TO PAY THE LODGING TAX.

(a) The lodging tax shall be paid by the transient guest to the vendor, and each vendor shall collect from the transient guest the full and exact amount of the tax payable on each taxable lodging. If for any reason the lodging tax due is not paid to the vendor, the Administrator may require the transient guest to pay such tax directly to the City.

(b) No exemption shall be granted except upon a claim therefore made at the time the lodging is furnished and, under penalty of perjury, upon a form and in the manner prescribed by the Administrator.

(c) No transient guest shall refuse to pay the full and exact lodging tax as required by this chapter, or present to the vendor false evidence indicating that the lodging as furnished is not subject to the lodging tax.

(d) For the purpose of the proper administration of this chapter, it shall be presumed that all lodging furnished by hotels or transient accommodations in the City to transient guests is subject to the lodging tax until the contrary is established.
(Ord. 19-94. Passed 5-9-94.)

CODIFIED ORDINANCES OF LANCASTER

PART THREE - TRAFFIC CODE

TITLE ONE - Administration

Chap. 301. Definitions.

Chap. 303. Enforcement, Impounding and Penalty.

Chap. 305. Traffic Control.

CHAPTER 301

Definitions

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| <p>301.01 Meaning of words and phrases.</p> <p>301.02 Agricultural tractor.</p> <p>301.03 Alley.</p> <p>301.031 Beacon; hybrid beacon.</p> <p>301.04 Bicycle; motorized bicycle; moped; electric bicycle.</p> <p>301.05 Bus.</p> <p>301.06 Business district.</p> <p>301.07 Commercial tractor.</p> <p>301.08 Controlled-access highway.</p> <p>301.09 Crosswalk.</p> <p>301.10 Driver or operator.</p> <p>301.11 Emergency vehicle.</p> <p>301.12 Explosives.</p> <p>301.13 Expressway.</p> <p>301.14 Flammable liquid.</p> <p>301.15 Freeway.</p> <p>301.16 Gross weight.</p> <p>301.161 Highway maintenance vehicle.</p> <p>301.162 Highway traffic signal.</p> <p>301.17 Intersection.</p> <p>301.18 Laned street or highway.</p> <p>301.183 Low-speed micromobility device.</p> <p>301.185 Median.</p> <p>301.19 Motorcycle.</p> <p>301.20 Motor vehicle.</p> <p>301.201 Operate.</p> <p>301.21 Park or parking.</p> <p>301.22 Pedestrian.</p> <p>301.23 Person.</p> <p>301.24 Pole trailer.</p> <p>301.25 Police officer.</p> | <p>301.251 Predicate motor vehicle or traffic offense.</p> <p>301.26 Private road or driveway.</p> <p>301.27 Public safety vehicle.</p> <p>301.28 Railroad.</p> <p>301.29 Railroad sign or signal.</p> <p>301.30 Railroad train.</p> <p>301.31 Residence district.</p> <p>301.32 Right of way.</p> <p>301.321 Road service vehicle.</p> <p>301.33 Roadway.</p> <p>301.34 Safety zone.</p> <p>301.35 School bus.</p> <p>301.36 Semitrailer.</p> <p>301.361 Shared-use path.</p> <p>301.37 Sidewalk.</p> <p>301.38 State route.</p> <p>301.39 Stop (when required).</p> <p>301.40 Stopping or standing.</p> <p>301.41 Stop intersection.</p> <p>301.42 Street or highway; arterial street.</p> <p>301.43 Through street or highway.</p> <p>301.44 Thruway.</p> <p>301.45 Traffic.</p> <p>301.46 Traffic control devices.</p> <p>301.47 Traffic control signal.</p> <p>301.48 Trailer.</p> <p>301.49 Truck.</p> <p>301.50 Urban district.</p> <p>301.51 Vehicle.</p> <p>301.52 Wheelchair, motorized.</p> <p>301.53 Waste collection vehicle.</p> |
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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; ELECTRIC BICYCLE.

(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 that produces not 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.

"Motorized bicycle" or "moped" does not include an electric bicycle. (ORC 4511.01(H))

301.162 HIGHWAY TRAFFIC SIGNAL.

"Highway traffic signal" means a power-operated traffic control device by which traffic is warned or directed to take some specific action. "Highway traffic signal" does not include a power-operated sign, steadily illuminated pavement markers, warning light, or steady burning electric lamp. (ORC 4511.01(MMM))

301.17 INTERSECTION.

"Intersection" means:

- (a) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, the lateral boundary lines of the roadways of two highways that join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways that join at any other angle might come into conflict. The junction of an alley or driveway with a roadway or highway does not constitute an intersection unless the roadway or highway at the junction is controlled by a traffic control device.
- (b) If a highway includes two roadways that are thirty feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway constitutes a separate intersection. If both intersecting highways include two roadways thirty feet or more apart, then every crossing of any two roadways of such highways constitutes a separate intersection.
- (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))

301.183 LOW-SPEED MICROMOBILITY DEVICE.

"Low-speed micromobility device" means a device weighing less than 100 pounds that has handlebars, is propelled by an electric motor or human power, and has an attainable speed on a paved level surface of not more than twenty miles per hour when propelled by the electric motor. (ORC 4511.01(WWW))

301.185 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, electric bicycles, road rollers, traction engines, power shovels, power cranes and other equipment used in construction work and not designed for or employed in general highway transportation, hole-digging machinery, well-drilling machinery, ditch-digging machinery, farm machinery, and trailers designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a street or highway for a distance of no more than ten miles and at a speed of 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. The term includes a personal delivery device as defined in Ohio R.C. 4511.513 unless the context clearly suggests otherwise.
(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, 4511.522, 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 Ohio R.C. 4511.214.
- (e) A violation of a municipal ordinance that is substantially similar to any section or provision set forth or described in subsection (a) to (d) 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;
- (b) Motor vehicles used by public law enforcement officers or other persons sworn to enforce the criminal and traffic laws of the State or the Municipality;
- (c) Any motor vehicle when properly identified as required by the Ohio Director of Public Safety, when used in response to fire emergency calls or to provide emergency medical service to ill or injured persons, and when operated by a duly qualified person who is a member of a volunteer rescue service or a volunteer fire department, and who is on duty pursuant to the rules or directives of that service. The Ohio Fire Marshal shall be designated by the Ohio Director of Public Safety as the certifying agency for all public safety vehicles described in this subsection (c);

- (d) Vehicles used by fire departments, including motor vehicles when used by volunteer fire fighters responding to emergency calls in the fire department service when identified as required by the Ohio Director of Public Safety.
Any vehicle used to transport or provide emergency medical service to an ill or injured person, when certified as a public safety vehicle, shall be considered a public safety vehicle when transporting an ill or injured person to a hospital regardless of whether such vehicle has already passed a hospital.
(ORC 4511.01(E))
- (e) Vehicles used by the Commercial Motor Vehicle Safety Enforcement Unit for the enforcement of orders and rules of the Public Utilities Commission as specified in Ohio R.C. 5503.34.

301.28 RAILROAD.

"Railroad" means a carrier of persons or property operating upon rails placed principally on a private right of way. (ORC 4511.01(P))

301.29 RAILROAD SIGN OR SIGNAL.

"Railroad sign or signal" means any sign, signal or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train. (ORC 4511.01(SS))

301.30 RAILROAD TRAIN.

"Railroad train" means a steam engine, or an electric or other motor, with or without cars coupled thereto, operated by a railroad. (ORC 4511.01(Q))

301.31 RESIDENCE DISTRICT.

"Residence district" means the territory, not comprising a business district, fronting on a street or highway, including the street or highway, where, for a distance of 300 feet or more, the frontage is improved with residences or residences and buildings in use for business.
(ORC 4511.01(OO))

301.32 RIGHT OF WAY.

"Right of way" means either of the following, as the context requires:

- (a) The right of a vehicle or pedestrian to proceed uninterruptedly in a lawful manner in the direction in which it or the individual is moving in preference to another vehicle or pedestrian approaching from a different direction into its or the individual's path;
- (b) A general term denoting land, property or the interest therein, usually in the configuration of a strip, acquired for or devoted to transportation purposes. When used in this context, right of way includes the roadway, shoulders or berm, ditch, and slopes extending to the right-of-way limits under the control of the State or local authority.
(ORC 4511.01(UU))

301.321 ROAD SERVICE VEHICLE.

"Road service vehicle" means wreckers, utility repair vehicles, and state, county, and municipal service vehicles equipped with visual signals by means of flashing, rotating, or oscillating lights. (ORC 4511.01(JJJ))

301.33 ROADWAY.

"Roadway" means that portion of a street or highway improved, designed or ordinarily used for vehicular travel, except the berm or shoulder. If a street or highway includes two or more separate roadways, the term "roadway" means any such roadway separately but not all such roadways collectively. (ORC 4511.01(EE))

301.34 SAFETY ZONE.

"Safety zone" means the area or space officially set apart within a roadway for the exclusive use of pedestrians and protected or marked or indicated by adequate signs as to be plainly visible at all times. (ORC 4511.01(MM))

301.35 SCHOOL BUS.

"School bus" means every bus designed for carrying more than nine passengers that is owned by a public, private or governmental agency or institution of learning and operated for the transportation of children to or from a school session or a school function, or owned by a private person and operated for compensation for the transportation of children to or from a school session or a school function; provided "school bus" does not include a bus operated by a municipally owned transportation system, a mass transit company operating exclusively within the territorial limits of the Municipality, or within such limits and the territorial limits of municipal corporations immediately contiguous to the Municipality, nor a common passenger carrier certified by the Public Utilities Commission unless such bus is devoted exclusively to the transportation of children to and from a school session or a school function, and "school bus" does not include a van or bus used by a licensed child day-care center or type A family day-care home to transport children from the child day-care center or type A family day-care home to a school if the van or bus does not have more than fifteen children in the van or bus at any time. "Child day-care center" and "type A family day-care home" have the same meanings as in Ohio R.C. 5104.01. (ORC 4511.01(F), (FFF))

301.36 SEMITRAILER.

"Semitrailer" means every vehicle designed or used for carrying persons or property with another and separate motor vehicle so that in operation a part of its own weight or that of its load, or both, rests upon and is carried by another vehicle. (ORC 4511.01(N))

301.361 SHARED-USE PATH.

"Shared-use path" means a bikeway outside the traveled way and physically separate from motorized vehicular traffic by an open space or barrier and either within the highway right-of-way or within an independent alignment. A shared-use path also may be used by pedestrians, including skaters, joggers, users of manual and motorized wheelchairs, and other authorized motorized and non-motorized users. A shared-use path does not include any trail that is intended to be used primarily for mountain biking, hiking, equestrian use, or other similar uses, or any other single track or natural surface trail that has historically been reserved for nonmotorized use. (ORC 4511.01(PPP))

301.37 SIDEWALK.

"Sidewalk" means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for the use of pedestrians. (ORC 4511.01(FF))

301.38 STATE ROUTE.

"State route" means every highway that is designated with an official State route number and so marked. (ORC 4511.01(JJ))

301.39 STOP (WHEN REQUIRED).

"Stop" when required means a complete cessation of movement.

301.40 STOPPING OR STANDING.

(a) "Stop or stopping" when prohibited means any halting of a vehicle, even momentarily, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device.

(b) "Stand or standing" means the halting of a vehicle, whether occupied or not, otherwise then temporarily for the purpose of and while actually engaged in receiving or discharging passengers.

301.41 STOP INTERSECTION.

"Stop intersection" means any intersection at one or more entrances of which stop signs are erected. (ORC 4511.01(BBB))

301.42 STREET OR HIGHWAY; ARTERIAL STREET.

(a) "Street" or "highway" are synonymous and mean the entire width between the boundary lines of every way open to the use of the public as a thoroughfare for purposes of vehicular travel. (ORC 4511.01(BB))

(b) "Arterial street" means any United States or State numbered route, controlled access highway or other major radial or circumferential street or highway designated by local authorities within their respective jurisdictions as part of a major arterial system of streets or highways. (ORC 4511.01(CCC))

301.43 THROUGH STREET OR HIGHWAY.

"Through street or highway" means every street or highway as provided in Section 313.02. (ORC 4511.01(HH))

301.44 THRUWAY.

"Thruway" means a through street or highway whose entire roadway is reserved for through traffic and on which roadway parking is prohibited. (ORC 4511.01(AAA))

301.45 TRAFFIC.

"Traffic" means pedestrians, ridden or herded animals, vehicles and other devices, either singly or together, while using for purposes of travel any street or highway or private road open to public travel. (ORC 4511.01(TT))

301.46 TRAFFIC CONTROL DEVICE.

"Traffic control device" means a flagger, sign, signal, marking, or other device used to regulate, warn or guide traffic, placed on, over, or adjacent to a street, highway, private road open to public travel, pedestrian facility, or shared-use path by authority of a public agency or official having jurisdiction, or, in the case of a private road open to public travel, by authority of the private owner or private official having jurisdiction. (ORC 4511.01(QQ))

301.47 TRAFFIC CONTROL SIGNAL.

"Traffic control signal" means any highway traffic signal by which traffic is alternately directed to stop and permitted to proceed. (ORC 4511.01(RR))

301.48 TRAILER.

"Trailer" means every vehicle designed or used for carrying persons or property wholly on its own structure and for being drawn by a motor vehicle, including any such vehicle when formed by or operated as a combination of a semitrailer and a vehicle of the dolly type, such as that commonly known as a trailer dolly, a vehicle used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm when drawn or towed on a street or highway at a speed greater than twenty-five miles per hour and a vehicle designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a street or highway for a distance of more than ten miles or at a speed of more than twenty-five miles per hour.
(ORC 4511.01(M))

301.49 TRUCK.

"Truck" means every motor vehicle, except trailers and semitrailers, designed and used to carry property. (ORC 4511.01(K))

301.50 URBAN DISTRICT.

"Urban district" means the territory contiguous to and including any street or highway which is built up with structures devoted to business, industry or dwelling houses situated at intervals of less than 100 feet for distance of a quarter of a mile or more, and the character of such territory is indicated by official traffic control devices. (ORC 4511.01(PP))

301.51 VEHICLE.

"Vehicle" means every device, including a motorized bicycle and an electric bicycle, in, upon or by which any person or property may be transported or drawn upon a street or highway, except that "vehicle" does not include any motorized wheelchair, any electric personal assistive mobility device, any low-speed micromobility device, or any device, other than a bicycle, that is moved by human power. (ORC 4511.01(A))

301.52 WHEELCHAIR, MOTORIZED.

"Motorized wheelchair" means any self-propelled vehicle designed for, and used by, a handicapped person and that is incapable of a speed in excess of eight miles per hour.
(ORC 4511.01(EEE))

301.53 WASTE COLLECTION VEHICLE.

"Waste collection vehicle" means a vehicle used in the collection of garbage, refuse, trash or recyclable materials. (ORC 4511.01(RRR))

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

(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 motor vehicle license registration 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.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code.
(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.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code.
(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.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code.

(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.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code.

(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.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code.

(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.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code.

(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.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code.

(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.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code.

(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.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code.

(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.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code. (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) (1) No person shall drive any vehicle, other than a bicycle or an electric bicycle if the motor is not engaged, upon a sidewalk or sidewalk area except upon a permanent or duly authorized temporary driveway.
- (2) This prohibition does not apply to a law enforcement officer, or other person sworn to enforce the criminal and traffic laws of the state, using an electric bicycle with the motor engaged while in the performance of the officer's duties.
- (3) Nothing in this section shall be construed as prohibiting local authorities from regulating the operation of bicycles or electric bicycles, except that no local authority may require that bicycles or electric bicycles be operated on sidewalks. (ORC 4511.711(A))

(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.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code.

(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.
- (3) As used in this section:
- A. "School vehicle" means any vehicle used for the transportation of pupils to and from a school or school-related function if the vehicle is owned or operated by, or operated under contract with, a public or nonpublic school.
- B. "Bus" means any vehicle originally designed by its manufacturer to transport sixteen or more passengers, including the driver, or carries sixteen or more passengers, including the driver.
- C. "Exempt crossing" means a highway rail grade crossing authorized and approved by the Public Utilities Commission under subsection (a)(2) hereof at which vehicles may cross without making the stop otherwise required by this section.

- (4) Except as otherwise provided in this subsection (a)(4), whoever violates subsection (a) hereof is guilty of a minor misdemeanor. If the offender previously has been convicted of or pleaded guilty to one or more violations of subsection (a) hereof or Ohio R.C. 4511.76, 4511.761, 4511.762, 4511.764, 4511.77 or 4511.79, or a municipal ordinance that is substantially similar to any of those sections, whoever violates subsection (a) hereof is guilty of a misdemeanor of the fourth degree. (ORC 4511.63)
- (b) (1) When authorized stop signs are erected at railroad grade crossings, the operator of any vehicle shall stop within fifty but not less than fifteen feet from the nearest rail of the railroad tracks and shall exercise due care before proceeding across such grade crossing.
- (2) Except as otherwise provided in this subsection, whoever violates this subsection (b)(1) hereof 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.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code.
(ORC 4511.61)

331.41 SHORTCUTTING; AVOIDING TRAFFIC CONTROL DEVICES.

(a) No person shall operate a vehicle across public or private property marked with signs "No Through Traffic" or words of similar import for the purpose of passing from one roadway to another.

(b) No person shall operate a vehicle across public or private property for the purpose of avoiding compliance with a traffic control device.

(c) It shall be prima-facie evidence of a violation of this section for the operator of a vehicle to cross public or private property as provided herein without using the service of such property, stopping the engine or both.

(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.

331.42 LITTERING FROM MOTOR VEHICLE.

(a) No operator or occupant of a motor vehicle shall, regardless of intent, throw, drop, discard or deposit litter from any motor vehicle in operation upon any street, road or highway, except into a litter receptacle in a manner that prevents its being carried away or deposited by the elements.

(b) No operator of a motor vehicle in operation upon any street, road or highway shall allow litter to be thrown, dropped, discarded or deposited from the motor vehicle, except into a litter receptacle in a manner that prevents its being carried away or deposited by the elements.

(c) As used in this section, "litter" means garbage, trash, waste, rubbish, ashes, cans, bottles, wire, paper, cartons, boxes, automobile parts, furniture, glass or anything else of an unsightly or unsanitary nature.

(d) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4511.82)

331.43 WEARING EARPLUGS OR EARPHONES PROHIBITED.

(a) As used in this section:

- (1) "Earphones" means any device that covers all or a portion of both ears and that does either of the following:
 - A. Through either a physical connection to another device or a wireless connection, provides the listener with radio programs, music, or other information;
 - B. Provides hearing protection."Earphones" does not include speakers or other listening devices that are built into protective headgear.
- (2) "Earplugs" means any device that can be inserted into one or both ears and that does either of the following:
 - A. Through either a physical connection to another device or a wireless connection, provides the listener with radio programs, music, or other information;
 - B. Provides hearing protection.

(b) No person shall operate a motor vehicle while wearing earphones over, or earplugs in, both ears.

(c) This section does not apply to:

- (1) Any person wearing a hearing aid;
- (2) Law enforcement personnel while on duty;
- (3) Fire Department personnel and emergency medical service personnel while on duty;
- (4) Any person engaged in the operation of equipment for use in the maintenance or repair of any highway;
- (5) Any person engaged in the operation of refuse collection equipment;
- (6) Any person wearing earphones or earplugs for hearing protection while operating a motorcycle.

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

(ORC 4511.84)

331.44 ADVERTISING FROM VEHICLE.

(a) No person shall operate or park a vehicle on any street for the primary purpose of advertising, (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.

331.45 ALLEYS RESTRICTED TO USE FOR ABUTTING LOTS.

(a) Alleys shall be used only for the purpose of ingress and egress to and from lots abutting such alley, and for the purpose of servicing such abutting lots.

(b) No person shall use any alley just as a thoroughfare to go from one street to another. (Ord. 72-55. Passed 11-28-55.)

(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.

331.46 FIRE LANE, FIRE DOOR, FIRE EXIT, BLOCKING PROHIBITED.

(a) "Fire lane" means any street, alley, thoroughfare, designated area, or other means of ingress or egress which shall be kept free from any blocking or obstruction in order to permit the ingress or egress of fire and/or emergency vehicles.

(b) The Chief of the Fire Department shall cause to be erected in and about said fire lanes signs designating such places as fire lanes and said signs shall contain at least the following language: "Fire Lane, No Blocking".

(c) It shall be unlawful for any person, except as provided in this section, to block or obstruct a fire lane or permit any vehicle, structure, merchandise, garbage or any other substance to obstruct or block a fire lane.

(d) It shall be unlawful for any person, except as provided in this section to block or park in front of designated fire doors or fire exits.

(e) The Chief of Police or the Fire Chief or an authorized representative, is hereby empowered to remove or cause to be removed any vehicle or other thing obstructing or blocking a fire lane.

(f) Whoever violates this section shall be guilty of a fourth degree misdemeanor. (Ord. 34-97. Passed 5-12-97.)

**331.47 VEHICULAR OPERATION ON STREET CLOSED DUE TO RISE
IN WATER LEVEL.**

(a) No person shall operate a vehicle on or onto a public street or highway that is temporarily covered by a rise in water level, including groundwater or an overflow of water, and that is clearly marked by a sign that specifies that the road is closed due to the rise in water level and that any person who uses the closed portion of the road may be fined up to two thousand dollars (\$2,000).

(b) A person who is issued a citation for a violation of subsection (a) hereof is not permitted to enter a written plea of guilty and waive the person's right to contest the citation in court, but instead must appear in person in the proper court to answer the charge.

(c) (1) Whoever violates subsection (a) hereof is guilty of a minor misdemeanor.
(2) In addition to the financial sanctions authorized or required under Section 501.99 and to any costs otherwise authorized or required under any provision of law, the court imposing the sentence upon an offender who is convicted of or pleads guilty to a violation of subsection (a) hereof shall order the offender to reimburse one or more rescuers for the cost any such rescuer incurred in rescuing the person, excluding any cost of transporting the rescued person to a hospital or other facility for treatment of injuries, up to a cumulative maximum of two thousand dollars (\$2,000). If more than one rescuer was involved in the emergency response, the court shall allocate the reimbursement proportionately, according to the cost each rescuer incurred. A financial sanction imposed under this section is a judgment in favor of the rescuer and, subject to a determination of indigency under division (B) of Ohio R.C. 2929.28, a rescuer may collect the financial sanction in the same manner as provided in Ohio R.C. 2929.28.

(d) As used in this section:

- (1) "Emergency medical service organization", "firefighting agency" and "private fire company" have the same meanings as in Ohio R.C. 9.60.
- (2) "Rescuer" means a state agency, political subdivision, firefighting service, private fire company, or emergency medical service organization.
(ORC 4511.714.)

(d) Whenever a person is found guilty under this section of operating a motor vehicle in violation of this section relating to reckless operation, the trial court of any court of record, in addition to or independent of all other penalties provided by law, may impose a class five 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)(5) of Ohio R.C. 4510.02. (ORC 4510.15)

333.03 MAXIMUM SPEED LIMITS; ASSURED CLEAR DISTANCE AHEAD.

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

(b) It is prima-facie lawful, in the absence of a lower limit declared or established pursuant to Ohio R.C. 4511.21 by the Ohio Director of Transportation or Council, for the operator of a motor vehicle to operate the same at a speed not exceeding the following:

(1) A. Twenty miles per hour in school zones during school recess and while children are going to or leaving school during the opening or closing hours, and when twenty miles per hour school speed limit signs are erected; except, that on controlled-access highways and expressways, if the right-of-way line fence has been erected without pedestrian opening, the speed shall be governed by subsection (b)(4) hereof and on freeways, if the right-of-way line fence has been erected without pedestrian opening, the speed shall be governed by subsection (b)(7) hereof. The end of every school zone may be marked by a sign indicating the end of the zone. Nothing in this section or in the manual and specifications for a uniform system of traffic control devices shall be construed to require school zones to be indicated by signs equipped with flashing or other lights, or giving other special notice of the hours in which the school zone speed limit is in effect.

B. As used in this section, "school" means all of the following:

1. Any school chartered under Ohio R.C. 3301.16;
2. Any nonchartered school that during the preceding year filed with the Department of Education in compliance with O.A.C. § 3301-35-08, a copy of the school's report for the parents of the school's pupils certifying that the school meets state minimum standards for nonchartered, nontax-supported schools and presents evidence of this filing to the jurisdiction from which it is requesting the establishment of a school zone;
3. Any special elementary school that in writing requests the County Engineer to create a school zone at the location of the school. Upon receipt of such written request, the County Engineer shall create a school zone at that location by erecting appropriate signs;

4. Any preschool education program operated by an educational service center that is located on a street or highway with a speed limit of forty-five miles per hour or more, when the educational service center in writing requests that the County Engineer create a school zone at the location of that program. Upon receipt of such a written request, the County Engineer shall create a school zone at that location by erecting the appropriate signs.
- C. As used in this section, "school zone" means that portion of a street or highway passing a school fronting upon the street or highway that is encompassed by projecting the school property lines to the fronting street or highway. Upon request from the Municipality for streets and highways under its jurisdiction, the Ohio Director of Transportation may extend the traditional school zone boundaries. The distances in subsections (b)(1)C.1. to 3. hereof shall not exceed 300 feet per approach per direction and are bounded by whichever of the following distances or combinations thereof the Director approves as most appropriate:
1. The distance encompassed by projecting the school building lines normal to the fronting highway and extending a distance of 300 feet on each approach direction;
 2. The distance encompassed by projecting the school property lines intersecting the fronting highway and extending a distance of 300 feet on each approach direction;
 3. The distance encompassed by the special marking of the pavement for a principal school pupil crosswalk plus a distance of 300 feet on each approach direction of highway;
- Nothing in this section shall be construed to invalidate the Director's initial action on August 9, 1976, establishing all school zones at the traditional school zone boundaries defined by projecting school property lines, except when those boundaries are extended as provided in subsections (b)(1)A. and C. hereof.
- D. As used in this subsection, "crosswalk" has the meaning given that term in Section 301.09. The Director may, upon request by resolution of Council, and upon submission by the Municipality of such engineering, traffic and other information as the Director considers necessary, designate a school zone on any portion of a State route lying within the Municipality that includes a crosswalk customarily used by children going to or leaving a school during recess and opening and closing hours, whenever the distance, as measured in a straight line, from the school property line nearest the crosswalk to the nearest point of the crosswalk is no more than 1,320 feet. Such a school zone shall include the distance encompassed by the crosswalk and extending 300 feet on each approach direction of the State route;
- (2) Twenty-five miles per hour in all other portions of the Municipality, except on State routes outside business districts, through highways outside business districts and alleys;
 - (3) Thirty-five miles per hour on all State routes or through highways within the Municipality outside business districts, except as provided in subsections (b)(4) and (5) hereof;

- (4) Fifty miles per hour on controlled-access highways and expressways within the Municipality, except as provided in subsections (b)(8) to (b)(12) of this section;
- (5) Fifty miles per hour on State routes within the Municipality outside urban districts unless a lower prima-facie speed is established as further provided in this section;
- (6) Fifteen miles per hour on all alleys within the Municipality;
- (7) Fifty-five miles per hour on freeways with paved shoulders inside the Municipality other than freeways as provided in subsection (b)(10) and (12);
- (8) Sixty miles per hour on rural expressways with traffic control signals and on all portions of rural divided highways, except as provided in subsections (b)(9) and (10) of this section;
- (9) Sixty-five miles per hour on all rural expressways without traffic control signals;
- (10) Seventy miles per hour on all rural freeways;
- (11) Fifty-five miles per hour on all portions of freeways or expressways in congested areas as determined by the Director and that are located within a municipal corporation or within an interstate freeway outerbelt, except as provided in subsection (b)(12) of this section;
- (12) Sixty-five miles per hour on all portions of freeways or expressways without traffic control signals in urbanized areas.

(c) It is prima-facie unlawful for any person to exceed any of the speed limitations in subsection (b)(1)A. to (b)(6) hereof, or any declared or established pursuant to this section by the Director or local authorities and it is unlawful for any person to exceed any of the speed limitations in subsection (d) hereof. No person shall be convicted of more than one violation of this section for the same conduct, although violations of more than one provision of this section may be charged in the alternative in a single affidavit.

- (d) No person shall operate a motor vehicle upon a street or highway as follows:
- (1) At a speed exceeding fifty-five miles per hour, except upon a highway, expressway or freeway as provided in subsection (b)(8), (9), (10) and (12) hereof;
 - (2) At a speed exceeding sixty miles per hour upon a highway as provided in subsection (b)(8) hereof;
 - (3) At a speed exceeding sixty-five miles per hour upon an expressway as provided in subsection (b)(9) hereof, or upon a freeway as provided in subsection (b)(12) of this section, except upon a freeway as provided in subsection (b)(10) hereof;
 - (4) At a speed exceeding seventy miles per hour upon a freeway as provided in subsection (b)(10) hereof;
 - (5) At a speed exceeding the posted speed limit upon a highway, expressway or freeway for which the Director has determined and declared a speed limit pursuant to Ohio R.C. 4511.21(I)(2) or (L)(2).

(e) In every charge of violation of this section the affidavit and warrant shall specify the time, place and speed at which the defendant is alleged to have driven, and in charges made in reliance upon subsection (c) hereof also the speed which subsections (b)(1)A. to (b)(6) hereof, or a limit declared or established pursuant to this section declares is prima-facie lawful at the time and place of such alleged violation, except that in affidavits where a person is alleged to have driven at a greater speed than will permit the person to bring the vehicle to a stop within the assured clear distance ahead the affidavit and warrant need not specify the speed at which the defendant is alleged to have driven.

(f) When a speed in excess of both a prima-facie limitation and a limitation in subsection (d) hereof is alleged, the defendant shall be charged in a single affidavit, alleging a single act, with a violation indicated of both subsections (b)(1)A. to (b)(6) hereof, or of a limit declared or established pursuant to this section by the Director or local authorities, and of the limitation in subsection (d) hereof. If the court finds a violation of subsection (b)(1)A. to (b)(6) hereof, or a limit declared or established pursuant to this section has occurred, it shall enter a judgment of conviction under such subsection and dismiss the charge under subsection (d) hereof. If it finds no violation of subsections (b)(1)A. to (b)(6) hereof or a limit declared or established pursuant to this section, it shall then consider whether the evidence supports a conviction under subsection (d) hereof.

(g) Points shall be assessed for violation of a limitation under subsection (d) hereof in accordance with Ohio R.C. 4510.036.

(h) Whenever, in accordance with Ohio R.C. 4511.21 or this section, the speed limitations as established herein have been altered, either higher or lower, and the appropriate signs giving notice have been erected as required, operators of motor vehicles shall be governed by the speed limitations set forth on such signs. It is prima-facie unlawful for any person to exceed the speed limits posted upon such signs.

(i) As used in this section:

- (1) "Interstate system" has the same meaning as in 23 U.S.C.A. 101.
- (2) "Commercial bus" means a motor vehicle designed for carrying more than nine passengers and used for the transportation of persons for compensation.
- (3) "Noncommercial bus" includes but is not limited to a school bus, or a motor vehicle operated solely for the transportation of persons associated with a charitable or nonprofit organization.
- (4) "Outerbelt" means a portion of a freeway that is part of the interstate system and is located in the outer vicinity of a major municipal corporation or group of municipal corporations, as designated by the Director.
- (5) "Rural" means an area outside urbanized areas and outside of a business or urban district, and areas that extend within urbanized areas where the roadway characteristics remain mostly unchanged from those outside the urbanized areas.
- (6) "Urbanized area" has the same meaning as in 23 U.S.C. 101.
- (7) "Divided" means a roadway having two or more travel lanes for vehicles moving in opposite directions and that is separated by a median of more than four feet, excluding turn lanes.

- (j) (1) A violation of any provision of this section is one of the following:
 - A. Except as otherwise provided in subsections (j)(1)B., (1)C., (2) and (3) of this section, a minor misdemeanor;
 - B. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to two violations of any provision of this section or of any provision of Ohio R.C. 4511.21 or a municipal ordinance that is substantially similar to any provision of this section, a misdemeanor of the fourth degree;
 - C. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to three or more violations of any provision of this section or of any provision of Ohio R.C. 4511.21 or a municipal ordinance that is substantially similar to any provision of this section, a misdemeanor of the third degree.
- (2) If the offender has not previously been convicted of or pleaded guilty to a violation of any provision of Ohio R.C. 4511.21 or of any provision of a municipal ordinance that is substantially similar to Ohio R.C. 4511.21 and operated a motor vehicle faster than thirty-five miles an hour in a business district of a municipal corporation, faster than fifty miles an hour in other portions of a municipal corporation, or faster than thirty-five miles an hour in a school zone during recess or while children are going to or leaving school during the school's opening or closing hours, a misdemeanor of the fourth degree.
- (3) Notwithstanding subsection (j)(1) of this section, if the offender operated a motor vehicle in a construction zone where a sign was then posted in accordance with Ohio R.C. 4511.98, the court, in addition to all other penalties provided by law, shall impose upon the offender a fine of two times the usual amount imposed for the violation. No court shall impose a fine of two times the usual amount imposed for the violation upon an offender if the offender alleges, in an affidavit filed with the court prior to the offender's sentencing, that the offender is indigent and is unable to pay the fine imposed pursuant to this subsection and if the court determines that the offender is an indigent person and unable to pay the fine.
- (4) If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code. (ORC 4511.21)

333.031 APPROACHING A STATIONARY PUBLIC SAFETY, EMERGENCY OR ROAD SERVICE VEHICLE.

(a) The driver of a motor vehicle, upon approaching a stationary public safety vehicle, emergency vehicle, road service vehicle, waste collection vehicle, vehicle used by the Public Utilities Commission to conduct motor vehicle inspections in accordance with Ohio R.C. 4923.04 and 4923.06 or a highway maintenance vehicle that is displaying the appropriate visual signals by means of flashing, oscillating or rotating lights, as prescribed in Section 337.16, shall do either of the following:

- (1) If the driver of the motor vehicle is traveling on a street or highway that consists of at least two lanes that carry traffic in the same direction of travel as that of the driver's motor vehicle, the driver shall proceed with due caution and, if possible with due regard to the road, weather, and

traffic conditions, shall change lanes into a lane that is not adjacent to that of the stationary public safety vehicle, emergency vehicle, road service vehicle, waste collection vehicle, vehicle used by the Public Utilities Commission to conduct motor vehicle inspections in accordance with Ohio R.C. 4923.04 and 4923.06 or a highway maintenance vehicle.

- (2) If the driver is not traveling on a street or highway of a type described in subsection (a)(1) of this section, or if the driver is traveling on a highway of that type but it is not possible to change lanes or if to do so would be unsafe, the driver shall proceed with due caution, reduce the speed of the motor vehicle, and maintain a safe speed for the road, weather and traffic conditions.

(b) This section does not relieve the driver of a public safety vehicle, emergency vehicle, road service vehicle, waste collection vehicle, vehicle used by the Public Utilities Commission to conduct motor vehicle inspections in accordance with Ohio R.C. 4923.04 and 4923.06, or a highway maintenance vehicle from the duty to drive with due regard for the safety of all persons and property upon the highway.

(c) No person shall fail to drive a motor vehicle in compliance with subsection (a)(1) or (2) of this section when so required by subsection (a) of this section.

- (d)
 - (1) 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.
 - (2) Notwithstanding Section 303.99(b), upon a finding that a person operated a motor vehicle in violation of subsection (c) of this section, the court, in addition to all other penalties provided by law, shall impose a fine of two times the usual amount imposed for the violation.
 - (3) If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code.

(e) The offense established under this section is a strict liability offense and Ohio R.C. 2901.20 does not apply. 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. (ORC 4511.213)

333.04 STOPPING VEHICLE; SLOW SPEED; POSTED MINIMUM SPEEDS.

(a) No person shall stop or operate a vehicle at such an unreasonably slow speed as to impede or block the normal and reasonable movement of traffic, except when stopping or reduced speed is necessary for safe operation or to comply with law.

(b) Whenever, in accordance with Ohio R.C. 4511.22(B), the minimum speed limit of a controlled-access highway, expressway or freeway has been declared and the appropriate signs giving notice have been erected as required, operators of motor vehicles shall be governed by the speed limitations set forth on such signs. No person shall operate a motor vehicle below the speed limits posted upon such signs except when necessary for safe operation or in compliance with law.

(c) In a case involving a violation of this section, the trier of fact, in determining whether the vehicle was being operated at an unreasonably slow speed, shall consider the capabilities of the vehicle and its operator.

(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.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code.

(ORC 4511.22)

333.05 SPEED LIMITATIONS OVER BRIDGES.

(a) No person shall operate a vehicle over any bridge or other elevated structure constituting a part of a street at a speed which is greater than the maximum speed that can be maintained with safety to such bridge or structure, when such structure is posted with authorized signs stating such maximum speed. Such signs shall be erected and maintained at a distance of at least 100 feet before each end of such structure.

(b) Upon the trial of any person charged with a violation of this section, proof of the determination of the maximum speed and the existence of such signs shall constitute prima-facie evidence of the maximum speed which can be maintained with safety to such bridge or structure.

(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.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code.

(ORC 4511.23)

333.06 SPEED EXCEPTIONS FOR EMERGENCY OR SAFETY VEHICLES.

The prima-facie speed limitations set forth in Section 333.03 do not apply to emergency vehicles or public safety vehicles when they are responding to emergency calls and are equipped with and displaying 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 when the drivers thereof sound audible signals by bell, siren or exhaust whistle. This section does not relieve the driver of an emergency vehicle or public safety vehicle from the duty to drive with due regard for the safety of all persons using the street or highway. (ORC 4511.24)

333.07 STREET RACING PROHIBITED.

(a) As used in this section, "street racing" means the operation of two or more vehicles from a point side by side at accelerating speeds in a competitive attempt to out-distance each other or the operation of one or more vehicles over a common selected course, from the same point to the same point, wherein timing is made of the participating vehicles involving competitive accelerations or speeds.

Persons rendering assistance in any manner to such competitive use of vehicles shall be equally charged as the participants. The operation of two or more vehicles side by side either at speeds in excess of prima-facie lawful speeds established by Section 333.03 or rapidly accelerating from a common starting point to a speed in excess of such prima-facie lawful speeds shall be prima-facie evidence of street racing.

(b) No person shall participate in street racing upon any public road, street or highway in this Municipality.

(c) Whoever violates this section is guilty of street racing, a misdemeanor of the first degree. In addition to any other sanctions, the court shall suspend the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license or nonresident operating privilege for not less than thirty days or more than three years. No judge shall suspend the first thirty days of any suspension of an offender's license, permit, or privilege imposed under this subsection. (ORC 4511.251)

333.08 OPERATION WITHOUT REASONABLE CONTROL.

(a) No person shall operate a motor vehicle, agricultural tractor, or agricultural tractor that is towing, pulling, or otherwise drawing a unit of farm machinery on any street, highway, or property open to the public for vehicular traffic without being in reasonable control of the vehicle, agricultural tractor or unit of farm machinery.

(b) Whoever violates this section is guilty of operating a motor vehicle or agricultural tractor without being in control of it, a minor misdemeanor. (ORC 4511.202)

333.09 RECKLESS OPERATION ON STREETS, PUBLIC OR PRIVATE PROPERTY.

(a) No person shall operate a vehicle on any street or highway without due regard for the safety of persons or property.

(b) No person shall operate a vehicle on any public or private property other than streets or highways, without due regard for the safety of persons or property.

This subsection does not apply to the competitive operation of vehicles on public or private property when the owner of such property knowingly permits such operation thereon.

(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.

333.10 OPERATION IN VIOLATION OF IMMOBILIZATION ORDER.

(a) No person shall operate a motor vehicle or permit the operation of a motor vehicle upon any public or private property used by the public for vehicular travel or parking knowing or having reasonable cause to believe that the motor vehicle has been ordered immobilized pursuant to an immobilization order issued under Ohio R.C. 4503.233.

(b) A motor vehicle that is operated by a person during a violation of subsection (a) hereof shall be criminally forfeited in accordance with the procedures contained in Ohio R.C. 4503.234.

(c) Whoever violates this section is guilty of a misdemeanor of the second degree. (ORC 4503.236)

333.11 TEXTING WHILE DRIVING PROHIBITED.

(a) No person shall drive a motor vehicle on any street, highway, or property open to the public for vehicular traffic while using a handheld electronic wireless communications device to write, send, or read a text-based communication.

(b) Subsection (a) of this section does not apply to any of the following:

- (1) A person using a handheld electronic wireless communications device in that manner 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 driving a public safety vehicle who uses a handheld electronic wireless communications device in that manner in the course of the person's duties;
- (3) A person using a handheld electronic wireless communications device in that manner whose motor vehicle is in a stationary position and who is outside a lane of travel;
- (4) A person reading, selecting, or entering a name or telephone number in a handheld electronic wireless communications device for the purpose of making or receiving a telephone call;
- (5) A person receiving wireless messages on a device regarding the operation or navigation of a motor vehicle; safety-related information, including emergency, traffic or weather alerts; or data used primarily by the motor vehicle;
- (6) A person receiving wireless messages via radio waves;
- (7) A person using a device for navigation purposes;
- (8) A person conducting wireless interpersonal communication with a device that does not require manually entering letters, numbers, or symbols or reading text messages, except to activate, deactivate, or initiate the device or a feature or function of the device;
- (9) A person operating a commercial truck while using a mobile data terminal that transmits and receives data;

- (10) A person using a handheld electronic wireless communications device in conjunction with a voice-operated or hands-free device feature or function of the vehicle.

(c) Notwithstanding any provision of law to the contrary, no law enforcement officer shall cause an operator of an automobile being operated on any street or highway to stop the automobile for the sole purpose of determining whether a violation of subsection (a) of this section has been or is being committed or for the sole purpose of issuing a ticket, citation or summons for a violation of that nature or causing the arrest of or commencing a prosecution of a person for a violation of that nature, and no law enforcement officer shall view the interior or visually inspect any automobile being operated on any street or highway for the sole purpose of determining whether a violation of that nature has been or is being committed.

- (d) Whoever violates subsection (a) of this section is guilty of a minor misdemeanor.

(e) A prosecution for a violation of Ohio R.C. 4511.204 does not preclude a prosecution for a violation of a substantially equivalent municipal ordinance based on the same conduct. However, if an offender is convicted of or pleads guilty to a violation of Ohio R.C. 4511.204 and is also convicted of or pleads guilty to a violation of a substantially equivalent municipal ordinance based on the same conduct, the two offenses are allied offenses of similar import under Ohio R.C. 2941.25.

- (f) As used in this section:

- (1) "Electronic wireless communications device" includes any of the following:
- A. A wireless telephone;
 - B. A text-messaging device;
 - C. A personal digital assistant;
 - D. A computer, including a laptop computer and a computer tablet;
 - E. Any other substantially similar wireless device that is designed or used to communicate text.
- (2) "Voice-operated or hands-free device" means a device that allows the user to vocally compose or send, or to listen to a text-based communication without the use of either hand except to activate, or deactivate a feature or function.
- (3) "Write, send or read a text-based communication" means to manually write or send, or read a text-based communication using an electronic wireless communications device, including manually writing or sending, or reading communications referred to as text messages, instant messages, or electronic mail.
(ORC 4511.204)

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 or a Deputy Registrar under Ohio R.C. Chapter 4507 or a valid commercial driver's license issued under Ohio R.C. Chapter 4506.

- (b) (1) No person shall receive a driver's license, or a motorcycle operator's endorsement of a driver's or commercial driver's license, temporary instruction permit, or identification card unless and until the person surrenders to the Registrar or a deputy registrar all valid licenses, temporary instruction permits, and identification cards issued to the person by another jurisdiction recognized by this state.
- (2) The Registrar shall report the cancellation of a license, temporary instruction permit, or identification card to the issuing authority, together with information that the license, temporary instruction permit, or identification card is now issued in this state. The Registrar or a deputy registrar shall destroy any such license, temporary instruction permit, or identification card that is not returned to the issuing authority.
- (3) No person shall possess more than one valid license, temporary instruction permit, or identification card at any time.
(ORC 4507.02(A))

- (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, temporary instruction permit, or identification card 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 temporary instruction permit or driver's license in this State. If the person fails to apply for a driver's license or temporary instruction permit within thirty days of becoming a resident, the person shall not operate any motor vehicle in this municipality under a license or permit 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, reprint, 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.

- (2) An order for immobilization and impoundment of a vehicle under this section shall be issued and enforced in accordance with 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.
 - (3) An order for criminal forfeiture of a vehicle under this section shall be issued and enforced under Ohio R.C. 4503.234. Upon receipt of a copy of the order from the court, neither the 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 led to the order terminates the forfeiture and notifies the Registrar of the termination. The Registrar then shall take the necessary measures to permit the person to register a vehicle owned or leased by the person or to transfer registration of the vehicle. (ORC 4510.161)
- (h) As used in this section:
- (1) "Electronic monitoring" has the same meaning as in Ohio R.C. 2929.01.
 - (2) "Equivalent offense" means any of the following:
 - A. A violation of a municipal ordinance, law of another state, or law of the United States that is substantially equivalent to subsection (a) of this section;
 - B. A violation of a former law of this State that was substantially equivalent to subsection (a) of this section.
 - (3) "Jail" has the same meaning as in Ohio R.C. 2929.01.
 - (4) "Mandatory jail term" means the mandatory term in jail of three, ten, or thirty consecutive days that must be imposed under subsection (b)(1), (2) or (3) of this section upon an offender convicted of a violation of subsection (a) of this section and in relation to which all of the following apply:
 - A. Except as specifically authorized under this section, the term must be served in a jail.
 - B. Except as specifically authorized under this section, the term cannot be suspended, reduced, or otherwise modified pursuant to any provision of the Ohio Revised Code.
 (ORC 4510.14)

**335.072 DRIVING UNDER FINANCIAL RESPONSIBILITY LAW
SUSPENSION OR CANCELLATION; DRIVING UNDER A
NONPAYMENT OF JUDGMENT SUSPENSION.**

(a) No person, whose driver's or commercial driver's license or temporary instruction permit or nonresident's operating privilege has been suspended or canceled pursuant to Ohio R.C. Chapter 4509, shall operate any motor vehicle within this Municipality, or knowingly permit any motor vehicle owned by the person to be operated by another person in the Municipality, during the period of the suspension or cancellation, except as specifically authorized by Ohio R.C. Chapter 4509. No person shall operate a motor vehicle within this Municipality, or knowingly permit any motor vehicle owned by the person to be operated by another person in the Municipality, during the period in which the person is required by Ohio R.C. 4509.45 to file and maintain proof of financial responsibility for a violation of Ohio R.C. 4509.101, unless proof of financial responsibility is maintained with respect to that vehicle.

(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 if the person's driver's or commercial driver's license or temporary instruction permit or nonresident operating privilege has been suspended pursuant to Ohio R.C. 4509.37 or 4509.40 for nonpayment of a judgment.

(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 either a financial responsibility law suspension at the time of the alleged violation of subsection (a) of this section or a nonpayment of judgment suspension 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) Whoever violates subsection (a) of this section is guilty of driving under financial responsibility law suspension or cancellation and shall be punished as provided in subsection (d) hereof. Whoever violates subsection (b) of this section is guilty of driving under a nonpayment of judgment suspension and shall be punished as provided in subsection (d) hereof.

- (1) Except as otherwise provided in subsection (d)(2) of this section, 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.
- (2) If, within three years of the offense, the offender previously was convicted of or pleaded guilty to two or more violations of Ohio R.C. 4510.16, or any combination of two violations of Ohio R.C. 4510.16 or Ohio R.C. 4510.11 or 4510.111, or a substantially equivalent municipal ordinance, the offense is a misdemeanor of the fourth degree.
- (3) 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 4510.16)

(e) No person who has knowingly failed to maintain proof of financial responsibility in accordance with Ohio R.C. 4509.101 shall produce any document or present to a peace officer an electronic wireless communications device that is displaying any text or images with the purpose to mislead a peace officer upon the request of a peace officer for proof of financial responsibility made in accordance with Ohio R.C. 4509.101. Whoever violates this subsection (e) hereof is guilty of falsification, a misdemeanor of the first degree. (ORC 4509.102)

335.073 DRIVING WITHOUT COMPLYING WITH LICENSE REINSTATEMENT REQUIREMENTS.

(a) No person whose driver's license, commercial driver's license, temporary instruction permit, or nonresident's operating privilege has been suspended shall operate any motor vehicle upon a public road or highway or any public or private property after the suspension has expired unless the person has complied with all license reinstatement requirements imposed by the court, the Bureau of Motor Vehicles, or another provision of the Ohio Revised Code.

(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) of this section may be admitted into evidence as prima-facie evidence that the license of the person had not been reinstated by the person at the time of the alleged violation of subsection (a) hereof. The person charged with a violation of subsection (a) hereof may offer evidence to rebut this prima-facie evidence.

(c) Whoever violates this section is guilty of failure to reinstate a license and shall be punished as follows:

- (1) Except as provided in subsection (c)(2) of this section, 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.
- (2) If, within three years of a violation of subsection (a) of this section, the offender previously has pleaded guilty to or been convicted of two or more violations of Ohio R.C. 4510.21(A) or a substantially equivalent municipal ordinance, the offender is guilty of a misdemeanor of the first degree.
- (3) In all cases, 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 driver's license, or nonresident operating privilege from the range specified in division (A)(7) of Ohio R.C. 4510.02. (ORC 4510.21)

335.074 DRIVING UNDER LICENSE FORFEITURE OR CHILD SUPPORT SUSPENSION.

(a) 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 whose driver's or commercial driver's license has been suspended pursuant to Ohio R.C. 2151.354, 2151.87, 2935.27, 3123.58, 4301.99, 4510.032, 4510.22 or 4510.33.

(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) 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. The person charged with a violation of subsection (a) of this section may offer evidence to rebut this prima-facie evidence.

(c) Whoever violates subsection (a) of this section is guilty of driving under suspension and shall be punished as provided in subsection (c) of this section.

- (1) Except as otherwise provided in subsection (c)(2) of this section, 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 was convicted of or pleaded guilty to two or more violations of subsection (A) of Ohio R.C. 4510.111, or any combination of two or more violations of subsection (A) of Ohio R.C. 4510.111, or Ohio R.C. 4510.11 or 4510.16, or a substantially equivalent municipal ordinance, the offense is a misdemeanor of the fourth degree and 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 4510.111)

335.08 OPERATION OR SALE WITHOUT CERTIFICATE OF TITLE.

- (a) No person shall do any of the following:
 - (1) Operate in this Municipality a motor vehicle for which a certificate of title is required without having that certificate in accordance with Ohio R.C. Chapter 4505 or, if a physical certificate of title has not been issued for a motor vehicle, operate the motor vehicle in this Municipality knowing that the ownership information relating to the vehicle has not been entered into the automated title processing system by a clerk of a court of common pleas;
 - (2) Display or display for sale or sell as a dealer or acting on behalf of a dealer, a motor vehicle without having obtained a manufacturer's or importer's certificate, a certificate of title, or an assignment of a certificate of title for it as provided in Ohio R.C. Chapter 4505;
 - (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 OR VALIDATION STICKERS; REGISTRATION.

- (a)
 - (1) No person who is the owner or operator of a motor vehicle shall fail to display in plain view on the rear of the motor vehicle a license plate that displays the distinctive number and registration mark assigned to the motor vehicle by the Ohio Director of Public Safety, including any county identification sticker and any validation sticker when required by and issued under Ohio R.C. 4503.19 and 4503.191. However a commercial tractor shall display the license plate on the front of the commercial tractor.
 - (2) The license plate shall be securely fastened so as not to swing, and shall not be covered by any material that obstructs its visibility.
 - (3) No person to whom a temporary motor vehicle license registration 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 motor vehicle license registration in plain view from the rear of the vehicle either in the rear window or on an external rear surface of the motor vehicle.
 - (4) No person shall cover a temporary motor vehicle license registration by any material that obstructs its visibility.
(ORC 4503.21(A))
- (b)
 - (1) Whoever violates subsection (a) of this section is guilty of a minor misdemeanor.
 - (2) The offenses established under subsection (a) of this section are strict liability offenses and Ohio R.C. 2901.20 does not apply. The designation of these offenses as strict liability offenses 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.
(ORC 4503.21(B), (C))

335.091 OPERATING WITHOUT DEALER OR MANUFACTURER LICENSE PLATES.

(a) No person shall operate or cause to be operated upon a public road or highway a motor vehicle of a manufacturer or dealer unless the vehicle carries and displays a placard, except as provided in Ohio R.C. 4503.21, issued by the Director of Public Safety that displays the registration number of its manufacturer or dealer.

(b) Whoever violates subsection (a) of this section is guilty of illegal operation of a manufacturer's or dealer's motor vehicle, a minor misdemeanor.
(ORC 4549.10)

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)

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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.

**CHAPTER 371
Pedestrians**

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| 371.01 Right of way in crosswalk. | 371.07 Right of way on sidewalk. |
| 371.02 Right of way of blind person. | 371.08 Yielding to public safety vehicle. |
| 371.03 Crossing roadway outside crosswalk; diagonal crossings at intersections. | 371.09 Walking on highway while under the influence. |
| 371.04 Moving upon right half of crosswalk. | 371.10 On bridges or railroad crossings. |
| 371.05 Walking along highways. | 371.11 Persons operating motorized wheelchairs. |
| 371.06 Use of highway for soliciting; riding on outside of vehicles. | 371.12 Electric personal assistive mobility devices. |
| | 371.13 Operation of personal delivery device on sidewalks and crosswalks. |
| | 371.14 Low-speed micromobility devices. |

CROSS REFERENCES

See sectional histories for similar State law

Pedestrian defined - see TRAF. 301.22

Pedestrian prohibited on freeways - see TRAF. 303.06

Obedience to traffic control devices - see TRAF. 313.01, 313.03

Pedestrian control signals - see TRAF. 313.05

371.01 RIGHT OF WAY IN CROSSWALK.

(a) When traffic control signals are not in place, not in operation or are not clearly assigning the right of way, the driver of a vehicle shall yield the right of way, slowing down or stopping if need be to so yield or if required by Section 313.09, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

(b) No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close as to constitute an immediate hazard.

(c) Subsection (a) hereof does not apply under the conditions stated in Section 371.03(b).

(d) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass the stopped vehicle.

(e) 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.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code. (ORC 4511.46)

371.02 RIGHT OF WAY OF BLIND PERSON.

(a) As used in this section "blind person" or "blind pedestrian" means a person having not more than 20/200 visual acuity in the better eye with correcting lenses or visual acuity greater than 20/200 but with a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than twenty degrees.

The driver of every vehicle shall yield the right of way to every blind pedestrian guided by a guide dog, or carrying a cane which is predominately white or metallic in color, with or without a red tip.

(b) No person, other than a blind person, while on any public highway, street, alley or other public thoroughfare shall carry a white metallic cane, with or without a red tip.

(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.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code. (ORC 4511.47)

371.03 CROSSING ROADWAY OUTSIDE CROSSWALK; DIAGONAL CROSSINGS AT INTERSECTIONS.

(a) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right of way to all vehicles upon the roadway.

(b) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right of way to all traffic upon the roadway.

(c) Between adjacent intersections at which traffic control signals are in operation, pedestrians shall not cross at any place except in a marked crosswalk.

(d) No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic control devices; and, when authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic control devices pertaining to such crossing movements.

- A. Order the impoundment for not less than one day but not more than thirty days of the electric personal assistive mobility device that was involved in the current violation of that section. The court shall order the device to be impounded at a safe indoor location designated by the court and may assess storage fees of not more than five dollars (\$5.00) per day, provided the total storage, processing, and release fees assessed against the offender or the device in connection with the device's impoundment or subsequent release shall not exceed fifty dollars (\$50.00).
- B. If the court does not issue an impoundment order pursuant to subsection (f)(2)A. hereof, issue an order prohibiting the offender from operating any electric personal assistive mobility device on the public streets, highways, sidewalks, and paths and portions of roadways set aside for the exclusive use of bicycles for not less than one day but not more than thirty days.

(g) Whoever violates subsection (d) hereof is guilty of a minor misdemeanor.
(ORC 4511.512)

371.13 OPERATION OF PERSONAL DELIVERY DEVICE ON SIDEWALKS AND CROSSWALKS.

- (a) As used in this section:
 - (1) "Eligible entity" means a corporation, partnership, association, firm, sole proprietorship, or other entity engaged in business.
 - (2) "Personal delivery device" means an electrically powered device to which all of the following apply:
 - A. The device is intended primarily to transport property and cargo on sidewalks and crosswalks.
 - B. The device weighs less than 250 pounds excluding any property or cargo being carried in the device.
 - C. The device has a maximum speed of ten miles per hour.
 - D. The device is equipped with technology that enables the operation of the device with active control or monitoring by a person, without active control or monitoring by a person, or both with or without active control or monitoring by a person.
 - (3) "Personal delivery device operator" means an agent of an eligible entity who exercises direct physical control over, or monitoring of, the navigation and operation of a personal delivery device. The phrase does not include, with respect to a delivery or other service rendered by a personal delivery device, the person who requests the delivery or service. The phrase also does not include a person who only arranges for and dispatches a personal delivery device for a delivery or other service.
- (b) An eligible entity may operate a personal delivery device on sidewalks and crosswalks so long as all of the following requirements are met:
 - (1) The personal delivery device is operated in accordance with all regulations, if any, established by each local authority within which the personal delivery device is operated.
 - (2) A personal delivery device operator is actively controlling or monitoring the navigation and operation of the personal delivery device.

- (3) The eligible entity maintains an insurance policy that includes general liability coverage of not less than one hundred thousand dollars (\$100,000) for damages arising from the operation of the personal delivery device by the eligible entity and any agent of the eligible entity.
- (4) The device is equipped with all of the following:
 - A. A marker that clearly identifies the name and contact information of the eligible entity operating the personal delivery device and a unique identification number;
 - B. A braking system that enables the personal delivery device to come to a controlled stop;
 - C. If the personal delivery device is being operated between sunset and sunrise, a light on both the front and rear of the personal delivery device that is visible in clear weather from a distance of at least 500 feet to the front and rear of the personal delivery device when directly in front of low beams of headlights on a motor vehicle.

(c) No personal delivery device operator shall allow a personal delivery device to do any of the following:

- (1) Fail to comply with traffic or pedestrian control devices and signals;
- (2) Unreasonably interfere with pedestrians or traffic;
- (3) Transport any hazardous material that would require a permit issued by the Public Utilities Commission;
- (4) Operate on a street or highway, except when crossing the street or highway within a crosswalk.

(d) A personal delivery device has all of the rights and obligations applicable to a pedestrian under the same circumstances, except that a personal delivery device shall yield the right-of-way to human pedestrians on sidewalks and crosswalks.

- (e) (1) No person shall operate a personal delivery device unless the person is authorized to do so under this section and complies with the requirements of this section.
- (2) An eligible entity is responsible for both of the following:
 - A. Any violation of this section that is committed by a personal delivery device operator; and
 - B. Any other circumstance, including a technological malfunction, in which a personal delivery device operates in a manner prohibited by divisions (c)(1) to (c)(4) of this section.(ORC 4511.513)

371.14 LOW-SPEED MICROMOBILITY DEVICES.

- (a) (1) A low-speed micromobility device may be operated on the public streets, highways, sidewalks, and shared-use paths, and may be operated on any portions of roadways set aside for the exclusive use of bicycles in accordance with this section.
- (2) Except as otherwise provided in this section, those sections of this title that by their nature could apply to a low-speed micromobility device do apply to the device and the person operating it whenever it is operated upon any public street, highway, sidewalk, or shared-use path, or upon any portion of a roadway set aside for the exclusive use of bicycles.

- (b) No operator of a low-speed micromobility device shall do any of the following:
- (1) Fail to yield the right-of-way to all pedestrians at all times;
 - (2) Fail to give an audible signal before overtaking and passing a pedestrian;
 - (3) Operate the device at night unless the device or its operator is equipped with or wearing both of the following:
 - A. A lamp pointing to the front that emits a white light visible from a distance of not less than 500 feet;
 - B. A red reflector facing the rear that is visible from all distances from 100 feet to 600 feet when directly in front of lawful lower beams of head lamps on a motor vehicle.
- (c) (1) No person who is under sixteen years of age shall rent a low-speed micromobility device.
- (2) No person shall knowingly rent a low-speed micromobility device to a person who is under sixteen years of age.
- (3) No person shall knowingly rent a low-speed micromobility device on behalf of a person who is under sixteen years of age.
- (d) No person shall operate a low-speed micromobility device at a speed greater than twenty miles per hour.
- (e) (1) Whoever violates this section is guilty of a minor misdemeanor.
- (2) Unless a mens rea is otherwise specified in this section, an offense established under this section is a strict liability offense and Ohio R.C. 2901.20 does not apply. The designation of that 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.
- (f) Notwithstanding subsection (a)(1) of this section, the municipality, may do any of the following:
- (1) Regulate or prohibit the operation of low-speed micromobility devices on public streets, highways, sidewalks, and shared-use paths, and portions of roadways set aside for the exclusive use of bicycles, under its jurisdiction;
 - (2) Include low-speed micromobility devices that are adapted to expand access for people with various physical limitations into a shared bicycle, shared electric bicycle, or similar vehicle sharing program, under its jurisdiction;
 - (3) Require the owner or operator of a low-speed micromobility device rental service or low-speed micromobility device sharing program to maintain commercial general liability insurance related to the operation of the devices, with limits of up to one million dollars (\$1,000,000) per occurrence and two million dollars (\$2,000,000) per aggregate.
(ORC 4511.514)

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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.)

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code.

(ORC 4511.713)

373.14 ELECTRIC BICYCLES.

- (a) (1) The operation of a class 1 electric bicycle and a class 2 electric bicycle is permitted on a path set aside for the exclusive use of bicycles or on a shared-use path, unless the Municipality by resolution, ordinance, or rule prohibits the use of a class 1 electric bicycle or class 2 electric bicycle on such a path.
- (2) No person shall operate a class 3 electric bicycle on a path set aside for the exclusive use of bicycles or a shared-use path unless that path is within or adjacent to a highway or the Municipality by resolution, ordinance, or rule authorizes the use of a class 3 electric bicycle on such a path.
- (3) No person shall operate a class 1 electric bicycle, a class 2 electric bicycle or a class 3 electric bicycle on a path that is intended to be used primarily for mountain biking, hiking, equestrian use, or other similar uses, or any other single track or natural surface trail that has historically been reserved for nonmotorized use, unless the Municipality by resolution, ordinance or rule authorizes the use of a class 1 electric bicycle, a class 2 electric bicycle, or a class 3 electric bicycle on such a path.
- (4) Subsections (a)(2) and (a)(3) of this section do not apply to a law enforcement officer, or other person sworn to enforce the criminal and traffic laws of the state, using an electric bicycle while in the performance of the officer's duties.
- (b) (1) No person under sixteen years of age shall operate a class 3 electric bicycle; however, a person under sixteen years of age may ride as a passenger on a class 3 electric bicycle that is designed to accommodate passengers.
- (2) No person shall operate or be a passenger on a class 3 electric bicycle unless the person is wearing a protective helmet that meets the standards established by the Consumer Product Safety Commission or the American Society for Testing and Materials.

- (c) (1) Except as otherwise provided in this subsection, whoever operates an electric bicycle in a manner that is prohibited under subsection (a) of this section and whoever violates subsection (b) of 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.
- (2) The offenses established under subsection (c)(1) of this section are strict liability offenses and strict liability is a culpable mental state for purposes of Ohio R.C. 2901.20. The designation of these offenses as strict liability offenses 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. (ORC 4511.522)

CHAPTER 374
Motorized Bicycles

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| <p>374.01 Motorized bicycle operation, equipment and license.</p> <p>374.02 Restrictions on operations.</p> <p>374.03 Attaching motorized bicycle to vehicle.</p> <p>374.04 Riding motorized bicycle abreast.</p> <p>374.05 Audible signaling device.</p> <p>374.06 Lights and reflector on motorized bicycles; brakes.</p> <p>374.07 Riding motorized bicycle on right side of roadway; obedience to traffic rules; passing.</p> <p>374.08 Control and speed.</p> | <p>374.09 Parking a motorized bicycle.</p> <p>374.10 Riding on sidewalks.</p> <p>374.11 Mutilation of serial numbers, stickers or plates.</p> <p>374.12 Prohibited acts.</p> <p>374.13 Possession of license.</p> <p>374.14 Stopping after an accident upon streets; collision with unattended vehicle.</p> <p>374.15 Stopping after accident upon property other than streets.</p> <p>374.99 Penalties.</p> |
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CROSS REFERENCES

Operator's license - see Ohio R.C. 4511.521

Brakes - see Ohio R.C. 4513.20

Motorized bicycle defined - see TRAF. 301.04(b)

374.01 MOTORIZED BICYCLE OPERATION, EQUIPMENT AND LICENSE.

(a) No person shall operate a motorized bicycle upon any street or highway or any public or private property used by the public for purposes of vehicular travel or parking, unless all of the following conditions are met:

- (1) The person possesses a valid license or permit authorizing such operation and which is issued by the Ohio Registrar of Motor Vehicles under Ohio R.C. Chapter 4506 or 4507 or Ohio R.C. 4511.521;
- (2) The motorized bicycle is equipped in accordance with rules adopted by the Ohio Director of Public Safety and is in proper working order;
- (3) The person, if under eighteen years of age, is wearing a protective helmet on the person's head with the chin strap properly fastened, and the motorized bicycle is equipped with a rear-view mirror; and
- (4) The person operates the motorized bicycle when practicable within three feet of the right edge of the roadway obeying all traffic rules applicable to vehicles.

(b) No person operating a motorized bicycle shall carry another person upon the motorized bicycle.

(c) The protective helmet and rearview mirror required by subsection (a)(3) of this section shall, on and after January 1, 1985, conform with rules adopted by the Ohio Director of Public Safety.

(d) Whoever violates this section is guilty of a minor misdemeanor. (ORC 4511.521)

374.02 RESTRICTIONS ON OPERATIONS.

(a) A person operating a motorized bicycle shall not ride other than upon the permanent and regular seat attached thereto.

(b) No motorized bicycle shall be operated within the City limits carrying more persons than the operator.

(c) A person shall ride upon a motorized bicycle only while sitting astride the seat facing forward with one leg on each side of the motorized bicycle.

(d) No person shall operate a motorized bicycle without using safety glasses or other protective eye devices. No person who is under the age of eighteen shall operate a motorized bicycle in the City unless wearing a protective helmet on his/her head. The helmet, safety glasses or other protective eye device shall conform with regulations prescribed and promulgated by the Ohio Director of Public Safety. The provisions of this subsection or a violation thereof shall not be used in trial in any civil action. (Ord. 8-84. Passed 2-13-84.)

374.03 ATTACHING MOTORIZED BICYCLE TO VEHICLE.

No person riding upon any motorized bicycle shall attach the same or himself to any vehicle upon a roadway. No operator of a motorized bicycle shall knowingly permit any person riding upon a motorcycle, motorized bicycle, bicycle, coaster, rollerskates, sled or toy vehicle to attach the same to himself or to any vehicle while it is moving upon a roadway. (Ord. 8-84. Passed 2-13-84.)

374.04 RIDING MOTORIZED BICYCLE ABREAST.

Persons riding motorized bicycles upon a roadway shall ride in a single file. (Ord. 8-84. Passed 2-13-84.)

374.05 AUDIBLE SIGNALING DEVICE.

No person shall operate a motorized bicycle unless it is equipped with at least one audible signaling device capable of giving a signal audible for a distance of at least 100 feet, activated by pushing a self-returning device located on the left handle bar. Such signaling device shall not consist of a siren or whistle. (OAC 4501-23-15; Ord. 8-84. Passed 2-13-84.)

374.06 LIGHTS AND REFLECTOR ON MOTORIZED BICYCLES; BRAKES.

(a) Every motorized bicycle when in use at the time specified in Section 337.02 shall be equipped with a light on the front that shall emit a white light visible from a distance of at least 500 feet to the front and with a red reflector on the rear of a type approved by the Director of Public Safety. It shall be visible from all distances for 100 feet to 600 feet to the rear when directly in front of lawful lower beam headlights on a motor vehicle and a light emitting a red light visible from a distance of 500 feet to the rear. It shall be used in addition to the rear reflector.

“The testimony of an accomplice that is supported by other evidence does not become inadmissible because of the accomplice’s complicity, moral turpitude, or self-interest, but the admitted or claimed complicity of a witness may affect the witness’ credibility and make the witness’ testimony subject to grave suspicion, and requires that it be weighed with great caution.

It is for you, as jurors, in light of all the facts presented to you from the witness stand, to evaluate such testimony and to determine its quality and worth or its lack of quality and worth”.

- (3) “Conspiracy”, as used in subsection (h)(1) of this section, does not include any conspiracy that results in an attempt to commit an offense or in the commission of an offense.
- (i) The following are affirmative defenses to a charge of conspiracy:
 - (1) After conspiring to commit an offense, the actor thwarted the success of the conspiracy under circumstances manifesting a complete and voluntary renunciation of the actor’s criminal purpose.
 - (2) After conspiring to commit an offense, the actor abandoned the conspiracy prior to the commission of or attempt to commit any offense that was the object of the conspiracy, either by advising all other conspirators of the actor’s abandonment, or by informing any law enforcement authority of the existence of the conspiracy and of the actor’s participation in the conspiracy.
- (j) Whoever violates this section is guilty of conspiracy, which is a misdemeanor of the first degree, when the most serious offense that is the object of the conspiracy is a felony of the fifth degree.
- (k) This section does not define a separate conspiracy offense or penalty where conspiracy is defined as an offense by one or more sections of this Code, other than this section. In such a case, however:
 - (1) With respect to the offense specified as the object of the conspiracy in the other section or sections, subsection (a) hereof defines the voluntary act or acts and culpable mental state necessary to constitute the conspiracy;
 - (2) Subsections (b) to (i) hereof are incorporated by reference in the conspiracy offense defined by the other section or sections of this Code.
- (l)
 - (1) In addition to the penalties that otherwise are imposed for conspiracy, a person who is found guilty of conspiracy to engage in a pattern of corrupt activity is subject to divisions (B)(2) and (3) of Ohio R.C. 2923.32, division (A) of Ohio R.C. 2981.04 and division (D) of Ohio R.C. 2981.06.
 - (2) If a person is convicted of or pleads guilty to conspiracy and if the most serious offense that is the object of the conspiracy is a felony drug trafficking, manufacturing, processing or possession offense, in addition to the penalties or sanctions that may be imposed for the conspiracy under subsection (j) hereof and Ohio R.C. Chapter 2929, both of the following apply:
 - A. The provisions of divisions (D), (F) and (G) of Ohio R.C. 2925.03, division (D) of Ohio R.C. 2925.04, division (D) of Ohio R.C. 2925.05, division (D) of Ohio R.C. 2925.06 and division (E) of Ohio R.C. 2925.11 that pertain to mandatory and additional fines, driver’s or commercial driver’s license or permit suspensions, and professionally licensed persons and that would apply under the

appropriate provisions of those divisions to a person who is convicted of or pleads guilty to the felony drug trafficking, manufacturing, processing, or possession offense that is the most serious offense that is the basis of the conspiracy shall apply to the person who is convicted of or pleads guilty to the conspiracy as if the person had been convicted or pleaded guilty to the felony drug trafficking, manufacturing, processing or possession offense that is the most serious offense that is the basis of the conspiracy.

- B. The court that imposes sentence upon the person who is convicted of or pleads guilty to the conspiracy shall comply with the provisions identified as being applicable under subsection (l)(2) of this section, in addition to any other penalty or sanction that it imposes for the conspiracy under subsection (j) of this section and Ohio R.C. Chapter 2929.
- (m) As used in this section:
- (1) "Felony drug trafficking, manufacturing, processing or possession offense" means any of the following that is a felony:
 - A. A violation of Ohio R.C. 2925.03, 2925.04, 2925.05, or 2925.06;
 - B. A violation of Ohio R.C. 2925.11 that is not a minor drug possession offense.
 - (2) "Minor drug possession offense" has the same meaning as in Ohio R.C. 2925.01. (ORC 2923.01)

501.99 PENALTIES FOR MISDEMEANORS.

(a) Financial Sanctions. In addition to imposing court costs pursuant to Ohio R.C. 2947.23, the court imposing a sentence upon an offender for a misdemeanor committed under the Codified Ordinances, including a minor misdemeanor, may sentence the offender to any financial sanction or combination of financial sanctions authorized under this section. If the court in its discretion imposes one or more financial sanctions, the financial sanctions that may be imposed pursuant to this section include, but are not limited to, the following:

- (1) Restitution.
 - A. Unless the misdemeanor offense is a minor misdemeanor or could be disposed of by the traffic violations bureau serving the court under Traffic Rule 13, restitution by the offender to the victim of the offender's crime or any survivor of the victim, in an amount based on the victim's economic loss. The court may not impose restitution as a sanction pursuant to this section if the offense is a minor misdemeanor or could be disposed of by the traffic violations bureau serving the court under Traffic Rule 13. If the court requires restitution, the court shall order that the restitution be made to the victim in open court or to the adult probation department that serves the jurisdiction or the clerk of the court on behalf of the victim.

- B. If the court imposes restitution, the court shall determine the amount of restitution to be paid by the offender. If the court imposes restitution, the court may base the amount of restitution it orders on an amount recommended by the victim, the offender, a presentence investigation report, estimates or receipts indicating the cost of repairing or replacing property, and other information, provided that the amount the court orders as restitution shall not exceed the amount of economic loss suffered by the victim as a direct and proximate result of the commission of the offense. If the court imposes restitution for the cost of accounting or auditing done to determine the extent of economic loss, the court may order restitution for any amount of the victim's costs of accounting or auditing provided that the amount of restitution is reasonable and does not exceed the value of property or services stolen or damaged as a result of the offense. If the court decides to impose restitution, the court shall hold an evidentiary hearing on restitution if the offender, victim, or survivor disputes the amount of restitution. If the court holds an evidentiary hearing, at the hearing the victim or survivor has the burden to prove by a preponderance of the evidence the amount of restitution sought from the offender.
- C. All restitution payments shall be credited against any recovery of economic loss in a civil action brought by the victim or any survivor of the victim against the offender. No person may introduce evidence of an award of restitution under this section in a civil action for purposes of imposing liability against an insurer under Ohio R.C. 3937.18.
- D. If the court imposes restitution, the court may order that the offender pay a surcharge, of not more than five per cent of the amount of the restitution otherwise ordered, to the entity responsible for collecting and processing restitution payments.
- E. The victim or survivor may request that the prosecutor in the case file a motion, or the offender may file a motion, for modification of the payment terms of any restitution ordered. If the court grants the motion, it may modify the payment terms as it determines appropriate.
- (2) Fines. A fine in the following amount:
- A. For a misdemeanor of the first degree, not more than one thousand dollars (\$1,000);
- B. For a misdemeanor of the second degree, not more than seven hundred fifty dollars (\$750.00);
- C. For a misdemeanor of the third degree, not more than five hundred dollars (\$500.00);
- D. For a misdemeanor of the fourth degree, not more than two hundred fifty dollars (\$250.00);
- E. For a minor misdemeanor, not more than one hundred fifty dollars (\$150.00).
- (3) Reimbursement of costs of sanctions.
- A. Reimbursement by the offender of any or all of the costs of sanctions incurred by the government, including, but not limited to, the following:
1. All or part of the costs of implementing any community control sanction, including a supervision fee under Ohio R.C. 2951.021;

2. All or part of the costs of confinement in a jail or other residential facility, including, but not limited to, a per diem fee for room and board, the costs of medical and dental treatment, and the costs of repairing property damaged by the offender while confined.
 - B. The amount of reimbursement ordered under subsection (a)(3)A. of this section shall not exceed the total amount of reimbursement the offender is able to pay and shall not exceed the actual cost of the sanctions. The court may collect any amount of reimbursement the offender is required to pay under that subsection. If the court does not order reimbursement under that subsection, confinement costs may be assessed pursuant to a repayment policy adopted under Ohio R.C. 2929.37. In addition, the offender may be required to pay the fees specified in Ohio R.C. 2929.38 in accordance with that section. (ORC 2929.28)
- (b) Jail Terms.
- (1) Except as provided in Ohio R.C. 2929.22 or 2929.23 of the Revised Code, and unless another term is required or authorized pursuant to law, if the sentencing court imposing a sentence upon an offender for a misdemeanor elects or is required to impose a jail term on the offender pursuant to this General Offenses Code, the court shall impose a definite jail term that shall be one of the following:
 - A. For a misdemeanor of the first degree, not more than one hundred eighty days;
 - B. For a misdemeanor of the second degree, not more than ninety days;
 - C. For a misdemeanor of the third degree, not more than sixty days;
 - D. For a misdemeanor of the fourth degree, not more than thirty days.
 - (2) A. A court that sentences an offender to a jail term under this section may permit the offender to serve the sentenced in intermittent confinement or may authorize a limited release of the offender as provided in Ohio R.C. 2929.26(B). The court retains jurisdiction over every offender sentenced to jail to modify the jail sentence imposed at any time, but the court shall not reduce any mandatory jail term.
 - B. 1. If a prosecutor, as defined in Ohio R.C. 2935.01, has filed a notice with the court that the prosecutor wants to be notified about a particular case and if the court is considering modifying the jail sentence of the offender in that case, the court shall notify the prosecutor that the court is considering modifying the jail sentence of the offender in that case. The prosecutor may request a hearing regarding the court's consideration of modifying the jail sentence of the offender in that case, and, if the prosecutor requests a hearing, the court shall notify the eligible offender of the hearing.
 2. If the prosecutor requests a hearing regarding the court's consideration of modifying the jail sentence of the offender in that case, the court shall hold the hearing before considering whether or not to release the offender from the offender's jail sentence.

- (3) If a court sentences an offender to a jail term under this section and the court assigns the offender to a county jail that has established a county jail industry program pursuant to Ohio R.C. 5147.30, the court shall specify, as part of the sentence, whether the offender may be considered for participation in the program. During the offender's term in the county jail, the court retains jurisdiction to modify its specification regarding the offender's participation in the county jail industry program.
- (4) If a person is sentenced to a jail term pursuant to this section, the court may impose as part of the sentence pursuant to Ohio R.C. 2929.28 a reimbursement sanction, and, if the local detention facility in which the term is to be served is covered by a policy adopted pursuant to Ohio R.C. 307.93, 341.14, 341.19, 341.21, 341.23, 753.02, 753.04, 753.16, 2301.56, or 2947.19 and Ohio R.C. 2929.37, both of the following apply:
- A. The court shall specify both of the following as part of the sentence:
1. If the person is presented with an itemized bill pursuant to Ohio R.C. 2929.37 for payment of the costs of confinement, the person is required to pay the bill in accordance with that section.
 2. If the person does not dispute the bill described in subsection (b)(4)A.1. of this section and does not pay the bill by the times specified in Ohio R.C. 2929.37, the clerk of the court may issue a certificate of judgment against the person as described in that section.
- B. The sentence automatically includes any certificate of judgment issued as described in subsection (b)(4)A.2. of this section.
(ORC 2929.24)

(c) Organizations. Regardless of the penalties provided in subsections (a) and (b) hereof, an organization convicted of an offense pursuant to Section 501.11 shall be fined, in accordance with this section. The court shall fix the fine as follows:

Type of <u>Misdemeanor</u>	Maximum <u>Fine</u>
First degree	\$5000.00
Second degree	4000.00
Third degree	3000.00
Fourth degree	2000.00
Minor	1000.00
Misdemeanor not specifically classified	2000.00
Minor misdemeanor not specifically classified	1000.00

- (1) When an organization is convicted of an offense that is not specifically classified, and the section defining the offense or penalty plainly indicates a purpose to impose the penalty provided for violation upon organizations, then the penalty so provided shall be imposed in lieu of the penalty provided in this subsection (c).

- (2) When an organization is convicted of an offense that is not specifically classified, and the penalty provided includes a higher fine than the fine that is provided in this subsection (c), then the penalty imposed shall be pursuant to the penalty provided for the violation of the section defining the offense.
- (3) This subsection (c) does not prevent the imposition of available civil sanctions against an organization convicted of an offense pursuant to Section 501.11, either in addition to or in lieu of a fine imposed pursuant to this subsection (c).
(ORC 2929.31)

- (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) Commit any act by which unnecessary or unjustifiable pain or suffering is caused, permitted or allowed to continue, when there is a reasonable remedy or relief, against the companion animal;
 - (2) Omit any act of care by which unnecessary or unjustifiable pain or suffering is caused, permitted or allowed to continue, when there is a reasonable remedy or relief, against the companion animal;
 - (3) Commit any act of neglect by which unnecessary or unjustifiable pain or suffering is caused, permitted or allowed to continue, when there is a reasonable remedy or relief, against the companion animal;
 - (4) Needlessly kill the companion animal;
 - (5) Deprive the companion animal of continuous access to clean, potable drinking water either free flowing or in a receptacle; if a receptacle is used, it shall be weighted on the bottom, mounted, or secured in a manner to prevent tipping. Snow or ice is not an acceptable water source.
 - (6) Fail to provide the companion animal food, at suitable intervals, and at least once every twenty-four hours, that is appropriate for the animal's condition and age and sufficient to maintain an adequate level of nutrition for the animal.
 - (7) Tether or restrain the companion animal in a manner that causes injury or entanglement or allows the animal to cross the property line.
 - (8) Fail to provide the companion animal with clean, dry, structurally sound shelter from the elements throughout the year. If the animal is housed outside, a structure for shelter and protection must be provided that is suitable for the species, age, condition, size and type of animal. The structure shall be completely enclosed and insulated with one entrance. The structure must be made of durable material with a solid, moisture proof floor that is raised at least two (2) inches from the ground. Any shelter that does not protect the animal from temperature extremes or precipitation or provide adequate ventilation or drainage does not comply with this section.
- (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) Commit any act by which unnecessary or unjustifiable pain or suffering is caused, permitted or allowed to continue, when there is a reasonable remedy or relief, against the companion animal;
 - (2) Omit any act of care by which unnecessary or unjustifiable pain or suffering is caused, permitted, or allowed to continue, when there is a reasonable relief, against the companion animal;
 - (3) Commit any act of neglect by which unnecessary or unjustifiable pain or suffering is caused, permitted or allowed to continue, when there is a reasonable remedy or relief, against the companion animal;
 - (4) Needlessly kill the companion animal;

- (5) Deprive the companion animal of continuous access to clean, potable drinking water either free flowing or in a receptacle; if a receptacle is used, it shall be weighted on the bottom, mounted, or secured in a manner to prevent tipping. Snow or ice is not an acceptable water source.
 - (6) Fail to provide the companion animal food, at suitable intervals, and at least once every twenty-four hours, that is appropriate for the animal's condition and age and sufficient to maintain an adequate level of nutrition for the animal.
 - (7) Tether or restrain the companion animal in a manner that causes injury or entanglement or allows the animal to cross the property line.
 - (8) Fail to provide the companion animal with clean, dry, structurally sound shelter from the elements throughout the year. If the animal is housed outside, a structure for shelter and protection must be provided that is suitable for the species, age, condition, size and type of animal. The structure shall be completely enclosed and insulated with one entrance. The structure must be made of durable material with a solid, moisture proof floor that is raised at least two (2) inches from the ground. Any shelter that does not protect the animal from temperature extremes or precipitation or provide adequate ventilation or drainage does not comply with this section.
- (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.

(f) Notwithstanding any section of the Ohio Revised Code that otherwise provides for the distribution of fine moneys, the Clerk of Court shall forward all fines the Clerk collects that are so imposed for any violation of this section to the Treasurer of the municipality, whose county humane society or law enforcement agency is to be paid the fine money as determined under this section. The Treasurer shall pay the fine moneys to the county humane society or the county, township, municipal corporation, or state law enforcement agency in this state that primarily was responsible for or involved in the investigation and prosecution of the violation. If a county humane society receives any fine moneys under this section, the county humane society shall use the fine moneys either to provide the training that is required for humane society agents under Ohio R.C. 1717.061 or to provide additional training for humane society agents.
(ORC 959.131)

- (g) (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. (Ord. 13-15. Passed 10-12-15.)

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 harbinger, 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 harbinger. 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 harbinger. 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)

(c) Whoever violates this section is guilty of a misdemeanor of the first degree on the first offense. On a second or subsequent offense, such person is guilty of a felony and shall be prosecuted under appropriate State law. (ORC 935.99)

505.14 DANGEROUS DOGS.

(a) Except when a dangerous dog is lawfully engaged in hunting or training for the purpose of hunting and is accompanied by the owner, keeper, harborer, or handler of the dog, no owner, keeper, or harborer of a dangerous dog shall fail to do either of the following:

- (1) While that dog is on the premises of the owner, keeper or harborer, securely confine it at all times in a building, in a locked pen that has a top, locked fenced yard or other locked enclosure that has a top;
- (2) While that dog is off the premises of the owner, keeper or harborer, keep that dog on a chain-link leash or tether that is not more than six feet in length and additionally do at least one of the following:
 - A. Keep that dog in a locked pen that has a top, locked fenced yard or other locked enclosure that has a top;
 - B. Have the leash or tether controlled by a person who is of suitable age and discretion or securely attach, tie or affix the leash or tether to the ground or stationary object or fixture so that the dog is adequately restrained and station such a person in close enough proximity to that dog so as to prevent it from causing injury to any person;
 - C. Muzzle that dog.

- (b) No owner, keeper or harborer of a dangerous dog shall fail to do the following:
- (1) Obtain liability insurance with an insurer authorized to write liability insurance in this State providing coverage in each occurrence because of damage or bodily injury to or death of a person caused by the dangerous dog if so ordered by a court and provide proof of that liability insurance upon request to any law enforcement officer, County Dog Warden, or public health official charged with enforcing this section;
 - (2) Obtain a dangerous dog registration certificate from the County Auditor pursuant to Ohio R.C. 955.22(I), affix a tag that identifies the dog as a dangerous dog to the dog's collar, and ensure that the dog wears the collar and tag at all times;
 - (3) Notify the local Dog Warden immediately if any of the following occurs:
 - A. The dog is loose or unconfined.
 - B. The dog bites a person, unless the dog is on the property of the owner of the dog, and the person who is bitten is unlawfully trespassing or committing a criminal act within the boundaries of that property.
 - C. The dog attacks another animal while the dog is off the property of the owner of the dog.

- (4) If the dog is sold, given to another person, or dies, notify the County Auditor within ten days of the sale, transfer or death.
(ORC 955.22)

(c) Whoever violates subsection (a) hereof is guilty of a misdemeanor of the fourth degree on a first offense and of a misdemeanor of the third degree on each subsequent offense. Additionally, the court may order the offender to personally supervise the dangerous dog that the offender owns, keeps or harbors, to cause that dog to complete dog obedience training, or to do both, and the court may order the offender to obtain liability insurance pursuant to subsection (b) hereof. The court, in the alternative, may order the dangerous dog to be humanely destroyed by a licensed veterinarian, the Dog Warden or the humane society at the owner's expense.

- (d) (1) Whoever violates subsection (b)(2) hereof is guilty of a misdemeanor of the fourth degree.
(2) Whoever violates subsections (b)(1), (3) or (4) hereof is guilty of a minor misdemeanor. (ORC 955.99)

505.15 HARBORING BEES; ABATEMENT.

(a) It is declared to be a nuisance for any person to keep or harbor bees which cause annoyance to other person or damage to the property of others.

(b) Upon complaint being made, the Mayor is authorized and directed to notify the owner or keeper of such bees to abate such nuisance and to remove hives or other contrivances, where such bees are kept or harbored, within ten days after being notified thereof.
(Ord. 72-55. Passed 11-28-55.)

- (c) Whoever fails to comply with such order is guilty of a minor misdemeanor.

505.16 HARBORING SNAKES; ABATEMENT.

(a) It is declared to be a nuisance for any person to keep or harbor snakes or for any person to keep or harbor snakes or other reptiles which cause annoyance to other persons.

(b) Upon complaint being made, the Mayor is authorized and directed to notify the owner or keeper to abate such nuisance and to remove such snakes or reptiles within ten days after being notified thereof. (Ord. 53-60. Passed 7-11-60.)

- (c) Whoever fails to comply with such order is guilty of a minor misdemeanor.

505.17 MAINTENANCE OF POULTRY OR ANIMAL YARDS.

(a) No person shall maintain any poultry or animal yard within fifty feet of any building used for residence purposes by anyone other than the one maintaining such poultry or animal yard or his immediate family, or within twenty-five feet of any public way other than an alley, or within 100 feet of any church or school building.

- (1) For the purposes of this section, "poultry or animal yard" includes any enclosure, shed or structure used to house two or more live fowl. "Fowl" includes chickens, ducks, geese and other poultry, or two or more cattle, horses, sheep, goats or other domestic animals.
(2) Every person maintaining a poultry or animal yard shall keep the same clean and sanitary and free from all refuse. Such yards shall be thoroughly swept at least once every twenty-four hours, and no person shall permit any decaying food or any refuse of any kind to remain in the yard. Refuse from such yards shall, when swept up or collected, be kept in airtight containers until disposed of in accordance with City ordinances, and no person shall permit any such refuse to remain uncovered.

- (3) Every poultry or animal yard shall be adequately enclosed so as to be impenetrable against rats or other rodents. The presence of any rats in any poultry or animal yard shall be prima-facie evidence that the yard is maintained in violation of the provisions of this section.

(b) Whoever violates this section is guilty of a minor misdemeanor. Each day that a person is in violation shall be considered a separate offense.
(Ord. 53-70. Passed 10-13-70.)

505.18 WILD OR EXOTIC ANIMALS.

(a) The following definitions shall apply for this section.

- (1) "Wild animals" mean any warm blooded nondomestic animal which is indigenous to the State and capable of transmitting rabies.
- (2) "Pocket pets" mean small pets such as hamsters, gerbils, guinea pigs, domestic rabbits, white rats, mice, etc.
- (3) "Exotic animals" mean other wild animals not indigenous to Ohio.

(b) No person shall harbor wild or exotic animals in the City. This section shall not apply to the following exemptions and special provisions:

- (1) The term pocket pets; and
- (2) Wild or exotic animals held for exhibit or use by research institutions and other governmental agencies having legal authority to possess wild animals, publicly supported zoos, circuses or extensions thereof.

(c) Whoever violates this section shall be guilty of a misdemeanor of the third degree.
(Ord. 37-81. Passed 8-10-81.)

505.99 PENALTY.

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

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

2. 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;
 3. The overhead costs incurred for the time that a business is shut down as a result of the criminal conduct;
 4. The loss of value to tangible or intangible property that was damaged as a result of the criminal conduct.
- B. All costs incurred by the Municipality as a result of, or in making any response to, the criminal conduct that constituted the violation of this section or Section 509.07, including, but not limited to, all costs so incurred by any law enforcement officers, firefighters, rescue personnel, or emergency medical services personnel of the state or the political subdivision.
- (2) "School" means any school operated by a board of education or any school for which the state board of education prescribes minimum standards under Ohio R.C. 3301.07, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted at the time a violation of this section is committed.
- (3) "Weapon of mass destruction" means any of the following:
- A. Any weapon that is designed or intended to cause death or serious physical harm through the release, dissemination, or impact of toxic or poisonous chemicals, or their precursors;
 - B. Any weapon involving a disease organism or biological agent;
 - C. Any weapon that is designed to release radiation or radioactivity at a level dangerous to human life;
 - D. Any of the following, except to the extent that the item or device in question is expressly excepted from the definition of "destructive device" pursuant to 18 U.S.C. 921(a)(4) and regulations issued under that section:
 1. Any explosive, incendiary, or poison gas bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or similar device;
 2. Any combination of parts either designed or intended for use in converting any item or device into any item or device described in division (e)(3)D.1. of this section and from which an item or device described in that division may be readily assembled.
- (4) "Biological agent" has the same meaning as in Ohio R.C. 2917.33.
- (5) "Emergency medical services personnel" has the same meaning as in Ohio R.C. 2133.21.
- (6) "Institution of higher education" means any of the following:
- A. A state university or college as defined in Ohio R.C. 3345.12(A)(1), community college, state community college, university branch, or technical college;
 - B. A private, nonprofit college, university or other post-secondary institution located in this State that possesses a certificate of authorization issued by the Ohio Board of Regents pursuant to Ohio R.C. Chapter 1713.
 - C. A post-secondary institution with a certificate of registration issued by the State Board of Career Colleges and Schools under Ohio R.C. Chapter 3332. (ORC 2917.31)

509.07 MAKING FALSE ALARMS.

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

- (1) Initiate or circulate a report or warning of an alleged or impending fire, explosion, crime or other catastrophe, knowing that the report or warning is false and likely to cause public inconvenience or alarm;
- (2) Knowingly cause a false alarm of fire or other emergency to be transmitted to or within any organization, public or private, for dealing with emergencies involving a risk of physical harm to persons or property;
- (3) Report to any law enforcement agency an alleged offense or other incident within its concern, knowing that such offense did not occur.
- (4) Initiate or circulate a report or warning of an alleged or impending fire, explosion, crime, or other catastrophe, knowing that the report or warning is false and likely to impede the operation of a critical infrastructure facility.

(b) This section does not apply to any person conducting an authorized fire or emergency drill.

(c) Whoever violates this section is guilty of making false alarms, a misdemeanor of the first degree. If a violation of this section results in economic harm of one thousand dollars (\$1,000) or more, or if a violation of this section pertains to a purported, threatened, or actual use of a weapon of mass destruction, making false alarms is a felony and shall be prosecuted under appropriate State law.

(d) Any act that is a violation of this section and any other section of the Codified Ordinances may be prosecuted under this section, the other section, or both sections.

(e) As used in this section:

- (1) "Critical infrastructure facility" has the same meaning as in Ohio R.C. 2911.21.
- (2) "Economic harm" and "weapon of mass destruction" have the same meaning as in Section 509.06. (ORC 2917.32)

509.08 DISTURBING THE PEACE/SOUND AMPLIFYING DEVICES.

(a) Disturbing the Peace. No person shall make or continue, or cause to be made or continued, any loud, unnecessary or unreasonable noise which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of ordinary sensitivities in the area of the noise. In determining whether a noise is of such a character as to unreasonably disturbs the peace and quiet of the neighborhood, a court shall consider the following factors:

- (1) Complaints of neighbors regarding the noise.
- (2) Time of day at which the noise takes place.
- (3) The intensity and duration of the noise.
- (4) The type of noise produced.
- (5) The alternative means audible without excessive noise.

(b) Sound Amplifying Devices on Private Property. No person shall generate or permit to be generated unreasonable noise or loud sound which is likely to cause inconvenience or annoyance to persons of ordinary sensibilities by means of a radio, phonograph, television, tape player, loud speaker or any other sound amplifying device or by any horn, drum, piano or other musical or percussion instrument. It is prima facie unlawful for a person to generate or permit to be generated sound by the above described devices or instruments in the following circumstances:

- (1) On private property where the sound is plainly audible more than fifty feet from the property line of the property on which the source of the sound is located.

(c) Sound Amplifying Devices in a Motor Vehicle. No person shall generate or permit to be generated unreasonable noise or loud sound which is likely to cause inconvenience or annoyance to persons of ordinary sensibilities by means of a radio, phonograph, television, tape player, loud speaker or any other sound amplifying device or by any horn, drum, piano or other musical or percussion instrument on a street, highway or in the public right of way when the sound is plainly audible fifty feet from the devices generating the sound.

(d) Definitions. "Plainly audible" means any sound produced by a radio, tape player, or other mechanical or electronic sound making devices, or instrument, from within the interior or exterior of a motor vehicle or on property, including sound produced by a portable sound making device, that can be clearly heard by a person using his/her normal hearing faculties, at a distance of fifty feet or more from the motor vehicle or property.

(e) Measurement. Any law enforcement personnel who hears a sound that is plainly audible, as defined herein, shall be entitled to measure the sound according to the following standards:

- (1) The primary means of detection shall be by means of the officer's ordinary auditory senses, so long as the officer's hearing is not enhanced by any mechanical device, such as a microphone or hearing aide.
- (2) The officer must have a direct line of sight and hearing to the motor vehicle producing the sound so that he can readily identify the offending motor vehicle if involving a motor vehicle.
- (3) The officer need not determine the particular words or phrases being produced or the name of any song or artist producing the sound. The detection of a rhythmic bass reverberating type sound is sufficient to constitute a plainly audible sound.

(f) Permitting Violations. No person, being the owner, or person in possession of a premises or person in control of the premises by reason of employment, agency, or otherwise whether such ownership, possession or control is exclusive or joint, shall permit a violation of this section.

- (g) Exemptions. The following uses and activities shall be exempt from this section.
- (1) Noises of safety signals, warning devices, and emergency pressure relief valves;
 - (2) Emergency vehicles;
 - (3) Emergency work;
 - (4) Any other noise resulting from activities of a temporary duration permitted by law and for which a license or permit therefore has been granted by the City;
 - (5) Any aircraft operated in conformity with, or pursuant to, Federal law, Federal air regulations, and air traffic control instruction;
 - (6) Noises resulting from the normal use of churches, schools, athletic fields, fairgrounds, parks and auditoriums; and
 - (7) City projects and work;
 - (8) Vehicles used in a parade, as specified in Section 311.02, and the person or organization conducting the parade has obtained a permit from the appropriate City agency;

- (9) Authorized public activities - authorized public events means one time or annual special indoor/outdoor events conducted pursuant to and in accordance with a City issued permit or authorization, including, but not limited to Lancaster Festival events, Friday Night Bandstand, Fairfield County Fair events;
- (10) Industrial noises.

(h) Penalty. Whoever violates this section shall be guilty of a minor misdemeanor. A second offense shall be an unclassified misdemeanor punishable with up to a two hundred fifty dollars (\$250.00) fine. (Ord. 47-99. Passed 9-13-99.)

509.081 UNLAWFUL USE OR OPERATION OF CITIZEN BAND (CB) RADIO.

(a) Definitions:

- (1) The Citizens Band (CB) Radio Services includes all private, two-way, short-distance voice communications service for personal or business activities of the general public. The CB Radio Service may also be used for voice paging. See 47CFR95.401(a).
- (2) CB station means a radio station transmitting in the CB Radio Service. See 47CFR95.402(f). A CB station includes all of the radio equipment (inclusive of antennas) that is used in order to transmit signals. See 47CFR95.402(f) and 47CFR95.426(b). A station that is licensed by the Federal Communications Commission (Commission) pursuant to Section 301 of the Communications Act of 1934 in any radio service for the operation at issue shall not be subject to the provisions of this Section. See Section (f)(2) of the 2000 amendment to Section 302 of the Communications Act of 1934 (47 U.S.C. 302a).
- (3) Use or operation is the act of using a CB radio or other equipment to transmit a signal in the CB Radio Service. Use or operation involves all radio equipment that is part of a CB station.
- (4) Electronic devices include any electrical, electronic or any other devices capable of receiving interference.
- (5) Interference is any abnormal sound, noise, rectification or operation of an electronic device that would be indicative of that device being subjected to a high radio-frequency field.
- (6) Antenna means the radiating system (for transmitting, receiving or both) and the structure holding it up (tower, pole or mast). It also means everything else attached to the radiating system and the structure. See 47CFR95.408(a).
- (7) CB radio equipment is any radio or other equipment capable of transmitting or propagating any RF transmissions within the CB Radio Services, including accessories, such as antennas.

(b) CB stations may transmit only on the following channels (frequencies):

Channel	Frequency (megahertz--MHZ)	Channel	Frequency (megahertz--MHZ)
1	26.965	21	27.215
2	26.975	22	27.225
3	26.985	23	27.255
4	27.005	24	27.235
5	27.015	25	27.245
6	27.035	26	27.265
7	27.035	27	27.275
8	27.055	28	27.285
9	27.065	29	27.295
10	27.075	30	27.305

11	27.085	31	27.315
12	27.105	32	27.325
13	27.115	33	27.335
14	27.125	34	27.345
15	27.135	35	27.355
16	27.155	36	27.365
17	27.165	37	27.375
18	27.175	38	27.385
19	27.185	39	27.395
20	27.205	40	27.405

See Title 47, Sec. 95.407(a)

(c) No operator of a CB station shall transmit, or any owner of a CB station shall allow another to transmit, on any frequency between 24MHz and 35 MHz, other than those specified in subsection (b).

- (1) Channel 9 may be used only for emergency communications or for traveler assistance. See 47CFR95.407(b).
- (2) Each CB transmitter must be maintained within a frequency tolerance of 0.005%. See 47CFR95.625(b).

(d) No person shall operate a CB station's transmitter with power output exceeding the following values under any conditions:

- (1) AM (Amplitude Modulation)--4 watts (carrier power);
- (2) SSB (Single Side-Band)--12 watts (peak envelope power). See 47CFR95.410(a).

(e) No person shall use or operate a CB transmitter unless it is certificated pursuant to the Communications Act of 1934 and its amendments (no CB transmitter manufactured after September 10, 1976 shall fail to possess a FCC certification). See 47CFR95.409(a).

(f) No person shall operate a CB transmitter that has been altered or modified without actual written permission allowing such modification, unless the modification is limited to the repair or servicing of a CB station transmitter or to the changing of plug-in modules. See 47CFR95.409(b).

(g) No person shall use or operate in any way:

- (1) External radio frequency (RF) power amplifier (sometimes called linears or linear amplifiers). See 47CFR95.411(a)(1).
- (2) Any other device which, when used with a radio transmitter as a signal source, are capable of amplifying the signal. See 47CFR95.411(a)(2).
- (3) A CB transmitter with frequency determining circuitry (including crystals) and programming controls that are external to the transmitter or that are accessible from the exterior of the transmitter operating panel or from the exterior of the transmitter enclosure. See 47CFR95.655(b).
- (4) Add-on devices, whether internal or external, the function of which is to extend the transmitting frequency capability of a CB transmitter beyond its original capability. See 47CFR95.655(c).

(h) If the subject matter of a complaint presented to a governmental agency involves CB radio transmissions interfering with electronic devices, such as speakers, garage door openers, home entertainment systems, data networks, electronic organs, televisions, radios, and telephones, not exclusively, the investigating agency may begin an investigation to determine if any CB radio operators are transmitting above the maximum allowable power output in the general vicinity of where the interference is being observed. However, violations of CB radio operators transmitting above the maximum allowable power output shall not be enforceable unless citizens (complainants) from two or more residences sign and attest that they are receiving interference from a CB station.

- (1) Initial investigations of possible violations of CB radio operators transmitting above the maximum allowable power output should contain the following:
 - A. A record from each complainant containing dates, day of the week, and time of the day that the interference has occurred. This logbook should encompass a time of no less than four (4) weeks.
 - B. Locations and type of equipment that the complainant is receiving interference.
 - C. An address, location and description of the person and premises that the complainant feels is causing the interference from a CB radio station.
 - D. Physical evidence such as a large antenna and/or radio supporting tower or other antennas mounted to a house or other structure on the property.
 - E. If possible, actual recordings of the interference received.
 - F. Any other evidence that would assist in determining the person and location of the source of the interference.
- (2) Probable cause to obtain a search warrant will be determined from a variety of factors and may include the following:
 - A. A drive-by inspection of the suspected violator's premises to determine the presence of CB radio type antennas, towers and any other relevant evidence.
 - B. Determinations made by the investigating agency of the power output of the CB station using field strength meters up to one-fourth mile of the CB station.
 - C. Monitoring of the C.B. radio frequency spectrum including radio frequencies above and below the radio frequencies allocated by the FCC for legal operations in and around the suspected area.
 - D. The log entries made by the investigative agency of the radio frequencies used during suspected illegal radio transmissions.
 - E. Records and observations made by the complainants.
 - F. Any other factors that would cause a reasonable person to believe that the alleged violator is using a CB radio or other equipment to violate the provisions of this Section.
 - G. Not all of the above factors need be met for a court of proper jurisdiction to find probable cause for the issuance of a search warrant; however, search warrant standards and procedures shall comply with O.R.C. Section 2933 and Crim.R. 41.
- (3) All property seized pursuant to a search warrant shall be kept until the accused is tried or the claimant's right is otherwise ascertained. The disposition of property seized under this Section and held by a law enforcement agency shall comply with O.R.C. Sections 2981.01 et seq., if applicable, 2933.42 and 2933.43.

(i) The enforcement of this ordinance shall not preclude the Federal Communications Commission from enforcing its own regulation concurrently. See Section (f)(5) of the 2000 amendment to Section 302 of the Communications Act of 1934 (47 U.S.C. 302a).

(j) Nothing in this ordinance shall be construed to diminish or otherwise affect the jurisdiction of the Commission. See Section (f)(6) of the 2000 amendment to Section 302 of the Communications Act of 1934 (47 U.S.C. 302a).

(k) The enforcement of this ordinance with regard to citizens band radio equipment on board a 'commercial motor vehicle' as defined in Section 31101 of Title 49, United States Code, shall require probable cause to find that the commercial motor vehicle or the individual operating the vehicle is in violation of the ordinance herein. See Section (f)(7) of the 2000 amendment to Section 302 of the Communications Act of 1934 (47 U.S.C. 302a).

(l) In addition to any other remedy authorized by law, a person affected by the decision of a local government agency in enforcing this statute may submit to the Commission an appeal of the decision on the grounds that the State or local government enacted a statute or ordinance outside the authority granted under Section 302 of the Communications Act of 1934. See Section (f)(4)(A) of the 2000 amendment to Section 302 of the Communications Act of 1934 (47 U.S.C. 302a). Such appeal shall be submitted to the Commission no later than 30 days after the date on which the decision by the local government agency becomes final, but prior to seeking judicial review of such decision. See Section (f)(4)(B) of the 2000 amendment to Section 302 of the Communications Act of 1934 (47 U.S.C. 302a).

(m) The Commission shall make a determination on an appeal submitted under subparagraph (l) not later than 180 days after its submittal. See Section (f)(4)(C) of the 2000 amendment to Section 302 of the Communications Act of 1934 (47 U.S.C. 302a). However, any CB radio equipment seized pursuant to a validly issued warrant shall remain in the custody of the local law enforcement agency during the pendency of the appeal. CB radio equipment that was seized shall only be returned if the Commission determines that relevant provisions of this ordinance exceeded the authority granted under Section 302 of the Communications Act of 1934 or if a court of proper jurisdiction determines that no violation occurred within this Section.

(n) All owners of a CB station shall keep all relevant correspondence from the FCC, hereafter known as "station records," such as written permission received from the FCC, at the CB station. A violation of this subsection may only occur if sufficient factors enumerated under subsections (s) or (t) indicate that modified or altered equipment requiring FCC permission for use was actually used or operated. See 47CFR95.427(b) and 47CFR95.426(a).

(o) Violations of subsections (c), (d), (e), (f), (g) or (n) shall be construed as strict liability offenses.

(p) Pursuant to O.R.C. Section 2901.01(13)(c), any CB radio equipment, inclusive of any antenna, that was used or operated, as determined under subsections (s) or (t), in violation of this Section shall be contraband.

(q) All persons using radio monitoring measurement instruments should be a holder of a "General Radiotelephone Operator" License issued by the FCC or an equivalent license issued by a certified industry standard testing board.

(r) All test instruments used for determining relative field strength and radio frequency power output should be of a commercial grade type typically used in a commercial two-way radio facility and annually checked for calibration against specifications contained in the operation manual or a known calibrated referenced source. For purposes of investigation, the variable gain control may be adjusted based on calibration check readings to compensate for any variations in battery voltage.

(s) In determining if CB radio equipment is being unlawfully used or operated on a frequency between 24 MHz and 35 MHz, a court, law enforcement officer or investigating agency shall consider, in addition to other relevant factors, the following:

- (1) Possession of the equipment;
- (2) The proximity of the equipment to other CB radio equipment;
- (3) Any statement by the owner, or by anyone in control, of the CB radio equipment, concerning its use;
- (4) Whether the CB radio equipment is directly or indirectly connected to an antenna;
- (5) The proximity in time or space of the CB radio equipment, or of the act relating to the CB radio equipment, to a violation of this Section;
- (6) Direct or circumstantial evidence of the use or operation of unlawful or unauthorized CB radio equipment.

(t) A court of law shall presume a person has a linear or other RF power amplifier if:

- (1) It is in a person's possession or on a person's property; and
- (2) There is other evidence that a person has operated a CB station with more power than allowed pursuant to subsection (d) of this Section. See 47CFR95.411(c).

(u) A court has proper venue to hear a case filed under this Section if the interference to electronic devices occurs within the City of Lancaster's legal boundaries or if the use or operation of a CB radio station occurs within the legal boundaries of the City of Lancaster.

(v) If any part of this Section is determined to be unconstitutional by a court of law or any part of this Section is determined to be outside the authority bestowed upon the City of Lancaster by Congress then the remainder of this Section shall remain in full force and effect. In addition, should any part of this Section be determined to be unconstitutional and/or outside the City's allowable authority then the court or agency must review the facts of the case to determine whether the City of Lancaster engaged in any actual conduct to enforce the unconstitutional and/or unauthorized provision. Only if the City of Lancaster acted outside its authority in enforcing this Section, shall the Commission preempt the decision enforcing this Section.

- (w)
- (1) Whoever violates subsection (c) is guilty of unlawful use of CB radio equipment, a misdemeanor of the first degree.
 - (2) Whoever violates subsection (d), (f) or (g) is guilty of unauthorized operation of CB radio equipment, a misdemeanor of the first degree.
 - (3) Whoever violates subsection (e) is guilty of unlawful use of CB radio equipment without proper FCC certification, a misdemeanor of the fourth degree.
 - (4) Whoever violates subsection (n) is guilty of failure to keep station records, a misdemeanor of the Fourth degree.
(Ord. 30-02. Passed 8-26-02.)

509.09 INTOXICATION.

(a) No person shall be found in a state of intoxication or under the influence of any drug of abuse, or being intoxicated or under the influence of a drug of abuse, shall disturb the peace and good order, or shall conduct himself in a disorderly manner. (Ord. 18-73. Passed 3-12-73.)

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

509.10 UNLAWFUL CONGREGATION ON SIDEWALKS, PUBLIC GROUNDS.

(a) No person shall congregate with others on the sidewalk, street corner, or within the parks or public grounds, with intent to provoke a breach of the peace; or whereby a breach of the peace may be occasioned by the serious annoyance to pedestrians or by threatening, insulting or abusive conduct to them; and refuse to move on when ordered by a police officer.

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

509.11 CURFEW.

(a) Hours for Minors Under Twelve. No minor under the age of twelve years shall loiter, idle, wander, stroll or play in or upon the public streets, other public places, places of amusement and entertainment, vacant lots or other unsupervised places during the period from darkness to dawn. However, the provisions of this section do not apply to a minor accompanied by his parent, guardian or other adult person having the care of and custody of the minor, or when the minor is engaged in any activity not prohibited by law and such activity is authorized by his parent, guardian or other adult person having the care and custody of such minor.

(b) Hours for Minors Under Eighteen. No minor under the age of eighteen years shall loiter, idle, wander, stroll or play in or upon the public streets, other public places, places of amusement and entertainment, vacant lots or other unsupervised places between the hours of 11:00 p.m. and 4:30 a.m. the following day. However, the provisions of this section do not apply to a minor accompanied by his parent, guardian or other adult person having the care of and custody of the minor, or when the minor is engaged in any activity not prohibited by law and such activity is authorized by his parent, guardian or other adult person having the care and custody of such minor.

(c) Enforcement against Parent or Guardian. The parent, guardian or person having the legal custody and control of any minor violating any of the provisions hereof is guilty of a minor misdemeanor. (Ord. 13-66. Passed 2-14-66.)

509.12 UNLAWFUL PANHANDLING AND FRAUDULENT SOLICITATIONS.

(a) For purposes of this section, "panhandling" means any solicitation made in person requesting an immediate donation of money. A donation shall be considered as the purchase of an item for an amount exceeding its value, under circumstances where a reasonable person would understand that the purchase is, in substance, a donation. "Panhandling" does not include passively standing or sitting with a sign or other nonverbal indication that one is seeking donations, without addressing any solicitation to any specific person other than in response to an inquiry by that person

- (b) No persons shall panhandle at any of the following locations:
- (1) At any bus stop, or transit vehicle stop;
 - (2) In a public transportation vehicle or facility;
 - (3) In a vehicle on the street;
 - (4) On private property, unless the panhandler has written permission from the owner or occupant; or
 - (5) At any ATM machine.
- (c) No person shall panhandle on any street, sidewalk, public right-of-way, or public property by:
- (1) Blocking the path of the person being asked for the donation;
 - (2) Following a person who walks away from the panhandler; or
 - (3) Making any statement, gesture or other communication in which the panhandler knowingly causes another to believe that the panhandler will cause or threaten to cause harm to the person or their property.
- (d) No person shall knowingly make any false or misleading representation in the course of panhandling. False or misleading representations include, but are not limited to, the following:
- (1) Stating that the donation is needed to meet a specified need, when the panhandler already has sufficient funds to meet that need and does not disclose that fact;
 - (2) Stating that the donation is needed to meet a need which does not exist;
 - (3) Stating that the panhandler is from out of town and stranded, when that is not true;
 - (4) Wearing a military uniform or other indication of military service, when the panhandler is neither a present nor a former member of the service indicated;
 - (5) Wearing or displaying an indication of physical disability, when the panhandler does not suffer the disability indicated;
 - (6) Use of make-up or any device to simulate any deformity; or
 - (7) Stating that the panhandler is homeless, when that is not true.
- (e) No person shall panhandle stating that the donation is needed for a specific purpose and then spend the donation received for a different purpose.
- (f) This section shall in no way be interpreted to prohibit the solicitation of donations by members of any schools, civic organizations or other nonprofit organizations soliciting donations by legitimate means and for legitimate purposes.
- (g) Whoever violates any provision of this section is guilty of a misdemeanor of the fourth degree on the first offense. A subsequent offence shall be an misdemeanor of the third degree. A third offense shall be an misdemeanor of the first degree.
(Ord. 31-08. Passed 9-8-08.)

509.99 PENALTY.

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

- (14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide); and
- (15) Any compound that meets all of the following fentanyl pharmacophore requirements to bind at the mu receptor, as identified by a report from an established forensic laboratory, including acetylfentanyl, furanylfentanyl, valerylfentanyl, butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl, para-fluorobutyrylfentanyl, acrylfentanyl, and ortho-fluorofentanyl:
- A. A chemical scaffold consisting of both of the following:
 1. A five, six, or seven member ring structure containing a nitrogen, whether or not further substituted;
 2. An attached nitrogen to the ring, whether or not that nitrogen is enclosed in a ring structure, including an attached aromatic ring or other lipophilic group to that nitrogen.
 - B. A polar functional group attached to the chemical scaffold, including but not limited to a hydroxyl, ketone, amide, or ester;
 - C. An alkyl or aryl substitution off the ring nitrogen of the chemical scaffold; and
 - D. The compound has not been approved for medical use by the United States food and drug administration.
- (w) "Harmful intoxicant." Does not include beer or intoxicating liquor, but means any of the following:
- (1) Any compound, mixture, preparation or substance the gas, fumes or vapor of which when inhaled can induce intoxication, excitement, giddiness, irrational behavior, depression, stupefaction, paralysis, unconsciousness, asphyxiation or other harmful physiological effects, and includes but is not limited to any of the following:
 - A. Any volatile organic solvent, plastic cement, model cement, fingernail polish remover, lacquer thinner, cleaning fluid, gasoline or other preparation containing a volatile organic solvent.
 - B. Any aerosol propellant.
 - C. Any fluorocarbon refrigerant.
 - D. Any anesthetic gas.
 - (2) Gamma Butyrolactone;
 - (3) 1,4 Butanediol.
- (x) "Hashish".
- (1) A resin or a preparation of a resin to which both of the following apply:
 - A. It is contained in or derived from any part of the plant of the genus cannabis, whether in solid form or in a liquid concentrate, liquid extract, or liquid distillate form.
 - B. It has a delta-9 tetrahydrocannabinol concentration of more than 0.3%.
 - (2) The term does not include a hemp byproduct in the possession of a licensed hemp processor under Ohio R.C. Chapter 928, provided that the hemp byproduct is being produced, stored, and disposed of in accordance with rules adopted under Ohio R.C. 928.03.
- (y) "Hypodermic." Has the same meaning as in Ohio R.C. 3719.01.
- (z) "Juvenile." A person under eighteen years of age.
- (aa) "Licensed health professional authorized to prescribe drugs." Has the same meaning as in Ohio R.C. 4729.01.
- (bb) "L.S.D." Lysergic acid diethylamide.
- (cc) "Major drug offender." Has the same meaning as in Ohio R.C. 2929.01.
- (dd) "Mandatory prison term." Has the same meaning as in Ohio R.C. 2929.01.

- (ee) "Manufacture." To plant, cultivate, harvest, process, make, prepare or otherwise engage in any part of the production of a drug, by propagation, extraction, chemical synthesis or compounding, or any combination of the same, and includes packaging, repackaging, labeling and other activities incident to production.
- (ff) "Manufacturer." Has the same meaning as in Ohio R.C. 3719.01.
- (gg) "Marihuana." Has the same meaning as in Ohio R.C. 3719.01, except that it does not include hashish.
- (hh) "Methamphetamine." Methamphetamine, any salt, isomer or salt of an isomer of methamphetamine, or any compound, mixture, preparation or substance containing methamphetamine or any salt, isomer or salt of an isomer of methamphetamine.
- (ii) "Minor drug possession offense." Either of the following:
 - (1) A violation of Ohio R.C. 2925.11, as it existed prior to July 1, 1996, or a substantially equivalent municipal ordinance.
 - (2) A violation of Ohio R.C. 2925.11, as it exists on and after July 1, 1996, or a substantially equivalent municipal ordinance, that is a misdemeanor or a felony of the fifth degree.
- (jj) "Official written order." Has the same meaning as in Ohio R.C. 3719.01.
- (kk) "Person." Has the same meaning as in Ohio R.C. 3719.01.
- (ll) "Pharmacist." Has the same meaning as in Ohio R.C. 3719.01.
- (mm) "Pharmacy." Has the same meaning as in Ohio R.C. 3719.01.
- (nn) "Possess" or "possession." Having control over a thing or substance but may not be inferred solely from mere access to the thing or substance through ownership or occupation of the premises upon which the thing or substance is found.
- (oo) "Prescription." Has the same meaning as in Ohio R.C. 4729.01.
- (pp) "Presumption for a prison term" or "presumption that a prison term shall be imposed." A presumption as described in Ohio R.C. 2929.13(D) that a prison term is a necessary sanction for a felony in order to comply with the purposes and principles of sentencing under Ohio R.C. 2929.11.
- (qq) "Professional license." Any license, permit, certificate, registration, qualification, admission, temporary license, temporary permit, temporary certificate or temporary registration that is described in Ohio R.C. 2925.01(W)(1) to (W)(37) and that qualifies a person as a professionally licensed person.
- (rr) "Professionally licensed person." Any of the following:
 - (1) A person who has received a certificate or temporary certificate as a certified public accountant or who has registered as a public accountant under Ohio R.C. Chapter 4701 and who holds an Ohio permit issued under that chapter;
 - (2) A person who holds a certificate of qualification to practice architecture issued or renewed and registered under Ohio R.C. Chapter 4703;
 - (3) A person who is registered as a landscape architect under Ohio R.C. Chapter 4703 or who holds a permit as a landscape architect issued under that chapter;
 - (4) A person licensed under Ohio R.C. Chapter 4707;
 - (5) A person who has been issued a certificate of registration as a registered barber under Ohio R.C. Chapter 4709;
 - (6) A person licensed and regulated to engage in the business of a debt pooling company by a legislative authority, under authority of Ohio R.C. Chapter 4710;

- (7) A person who has been issued a cosmetologist's license, hair designer's license, manicurist's license, esthetician's license, natural hair stylist's license, advanced cosmetologist's license, advanced hair designer's license, advanced manicurist's license, advanced esthetician's license, advanced natural hair stylist's license, cosmetology instructor's license, hair design instructor's license, manicurist instructor's license, esthetics instructor's license, natural hair style instructor's license, independent contractor's license, or tanning facility permit under Ohio R.C. Chapter 4713;
- (8) A person who has been issued a license to practice dentistry, a general anesthesia permit, a conscious sedation permit, a limited resident's license, a limited teaching license, a dental hygienist's license or a dental hygienist's teacher's certificate under Ohio R.C. Chapter 4715;
- (9) A person who has been issued an embalmer's license, a funeral director's license, a funeral home license or a crematory license, or who has been registered for an embalmer's or funeral director's apprenticeship under Ohio R.C. Chapter 4717;
- (10) A person who has been licensed as a registered nurse or practical nurse, or who has been issued a certificate for the practice of nurse-midwifery under Ohio R.C. Chapter 4723;
- (11) A person who has been licensed to practice optometry or to engage in optical dispensing under Ohio R.C. Chapter 4725;
- (12) A person licensed to act as a pawnbroker under Ohio R.C. Chapter 4727;
- (13) A person licensed to act as a precious metals dealer under Ohio R.C. Chapter 4728;
- (14) A person licensed under Ohio R.C. Chapter 4729 as a pharmacist or pharmacy intern or registered under that chapter as a registered pharmacy technician, certified pharmacy technician, or pharmacy technician trainee;
- (15) A person licensed under Ohio R.C. Chapter 4729 as a manufacturer of dangerous drugs, outsourcing facility, third-party logistics provider, repackager of dangerous drugs, wholesale distributor of dangerous drugs, or terminal distributor of dangerous drugs;
- (16) A person who is authorized to practice as a physician assistant under Ohio R.C. Chapter 4730;
- (17) A person who has been issued a license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery under Ohio R.C. Chapter 4731 or has been issued a certificate to practice a limited branch of medicine under that chapter;
- (18) A person licensed as a psychologist or school psychologist under Ohio R.C. Chapter 4732;
- (19) A person registered to practice the profession of engineering or surveying under Ohio R.C. Chapter 4733;
- (20) A person who has been issued a license to practice chiropractic under Ohio R.C. Chapter 4734;
- (21) A person licensed to act as a real estate broker or real estate salesperson under Ohio R.C. Chapter 4735;
- (22) A person registered as a registered environmental health specialist under Ohio R.C. Chapter 4736;
- (23) A person licensed to operate or maintain a junkyard under Ohio R.C. Chapter 4737;
- (24) A person who has been issued a motor vehicle salvage dealer's license under Ohio R.C. Chapter 4738;
- (25) A person who has been licensed to act as a steam engineer under Ohio R.C. Chapter 4739;

- (26) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches, or who is registered as a graduate animal technician under Ohio R.C. Chapter 4741;
- (27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under Ohio R.C. Chapter 4747;
- (28) A person who has been issued a class A, class B or class C license or who has been registered as an investigator or security guard employee under Ohio R.C. Chapter 4749;
- (29) A person licensed to practice as a nursing home administrator under Ohio R.C. Chapter 4751;
- (30) A person licensed to practice as a speech-language pathologist or audiologist under Ohio R.C. Chapter 4753;
- (31) A person issued a license as an occupational therapist or physical therapist under Ohio R.C. Chapter 4755;
- (32) A person who is licensed as a licensed professional clinical counselor, licensed professional counselor, social worker, independent social worker, independent marriage and family therapist, or marriage and family therapist, or registered as a social work assistant under Ohio R.C. Chapter 4757;
- (33) A person issued a license to practice dietetics under Ohio R.C. Chapter 4759;
- (34) A person who has been issued a license or limited permit to practice respiratory therapy under Ohio R.C. Chapter 4761;
- (35) A person who has been issued a real estate appraiser certificate under Ohio R.C. Chapter 4763;
- (36) A person who has been issued a home inspector license under Ohio R.C. Chapter 4764;
- (37) A person who has been admitted to the bar by order of the Ohio Supreme Court in compliance with its prescribed and published rules.
- (ss) "Public premises." Any hotel, restaurant, tavern, store, arena, hall or other place of public accommodation, business, amusement or resort.
- (tt) "Sale." Has the same meaning as in Ohio R.C. 3719.01.
- (uu) "Sample drug." A drug or pharmaceutical preparation that would be hazardous to health or safety if used without the supervision of a licensed health professional authorized to prescribe drugs, or a drug of abuse, and that, at one time, had been placed in a container plainly marked as a sample by a manufacturer.
- (vv) "Schedule I", "Schedule II", "Schedule III", "Schedule IV" or "Schedule V." Have the same meaning as in Ohio R.C. 3719.01.
- (ww) "School." Any school operated by a board of education, any community school established under Ohio R.C. Chapter 3314, or any nonpublic school for which the State Board of Education prescribes minimum standards under Ohio R.C. 3301.07, whether or not any instruction, extracurricular activities or training provided by the school is being conducted at the time a criminal offense is committed.
- (xx) "School building." Any building in which any of the instruction, extracurricular activities or training provided by a school is conducted, whether or not any instruction, extracurricular activities or training provided by the school is being conducted in the school building at the time a criminal offense is committed.
- (yy) "School premises." Either of the following:
 - (1) The parcel of real property on which any school is situated, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the premises at the time a criminal offense is committed.

525.13 INTERFERING WITH CIVIL RIGHTS.

(a) No public servant, under color of the public servant's office, employment, or authority, shall knowingly deprive, or conspire or attempt to deprive any person of a constitutional or statutory right.

(b) Whoever violates this section is guilty of interfering with civil rights, a misdemeanor of the first degree. (ORC 2921.45)

525.14 UNAUTHORIZED DISPLAY OF LAW ENFORCEMENT EMBLEMS ON MOTOR VEHICLES.

(a) No person who is not entitled to do so shall knowingly display on a motor vehicle the emblem of a law enforcement agency or an organization of law enforcement officers.

(b) Whoever violates this section is guilty of the unlawful display of the emblem of a law enforcement agency or an organization of law enforcement officers, a minor misdemeanor. (ORC 2913.441)

525.15 ASSAULTING POLICE DOG OR HORSE OR AN ASSISTANCE DOG.

(a) No person shall knowingly cause, or attempt to cause, physical harm to a police dog or horse in either of the following circumstances:

- (1) The police dog or horse is assisting a law enforcement officer in the performance of the officer's official duties at the time the physical harm is caused or attempted.
- (2) The police dog or horse is not assisting a law enforcement officer in the performance of the officer's official duties at the time the physical harm is caused or attempted, but the offender has actual knowledge that the dog or horse is a police dog or horse.

(b) No person shall recklessly do any of the following:

- (1) Taunt, torment, or strike a police dog or horse;
- (2) Throw an object or substance at a police dog or horse;
- (3) Interfere with or obstruct a police dog or horse, or interfere with or obstruct a law enforcement officer who is being assisted by a police dog or horse, in a manner that does any of the following:
 - A. Inhibits or restricts the law enforcement officer's control of the police dog or horse;
 - B. Deprives the law enforcement officer of control of the police dog or horse;
 - C. Releases the police dog or horse from its area of control;
 - D. Enters the area of control of the police dog or horse without the consent of the law enforcement officer, including placing food or any other object or substance into that area;
 - E. Inhibits or restricts the ability of the police dog or horse to assist a law enforcement officer.
- (4) Engage in any conduct that is likely to cause serious physical injury or death to a police dog or horse.

- (5) If the person is the owner, keeper, or harbinger of a dog, fail to reasonably restrain the dog from taunting, tormenting, chasing, approaching in a menacing fashion or apparent attitude of attack, or attempting to bite or otherwise endanger a police dog or horse that at the time of the conduct is assisting a law enforcement officer in the performance of the officer's duties or that the person knows is a police dog or horse.
- (c) No person shall knowingly cause, or attempt to cause, physical harm to an assistance dog in either of the following circumstances:
- (1) The dog is assisting or serving a blind, deaf or hearing impaired, or mobility impaired person at the time the physical harm is caused or attempted.
 - (2) The dog is not assisting or serving a blind, deaf or hearing impaired, or mobility impaired person at the time the physical harm is caused or attempted, but the offender has actual knowledge that the dog is an assistance dog.
- (d) No person shall recklessly do any of the following:
- (1) Taunt, torment, or strike an assistance dog;
 - (2) Throw an object or substance at an assistance dog;
 - (3) Interfere with or obstruct an assistance dog, or interfere with or obstruct a blind, deaf or hearing impaired, or mobility impaired person who is being assisted or served by an assistance dog, in a manner that does any of the following:
 - A. Inhibits or restricts the assisted or served person's control of the dog;
 - B. Deprives the assisted or served person of control of the dog;
 - C. Releases the dog from its area of control;
 - D. Enters the area of control of the dog without the consent of the assisted or served person, including placing food or any other object or substance into that area;
 - E. Inhibits or restricts the ability of the dog to assist the assisted or served person.
 - (4) Engage in any conduct that is likely to cause serious physical injury or death to an assistance dog;
 - (5) If the person is the owner, keeper or harbinger of a dog, fail to reasonably restrain the dog from taunting, tormenting, chasing, approaching in a menacing fashion or apparent attitude of attack, or attempting to bite or otherwise endanger an assistance dog that at the time of the conduct is assisting or serving a blind, deaf or hearing impaired, or mobility impaired person or that the person knows is an assistance dog.
- (e) (1) Whoever violates subsection (a) hereof is guilty of assaulting a police dog or horse. If the violation results in physical harm to the police dog or horse, assaulting a police dog or horse is a misdemeanor of the first degree. If the violation does not result in death, serious physical harm, or physical harm to the police dog or horse, assaulting a police dog or horse is a misdemeanor of the second degree. If the violation results in death or serious physical harm to the police dog or horse, such violation is a felony and shall be prosecuted under appropriate State law.

CHAPTER 529
Liquor Control

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| <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.

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

- (a) "Alcohol". Ethyl alcohol, whether rectified or diluted with water or not, whatever its origin may be, and includes synthetic ethyl alcohol. The term does not include denatured alcohol and wood alcohol.
- (b) "At Retail". For use or consumption by the purchaser and not for resale.
- (c) "Beer".
 - (1) 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.
 - (2) Beer, regardless of the percent of alcohol by volume, is not intoxicating liquor for purposes of this code, the Ohio Revised Code, or any rules adopted under it.
- (d) "Cider". All liquids that are fit to use for beverage purposes that contain one-half of one percent (0.5%) of alcohol by volume, but not more than six percent (6%) of alcohol by weight that are made through the normal alcoholic fermentation of the juice of sound, ripe apples, including, without limitation, flavored, sparkling, or carbonated cider and cider made from pure condensed apple must.

- (e) "Hotel". The same meaning as in Oho R.C. 3731.01, subject to the exceptions mentioned in Ohio R.C. 3731.03.
- (f) "Intoxicating Liquor" and "Liquor". All liquids and compounds, other than beer, 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. The terms include cider and alcohol, and all solids and confections which contain one-half of one percent (0.5%) or more of alcohol by volume.
- (g) "Low-Alcohol Beverage". 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 this definition do not include a soft drink such as root beer, birch beer, or ginger beer.
- (h) "Manufacture". All processes by which beer or intoxicating liquor is produced, whether by distillation, rectifying, fortifying, blending, fermentation, brewing, or in any other manner.
- (i) "Manufacturer". Any person engaged in the business of manufacturing beer or intoxicating liquor.
- (j) "Mixed Beverages". Include bottled and prepared cordials, cocktails, highballs, and solids and confections that are obtained by mixing any type of whiskey, neutral spirits, brandy, gin or other distilled spirits with, or over, carbonated or plain water, pure juices from flowers and plants, and other flavoring materials. The completed product shall contain not less than one-half of one percent (0.5%) of alcohol by volume and not more than twenty-one percent (21%) of alcohol by volume. The phrase includes the contents of a pod.
- (k) "Person". Includes firms and corporations.
- (l) "POD". Means a sealed capsule made from plastic, glass, aluminum, or a combination thereof to which all of the following apply:
 - (1) The capsule contains intoxicating liquor of more than twenty-one percent (21%) of alcohol by volume.
 - (2) The capsule also contains a concentrated flavoring mixture.
 - (3) The contents of the capsule are not readily accessible or intended for consumption unless certain manufacturer's processing instructions are followed.
 - (4) The instructions include releasing the contents of the capsule through a machine specifically designed to process the contents.
 - (5) After being properly processed according to the manufacturer's instructions, the final product produced from the capsule contains not less than one-half of one percent (0.5%) of alcohol by volume and not more than twenty-one percent (21%) of alcohol by volume.

- (m) "Restaurant". A place located in a permanent building provided with space and accommodations wherein, in consideration of the payment of money, hot meals are habitually prepared, sold, and served at noon and evening, as the principal business of the place. The term does not include pharmacies, confectionery stores, lunch stands, nightclubs, and filling stations.
- (n) "Sale" and "Sell". The exchange, barter, gift, offer for sale, sale, distribution, and delivery of any kind, and the transfer of title or possession of beer and intoxicating liquor either by constructive or actual delivery by any means or devices whatever, including the sale of beer or intoxicating liquor by means of a controlled access alcohol and beverage cabinet pursuant to Ohio R.C. 4301.21. Such terms do not include the mere solicitation of orders for beer or intoxicating liquor from the holders of permits issued by the Division of Liquor Control authorizing the sale of the beer or intoxicating liquor, but no solicitor shall solicit any orders until the solicitor has been registered with the Division pursuant to Ohio R.C. 4303.25.
- (o) "Sealed Container". Any container having a capacity of not more than 128 fluid ounces, the opening of which is closed to prevent the entrance of air.
- (p) "Spirituous Liquor". All intoxicating liquors containing more than twenty-one percent (21%) of alcohol by volume. The phrase does not include the contents of a pod.
- (q) "Vehicle". All means of transportation by land, by water, or by air, and everything made use of in any way for such transportation.
- (r) "Wine". All liquids fit to use for beverage purposes containing not less than one-half of one percent (0.5%) of alcohol by volume and not more than twenty-one percent (21%) of alcohol by volume, which is made from the fermented juices of grapes, fruits, or other agricultural products. Except as provided in Ohio R.C. 4301.01(B)(3), the term does not include cider.
(ORC 4301.01, 4301.244)

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.

- (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)
- (1) As used in this section, "alcoholic beverage" has the same meaning as in Ohio R.C. 4303.185.
 - (2) An alcoholic beverage in a closed container being transported under Ohio R.C. 4303.185 to its final destination is not an opened container for the purposes of this section if the closed container is securely sealed in such a manner that it is visibly apparent if the closed container has been subsequently opened or tampered with after sealing. (ORC 4301.62)
- (i) 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-1c, 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-5H, D-5K, D-8, F, F-1, F-2, F-3, F-4, F-5, F-6, F-7, F-8, F-9, 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-5G, D-5I, D-5J, D-5l, D-5m, D-5n, D-5o, 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.)

CHAPTER 533
Obscenity and Sex Offenses

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| <p>533.01 Definitions.</p> <p>533.02 Presumption of knowledge; actual notice and defense.</p> <p>533.03 Unlawful sexual conduct with a minor.</p> <p>533.04 Sexual imposition.</p> <p>533.05 Importuning.</p> <p>533.06 Voyeurism.</p> <p>533.07 Public indecency.</p> <p>533.08 Procuring; engagement in sexual activity for hire.</p> <p>533.09 Soliciting.</p> | <p>533.091 Loitering to engage in solicitation.</p> <p>533.10 Prostitution.</p> <p>533.11 Disseminating matter harmful to juveniles.</p> <p>533.12 Deception to obtain matter harmful to juveniles.</p> <p>533.13 Displaying matter harmful to juveniles.</p> <p>533.14 Unlawful advertising of massage.</p> <p>533.15 Dissemination of private sexual images.</p> <p>533.99 Penalty.</p> |
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CROSS REFERENCES

See sectional histories for similar State law
 Complicity - see GEN. OFF. 501.10
 Offensive conduct - see GEN. OFF. 509.03
 Telephone harassment - see GEN. OFF. 537.10
 Criminal trespass - see GEN. OFF. 541.05

533.01 DEFINITIONS.

As used in this chapter:

- (a) "Sexual conduct" means vaginal intercourse between a male and female; anal intercourse, fellatio and cunnilingus between persons regardless of sex; and, without privilege to do so, the insertion, however slight, of any part of the body or any instrument, apparatus or other object into the vaginal or anal opening of another. Penetration, however slight, is sufficient to complete vaginal or anal intercourse.
- (b) "Sexual contact" means any touching of an erogenous zone of another, including without limitation the thigh, genitals, buttock, pubic region, or, if such person is a female, a breast, for the purpose of sexually arousing or gratifying either person.
- (c) "Sexual activity" means sexual conduct or sexual contact, or both.
- (d) "Prostitute" means a male or female who promiscuously engages in sexual activity for hire, regardless of whether the hire is paid to the prostitute or to another.
- (e) "Harmful to juveniles" means that quality of any material or performance describing or representing nudity, sexual conduct, sexual excitement, or sado-masochistic abuse in any form to which all of the following apply:

- (1) The material or performance, when considered as a whole, appeals to the prurient interest of juveniles in sex.
 - (2) The material or performance is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable for juveniles.
 - (3) The material or performance, when considered as a whole, lacks serious literary, artistic, political and scientific value for juveniles.
- (f) When considered as a whole, and judged with reference to ordinary adults, or, if it is designed for sexual deviates or other specially susceptible group, judged with reference to such group, any material or performance is "obscene" if any of the following apply:
- (1) Its dominant appeal is to prurient interest;
 - (2) Its dominant tendency is to arouse lust by displaying or depicting sexual activity, masturbation, sexual excitement or nudity in a way which tends to represent human beings as mere objects of sexual appetite;
 - (3) Its dominant tendency is to arouse lust by displaying or depicting bestiality or extreme or bizarre violence, cruelty or brutality;
 - (4) Its dominant tendency is to appeal to scatological interest by displaying or depicting human bodily functions of elimination in a way which inspires disgust or revulsion in persons with ordinary sensibilities, without serving any genuine scientific, educational, sociological, moral or artistic purpose;
 - (5) It contains a series of displays or descriptions of sexual activity, masturbation, sexual excitement, nudity, bestiality, extreme or bizarre violence, cruelty or brutality, or human bodily functions of elimination, the cumulative effect of which is a dominant tendency to appeal to prurient or scatological interest, when the appeal to such interest is primarily for its own sake or for commercial exploitation, rather than primarily for a genuine scientific, educational, sociological, moral or artistic purpose.
- (g) "Sexual excitement" means the condition of human male or female genitals when in a state of sexual stimulation or arousal.
- (h) "Nudity" means the showing, representation or depiction of human male or female genitals, pubic area or buttocks with less than a full, opaque covering, or of a female breast with less than a full, opaque covering of any portion thereof below the top of the nipple, or of covered male genitals in a discernibly turgid state.
- (i) "Juvenile" means an unmarried person under the age of eighteen.

- (3) Except as otherwise provided in subsection (c)(3) of this section, a violation of subsection (a)(2) or (3) of this section is a misdemeanor of the third degree. If the offender previously has been convicted of or pleaded guilty to one violation of this section, a violation of subsection (a)(2) or (3) of this section is a misdemeanor of the second degree or, if any person who was likely to view and be affronted by the offender's conduct was a minor, a misdemeanor of the first degree. If the offender previously has been convicted of or pleaded guilty to two or more violations of this section, a violation of subsection (a)(2) or (3) of this section is a misdemeanor of the first degree or, if any person who was likely to view and be affronted by the offender's conduct was a minor, a felony which shall be prosecuted under appropriate state law.
 - (4) Except as otherwise provided in subsection (c)(4) of this section, a violation of subsection (b)(1), (2) or (3) of this section is a misdemeanor of the second degree. If the offender previously has been convicted of or pleaded guilty to one violation of this section, a violation of subsection (b)(1), (2) or (3) of this section is a misdemeanor of the first degree. If the offender previously has been convicted of or pleaded guilty to two or more violations of this section, a violation of subsection (b)(1), (2) or (3) of this section is a felony and shall be prosecuted under appropriate state law.
 - (5) A violation of subsection (b)(4) of this section is a misdemeanor of the first degree unless the offender previously has been convicted of or pleaded guilty to any violation of this section in which case the violation is a felony and shall be prosecuted under appropriate state law.
- (d)
 - (1) If either of the following applies, the court may determine at the time of sentencing whether to classify the offender as a tier I sex offender/child-victim offender for a violation of subsection (b)(4) of this section:
 - A. The offender is less than ten years older than the other person.
 - B. The offender is ten or more years older than the other person and the offender has not previously been convicted of or pleaded guilty to any violation of this section.
 - (2) If the offender is convicted of or pleads guilty to a violation of subsection (b)(4) of this section, is ten or more years older than the other person, and previously has been convicted of or pleaded guilty to any violation of this section, the court shall issue an order at the time of sentencing that classifies the offender as a tier I sex offender/child-victim offender subject to registration under Ohio R.C. 2950.04, 2950.041, 2950.05 and 2950.06. (ORC 2907.09)

533.08 PROCURING; ENGAGEMENT IN SEXUAL ACTIVITY FOR HIRE.

- (a) No person, knowingly and for gain, shall do either of the following:
 - (1) Entice or solicit another to patronize a prostitute or brothel;
 - (2) Procure a prostitute for another to patronize, or take or direct another at his or her request to any place for the purpose of patronizing a prostitute.
- (b) No person, having authority or responsibility over the use of premises, shall knowingly permit such premises to be used for the purpose of engaging in sexual activity for hire.

(c) Whoever violates subsection (a) or (b) of this section is guilty of procuring. Except as otherwise provided in this subsection (c), procuring is a misdemeanor of the first degree. If the prostitute who is procured, patronized or otherwise involved in a violation of subsection (a)(2) of this section is under eighteen years of age at the time of the violation, regardless of whether the offender who violates subsection (a)(2) of this section knows the prostitute's age, or if a prostitute who engages in sexual activity for hire in premises used in violation of subsection (b) of this section is under eighteen years of age at the time of the violation, regardless of whether the offender who violates subsection (b) of this section knows the prostitute's age, procuring is a felony and shall be prosecuted under appropriate state law.

(d) No person shall recklessly induce, entice, or procure another to engage in sexual activity for hire in exchange for the person giving anything of value to the other person.

(e) As used in subsection (d) of this section, "Sexual Activity for Hire" means an implicit or explicit agreement to provide sexual activity in exchange for anything of value paid to the person engaging in such sexual activity, to any person trafficking that person, or to any person associated with either such person.

(f) Whoever violates subsection (d) of this section is guilty of engaging in prostitution, a misdemeanor of the first degree. In sentencing the offender under this subsection, the court shall require the offender to attend an education or treatment program aimed at preventing persons from inducing, enticing, or procuring another to engage in sexual activity for hire in exchange for the person giving anything of value to the other person and, notwithstanding the fine specified in Ohio R.C. 2929.28(A)(2)(a) for a misdemeanor of the first degree, the court may impose upon the offender a fine of not more than one thousand five hundred dollars (\$1,500). (ORC 2907.231)

533.09 SOLICITING.

(a) No person shall knowingly solicit another to engage in sexual activity for hire in exchange for the person receiving anything of value from the other person.

(b) No person, with knowledge that the person has tested positive as a carrier of a virus that causes acquired immunodeficiency syndrome, shall engage in conduct in violation of subsection (a) of this section.

(c) As used in subsection (a) of this section, "Sexual Activity for Hire" means an implicit or explicit agreement to provide sexual activity in exchange for anything of value paid to the person engaging in such sexual activity, to any person trafficking that person, or to any person associated with either such person.

(d) (1) Whoever violates subsection (a) of this section is guilty of soliciting. Soliciting is a misdemeanor of the third degree.

(2) Whoever violates subsection (b) of this section is guilty of engaging in solicitation after a positive HIV test, a felony to be prosecuted under appropriate state law. (ORC 2907.24)

533.091 LOITERING TO ENGAGE IN SOLICITATION.

(a) No person, with purpose to solicit another to engage in sexual activity for hire and while in or near a public place, shall do any of the following:

- (1) Beckon to, stop or attempt to stop another;
- (2) Engage or attempt to engage another in conversation;
- (3) Stop or attempt to stop the operator of a vehicle or approach a stationary vehicle;

- (4) If the offender is the operator of or a passenger in a vehicle, stop, attempt to stop, beckon to, attempt to beckon to, or entice another to approach or enter the vehicle of which the offender is the operator or in which the offender is the passenger;
 - (5) Interfere with the free passage of another.
- (b) No person, with knowledge that the person has tested positive as a carrier of a virus that causes acquired immunodeficiency syndrome, shall engage in conduct in violation of subsection (a) of this section.
- (c) As used in subsection (a) of this section:
- (1) "Public Place". Means any of the following:
 - A. A street, road, highway, thoroughfare, bikeway, walkway, sidewalk, bridge, alley, alleyway, plaza, park, driveway, parking lot or transportation facility.
 - B. A doorway or entrance way to a building that fronts on a place described in subsection (c)(1)A. of this definition.
 - C. A place not described in subsection (c)(1)A. or B. of this definition that is open to the public.
 - (2) "Vehicle". Has the same meaning as in Ohio R.C. 4501.01.
- (d) (1) Whoever violates subsection (a) of this section is guilty of loitering to engage in solicitation, a misdemeanor of the third degree.
- (2) Whoever violates subsection (b) of this section is guilty of loitering to engage in solicitation after a positive HIV test, a felony to be prosecuted under appropriate state law.
(ORC 2907.24, 2907.241)

533.10 PROSTITUTION.

- (a) No person shall engage in sexual activity for hire.
- (b) No person, with knowledge that the person has tested positive as a carrier of a virus that causes acquired immunodeficiency syndrome, shall engage in sexual activity for hire.
- (c) (1) Whoever violates subsection (a) of this section is guilty of prostitution, a misdemeanor of the third degree.
- (2) Whoever violates subsection (b) of this section is guilty of engaging in prostitution after a positive HIV test, a felony to be prosecuted under appropriate state law.
(ORC 2907.25)

533.11 DISSEMINATING MATTER HARMFUL TO JUVENILES.

- (a) No person, with knowledge of its character or content, shall recklessly do any of the following:
- (1) Directly sell, deliver, furnish, disseminate, provide, exhibit, rent or present to a juvenile, a group of juveniles, a law enforcement officer posing as a juvenile, or a group of law enforcement officers posing as juveniles any material or performance that is obscene or harmful to juveniles;
 - (2) Directly offer or agree to sell, deliver, furnish, disseminate, provide, exhibit, rent or present to a juvenile, a group of juveniles, a law enforcement officer posing as a juvenile, or a group of law enforcement officers posing as juveniles any material or performance that is obscene or harmful to juveniles;

- (3) While in the physical proximity of the juvenile or law enforcement officer posing as a juvenile, allow any juvenile or law enforcement officer posing as a juvenile to review or peruse any material or view any live performance that is harmful to juveniles.
- (b) The following are affirmative defenses to a charge under this section, that involves material or a performance that is harmful to juveniles but not obscene:
- (1) The defendant is the parent, guardian or spouse of the juvenile involved.
 - (2) The juvenile involved, at the time of the conduct in question, was accompanied by the juvenile's parent or guardian who, with knowledge of its character, consented to the material or performance being furnished or presented to the juvenile.
 - (3) The juvenile exhibited to the defendant or the defendant's agent or employee a draft card, driver's license, birth certificate, marriage license, or other official or apparently official document purporting to show that the juvenile was eighteen years of age or over or married, and the person to whom that document was exhibited did not otherwise have reasonable cause to believe that the juvenile was under the age of eighteen and unmarried.
- (c)
- (1) It is an affirmative defense to a charge under this section, involving material or a performance that is obscene or harmful to juveniles, that the material or performance was furnished or presented for a bona fide medical, scientific, educational, governmental, judicial or other proper purpose, by a physician, psychologist, sociologist, scientist, teacher, librarian, clergyman, prosecutor, judge or other proper person.
 - (2) Except as provided in subsection (b)(3) hereof, mistake of age is not a defense to a charge under this section.
- (d)
- (1) A person directly sells, delivers, furnishes, disseminates, provides, exhibits, rents, or presents or directly offers or agrees to sell, deliver, furnish, disseminate, provide, exhibit, rent, or present material or a performance to a juvenile, a group of juveniles, a law enforcement officer posing as a juvenile, or a group of law enforcement officers posing as juveniles in violation of this section by means of an electronic method of remotely transmitting information if the person knows or has reason to believe that the person receiving the information is a juvenile or the group of persons receiving the information are juveniles.
 - (2) A person remotely transmitting information by means of a method of mass distribution does not directly sell, deliver, furnish, disseminate, provide, exhibit, rent, or present or directly offer or agree to sell, deliver, furnish, disseminate, provide, exhibit, rent, or present the material or performance in question to a juvenile, a group of juveniles, a law enforcement officer posing as a juvenile, or a group of law enforcement officers posing as juveniles in violation of this section if either of the following applies:
 - A. The person has inadequate information to know or have reason to believe that a particular recipient of the information or offer is a juvenile.
 - B. The method of mass distribution does not provide the person the ability to prevent a particular recipient from receiving the information.

(e) If any provision of this section, or the application of any provision of this section to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of this section or related sections that can be given effect without the invalid provision or application. To this end, the provisions are severable.

(f) Whoever violates this section is guilty of disseminating matter harmful to juveniles. If the material or performance involved is harmful to juveniles, except as otherwise provided in this subsection, a violation of this section is a misdemeanor of the first degree. If the material or performance involved is obscene, a violation of this section is a felony and shall be prosecuted under appropriate State law. (ORC 2907.31)

533.12 DECEPTION TO OBTAIN MATTER HARMFUL TO JUVENILES.

(a) No person, for the purpose of enabling a juvenile to obtain any material or gain admission to any performance which is harmful to juveniles shall do either of the following:

- (1) Falsely represent that he is the parent, guardian or spouse of such juvenile;
- (2) Furnish such juvenile with any identification or document purporting to show that such juvenile is eighteen years of age or over or married.

(b) No juvenile, for the purpose of obtaining any material or gaining admission to any performance which is harmful to juveniles, shall do either of the following:

- (1) Falsely represent that he is eighteen years of age or over or married;
- (2) Exhibit any identification or document purporting to show that he is eighteen years of age or over or married.

(c) Whoever violates this section is guilty of deception to obtain matter harmful to juveniles, a misdemeanor of the second degree. A juvenile who violates subsection (b) hereof shall be adjudged an unruly child, with such disposition of the case as may be appropriate under Ohio R.C. Chapter 2151. (ORC 2907.33)

533.13 DISPLAYING MATTER HARMFUL TO JUVENILES.

(a) No person who has custody, control or supervision of a commercial establishment, with knowledge of the character or content of the material involved, shall display at the establishment any material that is harmful to juveniles and that is open to view by juveniles as part of the invited general public.

(b) It is not a violation of subsection (a) hereof if the material in question is displayed by placing it behind "blinder racks" or similar devices that cover at least the lower two-thirds of the material, if the material in question is wrapped or placed behind the counter, or if the material in question otherwise is covered or located so that the portion that is harmful to juveniles is not open to the view of juveniles.

(c) Whoever violates this section is guilty of displaying matter harmful to juveniles, a misdemeanor of the first degree. Each day during which the offender is in violation of this section constitutes a separate offense. (ORC 2907.311)

533.14 UNLAWFUL ADVERTISING OF MASSAGE.

(a) No person, by means of a statement, solicitation, or offer in a print or electronic publication, sign, placard, storefront display, or other medium, shall advertise massage, relaxation massage, any other massage technique or method, or any related service, with the suggestion or promise of sexual activity.

(b) Whoever violates this section is guilty of unlawful advertising of massage, a misdemeanor of the first degree.

(c) Nothing in this section prevents the legislative authority of a municipal corporation or township from enacting any regulation of the advertising of massage further than and in addition to the provisions of subsections (a) and (b) of this section.
(ORC 2927.17)

533.15 DISSEMINATION OF PRIVATE SEXUAL IMAGES.

(a) As used in this section:

- (1) "Disseminate" means to post, distribute, or publish on a computer device, computer network, web site, or other electronic device or medium of communication.
- (2) "Image" means a photograph, film, videotape, digital recording or other depiction or portrayal of a person.
- (3) "Interactive computer service" has the meaning defined in the "Telecommunications Act of 1996", 47 U.S.C. 230, as amended.
- (4) "Internet provider" means a provider of internet service, including all of the following:
 - A. Broadband service, however defined or classified by the federal communications commission;
 - B. Information service or telecommunication service, both as defined in the "Telecommunications Act of 1996" 47 U.S.C. 153, as amended.
 - C. Internet protocol-enabled services, as defined in Ohio R.C. 4927.01.
- (5) "Mobile service" and "telecommunications carrier" have the meanings defined in 47 U.S.C. 153, as amended.
- (6) "Cable service provider" has the same meaning as in Ohio R.C. 1332.01.
- (7) "Direct-to-home satellite service" has the meaning defined in 47 U.S.C. 303, as amended.
- (8) "Video service provider" has the same meaning as in Ohio R.C. 1332.21.
- (9) "Sexual act" means any of the following:
 - A. Sexual activity;
 - B. Masturbation;
 - C. An act involving a bodily substance that is performed for the purpose of sexual arousal or gratification;
 - D. Sado-masochistic abuse.

(b) No person shall knowingly disseminate an image of another person if all of the following apply:

- (1) The person in the image is eighteen years of age or older;
- (2) The person in the image can be identified from the image itself or from information displayed in connection with the image and the offender supplied the identifying information.
- (3) The person in the image is in a state of nudity or is engaged in a sexual act;
- (4) The image is disseminated without consent from the person in the image;
- (5) The image is disseminated with intent to harm the person in the image.

(c) This section does not prohibit the dissemination of an image if any of the following apply:

- (1) The image is disseminated for the purpose of a criminal investigation that is otherwise lawful.
- (2) The image is disseminated for the purpose of, or in connection with, the reporting of unlawful conduct.

- (3) The image is part of a news report or commentary or an artistic or expressive work, such as a performance, work of art, literary work, theatrical work, musical work, motion picture, film, or audiovisual work.
 - (4) The image is disseminated by a law enforcement officer, or a corrections officer or guard in a detention facility, acting within the scope of the person's official duties.
 - (5) The image is disseminated for another lawful public purpose;
 - (6) The person in the image is knowingly and willingly in a state of nudity or engaged in a sexual act and is knowingly and willingly in a location in which the person does not have a reasonable expectation of privacy.
 - (7) The image is disseminated for the purpose of medical treatment or examination.
- (d) The following entities are not liable for a violation of this section solely as a result of an image or other information provided by another person:
- (1) A provider of interactive computer service;
 - (2) A mobile service;
 - (3) A telecommunications carrier;
 - (4) An internet provider;
 - (5) A cable service provider;
 - (6) A direct-to-home satellite service;
 - (7) A video service provider.
- (e) Any conduct that is a violation of this section and any other section of the General Offenses Code, or the Revised Code may be prosecuted under this section, the other section, or both sections.
- (f) (1) A. Except as otherwise provided in subsection (f)(1)B., C., or D. of this section, whoever violates this section is guilty of nonconsensual dissemination of private sexual images, a misdemeanor of the third degree.
- B. If the offender previously has been convicted of or pleaded guilty to a violation of this section, nonconsensual dissemination of private sexual images is a misdemeanor of the second degree.
- C. If the offender previously has been convicted of or pleaded guilty to two or more violations of this section, nonconsensual dissemination of private sexual images is a misdemeanor of the first degree.
- D. If the offender is under eighteen years of age and the person in the image is not more than five years older than the offender, the offender shall not be prosecuted under this section.
- (2) In addition to any other penalty or disposition authorized or required by law, the court may order any person who is convicted of a violation of this section or who is adjudicated delinquent by reason of a violation of this section to criminally forfeit all of the following property to the state under Ohio R.C. Chapter 2981.
- A. Any profits or proceeds and any property the person has acquired or maintained in violation of this section that the sentencing court determines to have been acquired or maintained as a result of the violation;

- B. Any interest in, securities of, claim against, or property or contractual right of any kind affording a source of influence over any enterprise that the person has established, operated, controlled or conducted in violation of this section that the sentencing court determines to have been acquired or maintained as a result of the violation.

(g) A victim of a violation of this section may commence a civil cause of action against the offender, as described in Ohio R.C. 2307.66.
(ORC 2917.211)

533.99 PENALTY.

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

- (2) At the time of the offense, the offender was driving under suspension or cancellation under Ohio R.C. Chapter 4510 or any other provision of the Ohio Revised Code or was operating a motor vehicle or motorcycle, did not have a valid driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege, and was not eligible for renewal of the offender's driver's license or commercial driver's license without examination under Ohio R.C. 4507.10.

(d) Subsection (a)(1)B. does not apply in a particular construction zone unless signs of the type described in Ohio R.C. 2903.081 are erected in that construction zone in accordance with the guidelines and design specifications established by the Director of Transportation under Ohio R.C. 5501.27. The failure to erect signs of the type described in Ohio R.C. 2903.081 in a particular construction zone in accordance with those guidelines and design specifications does not limit or affect the application of subsections (a)(1)A. or (a)(2) of this section in that construction zone or the prosecution of any person who violates any of those subsections in that construction zone.

(e) As used in this section:

- (1) "Mandatory prison term" and "mandatory jail term" have the same meanings as in Ohio R.C. 2929.01.
- (2) "Traffic-related homicide, manslaughter or assault offense" means a violation of Ohio R.C. 2903.04 in circumstances in which division (D) of that section applies, a violation of Ohio R.C. 2903.06 or 2903.08, or a violation of Ohio R.C. 2903.06, 2903.07 or 2903.08 as they existed prior to March 23, 2000.
- (3) "Construction zone" has the same meaning as in Ohio R.C. 5501.27.
- (4) "Speeding offense" means a violation of Ohio R.C. 4511.21 or a municipal ordinance pertaining to speed.

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

(g) The court imposing a sentence upon an offender for any violation of this section also shall impose a 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 (B) of Ohio R.C. 4510.02 that is equivalent in length to the suspension required for a violation of Ohio R.C. 2903.06 or division (A) or (B) of Ohio R.C. 4511.19 under similar circumstances. (ORC 4510.07)

537.021 VEHICULAR ASSAULT IN A CONSTRUCTION ZONE.

(a) No person, while operating or participating in the operation of a motor vehicle, motorcycle, snowmobile, locomotive, watercraft, or aircraft, shall cause serious physical harm to another person or another's unborn as the proximate result of committing, while operating or participating in the operation of a motor vehicle or motorcycle in a construction zone, a speeding offense. This subsection applies only if the person to whom the serious physical harm is caused or to whose unborn the serious physical harm is caused is in the construction zone at the time of the offender's commission of the speeding offense in the construction zone and does not apply as described in subsection (d) hereof.

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

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

(c) The court shall impose a mandatory jail term of at least seven days on an offender who is convicted of or pleads guilty to a violation of this section and may impose upon the offender a longer jail term as authorized pursuant to Section 501.99.

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

(e) As used in this section:

- (1) "Mandatory jail term" has the same meaning as in Ohio R.C. 2929.01.
- (2) "Traffic-related homicide, manslaughter or assault offense" has the same meaning as in Ohio R.C. 2903.06.
- (3) "Construction zone" has the same meaning as in Ohio R.C. 5501.27.
- (4) "Speeding offense" has the same meaning as in Ohio R.C. 2903.06.

(f) For the purposes of this section, when a penalty or suspension is enhanced because of a prior or current violation of a specified law or a prior or current specified offense, the reference to the violation of the specified law or the specified offense includes any violation of any substantially equivalent municipal ordinance, former law of this State, or current or former law of another state or the United States. (ORC 2903.08)

537.03 ASSAULT.

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

(b) No person shall recklessly cause serious physical harm to another or to another's unborn.

- (c) (1) Whoever violates this section is guilty of assault, a misdemeanor of the first degree, and the court shall sentence the offender as provided in subsection (c) hereof. If the assault was committed under the circumstances provided in subsection (c)(2), (3), (4), (5), (6), (7), (8) or (9) hereof, assault is a felony and shall be prosecuted under appropriate State law.
- (2) Except as otherwise provided in this subsection, if the offense is committed by a caretaker against a functionally impaired person under the caretaker's care.

- (2) With purpose to interfere with the use or enjoyment of property of another employ a tear gas device, stink bomb, smoke generator or other device releasing a substance that is harmful or offensive to persons exposed, or that tends to cause public alarm;
 - (3) Without privilege to do so, knowingly move, deface, damage, destroy or otherwise improperly tamper with a bench mark, triangulation station, boundary marker or other survey station, monument or marker.
 - (4) Without privilege to do so, knowingly move, deface, damage, destroy or otherwise improperly tamper with any safety device, the property of another or the property of the offender when required or placed for the safety of others, so as to destroy or diminish its effectiveness or availability for its intended purpose;
 - (5) With purpose to interfere with the use or enjoyment of the property of another, set a fire on the land of another or place personal property that has been set on fire on the land of another, which fire or personal property is outside and apart from any building, other structure or personal property that is on that land.
 - (6) Without privilege to do so, and with intent to impair the functioning of any computer, computer system, computer network, computer software, or computer program, all as defined in Ohio R.C. 2909.01, knowingly do any of the following:
 - A. In any manner or by any means, including, but not limited to, computer hacking, alter, damage, destroy, or modify a computer, computer system, computer network, computer software, or computer program or data contained in a computer, computer system, computer network, computer software, or computer program;
 - B. Introduce a computer contaminant into a computer, computer system, computer network, computer software or computer program.
 - (7) Without privilege to do so, knowingly destroy or improperly tamper with a critical infrastructure facility.
- (b) As used in this section:
- (1) "Critical Infrastructure Facility". Has the same meaning as in Ohio R.C. 2911.21.
 - (2) "Improperly Tamper". Means to change the physical location or the physical condition of the property.
 - (3) "Safety Device". Means any fire extinguisher, fire hose, or fire axe, or any fire escape, emergency exit, or emergency escape equipment, or any life line, life-saving ring, life preserver, or life boat or raft, or any alarm, light, flare, signal, sign, or notice intended to warn of danger or emergency, or intended for other safety purposes, or any guard railing or safety barricade, or any traffic sign or signal, or any railroad grade crossing sign, signal, or gate, or any first aid or survival equipment, or any other device, apparatus, or equipment intended for protecting or preserving the safety of persons or property.

- (c) (1) Whoever violates this section is guilty of criminal mischief, and shall be punished as provided in subsection (c)(2), (c)(3), or (c)(4) of this section.
- (2) Except as otherwise provided in this subsection, criminal mischief committed in violation of subsection (a)(1), (a)(2), (a)(3), (a)(4), or (a)(5) of this section is a misdemeanor of the third degree. Except as otherwise provided in this division, if the violation of subsection (a)(1), (a)(2), (a)(3), (a)(4), or (a)(5) of this section creates a risk of physical harm to any person, criminal mischief committed in violation of subsection (a)(1), (a)(2), (a)(3), (a)(4), or (a)(5) of this section is a misdemeanor of the first degree. If the property involved in the violation of subsection (a)(1), (a)(2), (a)(3), (a)(4), or (a)(5) of this section is an aircraft, an aircraft engine, propeller, appliance, spare part, fuel, lubricant, hydraulic fluid, any other equipment, implement, or material used or intended to be used in the operation of an aircraft, or any cargo carried or intended to be carried in an aircraft and if the violation creates any risk of physical harm to any person, or if the aircraft in question is an occupied aircraft, criminal mischief committed in violation of subsection (a)(1), (a)(2), (a)(3), (a)(4), or (a)(5) of this section is a felony to be prosecuted under appropriate state law.
- (3) Except as otherwise provided in this subsection, criminal mischief committed in violation of subsection (a)(6) of this section is a misdemeanor of the first degree. If the value of the computer, computer system, computer network, computer software, computer program, or data involved in the violation of subsection (a)(6) of this section or the loss to the victim resulting from the violation is one thousand dollars (\$1,000) or more, or if the computer, computer system, computer network, computer software, computer program, or data involved in the violation of subsection (a)(6) is used or intended to be used in the operation of an aircraft and the violation creates any risk of physical harm to any person, or if the aircraft in question is an occupied aircraft, criminal mischief committed in violation of subsection (a)(6) of this section is a felony to be prosecuted under appropriate state law.
- (4) Criminal mischief committed in violation of subsection (a)(7) of this section is a felony to be prosecuted under appropriate state law.
(ORC 2909.07)

541.05 CRIMINAL TRESPASS.

- (a) No person, without privilege to do so, shall do any of the following:
 - (1) Knowingly enter or remain on the land or premises of another;
 - (2) Knowingly enter or remain on the land or premises of another, the use of which is lawfully restricted to certain persons, purposes, modes or hours, when the offender knows the offender is in violation of any such restriction or is reckless in that regard;

- (3) Recklessly enter or remain on the land or premises of another, as to which notice against unauthorized access or presence is given by actual communication to the offender, or in a manner prescribed by law, or by posting in a manner reasonably calculated to come to the attention of potential intruders, or by fencing or other enclosure manifestly designed to restrict access;
 - (4) Being on the land or premises of another, negligently fail or refuse to leave upon being notified by signage posted in a conspicuous place or otherwise being notified to do so by the owner or occupant, or the agent or servant of either.
 - (5) Knowingly enter or remain on a critical infrastructure facility.
- (b) It is no defense to a charge under this section that the land or premises involved was owned, controlled or in custody of a public agency.
- (c) It is no defense to a charge under this section that the offender was authorized to enter or remain on the land or premises involved when such authorization was secured by deception.
- (d)
- (1) Whoever violates this section is guilty of criminal trespass. Criminal trespass in violation of subsection (a)(1), (a)(2), (a)(3), or (a)(4) of this section is a misdemeanor of the fourth degree. Criminal trespass in violation of subsection (a)(5) of this section is a misdemeanor of the first 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 subsections (a) through (e) of this section:
- (1) "All-Purpose Vehicle, Off-Highway Motorcycle" and "Snowmobile". Have the same meanings as in Ohio R.C. 4519.01.
 - (2) "Critical Infrastructure Facility". Means:
 - A. One of the following, if completely enclosed by a fence or other physical barrier that is obviously designed to exclude intruders, or if clearly marked with signs that are reasonably likely to come to the attention of potential intruders and that indicate entry is forbidden without site authorization:
 1. A petroleum or alumina refinery;
 2. An electric generating facility, substation, switching station, electrical control center, or electric transmission and distribution lines and associated equipment;

3. A chemical, polymer, or rubber manufacturing facility;
4. A water intake structure, water treatment facility, waste water facility, drainage facility, water management facility, or any similar water or sewage treatment system and its water and sewage piping;
5. A natural gas company facility or interstate natural gas pipeline, including a pipeline interconnection, a natural gas compressor station and associated facilities, city gate or town border station, metering station, above-ground piping, regulator station, valve site, delivery station, fabricated assembly, or any other part of a natural gas storage facility involved in the gathering, storage, transmission, or distribution of gas;
6. A telecommunications central switching office or remote switching facility or an equivalent network facility that serves a similar purpose;
7. Wireline or wireless telecommunications infrastructure, including telecommunications towers and telephone poles and lines, including fiber optic lines;
8. A port, trucking terminal, or other freight transportation facility;
9. A gas processing plant, including a plant used in the processing, treatment, or fractionation of natural gas or natural gas liquids;
10. A transmission facility used by a federally licensed radio or television station;
11. A steel-making facility that uses an electric arc furnace to make steel;
12. A facility identified and regulated by the United States Department of Homeland Security's Chemical Facility Anti-Terrorism Standards Program under 6 C.F.R. part 27;
13. A dam that is regulated by the state or federal government;
14. A crude oil or refined products storage and distribution facility, including valve sites, pipeline interconnections, pump station, metering station, below- or above-ground pipeline, or piping and truck loading or off-loading facility;
15. A video service network and broadband infrastructure, including associated buildings and facilities, video service headends, towers, utility poles, and utility lines such as fiber optic lines. As used in this division, "video service network" has the same meaning as in Ohio R.C. 1332.21.
16. Any above-ground portion of an oil, gas, hazardous liquid or chemical pipeline, tank, or other storage facility;
17. Any above-ground portion of a well, well pad, or production operation;
18. A laydown area or construction site for pipe and other equipment intended for use on an interstate or intrastate natural gas or crude oil pipeline;
19. Any mining operation, including any processing equipment, batching operation, or support facility for that mining operation.

- B. With respect to a video service network or broadband or wireless telecommunications infrastructure, the above-ground portion of a facility installed in a public right-of-way on a utility pole or in a conduit;
 - C. Any railroad property;
 - D. An electronic asset of any of the following:
 1. An electric light company that is a public utility under Ohio R.C. 4905.02;
 2. An electric cooperative, as defined in Ohio R.C. 4928.01;
 3. A municipal electric utility, as defined in Ohio R.C. 4928.01;
 4. A natural gas company that is a public utility under Ohio R.C. 4905.02;
 5. A telephone company that is a public utility under Ohio R.C. 4905.02;
 6. A video service provider, including a cable operator, as those terms are defined in Ohio R.C. 1332.21.
- (3) "Electronic Asset". Includes, but is not limited to, the hardware, software, and data of a programmable electronic device; all communications, operations, and customer data networks; and the contents of those data networks.
- (4) "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.
- (5) "Production Operation, Well, and Well Pad". Have the same meanings as in Ohio R.C. 1509.01.
(ORC 2911.21)

541.051 AGGRAVATED TRESPASS.

- (a) (1) 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 that person.
- (2) No person shall enter or remain on a critical infrastructure facility with purpose to destroy or tamper with the facility.
- (b) Whoever violates this section is guilty of aggravated trespass. Aggravated trespass in violation of subsection (a)(1) of this section is a misdemeanor of the first degree. Aggravated trespass in violation of subsection (a)(2) of this section is a felony to be prosecuted under appropriate state law.
- (c) As used in this section, "Critical infrastructure facility" has the same meaning as in Ohio R.C. 2911.21. (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)

541.10 TRESPASS ON A PLACE OF PUBLIC AMUSEMENT.

(a) As used in this section, "place of public amusement" means a stadium, theater or other facility, whether licensed or not, at which a live performance, sporting event, or other activity takes place for entertainment of the public and to which access is made available to the public, regardless of whether admission is charged.

(b) No person, without privilege to do so, shall knowingly enter or remain on any restricted portion of a place of public amusement and, as a result of that conduct, interrupt or cause the delay of the live performance, sporting event, or other activity taking place at the place of public amusement after a printed written notice has been given as provided in subsection (d)(1) of this section that the general public is restricted from access to that restricted portion of the place of public amusement. A restricted portion of a place of public amusement may include, but is not limited to, a playing field, an athletic surface, or a stage located at the place of public amusement.

(c) An owner or lessee of a place of public amusement, an agent of the owner or lessee, or a performer or participant at a place of public amusement may use reasonable force to restrain and remove a person from a restricted portion of the place of public amusement if the person enters or remains on the restricted portion of the place of public amusement and, as a result of that conduct, interrupts or causes the delay of the live performance, sporting event, or other activity taking place at the place of public amusement. This subsection does not provide immunity from criminal liability for any use of force beyond reasonable force by an owner or lessee of a place of public amusement, an agent of either the owner or lessee, or a performer or participant at a place of public amusement.

(d) (1) Notice has been given that the general public is restricted from access to a portion of a place of public amusement if a printed written notice of the restricted access has been conspicuously posted or exhibited at the entrance to that portion of the place of public amusement. If a printed written notice is posted or exhibited as described in this subsection, regarding a portion of a place of public amusement, in addition to that posting or exhibition, notice that the general public is restricted from access to that portion of the place of public amusement also may be given, but is not required to be given, by either of the following means:

- A. By notifying the person personally, either orally or in writing, that access to that portion of the place of public amusement is restricted;
- B. By broadcasting over the public address system of the place of public amusement an oral warning that access to that portion of the public place of amusement is restricted.

- (2) If notice that the general public is restricted from access to a portion of a place of public amusement is provided by the posting or exhibition of a printed written notice as described in subsection (d)(1) of this section, the Municipality, in a criminal prosecution for a violation of subsection (b) of this section, is not required to prove that the defendant received actual notice that the general public is restricted from access to a portion of a place of public amusement.
- (e) (1) Whoever violates subsection (b) of this section is guilty of criminal trespass on a place of public amusement, a misdemeanor of the first degree.
- (2) In addition to any jail term, fine or other sentence, penalty, or sanction it imposes upon the offender pursuant to subsection (e)(1) of this section, a court may require an offender who violates this section to perform not less than thirty and not more than one hundred twenty hours of supervised community service work. (ORC 2911.23)

541.99 PENALTY.

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

- (5) When the property involved is a warehouse receipt, bill of lading, pawn ticket, claim check or other instrument entitling the holder or bearer to receive property, the face value or, if there is no face value, the value of the property covered by the instrument less any payment necessary to receive the property, is prima-facie evidence of the value of the instrument.
- (6) When the property involved is a ticket of admission, ticket for transportation, coupon, token or other instrument entitling the holder or bearer to receive property or services, the face value or, if there is no face value, the value of the property or services that may be received by the instrument, is prima-facie evidence of the value of the instrument.
- (7) When the services involved are gas, electricity, water, telephone, transportation, shipping or other services for which the rate is established by law, the duly established rate is prima-facie evidence of the value of the services.
- (8) When the services involved are services for which the rate is not established by law, and the offender has been notified prior to the offense of the rate for the services, either in writing or orally, or by posting in a manner reasonably calculated to come to the attention of potential offenders, the rate contained in the notice is prima-facie evidence of the value of the services. (ORC 2913.61)

545.03 PROPERTY EXCEPTIONS AS FELONY OFFENSE.

Regardless of the value of the property involved, and regardless of whether the offender has previously been convicted of a theft offense, the provisions of Section 545.05 or 545.18 do not apply if the property involved is any of the following:

- (a) A credit card;
- (b) A printed form for a check or other negotiable instrument, that on its face identifies the drawer or maker for whose use it is designed or identifies the account on which it is to be drawn, and that has not been executed by the drawer or maker or on which the amount is blank;
- (c) A motor vehicle identification license plate as prescribed by Ohio R.C. 4503.22, a temporary motor vehicle license registration as prescribed by Ohio R.C. 4503.182, or any comparable temporary motor vehicle license registration as prescribed by the applicable law of another state or the United States;
- (d) A blank form for a certificate of title or a manufacturer's or importer's certificate to a motor vehicle, as prescribed by Ohio R.C. 4505.07;
- (e) A blank form for any license listed in Ohio R.C. 4507.01(A).
(ORC 2913.71)

545.04 DETENTION OF SHOPLIFTERS; RIGHTS OF MUSEUMS AND LIBRARIES.

(a) A merchant, or his employee or agent, who has probable cause to believe that items offered for sale by a mercantile establishment have been unlawfully taken by a person, may, for the purposes set forth in subsection (c) hereof, detain the person in a reasonable manner for a reasonable length of time within the mercantile establishment or its immediate vicinity.

(b) Any officer, employee or agent of a library, museum or archival institution may, for the purposes set forth in subsection (c) hereof or for the purpose of conducting a reasonable investigation of a belief that the person has acted in a manner described in subsections (b)(1) and (2) hereof, detain a person in a reasonable manner for a reasonable length of time within, or in the immediate vicinity of the library, museum or archival institution, if the officer, employee or agent has probable cause to believe that the person has either:

- (1) Without privilege to do so, knowingly moved, defaced, damaged, destroyed or otherwise improperly tampered with property owned by or in the custody of the library, museum or archival institution; or
- (2) With purpose to deprive the library, museum or archival institution of property owned by it or in its custody, knowingly obtained or exerted control over the property without the consent of the owner or person authorized to give consent, beyond the scope of the express or implied consent of the owner or person authorized to give consent, by deception, or by threat.

(c) An officer, agent or employee of a library, museum or archival institution pursuant to subsection (b) hereof or a merchant or his employee or agent pursuant to subsection (a) hereof may detain another person for any of the following purposes:

- (1) To recover the property that is the subject of the unlawful taking, criminal mischief or theft;
- (2) To cause an arrest to be made by a peace officer;
- (3) To obtain a warrant of arrest.
- (4) To offer the person, if the person is suspected of the unlawful taking, criminal mischief, or theft and notwithstanding any other provision of this General Offenses or the Ohio Revised Code, an opportunity to complete a pretrial diversion program and to inform the person of the other legal remedies available to the library, museum, archival institution or merchant.

(d) The officer, agent or employee of the library, museum or archival institution, or the merchant or his employee or agent acting under subsection (a) or (b) hereof shall not search the person, search or seize any property belonging to the person detained without the person's consent, or use undue restraint upon the person detained.

(e) Any peace officer may arrest without a warrant any person that he has probable cause to believe has committed any act described in subsection (b)(1) or (2) hereof or that he has probable cause to believe has committed an unlawful taking in a mercantile establishment. An arrest under this subsection shall be made within a reasonable time after the commission of the act or unlawful taking.

(f) As used in this section:

- (1) "Archival institution" means any public or private building, structure or shelter in which are stored historical documents, devices, records, manuscripts or items of public interest, which historical materials are stored to preserve the materials or the information in the materials, to disseminate the information contained in the materials, or to make the materials available for public inspection or for inspection by certain persons who have a particular interest in, use for or knowledge concerning the materials.
- (2) "Museum" means any public or private nonprofit institution that is permanently organized for primarily educational or aesthetic purposes, owns or borrows objects or items of public interest, and cares for and exhibits to the public the objects or items.
- (3) "Pretrial diversion program" means a rehabilitative, educational program designed to reduce recidivism and promote personal responsibility that is at least four hours in length and that has been approved by any court in this State. (ORC 2935.041)

545.05 PETTY THEFT.

(a) No person, with purpose to deprive the owner of property or services, shall knowingly obtain or exert control over either the property or services in any of the following ways:

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(5) "Statement" includes, but is not limited to, any notice, letter or memorandum; proof of loss; bill of lading; receipt for payment; invoice, account or other financial statement; estimate of property damage; bill for services; diagnosis or prognosis; prescription; hospital, medical or dental chart or other record; X-Ray, photograph, videotape or movie film; test result; other evidence of loss, injury or expense; computer-generated document; and data in any form.

(b) No person, with purpose to defraud or knowing that the person is facilitating a fraud, shall do either of the following:

- (1) Present to, or cause to be presented to, an insurer any written or oral statement that is part of, or in support of, an application for insurance, a claim for payment pursuant to a policy or a claim for any other benefit pursuant to a policy, knowing that the statement, or any part of the statement, is false or deceptive;
- (2) Assist, aid, abet, solicit, procure or conspire with another to prepare or make any written or oral statement that is intended to be presented to an insurer as part of, or in support of, an application for insurance, a claim for payment pursuant to a policy, or a claim for any other benefit pursuant to a policy, knowing that the statement, or any part of the statement, is false or deceptive.

(c) Whoever violates this section is guilty of insurance fraud a misdemeanor of the first degree. If the amount of the claim that is false or deceptive is one thousand dollars (\$1,000) or more, insurance fraud is a felony and shall be prosecuted under appropriate State law.

(d) This section shall not be construed to abrogate, waive or modify Ohio R.C. 2317.02(A). (ORC 2913.47)

545.08 UNAUTHORIZED USE OF PROPERTY.

(a) No person shall knowingly use or operate the property of another without the consent of the owner or person authorized to give consent.

(b) The affirmative defenses contained in Section 545.06(c) are affirmative defenses to a charge under this section.

(c) Whoever violates this section is guilty of unauthorized use of property. Except as provided in subsection (d) hereof, unauthorized use of property is a misdemeanor of the fourth degree.

(d) If unauthorized use of property is committed for the purpose of devising or executing a scheme to defraud or to obtain property or services, unauthorized use of property is a misdemeanor of the first degree. Unauthorized use of property is a felony and shall be prosecuted under appropriate State law if:

- (1) Unauthorized use of property is committed for the purpose of devising or executing a scheme to defraud or to obtain property or services, and if the value of the property is one thousand dollars (\$1,000) or more; or
- (2) If the victim of the offense is an elderly person or disabled adult.
(ORC 2913.04)

545.09 PASSING BAD CHECKS.

(a) As used in this section:

- (1) "Check" includes any form of debit from a demand deposit account, including, but not limited to any of the following:
 - A. A check, bill of exchange, draft, order of withdrawal, or similar negotiable or nonnegotiable instrument;
 - B. An electronic check, electronic transaction, debit card transaction, check card transaction, substitute check, web check, or any form of automated clearing house transaction.
- (2) "Issue a check" means causing any form of debit from a demand deposit account.

(b) No person, with purpose to defraud, shall issue or transfer or cause to be issued or transferred a check or other negotiable instrument, knowing that it will be dishonored or knowing that a person has ordered or will order stop payment on the check or other negotiable instrument.

(c) For purposes of this section, a person who issues or transfers a check or other negotiable instrument is presumed to know that it will be dishonored, if either of the following occurs:

- (1) The drawer had no account with the drawee at the time of issue or the stated date, whichever is later.
- (2) The check or other negotiable instrument was properly refused payment for insufficient funds upon presentment within thirty days after issue or the stated date, whichever is later, and the liability of the drawer, indorser or any party who may be liable thereon is not discharged by payment or satisfaction within ten days after receiving notice of dishonor.

(d) In determining the value of the payment for purposes of subsection (e) of this section, the court may aggregate all checks and other negotiable instruments that the offender issued or transferred or caused to be issued or transferred in violation of subsection (a) of this section within a period of one hundred eighty consecutive days.

(e) Whoever violates this section is guilty of passing bad checks. Except as otherwise provided in this subsection, passing bad checks is a misdemeanor of the first degree. If the check or checks or other negotiable instrument or instruments are issued or transferred to a single vendor or single other person for the payment of one thousand dollars (\$1,000) or more or if the check or checks or other negotiable instrument or instruments are issued or transferred to multiple vendors or persons for the payment of one thousand five hundred dollars (\$1,500) or more, passing bad checks is a felony and shall be prosecuted under appropriate State law. (ORC 2913.11)

545.10 MISUSE OF CREDIT CARDS.

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

- (1) Practice deception for the purpose of procuring the issuance of a credit card, when a credit card is issued in actual reliance thereon;

- C. If subsections (f)(2)A. and B. and (f)(5) of this section do not apply, the offender shall be punished under subsection (f)(1) or (6) of this section.
- (3) Except as otherwise provided in this subsection, carrying concealed weapons in violation of subsection (b)(1) hereof is a misdemeanor of the first degree, and, in addition to any other penalty or sanction imposed for a violation of subsection (b)(1) hereof, the offender's concealed handgun license shall be suspended pursuant to Ohio R.C. 2923.128(A)(2).
If, at the time of the stop of the offender for a law enforcement purpose that was the basis of the violation, any law enforcement officer involved with the stop had actual knowledge that the offender has been issued a concealed handgun license, carrying concealed weapons in violation of division (b)(1) of this section is a minor misdemeanor, and the offender's concealed handgun license shall not be suspended pursuant to division (A)(2) of Ohio R.C. 2923.128.
- (4) Except as otherwise provided herein, carrying concealed weapons in violation of subsection (b)(2) or (b)(3) hereof is a misdemeanor of the first degree. If the offender has previously been convicted or pleaded guilty to a violation of Ohio R.C. 2923.12(B)(2) or (B)(4) or a substantially equivalent municipal ordinance, carrying concealed weapons is a felony and shall be prosecuted under appropriate state law. In addition to any other penalty or sanction imposed for a violation of subsection (b)(2) or (b)(3) hereof, the offender's concealed handgun license shall be suspended pursuant to Ohio R.C. 2923.128(A)(2).
- (5) If a person being arrested for a violation of subsection (a)(2) of this section is an active duty member of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in division (G)(1) of Ohio R.C. 2923.125, and if at the time of the violation the person was not knowingly in a place described in division (B) of Ohio R.C. 2923.126, the officer shall not arrest the person for a violation of that division. If the person is not able to promptly produce a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in division (G)(1) of Ohio R.C. 2923.125 and if the person is not in a place described in division (B) of Ohio R.C. 2923.126, the officer shall issue a citation and the offender shall be assessed a civil penalty of not more than five hundred dollars (\$500.00). The citation shall be automatically dismissed and the civil penalty shall not be assessed if both of the following apply:
- A. Within ten days after the issuance of the citation, the offender presents a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in division (G)(1) of Ohio R.C. 2923.125, which were both valid at the time of the issuance of the citation to the law enforcement agency that employs the citing officer.
- B. At the time of the citation, the offender was not knowingly in a place described in division (B) of Ohio R.C. 2923.126.

- (6) If a person being arrested for a violation of subsection (a)(2) of this section is knowingly in a place described in division (B)(5) of Ohio R.C. 2923.126, and is not authorized to carry a handgun or have a handgun concealed on the person's person or concealed ready at hand under that division, the penalty shall be as follows:
- A. Except as otherwise provided in this subsection, if the person produces a valid concealed handgun license within ten days after the arrest and has not previously been convicted or pleaded guilty to a violation of subsection (a)(2) of this section, the person is guilty of a minor misdemeanor;
 - B. Except as otherwise provided in this subsection, if the person has previously been convicted of or pleaded guilty to a violation of subsection (a)(2) of this section, the person is guilty of a misdemeanor of the fourth degree;
 - C. Except as otherwise provided in this subsection, if the person has previously been convicted of or pleaded guilty to two violations of subsection (a)(2) of this section, the person is guilty of a misdemeanor of the third degree;
 - D. Except as otherwise provided in this subsection, if the person has previously been convicted of or pleaded guilty to three or more violations of subsection (a)(2) of this section, or convicted of or pleaded guilty to any offense of violence, if the weapon involved is a firearm that is either loaded or for which the offender has ammunition ready at hand, or if the weapon involved is a dangerous ordnance, the person is guilty of a misdemeanor of the second degree.

(g) If a law enforcement officer stops a person to question the person regarding a possible violation of this section, for a traffic stop, or for any other law enforcement purpose, if the person surrenders a firearm to the officer, either voluntarily or pursuant to a request or demand of the officer, and if the officer does not charge the person with a violation of this section or arrest the person for any offense, the person is not otherwise prohibited by law from possessing the firearm, and the firearm is not contraband, the officer shall return the firearm to the person at the termination of the stop. If a court orders a law enforcement officer to return a firearm to a person pursuant to the requirement set forth in this subsection, division (B) of Ohio R.C. 2923.163 applies.

(h) For purposes of this section, "deadly weapon" or "weapon" does not include any knife, razor, or cutting instrument if the instrument was not used as a weapon. (ORC 2923.12)

549.03 USING WEAPONS WHILE INTOXICATED.

(a) No person, while under the influence of alcohol or any drug of abuse, shall carry or use any firearm or dangerous ordnance.

(b) Whoever violates this section is guilty of using weapons while intoxicated, a misdemeanor of the first degree. (ORC 2923.15)

549.04 IMPROPERLY HANDLING FIREARMS IN A MOTOR VEHICLE.

(a) No person shall knowingly transport or have a firearm in a motor vehicle, unless the person may lawfully possess that firearm under applicable law of this state or the United States, the firearm is unloaded, and the firearm is carried in one of the following ways:

- (1) In a closed package, box or case;
- (2) In a compartment which can be reached only by leaving the vehicle;
- (3) In plain sight and secured in a rack or holder made for the purpose;

549.06 UNLAWFUL TRANSACTIONS IN WEAPONS.

- (a) No person shall do any of the following:
- (1) When transferring any dangerous ordnance to another, negligently fail to require the transferee to exhibit such identification, license or permit showing the transferee to be authorized to acquire dangerous ordnance pursuant to Ohio R.C. 2923.17, or negligently fail to take a complete record of the transaction and forthwith forward a copy of such record to the sheriff of the county or safety director or police chief of the municipality where the transaction takes place;
 - (2) Knowingly fail to report to law enforcement authorities forthwith the loss or theft of any firearm or dangerous ordnance in the person's possession or under the person's control.

(b) Whoever violates this section is guilty of unlawful transactions in weapons. A violation of subsection (a)(1) hereof is a misdemeanor of the second degree. A violation of subsection (a)(2) hereof is a misdemeanor of the fourth degree. (ORC 2923.20)

549.07 UNDERAGE PURCHASE OF FIREARM.

(a) No person under eighteen years of age shall purchase or attempt to purchase a firearm.

(b) No person under twenty-one years of age shall purchase or attempt to purchase a handgun, provided that this subsection does not apply to the purchase or attempted purchase of a handgun by a person eighteen years of age or older and under twenty-one years of age if either of the following apply:

- (1) The person is a law enforcement officer who is properly appointed or employed as a law enforcement officer and has received firearms training approved by the Ohio Peace Officer Training Council or equivalent firearms training.
- (2) The person is an active or reserve member of the armed services of the United States or the Ohio national guard, or was honorably discharged from military service in the active or reserve armed services of the United States or the Ohio national guard, and the person has received firearms training from the armed services or the national guard or equivalent firearms training.

(c) Whoever violates subsection (a) hereof is guilty of underage purchase of a firearm, a delinquent act that would be a felony of the fourth degree if it could be committed by an adult. Whoever violates subsection (b) hereof is guilty of underage purchase of a handgun, a misdemeanor of the second degree. (ORC 2923.211)

549.08 DISCHARGING FIREARMS.

(a) No person shall discharge any air gun, rifle, shotgun, revolver, pistol or other firearm within the corporate limits of the Municipality.

(b) This section does not apply when firearms are used in self defense, in the discharge of official duty or when otherwise lawfully authorized.

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

549.09 THROWING OR SHOOTING MISSILES.

(a) No person shall throw, shoot or propel an arrow, missile, pellet, stone, metal or other similar substance capable of causing physical harm to persons or property, in or on any public place, in or on the property of another, or from any private property into or onto any public place or the property of another. This section does not apply to supervised archery ranges or instruction nor when otherwise lawfully authorized.

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

549.10 CARRYING CONCEALED WEAPONS PROHIBITED.

(a) No person shall carry on or about his person any weapon known or designated as brass knuckles, billy, slingshot, sandbag, blackjack or other weapon of similar character, or any knife fitted with a mechanical device for automatic release of the blade, opening the knife and locking the knife in the open position, commonly known as a switch or automatic spring knife.

(b) This section does not apply to any such weapons designated for use by officers of the law.

- (c) Whoever violates this section is guilty of a misdemeanor of the second degree.

549.11 POSSESSING REPLICIA FIREARM IN SCHOOL.

(a) No person shall knowingly possess an object in a school safety zone if both of the following apply:

- (1) The object is indistinguishable from a firearm, whether or not the object is capable of being fired.
- (2) The person indicates that the person possesses the object and that it is a firearm, or the person knowingly displays or brandishes the object and indicates that it is a firearm.

(b) Subsection (a) hereof does not apply to premises upon which home schooling is conducted. Subsection (a) hereof also does not apply to a school administrator, teacher, or employee who possesses an object that is indistinguishable from a firearm for legitimate school purposes during the course of employment, a student who uses an object that is indistinguishable from a firearm under the direction of a school administrator, teacher, or employee, or any other person who with the express prior approval of a school administrator possesses an object that is indistinguishable from a firearm for a legitimate purpose, including the use of the object in a ceremonial activity, a play, reenactment, or other dramatic presentation, or a ROTC activity or another similar use of the object.

(c) Whoever violates subsection (a) hereof is guilty of illegal possession of an object indistinguishable from a firearm in a school safety zone. Except as otherwise provided in this subsection, illegal possession of an object indistinguishable from a firearm in a school safety zone is a misdemeanor of the first degree. If the offender previously has been convicted of a violation of Ohio R.C. 2923.122, illegal possession of an object indistinguishable from a firearm in a school safety zone is a felony and shall be prosecuted under appropriate State law.

553.04 RAILROAD VANDALISM.

(a) No person shall knowingly, and by any means, drop or throw any object at, onto, or in the path of, any railroad rail, railroad track, locomotive, engine, railroad car, or other vehicle of a railroad company while such vehicle is on a railroad track.

(b) No person, without privilege to do so, shall climb upon or into any locomotive, engine, railroad car, or other vehicle of a railroad company when it is on a railroad track.

(c) No person, without privilege to do so, shall disrupt, delay, or prevent the operation of any train or other vehicle of a railroad company while such vehicle is on a railroad track.

(d) Whoever violates subsection (a) of this section is guilty of railroad vandalism. Whoever violates subsection (b) of this section is guilty of criminal trespass on a locomotive, engine, railroad car or other railroad vehicle. Whoever violates subsection (c) of this section is guilty of interference with the operation of a train.

Except as otherwise provided in this subsection, railroad vandalism; criminal trespass on a locomotive, engine, railroad car, or other railroad vehicle; and interference with the operation of a train each is a misdemeanor of the first degree. If the violation of subsection (a), (b) or (c) of this section causes serious physical harm to property, creates a substantial risk of physical harm to any person, causes physical harm to any person, or serious physical harm to any person, the violation is a felony and shall be prosecuted under appropriate State law.

(e) No person shall knowingly deface, damage, obstruct, remove, or otherwise impair the operation of any railroad grade crossing warning signal or other protective device, including any gate, bell, light, crossbuck, stop sign, yield sign, advance warning sign, or advance pavement marking.

(f) Whoever violates subsection (e) of this section is guilty of railroad grade crossing device vandalism. Except as otherwise provided in this division, railroad grade crossing device vandalism is a misdemeanor of the first degree. If the violation of subsection (e) of this section causes serious physical harm to property or creates a substantial risk of physical harm to any person, causes physical harm to any person, or causes serious physical harm to any person, railroad grade crossing device vandalism is a felony to be prosecuted under appropriate state law. (ORC 2909.10, 2909.101)

553.05 GRADE CROSSING DEVICE VANDALISM.

(a) No person shall knowingly deface, damage, obstruct, remove or otherwise impair the operation of any railroad grade crossing warning signal or other protective device, including any gate, bell, light, crossbuck, stop sign, yield sign, advance warning sign, or advance pavement marking.

(b) Whoever violates this section is guilty of railroad grade crossing device vandalism. Except as otherwise provided in this subsection, railroad grade crossing device vandalism is a misdemeanor of the first degree. If the violation of this section causes serious physical harm to property, creates a substantial risk of physical harm to any person, causes physical harm to any person, or causes serious physical harm to any person, railroad grade crossing device vandalism is a felony and shall be prosecuted under appropriate State law. (ORC 2909.101)

553.99 PENALTY.

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

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CODIFIED ORDINANCES OF LANCASTER
PART SEVEN - BUSINESS REGULATION CODE

- Chap. 705. Designated 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.**
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- 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
Designated Outdoor Refreshment Areas

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| <p>705.01 Definitions.</p> <p>705.02 Creation of designated outdoor refreshment areas.</p> <p>705.03 Review and re-approval existing designated outdoor refreshment areas.</p> | <p>705.04 Rules governing patrons in a designated outdoor refreshment area.</p> <p>705.05 Safety requirements and application process for designated outdoor refreshment area.</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) "Designated 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. 18-21. Passed 6-14-21.)

705.02 CREATION OF DESIGNATED OUTDOOR REFRESHMENT AREAS.

(a) The Mayor may file an application with City Council to have property within the City of Lancaster designated as a designated outdoor refreshment area or to expand an existing designated 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 designated 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 designated outdoor refreshment area;
- (3) A statement that the proposed designated 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 is in accordance with the master zoning plan or map of the city; and
- (5) Proposed requirements for the purpose of ensuring safety within the proposed designated 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 a designated 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 designated outdoor refreshment areas is limited as provided in ORC § 4301.82 or any successor statute.

(e) As soon as possible after receiving notice that a designated outdoor refreshment area has been approved, the Ohio division of liquor control, for purposes of ORC § 4301.62, shall issue a designated 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 designated outdoor refreshment area under division (f) of this section.

(f) Safety requirements and modification of existing designated outdoor refreshment areas.

- (1) At the time of the creation of a designated 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 designated 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 a designated outdoor refreshment area.
(Ord. 18-21. Passed 6-14-21.)

705.03 REVIEW AND RE-APPROVAL OF EXISTING DESIGNATED OUTDOOR REFRESHMENT AREAS.

(a) Five years after the date of creation of a designated 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 the City of Lancaster or as provided in ORC § 7.16.
- (2) If City Council dissolves the designated 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 designated 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 the City of Lancaster or as provided in ORC § 7.16.

- (2) If City Council dissolves all or part of a designated 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 designated outdoor refreshment area designations issued to qualified permit holders within the dissolved area or portion of the area. (Ord. 18-21. Passed 6-14-21.)

705.04 RULES GOVERNING PATRONS IN A DESIGNATED OUTDOOR REFRESHMENT AREA.

(a) A person may possess an opened container of beer or intoxicating liquor at an outdoor location within a designated 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 are located within the designated outdoor refreshment area; and
- (2) The permit held by the permit holder has a designated 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 a designated 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 a designated 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. 18-21. Passed 6-14-21.)

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

(a) Pursuant to Section 705.02(f)(1), in the interest of the safety of the City, City Council authorizes the Service Safety Director to create and implement safety requirements for the designated outdoor refreshment area.

(b) City Council authorizes the Service Safety Director to create and post appropriate signage designating the boundaries of the designated 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 in the designated outdoor refreshment area.
(Ord. 18-21. Passed 6-14-21.)

**CHAPTER 937
Waste Removal**

937.01	Definitions.	937.11	Dumpsters.
937.02	Purpose.	937.12	Transfer station rates.
937.03	Rates for collection.	937.13	Solid waste disposal fees.
937.04	Private waste disposal.	937.14	Unacceptable waste, recyclables and yard waste.
937.05	Acceptable waste container regulations.	937.15	Bulk pick-up rates and regulations.
937.06	Collection business prohibited.	937.16	Charges a lien.
937.07	Vehicles of private haulers.	937.17	Appeal.
937.08	Collection regulations.	937.18	Rules and regulations.
937.09	Ownership of waste on disposal site.	937.99	Penalty.
937.10	Discontinuance of service; nuisance conditions.		

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 only the trash carts provided and assigned by the City that may be used for acceptable waste disposal pursuant to the requirements in Section 937.05. An acceptable waste container does include a sealed plastic bag or box.
- (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) "Commercial business" means any business that requires a dumpster for their trash needs that can be serviced multiple times per week.

- (e) "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.
- (f) "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.
- (g) "Double or duplex family residence" means the grouping together of two residential units under a common roof.
- (h) "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.
- (i) "Industrial business" means any business that requires a roll-off container or compacting roll-off container that the City cannot service.
- (j) "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.
- (k) "Multiple family residence" or "apartment" means the grouping together under a common roof of three or more residential units.
- (l) "Normal business" means any business that does not require a dumpster but needs more than one (1) ninety-five (95) gallon provided and assigned trash cart of service per week. These businesses shall be provided and assigned up to three (3) ninety-five (95) gallon trash carts that will be serviced one time per week.
- (m) "Radioactive waste" means any substance that spontaneously emits ionizing radiation.
- (n) "Recyclables" means aluminum cans, glass bottles and jars, plastic containers, tin cans, newspaper and any other material designated by the Sanitation Department as recyclables.
- (o) "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.
- (p) "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.
- (q) "Residential unit" means the place of abode of persons living separately or together as an independent family in a "dwelling unit" as defined in Section 1161.01(37) of the Codified Ordinances.
- (r) "Small business" means any business that only needs only one (1) ninety-five (95) gallon provided and assigned trash cart of service per week.
- (s) "Trash cart" means a thirty-five (35) gallon or a ninety-five (95) gallon wheeled trash container with a closable lid approved, provided, and assigned by the Sanitation Department. The Sanitation Department Superintendent, or his/her designee, will designate approved trash carts with the concurrence of City Council.
- (t) "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.
- (u) "Volume", as used in Section 937.12, means average volume.
- (v) "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.
- (w) "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. 9-21. Passed 3-22-21.)

937.02 PURPOSE.

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. 9-21. Passed 3-22-21.)

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 (62) years of age or older, occupying a residential unit will be provided and assigned by the Sanitation Department, at no charge, one (1) thirty-five (35) gallon trash cart in which all trash for pick-up must be placed. All trash must be placed in the trash cart with the lid closed. No bags, boxes or trash of any kind shall be placed on top of the trash cart or on the ground. Class 1 occupants must sign an application at the Utilities Collection Office.
 - A. Rate - nine dollars (\$9.00) per month.
- (2) Class 2. Residential units will be provided and assigned by the Sanitation Department, at no charge, one (1) ninety-five (95) gallon trash cart. All trash must be placed in the trash cart with the lid closed. No bags, boxes, or trash of any kind shall be placed on top of the trash cart or on the ground.
 - A. Rate - thirteen dollars and fifty cents (\$13.50) per month.
 - B. Any residential unit needing more than one (1) trash cart may request a second trash cart provided and assigned by the Sanitation Department for a one-time non-refundable fee of twenty-five dollars (\$25.00) and an additional three dollars per month service fee for a total monthly rate of sixteen dollars and fifty cents (\$16.50) per month.
- (3) Class 3. Small businesses will be provided and assigned by the Sanitation Department, at no charge, one (1) ninety-five (95) gallon trash cart.
 - A. Rate - thirteen dollars and fifty cents (\$13.50) per month.
- (4) Class 4. Normal businesses will be provided and assigned by the Sanitation Department, at no charge, no more than three (3) ninety-five (95) gallon trash carts per week.
 - A. Rate - twenty-four dollars (\$24.00) per month.
- (5) Class 5a. Commercial, industrial, multiple-family residences and businesses using dumpsters per uncompacted cubic yard, with minimum of two (2) cubic yards.
 - A. Rate - eighteen dollars and seventy-five cents (\$18.75) per month.
- (6) Class 5b. Commercial, industrial, multiple-family and businesses using dumpster per compacted cubic yard.
 - A. Rate - sixty-eight dollars and fifty cents (\$68.50) per month.

(b) Dumpsters. Dumpsters shall be approved by the Sanitation Department.
(Ord. 9-21. Passed 3-22-21.)

937.04 PRIVATE WASTE DISPOSAL.

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 (1) 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. 9-21. Passed 3-22-21.)

937.05 ACCEPTABLE WASTE CONTAINER REGULATIONS.

Acceptable waste containers in the City of Lancaster shall be only the following:

- (a) Ninety-five (95) or thirty-five (35) gallon trash carts provided and assigned by the Sanitation Department. Should a resident already own a trash cart and wish to use it as a second trash cart they still must pay an additional fee of three dollars (\$3.00) per month, but the one time twenty-five dollars (\$25.00), non-refundable fee will be waived.
- (b) Dumpsters approved by the Sanitation Department.
- (c) Any other garbage can, or trash can, plastic bag, box or container is not an acceptable waste container.

(Ord. 9-21. Passed 3-22-21.)

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. 9-21. Passed 3-22-21.)

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. 9-21. Passed 3-22-21.)

937.08 COLLECTION REGULATIONS.

(a) It is the intention of this chapter that each family or person occupying a separate residential unit, 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 multiple family residence and/or three (3) 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 and assigned by the Sanitation Department for that purpose. 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 pick-up. All trash must be placed inside the trash cart, with the lid completely closed. Additional trash cannot be stacked on top of the trash cart. Failure to abide by these regulations will result in additional fees as set forth in subsection below.

(c) Collection shall be made at the street curb or alley property lines as determined by the Superintendent of the Sanitation Department. Trash carts must be placed within three (3) feet of the curb or alley with lid opening facing the street or alley and the wheels toward the residence. Trash carts must be placed at least three (3) feet from any tree, pole, mailbox, etc., and at least ten (10) feet from parked cars. Multiple trash carts must be spaced three (3) feet apart.

(d) When, in the opinion of the Superintendent of the Sanitation Department, an alternate route 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 trash carts shall be returned by the City employees to designated pick-up points set forth in subsection (c) above. Owners shall then return trash carts to the point of origin/storage location and shall not be left at the street curb or alley property line. Trash carts must be removed from the curb or alley by 7:00 p.m. the day of pick-up.

(f) Additional fees shall apply as follows:

(1) If one (1) cubic yard or less outside of trash cart.

A. Trash will be picked-up and a service fee of ten dollars (\$10.00) will be added to the monthly utility bill for each separate offense.

(2) Bulk items and/or excessive trash in excess of one (1) cubic yard outside closed trash cart, or if too much trash or items that are too large to fit in the trash cart, the bulk items and/or excessive trash will be picked up and bulk pick-up rates will apply pursuant to Section 937.15.
(Ord. 9-21. Passed 3-22-21.)

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. 9-21. Passed 3-22-21.)

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. 9-21. Passed 3-22-21.)

937.11 DUMPSTERS.

(a) It shall be the duty of all commercial businesses and multiple-family residences, where ninety-five (95) gallon trash carts 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. 9-21. Passed 3-22-21.)

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 - \$25.00.
- (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 (30) 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. 9-21. Passed 3-22-21.)

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. 9-21. Passed 3-22-21.)

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 (4) feet in length and two (2) feet in diameter or fifty (50) pounds; or

2. Placed in acceptable bio-degradable paper bags weighing no more than fifty (50) pounds each when loaded with waste.
 3. Co-mingling of yard waste within the same container as acceptable waste is prohibited.
- (3) Any exclusion or exception to any part of this chapter shall be approved by the Superintendent or his designated representative.
(Ord. 9-21. Passed 3-22-21.)

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 twenty-five dollars (\$25.00) charge per bulk pick-up, with minimum of one (1) cubic yard.
- (2) Each additional yard will have a fee of eighteen dollars and seventy-five cents (\$18.75) per cubic yard.
(Ord. 9-21. Passed 3-22-21.)

937.16 CHARGES A LIEN.

Each charge or rental levied by or pursuant to this 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 (30) 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. 9-21. Passed -3-22-21.)

937.17 APPEAL.

Any customer shall have the right to appeal surcharges or penalties assessed, pursuant to this chapter, to their city utilities monthly billing statement using the appeals process set forth in the City of Lancaster Utilities Collection Office's "General Rules and Regulations" which is available on-line at their City's website and/or at the Utilities Collection Office during normal business hours.
(Ord. 9-21. Passed 3-22-21.)

937.18 RULES AND REGULATIONS.

The Sanitation Department Superintendent, with the approval of the Service-Safety Director, shall have authority to make such other rules and regulations, not inconsistent herewith, pertaining to the handling, collection and disposal of refuse, waste, recyclables, and yard waste, as well as the administration thereof, as he/she deems necessary, proper or convenient to facilitate their collection and disposal.
(Ord. 9-21. Passed 3-22-21.)

937.99 PENALTY.

Whoever violates this chapter shall be deemed guilty of a minor misdemeanor and shall be fined not more than one hundred fifty dollars (\$150.00). Each day's violation shall constitute a separate offense.
(Ord. 9-21. Passed 3-22-21.)

**CHAPTER 1105
Subdivision Procedures**

1105.01 Pre-application meeting.	1105.08 Review by City Engineer.
1105.02 Application for preliminary plat.	1105.09 Construction of improvements or performance guarantees.
1105.03 Submittal of minor subdivisions ("Lot splits").	1105.10 Application for approval of final plat.
1105.04 Submittal of preliminary plat to Planning Commission.	1105.11 Action by Planning Commission.
1105.05 Action on preliminary plat by Planning Commission.	1105.12 Appeal of plat refusal.
1105.06 Application for final plat.	1105.13 Acceptance of public lands and improvements.
1105.07 Plans and specifications for site improvements.	1105.14 Recording of plat.
	1105.15 Definitions.

1105.01 PRE-APPLICATION MEETING.

Prior to preparation of a preliminary plan, an Owner/Developer is encouraged to meet with the City Engineer and Planning Commission to familiarize himself/herself with the provisions of this Code and other applicable requirements. The submittal of a concept or sketch plan for the proposed development, using plans for adjacent areas, existing aerial photographs and topographic information, is strongly recommended. (Ord. 5-01. Passed 2-26-01.)

1105.02 APPLICATION FOR PRELIMINARY PLAT.

(a) Upon determining to proceed with a preliminary plat, the Owner/Developer shall submit twenty (20) copies of the application for preliminary plat to the City Engineer, and one (1) copy of reduced size no larger than eleven inches (11") by seventeen inches (17"), along with applicable fees as established by City Council in separate Ordinance.

(b) With ten (10) working days from receipt, the City Engineer shall review the submitted materials to determine completeness. If the application meets the submittal requirements as specified in Chapter 1113, the City Engineer shall certify such application to the Planning Commission, and proceed with review. If the application is found to be incomplete, the Owner/Developer shall be notified, and the submitted materials shall be so marked along with a citation of deficiencies. Fees as paid by the Owner/Developer shall be returned, however, a service fee to cover the costs of initial review may be charged.
(Ord. 5-01. Passed 2-26-01.)

1105.03 SUBMITTAL OF MINOR SUBDIVISIONS (“LOT SPLITS”).

(a) If, upon receipt of an application referenced in Section 1105.02 above, the City Engineer determines that the proposed subdivision of land meets the following criteria, and then it shall be classified as a minor subdivision:

- (1) Adjoins an existing public street and does not involve opening, widening, extension or improvements of any roadway or the installation of any public utilities, or new easements deemed necessary by the City Engineer to provide future public utility service, and
- (2) Creates no more than five (5) lots including the remainder, and
- (3) Does not adversely affect adjoining land, and
- (4) Complies with the requirements of Chapter 711 of the Ohio Revised Code and applicable zoning regulations of the City or other area within which it is located.

(b) No minor subdivision shall be approved that utilizes the width of a street at the terminus of such street as the required frontage for the minor subdivision.

(c) All minor subdivisions shall comply with sidewalk and wheelchair ramp requirements located in Section 1109.06(g).

(d) If the subdivision is considered a minor subdivision, the City Engineer shall review the existing right of way to determine if the proposed lot split meets the relevant criteria in the City's Thoroughfare Plan or if previous dedication have occurred through the major subdivision process. If the existing right of way fails to meet those specifications, the City Engineer shall require the applicant to dedicate the half width right of way required by the City's Thoroughfare Plan. This land shall be conveyed to the City in fee simple for public right of way use.

(e) If the subdivision is considered as a minor subdivision, only such drawings and information as is determined necessary by the City Engineer to determine compliance with pertinent platting, zoning and other regulations need to be submitted for approval. At a minimum, the submitted material shall include a survey of the property by a registered Surveyor, a deed of the original tract, and a completed application form as provided for such purpose by the City Engineer.

(f) After determination that such action meets the criteria for a minor subdivision, the City Engineer shall, within ten (10) working days after submittal, approve or disapprove said minor subdivision by indicating upon the preliminary plan "Approved (Disapproved) Lancaster Planning Commission", or he/she may refer such submittal to the Planning Commission. In cases of approval or disapproval, one (1) copy of the preliminary plan, with such notation thereon, shall be retained for the files of the Planning Commission, and one (1) copy shall be retained by the Code Administrator. The decision of the City Engineer may be appealed in writing to the full Planning Commission with thirty (30) days from the date of the approval or disapproval.

(g) After approval of a minor subdivision, the Owner/Developer may submit a deed or deeds describing lots my metes and bounds, which shall conform to the approved preliminary plan. The City Engineer shall review such documents of conveyance to determine conformance with the preliminary plan as submitted. If such documents are in conformance, the City Engineer shall mark such deed or deeds "Approved, Lancaster Planning Commission, No Plat Required". Upon approval, the Owner/Developer shall pay all applicable fees to the City as established under separate Ordinance by City Council.

(h) If no action on a proposed minor subdivision is taken within thirty (30) days from submittal, then the minor subdivision shall be considered as approved by the Planning Commission. (Ord. 27-21. Passed 9-13-21.)

1105.04 SUBMITTAL OF PRELIMINARY PLAT TO PLANNING COMMISSION.

Upon certification to the Planning Commission pursuant to Section 1105.02 above, the City Engineer shall review the preliminary plat application and submit said application to other City departments and/or other entities as deemed appropriate for input. In addition, the City Engineer may seek the input of special consultants hired for the express purpose of providing input on particular issues. After review, the City Engineer shall submit the preliminary plat to the Planning Commission, along with a compilation of comments and inputs received from other sources and his/her recommendations for action. (Ord. 5-01. Passed 2-26-01.)

1105.05 ACTION ON PRELIMINARY PLAT BY PLANNING COMMISSION.

(a) The Planning Commission shall review and take action on the preliminary plat not later than thirty (30) days from submission of the preliminary plat to the Commission by the City Engineer, or within such further time as is agreed upon by the Owner/Developer. In reviewing the preliminary plat, the Planning Commission shall consider the recommendations of the City Engineer as provided pursuant to Section 1105.04 above.

- (b) A preliminary plat shall not be approved unless the Planning Commission finds that:
- (1) The provisions of the Ohio Revised Code, these regulations and other Codes of the City are complied with, and
 - (2) The subdivision can be adequately served with public facilities and services suitable under the specific circumstances, and

- (3) Land intended for building sites appears suitable for development and is not likely to be subject to peril from floods, erosion, continuously highwater table, poor soil conditions or other factors that have been objectively determined or can be reasonably expected to result in severe adverse developmental impacts; however, preliminary approval shall not be construed to imply or infer any warranty or assurance by the City that such hazards do not exist, or any liability thereof.

(c) The Planning Commission may approve, disapprove, or approve with modification the submitted plan. The grounds for the action on any submitted plat, including citation or reference for rules violated by the plat, shall be stated in the written record of the Commission. Any approval of a preliminary plat shall be effective for a period of two (2) years.

(d) In the event that modifications are required, a copy of the revised preliminary plat incorporating such modifications shall be completed by the Owner/Developer and submitted to the Commission for the permanent file.

(e) Approval of the preliminary plat shall confer upon the applicant the right for a two (2) year period from the date of approval that the general terms and conditions under which approval was granted will not be changed, and that within the two (2) year period, the whole, part, or parts of the preliminary plat may be submitted for final approval. Upon request by the Owner/Developer, the Planning Commission may consider an extension of such approval time, but in no case should such time period be longer than four (4) years.

(Ord. 5-01. Passed 2-26-01.)

1105.06 APPLICATION FOR FINAL PLAT.

Upon approval of the preliminary plat, an application for a final plat of land being subdivided shall be submitted by the Owner/Developer to the City Engineer. It shall incorporate all modifications required by the Planning Commission during approval of the preliminary plat, and otherwise conform to the preliminary plat as approved. The Owner/Developer may apply for a final plat covering that portion of an approved preliminary plat which he/she proposes to develop and record at that time, provided that such portion conforms to all provisions of these regulations. Nonetheless, all portions of the tract covered by the preliminary plat shall be developed within a two (2) year period, unless an extension of time is granted by the Planning Commission. (Ord. 5-01. Passed 2-26-01.)

1105.07 PLANS AND SPECIFICATIONS FOR SITE IMPROVEMENTS.

(a) Prior to action on a final plat by the Planning Commission, the applicant shall have Construction and Grading Plans, specifications and cost estimates of the required site improvements prepared by a Professional Engineer. The estimates shall be grouped according to the following:

- (1) Street and parking area improvements, including curb, pavement, sidewalks, street lighting;
- (2) Water mains, including lines, valves and hydrants:

- (3) If a subdivision adjoins an existing or proposed arterial or major collector street, the Planning Commission may require the construction of separate turn lanes on such streets into the proposed subdivision.
- (4) Local streets shall be laid out so as to discourage use by through traffic.
- (5) Streets shall intersect one another at ninety (90) degrees, or as near to ninety (90) degrees as possible, but in no case less than seventy-five (75) degrees. The intersecting street must remain within these degree parameters for a distance of not less than one-hundred feet (100') from the intersection.
- (6) Street jogs shall be discouraged. Where such jogs are unavoidable, in no case shall the centerlines be offset by less than 125 feet.
- (7) The maximum length of a cul-de-sac shall be 600 feet, measured from the centerline of the intersecting street to the middle of the turn around.
- (8) Half width streets shall be prohibited.
- (9) Reserve strips controlling access to streets shall be prohibited except where the control of the access strip is place solely with the City under conditions approved by the Planning Commission.
- (10) Subdivisions should provide a minimum of two (2) access points to existing streets. Where it is not possible to provide a second access, a boulevard style entrance or emergency access shall be provided.

(d) Dedication. The necessary rights-of-way for widening or extensions of all thoroughfares, as delineated in the Thoroughfare Plan as issued by the City Engineer, shall be dedicated to public use. When a subdivision fronts on an existing City Street, or County or Township road, dedication shall be made to the proper authority.

(e) Blocks. Blocks shall not exceed 1,200 feet in length except where specific topographic conditions require a greater length.

(f) Street Names. The names of new streets shall not duplicate names of existing dedicated streets except that new streets which are extensions of existing streets shall bear the names of such existing streets. All new roadways shall be named according to the following manner:

DIRECTION	* SHORT STREETS	LONG STREETS
North/South	Place	Street
East/West	Court	Avenue
Diagonal	Way	Road
Curving	Lane or Circle	Drive

* Less than 1,000 feet

(g) Curbs, Gutters and Sidewalks. Curbs, gutters, sidewalks, and wheelchair ramps shall be required in all subdivisions. In no case shall a certificate of occupancy be granted for a building within a new subdivision where sidewalks are required, until such sidewalks on the lot are constructed and approved. All sidewalks within the subdivision shall be constructed not later than six (6) months after such time when eighty percent (80%) of the lots in the subdivision have been developed.

(h) Driveways.

- (1) All driveways shall be at least three feet (3') from the side lot line.
- (2) No driveway shall be approved providing direct access from a single or two family residential lot to a street designated on the Thoroughfare Plan as an arterial or major collector street, except where no alternative access is available. (Ord. 27-21. Passed 9-13-21.)

1109.07 LOTS.

(a) All lots shall have the required frontage on an improved public street or an approved private street.

(b) Lots in subdivisions located within the City of Lancaster shall meet the dimension and area requirements of the zoning district in which such subdivision is located. Residential lots that are located outside the zoning authority of the City of Lancaster but within the subdivision jurisdiction of this Ordinance shall conform to the zoning requirements of the jurisdiction in which they are located. All lots shall also meet the following requirements:

- (1) All residential lots shall be approximately rectangular in shape, and should not have a depth in excess of three (3) times their width, except where extra depth is necessary due to topography and/or natural conditions, or to meet other requirements of the Subdivision Regulations.
- (2) Double frontage and reverse frontage lots should be avoided, except where required to provide separation from arterial streets, or to overcome specific conditions of topography and/or orientation. In such cases, an easement or reserve strip shall be provided along the rear lot line across which there shall be no vehicular access.
- (3) Whenever possible, residential subdivisions shall be designed so that corner lots have a larger area than interior lots.
- (4) Whenever possible, side lot lines should be at right angles or radial to street lines.
- (5) Necessary easements shall be provided along side and rear lot lines for utility lines and storm water drainage.
- (6) Easements shall be provided on both sides of any open drainage course, for the purpose of widening, deepening or general maintenance. Such easements shall be a minimum of ten feet (10') on both sides, or the total width required to maintain surface routing paths pursuant to Chapter 1109.05 above, whichever are greater. In no case shall a fence or any other obstruction be constructed on this easement. (Ord. 5-01. Passed 2-26-01.)

**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)
CRA-3 Community Reinvestment Area 3 (Overlay Zoning District)
(Ord. 7-21. Passed 3-8-21.)

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. 7-21. Passed 3-8-21.)

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. 7-21. Passed 3-8-21.)

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. 7-21. Passed 3-8-21.)

1123.05 SIMILAR USES.

(a) Determination as to whether a use is similar to uses permitted by right shall be considered as an expansion of use regulations of the district and not as a variance applying to a particular situation. Any use found similar shall thereafter be considered as a permitted use in that district.

(b) Applications for zoning permits for uses not specifically listed in the permitted building or use classifications of the zoning district, which the applicant feels qualify as a similar use under the provisions of this Section, shall be submitted to the Zoning Inspector.

(c) Within sixty (60) days after such submittal, the Board of Zoning Appeals shall determine whether the requested use is similar to those uses permitted in the specific district. In order to find that a use is similar, the Board of Zoning Appeals shall find that all of the following conditions exist:

- (1) Such use is not listed as a permitted use or Special Exception in another zoning district.
 - (2) Such use conforms to basic characteristics of the classification to which it is to be added and is more appropriate to it than to any other classification.
 - (3) Such use creates no increased danger to health and safety, creates no increased level of noise, vibration, dust, heat, smoke, odor, glare, or other objectionable influences, and does not create traffic congestion to an extent greater than normally resulting from uses listed in the classification to which it is to be added.
- (Ord. 7-21. Passed 3-8-21.)

1123.06 DIVISION OF LOTS.

A lot shall not hereafter be divided into two or more lots, unless all lots resulting from such division conform to all the applicable regulations of the zoning district in which it is located.
(Ord. 7-21. Passed 3-8-21.)

1123.07 STREET FRONTAGE REQUIRED.

No lot shall contain any building used in whole or in part for residential purposes unless such lot has a minimum of thirty (30) feet of frontage on a public street or dedicated and improved right-of-way. For the purposes of this regulation an alley, as defined in Chapter 1161, shall not be considered as an acceptable dedicated right-of-way. This Section shall not apply to a substandard lot of record or a lot within an approved Planned Unit Development or in the RMH District. (Ord. 7-21. Passed 3-8-21.)

1123.08 ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD.

Not more than one (1) permitted residential use shall be allowed on any single residential lot, except in the case of a lot which is within an approved Planned Unit Development or located within the CRA-3 Overlay District.
(Ord. 7-21. Passed 3-8-21.)

1123.09 HEIGHT EXCEPTIONS.

The following structures shall not be subject to the height limitations of the district in which they are located:

- (a) Farm buildings and related structures.

- (b) Chimneys, elevators, equipment penthouses, monitors, cooling towers and ventilators, provided they are not intended for human occupancy and they do not extend more than twenty (20) feet above the top of the principal structure.
- (c) Belfries, clock towers, cupolas, domes, flag poles and spires, provided they are not intended for human occupancy and they do not exceed more than 150% of the maximum height of district in which they are located.
- (d) Signs, including outdoor advertising, provided that the height does not exceed the allowable maximum sign height in Chapter 1317.
- (e) Three-story townhomes may be allowed in CRA-3/RS-4 Overlay District, Structures enumerated in subsections (b) and (c) above may be increased in height by the Board of Zoning Appeals as a special exception.
(Ord. 7-21. Passed 3-8-21.)

1123.10 EXISTING BUILDING ENCROACHMENT ON FRONT YARDS OR BUILDING SETBACKS.

Where an existing building or buildings on the same side of the street and within the same block encroach on the required front yard or building setback, the required front yard or building setback for new construction shall be established as follows:

- (a) If the proposed building is to be located more than 200 feet from an encroaching building, the proposed building shall conform to the front yard or setback established for the district in which the proposed building is to be located.
- (b) If the proposed building is to be located between adjacent buildings which conform to the required front yard or building setback, or between a conforming building and an intersecting street, the proposed building shall conform to the front yard or setback established for the district in which the proposed building is to be located.
- (c) If the proposed building is to be located within 200 feet of encroaching buildings on both sides and there are no intervening buildings, the front yard or building setback shall be the average of the front yard or setback of the two nearest front corners of the encroaching buildings.
- (d) If the proposed building is to be located within 200 feet of an encroaching building on one side, but not both sides, and there are no intervening buildings, the front yard or building setback shall be the average of the otherwise required front yard or setback and the setback of the nearest front corner of the encroaching building.
- (e) Cornices, canopies, eaves, fireplaces and similar architectural features may project not more than two (2) feet into a required yard.

Provided, however, that in the application of subsections (c) or (d) above, the front yard or building setback shall not be reduced to less than five (5) feet.
(Ord. 7-21. Passed 3-8-21.)

1123.11 SCREENING WALLS OR FENCES.

For the purpose of maintaining a compatible relationship between certain land uses, when a screening requirement is required by this Code, the following regulations shall apply:

- (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, collector roadway, or alley, 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. 7-21. Passed 3-8-21.)

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 required 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. 7-21. Passed 3-8-21.)

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. 7-21. Passed 3-8-21.)

1123.14 STRUCTURE SETBACK FROM ABUTTING STREETS.

The structure setback from abutting streets shall be as provided for each zoning district. (Ord. 7-21. Passed 3-8-21.)

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 (3) 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 (3) 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. 7-21. Passed 3-8-21.)

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. 7-21. Passed 3-8-21.)

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 (7) to twelve (12) children at one time, including any children under six (6) 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 (4) to twelve (12) children at one (1) time if four (4) or more of the children are under two (2) years of age, including any children under six (6) 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 (1) to six (6) children at one time and in which no more than three (3) children are under the age of two (2) years.

- (1) In counting children for the purpose of this section, any children under six (6) 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 (6) 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 (6) children are cared for at one (1) 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. 7-21. Passed 3-8-21.)

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. 7-21. Passed 3-8-21.)

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 prerelease 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. 7-21. Passed 3-8-21.)

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. 7-21. Passed 3-8-21.)

**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. 7-21. Passed 3-8-21.)

- (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. 28-17. Passed 6-11-17.)

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 ½) 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 2009 version of the International Residential (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.
- (f) Shall meet the requirements established in the 2009 version of the International Residential Code (IRC), Appendix G (Swimming Pools, Spas and Hot Tubs).

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. 15-21. Passed 4-26-21.)

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. 28-17. Passed 9-11-17.)

1125.07 TEMPORARY ACCESSORY TENTS.

Temporary tents shall be considered as an accessory use in commercial districts designated at Commercial Neighborhood, Commercial General, Commercial High Intensity, Central Business District and in Industrial Light, Moderate and Heavy districts when retail sales are a principal use as so specified by this chapter. Tents used for festivals, fairs and carnivals for a maximum of fifteen (15) days are exempt from application. 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 700 square feet.
- (b) Tent(s) erected shall meet the requirements of the Ohio Building Code.
- (c) Tent(s) used for festivals, fairs and carnivals for a maximum of fifteen (15) days are exempt from zoning approval.
- (d) Tent(s) may not be erected for more than 89 days during any calendar year except when special permission is granted by the Zoning Inspector.
- (e) Tent(s) shall not cover or restrict access to any parking space.

(Ord. 28-17. Passed 9-11-17.)

**CHAPTER 1129
Residential Districts**

<p>1129.01 Establishment and purpose.</p> <p>1129.02 (RE) Residential Single-Family Estate District.</p> <p>1129.03 (RS) Residential Single-Family Districts.</p>	<p>1129.04 (RM) Residential Multi-Family Districts.</p> <p>1129.05 (RMH) Residential Manufactured Home District.</p>
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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. 7-21. Passed 3-8-21.)

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. 7-21. Passed 3-8-21.)

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 Districts, as are three-family dwellings (triplexes) when located in a CRA-3 Overlay District. Triplexes in a CRA-3 Overlay District must comply with the requirements of the RM-2 District and all other City codes and ordinances.

(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) The special exception uses in RS-1, RS-2, RS-3 and RS-4 Districts shall be the same as in the RE District except where an RS-4 designated property has utilized the benefit of the CRA-3 Overlay when developing triplex dwellings. 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	14,500	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. 7-21. Passed 3-8-21.)

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
Three-Family Dwelling (Triplex)			50	
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
Three-Family Dwelling (Triplex)			6,900	
Multi-Family Development	10,000	10,000	10,000	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)	3,450	3,450	3,450	3,000
Three-Family Dwelling (Triplex)			2,300	
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
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. 7-21. Passed 3-8-21.)

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. 7-21. Passed 3-8-21.)

**CHAPTER 1133
Commercial Districts**

<p>1133.01 Establishment and purpose. 1133.02 (CN) Commercial Neighborhood District. 1133.03 (CG) Commercial General District.</p>	<p>1133.04 (CH) Commercial High Intensity District. 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.
- (g) 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. 7-21. Passed 3-8-21.)

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) Residential 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. Duplexes and triplexes, provided such structures comply with all other City codes and ordinances.
 - C. Multifamily dwellings, provided such structures comply with all other City codes and ordinances.
 - D. Apartment
 - E. Assisted Living Facility
 - F. Convent or Monastery
 - G. Rooming or Boarding House
 - H. Elderly/Retirement Housing,
 - I. 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. Mixed commercial centers shall require one parking space per 200 S.F. gross floor space regardless of individual unit use.
- (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. 7-21. Passed 3-8-21.)

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) Triplexes, subject to the requirements of the RM-2 District, when located in the CRA-3 Overlay District.
- (3) Churches and similar places of public assembly.
- (4) Public or private schools.
- (5) Colleges and/or universities.
- (6) Community services, such as community centers, museums, galleries, libraries and similar facilities.
- (7) Public protection facilities, including police, fire, and ambulance facilities and civil defense or storm shelters.
- (8) Off-street parking areas and garages as a principal use, subject to the requirements of Chapter 1151 of this Code.

- (9) 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 Section 1123.19.
 - E. Professional, legal, engineering and architectural services, not including the outside storage of equipment.
 - F. Accounting, auditing and other bookkeeping services.
- (10) 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.
- (11) 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.

- (12) 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.
 - (13) Commercial recreational facilities such as community and public swimming pools, skating rinks, bowling alleys, physical fitness centers.
 - (14) Lumber and home improvement sales.
 - (15) Automobile sales and service establishments, including gasoline service stations, but not including truck servicing establishments.
 - (16) Theatres and similar public assembly facilities.
 - (17) Hotels and motels.
 - (18) 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. Mixed commercial centers shall require one parking space per 200 S.F. gross floor space regardless of individual unit use.
 - (3) Traffic 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. 7-21. Passed 3-8-21.)

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. Mixed commercial centers shall require one parking space per 200 S.F. gross floor space regardless of individual unit use.

- (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. 7-21. Passed 3-8-21.)

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) Residential dwellings, subject to RM-2 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. Duplexes and triplexes, provided such structures comply with all other City codes and ordinances.
 - C. Multifamily dwellings, provided such structures comply with all other City codes and ordinances.
 - D. Apartment
 - E. Elderly/Retirement Housing
 - F. Life Care Retirement Centers, 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)	60 ft
Three Family Dwelling (Triplex)	60 ft
Multi-Family Dwelling	NA
Multi-Family located above Commercial Structure	NA

Minimum Lot Area (S.F.)

Single Family Dwelling	6,000
Two Family Dwelling (Duplex)	6,900
Three Family Dwelling (Triplex)	6,900
Multi-Family Dwelling	10,000
Multi-Family located above Commercial Structure	NA

Minimum Land Area per Dwelling Unit (S.F)

Single Family	6,000
Two Family Dwelling (Duplex)	3,450
Three Family Dwelling Dwelling (Triplex)	2,300
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	35 ft
Duplex Family Dwelling	35 ft
Triplex Family Dwelling	39 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. 7-21. Passed 3-8-21.)

**CHAPTER 1135
Industrial Districts**

<p>1135.01 Establishment and purpose. 1135.02 (IL) Industrial Light District.</p>	<p>1135.03 (IM) Industrial Moderate District. 1135.04 (IH) Industrial Heavy District.</p>
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1135.01 ESTABLISHMENT AND PURPOSE.

There are hereby established three (3) Industrial Districts. These Industrial Districts are designed to:

- (a) Preserve and promote the development of a diverse range of efficient industrial and business environments within the community.
- (b) Encourage the employment growth within the community.
- (c) Promote a compatible relationship between industrial facilities and other land uses, and minimize the adverse effects of industrial activity on adjacent and proximate land uses.
- (d) Facilitate the cost effective provision of streets, utilities, and other public facilities to serve industrial and business uses.
- (e) Preserve the existing industrial base of the City.
(Ord. 8-21. Passed 3-8-21.)

1135.02 (IL) INDUSTRIAL LIGHT DISTRICT.

(a) Purpose. The (IL) Industrial Light District is designed to provide for a wide range of industrial and other employment-generating business. The district provides areas for most industrial and industrial related activities, in addition to office, business and retail uses, while protecting and conforming with nearby residential areas. Permitted uses within the IL District must operate:

- (1) Primarily within enclosed structures.
- (2) With minimal adverse environmental or economic impact on adjacent properties.
- (3) Free from noise, odor, dust, smoke, light, glare or vibration at levels in excess of the average level on adjacent streets and properties.
- (4) Without imposing unusual burdens upon utility or governmental services.

(b) Permitted Uses.

- (1) Administrative, business or professional offices, including:
 - A. Brokers and dealers in securities, investments and associated services, 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, 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.
- (2) Public protection facilities, including police, fire, and ambulance facilities and civil defense or storm shelters.
- (3) Structures containing separate small, self-serve storage facilities leased or rented to individuals or businesses, provided that:
 - A. Exterior building walls shall consist of masonry construction using brick, stone, stucco or concrete panels. Metal or standard (smooth) concrete block exterior walls are not permitted.
 - B. Access doors to the storage units shall not be visible from the ground level from any abutting R District or public street.
 - C. No hazardous, toxic or explosive material are permitted to be stored in such facilities.
 - D. Open air storage of materials is allowed only on the interior of a lot if such storage is not visible from the ground level from any abutting R District or public street.
- (4) Retail sales and service, consisting of firms involved with the sale, lease or rent of products or goods to the general public and/or providing onsite product repair or services for such goods.
- (5) Vehicle sales and/or service, consisting of firms servicing automobiles, trucks and other commercial and/or consumer vehicles, including motorcycles, boats, recreational vehicles and/or agricultural equipment.
- (6) 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
- (7) Intensive commercial recreational facilities serving a regional market.
- (8) Manufacturing and production, consisting of firms involved in the manufacturing, processing, fabrication, packaging or assembly of goods, consistent with the purposes of the IL District.
- (9) Warehousing and distribution, consisting of firms involved with the storage and/or movement of goods.

- (10) Industrial product sales or service, consisting of firms engaged in the sale, rent or lease of products intended for industrial or commercial users, or the repair and/or servicing of industrial or commercial machinery, equipment or products.
- (11) Facilities for scientific research, development and testing, within enclosed buildings.

(c) Accessory Uses. Accessory uses customarily incident to a principal permitted use shall be allowed in the IL District. Accessory buildings shall meet minimum building setback requirements for principal buildings. Signs must meet the requirements of Chapter 1317 of this Code.

(d) Special Exception Uses.

- (1) 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 and/or outside seating areas.
 - B. Bars and/or taverns and similar establishments whose principal activity is dispensing intoxicating beverages.
 - C. Carry out food and beverage establishments including those with drive-through facilities.
 - D. Banks, savings and loans, and credit agencies, including establishments with drive-through facilities.
 - E. Dry-cleaning establishments.
 - F. On-premises duplication facilities.
- (2) Convict pre-release centers or correctional community centers, subject to the requirements of Section 1123.19 of this Code.
- (3) Temporary or seasonal outdoor sales lots having a maximum operating duration of four (4) months, provided all other permits are obtained.
- (4) Single family detached container dwellings or duplexes as defined in Section 1161.01, provided such structures occupy a single lot and comply with the requirements of an RS-4 District and all other City codes and ordinances. Screening along property lines adjacent to established industrial or commercial uses shall comply with Section 1123.11 of this Code. A scaled site plan must be submitted for review by the Board of Zoning Appeals.
- (5) Triplexes or multi-family container dwellings, as defined in Section 1161.01, provided such structures comply with the requirements of the RM-2 District and all other City codes and ordinances. Screening along property lines adjacent to established industrial or commercial uses shall comply with Section 1123.11 of this Code. A scaled site plan must be submitted for review by the Board of Zoning Appeals.
- (6) Other business or industrial uses meeting the objectives and standards of the IL District, as determined by the Board of Zoning Appeals.

(e) Bulk and Area Requirements. Bulk and area requirements for the permitted and accessory uses within the (IL) Industrial Light 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	NA
Minimum Setback from Property Line (feet)	
Arterial or Freeway Service Road	50
Not an Arterial or Freeway Service Road	25
Minimum Setback	
from Abutting AG, R or O District (feet)	25
Maximum Building Height	NA

(f) Additional Standards.

- (1) Exterior operations. Exterior operations, including the processing, assembly or fabrication of goods, the movement of goods not in containers or pipelines, and/or the repair and/or salvage of equipment, shall not be permitted in the IL District.
- (2) Exterior storage. The outdoor storage of raw or finished goods including chemicals, gravel, building materials salvage goods, machinery, equipment, etc., shall not be permitted in the IL District unless an acceptable plan for screening is submitted.
- (3) Exterior display. The exterior display of products, vehicles, equipment and machinery for sale or lease shall be permitted in the IL District. Display items are intended to be viewed by customers and are not just being stored or parked. Exterior display does not include damaged vehicles, vehicles or equipment being serviced, bulk goods and materials, or other such products.
- (4) Lighting. Lighting fixtures within the IL District shall be arranged shielded and directed so as not to shine on any adjacent residential property.
- (5) Parking and loading. Parking and loading requirements shall be as specified in Chapter 1151 of this Code.
- (6) Traffic and circulation. Traffic circulation for developments within the IL District is subject to review by the Engineering Department.
- (7) 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. 8-21. Passed 3-8-21.)

1135.03 (IM) INDUSTRIAL MODERATE DISTRICT.

(a) Purpose. The (IM) Industrial Moderate District is intended to provide for a wider range of industrial uses. Non-industrial activities are limited and new residential uses are largely prohibited. The IM District is primarily intended for undeveloped areas having larger lots and irregular block patterns, but can also be used to encourage the redevelopment of existing older industrial areas.

(b) Permitted Uses.

- (1) Public protection facilities, including police, fire, and ambulance facilities and civil defense or storm shelters.
- (2) Structures containing separate small, self-serve storage facilities leased or rented to individuals or businesses, provided that no hazardous, toxic or explosive material are permitted to be stored in such facilities.
- (3) Manufacturing and production, consisting of firms involved in the manufacturing, processing, fabrication, packaging or assembly of goods.
- (4) Warehousing and distribution, consisting of firms involved with the storage and/or movement of goods.
- (5) Industrial product sales or service, consisting of firms engaged in the sale, rent or lease of products intended for industrial or commercial users, or the repair and/or servicing of industrial or commercial machinery, equipment or products.
- (6) Facilities for scientific research, development and testing, within enclosed buildings.
- (7) Vehicle sales and/or service, consisting of firms servicing automobiles, trucks and other commercial and/or consumer vehicles, including motorcycles, boats, recreational vehicles and/or agricultural equipment.
- (8) Trade establishments primarily providing business and/or 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

(c) Accessory Uses. Accessory uses customarily incident to a principal permitted use shall be allowed in the IM District. Accessory buildings shall meet minimum building setback requirements for principal buildings. Signs must meet the requirements of Chapter 1317 of this Code.

(d) Special Exception Uses.

- (1) Administrative, business or professional offices, including:
 - A. Professional, legal, engineering and architectural services, not including the outside storage of equipment.
 - B. Accounting, auditing and other bookkeeping services.
 - C. Real estate sales and associated services.
 - D. Medical and medical-related activities

- (2) Convict pre-release centers or correctional community centers, subject to the requirements of Section 1123.19 of this Code.
- (3) Junk and salvage yards, as defined in Chapter 1161, provided such uses meet applicable state requirements and local requirements related to fencing and other standards are met, and a site plan is submitted and approved by the Board of Zoning Appeals.
- (4) Contractor equipment and storage yards, provided adequate fencing and screening devices are installed.
- (5) Quarrying or mining operations, provided that all state and federal regulations are met and licenses are obtained and a site plan is submitted and approved by the Board of Zoning Appeals.
- (6) Plants for the mixing and/or processing of concrete and/or asphalt.
- (7) Single family detached container dwellings or duplexes as defined in Section 1161.01, provided such structures comply with the requirements of an RM-2 District and all other City codes and ordinances, within the CRA-3 Overlay. Screening along property lines adjacent to established industrial or commercial uses shall comply with Section 1123.11 of this Code. A site plan must be submitted for approval by the Board of Zoning Appeals.
- (8) Triplex and multi-family container dwellings, as defined in Section 1161.01, provided such structures comply with the requirements of the RM-2 District and all other City codes and ordinances. Screening along property lines adjacent to established industrial or commercial uses shall comply with Section 1123.11 of this Code.

(e) Bulk and Area Requirements. Bulk and area requirements for the permitted and accessory uses within the (IM) Industrial Moderate District are shown in the following Table:

Minimum Frontage (feet)	
Arterial or Freeway Service Road	200
Not an Arterial or Freeway Service Road	50
Maximum Floor Area Ratio	NA
Minimum Setback from Property Line (feet)	
Arterial or Freeway Service Road	50
Not an Arterial or Freeway Service Road	25
Minimum Setback (feet)	
from Abutting AG, R or O District	25
Maximum Building Height	NA

- (f) Additional Standards.
- (1) Parking and loading. Parking and loading requirements shall be as specified in Chapter 1151 of this Code.
 - (2) Traffic and circulation. Traffic circulation for developments within the IM District is subject to review by the Engineering Department.
 - (3) Traffic 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. 8-21. Passed 3-8-21.)

1135.04 (IH) INDUSTRIAL HEAVY DISTRICT.

(a) Purpose. The (IH) Industrial Heavy District is intended to provide for a full range of industrial uses, including activities which may constitute substantial environmental influences or hazards by their operation and/or appearance.

(b) Permitted Uses. Permitted uses in the IH District shall be those uses specified as Permitted Uses and Special Exception Uses in the IM District, except no residential use shall be allowed.

(c) Accessory Uses. Accessory uses customarily incident to a principal permitted use shall be allowed in the IH District. Accessory buildings shall meet minimum building setback requirements for principal buildings. Signs must meet the requirements of Chapter 1317 of the Codified Ordinances.

(d) Special Exception Uses. Other unspecified uses of an industrial nature meeting the objectives and standards of the IH District, as determined by the Board of Zoning Appeals.

(e) Bulk and Area Requirements. Bulk and area requirements for the permitted and accessory uses within the (IH) Industrial Heavy District are shown in the following Table:

Minimum Frontage (feet)	
Arterial or Freeway Service Road	200
Not an Arterial or Freeway Service Road	50
Maximum Floor Area Ratio	NA
Minimum Setback from Property Line (feet)	
Arterial or Freeway Service Road	50
Not an Arterial or Freeway Service Road	25
Minimum Setback (feet)	
from Abutting AG, R or O District	25
Maximum Building Height	NA

(f) Additional Standards.

- (1) Parking and loading. Parking and loading requirements shall be as specified in Chapter 1151 of this Code.
- (2) Traffic and circulation. Traffic circulation for developments within the IH District is subject to review by the Engineering Department.
- (3) 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. 8-21. Passed 3-8-21.)

CHAPTER 1151
Off-Street Parking and Off-Street Loading

<p>1151.01 Applicability of requirements.</p> <p>1151.02 General requirements.</p> <p>1151.03 Setbacks.</p> <p>1151.04 Design standards for off-street parking areas.</p> <p>1151.05 Design standards for off-street loading areas.</p>	<p>1151.06 Shared parking.</p> <p>1151.07 Parking in the (CBD) Central Business District.</p> <p>1151.08 Required number of off-street parking spaces.</p> <p>1151.09 Schedule of required off-street parking spaces.</p> <p>1151.10 Landscaping and screening requirements.</p>
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CROSS REFERENCES
Parking generally - see TRAF. Ch. 351

1151.01 APPLICABILITY OF REQUIREMENTS.

The off-street parking and off-street loading facilities whether they are principal uses, accessory uses, or a minimum requirement of the initiation, enlargement, or change of use, shall meet the requirements of this Chapter as follows, unless modified by Section 1151.06.

- (a) For all buildings and structures erected and all uses of land established after the effective date of this Code, parking and loading facilities shall be provided as required by the applicable use unit.
- (b) When the intensity of use of any building, structure, or premises shall be increased through the addition of dwelling units, floor area, seating capacity, or other units of measurement specified herein for required parking or loading facilities, parking and loading facilities as required herein shall be provided for such increase in intensity of use.
- (c) Whenever the existing use of a building or structure shall hereafter be changed to a new use, parking and loading facilities shall be provided as required for such new use. However, if the existing use is nonconforming as to parking requirements, then parking requirements for the change in use shall be established by the Board of Zoning Appeals.
- (d) Accessory off-street parking and loading facilities in existence on the effective date of this Code and located on the same lot as the building or use served shall not hereafter be reduced below or if already less than, shall not be further reduced below the requirements for a similar new building or use under the provisions of this Code. (Ord. 8-21. Passed 3-8-21.)

1151.02 GENERAL REQUIREMENTS.

(a) Off-street parking and off-street loading facilities shall not occupy required livability space. Space allocated to any required off-street loading berth shall not be used to satisfy the space requirements for any off-street parking facilities. Space allocated to any required off-street parking shall not be used to satisfy the space requirements for any off-street loading facilities.

(b) Within the front and exterior side yards in the RM District not more than one vehicle shall be parked for each 600 square feet of area contained in the front or exterior side yards.

(c) Required off-street parking spaces and required off-street loading berths shall not be used for the storage, sale, dismantling, or servicing of any vehicle, equipment, materials or supplies.

(d) Required off-street parking spaces and required off-street loading berths shall be located on the lot containing the use for which the required spaces or berths are to be provided except as modified by Section 1151.07(b) and (c).

(e) The capacity of an off-street parking area shall be the number of parking spaces, having minimum required dimensions, that are located thereon in such a manner that each space can be entered without passing through another space, except in an RE, RS and RMH District, where access may be obtained through another parking space. Stacked parking may be allowed in the Central Business District with the approval of the Board of Zoning Appeals.

(f) Required off-street parking surfacing shall be completed prior to the initiation of the use, unless an extension is granted based upon weather or unusual circumstances as determined by the Zoning Inspector. (Ord. 8-21. Passed 3-8-21.)

1151.03 SETBACKS.

(a) Off-street loading areas shall not be located within 50 feet of any abutting property which is within an R District unless it is wholly within an enclosed building or screened on all sides abutting the R District by a screening wall or fence.

(b) Unenclosed off-street parking and loading areas shall be set back from abutting streets as set forth in Table 1 below.

Table I
Off-Street Parking and Loading Area Setbacks From
Right of Way Line

	Parking Area 1 to 5 Spaces	Parking Area 6 or More Spaces	Loading Area
In an R District accessory to a dwelling accessory to another use	3 ft. 15 ft.	15 ft. 25 ft.	NA 25 ft.
Not in an R District, but within 50 feet of an R District	15 ft.	25 ft.	25 ft.

Table I
Off-Street Parking and Loading Area Setbacks From
Right of Way Line
(CONT.)

	Parking Area 1 to 5 Spaces	Parking Area 6 or More Spaces	Loading Area
Within the Central Business District			
Abutting Main Street/Broad Street/Columbus Street*	15 ft.	15 ft.	15 ft.
Not abutting Main Street/Broad Street/Columbus Street	5 ft.	5 ft.	5 ft.
*Where a property abuts two of these streets, the Main Street setback shall be 15 feet and the other street setback shall be 5 feet.			

(c) Unenclosed off-street parking areas (including parking lot aisles) which are accessory to any multi-family dwelling complex, assisted living facility, or similar use shall be set back at least twenty-five (25) feet from any abutting RE or RS District. (Ord. 8-21. Pssed 3-8-21.)

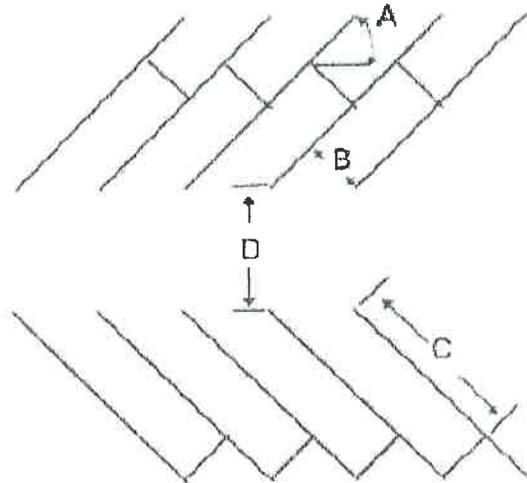
1151.04 DESIGN STANDARDS FOR OFF-STREET PARKING AREAS.

- (a) The following standards shall apply:
- (1) All off-street parking spaces shall have a vertical clearance of at least six (6) feet six (6) inches;
 - (2) Handicapped off-street parking spaces shall be provided in size and number as specified in the Ohio Basic Building Code;
 - (3) Off-street parking spaces shall be at least eight and five tenths (8.5) feet in width and eighteen (18) feet in length exclusive of access drives and aisles; and
 - (4) Parking layout dimensions for off-street parking spaces and aisles shall be in accordance with or in proportion to the standards set forth in Figures 1-4 below.

(Figure 1)
**PARKING LAYOUT DIMENSIONS
 FOR 8.5' AND 9.0' STALL WIDTHS
 AT VARIOUS ANGLES WITH ONE WAY AISLES
 (MINIMUM STANDARDS)**

A	B	C	D
45	8.5	18.0	12.0
	9.0	18.0	12.0
60	8.5	18.0	16.0
	9.0	18.0	16.0
75	8.5	18.0	21.0
	9.0	18.0	21.0

A = Stall Angle
 B = Stall Width
 C = Stall Length
 D = Aisle Width

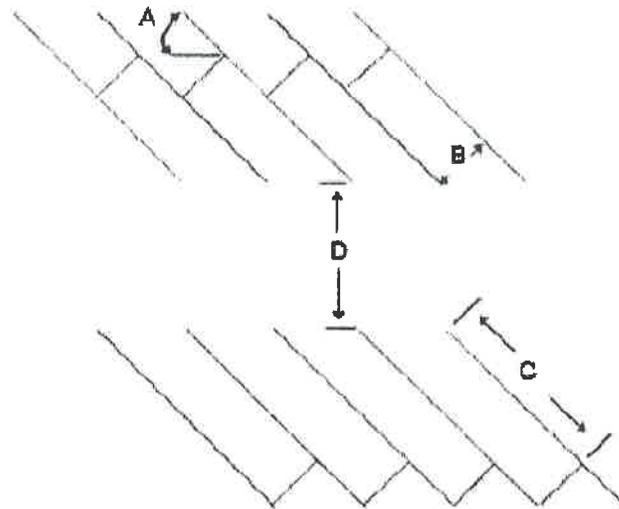


(Figure 2)

**PARKING LAYOUT DIMENSIONS
FOR 8.5' AND 9.0 STALL WIDTHS
AT VARIOUS ANGLES WITH TWO-WAY AISLES
(MINIMUM STANDARDS)**

A	B	C	D
45°	8.5	18.0	20.0
	9.0	18.0	20.0
60°	8.5	18.0	21.0
	9.0	18.0	21.0
75°	8.5	18.0	22.0
	9.0	18.0	22.0

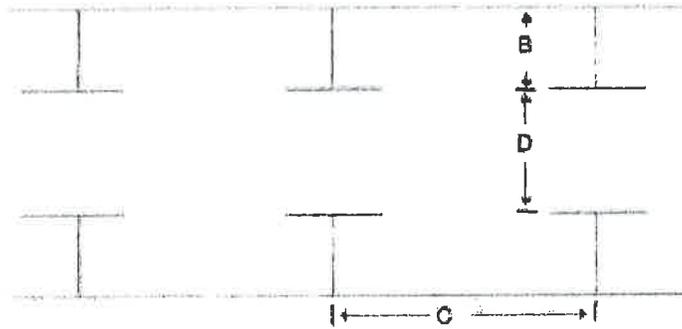
A = Stall Angle
 B = Stall Width
 C = Stall Length
 D = Aisle Width



(Figure 3)
**PARKING LAYOUT DIMENSIONS
 AT 0 AND 90 DEGREE ANGLES
 (MINIMUM STANDARDS)**

A	B	C	D
0	8.5	24.0	12.0
			(24.0)
	9.0	24.0	12.0
			(24.0)

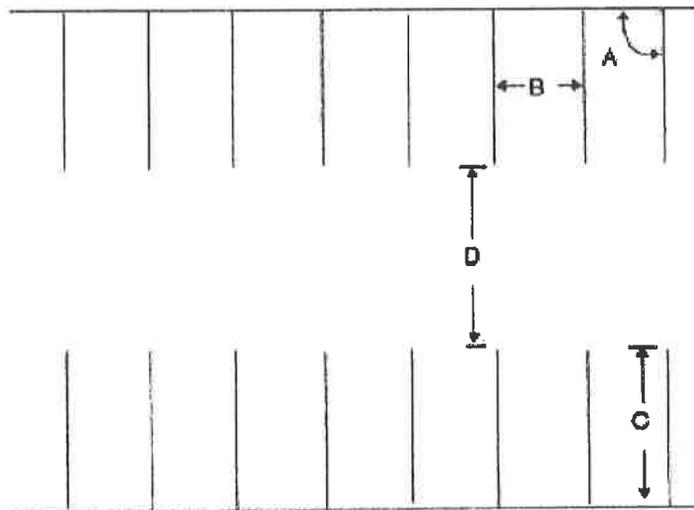
A = Stall Angle
 B = Stall Width
 C = Stall Length
 D = Aisle Width



(Figure 4)

A	B	C	D
90	8.5	18.0	24.0
	9.0	18.0	24.0

A = Stall Angle
 B = Stall Width
 C = Stall Length
 D = Aisle Width



(b) Each parking space shall be accessible from a public street without passing through another required space, except in the RE, RS, or RMH Districts. Stacked parking may be allowed in the Central Business District with the approval of the Board of Zoning Appeals.

(c) Lighting used to illuminate an off-street parking area shall be so arranged as to direct the light away from properties within an R District which do not contain uses for which the parking is being provided.

(d) Unenclosed off-street parking areas shall be surfaced with an all-weather material except non-required special event parking areas meeting the requirements of subsection (f) below.

(e) Unenclosed off-street parking areas which are principal uses shall be screened by the erection of a screening wall or fence on the lot line or lines in common with an R District. Unenclosed off-street parking areas, containing six (6) or more spaces, which are accessory to uses not required to provide screening shall be screened by the erection of a screening wall or fence on the lot line or lines in common with an RE or RS District, provided that if the parking area is located more than fifty (50) feet from the RE or RS lot line or lines, the screening requirement shall not apply.

- (f) Special event parking areas shall comply with the following conditions:
- (1) Special event parking shall not be used for more than thirty (30) days in any calendar year.
 - (2) Special event parking cannot occur for more than fifteen (15) consecutive days during any thirty (30) day period.
 - (3) Special event parking shall be set back at least fifty (50') feet from any off-site lot in any R District or any residential development area in a PUD.
 - (4) Special event parking areas shall be on the same lot or lots approved for the principal use to which they are accessory.

(g) Parking areas within the Historic District shall receive a certificate of appropriateness for screening along the street right of way.
(Ord. 8-21. Passed 3-8-21.)

1151.05 DESIGN STANDARDS FOR OFF-STREET LOADING AREAS.

(a) Unless otherwise specified, a required off-street loading berth shall be at least ten (10) feet in width, thirty (30) feet in length, exclusive of aisles, and shall have a vertical clearance of at least fourteen (14) feet.

(b) Required off-street loading berths shall be provided access to and from a public street or alley by an access drive of at least ten (10) feet in width designed to permit convenient access by semi-trailer trucks.

(c) Unenclosed off-street loading areas shall be surfaced with an all-weather material.

(d) Unenclosed off-street loading berths shall not be located within fifty (50) feet of any property in an R District unless it is screened on all sides abutting the R District by a screening wall or fence.

(e) Lighting used to illuminate an off-street loading area shall be so arranged as to direct the light away from the properties which do not contain uses for which the loading area is being provided. (Ord. 8-21. Passed 3-8-21.)

1151.06 SHARED PARKING.

Commercial mixed use developments with more than 400,000 total gross square feet shall be entitled to a ten percent (10%) reduction in the required number of off-street parking spaces. (Ord. 8-21. Passed 3-8-21.)

1151.07 PARKING IN THE (CBD) CENTRAL BUSINESS DISTRICT.

The (CBD) Central Business District is characterized by higher development density, small lots, and minimal building setbacks. Historically, a significant portion of the parking needs of this area has been provided by on-street parking, an option that is typically not available for suburban-type locations. For this reason, special parking regulations are warranted.

- (a) For non-residential uses located within the CBD District, only twenty-five percent (25%) of the required number of parking spaces as specified in Section 1151.08 below shall be required, provided that, in all cases, sufficient off-street spaces shall be provided for all employees of the establishment.
- (b) Required parking spaces may be located within 1,000 feet of the principal use which they are intended to serve.
- (c) Two (2) or more uses within the CBD District may meet the parking requirements by the joint provision of parking facilities, provided the number of spaces and location otherwise meet the requirements of this Chapter. In such case, the applicant shall provide a written agreement between the parties, stating the terms under which such joint parking is provided and maintained. (Ord. 8-21. Passed 3-8-21.)

1151.08 REQUIRED NUMBER OF OFF-STREET PARKING SPACES.

Required off-street parking spaces shall be provided according to the following schedule of uses. If a use consists of more than one component use (e.g., a school with a stadium) the required number of parking spaces shall be the sum of the required spaces for those component uses. For uses not listed, the Planning Commission shall have the authority to establish the required number of spaces, bases on the required spaces for similar uses. (Ord. 8-21. Passed 3-8-21.)

1151.09 SCHEDULE OF REQUIRED OFF-STREET PARKING SPACES.

<u>USE</u>		<u>NUMBER OF REQUIRED SPACES</u>
(a)	<u>Residential.</u>	
	(1) Single, duplex, or triplex residences	Two (2) per dwelling unit
	(2) Institutional housing, other residential uses	One (1) per three (3) occupants plus two (2) for each employee on the main work shift
	(3) Multi-family residences	
	Each unit < 1,000 S.F.	One (1) per dwelling unit
	Each unit > 1,000 S.F.	Two (2) per dwelling unit

<i><u>USE</u></i>		<i><u>NUMBER OF REQUIRED SPACES</u></i>
(b)	<u>Commercial.</u>	
	(1) Professional, administrative and business	One (1) for each 400 S.F. of gross floor area
	(2) Food, department, general merchandise, hardware, drugs, or other retail sales	One (1) for each 200 S.F. of gross floor area
	(3) Eating or drinking establishments without drive-through facilities	One (1) for each 100 S.F. of gross floor area
	(4) Eating or drinking establishments with drive-through facilities	One (1) for each 75 S.F. of gross floor area plus additional spaces in the drive-through lanes equal to twenty-five percent (25%) of the required number of parking spaces
	(5) Personal services, including banks, savings and loans, and repair services without drive-through facilities	One (1) for each 200 S.F. of gross floor area
	(6) Personal services, including banks, savings and loans, and similar services with drive-through facilities	One (1) for each 200 S.F. of gross floor area, plus additional space in drive-through lanes equal to eighty percent (80%) of the required number of parking spaces
	(7) Barber and beauty shops	Two (2) for each work station
	(8) Gasoline and service stations, automobiles	Two (2) for each service bay plus one (1) for each service pump, plus one (1) for each employee during the main shift
	(9) Self-service laundries	One (1) for each three (3) washers
	(10) Medical and dental offices, human clinics	Four (4) for each doctor or dentist
	(11) Veterinary clinics, animal hospitals	Three (3) for each doctor
	(12) Hotels, bed-and-breakfast establishments	One (1) for each sleeping room plus one (1) for each employee during the main shift
	(13) Funeral homes	One (1) for each 400 S.F. of gross floor area

<u>USE</u>		<u>NUMBER OF REQUIRED SPACES</u>
(c)	<u>Industrial.</u>	
(1)	Any manufacturing, processing, packaging, warehousing, distribution or service industry	Two (2) for each three (3) employees during work shift having greatest number of employees, plus one (1) for each vehicle maintained on the premises.
(d)	<u>Institutional.</u>	
(1)	Churches and places of public worship	One (1) for each (4) seats in main sanctuary
(2)	Public or private elementary or secondary school	Four (4) for each classroom, or one (1) for each seat in main auditorium, whichever is greater
(3)	Business trade, or technical school, college or university	One (1) for each two (2) students and one (1) for each faculty member
(4)	Nursery School/Day Care	One (1) for each fifteen (15) students
(5)	Libraries, museums, community centers and similar facilities	One for each 400 S.F. of gross floor area
(6)	Civic, social and fraternal organizations	One (1) for each three (3) persons allowed in main meeting room at full capacity
(7)	Hospitals, nursing facilities	One (1) for each four (4) beds plus one (1) per employee on main shift
(e)	<u>Recreational.</u>	
(1)	Baseball, softball, football, soccer or similar organized sport playfield	Twenty (20) for each playfield, plus one for each six (6) seats in stands
(2)	Tennis, handball or racquetball courts	Three (3) for each court
(3)	Bowling alleys	Four (4) per lane, plus necessary spaces as required for auxiliary uses such as restaurants
(4)	Theaters, stadiums, sports arenas, or other assembly halls other than schools	One (1) for each four (4) seats

(Ord. 8-21. Passed 3-8-21.)

1151.10 LANDSCAPING AND SCREENING REQUIREMENTS.

(a) New Sites. No certificate of zoning compliance or building permit shall be issued hereafter for any development or the construction of any building, structure or vehicular use except where a final landscape plan for such development or construction has been approved.

(b) Existing Sites. No parking area or structure shall be constructed or expanded unless the minimum landscaping and screening required by this chapter is provided to the extent of the alteration or expansion, but not for the entire property of which the alteration or expansion is a part unless the alteration or expansion is substantial. An alteration or expansion to an existing property is substantial when:

- (1) In the case of a building or structure that does not involve additional land, the square footage of the expansion exceeds twenty-five percent (25%) of the existing building.
- (2) In the case where additional land is involved, the additional land or the expanded square footage of a structure exceeds twenty-five percent (25%) of the existing site or structure.
- (3) Land as used herein includes land for open space, parking or building uses.

(c) Single-family and two-family residences shall be exempt from landscaping and screening requirements.

(d) Landscaping on the Interior of Parking Lots. All new parking spaces and their associated driving aisle shall be defined by landscaped curbed islands, as described. In addition to those parking lot islands, larger parking lots shall provide additional intervening or midway islands to break up the sea of asphalt, to provide shade for cars and pedestrians, and to be areas to absorb run-off. As such, additional interior landscaping of parking lots shall be provided in accordance with the following requirements:

- (1) For any parking area designed to accommodate forty (40) or more vehicles, a minimum of five percent (5%) of the parking lot shall be planted as landscaped island areas.
 - A. Landscaped islands shall be developed and distributed throughout the parking lot to:
 1. Define major circulation aisles and driving lanes; and
 2. Provide visual and climatic relief from broad expanses of pavement.
 - B. Each island shall be a minimum of ten (10) feet in any horizontal dimension;
 - C. Within the landscaped islands, one (1) shade tree shall be provided for every ten (10) parking spaces. Each tree, at the time of installation, shall have a minimum caliper of 3.0 inches and a clear trunk height of at least six (6) feet. Two (2) 1.75-inch trees may be substituted for each 3.0-inch tree.
 - D. Shrubs or low, spreading plant materials shall be planted within required landscaped islands in such a way that there is no impairment to the visibility of motorists or pedestrians.
 - E. Landscaped areas adjacent to the perimeter of the parking area shall not be counted as interior parking lot landscaped areas.
- (2) For the purpose of this section the area of a parking lot shall be the total vehicular surface area including circulation aisles.

(e) Screening Along Public Streets and Perimeter of Parking Areas. Whenever parking areas consisting of five (5) spaces or more are located such that the parked cars will be visible from a public street, screening, in addition to the interior landscaping required in subsection (a) above, shall be provided and maintained between the parking area and the street right-of-way.

- (1) All shrubs, berms, walls and fences shall have a minimum height of three (3) feet.
- (2) Such landscaping and/or screening shall be located parallel to and within five (5) feet of the edge of the parking lot.
- (3) Berms, with vegetation, are preferred.
(Ord. 8-21. Passed 3-8-21.)

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 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. 32-21. Passed 10-25-21.)

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.

CHAPTER 1161
Definitions

1161.01 Definitions.

1161.01 DEFINITIONS.

(1) **Abutting:** In the context of notice and a screening or enclosure requirement, abutting shall mean contiguous or separated there from only by a nonarterial street, alley or railroad right-of-way. In other instances, abutting shall mean contiguous.

(2) **Accessory Use or Structure:** A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

(3) **All-Weather Material:** A hard surface, dust-free material capable, during ordinary use, of withstanding without substantial deterioration, normal weather conditions. Gravel, rock, or screenings alone, without use of a petroleum or cement binder, does not meet the definition of an all-weather, dust-free material. All-weather material does not apply to non-residential parking areas and drive areas less than 12,000 square feet in total area that do not abut an arterial street.

(4) **Alley:** A public right-of-way ten (10) to twenty (20) feet wide which provides only secondary means of access to abutting property.

(5) **Animation:** The presentation of pictorials and graphics on signs displayed in a progression of frames which give the illusion of motion, including but not limited to the illusion of moving objects, moving patterns or bands of light, or expanding or contracting shape.

(6) **Arterial:** A street designated on the Major Street and Highway Plan as an arterial, thoroughfare, parkway or special traffic way.

(7) **Assisted Living Center:** A residential facility designed to meet housing and care needs of older persons and individuals with disabilities in a residential rather than institutional environment, while maximizing independence, choice, and privacy. Assisted living programs provide personal care for persons with needs for assistance in the activities of daily living, and can respond to unscheduled needs for assistance. Services typically provided include: meals, housekeeping, laundry and linen service, medication monitoring, transportation, and activities. Assisted living settings also typically provide features that enhance resident autonomy, such as lockable doors, full bathrooms, temperature control, and single occupancy, and may provide limited cooking facilities in individual units. Assisted Living Centers exclude nursing homes and other special housing facilities as elsewhere defined.

(8) **Average Ground Elevation:** The mid-point between the highest and lowest ground elevations at the building wall.

(9) **Bar/Tavern:** A commercial establishment open to the general public which sells and serves intoxicating beverages (as defined herein) for consumption on the premises.

(10) **Bed and Breakfast Inn:** Every establishment that provides four (4) or fewer guest rooms with or without meals for guests and/or transient guests who pay a fee for such services. Said structure may also be rented for special events, such as weddings, receptions, anniversaries, private dinner parties, business seminars, etc., as may be approved by the Board of Zoning Appeals.

(11) **Board of Zoning Appeals (BZA):** The Board of Zoning Appeals of the City of Lancaster.

(12) **Building:** A structure which is permanently affixed to the land, and has one or more floors and a roof, and is bounded by either another building with a common party wall, open air, or the lot lines of a lot.

(13) **Building Setback:** The horizontal distance, from the point of measurement, such as the right-of-way line of an abutting street or the boundary line of an abutting zoning district to the nearest building wall.

(14) **Bulk and Area Requirements:** The term "bulk and area requirements" as used in this code refers to lot widths, lot areas, structure heights, front, rear and side yard setbacks and floor area ratios.

(15) **Caliper:** The diameter of the tree trunk measured at six (6") inches above ground level for a tree trunk having a diameter of four (4") inches or less and the diameter of the tree trunk measured at twelve (12") inches above ground level for a tree trunk having a diameter exceeding four (4") inches.

(15a) **Change of Use:** means any alteration in the primary use of a lot or building on the lot from its existing use at the time of the adoption of this code or as modified by a zoning clearance, special exception or use variance issued under this code or which may entail the need for additional parking, loading, screening or other zoning restrictions.

(16) **Changeable Copy:** A sign which, in whole or in part, provides for periodic changes in the material or message composing the sign. This definition includes both electronically and manually changeable signs.

(17) **Character:** Any letter of the alphabet or numeral.

(17a) **Child Day Care Center:** Any place in which child care or publicly funded child care is provided for thirteen or more children at one time or any place that is not the permanent residence of the licensee or administrator in which child care or publicly funded child care is provided for seven to twelve children at one time. In counting children for the purpose of this definition, any children under six years of age who are related to a licensee, administrator, or employee and who are on the premises of the center shall be counted.

- (18) **City Council:** The City Council of the City Lancaster.
- (19) **Commercial Mixed Use Development:** shall mean any development containing a combination of uses permitted by right or special exception in a CN zoning district.
- (19a) **Community Reinvestment Area Three (CRA-3):** The third Community Reinvestment Area as designated on City of Lancaster CRA maps created by Permanent Resolution 71-19. Within the CRA-3 Overlay District a developer may apply for and receive exemption from real property tax for the construction of an approved residential development of up to three family dwelling units, also known as a triplex. Tax exemption is subject to Mayoral approval and determined on a case by case basis.
- (20) **Condominium New:** A form of ownership of property where each owner has title to a percentage of a project and the project's common areas and the actual ownership is of the interior surfaces established by the perimeter walls, floor and ceilings of a unit. Because of the unique ownership of the lot or lots, condominiums shall be included in PUD zoning. Copies of the ownership structure shall be filed with the Certified Building Department prior to issuance of an occupancy permit. A new condominium is a new development that is not currently in existence and is not a conversion of any existing structure.
- (20a) **Condominium Conversion:** A form of ownership of property where each owner has title to a percentage of a project and the project's common areas and the actual ownership is of the interior surfaces established by the perimeter walls, floor and ceilings of a unit. Copies of the ownership structure shall be filed with the Certified Building Department prior to issuance of an occupancy permit. A condominium conversion contemplates the conversion of an existing structure.
- (21) **Convict Pre-Release Center or Correctional Community Treatment Center:** means a facility for supervision and rehabilitation of persons placed therein by the Department of Rehabilitation and Correction, Federal Bureau of Prison, a court, or otherwise for parole, probation, furlough, treatment of drug or alcohol abuse and addiction, vocational training and counseling, or adjustment to private life and noninstitutional society and which may be licensed and inspected by the Ohio Department of Rehabilitation and Correction, the Adult Parole Authority, the Ohio Department of Health or a similar agency. Prisoners in these facilities are not in the custody of local law enforcement and the facilities are often privately owned.
- (22) **Curb Level:** The mean level of the established curb at the frontage of a lot. Where no curb has been established, the City Engineer shall establish such curb level or its equivalent for the purposes of this Code.
- (23) **Customary Residential Exterior Finishing Materials:** Roof and siding materials traditionally used to provide the finished exterior of single-family dwellings. Customary roofing materials include composition shingles, fiberglass shingles, wood shingles (shakes), and clay tile applied according to the manufacturers specifications. Customary siding materials include aluminum lap or vinyl lap siding, cedar or other wood siding, masonry (stucco, brick, stone, block, tilt-up panel) and wood grain weather resistant pressboard siding.

(24) **Dance Hall:** A commercial establishment open to the general public which provides a dance area of 1,000 square feet or more.

(25) **Day Care Center:** A facility providing child day care as defined by Ohio Law to seven or more children of any age. Such a facility must be licensed by the Ohio Department of Human Services.

(26) **Designated Residential Development Area:** An area specifically designated for residential development by conditions imposed in a Planned Unit Development (PUD) or Corridor District (CO).

(27) **Detention/Correctional Facility:** A facility for the detention, confinement, treatment and/or rehabilitation of persons arrested or convicted for the violation of civil or criminal law. Such facilities include an adult detention center, juvenile delinquency center, jail and prison. These facilities house prisoners who are in the custody of City/county/law enforcement and the facilities are typically government owned.

(28) **Development:** Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

(29) **Display Surface:** The surface of a sign as defined in Section 1317.10.

(30) **Drip line:** The periphery of the area underneath a tree which would be encompassed by perpendicular lines extending from the exterior edges of the crown of the tree.

(31) **Dwelling:** A building or structure used in whole or in part for human habitation.

(31a) **Dwelling, Container:** A residential unit built from one or more standard shipping container(s) which meets the requirements of the Planning and Zoning Code of the City of Lancaster, Ohio and the current Ohio building codes.

(32) **Dwelling, Duplex:** A building containing two (2) dwelling units, designed for occupancy by not more than two (2) families.

(32a) **Dwelling, Triplex:** A building containing three (3) dwelling units, designed for occupancy by not more than three (3) families.

(33) **Dwelling, Manufactured Home:** See Manufactured Home.

(34) **Dwelling, Multifamily:** A building containing four (4) or more dwelling units.

(35) **Dwelling, Townhouse:** A building containing two or more attached dwelling units with no unit above another unit and each unit located on a separate lot within a townhouse development.

(36) **Dwelling, Single-Family Detached:** See Single Family Dwelling.

(37) **Dwelling Unit:** A room or group of rooms arranged, intended, or designed as a habitable unit, containing kitchen, bath and sleeping facilities, for not more than one family living independently of any other family.

(38) **Elderly/Retirement Housing:** A residential complex containing multifamily dwellings designed for and principally occupied by senior citizens. Such facilities may include a congregate meals program in a common dining area, but exclude institutional care such as medical or nursing care and are distinguished from life care retirement centers as elsewhere defined.

(39) **Emergency and Protective Shelter:** A residential facility which provides room and board for a temporary (30 days or less) period, protection, counseling, and pre-placement screening for abused, displaced, or transient children or adults.

(40) **Essential services:** The erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam, or water transmission or distribution systems; collection, communication, supply, or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, traffic signals, hydrants and other similar equipment and accessories-in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health, safety, or general welfare.

(41) **Family:** One (1) or more persons occupying a single dwelling unit, provided that unless all members are related by blood, adoption or marriage, no such family shall contain more than five (5) persons.

(42) **Family Child Care Home (Type B):** The provider's personal residence used to house and provide supervision and care for one (1) to six (6) children, said total to include those children of the provider under six (6) years of age who reside in the residence. No more than three (3) children may be under the age of two years. A "Type B" home does not require licensing. Certification by Department of Human Services is required if child care is publicly funded.

(43) **Family Day Care Home (Type A):** The provider's personal residence used to house and provide supervision and care for seven (7) to twelve (12) children, said total to include those children of the provider under six years of age who reside in the residence. The facility must be licensed by the Ohio Department of Human Services.

(44) **Flashing Illumination:** A light source or other image which in whole or in part physically changes in light intensity or gives the appearance of such change.

(45) **Floor area:** The sum of the horizontal areas of a building as measured by the outside dimensions of the building at each floor area intended for occupancy or storage, provided that for the purposes of calculating required parking spaces, basements shall not be included.

(46) **Floor Area Ratio (FAR):** The floor area of a building or buildings on a lot divided by the lot area.

(47) **Freeway:** A street designated as a freeway on the Major Street Plan.

(48) **Freeway Sign Corridor:** Reserved.

(49) **Frontage:** The lineal measurement of a lot boundary which abuts a public street or the lineal measurement of the building setback line when the boundary of the lot abuts a curved nonarterial street or cul-de-sac.

(50) **Group Residential Facility:** A community facility, licensed and/or authorized by the State of Ohio, which provides rehabilitative or habilitative services in a residential setting. "Group residential facility" shall include the terms "adult group home", as defined in Ohio Revised Code 37722.01(A) (8) and "group home", as defined in Ohio Revised Code 5123.19(A)(3). There are two (2) classes of group residential facilities:

- A. "Class I group residential facility" means any state, federal or locally approved dwelling or place used as a foster home for children or adults (not including nursing homes) or as a place for the care or rehabilitation of dependent or predelinquent children, for the physically handicapped or disabled, or for those with mental illness or developmental disabilities. A Class I Type A facility contains more than five (5) residents, exclusive of staff. A Class I Type B facility contains five (5) or fewer residents, exclusive of staff.
- B. "Class II group residential facility" means any state, federal or locally approved dwelling or place used as a home for juvenile offenders; a halfway house providing residential care or rehabilitation for adult offenders in lieu of institutional sentencing; a halfway house providing residence for persons leaving correctional institutions; and residential rehabilitation centers for alcohol and/or drug abusers, provided that detoxification is expressly prohibited on such premises. A Class II Type A group residential facility contains more than five (5) residents, exclusive of staff. A Class II Type B facility contains five (5) or fewer residents, exclusive of staff.

(51) **Habitable Floor:** Any floor usable for living purposes, which includes working, sleeping, eating, cooking, or recreation, or a combination thereof. A floor used for storage purposes only is not a "habitable floor".

(52) **Handicap** means, with respect to a person, a physical or mental impairment which substantially limits one or more major life activities; a record of such an impairment; or being regarded as having such an impairment. This term does not include current, illegal use of or addiction to a controlled substance. For purposes of these guidelines, an individual shall not be considered to have a handicap solely because that individual is a transvestite. As used in this definition:

- A. "Physical or mental impairment" includes:
 1. Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or
 2. Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term "physical or mental impairment" includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, Human Immunodeficiency Virus infection, mental retardation, emotional illness, drug addiction (other than addiction caused by current, illegal use of a controlled substance) and alcoholism. These guidelines are designed to make units accessible or adaptable for people with physical handicaps.

- B. "Major life activities" means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.
- C. "Has a record of such an impairment" means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.
- D. "Is regarded as having an impairment" means:
 - 1. Has a physical or mental impairment that does not substantially limit one or more major life activities but that is treated by another person as constituting such a limitation;
 - 2. Has a physical or mental impairment that substantially limits one or more major life activities only as a result of the attitudes of others toward such impairment; or
 - 3. Has none of the impairments defined in paragraph A. of this definition but is treated by another person as having such an impairment.

(53) **Height, building:** The vertical distance measured from the average ground elevation at the building wall to the highest point of the structure, not including the height exceptions cited in Section 1123.09 of this Code.

(54) **Height, Sign:** The vertical distance measured from the curb level to the highest point of the sign.

(55) **Home Occupation:** That accessory use of a dwelling which constitutes some or all of the livelihood of a person living in the dwelling.

(55a) **Hotel:** The term "Hotel" shall have the same meaning as Lancaster Codified Ordinance 185.02(3).

(56) **Intoxicating Beverages:** As used in the Ohio Revised Code, 4301.01.

- A. "Intoxicating liquor" and "liquor" include all liquids and compounds, other than beer, containing one-half of one per cent or more of alcohol by volume which are fit for beverage purposes, from whatever source and by whatever process produced, by whatever name called, and whether the same are medicated, proprietary, or patented. The phrase includes wine even if it contains less than four percent (4%) of alcohol by volume, mixed beverages even if they contain less than four per cent alcohol by volume, cider, alcohol, and all solids and confections which contain any alcohol.
- B. "Alcohol" means ethyl alcohol, whether rectified or diluted with water or not, whatever its origins may be, and includes synthetic ethyl alcohol.
- C. "Beer", "malt liquor", or "malt beverages" includes all brewed or fermented malt products containing one-half of one per cent or more alcohol by volume but not more than six per cent of alcohol by weight.
- D. "Cider" means all liquids fit to use for beverage purposes that contain one-half of one per cent of alcohol by volume, but not more than six per cent of alcohol by weight that are made through the normal alcoholic fermentation of the juice of sound, ripe apples, including, without limitation, flavored, sparkling, or carbonated cider and cider made from pure condensed apple must.

- E. "Wine" includes all liquids fit to use for beverage purposes containing no less than one-half of one per cent of alcohol by volume and not more than twenty-one per cent of alcohol by volume, which is made from fermented juices of grapes, fruits, or other agricultural products. "Wine" does not include cider.
- F. "Mixed beverages" such as bottled and prepared cordials, cocktails, and highballs are products obtained by mixing any type of whiskey, neutral spirits, brandy, gin, or other distilled spirits with, or over, carbonated or plain water, pure juices from flowers and plants, and other flavoring materials. The completed product shall contain not less than one-half of one per cent of alcohol by volume and not more than twenty-one percent (21 %) of alcohol by volume.

(57) **Junk and salvage yard:** An establishment providing an open area where wastes or second hand materials are bought, sold, exchanged, stored, processed or handled. Materials include but are not limited to scrap iron and other metals, paper, plastic, rags, tires, salvaged, inoperable and/or dismantled vehicles and/or parts, and bottles or cans.

(58) **Kennel:** The use of land or buildings for the purpose of selling, breeding, boarding or training cats or dogs, or both.

(59) **Land Area:** The area of a lot.

(60) **Land Coverage:** The land area of a lot covered by building or buildings, except structural parking.

(61) **Landscaped Area:** The unpaved area within a lot which contains grass, shrubs, flowers, ground cover, trees or native plant materials and which may include decorative fixtures such as rock, pools and planters.

(62) **Life Care Retirement Center:** A residential facility containing dwellings designed for and principally occupied by senior citizens in a planned retirement community which includes a residential complex, an activity or community center, and a medical or nursing facility which is licensed by the State of Ohio as an Intermediate Care Facility or a Skilled Nursing Center.

(63) **Loading Berth, Off-Street:** A space of at least ten (10) feet in width and thirty (30) feet in length and having a vertical clearance of at least fourteen (14) feet, designed and located on a lot for the temporary parking of commercial vehicles while loading or unloading merchandise or materials. Where a property is served by an alley, the alley may be counted as the loading space for loading and unloading where the loading or unloading occurs in less than 20 minutes.

(64) **Lot:** A lot of record.

(65) **Lot of Record:** A lot which is part of a subdivision, the plat of which has been recorded in the office of the County Recorder of the County in which the lot is located or a parcel of land, the deed of which is recorded in the office of the County Recorder of the County in which the parcel is located.

- (66) Lot Line: Any boundary of a lot.
- (67) Lot Line, Front: The boundary of a lot which abuts a public street. Where the lot abuts more than one street, the owner may select the front lot line.
- (68) Lot Line, Rear: The boundary of a lot which is most distant from and most nearly parallel to the front lot line.
- (69) Lot Line, Side: Any boundary of a lot which is not a front lot line or a rear lot line.
- (70) Lot Width: The average horizontal distance between the side lot lines.
- (71) Major Appliance: Includes, but is not limited to, washers, dryers, refrigerators, ovens/ranges, dishwashers, and other appliances not easily carried without assistance.
- (72) Major Street Plan: The City of Lancaster Thoroughfare Plan Update, as adopted by the City of Lancaster on June 14, 2004, Resolution 90-04, as may be subsequently amended.
- (73) Manufactured home: A building unit or assembly of closed construction that is fabricated in an off-site facility, that conforms with the federal construction and safety standards established by the Secretary of Housing and Urban Development pursuant to the Manufactured Housing Construction and Safety Standards Act of 1974, and has a label or tag permanently affixed to it, certifying compliance with all applicable federal construction and safety standards.
- (74) Manufactured Home Community: A development constructed primarily for manufactured homes, with continuing local general management and with special facilities for common use by occupants, including such items as common recreational buildings and/or common open space.
- (75) Mini Storage: A building containing small partitioned storage spaces which are separately and individually rented or leased for the storage of personal goods or merchandise, excluding commercial warehousing.
- (76) Mobile Home: Any non-self-propelled vehicle transportable in one or more sections which, in the traveling mode, is eight (8) feet or more in width or forty (40) feet or more in length, or, when erected on the site, is 320 or more square feet, and which is built on a permanent chassis and is designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein, and built in compliance with the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976.
- (77) Modular Home: A non-site-built home that is certified as meeting the requirements of the State of Ohio Building Code for modular housing. For the purposes of this Ordinance, once certified by the State of Ohio, modular homes shall be subject to the same standards as site-built homes.
- (78) Movement: Physical movement or revolution of a sign or portion of a sign up or down, around or sideways.
- (79) NA: Not applicable.

(80) **Nameplate:** A sign, attached flush against a building identifying the name of the building or the name of an occupant thereof.

(81) **NEC:** Not elsewhere classified.

(82) **Neighborhood Park:** A park or open space of less than fifteen (15) acres owned either privately by an owners association or publicly by the City and whose function is to serve local residents. Neighborhood parks may include passive recreation areas and such active areas as jogging and bike paths, playgrounds and small athletic facilities. Neighborhood parks do not include intensive recreation facilities such as swimming pools, community centers, concession stands or lighted athletic facilities.

(83) **Night Club:** A commercial establishment open at night to the general public, usually serving intoxicating beverages, having a floor show, and providing music and a space for dancing.

(84) **Non-Arterial:** A street designated on the Major Street and Highway Plan as a collector or minor street.

(85) **Nursing Home:** A residential health care facility, licensed by the State of Ohio, which provides institutional lodging, nursing care, personal care and supervision to aged, chronically ill, physically infirm, or convalescent patients who are not related to the owner or administrator of the facility.

(86) **Parking Space, Off-Street:** A space on a lot intended and reserved for the parking of an automobile.

(87) **Parking Space, Required Off-Street:** A space on a lot reserved for parking required by this Code.

(88) **Permanent Foundation:** A foundation which meets the requirements of the City of Lancaster regulations for one and two family dwellings.

(89) **Permanently sited manufactured home:** A manufactured home that meets all of the following criteria:

- A. The structure is affixed to a permanent foundation and is connected to appropriate facilities;
- B. The structure, excluding any addition, has a width of at least twenty-two (22) feet at one point, and a length of at least twenty-two (22) feet at one point, and a living area of at least 900 square feet, excluding garages, porches, or attachments;
- C. The structure has a minimum 4: 12 roof pitch, conventional residential siding, and a six-inch minimum eave overhang, including appropriate guttering;
- D. The structure was manufactured after January 1, 1995;
- E. The structure is not located in a manufactured home community or manufactured home park as defined herein.

(90) **Personal Care:** Assistance with meals, dressing, movement, bathing or other personal needs or maintenance, or general supervision of the physical and mental well-being of a person, who is incapable of maintaining a private, independent residence, or who is incapable of managing his person, whether or not a guardian has been appointed for such person.

- (91) **Planning Commission:** The Lancaster City Planning Commission (LCPC).
- (92) **Planned Unit Development (PUD):** A discretionary type of development for a tract of land under single ownership or control, based upon an approved development plan permitting flexibility of principal land uses, lot sizes, and accessory uses not otherwise available under conventional development standards.
- (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 institute standard A 119.5 (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 the Codified Ordinances.

(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 effects, 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 from the back of curb to the back of curb or the area from 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 fifty percent (50%) 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.

(113a) Use means an activity permitted by the zoning classification applicable to the district in which the property is situated or by a Special Exception or Variance issued by the City. Whether a particular use exists depends on the nature and purpose of the activity involved. That must be determined from the whole of the activity concerned, not merely with reference to one of its constituent's parts.

(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 "&", "S1,"%" 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. 8-21. Passed 3-8-21.)

**CHAPTER 1303
Technical Codes**

1303.01	Adoption by reference.	1303.07	Reserved.
1303.02	Permit fees.	1303.08	Nonqualification for permit.
1303.02.1	Failure to pay reinspection fee.	1303.09	Reserved.
1303.03	Permit expiration.	1303.10	Reserved.
1303.04	Demolition permit.	1303.11	Violation.
1303.05	Lot regulations for removal of structure.	1303.12	Notice.
1303.06	Appeal; membership and qualifications of Appeal Board members.	1303.13	Reserved.
		1303.14	Transfer of ownership.
		1303.15	Return to County Auditor for assessment.
		1303.16	Administrative processing fee.
		1303.99	Penalty.

1303.01 ADOPTION BY REFERENCE.

- (a) Lancaster Fire Code.
(Ord. 12-21. Passed 4-26-21.)
- (b) (EDITOR'S NOTE: Former subsection (b) was repealed by Ordinance 12-21, passed April 26, 2021.)
- (c) (EDITOR'S NOTE: Former subsection (c) hereof was repealed by Ordinance 12-07, passed 3-12-07.)
- (d) 2021 International Property Maintenance Code.
(Ord. 13-21. Passed 4-26-21.)
- (e) (EDITOR'S NOTE: Former subsection (e) was repealed by Ordinance 12-21, passed April 26, 2021.)
- (f) (EDITOR'S NOTE: Former subsection (f) hereof was repealed by Ordinance 13-07, passed 3-12-07.)
- (g) (EDITOR'S NOTE: Former subsection (g) was repealed by Ordinance 12-21, passed April 26, 2021.)
- (h) Standards for gas piping on customer's premises, March 15, 2007.
(Ord. 19-07. Passed 3-12-07.)

1303.02 PERMIT FEES.

That Permit Fees for all of the codes mentioned in Chapter 1303 shall be adopted by administrative action of the Mayor. All fees must be paid prior to issuance of a permit. (Ord. 33-05. Passed 5-23-05.)

1303.02.1 FAILURE TO PAY REINSPECTION FEE.

A reinspection fee as established within the adopted Lancaster Fee Schedules may be assessed by the Code Enforcement Officer. Reinspection fees must be paid within ten days of the inspection. Failure to pay reinspection fee shall be subject to penalties of Section 1303.99. (Ord. 17-07. Passed 3-12-07.)

1303.03 PERMIT EXPIRATION.

All permits issued under Chapter 1303 shall expire twelve months after they have been issued. The permit holder may apply for one twelve month renewal prior to the permit's expiration. (Ord. 33-05. Passed 5-23-05.)

1303.04 DEMOLITION PERMIT.

(a) Service Connections. Before a structure can be demolished or removed, the owner or agent shall notify all utility companies having service connections within the structure such as water, electric, gas, sewer and other connections. A permit to demolish or remove a structure shall not be issued until a release is obtained from the utility companies stating that their respective service connection and appurtenant equipment, such as meters and regulators, have been removed or sealed and plugged in a safe manner.

(b) Historic Property. The City Manager shall determine if the structure or building in issue is a listed property which is protected by the Historic Preservation Chapter 1327. If that is the case, the appropriate certificate shall be obtained from the Historic Lancaster Commission before a permit may be issued.

(c) A demolition permit expires 45 days after its issue date. (Ord. 35-05. Passed 5-23-05.)

1303.05 LOT REGULATIONS FOR REMOVAL OF STRUCTURES.

Whenever a structure is demolished or removed, the premises shall be maintained free from all unsafe or hazardous conditions by the proper regulation of the lot, the restoration of established grades and the erection of the necessary retaining walls and fences. (Ord. 35-05. Passed 5-23-05.)

1303.06 APPEAL; MEMBERSHIP AND QUALIFICATIONS OF APPEAL BOARD MEMBERS.

(a) Right to Appeal. Any person affected by a decision of a Code Official or a notice or order issued under any of the specified model codes except the Ohio Building Code shall have the right to appeal to the Structural Board of Appeals, provided that a written application for appeal is filed within thirty (30) days after the day the decision, notice or order was served. Appeals from a decision under the Ohio Building Code shall be filed with the Industrial Compliance Commission pursuant to the requirements of the Ohio Building Code, the Ohio Revised Code, and the Ohio Administrative Code. (Ord. 8-19. Passed 4-22-19.)

CODIFIED ORDINANCES OF LANCASTER
PART FIFTEEN - FIRE PREVENTION CODE

CHAPTER 1525
Lancaster Fire Code

1525.01 Adoption.

1525.02 Amendments.

1525.01 ADOPTION.

A certain document, one (1) copy of which is on file with the Fairfield County Law Library, Lancaster City Law Director's Office (Clerk of Council), and the Lancaster Building Department, and copies of which may be ordered at cost in the Law Director's Office, being marked and designated as the Ohio Fire Code, 2017 Edition including Appendixes B-G, as published by the International Code Council, be and is hereby adopted as the Lancaster Fire Code addressing conditions hazardous to life and property from fire, explosion, handling or use of hazardous materials and the use and occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said 2017 Ohio Fire Code are hereby referred to, adopted, and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in Section 1525.02 - Amendments (Ord. 14-21. Passed 4-26-21.)

1525.02 AMENDMENTS.

The following sections of the Lancaster Fire Code are hereby revised as follows:

Section 101.1 TITLE. The rules as set forth in this code shall be known as the "Lancaster Fire Code" abbreviated "LFC" but hereinafter may also be referred to as the "state fire code" or "this code" or "Ohio Fire Code" throughout the Code.

Section 101.2 SCOPE. This code establishes rules for the administration and enforcement of authorities granted to fire code officials in Lancaster Codified Ordinance Chapter 1303, including but not limited to, regulations affecting or relating to structures, processes, premises and safeguards regarding:

1. The hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices;
2. Conditions hazardous to life, property or public welfare in the occupancy of structures or premises;
3. Fire hazards in the structure or on the premises from occupancy or operation;
4. Matters related to the construction, extension, repair, alteration or removal of fire suppression or alarm systems.
5. Conditions affecting the safety of fire fighters and emergency responders during emergency operations.

Section 104.8 MODIFICATIONS BY FIRE MARSHAL. Replace "Fire Marshal" with "Fire Chief".

Section 108.1 APPEALS OF ORDERS. Appeals of orders made by the fire official relative to the application of this Code shall be in accordance with Lancaster Codified Ordinance Chapter 1303.

Section 109. VIOLATIONS. Replace "State Fire Marshal" with "Fire Chief".

Sections 109.1.1.1- 109.4. Are not adopted.

Section 109.1.5 FIRE CODE ENFORCEMENT. If upon inspection or investigation, the fire chief, or a certified fire safety inspector believes that the Lancaster Fire Code has been violated, the certified fire safety inspector or fire chief may issue to the responsible person either a Notice of Violation pursuant to Lancaster Codified Ordinance Chapter 1303 or an Administrative Violation in accordance with Lancaster Codified Ordinance 101.08.

Sections 109.1.5.1 to 109.1.5.1.4. Are not adopted.

Section 109.1.6 ENFORCEMENT TO REMEDY DANGEROUS CONDITIONS. Replace "Section 3737.41 of the Revised Code" with "Lancaster Codified Ordinance Chapter 1303." Replace "citation pursuant to Section 3737.42 of the Revised Code" with "Notice of Violation of violation pursuant to Lancaster Codified Ordinance Chapter 1303."

Sections 109.3 - 109.3.5. Are not adopted.

Section 109.4 PENALTIES. Penalties are specified for Administrative Violations in 101.08 of the Lancaster Codified Ordinances or for Notice of Violation in Chapter 1303 of the Lancaster Codified Ordinances.

Section 110 UNSAFE BUILDINGS. Replace "citation" with "Notice of Violation". Replace "Section 3737.41 of the Revised Code" with "Lancaster Codified Ordinance Chapter 1303". Replace "citation pursuant to Section 3737.42 of the Revised Code" with "Notice of Violation pursuant to Lancaster Codified Ordinance Chapter 1303".

Section 111 STOP WORK ODER. Replace "3737.42 of the Revised Code" with "Lancaster Codified Ordinance Chapter 1303."

Section 111.4 FAILURE TO COMPLY. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to remove a violation or unsafe condition, shall be subject to penalties in accordance with Lancaster Codified Ordinance Section 101.08 and Lancaster Codified Ordinance Section 1303.99.

Section 112 - 115 Are not adopted.
(Ord. 14-21. Passed 4-26-21.)