

TEMPORARY ORDINANCE NO. 1-23

PERMANENT ORDINANCE NO. 3-23

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 in the last year which must be included in the Codified Ordinances of Lancaster, Ohio; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LANCASTER, STATE OF OHIO,

SECTION 1. That the editing, arrangement, and numbering of those ordinances enacted by Council from December 13, 2021 to December 12, 2022 as listed in the Comparative Section Table, are hereby approved and adopted as printed in the 2022 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 herein.

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:

Administrative Code

101.03 Rules of Construction. (Amended)

Traffic Code

337.10 Lights, Emblems, and Reflectors on Slow-Moving Vehicles, Farm Machinery, Agricultural Tractors, and Animal-Drawn Vehicles. (Amended)

337.16 Number of Lights; Limitations on Flashing, Oscillating or Rotating Lights. (Amended)

General Offenses Code

513.01 Drug Abuse Control Definitions. (Amended)

513.15 Sale of Dextromethorphan. (Added)

517.01 Gambling Definitions. (Amended)

517.02 Gambling. (Amended)

517.06 Methods of Conducting a Bingo Game; Prohibitions. (Amended)

517.08 Raffles. (Amended)

517.09 Charitable Instant Bingo Organizations. (Amended)

517.11 Bingo or Game of Chance Records. (Amended)

517.13 Bingo Exceptions. (Amended)

517.14 Instant Bingo Conduct by a Veteran's or Fraternal Organization. (Amended)

517.15 Skill-Based Amusement Machines. (Amended)

517.16 Electronic Instant Bingo; Prohibited Conduct. (Added)

General Offenses Code (Cont.)

- 529.01 Liquor Control Definitions. (Amended)
- 529.07 Open Container Prohibited. (Amended)
- 537.17 Reserved. (Previously "Criminal Child Enticement")
- 537.19 Hazing Prohibited. (Added)
- 549.02 Carrying Concealed Weapons. (Amended)
- 549.04 Improperly Handling Firearms in a Motor Vehicle. (Amended)

- 549.11 Possessing Replica Firearm in School. (Amended)
- 549.13 Concealed Handgun Licenses; Possession of Revoked or Suspended License; Additional Restrictions; Posting Signs Prohibiting Possession. (Added)

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 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: 1/23/23 after 2nd reading. Vote: Yeas 8 Nays 0

Approved: ~~1/23/23~~ 1/23/23

Teresa Lee Sandy
President of Council

Clerk: Teresa Lee Sandy

David A. Scheffler
Mayor

Offered by: Conny Schanoner

Second by: Mary R. Turner

Requested by Law Committee

I, Teresa Lee Sandy, Clerk of Council do hereby certify that on _____, 2023 the Lancaster Eagle Gazette published the summary of this ordinance in accordance with Ohio Revised Code 731.24.

Clerk of Council

**INSTRUCTIONS FOR INSERTING
2022 REPLACEMENT PAGES
FOR THE
CODIFIED ORDINANCES OF LANCASTER**

All new replacement pages bear the footnote "2022 Replacement". Please discard old pages and insert these new replacement pages immediately as directed in the following table.

Discard Old Pages Insert New Pages

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

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 12, 2022.

/s/ David Scheffler
Mayor

/s/ Teresa Sandy
Council Clerk

Local legislation current through December 12, 2022
State legislation current through June 28, 2022

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publication by
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LANCASTER, OHIO

ROSTER OF OFFICIALS

(2022)

COUNCIL

David Uhl
Corey Schoonover
Jennifer Siterley
Don McDaniel
Presten Ahlers
Tom James
Jack Martin
Larry Alles
Kristina Crites
Becky Tener
Teresa Sandy

President
At Large
At Large
First Ward
Second Ward
Third Ward
Fourth Ward
Fifth Ward
Sixth Ward
Clerk

The publisher
expresses their appreciation
to

RANDALL T. ULLOM
Law Director

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

OFFICIALS

David Scheffler
Patricia Nettles
Stephanie Hall
Tom Stoughton
Paul Martin
Curt Shonk
Nicholas Snyder
Steve Maifin
James Fields
Randall Ullom
Trevor Innocenti

Mayor
Auditor
Law Director
Treasurer
Service-Safety Director
City Engineer
Police Chief
Fire Chief
Municipal Court Judge
Municipal Court Judge
Municipal Court Magistrate

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RS Districts	1129.03(e)			
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2022 Replacement

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COMPARATIVE SECTION TABLE

Ord. No.	Date	C.O. Section	Ord. No.	Date	C.O. Section
1-17	5-22-17	182.013	25-20	11-23-20	183.01 to 183.39, 183.97 to 183.99
11-17	4-10-17	1303.01(a)	27-20	11-23-20	183.012, 183.013, 183.02
12-17	4-10-17	1525.01, 1525.02	5-21	2-22-21	Repeals 133.08
13-17	4-10-17	1303.01(b)	6-21	2-22-21	Repeals 131.01 to 131.03
14-17	4-10-17	1303.01(c)	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(g)	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	14-21	4-26-21	1525.01, 1525.02
		1153.01 to 1153.09, 1161.01	15-21	4-26-21	1125.05
38-17	12-11-17	Repeals 145.01 to 145.17, 145.19 to 145.24	16-21	5-24-21	185.01 to 185.03
40-17	12-11-17	111.06.1	18-21	6-14-21	705.01 to 705.05
41-17	12-11-17	1327.04	27-21	9-13-21	1105.03, 1109.06
3-18	3-12-18	183.01 to 183.39, 183.97, 183.98, 183.99	32-21	10-25-21	1157.03
		1331.07	46-21	12-13-21	183.013
7-18	6-11-18	937.01 to 937.18,	51-21	12-13-21	183.012, 183.013, 183.02
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19-18	10-22-18	905.01 to 905.05, 905.99	19-22	6-13-22	103.01 to 103.07
		1317.01 to	23-22	8-8-22	303.08, 351.15
23-18	11-26-18	1317.16, 1317.99	30-22	10-24-22	911.07, 912.05, 915.04, 915.05, 916.08
8-19	4-22-19	1303.06	35-22	11-28-22	911.07
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			
23-19	11-25-19	183.03			

TABLES OF SPECIAL ORDINANCES

TABLE B - EASEMENTS (Cont.)

Ord. No.	Date	Description
12-14	8-11-14	Approves an easement from Retriev Technologies, Inc, necessary for the construction of a sanitary sewer.
13-14	8-25-14	Accepts an easement from the Lancaster City School District Board of Education, necessary for the construction of gas and water lines.
17-14	10-6-14	Vacates a portion of public utility easement right-of-way on the Rock Mill Corporate Park.
19-14	12-8-14	Accepts an easement necessary for the construction of 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	Approves 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.

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TABLES OF SPECIAL ORDINANCES

TABLE B - EASEMENTS (Cont.)

Ord. No.	Date	Description
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.
4-22	2-14-22	Service-Safety Director is hereby authorized to enter into a Supplemental Easement and Partial Release of Easement with AEP to relocate AEP lines and infrastructure in and along City of Lancaster property in Horns Mill Road.
9-22	3-28-22	Authorizes the Law Director to acquire twenty-five year easements from the State of Ohio at Ohio University Lancaster.
16-22	4-11-22	Mayor is hereby authorized to enter into a General Utility Easement with the owners of Fairfield County Auditor Parcel Number 0140112600.
22-22	7-18-22	Grants an easement to Summitig, LLC for the installation and maintenance of a Fiber Optic Telecommunications System over and through 0.554 +/- acres of City property.
26-22	9-26-22	Accepts a storm sewer easement in conjunction with a right-of-way (ROW) vacation requested by the Creed of Recovery LLC.
33-22	11-14-22	Releases right of way/easement on Fairfield County Tax Parcel 0535027600.

2022 Replacement

TABLE C - VACATING STREETS AND ALLEYS (Cont.)

Ord. No.	Date	Description
26-00	9-25-00	Vacates a 15 foot wide public alley right of way dedicated in the Daugherty's Addition and known as Mercury Drive.
14-02	5-13-02	Vacates part of a twelve-foot public alley right of way dedicated on the Thomas Ewing 1st Addition Plat.
49-03	11-24-03	Vacates the unimproved portion of a 25 foot public alley right of way abutting Lots 6, 7, 8, 36, 37 and 38 of the Colonial Heights Addition.
4-04	1-25-04	Vacates a portion of the Pershing Drive right-of-way.
58-05	9-12-05	Vacates part of the unimproved portion of Lane Street as dedicated to the public on the Floyd E. Terry's Meadowview Addition Revised Plat.
90-05	12-19-05	Vacates part of the unimproved portion of Chestnut Street as dedicated to the public on the Brooks Addition Plat.
91-05	12-19-05	Vacates part of the unimproved portion of an alley as dedicated to the public on the Brooks Addition Plat.
2-07	2-12-07	Vacates part of the Graf St. public right of way as dedicated on the Avondale Addition and the W. F. Wacker's Skyline View Addition plats.
44-07	9-24-07	Vacates the northern portion of Harmon Avenue.
45-07	9-24-07	Vacates a 14 foot wide alley to the east of Harmon Avenue and south of Lot 12 of the Charles W. and Rena Good Addition.
7-09	4-13-09	Vacates the eastern portion of West Main St.
32-09	12-14-09	Vacates portion of 15 foot wide alley running east to west between Lot 60 of Wm. Cos's Seventh Addition and Lot 3 of DeLaney's Edgemont Sub-Division.
18-11	11-28-11	Vacates the right-of-way of a 15 foot public alley in the Rising Park Addition.
13-13	8-26-13	Vacates the unimproved public right-of-way dedicated on the Colonial Heights Addition Plat.
24-17	7-17-17	Vacates a portion of unimproved public alley known as Zane Alley.
14-18	10-8-18	Vacates an alley within M.A. Daugherty's Addition.
8-20	6-8-20	Vacates a portion of Fulkerson Avenue and a 12 foot alley located within Carbon Works Addition.
10-20	6-8-20	Vacates a portion of Lowell Drive and all of Emerson Boulevard within John D. Van Gundy's Revision of the Colonial Heights Addition.
28-22	10-24-22	Vacates a portion of right-of-way (ROW) for the Wheeling Street extension that bisects the property located at 1511-1513 East Main Street associated with the Creed of Recovery LLC Development of this site.

TABLES OF SPECIAL ORDINANCES

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

Ord. No.	Date	Description
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.
3-22	1-24-22	Authorizes the Mayor to execute all documents and pay any fees necessary to accept Canal Land from the State of Ohio.
5-22	2-28-22	Accepts 0.048 acres that the property owner has decided to the City to provide the City with additional right-of-way for underground utilities.
15-22	4-11-22	Accepts .775 +/- acres of real property from Table Mountain Industries, LLC.
17-22	4-25-22	Accepts property for the dedication of public right of way on Behrens Court.
21-22	6-27-22	Authorizes the Mayor to enter into an agreement to purchase 701 Union Street, approximately 10.716 acres more or less, of real property identified as Tax Parcel Numbers 0531813010 and 0531813000, further identified as the former General Sherman Jr., High School from the Lancaster City School District Board of Education.

TABLES OF SPECIAL ORDINANCES

TABLE I - ZONING MAP CHANGES (Cont.)

Ord. No.	Date	Description
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 Whitley 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.
24-22	8-8-22	4.083 +/- acres identified as Fairfield County Auditor Tax Parcel Number 0535027600 from Industrial Heavy to Commercial General.
29-22	10-24-22	20.7 +/- acres identified as Fairfield County Auditor Tax Parcel Number 0533008400 from Commercial General (CG) to Residential Single Family 4 (RS-4).
34-22	11-28-22	Amends the Zoning Map subject to passage of the annexation of 20.611 +/- acres in Greenfield Township from R-1 (Rural Residential) in Greenfield Township to CN (Commercial Neighborhood) zoning district in the City of Lancaster.

101.03 RULES OF CONSTRUCTION.

(a) **General Rule.** All words and phrases shall be construed and understood according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.

(b) As used in the Codified Ordinances, unless the context otherwise requires:

- (1) **Tense.** Words in the present tense include the future tense.
- (2) **Gender.** Words in the masculine gender include the feminine and neuter genders.
- (3) **Plural.** Words in the plural number include the singular number, and words in the singular number include the plural number. (ORC 1.10)

(c) **Calendar; Computation of Time.**

- (1) **Definitions.**
 - A. "Week" means seven consecutive days.
 - B. "Year" means twelve consecutive months. (ORC 1.44)
- (2) If a number of months is to be computed by counting the months from a particular day, the period ends on the same numerical day in the concluding month as the day of the month from which the computation is begun, unless there are not that many days in the concluding month, in which case the period ends on the last day of that month. (ORC 1.45)
- (3) **A.** The time within which an act is required by law to be done shall be computed by excluding the first and including the last day; except that when the last day falls on Sunday or a legal holiday, then the act may be done on the next succeeding day that is not a Sunday or a legal holiday.

B. When a public office, in which an act required by law is to be performed, is closed to the public for the entire day that constitutes the last day for doing the act or before its usual closing time on that day, the act may be performed on the next succeeding day that is not a Sunday or a legal holiday.

C. As used in subsections (c)(1) and (c)(2) of this section, legal holiday means the following days:

 1. The first day of January, known as New Year's Day;
 2. The third Monday in January, known as Martin Luther King, Jr. Day;
 3. The third Monday in February, known as Washington-Lincoln Day;
 4. The day designated in the "Act of June 28, 1968", 82 Stat. 250, 5 U.S.C. § 6103, as amended, for the commemoration of Memorial Day;
 5. The nineteenth day of June, known as Juneteenth day;
 6. The fourth day of July, known as Independence Day;
 7. The first Monday in September, known as Labor Day;
 8. The second Monday in October, known as Columbus Day;
 9. The eleventh day of November, known as Veteran's Day;
 10. The fourth Thursday in November, known as Thanksgiving Day;
 11. The twenty-fifth day of December, known as Christmas Day; and

12. Any day appointed and recommended by the Governor of this state or the President of the United States as a holiday.
- If any day designated in this section as a legal holiday falls on a Sunday, the next succeeding day is a legal holiday. (ORC 1.14)

(4) When legislation is to take effect or become operative from and after a day named, no part of that day shall be included. (ORC 1.15)

(5) In all cases where the law shall require any act to be done in a reasonable time or reasonable notice to be given, such reasonable time or notice shall mean such time only as may be necessary for the prompt performance of such duty or compliance with such notice.

(d) **Authority.** When the law requires an act to be done which may by law as well be done by an agent as by the principal, such requirement shall be construed to include all such acts when done by an authorized agent.

(e) **Joint Authority.** All words purporting to give joint authority to three or more municipal officers or other persons shall be construed as giving such authority to a majority of such officers or other persons, unless it shall be otherwise expressly declared in the law giving the authority or inconsistent with State statute or Charter provisions.

(f) **Exceptions.** The rules of construction shall not apply to any law which shall contain any express provision excluding such construction, or when the subject matter or context of such law may be repugnant thereto.

101.04 REVIVOR; EFFECT OF AMENDMENT OR REPEAL.

(a) When a law which repealed a former law is repealed, the former law is not thereby revived. (ORC 1.19)

(b) When a provision of the Codified Ordinances is repealed or amended, such repeal or amendment does not affect pending actions, prosecutions or proceedings, civil or criminal. When the repeal or amendment relates to the remedy, it does not affect pending actions, prosecutions or proceedings, unless so expressed, nor does any repeal or amendment affect causes of such action, prosecution or proceeding, existing at the time of such amendment or repeal, unless otherwise expressly provided in the amending or repealing law. (ORC 1.20)

- (c) When a provision of the Codified Ordinances is repealed, such repeal does not:
- (1) Affect any rights or liabilities which exist, have accrued or have been incurred by virtue of such repealed provision;
 - (2) Affect an action or proceeding for the enforcement of any rights or liabilities existing or arising thereunder;
 - (3) Relieve any person from punishment for an act committed in violation of such repealed provision;
 - (4) Affect an indictment or prosecution for a violation of such repealed provision.

For the purposes of this section, such repealed provision shall continue in full force and effect notwithstanding such repeal, provided this does not affect the limitation of actions, prosecutions or proceedings imposed by any State statute. (ORC 1.21)

101.05 CONSTRUCTION OF SECTION REFERENCES.

When reference is made to any section or group of sections of the Codified Ordinances, such reference shall extend to and include any amendment of or supplement to the section or group of sections so referred to or any section or sections hereafter enacted in lieu thereof, and unless otherwise provided, whenever a reference to a section or group of sections is made in any amendment or supplement to any section of the Codified Ordinances hereafter enacted, such reference shall be deemed to refer to the section or sections as the same shall then stand, as thereafter amended.

Whenever in a penalty section reference is made to a violation of a section or an inclusive group of sections, such reference shall be construed to mean a violation of any provision of the section or sections included in such reference.

References in the Codified Ordinances to action taken or authorized under designated sections of the Codified Ordinances include, in every case, action taken or authorized under the applicable legislative provision which is superseded by the Codified Ordinances. (ORC 1.23)

101.06 CONFLICTING PROVISIONS.

If the provisions of different codes, chapters or sections of the Codified Ordinances conflict with or contravene each other, the provisions bearing the latest passage date shall prevail. If the conflicting provisions bear the same passage date, the conflict shall be construed so as to be consistent with the meaning or legal effect of the questions of the subject matter taken as a whole.

101.07 SEPARABILITY.

Each section of the Codified Ordinances and every part of each section is an independent section and part of a section, and the holding of any section or a part thereof to be unconstitutional, void or ineffective for any cause does not affect the validity or constitutionality of any other section or part thereof. (ORC 1.13)

101.08 CITATION AND SETTLEMENT IN LIEU OF PROSECUTION FOR CERTAIN OFFENSES.

(a) Whenever a person is observed violating certain provisions of this code as specified in this section, or there is reasonable suspicion to believe that such a violation has occurred and that a particular person is responsible, the City may, in lieu of filing a criminal complaint in court, issue to the alleged violator a citation which shall:

- (1) Advise said person that the same has violated a specified ordinance.
- (2) Direct said person to make payment in an amount applicable to said alleged violation as set forth in this section as settlement of said claim;
- (3) Advise said person, where applicable, to cease and/or abate said violation forthwith and to refrain from like violations in the future;
- (4) Inform said person that, upon failure to so settle the claim and to cease and/or abate said violations, a complaint will be filed in the Lancaster Municipal Court of Fairfield County.

(b) Except as provided below, citations as provided herein shall be personally served upon the person responsible for the violation, his agent, representative, independent contractor or employee. In the event the owner, occupant, contractor or other person responsible for the violation cannot be located the citation may be served by posting a copy at the property, structure or vehicle where the violation has occurred and sending a copy by United States first class mail to the last known address of such person.

(c) Any person served with a citation for violations of the following provisions of Lancaster Codified Ordinance may settle and compromise the matter in respect of such ordinance violation by ceasing and/or abating said violation and paying the sum as follows:

- (1) For subsection (c)(2)A.1. through 10: fifty dollars (\$50.00) if paid within ten (10) days of service of the citation, or seventy-five dollars (\$75.00)
- (2) For subsection (c)(2)A.11., twenty five dollars (\$25.00) if paid within ten (10) days of service of the citation; or fifty dollars (\$50.00) if paid after (10) days of service of the citation; and two hundred fifty dollars (\$250.00) for Section 351.18 if paid after such ten (10) day period but before filing of a complaint in the Lancaster Municipal Court for all first offenses but within twenty (20) days. An extension of time to abate/cease may be granted in writing by the code enforcement officer where it is deemed reasonable under the circumstances.

A. GENERAL CODE VIOLATIONS

- 1. Dog at Large, LCO 505.01(c)
- 2. Failure to License Dog, LCO 505.03
- 3. High Grass, LCO 565.02
- 4. Advertising on Public Property LCO 541.09
- 5. Temporary Signs LCO 1317.03
- 6. Fire lane Parking, LCO 331.46 (c)
- 7. Open Burning LCO 1540.02
- 8. Obstructed Exits, LFC 1027.3
- 9. Junk Motor Vehicle, LCO 343.02
- 10. Lancaster Fire Code Sections as adopted in LCO 1303.01(a)

B. Parking & Loading Zones LCO 351 & 353

Appeal Process - All appeals for these violations will be to Fairfield County Municipal Court.

C. Unsatisfied Violations - For violations where the fine is not paid and/or the violation is not cured the administrative violation shall be transferred to the Lancaster City Prosecutor to void administrative violation and proceed with filing criminal violation.

(d) Payment of the citation shall be made at the Lancaster Police Department, or by United States mail.

(e) In the event that payment is not made within the time prescribed and the violation cured, a complaint will be filed in the Lancaster Municipal Court.

(f) The issuance of a citation under this section shall not be deemed a waiver of the power of the City of Lancaster to suspend, revoke or refuse to renew any license or permit for cause.

(g) The following City personnel shall have the authority to issue citations under this section: Fire Department Chief or his designee, Police Department Chief or his designee, code enforcement officers, zoning/building inspector, and such other persons as designated by the Mayor. (Ord. 33-08. Passed 10-6-08.)

101.99 GENERAL PENALTY.

Whenever, in the Codified Ordinances or in any ordinance of the Municipality, any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is otherwise provided, whoever violates any such provision shall be punished by a fine not exceeding fifty dollars (\$50.00). A separate offense shall be deemed committed on each day during or on which a continuing violation occurs.

CHAPTER 103
Wards and Boundaries

- 103.01 Wards established.
- 103.02 First Ward.
- 103.03 Second Ward.
- 103.04 Third Ward.
- 103.05 Fourth Ward.
- 103.06 Fifth Ward.
- 103.07 Sixth Ward.

CROSS REFERENCES

Division into wards - see Ohio R.C. 731.06
Voting precincts - see Ohio R.C. 3501.18

103.01 WARDS ESTABLISHED.

In order to achieve substantially equal population in each ward within the City, ward boundaries are hereby established as follows. (Ord. 19-22. Passed 6-13-22.)

103.02 FIRST WARD.

Beginning at the intersection of the northwestern boundary of the City and the centerline of Memorial Drive; thence continuing southeast along the centerline of Memorial Drive to its intersection with the centerline of North Pierce Avenue; thence following Pierce Avenue south to the Hocking River; thence following the Hocking River in a southeasterly course to West Fair Avenue; thence proceeding west along the centerline of West Fair Avenue to the railroad tracks; thence following the railroad tracks in a southeasterly course to Brumfield Road; thence continuing southeast on Brumfield Road until it turns into Maud Avenue; thence proceeding in a southeasterly course along the centerline of Maud Avenue to its southern terminus at Cedar Hill Road (SR 188); thence continuing west on Cedar Hill Road (SR 188) to the City boundary line; thence following the City boundary line back to the point of beginning. (Ord. 19-22. Passed 6-13-22.)

103.03 SECOND WARD.

Beginning at the point where Baltimore Road (SR 158) intersects the City boundary line; thence following the City boundary line southeast to North High Street; thence continuing south along the City boundary line on North High Street to its intersection with East Fair Avenue; thence proceeding west on North High Street to the Hocking River; thence following the Hocking River in a northwesterly course to the centerline of North Pierce Avenue; thence continuing north on Pierce Avenue to the centerline of Memorial Drive; thence proceeding in a northwesterly course along the centerline of Memorial Drive until it intersects the western City boundary line; thence following the City boundary line north, then east, and back south to the point of beginning. (Ord. 19-22. Passed 6-13-22.)

103.04 THIRD WARD.

Beginning at the intersection of the City boundary line and North High Street and following this boundary line around to Sheridan Drive on the east; thence proceeding south on Sheridan Drive to Pleasantville Road and Cherry Street; thence continuing south on Cherry Street to Wheeling Street; thence proceeding west along the centerline of Wheeling Street to the Hocking River; thence following the Hocking River north to the centerline of West Fair Avenue; thence continuing east on Fair Avenue to its intersection with North High Street; thence north along the centerline of High Street to the City boundary line. (Ord. 19-22. Passed 6-13-22.)

103.05 FOURTH WARD.

Beginning at the intersection of the City boundary with Sheridan Drive between East Fair Avenue and Wetsell Avenue; thence continuing north along the City boundary line following it completely around to the east and then south until it ends at Marietta Road on the east; thence continuing west along the centerline of Marietta Road to Sells Road; thence continuing south along the centerline of Sells Road until its terminus at East Main Street; thence proceeding west on Main Street to Cherry Street; thence continuing north on Cherry Street to Sheridan Drive; thence continuing north along the centerline of Sheridan Drive to the City boundary line on Sheridan Drive at the point of beginning. (Ord. 19-22. Passed 6-13-22.)

103.06 FIFTH WARD.

Beginning at the southern boundary of the City at the intersection of Stump Hollow Road and South Broad Street; thence following the City boundary northwest to the southern terminus of Maher Avenue; thence proceeding north on Maher Avenue to the Northern terminus of Maher Avenue; thence following a line from the northern terminus of Maher Avenue to the intersection of Hunter's Run and the Hocking River; thence continuing north along the Hocking River to the centerline of West Wheeling Street; thence following Wheeling Street east to Cherry Street; thence continuing southwest on Cherry Street to East Main Street; thence following Main Street east to Sells Road; thence continuing north on Sells Road to Marietta Road; thence continuing east on Marietta Road to the City boundary line; thence following the City boundary line east, south, and then west back to the point of beginning. (Ord. 19-22. Passed 6-13-22.)

103.07 SIXTH WARD.

Beginning at the City boundary line at the southern terminus of Maher Avenue and continuing west and then north along the City boundary line to Lincoln Avenue (US Route 22); thence following Lincoln Avenue (US 22) west to the City boundary line; thence following the City Boundary line west and then north to Cedar Hill Road (SR 188); thence proceeding east on the centerline of Cedar Hill Road (SR 188) to the southern terminus of Maud Avenue; thence continuing northwest on Maud Avenue until it turns into Brumfield Road; thence continuing north on Brumfield Road to the railroad tracks; thence following the railroad tracks in a northwesterly direction to their intersection with West Fair Avenue; thence proceeding on Fair Avenue east to the Hocking River; thence following the Hocking River in a southeasterly course to the intersection of the Hocking River and Hunter's Run; thence following a line south through Maher Park to the northern terminus of Maher Avenue; thence continuing south on Maher Avenue to its southern terminus at the City boundary line which is the point of beginning. (Ord. 19-22. Passed 6-13-22.)

TITLE THREE - Legislative

- Chap. 111. Rules of Council.
 Chap. 113. Clerk of Council.
 Chap. 115. Ordinances and Resolutions.

**CHAPTER 111
 Rules of Council**

- 111.01 Time of regular meetings.
 111.02 Special meetings.
 111.03 Calling to order; preliminaries; presiding officer.
 111.04 Quorum.
 111.05 Permission to leave chamber.
 111.06 Clerk of Council.
 111.06.1 Standing committees.
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 111.32 Power to compel attendance.
 111.33 Refusal to attend special meetings.
 111.34 Use of Robert's Rules of Order.
 111.35 Changing rules.
 111.36 Tobacco products prohibited at all meetings.
 111.37 Providing Council members with ordinance books.
 111.38 Schedule of Council.

CROSS REFERENCES

- Adoption of ordinances and resolutions - see Ohio R. C. 715.03, 731.17
 General powers - see Ohio R. C. 715.03, 731.01, 731.05, 731.47
 To establish sewerage rates - see Ohio R. C. 729.49
 Composition - see Ohio R. C. 731.01, 731.06
 Qualifications - see Ohio R. C. 731.02, 731.44
 Election and term - see Ohio R. C. 731.03, 733.09

CROSS REFERENCES (Cont.)

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

111.01 TIME OF REGULAR MEETINGS.

Regular meetings of Council shall be held at the designated Council Chambers per the adopted schedule for the calendar year, or at such time as maybe ordered by Council. (Ord. 8-22. Passed 3-14-22.)

111.02 SPECIAL MEETINGS.

Special meetings of Council may be called by the Mayor, President of Council, or any three members of Council upon written request delivered to the Clerk of Council. No business shall be transacted at any special meeting of Council, except the particular business for the transaction of which such special meeting may be called and the notice to be served on each member requiring his/her attendance at such special meeting shall contain a statement of the business for the transaction of which such special meeting may be called. (Ord. 8-22. Passed 3-14-22.)

111.03 CALLING TO ORDER; PRELIMINARIES; PRESIDING OFFICER.

The President or, in his/her absence, the President pro tempore shall take the chair at the prescribed meeting start time, shall immediately call the members to order, and shall proceed with the meeting agenda. In the absence of the President and President pro tempore, if a quorum shall be present, Council shall appoint one of its members President pro tempore for that meeting, or until the appearance of the President or President pro tempore. If a quorum is not present, the members may by a majority vote take a recess for a period not exceeding one hour. The President pro tempore retains his/her right to vote and enter into discussion and debate, even when chairing a session. (Ord. 8-22. Passed 3-14-22.)

111.04 QUORUM

A majority of the members of Council shall constitute a quorum. (Ord. 8-22. Passed 3-14-22.)

111.05 PERMISSION TO LEAVE CHAMBER.

No member shall leave the Council chamber while Council is in session, without permission being granted by the presiding officer.
(Ord. 8-22. Passed 3-14-22.)

111.06 PRESIDENT PRO TEMPORE AND CLERK OF COUNCIL.

Not later than January 5th of each year in a new term of Council, Council shall hold an Organizational Meeting for the purposes of appointing a President pro tempore and a Clerk of Council. Any Council member may make a motion in this meeting to appoint individuals to these positions. Any such motion must be seconded and passed by a majority vote of Council.
(Ord. 8-22. Passed 3-14-22.)

111.06.1 STANDING COMMITTEES.

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

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

- (a) Code Enforcement and Zoning Committee. (Certified Building Department and Code Enforcement)
- (b) Economic Development Committee. (Annexations, CDBG Program and Economic Development)
- (c) Finance Committee. (Auditor, Treasure, Income and City Budget)
- (d) Law Committee. (General Legal Issues, Law Director's Office, Municipal Court, Clerk of Court, Council, Council Rules, Council Clerk, Mayor's Office and Service-Safety Director)
- (e) IT/Telecom. (Information technology and communications)
- (f) Public Works Committee. (Engineering, LDOT, Transit and Cemetery).
- (g) Safety Committee. (Police and Fire)
- (h) Service Committee. (Gas IT/Telecom, Utilities Collection, Parks and Recreation, Olivedale and Sanitation)
- (i) Water/Water Pollution Control Committee. (Water, Wastewater, Storm Water and Environmental Engineering).
(Ord. 8-22. Passed 3-14-22.)

111.07 ORDER OF BUSINESS.

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

- (a) Prayer
- (b) Call to Order
- (c) Pledge of Allegiance
- (d) Roll Call
- (e) Reading and disposing of the Journal
- (f) Reports of City Officials
- (g) Reading of Communications
- (h) Reading of Petitions and Memorials

111.08 EXCEPTION TO ORDER OF BUSINESS.

It shall be the duty of the President to proceed with the order of business adopted in Section 111.07. The President may, however, at any time permit a member to introduce an ordinance, resolution, motion or order out of the regular order for the same, if there is no objection on the part of a majority vote of Council.
(Ord. 8-22. Passed 3-14-22.)

111.09 COMMITTEE OR OFFICIAL'S REPORTS.

Any subject matter having been referred to any committee of Council or City officer shall be reported upon, in writing, by such committee or officer, and at least a majority of each and any committee to which a subject has been referred shall report thereon. Such report shall, in every instance be accompanied by the original papers upon which such report is based and be signed by such members thereof as concur therein, and the same shall be read by the Clerk, or at the Clerk's desk by the member making the report, without motion.
(Ord. 8-22. Passed 3-14-22.)

111.10 SPEAKING.

In all cases the member who shall first address the President and attempt to gain the floor shall speak first. However, when two or more members shall address the chair at once, the President shall name the member who is first to speak. No member shall be allowed to speak except from his/her own desk. No member shall speak more than twice on the same subject, nor longer than five minutes without leave, and no member shall speak more than once on the same motion until every member desiring to speak on that motion shall have had an opportunity to do so. Any member, while discussing a question, may read from books, papers or documents, any matter pertinent to the subject under consideration without asking leave.
(Ord. 8-22. Passed 3-14-22.)

111.10.1 VOTERS AND TAXPAYERS ADDRESSING COUNCIL.

In order to ensure that the amount of time allowed for voters and taxpayers to address Council is fair to all in attendance, it shall be the duty of the President of Council to enforce a five (5) minute rule. No person speaking during the voter and taxpayer time shall be permitted to speak for longer than five (5) minutes and no person shall receive permission under this agenda item to speak more than once per Council meeting.
(Ord. 8-22. Passed 3-14-22.)

111.11 MOTIONS.

When a motion is made and seconded, it shall be stated by the President before any debate shall be in order. Every such motion and all amendments thereto, if any, may be withdrawn by the movers thereof at any time before decision, if a majority of the members then present shall agree thereto. (Ord. 8-22. Passed 3-14-22.)

111.12 DIVISION OF THE QUESTION.

Any member may call for a division of the question, or the President may direct the same; and the same in either case shall be divided if it comprehends questions so distinct that one being taken away, the other will stand an entire question for decision. (Ord. 8-22. Passed 3-14-22.)

111.13 WRITING OUT MOTION.

When required by any member, every motion or proposition shall be reduced to writing before action is taken thereon. (Ord. 8-22. Passed 3-14-22.)

111.14 REFERENCE OF MOTION TO COMMITTEE.

When a motion is made for reference of any subject to a standing committee, and it is moved to substitute therefor a select committee, the question of reference to a standing committee shall be first put. (Ord. 8-22. Passed 3-14-22.)

111.15 MOTION TO ADJOURN.

A motion to adjourn shall always be in order, unless Council is engaged in voting; but it being decided in the negative, shall not again be entertained until some motion, call or order takes place. (Ord. 8-22. Passed 3-14-22.)

111.16 MOTIONS CONSIDERED DURING DEBATE.

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

- (a) To adjourn.
- (b) To lay on the table.
- (c) For the previous question.
- (d) To postpone to a day certain.
- (e) To amend.
- (f) To commit.
- (g) To postpone indefinitely. (Ord. 8-22. Passed 3-14-22.)

111.17 MOTION TO TAKE FROM THE TABLE.

A motion to take from the table shall be in order when that order of business is being transacted in which such matter to be taken up was laid upon the table, and such motion shall be decided without debate; provided that the mover may be permitted to briefly state his/her reason for the motion. (Ord. 8-22. Passed 3-14-22.)

111.18 MOTION TO RECONSIDER.

Any member who voted on the prevailing side may move a reconsideration of any such action of Council, provided, that the motion be made not later than the next regular meeting after such action was taken. A motion to reconsider shall be in order any time, except when a motion on some other subject is pending. A motion to reconsider being laid upon the table, may be taken up and acted upon at any time when Council is engaged in transacting miscellaneous business. No motion to reconsider shall be made more than once on any matter or subject, and the same number of votes shall be required to reconsider any action of Council as is required to pass or adopt the same. (Ord. 8-22. Passed 3-14-22.)

111.19 PREVIOUS QUESTION.

When the previous question shall be moved and seconded by another, it shall be put in these words: "Shall the main question now be put?" Until decided, this shall preclude all further debate, and all amendments and motions, except one motion to adjourn and one motion to lay on the table, but shall not preclude pending amendments from being put in their order before the main question. If a call for previous question is not sustained, the subject under consideration shall not thereby be postponed, but the business shall proceed as if no such call had been made. (Ord. 8-22. Passed 3-14-22.)

111.20 VOTING.

When demanded by any member and seconded by another, the yeas and nays shall be taken on the adoption of any ordinance, resolution, or any question or proposition submitted to Council. In taking the yeas and nays the Clerk shall call the names of the members in alphabetical order, and the President shall announce the result of such vote. The Clerk may be required to read the vote taken upon the demand of any member. (Ord. 8-22. Passed 3-14-22.)

111.21 INTRODUCTION OF ORDINANCES.

Ordinances shall be introduced by members of Council with their names endorsed thereon. (Ord. 8-22. Passed 3-14-22.)

111.22 LIMITATIONS ON REFERENCE.

After an ordinance or resolution has been once referred to a standing or special committee and report made thereof to Council, the same may be again referred, but after ordinances have been read the third time and put on their passage, it shall not again be referred, except under instructions from Council, which instructions shall embody substantially the amendment or amendments proposed. (Ord. 8-22. Passed 3-14-22.)

111.23 ACTION OF COUNCIL; PROCEDURE.

The action of Council shall be by ordinance or resolution and on the passage of every ordinance or resolution the vote shall be taken by yeas and nays and entered on the Journal. However, this shall not apply to the ordering of an election, or direction by Council to any board or officer to furnish Council with information as to the affairs of any department or office. No ordinance or resolution granting a franchise, or creating a right, or involving the expenditure of money, or the levying of a tax, or for the purchase, lease, sale or transfer of property, shall be passed, unless the same shall have been read on three different days, and with respect to any such ordinance or resolution, there shall be no authority to dispense with this rule, except by three-fourths vote of all the members elected thereto. No ordinance shall be passed by Council without the concurrence of a majority of all members elected thereto. Ordinances for third reading shall not be considered or acted on in connection with other matters, and a separate roll call and vote shall be had on the passage of each and every ordinance. (Ord. 8-22. Passed 3-14-22.)

111.24 RESOLUTIONS AND EXPENDITURE OF MONEY.
Resolutions shall be offered by any member of Council present, with his/her name endorsed thereon, and may be referred to the proper committee. No contract, agreement or other subject involving the expenditure of money shall be entered into, nor shall any ordinance, resolution or order for the appropriation or expenditure of money be passed by Council unless the City Auditor shall have first certified that the money required for the contract, agreement or other obligation, or to pay the appropriation or expenditure is in the Treasury to the credit of the fund in which it is to be drawn, and not appropriated for any other purpose. (Ord. 8-22. Passed 3-14-22.)

111.25 APPEAL FROM DECISION OF THE CHAIR.
An appeal to Council from the decision of the chair may be taken by any member, if duly seconded, and the question shall be: "Shall the decision of the chair be sustained?" (Ord. 8-22. Passed 3-14-22.)

111.26 UNDEBATABLE MOTIONS.
The following motions are not debatable:
(a) To adjourn.
(b) To lay on the table.
(c) To take from the table.
(d) For the previous question.
(e) Question of order. (Ord. 8-22. Passed 3-14-22.)

111.26.1 DEBATABLE MOTIONS.
The following motion(s) are debatable:
(a) Motion to suspend rules
This section does not prohibit any other motions from being debated which are otherwise permitted by ordinance or Roberts Rules of Order. (Ord. 8-22. Passed 3-14-22.)

111.27 CALLING MEMBER TO ORDER.
If any member, in speaking or otherwise shall violate any rule of Council, the President shall, or any member may, call the member to order. If such member shall be called to order while speaking, the member shall immediately take his/her seat. The question of order shall be decided without debate, and if the decision shall be in favor of the member called to order while speaking, he/she shall be at liberty to proceed with his/her speech without leave of Council. (Ord. 8-22. Passed 3-14-22.)

111.28 CHANGE IN RULES.
Any proposed amendment or addition to the rules of Council may shall be first referred to the standing committee on Law Rules, which shall report them at the next regular meeting of Council. (Ord. 8-22. Passed 3-14-22.)

111.29 ACTION UPON FAILURE OF COMMITTEE TO REPORT.
If any matter is referred to any standing or special committee of Council, and the same is not reported upon by the committee at the next regular meeting of Council, Council may by a majority vote thereof take each matter so referred from such committee and act upon such matter without report, at the meeting following the failure to report, unless upon proper excuse an extension of time is granted such committee. (Ord. 8-22. Passed 3-14-22.)

111.30 SUSPENSION OF RULES.
These rules, or any one of them, may be temporarily suspended at any meeting of Council by a three fourths (3/4) vote of all members, and vote on such suspension, in such cases, shall be taken by yeas and nays and entered on the Journal. (Ord. 8-22. Passed 3-14-22.)

111.31 CHIEF OF POLICE TO PRESERVE ORDER AND COMPEL ATTENDANCE.
Under the direction of the presiding officer of Council, the Chief of Police shall preserve order and decorum, and, by order of Council, shall compel the attendance of absent members as may be prescribed by ordinance. (Ord. 8-22. Passed 3-14-22.)

111.32 POWER TO COMPEL ATTENDANCE.
At any special meeting of Council, the hour of meeting having arrived and three members being present, they shall have power to compel the attendance of absent members by summons, and it shall be the duty of the Chief of Police or other proper officer to punctually execute such summons. (Ord. 8-22. Passed 3-14-22.)

111.33 REFUSAL TO ATTEND SPECIAL MEETINGS.
Any member of Council who shall refuse to appear forthwith when summoned, unless he/she is sick or has sufficient excuse to be accepted by Council, shall be liable to expulsion or such other penalty as Council may prescribe. (Ord. 8-22. Passed 3-14-22.)

111.34 USE OF ROBERT'S RULES OF ORDER.
In the absence of any rule upon any matter of business, Council shall be governed by Robert's Rules of Order. (Ord. 8-22. Passed 3-14-22.)

111.35 CHANGING RULES.
These rules shall not be altered, amended or repealed except by a majority vote of all members of Council. (Ord. 8-22. Passed 3-14-22.)

111.36 TOBACCO PRODUCTS PROHIBITED AT ALL MEETINGS.
Smoking of cigarettes, E-cigarettes, pipes or cigars and the use of all tobacco products shall be prohibited at all meetings of the Lancaster City Council including caucuses. (Ord. 8-22. Passed 3-14-22.)

111.37 PROVIDING COUNCIL MEMBERS WITH ORDINANCE BOOKS.
(REPEALED)
EDITOR'S NOTE: Former Section 111.37 was repealed by Ordinance 6-11.

111.38 SCHEDULE OF COUNCIL.
An announcement shall be made at each regularly scheduled meeting of Council notifying those in attendance of meetings currently scheduled for the next thirty days. These shall include but are not limited to Regular Council Sessions, Special Council Sessions, Public Hearings, and Committee Meetings. The Clerk shall be responsible for posting these advance notifications for the public. The postings shall include the meeting date, meeting time, meeting place, and a brief description of the purpose of the meeting. (Ord. 8-22. Passed 3-14-22.)

- (2) When any vehicle or "abandoned junk motor vehicle" as defined in Ohio R.C. 4513.63 is left on private property for more than forty-eight consecutive hours without the permission of the person having the right to the possession of the property, or on a public street or other property open to the public for purposes of vehicular travel or parking, or upon or within the right of way of any road or highway, for forty-eight consecutive hours or longer, without notification to the Police Chief of the reasons for leaving such vehicle in such place. Prior to disposal of an "abandoned junk motor vehicle" as defined in Ohio R.C. 4513.63, it shall be photographed by a law enforcement officer.
- (3) When any vehicle has been stolen or operated without the consent of the owner and is located upon either public or private property.
- (4) When any vehicle displays illegal license plates or fails to display the current lawfully required plates and is located upon any public street or other property open to the public for purposes of vehicular travel or parking.
- (5) When any vehicle has been used in or connected with the commission of a felony and is located upon either public or private property.
- (6) When any vehicle has been damaged or wrecked so as to be inoperable or violates equipment provisions of this Traffic Code whereby its continued operation would constitute a condition hazardous to life, limb or property, and is located upon any public street or other property open to the public for purposes of vehicular travel or parking.
- (7) When any vehicle is left unattended either on public or private property due to the removal of an ill, injured or arrested operator, or due to the abandonment thereof by the operator during or immediately after pursuit by a law enforcement officer.
- (8) When any vehicle has been operated by any person who has failed to stop in case of an accident or collision and is located either on public or private property.
- (9) When any vehicle has been operated by any person who is driving without a lawful license or while his license has been suspended or revoked and is located upon a public street or other property open to the public for purposes of vehicular travel or parking.
- (10) When any vehicle is found for which two or more citation tags for violations of this Traffic Code have been issued and the owner or operator thereof has failed to respond to such citation tags as lawfully required, and is located upon a public street or other property open to the public for purposes of vehicular travel or parking.
- (11) When the driver has been cited under a state or local law that requires the impoundment of the motor vehicle.

(b) Any vehicle removed under authority of subsection (a)(2) hereof shall be ordered into storage and/or disposed of as provided under Ohio R.C. 4513.60 et seq. Any other vehicle removed under authority of this section shall be ordered into storage and the Municipal police shall forthwith notify the registered vehicle owner of the fact of such removal and impounding, reasons therefor and the place of storage. Any person desiring to redeem an impounded vehicle shall appear at the police offices to furnish satisfactory evidence of identity and ownership or right to possession. Prior to issuance of a release form, the claimant, owner or operator shall either pay the amount due for any fines for violations on account of which such vehicle was impounded or, as the court may require, post a bond in an amount set by the court, to appear to answer to such violations. The pound operator shall release such vehicle upon the receipt of the release form and payment of all towage and storage charges.

- (c) No owner or operator shall remove an impounded vehicle from the place of storage without complying with the above procedure. Possession of a vehicle which has been impounded and unlawfully taken from the place of storage, by the owner or operator, shall constitute prima-facie evidence that it was so removed by the owner or operator.
- (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. (Ord. 23-22. Passed 8-8-22.)

303.081 OTHER PROSECUTIONS.

The removal and storage of a vehicle impounded, and the payment of the expense of removal and storage of a vehicle so impounded, shall not release the owner or operator of such vehicle from penalties imposed for violation of this Traffic Code or any other traffic ordinances. (Ord. 71-59. Passed 10-12-59.)

303.082 DAMAGE CAUSED BY REMOVAL OF STORAGE.

(a) The removal by a police officer of a vehicle for any of the reasons mentioned in Section 303.08 shall be at the risk of the owner or operator and there shall be no liability on the part of the City for any damage caused by such removal.

(b) The storage of any vehicle when impounded by the City shall be at the risk of the owner or operator thereof, and the City shall not be liable for damage of any nature or the theft or destruction by fire of any vehicle so impounded.

(c) The City of Lancaster shall not be liable for the theft or destruction of any personal property located within an impounded motor vehicle or attached to such motor vehicle. (Ord. 29-02. Passed 8-26-02.)

303.083 EXPENSE OF REMOVAL AND STORAGE.

The expense of removal, conveyance or towing of such vehicle and the expense of storage thereof when removed to any impounding place designated by the Safety-Service Director shall be borne by the owner or operator thereof, and shall be paid before the vehicle is released from the pound. (Ord. 71-59. Passed 10-12-59.)

303.084 NOTICE TO OWNER; REDEMPTION.

If, at the expiration of twelve hours after any vehicle has been impounded, the owner or operator thereof has not presented himself at the vehicle pound to claim the vehicle, it shall be the duty of the officer in charge of such pound to notify, in writing, the owner, at his last known place of residence, informing him of the nature and circumstances of the violation on account of which such vehicle has been impounded, and also the amount of charges for redelivery.

When the owner or operator of the vehicle impounded presents himself at the vehicle pound to claim his vehicle, he shall furnish satisfactory proof of his right and title thereof to the officer in charge of such pound. (Ord. 71-59. Passed 10-12-59.)

303.085 IMPOUNDING FEE AND STORAGE CHARGES.

No vehicle impounded under the provisions of this chapter shall be removed from such vehicle pound except upon the payment by the owner or operator of such vehicle of a tow and/or storage charge not to exceed the amounts specified under Ohio R.C. 4513.60(E). (Ord. 29-02. Passed 8-26-02.)

337.01 DRIVING UNSAFE VEHICLES.

- (a) No person shall drive or move, or cause or knowingly permit to be driven or moved, on any street any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person or property.
- (b) Nothing contained in this chapter shall be construed to prohibit the use of additional parts and accessories on any vehicle not inconsistent with the provisions of this chapter.
- (c) The provisions of this chapter with respect to equipment on vehicles do not apply to implements of husbandry, road machinery, road rollers or agricultural tractors except as made applicable to such articles of machinery. (ORC 4513.02)
- (d) Whoever violates this section is guilty of a minor misdemeanor. (ORC 4513.99)

337.02 LIGHTED LIGHTS; MEASUREMENT OF DISTANCES AND HEIGHTS.

- (a) Every vehicle, other than a motorized bicycle, operated upon a street or highway shall display lighted lights and illuminating devices as required by this chapter during all of the following times:
- (1) The time from sunset to sunrise;
 - (2) At any other time when, due to insufficient natural light or unfavorable atmospheric conditions, persons, vehicles, and substantial objects on the street or highway are not discernible at a distance of one thousand feet ahead;
 - (3) At any time when the windshield wipers of the vehicle are in use because of precipitation on the windshield.

Every motorized bicycle shall display at such times lighted lights meeting the rules adopted by the Ohio Director of Public Safety under Ohio R. C. 4511.521. No motor vehicle, during any time specified in this section, shall be operated upon a street or highway using only parking lights as illumination.

- (b) Whenever in this chapter a requirement is declared as to the distance from which certain lights and devices shall render objects visible, or within which such lights or devices shall be visible, such distance shall be measured upon a straight level unlighted street under normal atmospheric conditions unless a different condition is expressly stated.
- (c) Whenever in this chapter a requirement is declared as to the mounted height of lights or devices, it shall mean from the center of such light or device to the level ground upon which the vehicle stands.

CHAPTER 337
Safety and Equipment

- 337.01 Driving unsafe vehicles.
- 337.02 Lighted lights; measurement of distances and heights.
- 337.03 Headlights on motor vehicles and motorcycles.
- 337.04 Tail light; illumination of rear license plate.
- 337.05 Rear red reflectors.
- 337.06 Safety lighting on commercial vehicles.
- 337.07 Obscured lights on vehicles in combination.
- 337.08 Red light or red flag on extended loads.
- 337.09 Lights on parked or stopped vehicles.
- 337.10 Lights, emblems, and reflectors on slow-moving vehicles, farm machinery, agricultural tractors, and animal-drawn vehicles.
- 337.11 Spotlight and auxiliary lights.
- 337.12 Cowl, fender and back-up lights.
- 337.13 Display of lighted lights.
- 337.14 Use of headlight beams.
- 337.15 Lights of less intensity on slow-moving vehicles.
- 337.16 Number of lights; limitations on flashing, oscillating or rotating lights.
- 337.17 Focus and aim of headlights.
- 337.18 Motor vehicle and motorcycle brakes.
- 337.19 Horn, siren and theft alarm signal.
- 337.20 Muffler; muffler cutout; excessive smoke, gas or noise.
- 337.21 Rear-view mirror; clear view to front, both sides and rear.
- 337.22 Windshield and windshield wiper; sign or poster thereon.
- 337.23 Limited load extension on left side of passenger vehicle.
- 337.24 Motor vehicle stop lights.
- 337.25 Air cleaner required.
- 337.26 Child restraint system usage.
- 337.27 Drivers and passengers required to wear seat belts.
- 337.28 Use of sunscreening, nontransparent and reflectorized materials.
- 337.29 Bumper heights.
- 337.30 Directional signals required.

CROSS REFERENCES

- See sectional histories for similar State law
- Warning devices for commercial vehicles disabled upon freeways - see Ohio R. C. 4513.28
- Slow moving vehicle emblem - see OAC Ch. 4501.13
- Motorized bicycle lights and equipment - see Ohio R. C. 4511.521
- Vehicle lighting - see OAC 4501-15
- Use of stop and turn signals - see TRAF. 331.14
- Wheel protectors for commercial vehicles - see TRAF. 339.05
- Vehicles transporting explosives - see TRAF. 339.06
- Towing requirements - see TRAF. 339.07
- Use of studded tires and chains - see TRAF. 339.11
- Bicycle equipment - see TRAF. 373.05 et seq.

337.09 LIGHTS ON PARKED OR STOPPED VEHICLES.

(a) Except in case of an emergency, whenever a vehicle is parked or stopped upon a roadway open to traffic or shoulder adjacent thereto, whether attended or unattended during the times mentioned in Section 337.07, such vehicle shall be equipped with one or more lights which shall exhibit a white or amber light on the roadway side visible from a distance of 500 feet to the front of such vehicle, and a red light visible from a distance of 500 feet to the rear. No lights need be displayed upon any such vehicle when it is stopped or parked where there is sufficient light to reveal any person or substantial object within a distance of 500 feet upon such street. Any lighted headlights upon a parked vehicle shall be depressed or dimmed. (ORC 4513.10)

(b) Whoever violates this section is guilty of a minor misdemeanor. (ORC 4513.99)

337.10 LIGHTS, EMBLEMS AND REFLECTORS ON SLOW-MOVING VEHICLES, FARM MACHINERY, AGRICULTURAL TRACTORS, AND ANIMAL-DRAWN VEHICLES.

(a) Definitions: As used in this section:

- (1) **BOAT TRAILER.** Means any 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 no more than ten miles and at a speed of twenty-five miles per hour or less.
- (2) **SLOW-MOVING VEHICLE and SMV.** Mean a boat trailer, unit of farm machinery, road construction machinery, or other machinery designed by the manufacturer to operate at a speed of twenty-five miles per hour or less. The term does not include a bicycle, motorized bicycle, electric bicycle, or animal-drawn vehicle. (ORC 4513.11)

(b) **Generally.**

- (1) At the times specified in Ohio R.C. 4513.03, no person shall operate either of the following vehicles unless it is equipped with and displays the lamps described in subsection (b)(2) of this section:
- A. A vehicle not specifically required to be equipped with lamps or other lighting devices by Ohio R.C. 4513.03 to 4513.10;
- B. A vehicle referred to in Ohio R.C. 4513.02(G).
- (2) Vehicles described in subsection (b)(1) of this section shall be equipped with both of the following:
- A. At least one lamp displaying a white light visible from a distance of not less than 1,000 feet to the front of the vehicle;
- B. Two lamps displaying red light visible from a distance of not less than 1,000 feet to the rear of the vehicle, or as an alternative, one lamp displaying a red light visible from a distance of not less than 1,000 feet to the rear and two red reflectors visible from all distances of 600 feet to 100 feet to the rear when illuminated by the lawful lower beams of headlights.
- (3) At the times specified in Ohio R.C. 4513.03, no person shall operate a multi-wheel agricultural tractor model year 2001 or earlier on a street or highway unless it is equipped with and displays reflectors and illuminated amber lamps so that the extreme left and right projections of the tractor are indicated by all of the following:
1. Flashing lamps displaying amber light, visible to the front and the rear. The lamps need not flash simultaneously and need not flash in conjunction with any directional signals of the tractor;

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2. Amber reflectors, all visible to the front;
3. Red reflectors, all visible to the rear.

B. Rules adopted by the Ohio Director of Public Safety under Ohio R.C. 4513.111 governing the lamps and reflectors described in subsection (b)(3)A. of this section and their placement correlate with and, as far as possible, conform with paragraphs 4.1.4.1., 4.1.7.1 and 4.1.7.2 respectively of the American Society of Agricultural Engineers Standard ANSI/ASAE S279.10 OCT98, Lighting and Marking of Agricultural Equipment on Highways.

(4) At the times specified in Ohio R.C. 4513.03, no person shall operate a unit of farm machinery model year 2002 or later on a street or highway unless it is equipped with and displays markings and illuminated lamps that meet or exceed the lighting, illumination and marking standards and specifications that are applicable to that type of farm machinery for the unit's model year specified in the American Society of Agricultural Engineers Standard ANSI/ASAE S279.10 OCT 98, lighting and marking of agricultural equipment on highways.

(5) Any unit of farm machinery designed by its manufacturer to operate at a speed of twenty-five miles per hour or greater or any SMV may be equipped with and display a red flashing light that is visible from a distance of not less than 1,000 feet to the rear at all times specified in Ohio R.C. 4513.03. When a double-faced light is used, it shall display amber light to the front and red light to the rear.

(6) Lights and reflectors required under subsections (b)(3) and (b)(4) of this section and authorized under subsection (b)(5) of this section are in addition to other lights required or permitted by this subsection (b) or Ohio R.C. 4513.17.

(7) The Ohio Director of Public Safety shall adopt rules in accordance with Ohio R.C. Chapter 119 Code that establish standards and specifications for lamps and reflectors required or authorized by this section. Lamps and reflectors required or authorized by this section shall meet those standards and specifications.

(8) This subsection (b) does not apply to a bicycle, motorized bicycle, electric bicycle, or animal-drawn vehicle.

(9) Whoever violates this subsection (b) is guilty of a minor misdemeanor. (ORC 4513.111)

(c) **Slow-Moving Vehicles.**

(1) Except as otherwise provided in this section, no person shall operate an SMV on a street or highway as follows:

- A. At a speed exceeding twenty-five miles per hour;
- B. Without displaying the triangular SMV emblem mounted in accordance with subsection (c)(2) of this section.

(2) The SMV emblem shall be mounted so as to be visible from a distance of not less than 500 feet to the rear. In accordance with Ohio R.C. Chapter 119, the Ohio Director of Public Safety shall adopt standards and specifications for the design and position of mounting the SMV emblem. The standards and specifications for the SMV emblem correlate with and, so far as possible, conform with those approved by the American Society of Agricultural Engineers.

(3) A person may operate an SMV on a street or highway without displaying the triangular SMV emblem when any of the following apply:

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- A. The SMV is being used in actual construction and maintenance work in an area guarded by a flagperson, or where flares are used;
- B. The SMV is operating or traveling within the limits of a construction area designated by the Ohio Director of Transportation, a city engineer, or the county engineer of the several counties, when such construction area is marked in accordance with requirements of the Ohio Director of Transportation and the Manual of Uniform Traffic Control Devices, as set forth in Ohio R.C. 4511.09.
- (4) No person shall display an SMV emblem on any of the following:
- Any vehicle not required to use the SMV emblem by this subsection (c) or Ohio R.C. 4513.113 or 4513.114;
 - An SMV being transported upon any other vehicle;
 - Any stationary object on the highway.
- (5) No person shall sell, lease, rent or operate an SMV, except a unit designed to be completely mounted on a primary power unit that is manufactured or assembled on or after April 1, 1966, unless it is equipped with an SMV emblem mounting device.
- (6) Whoever violates subsection (c) is guilty of a minor misdemeanor. (ORC 4513.112)
- (d) **Farm Machinery and Agricultural Tractors.**
- (1) No person shall sell, lease, rent or operate on a street or highway any unit of farm machinery that is designed by its manufacturer to operate at a speed greater than twenty-five miles per hour unless the unit displays both of the following:
- The SMV emblem mounted in accordance with Ohio R.C. 4513.112(B);
 - A speed identification symbol that does both of the following:
 - Meets the specifications contained in the American Society of Agricultural Engineers Standard ANSI/ASAE S584 JAN2005, Agricultural Equipment: Speed Identification Symbol (SIS);
 - Indicates the maximum speed in miles per hour at which the unit of farm machinery is designed by its manufacturer to operate;
- (2) No person operating a tractor on a street or highway that is designed by its manufacturer to operate at a speed greater than twenty-five miles per hour and that is towing, pulling or otherwise drawing a unit of farm machinery while operating at a speed greater than twenty-five miles per hour shall fail to display both of the following on the unit of farm machinery:
- The SMV emblem;
 - The speed identification symbol that matches the speed identification symbol required to be displayed on the agricultural tractor;
- (3) No person shall operate an agricultural tractor that is designed by its manufacturer to operate at a speed greater than twenty-five miles per hour unless the person possesses documentation published or provided by the manufacturer indicating the maximum speed in miles per hour at which the manufacturer designed the agricultural tractor to operate;
- (4) Whoever violates this subsection (d) is guilty of a minor misdemeanor. (ORC 4513.113)

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(c) **Animal-Drawn Vehicles.**

- (1) Except as otherwise provided in subsection (e)(4) of this section, no person shall operate an animal-drawn vehicle on a street or highway unless it is equipped with and displays, at the times specified in Ohio R.C. 4513.03, both of the following:
- At least one lamp displaying a white light visible from a distance of not less than 1,000 feet to the front of the animal-drawn vehicle;
 - Two lamps displaying red light visible from a distance of not less than 1,000 feet to the rear of the animal-drawn vehicle, or as an alternative, one lamp displaying a red light visible from a distance of not less than 1,000 feet to the rear and two red reflectors visible from all distances of 600 feet to one hundred feet to the rear when illuminated by the lawful lower beams of headlamps.
- (2) Except as otherwise provided in subsection (e)(4) of this section, no person shall operate an animal-drawn vehicle on a street or highway unless it is equipped with and displays, at all times, all of the following:
- One yellow flashing lamp displaying yellow light that is visible from a distance of not less than 1,000 feet and that is mounted in either of the following positions:
 - On the top most portion of the rear of the animal-drawn vehicle;
 - On the top of the animal-drawn vehicle;
 - At least one of the following:
 - An SMV emblem mounted in accordance with Ohio R.C. 4513.112(B);
 - Micro-prism reflective tape that is visible from a distance of not less than 500 feet to the rear when illuminated by the lawful lower beams of headlamps;
 - Both an SMV emblem and micro-prism reflective tape, as specified in this division.
- C. Lamps and micro-prism reflective tape required by this section shall meet standards and specifications adopted by the Ohio Director of Public Safety under Ohio R.C. 4513.114.
- (3) The Ohio Director of Public Safety, in accordance with Ohio R.C. Chapter 119, shall adopt rules establishing standards and specifications for the position and mounting of the lamps and micro-prism reflective tape required by Ohio R.C. 4513.114. The rules permit the micro-prism reflective tape to be red, amber, white, or silver in color.
- (4) A. Subsections (e)(1) and (e)(2) of this section do not apply to the operator of animal-drawn agricultural equipment who is not transporting any livestock or a person other than the operator.
- B. No operator described in subsection (e)(4)A. of this section shall operate animal-drawn agricultural equipment unless it is equipped with and displays, at all times, the SMV emblem mounted in accordance with Ohio R.C. 4513.112(B).
- C. As used in subsection (e)(4) of this section, "animal-drawn agricultural equipment" means equipment drawn by the muscular power of an animal that is used solely for agricultural purposes. "Animal-drawn agricultural equipment" includes any of the following:
- A plow;
 - A mature spreader;
 - A threshet.

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- (5) Whoever violates this subsection (e) is guilty of a minor misdemeanor. (ORC 4513.114)
- (f) **Strict Liability Offenses.** The offenses established under 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 4513.115)
- 337.11 SPOTLIGHT AND AUXILIARY LIGHTS.**
- (a) Any motor vehicle may be equipped with not more than one spotlight and every lighted spotlight shall be so aimed and used upon approaching another vehicle that no part of the high-intensity portion of the beam will be directed to the left of the prolongation of the extreme left side of the vehicle, nor more than 100 feet ahead of the vehicle.
- (b) Any motor vehicle may be equipped with not more than three State approved auxiliary driving lights mounted on the front of the vehicle, which when used shall conform to State regulations.
- (c) Whoever violates this section is guilty of a minor misdemeanor. (ORC 4513.12)
- 337.12 COWL, FENDER AND BACK-UP LIGHTS.**
- (a) Any motor vehicle may be equipped with side cowl or fender lights or lights on each side thereof which shall emit a white or amber light without glare.
- (b) Any motor vehicle may be equipped with back-up lights, either separately or in combination with another light. No back-up lights shall be continuously lighted when the motor vehicle is in forward motion.
- (c) Whoever violates this section is guilty of a minor misdemeanor. (ORC 4513.13)
- 337.13 DISPLAY OF LIGHTED LIGHTS.**
- (a) At all times mentioned in Section 337.02 at least two State approved lighted lights shall be displayed conforming to State regulations, one near each side of the front of every motor vehicle, except when such vehicle is parked subject to the regulations governing lights on parked vehicles. (ORC 4513.14)
- (b) However, on a motorcycle, there shall be displayed at least one and not more than two lighted lights as required herein.
- (c) Whoever violates this section is guilty of a minor misdemeanor. (ORC 4513.14)
- 337.14 USE OF HEADLIGHT BEAMS.**
- (a) Whenever a motor vehicle is being operated on a roadway or shoulder adjacent thereto during the times specified in Section 337.02, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons, vehicles and substantial objects at a safe distance in advance of the vehicle, except that upon approaching an oncoming vehicle, the lights or beams shall be so aimed that the glaring rays are not projected into the eyes of the oncoming driver.

- (b) Whoever violates this section is guilty of a minor misdemeanor. (ORC 4513.15)

337.15 LIGHTS OF LESS INTENSITY ON SLOW-MOVING VEHICLES.

- (a) Any motor vehicle may be operated under the conditions specified in Section 337.02 when it is equipped with two lighted lights upon the front thereof capable of revealing persons and substantial objects seventy-five feet ahead in lieu of lights required in Section 337.13, provided that such vehicle shall not be operated at a speed in excess of twenty miles per hour.

- (b) Whoever violates this section is guilty of a minor misdemeanor. (ORC 4513.16)

337.16 NUMBER OF LIGHTS; LIMITATIONS ON FLASHING, OSCILLATING OR ROTATING LIGHTS.

- (a) Whenever a motor vehicle equipped with headlights also is equipped with any auxiliary lights or spotlight or any other light on the front thereof projecting a beam of an intensity greater than 300 candle power, not more than a total of five of any such lights on the front of a vehicle shall be lighted at any one time when the vehicle is upon a highway.

- (b) Any lighted light or illuminating device upon a motor vehicle, other than headlights, spotlights, signal lights or auxiliary driving lights, that projects a beam of light of an intensity greater than 300 candle power, shall be so directed that no part of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than seventy-five feet from the vehicle.

- (c) (1) Flashing lights are prohibited on motor vehicles, except as a means for indicating a right or left turn, or in the presence of a vehicular traffic hazard requiring unusual care in approaching, or overtaking or passing.
- (2) The prohibition in subsection (c)(1) of this section does not apply to any of the following:

- A. Emergency vehicles, road service vehicles servicing or towing a disabled vehicle, stationary waste collection vehicles actively collecting garbage, refuse, trash or recyclable materials on the roadside, rural mail delivery vehicles, vehicles as provided in Ohio R.C. 4513.182, highway maintenance vehicles, and similar equipment operated by state or local authorities, provided such vehicles are equipped with and display, when used on a street or highway for the special purpose necessitating such lights, a flashing, oscillating or rotating amber light;
- B. Vehicles or machinery permitted by Ohio R.C. 4513.111 to have a flashing red light;
- C. Farm machinery and vehicles escorting farm machinery, provided such machinery and vehicles are equipped with and display, when used on a street or highway, a flashing, oscillating or rotating amber light. Farm machinery also may display the lights described in Ohio R.C. 4513.111.
- D. A funeral hearse or funeral escort vehicle, provided that the funeral hearse or funeral escort vehicle is equipped with and displays, when used on a street or highway for the special purpose necessitating such lights, a flashing, oscillating or rotating purple or amber light;
- (3) Subsection (c)(1) of this section does not apply to animal-drawn vehicles subject to Ohio R.C. 4513.114.

- (d) (1) Except a person operating a public safety vehicle, as defined in Ohio R.C. 4511.01(E), or a school bus, no person shall operate, move, or park upon, or permit to stand within the right-of-way of any public street or highway any vehicle or equipment that is equipped with and displaying a flashing red or a flashing combination red and white light, or an oscillating or rotating red light, or a combination red and white oscillating or rotating light.
- (2) Except a public law enforcement officer, or other person sworn to enforce the criminal and traffic laws of the state, operating a public safety vehicle when on duty, no person shall operate, move, or park upon, or permit to stand within the right-of-way of any street or highway any vehicle or equipment that is equipped with, or upon which is mounted, and displaying a flashing blue or a flashing combination blue and white light, or an oscillating or rotating blue light, or a combination blue and white oscillating or rotating light.
- (e) This section does not prohibit the use of warning lights required by law or the simultaneous flashing of turn signals on disabled vehicles or on vehicles being operated in unfavorable atmospheric conditions in order to enhance their visibility. This section also does not prohibit the simultaneous flashing of turn signals or warning lights either on farm machinery or vehicles escorting farm machinery, when used on a street or highway.
- (f) Whoever violates this section is guilty of a minor misdemeanor.

(ORC 4513.17)

337.17 FOCUS AND AIM OF HEADLIGHTS.

- (a) No person shall use any lights mentioned in Section 337.02 to 337.16, inclusive, upon any motor vehicle, trailer or semitrailer unless the lights are equipped, mounted and adjusted as to focus and aim in accordance with State regulations.
- (b) The headlights on any motor vehicle shall comply with the headlamp color requirements contained in federal motor vehicle safety standard number 108, 49 C.F.R. 571.108. No person shall operate a motor vehicle in violation of this subsection.
- (c) Whoever violates this section is guilty of a minor misdemeanor.

(ORC 4513.19)

337.18 MOTOR VEHICLE AND MOTORCYCLE BRAKES.

- (a) The following requirements govern as to brake equipment on vehicles:
- (1) Every motor vehicle, other than a motorcycle, when operated upon a street or highway, shall be equipped with brakes adequate to control the movement of and to stop and hold such motor vehicle, including two separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two wheels. If these two separate means of applying the brakes are connected in any way, then on such motor vehicles manufactured or assembled after January 1, 1942, they shall be so constructed that failure of any one part of the operating mechanism shall not leave the motor vehicle without brakes on at least two wheels.
- (2) Every motorcycle, when operated upon a street or highway, shall be equipped with at least one adequate brake, which may be operated by hand or by foot.
- (3) Every motorized bicycle shall be equipped with brakes meeting the rules adopted by the Ohio Director of Public Safety under Ohio R.C. 4511.521.

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- (4) When operated upon the streets or highways of this Municipality, the following vehicles shall be equipped with brakes adequate to control the movement of and to stop and to hold the vehicle designed to be applied by the driver of the towing motor vehicle from its cab, and also designed and connected so that, in case of a breakaway of the towed vehicle, the brakes shall be automatically applied:
- A. Except as otherwise provided in this section, every trailer or semitrailer, except a pole trailer, with an empty weight of two thousand pounds or more, manufactured or assembled on or after January 1, 1942;
- B. Every manufactured home or travel trailer with an empty weight of two thousand pounds or more, manufactured or assembled on or after January 1, 2001.
- (5) Every watercraft trailer with a gross weight or manufacturer's gross vehicle weight rating of three thousand pounds or more that is manufactured or assembled on or after January 1, 2008, shall have separate brakes equipped with hydraulic surge or electrically operated brakes on two wheels.
- (6) In any combination of motor-drawn trailers or semitrailers equipped with brakes, means shall be provided for applying the rearmost brakes in approximate synchronism with the brakes on the towing vehicle, and developing the required braking effort on the rearmost wheels at the fastest rate; or means shall be provided for applying braking effort first on the rearmost brakes; or both of the above means, capable of being used alternatively, may be employed.
- (7) Every vehicle and combination of vehicles, except motorcycles and motorized bicycles, and except trailers and semitrailers of a gross weight of less than 2,000 pounds, and pole trailers, shall be equipped with parking brakes adequate to hold the vehicle on any grade on which it is operated, under all conditions of loading, on a surface free from snow, ice or loose material. The parking brakes shall be capable of being applied in conformance with the foregoing requirements by the driver's muscular effort or by spring action or by equivalent means. Their operation may be assisted by the service brakes or other sources of power provided that failure of the service brake actuation system or other power assisting mechanism will not prevent the parking brakes from being applied in conformance with the foregoing requirements. The parking brakes shall be so designed that when once applied they shall remain applied with the required effectiveness despite exhaustion of any source of energy or leakage of any kind.
- (8) The same brake drums, brake shoes and lining assemblies, brake shoe anchors, and mechanical brake shoe actuation mechanism normally associated with the wheel brake assemblies may be used for both the service brakes and the parking brakes. If the means of applying the parking brakes and the service brakes are connected in any way, they shall be so constructed that failure of any one part shall not leave the vehicle without operative brakes.
- (9) Every motor vehicle or combination of motor-drawn vehicles shall be capable at all times and under all conditions of loading of being stopped on a dry, smooth, level road free from loose material, upon application of the service or foot brake, within the following specified distances, or shall be capable of being decelerated at a sustained rate corresponding to these distances:

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351.02 REGISTERED OWNER PRIMA-FACIE LIABLE FOR UNLAWFUL PARKING.

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

351.03 PROHIBITED STANDING OR PARKING PLACES.

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

- (1) On a sidewalk, curb or street lawn area, except a bicycle;
- (2) In front of a public or private driveway, or within five (5) feet of the edge (apron) of any single wide (13' or less) public or private driveway, or three (3) feet of the edge (apron) of any double wide (more than 13') public or private driveway;
- (3) Within an intersection;
- (4) Within ten feet of a fire hydrant;
- (5) On a crosswalk;
- (6) Within twenty feet of a crosswalk at an intersection;
- (7) Within thirty feet of, and upon the approach to, any flashing beacon, stop sign or traffic control device;
- (8) Between a safety zone and the adjacent curb or within thirty feet of points on the curb immediately opposite the end of a safety zone, unless a different length is indicated by a traffic control device;
- (9) Within fifty feet of the nearest rail of a railroad crossing;
- (10) Within twenty feet of a driveway entrance to any fire station, within seventy-five feet of the entrance when it is properly posted with signs;
- (11) Alongside or opposite any street excavation or obstruction when such standing or parking would obstruct traffic;
- (12) Alongside any vehicle stopped or parked at the edge or curb of a street;
- (13) Upon any bridge or other elevated structure upon a street, or within a street tunnel;
- (14) At any place where signs prohibit stopping, standing or parking, or where the curbing or street is painted yellow, or at any place in excess of the maximum time limited by signs;
- (15) Within one foot of another parked vehicle;
- (16) On the roadway portion of a freeway, expressway or thruway.
- (17) In any private driveway, alleyway or arway between buildings when, in the opinion of the Fire Chief, such parking constitutes a fire hazard or an obstruction to or interference with operation of fire-fighting equipment;
- (18) In front of any theater or in front of or within ten feet of any theater exit when such theater is open for business when signs are erected giving notice thereof;
- (19) Entirely or partially within a front yard of any residential property unless such vehicle is entirely within a driveway or parking area that has been approved as such by the Building Department, Zoning Inspector, or the Board of Zoning Appeals. The front yard shall extend from the residence to the edge of a sidewalk. In the event there is no sidewalk, the front yard shall extend eight feet from the edge of the paved street to the residence.

TITLE SEVEN - Parking
 Chap. 351. Parking Generally.
 Chap. 353. Loading and Unloading Zones.
 Chap. 355. Parking Meters. (Repeated)

**CHAPTER 351
 Parking Generally**

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|--------|---|--------|--|
| 351.01 | Police may remove unattended vehicle which obstructs traffic. | 351.12 | Prohibition against parking on streets or highways. |
| 351.02 | Registered owner prima-facie liable for unlawful parking. | 351.13 | Maximum consecutive 48 hour street parking. |
| 351.03 | Prohibited standing or parking places. | 351.14 | Vehicles containing offensive substances. |
| 351.04 | Parking near curb. | 351.15 | Parking during snow removal, paving, construction, or street cleaning. |
| 351.05 | Manner of angle parking. | 351.16 | Trucks on residential streets. |
| 351.06 | Selling, washing or repairing vehicle upon roadway. | 351.17 | Street parking of house trailers and campers. |
| 351.07 | Unattended vehicle: duty to stop engine, remove key, set brake and turn wheels. | 351.18 | Handicapped parking spaces. |
| 351.08 | Opening vehicle door on traffic side. | 351.19 | Handicapped parking only signs. (Repeated) |
| 351.09 | Truck loading zones. | 351.20 | Parking on posted private property. |
| 351.10 | Bus stops and taxicab stands. | 351.21 | Time limited parking spaces. |
| 351.11 | Parked vehicle not to block right of way. | | |

CROSS REFERENCES

See sectional histories for similar State law
 Owner nonliability, lease defense - see Ohio R.C. 4511.071
 Police may remove ignition key from unattended vehicle - see TRAF. 303.03
 Parking near stopped fire apparatus - see TRAF. 331.27
 Lights on parked or stopped vehicles - see TRAF. 337.09

351.01 POLICE MAY REMOVE UNATTENDED VEHICLE WHICH OBSTRUCTS TRAFFIC.

Whenever any police officer finds a vehicle unattended upon any street, bridge or causeway, or in any tunnel, where such vehicle constitutes an obstruction to traffic, such officer may provide for the removal of such vehicle to the nearest garage or other place of safety. (ORC 4511.67)

(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.

351.14 VEHICLES CONTAINING OFFENSIVE SUBSTANCES.

(a) No person shall park any truck, trailer or other vehicle which contains any excrement, dung, offal or any other filth which produces offensive or unwholesome odors or smells nearer than 100 feet to any residence within the City. (Ord. 1944. Passed 6-26-39.)

(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.

351.15 PARKING DURING SNOW REMOVAL, PAVING, CONSTRUCTION, OR STREET CLEANING.

(a) The Service-Safety Director is hereby authorized to prohibit parking temporarily on City streets where the City is in the process of removing snow, paving, performing construction, or cleaning the streets.

(b) The Service-Safety Director shall clearly designate and mark such streets on which parking will be prohibited temporarily for such purposes.

(c) Vehicles parked on the streets in violation of subsections (a) and (b) hereof may be removed and impounded in accordance with Section 303.08.

(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. (Ord. 23-22. Passed 8-8-22.)

351.16 TRUCKS ON RESIDENTIAL STREETS.

(a) No person shall park a truck over three-quarter ton, trailer or semitrailer in a roadway at any time in front of or alongside of property used for residential purpose, except in cases of a breakdown or for loading or unloading purposes. (Ord. 26-76. Passed 9-8-75.)

(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.

351.17 STREET PARKING OF HOUSE TRAILERS AND CAMPERS.

(a) No person shall park a house trailer, motor home, camping trailer, travel trailer, truck camper, or any other recreational vehicle designed for or capable of human habitation, in a City street, alley, or roadway except for loading or unloading purposes, and no vehicle so parked shall remain for more than 48 consecutive hours. Moving the vehicle during the 48 consecutive hours shall not constitute another 48 hours.

(b) Whoever violates this section is guilty of a minor misdemeanor. (Ord. 6-15. Passed 3-23-15.)

351.18 HANDICAPPED PARKING SPACES.

(a) No person shall stop, stand, or park a motor vehicle in a parking space on either public or private streets or public or private parking lots which are designated for handicapped parking and designated in accordance with subsection (c) or (f) unless the motor vehicle being operated by or for the transport of a handicapped person is displaying a removable windshield placard or special license plate.

(b) Any motor vehicle that is parked in a special marked parking location in violation of subsection (a) of this section may be towed or otherwise removed from the parking location by the Police Department. A motor vehicle that is so towed or removed shall not be released to its owner until the owner presents proof of ownership of the motor vehicle and pays all towing and storage fees normally imposed by the Municipality for towing and storing motor vehicles. If the motor vehicle is a leased vehicle, it shall not be released to the lessee until the lessee presents proof that that person is the lessee of the motor vehicle and pays all towing and storage fees normally imposed by the Municipality for towing and storing motor vehicles.

(c) When a motor vehicle is being operated by or for the transport of a handicapped person and is displaying a removable windshield placard or special license plate, the motor vehicle is permitted to park for a period in excess of the legal parking period permitted by local authorities.

(d) As used in this section "Special license plates" and "removable windshield placard" mean any license plates or removal placard or temporary removable windshield placard issued under Ohio R.C. 4503.41 or 4503.44, and also mean any substantially similar license plates or removable windshield placard issued by a state, district, county or sovereignty.

(e) Street Parking Signage. All handicapped spaces on public or private streets shall comply with the Uniform Traffic Control Manual adopted by ORC 4511.09.

(f) Off Street Parking Signage. All handicapped spaces, whether public or privately owned, off street shall comply with ORC 3781.11.1.

(g) The Service-Safety Director is hereby authorized and directed to implement a program to install "Handicapped Parking Only" signs in order to reserve parking spaces before the residences of handicapped residences of Lancaster.

(1) A "handicapped person", eligible to apply for a special reserved parking space in front of their residence, means a resident of the household who obtained special license plates or removable windshield placard issued under ORC 4503.41 or 4503.44.

- (d) "Bulk amount." Of a controlled substance, means any of the following:
 - (1) For any compound, mixture, preparation, or substance included in Schedule I, Schedule II, or Schedule III, with the exception of any controlled substance analog, marijuana, cocaine, L.S.D., heroin, any fentanyl-related compound, and hashish and except as provided in subsection (c)(2), (3), or (6) of this definition, whichever of the following is applicable:
 - A. An amount equal to or exceeding ten grams or twenty-five unit doses of a compound, mixture, preparation or substance that is or contains any amount of a Schedule I opiate or opium derivative;
 - B. An amount equal to or exceeding ten grams of a compound, mixture, preparation or substance that is or contains any amount of raw or gum opium;
 - C. An amount equal to or exceeding thirty grams or ten unit doses of a compound, mixture, preparation or substance that is or contains any amount of a Schedule I hallucinogen other than tetrahydrocannabinol or lysergic acid amide, or a Schedule I stimulant or depressant;
 - D. An amount equal to or exceeding twenty grams or five times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation or substance that is or contains any amount of a Schedule II opiate or opium derivative;
 - E. An amount equal to or exceeding five grams or ten unit doses of a compound, mixture, preparation or substance that is or contains any amount of phenylethylamine;
 - F. An amount equal to or exceeding 120 grams or thirty times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation or substance that is or contains any amount of a Schedule II stimulant that is in a final dosage form manufactured by a person authorized by the Federal Food, Drug and Cosmetic Act (21 U.S.C. 301 et seq., as amended) and the federal drug abuse control laws, as defined in this section, that is or contains any amount of a Schedule II depressant substance or a Schedule II hallucinogenic substance;
 - G. An amount equal to or exceeding three grams of a compound, mixture, preparation, or substance that is or contains any amount of a Schedule II stimulant, or any of its salts or isomers, that is not in a final dosage form manufactured by a person authorized by the Federal Food, Drug and Cosmetic Act (21 U.S.C. 301 et seq., as amended) and the federal drug abuse control laws;
 - (2) An amount equal to or exceeding 120 grams or thirty times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation or substance that is or contains any amount of a Schedule III or IV substance other than an anabolic steroid or a Schedule III opiate or opium derivative;
 - (3) An amount equal to or exceeding twenty grams or five times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation or substance that is or contains any amount of a Schedule III opiate or opium derivative;
 - (4) An amount equal to or exceeding 250 milliliters or 250 grams of a compound, mixture, preparation or substance that is or contains any amount of a Schedule V substance.

CHAPTER 513
Drug Abuse Control

- 513.01 Definitions.
- 513.02 Gift of marijuana.
- 513.03 Drug abuse; controlled substance possession or use.
- 513.04 Possessing drug abuse instruments.
- 513.05 Permitting drug abuse.
- 513.06 Illegal cultivation of marijuana.
- 513.07 Possessing or using harmful intoxicants.
- 513.08 Illegally dispensing drug samples.
- 513.09 Controlled substance or prescription labels.
- 513.10 Hypodermic possession, display and dispensing.
- 513.11 Harmful intoxicants; possessing nitrous oxide in motor vehicle.
- 513.12 Drug paraphernalia.
- 513.121 Marijuana drug paraphernalia.
- 513.13 Counterfeit controlled substances.
- 513.14 Offender may be required to pay for controlled substance tests.
- 513.15 Sale of dextromethorphan.
- 513.99 Penalty.

CROSS REFERENCES

- See sectional histories for similar State law
- Federal prosecution bar to local prosecution - see Ohio R.C. 2925.50, 3719.19
- Analysis report and notarized statement as evidence - see Ohio R.C. 2925.51
- Criteria for granting probation - see Ohio R.C. 3719.70(B)
- Adulterating food with drug of abuse - see GEN. OFF. 537.13
- Using weapons while under the influence - see GEN. OFF. 549.03.

513.01 DEFINITIONS.

- For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Words, terms and phrases and their derivatives used in this chapter which are not defined in this section shall have the meanings given to them in the Ohio Revised Code.
- (a) "Administer." Has the same meaning as in Ohio R.C. 3719.01.
 - (b) "Adulterate." To cause a drug to be adulterated as described in Ohio R.C. 3715.63.
 - (c) "Alcohol and Drug Addiction Services". Has the same meaning as in Ohio R.C. 5119.01.

- (5) An amount equal to or exceeding 200 solid dosage units, sixteen grams, or sixteen milliliters of a compound, mixture, preparation or substance that is or contains any amount of a Schedule III anabolic steroid;
- (6) For any compound, mixture, preparation, or substance that is a combination of a fentanyl-related compound and any other compound, mixture, preparation, or substance included in Schedule III, Schedule IV, or Schedule V, if the defendant is charged with a violation of Ohio R.C. 2925.11 and the sentencing provisions set forth in Ohio R.C. 2925.11(C)(10)(b) and (C)(11) will not apply regarding the defendant and the violation, the bulk amount of the controlled substance for purposes of the violation is the amount specified in division (1), (2), (3), (4), or (5) of this definition for the other Schedule III, Schedule IV, or Schedule V controlled substance that is combined with the fentanyl-related compound.
- (e) "Certified grievance committee." A duly constituted and organized committee of the Ohio State Bar Association or of one or more local bar associations of the state that complies with the criteria set forth in Rule V, Section 6 of the Rules for the Government of the Bar of Ohio.
- (f) "Cocaine." Any of the following:
 - (1) A cocaine salt, isomer or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine.
 - (2) Coca leaves or a salt, compound, derivative or preparation of coca leaves, including ecgonine, a salt, isomer or derivative of ecgonine, or a salt of an isomer or derivative of ecgonine.
 - (3) A salt, compound, derivative or preparation of a substance identified in subsection (e)(1) or (2) of this definition that is chemically equivalent to or identical with any of those substances, except that the substances shall not include decarboxinized coca leaves or extraction of coca leaves if the extractions do not contain cocaine or ecgonine.
- (g) "Committed in the vicinity of a juvenile." An offense is "committed in the vicinity of a juvenile" if the offender commits the offense within 100 feet of a juvenile or within the view of a juvenile, regardless of whether the offender knows the age of the juvenile, whether the offender knows the offense is being committed within 100 feet of or within view of the juvenile, or whether the juvenile actually views the commission of the offense.
- (h) "Committed in the vicinity of a school." An offense is "committed in the vicinity of a school" if the offender commits the offense on school premises, in a school building, or within 1,000 feet of the boundaries of any school premises, regardless of whether the offender knows the offense is being committed on school premises, in a school building, or within 1,000 feet of the boundaries of any school premises.
- (i) "Committed in the vicinity of a substance addiction services provider or a recovering addict." An offense is "committed in the vicinity of a substance addiction services provider or a recovering addict" if either of the following apply:
 - (1) The offender commits the offense on the premises of a substance addiction services provider's facility, including a facility licensed prior to June 29, 2019, under Ohio R.C. 5119.391 to provide methadone treatment or an opioid treatment program licensed on or after that date under Ohio R.C. 5119.37, or within 500 feet of the premises of a substance addiction services provider's facility and the offender knows or should know that the offense is being committed within the vicinity of the substance addiction services provider's facility.

- (2) The offender sells, offers to sell, delivers, or distributes the controlled substance or controlled substance analog to a person who is receiving treatment at the time of the commission of the offense, or received treatment within 30 days prior to the commission of the offense, from a substance addiction services provider and the offender knows that the person is receiving or received that treatment.
- (j) "Controlled substance." Has the same meaning as in Ohio R.C. 3719.01.
- (k) "Controlled substance analog." Has the same meaning as in Ohio R.C. 3719.01.
- (l) "Counterfeit controlled substance." Any of the following:
 - (1) Any drug that bears, or whose container or label bears, a trademark, trade name or other identifying mark used without authorization of the owner of rights to the trademark, trade name or identifying mark.
 - (2) Any unmarked or unlabeled substance that is represented to be a controlled substance manufactured, processed, packed or distributed by a person other than the person that manufactured, processed, packed or distributed it.
 - (3) Any substance that is represented to be a controlled substance but is not a controlled substance or is a different controlled substance.
 - (4) Any substance other than a controlled substance that a reasonable person would believe to be a controlled substance because of its similarity in shape, size and color, or its markings, labeling, packaging, distribution or the price for which it is sold or offered for sale.
- (m) "Cultivate." Includes planting, watering, fertilizing or tilling.
- (n) "Dangerous drug." Has the same meaning as in Ohio R.C. 4729.01.
- (o) "Deception." Has the same meaning as in Ohio R.C. 2913.01.
- (p) "Disciplinary counsel." The disciplinary counsel appointed by the Board of Commissioners on Grievances and Discipline of the Ohio Supreme Court under the Rules for the Government of the Bar of Ohio.
- (q) "Dispense." Has the same meaning as in Ohio R.C. 3719.01.
- (r) "Distribute." Has the same meaning as in Ohio R.C. 3719.01.
- (s) "Drug." Has the same meaning as in Ohio R.C. 4729.01.
- (t) "Drug abuse offense." Any of the following:
 - (1) A violation of Ohio R.C. 2913.02(A) that constitutes theft of drugs, or any violation of Ohio R.C. 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36 or 2925.37.
 - (2) A violation of an existing or former law of any municipality, state or of the United States, that is substantially equivalent to any section listed in subsection (r)(1) of this definition.
 - (3) An offense under an existing or former law of any municipality, state or of the United States, of which planting, cultivating, harvesting, processing, making, manufacturing, producing, shipping, transporting, delivering, acquiring, possessing, storing, distributing, dispensing, selling, inducing another to use, administering to another, using or otherwise dealing with a controlled substance is an element.
 - (4) A conspiracy to commit, attempt to commit, or complicity in committing or attempting to commit, any offense under subsection (r)(1), (2) or (3) of this definition.
- (u) "Drug dependent person." Has the same meaning as in Ohio R.C. 3719.011.
- (v) "Drug of abuse." Has the same meaning as in Ohio R.C. 3719.011.
- (w) "Felony drug abuse offense." Any drug abuse offense that would constitute a felony under the laws of this state, any other state or the United States.

(x) "Fentanyl-related compound." Any of the following:

- (1) Fentanyl;
- (2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl]-4-piperidyl]propionamide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);
- (3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl]-4-piperidyl]-N-phenylpropanamide);
- (4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-piperidyl]-N-phenylpropanamide);
- (5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidyl]-N-phenylpropanamide);
- (6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide);
- (7) 3-methylthiofentanyl (N-[3-methyl-1-[2-(thienyl)ethyl]-4-piperidyl]-N-phenylpropanamide);
- (8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidyl]propanamide);
- (9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl]-4-piperidyl]propanamide);
- (10) Alfentanil;
- (11) Carfentanil;
- (12) Remifentanil;
- (13) Sufentanil;
- (14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidyl]-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 acetyl fentanyl, furanyl fentanyl, valeryl fentanyl, butyryl fentanyl, isobutyryl fentanyl, 4-methoxybutyryl fentanyl, para-fluorobutyryl fentanyl, 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.

(y) "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, stuporaction, 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.
- (z) "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.

- (aa) "Hypodermic." Has the same meaning as in Ohio R.C. 3719.01.
- (bb) "Juvenile." A person under eighteen years of age.
- (cc) "Licensed health professional authorized to prescribe drugs." Has the same meaning as in Ohio R.C. 4729.01.
- (dd) "L.S.D." Lysergic acid diethylamide.
- (ee) "Major drug offender." Has the same meaning as in Ohio R.C. 2929.01.
- (ff) "Mandatory prison term." Has the same meaning as in Ohio R.C. 2929.01.
- (gg) "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.
- (hh) "Manufacturer." Has the same meaning as in Ohio R.C. 3719.01.
- (ii) "Marihuana." Has the same meaning as in Ohio R.C. 3719.01, except that it does not include hashish.
- (jj) "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.
- (kk) "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.

- (ll) "Official written order." Has the same meaning as in Ohio R.C. 3719.01.
- (mm) "Person." Has the same meaning as in Ohio R.C. 3719.01.
- (nn) "Pharmacist." Has the same meaning as in Ohio R.C. 3719.01.
- (oo) "Pharmacy." Has the same meaning as in Ohio R.C. 3719.01.
- (pp) "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.
- (qq) "Premises of a substance addiction services provider's facility." Means the parcel of real property on which any substance addiction service provider's facility is situated.
- (rr) "Prescription." Has the same meaning as in Ohio R.C. 4729.01.

- (ss) "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.
- (tt) "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.
- (uu) "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;

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- (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;

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- (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.
- (vv) "Public premises." Any hotel, restaurant, tavern, store, arena, hall or other place of public accommodation, business, amusement or resort.
- (ww) "Sale." Has the same meaning as in Ohio R.C. 3719.01.
- (xx) "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.
- (yy) "Schedule I", "Schedule II", "Schedule III", "Schedule IV" or "Schedule V." Have the same meaning as in Ohio R.C. 3719.01.
- (zz) "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.
- (aaa) "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.
- (bbb) "School premises." Either of the following:
 - (1) The parcel of real property on which any school is situated, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the premises at the time a criminal offense is committed.
 - (2) Any other parcel of real property that is owned or leased by a board of education of a school, the governing authority of a community school established under Ohio R.C. Chapter 3314, or the governing body of a nonpublic school for which the State Board of Education prescribes minimum standards under Ohio R.C. 3301.07 and on which some of the instruction, extracurricular activities or training of the school is conducted, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the parcel of real property at the time a criminal offense is committed.
- (ccc) "Standard Pharmaceutical Reference Manual." The current edition, with cumulative changes if any, of references that are approved by the State Board of Pharmacy.
- (ddd) "Substance Addiction Services Provider." Means an agency, association, corporation or other legal entity, individual, or program that provides one or more of the following at a facility:
 - (1) Either alcohol addiction services, or drug addiction services, or both such services that are certified by the Ohio Director of Mental Health and Addiction Services under Ohio R.C. 5119.36.
 - (2) Recovery supports that are related to either alcohol addiction services, or drug addiction services, or both such services and paid for with federal, state, or local funds administered by the Ohio Department of Mental Health and Addiction Services or a board of alcohol, drug addiction, and mental health services.
- (eee) "Unit dose." An amount or unit or a compound, mixture or preparation containing a controlled substance that is separately identifiable and in a form that indicates that it is the amount or unit by which the controlled substance is separately administered to or taken by an individual.

- (fff) "Wholesaler." Has the same meaning as in Ohio R.C. 3719.01. (CRC 2925.01)
- 513.02 GIFT OF MARIHUANA.
 - (a) No person shall knowingly give or offer to make a gift of twenty grams or less of marihuana.
 - (b) Whoever violates this section is guilty of trafficking in marihuana. Trafficking in marihuana is a minor misdemeanor for the first offense and, for any subsequent offense, it is a misdemeanor of the third degree. If the offense was committed in the vicinity of a school or the vicinity of a juvenile, trafficking in marihuana is a misdemeanor of the third degree.
 - (c) The court may by order suspend for not more than five years the driver's or commercial driver's license or permit of any person who is convicted of or pleads guilty to any violation of this section. However, if the offender pleaded guilty to or was convicted of a violation of Ohio R.C. 4511.19 or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's or commercial driver's license or permit in accordance with Ohio R.C. 2925.03(G). If an offender's driver's or commercial driver's license or permit is suspended pursuant to this subsection, the offender, at any time after the expiration of two years from the day on which the offender's sentence was imposed, may file a motion with the sentencing court requesting termination of the suspension; upon the filing of such a motion and the court's finding of good cause for the termination, the court may terminate the suspension. (ORC 2925.03)
- 513.03 DRUG ABUSE; CONTROLLED SUBSTANCE POSSESSION OR USE.
 - (a) No person shall knowingly obtain, possess or use a controlled substance or a controlled substance analog.
 - (b) (1) This section does not apply to the following:
 - A. Manufacturers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies and other persons whose conduct was in accordance with Ohio R.C. Chapters 3719, 4715, 4729, 4730, 4731 and 4741.
 - B. If the offense involves an anabolic steroid, any person who is conducting or participating in a research project involving the use of an anabolic steroid if the project has been approved by the United States Food and Drug Administration;
 - C. Any person who sells, offers for sale, prescribes, dispenses or administers for livestock or other nonhuman species an anabolic steroid that is expressly intended for administration through implants to livestock or other nonhuman species and approved for that purpose under the "Federal Food, Drug and Cosmetic Act", 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, and is sold, offered for sale, prescribed, dispensed or administered for that purpose in accordance with that Act;
 - D. Any person who obtained the controlled substance pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs if the prescription was issued for a legitimate medical purpose and not altered, forged or obtained through deception or commission of a theft offense.

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

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- C. If a person is found to be in violation of any community control sanction and if the violation is a result of either of the following, the court shall first consider ordering the person's participation or continued participation in a drug treatment program or mitigating the penalty specified in Ohio R.C. 2929.13, 2929.15, or 2929.25, whichever is applicable, after which the court has the discretion either to order the person's participation or continued participation in a drug treatment program or to impose the penalty with the mitigating factor specified in any of those applicable sections:
1. Seeking or obtaining medical assistance in good faith for another person who is experiencing a drug overdose;
 2. Experiencing a drug overdose and seeking medical assistance for that overdose or being the subject of another person seeking or obtaining medical assistance for that overdose as described in subsection (b)(2)B. of this section.
- D. If a person is found to be in violation of any post-release control sanction and if the violation is a result of either of the following, the court or the parole board shall first consider ordering the person's participation or continued participation in a drug treatment program or mitigating the penalty specified in Ohio R.C. 2929.141 or 2967.28, whichever is applicable, after which the court or the parole board has the discretion either to order the person's participation or continued participation in a drug treatment program or to impose the penalty with the mitigating factor specified in either of those applicable sections:
1. Seeking or obtaining medical assistance in good faith for another person who is experiencing a drug overdose;
 2. Experiencing a drug overdose and seeking medical assistance for that emergency or being the subject of another person seeking or obtaining medical assistance for that overdose as described in subsection (b)(2)B. of this section.
- E. Nothing in subsection (b)(2)B. of this section shall be construed to do any of the following:
1. Limit the admissibility of any evidence in connection with the investigation or prosecution of a crime with regards to a defendant who does not qualify for the protections of subsection (b)(2)B. of this section or with regards to any crime other than a minor drug possession offense committed by a person who qualifies for protection pursuant to subsection (b)(2)B. of this section for a minor drug possession offense;
 2. Limit any seizure of evidence or contraband otherwise permitted by law;
 3. Limit or abridge the authority of a peace officer to detain or take into custody a person in the course of an investigation or to effectuate an arrest for any offense except as provided in that division;
 4. Limit, modify or remove any immunity from liability available pursuant to law in effect prior to the effective date of this amendment to any public agency or to an employee of any public agency.
- F. Subsection (b)(2)B. of this section does not apply to any person who twice previously has been granted an immunity under subsection (b)(2)B. of this section. No person shall be granted an immunity under subsection (b)(2)B. of this section more than two times.

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G. Nothing in this section shall compel any qualified individual to disclose protected health information in a way that conflicts with the requirements of the "Health Insurance Portability and Accountability Act of 1996", 104 Pub. L. No. 191, 110 Stat. 2021, 42 U.S.C. 1320d et seq., as amended, and regulations promulgated by the United States Department of Health and Human Services to implement the act or the requirements of 42 C.F.R. Part 2.

(c) Whoever violates subsection (a) hereof is guilty of one of the following:
 (1) If the drug involved in the violation is a compound, mixture, preparation, or substance included in Schedule III, IV, or V, whoever violates subsection (a) hereof is guilty of possession of drugs. Possession of drugs is a misdemeanor if the amount of the drug involved does not exceed the bulk amount. The penalty for the offense shall be determined as follows: possession of drugs is a misdemeanor of the first degree or, if the offender previously has been convicted of a drug abuse offense, a felony and shall be prosecuted under appropriate State law.
 (2) If the drug involved in the violation is marihuana or a compound, mixture, preparation, or substance containing marihuana other than hashish, whoever violates subsection (a) hereof is guilty of possession of marihuana. Possession of marihuana is a misdemeanor if the amount of the drug involved does not exceed 200 grams. The penalty for the offense shall be determined as follows:

A. Except as otherwise provided in subsection (c)(2)(B), hereof, possession of marihuana is a minor misdemeanor.
 B. If the amount of the drug involved equals or exceeds 100 grams but is less than 200 grams, possession of marihuana is a misdemeanor of the fourth degree.

(3) If the drug involved in the violation is hashish or a compound, mixture, preparation, or substance containing hashish, whoever violates subsection (a) hereof is guilty of possession of hashish. Possession of hashish is a misdemeanor if the amount of the drug involved does not exceed the maximum amount specified in subsection (c)(3)(B), hereof. The penalty for the offense shall be determined as follows:

A. Except as otherwise provided in subsection (c)(3)(B), hereof, possession of hashish is a minor misdemeanor.
 B. If the amount of the drug involved equals or exceeds five grams but is less than ten grams of hashish in a solid form or equals or exceeds one gram but is less than two grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, possession of hashish is a misdemeanor of the fourth degree.

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

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

513.04 POSSESSING DRUG ABUSE INSTRUMENTS.

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

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

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

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

513.05 PERMITTING DRUG ABUSE.

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

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

(c) Whoever violates this section is guilty of permitting drug abuse, a misdemeanor of the first degree. If the felony drug abuse offense in question is a violation of Ohio R.C. 2925.02, 2925.03, 2925.04 or 2925.041 as provided in Ohio R.C. 2925.13, permitting drug abuse is a felony and shall be prosecuted under appropriate State law.

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

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

513.06 ILLEGAL CULTIVATION OF MARIHUANA.

(a) No person shall knowingly cultivate marihuana.

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

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

- (1) Except as otherwise provided in subsection (c)(2) hereof, illegal cultivation of marihuana is a minor misdemeanor, or if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, a misdemeanor of the fourth degree.
- (2) If the amount of marihuana involved equals or exceeds 100 grams but is less than 200 grams, illegal cultivation of marihuana is a misdemeanor of the fourth degree, or if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, a misdemeanor of the third degree.

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

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

513.07 POSSESSING OR USING HARMFUL INTOXICANTS.

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

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

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

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513.08 ILLEGALLY DISPENSING DRUG SAMPLES.

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

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

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

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

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

513.09 CONTROLLED SUBSTANCE OR PRESCRIPTION LABELS.

(a) As used in this section, "repackager" and "outsourcing facility" have the same meanings as in ORC 4729.01.

Whenever a manufacturer sells a controlled substance, and whenever a wholesaler, repackager, or outsourcing facility sells a controlled substance in a package the wholesaler, repackager or outsourcing facility has prepared, the manufacturer or the wholesaler, repackager or outsourcing facility, as the case may be, shall securely affix to each package in which the controlled substance is contained a label showing in legible English the name and address of the vendor and the quantity, kind, and form of controlled substance contained therein. No person, except a pharmacist for the purpose of dispensing a controlled substance upon a prescription shall alter, deface or remove any label so affixed.

(b) Except as provided in subsection (c) of this section, when a pharmacist dispenses any controlled substance on a prescription for use by a patient, or supplies a controlled substance to a licensed health professional authorized to prescribe drugs for use by the professional in personally furnishing patients with controlled substances, the pharmacist shall affix to the container in which the controlled substance is dispensed or supplied a label showing the following:

- (1) The name and address of the pharmacy dispensing or supplying the controlled substance;
- (2) The name of the patient for whom the controlled substance is prescribed and, if the patient is an animal, the name of the owner and the species of the animal;
- (3) The name of the prescriber;
- (4) All directions for use stated on the prescription or provided by the prescriber.

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513.11 HARMFUL INTOXICANTS; POSSESSING NITROUS OXIDE IN MOTOR VEHICLE.

- (a) As used in this section, "motor vehicle", "street" and "highway" have the same meanings as in Ohio R.C. 4511.01.
- (b) Unless authorized under Ohio R.C. Chapter 3719, 4715, 4729, 4731, 4741 or 4765, no person shall possess an open cartridge of nitrous oxide in either of the following circumstances:
 - (1) While operating or being a passenger in or on a motor vehicle on a street, highway, or other public or private property open to the public for purposes of vehicular traffic or parking;
 - (2) While being in or on a stationary motor vehicle on a street, highway, or other public or private property open to the public for purposes of vehicular traffic or parking.
- (c) Whoever violates this section is guilty of possessing nitrous oxide in a motor vehicle, a misdemeanor of the fourth degree.
- (d) In addition to any other sanction imposed upon an offender for possessing nitrous oxide in a motor vehicle, the court may suspend for not more than five years the offender's driver's or commercial driver's license or permit. (ORC 2925.33)

513.12 DRUG PARAPHERNALIA.

- (a) As used in this section, "drug paraphernalia" means any equipment, product or material of any kind that is used by the offender, intended by the offender for use or designed for use, in propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body, a controlled substance in violation of this chapter or Ohio R.C. Chapter 2925. "Drug paraphernalia" includes, but is not limited to, any of the following equipment, products or materials that are used by the offender, intended by the offender for use or designated by the offender for use, in any of the following manners:
 - (1) A kit for propagating, cultivating, growing or harvesting any species of a plant that is a controlled substance or from which a controlled substance can be derived;
 - (2) A kit for manufacturing, compounding, converting, producing, processing or preparing a controlled substance;
 - (3) Any object, instrument, or device for manufacturing, compounding, converting, producing, processing, or preparing methamphetamine;
 - (4) An isomerization device for increasing the potency of any species of a plant that is a controlled substance;
 - (5) Testing equipment for identifying, or analyzing the strength, effectiveness or purity of, a controlled substance;
 - (6) A scale or balance for weighing or measuring a controlled substance;
 - (7) A diluent or adulterant, such as quinine hydrochloride, mannitol, mannite, dextrose or lactose, for cutting a controlled substance;
 - (8) A separation gin or sifter for removing twigs and seeds from, or otherwise cleaning or refining, marijuana;
 - (9) A blender, bowl, container, spoon or mixing device for compounding a controlled substance;
 - (10) A capsule, balloon, envelope or container for packaging small quantities of a controlled substance.

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- (5) The date on which the controlled substance was dispensed or supplied;
- (6) The name, quantity and strength of the controlled substance and, if applicable, the name of the distributor or manufacturer.
- (c) The requirements of subsection (b) of this section do not apply when a controlled substance is prescribed or supplied for administration to an ultimate user who is institutionalized.
- (d) A licensed health professional authorized to prescribe drugs who personally furnishes a controlled substance to a patient shall comply with division (A) of ORC 4729.291 with respect to labeling and packaging of the controlled substance.
- (e) No person shall alter, deface, or remove any label affixed pursuant to this section as long as any of the original contents remain.
- (f) Every label for a schedule II, III or IV controlled substance shall contain the following warning:
 - *Caution: federal law prohibits the transfer of this drug to any person other than the patient for whom it was prescribed*. (ORC 3719.08)
- (g) Whoever violates this section is guilty of a misdemeanor of the first degree. If the offender has previously been convicted of a violation of this section, Ohio R.C. 3719.07 or 3719.08 or a drug abuse offense, such violation is a felony and shall be prosecuted under appropriate State law. (ORC 3719.99)

513.10 HYPODERMIC POSSESSION, DISPLAY AND DISPENSING.

- (a) Possession of a hypodermic is authorized for the following:
 - (1) A manufacturer or distributor of, or dealer in, hypodermics or medication packaged in hypodermics, and any authorized agent or employee of that manufacturer, distributor or dealer, in the regular course of business;
 - (2) Terminal distributor of dangerous drugs, in the regular course of business;
 - (3) A person authorized to administer injections, in the regular course of the person's profession or employment;
 - (4) A person, when the hypodermic was lawfully obtained and is kept and used for the purpose of self-administration of insulin or other drug prescribed for the treatment of disease by a licensed health professional authorized to prescribe drugs;
 - (5) A person whose use of a hypodermic is for legal research, clinical, educational or medicinal purposes;
 - (6) A farmer, for the lawful administration of a drug to an animal;
 - (7) A person whose use of a hypodermic is for lawful professional, mechanical, trade or craft purposes.
- (b) No manufacturer or distributor of, or dealer in, hypodermics or medication packaged in hypodermics, or their authorized agents or employees, and no terminal distributor of dangerous drugs, shall display any hypodermic for sale. No person authorized to possess a hypodermic pursuant to division (a) of this section shall negligently fail to take reasonable precautions to prevent any hypodermic in the person's possession from theft or acquisition by any unauthorized person. (ORC 3719.172)
- (c) Whoever violates this section is guilty of a misdemeanor of the third degree. If the offender has previously been convicted of a violation of this section, Ohio R.C. 3719.05, 3719.06, 3719.13, 3719.172(B) or (E), or 3719.31 or a drug abuse offense, a violation is a misdemeanor of the first degree. (ORC 3719.99)

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- (11) A container or device for storing or concealing a controlled substance;
- (12) A hypodermic syringe, needle or instrument for parenterally injecting a controlled substance into the human body;
- (13) An object, instrument or device for ingesting, inhaling or otherwise introducing into the human body, marijuana, cocaine, hashish or hashish oil, such as a metal, wooden, acrylic, glass, stone, plastic or ceramic pipe, with or without a screen, permanent screen, hashish head or punctured metal bowl; water pipe; carburetion tube or device; smoking or carburetion mask; roach clip or similar object used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand; miniature cocaine spoon, or cocaine vial; chamber pipe; carburetor pipe; electric pipe; air driver pipe; chillum; bong; or ice pipe or chiller.
- (b) In determining if any equipment, product or material is drug paraphernalia, a court or law enforcement officer shall consider, in addition to other relevant factors, the following:
- (1) Any statement by the owner, or by anyone in control, of the equipment, product or material, concerning its use;
 - (2) The proximity in time or space of the equipment, product or material, or of the act relating to the equipment, product or material, to a violation of any provision of this chapter or Ohio R.C. Chapter 2925;
 - (3) The proximity of the equipment, product or material to any controlled substance;
 - (4) The existence of any residue of a controlled substance on the equipment, product or material;
 - (5) Direct or circumstantial evidence of the intent of the owner, or of anyone in control, of the equipment, product or material, to deliver it to any person whom the owner or person in control of the equipment, product or material knows intends to use the object to facilitate a violation of any provision of this chapter or Ohio R.C. Chapter 2925. A finding that the owner, or anyone in control, of the equipment, product or material, is not guilty of a violation of any other provision of this chapter or Ohio R.C. Chapter 2925, does not prevent a finding that the equipment, product or material was intended or designed by the offender for use as drug paraphernalia;
 - (6) Any oral or written instruction provided with the equipment, product or material concerning its use;
 - (7) Any descriptive material accompanying the equipment, product or material and explaining or depicting its use;
 - (8) National or local advertising concerning the use of the equipment, product or material;
 - (9) The manner and circumstances in which the equipment, product or material is displayed for sale;
 - (10) Direct or circumstantial evidence of the ratio of the sales of the equipment, product or material to the total sales of the business enterprise;
 - (11) The existence and scope of legitimate uses of the equipment, product or material in the community;
 - (12) Expert testimony concerning the use of the equipment, product or material.
- (c) (1) Subject to subsection (d)(2) of this section, no person shall knowingly use, or possess with purpose to use, drug paraphernalia.

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- (2) No person shall knowingly sell, or possess or manufacture with purpose to sell, drug paraphernalia, if the person knows or reasonably should know that the equipment, product or material will be used as drug paraphernalia.
- (3) No person shall place an advertisement in any newspaper, magazine, handbill or other publication that is published and printed and circulates primarily within this State, if the person knows that the purpose of the advertisement is to promote the illegal sale in the State of the equipment, product or material that the offender intended or designed for use as drug paraphernalia.
- (d) (1) This section does not apply to manufacturers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies and other persons whose conduct is in accordance with Ohio R.C. Chapters 3719, 4715, 4729, 4730, 4731, and 4741. This section shall not be construed to prohibit the possession or use of a hypodermic as authorized by Section 513.10.
- (2) Subsection (c)(1) of this section does not apply to a person's use, or possession with purpose to use, any drug paraphernalia that is equipment, a product, or material of any kind that is used by the person, intended by the person for use, or designed for use in storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body marijuana.
- (e) Notwithstanding Ohio R.C. Chapter 2981, any drug paraphernalia that was used, possessed, sold or manufactured in violation of this section shall be seized, after a conviction for that violation shall be forfeited, and upon forfeiture shall be disposed of pursuant to Ohio R.C. 2981.12.
- (f) (1) Whoever violates subsection (c)(1) hereof is guilty of illegal use or possession of drug paraphernalia, a misdemeanor of the fourth degree.
- (2) Except as provided in subsection (f)(3) hereof, whoever violates subsection (c)(2) hereof is guilty of dealing in drug paraphernalia, a misdemeanor of the second degree.
- (3) Whoever violates subsection (c)(2) hereof by selling drug paraphernalia to a juvenile is guilty of selling drug paraphernalia to juveniles, a misdemeanor of the first degree.
- (4) Whoever violates subsection (c)(3) hereof is guilty of illegal advertising of drug paraphernalia, a misdemeanor of the second degree.
- (g) In addition to any other sanction imposed upon an offender for a violation of this section, the court may suspend for not more than five years the offender's driver's or commercial driver's license or permit. However, if the offender pleaded guilty to or was convicted of a violation of Ohio R.C. 4511.19 or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit for not more than five years. If the offender is a professionally licensed person, in addition to any other sanction imposed for a violation of this section, the court immediately shall comply with Ohio R.C. 2925.38. (ORC 2925.14)

513.121 MARIJUANA DRUG PARAPHERNALIA.

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

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manner on any substance that was the basis of, or involved in, the offense to determine whether the substance contained any amount of a controlled substance if the results of the tests indicate that the substance tested contained any controlled substance. No court shall order an offender under this section to pay the costs of tests performed on a substance if the results of the tests do not indicate that the substance tested contained any controlled substance.

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

513.15 SALE OF DEXTROMETHORPHAN.

- (a) As used in this section:
- (1) "Dextromethorphan" means the dextrorotatory isomer of 3-methoxy-N-methylmorphinan, including its salts, but not including its racemic or levorotatory forms.
 - (2) "Evidence of majority and identity" means a document issued by the federal government or a state, county, or municipal government, or a subdivision or agency of any of the foregoing, including a driver's or commercial driver's license, an identification card issued under Ohio R.C. 4507.50 to 4507.52, a military identification card, or any other form of identification that bears the name, date of birth, description and picture of the person identified.
 - (3) "Retailer" means a place of business that offers consumer products for sale to the general public, including a terminal distributor of dangerous drugs that is licensed under Ohio R.C. Chapter 4729 and operated as a pharmacy.
- (b) No retailer or employee of a retailer shall knowingly supply, deliver, give or otherwise provide a drug, material, compound, mixture, preparation or substance containing any quantity of dextromethorphan through the sale of any product to a person under eighteen years of age, unless the person has been issued a prescription for the product being purchased.
- (c) For purposes of subsection (b) of this section, the person making the sale of a product containing dextromethorphan shall require and obtain evidence of majority and identity from the purchaser, unless from the purchaser's outward appearance the person making the sale would reasonably presume the purchaser to be twenty-five years of age or older. Proof that the person making the sale demanded, was shown, and acted in reasonable reliance on the purchaser's evidence of majority and identity is a defense to any charge of a violation of subsection (b) of this section.
- (d) A retailer or employee of a retailer is not liable for damages in a civil action for injury, death or loss to person or property that allegedly arises from an act or omission associated with a failure to prevent the sale of a product containing dextromethorphan to a person under eighteen years of age, unless the act or omission constitutes willful or wanton misconduct.
- (e) Whoever violates subsection (b) of this section is guilty of illegally selling dextromethorphan, a minor misdemeanor. (ORC 2925.62)

513.99 PENALTY.

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

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

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

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

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

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

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

513.13 COUNTERFEIT CONTROLLED SUBSTANCES.

- (a) No person shall knowingly possess any counterfeit controlled substance.
- (b) Whoever violates this section is guilty of possession of counterfeit controlled substances, a misdemeanor of the first degree. (ORC 2925.37)
- (c) The court may suspend for not more than five years the offender's driver's or commercial driver's license or permit. However, if the offender pleaded guilty to or was convicted of a violation of Ohio R.C. 4511.19 or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit for not more than five years. (ORC 2925.37)

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

In addition to the financial sanctions authorized or required under Ohio R.C. 2929.18 and 2929.28 and to any costs otherwise authorized or required under any provision of law, the court imposing sentence upon an offender who is convicted of or pleads guilty to a drug abuse offense may order the offender to pay to the state, municipal, or county law enforcement agencies that handled the investigation and prosecution all of the costs that the state, municipal corporation, or county reasonably incurred in having tests performed under Ohio R.C. 2925.51, or in any other

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CHAPTER 517
Gambling

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CROSS REFERENCES

- See sectional histories for similar State law
 Lotteries prohibited; exception - see Ohio Const., Art. XV,
 Sec. 6
 Contributing to delinquency of minors - see Ohio R.C. 2151.41
 Search warrants - see Ohio R.C. 2933.21(E)
 Licensing charitable bingo games - see Ohio R.C. 2915.08

517.01 DEFINITIONS.

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

- (a) "Bet" means the hazarding of anything of value upon the result of an event, undertaking, or contingency, but does not include a bona fide business risk.
 (b) "Bingo" means either of the following:
 (1) A game with all of the following characteristics:
 A. The participants use bingo cards or sheets, including paper formats and electronic representation or image formats, that are divided into twenty-five (25) spaces arranged in five (5) horizontal and five (5) vertical rows of spaces, with each space, except the central space, being designated by a combination of a letter and a number and with the central space being designated as a free space;
 B. The participants cover the spaces on the bingo cards or sheets that correspond to combinations of letters and numbers that are announced by a bingo game operator;

- C. A bingo game operator announces combinations of letters and numbers that appear on objects that a bingo game operator selects by chance, either manually or mechanically, from a receptacle that contains seventy-five (75) objects at the beginning of each game, each object marked by a different combination of a letter and a number that corresponds to one of the seventy-five (75) possible combinations of a letter and a number that can appear on the bingo cards or sheets;
 D. The winner of the bingo game includes any participant who properly announces during the interval between the announcements of letters and numbers, as described in subsection (b)(1)(C), hereof, that a predetermined and pre-announced pattern of spaces has been covered on a bingo card or sheet being used by the participant.
 (2) Instant bingo, electronic instant bingo, and raffles.
 "Bingo game operator" means any person, except security personnel, who performs work or labor at the site of bingo including but not limited to collecting money from participants, handing out bingo cards or sheets or objects to cover spaces on bingo cards or sheets, selecting from a receptacle the objects that contain the combination of letters and numbers that appear on bingo cards or sheets, calling out the combinations of letters and numbers, distributing prizes, selling or redeeming instant bingo tickets or cards, selling or redeeming electronic instant bingo tickets, credits, or vouchers, accessing an electronic instant bingo system other than as a participant, supervising the operation of a punch board, selling raffle tickets, selecting raffle tickets from a receptacle and announcing the winning numbers in a raffle, and preparing, selling, and serving food or beverages. "Bingo game operator" does not include a person who is installing, maintaining, updating, or repairing an electronic instant bingo system.
 "Bingo session" means a period that includes both of the following:
 (1) Not to exceed five (5) continuous hours for the conduct of one or more games described in subsection (d)(1) hereof the definition of "bingo" in this section, instant bingo, and electronic instant bingo;
 (2) A period for the conduct of instant bingo and electronic instant bingo for not more than two (2) hours before and not more than two (2) hours after the period described in subsection (d)(1) hereof.
 "Bingo supplies" means bingo cards or sheets; instant bingo tickets or cards; electronic bingo aids; raffle tickets; punch boards; seal cards; instant bingo ticket dispensers; electronic instant bingo systems; and devices for selecting or displaying the combination of bingo letters and numbers or raffle tickets. Items that are "bingo supplies" are not gambling devices if sold or otherwise provided, and used, in accordance with this chapter or Ohio R.C. Chapter 2915. For purposes of this chapter, "bingo supplies" are not to be considered equipment used to conduct a bingo game.
 "Bookmaking" means the business of receiving or paying off bets.

- (g) "Charitable bingo game" means any bingo game described in subsections (b)(1) or (2) hereof that is conducted by a charitable organization that has obtained a license pursuant to Ohio R.C. 2915.08 and the proceeds of which are used for a charitable purpose.
- (h) "Charitable instant bingo organization" means an organization that is exempt from federal income taxation under IRC 501(a) and described in IRC 501(c)(3) and is a charitable organization as defined in this section. The term does not include a charitable organization that is exempt from federal income taxation under IRC 501(a) and described in IRC 501(c)(3) and that is created by a veteran's organization, a fraternal organization, or a sporting organization in regards to bingo conducted or assisted by a veteran's organization, a fraternal organization, or a sporting organization pursuant to Section 517.14.
- (i) "Charitable organization" means:
- (1) Except as otherwise provided in this chapter, "charitable organization" means either of the following:
 - A. An organization that is exempt from federal income taxation under IRC 501(a) and described in IRC 501(c)(3);
 - B. A volunteer rescue service organization, volunteer firefighter's organization, veteran's organization, fraternal organization, or sporting organization that is exempt from federal income taxation under IRC 501(c)(4), 501(c)(7), 501(c)(8), 501(c)(10) or 501(c)(19).
 - (2) To qualify as a charitable organization, an organization shall have been in continuous existence as such in this state for a period of two (2) years immediately preceding either the making of an application for a bingo license under Ohio R.C. 2915.08 or the conducting of any game of chance as provided Section 517.02(d).
- (j) "Charitable purpose" means that the net profit of bingo, other than instant bingo or electronic instant bingo, is used by, or is given, donated, or otherwise transferred to, any of the following:
- (1) Any organization that is described in IRC 509(a)(1), 509(a)(2), or 509(a)(3) and is either a governmental unit or an organization that is tax exempt under IRC 501(a) and described in IRC 501(c)(3);
 - (2) A veteran's organization that is a post, chapter, or organization of veterans, or an auxiliary unit or society of, or a trust or foundation for, any such post, chapter, or organization organized in the United States or any of its possessions, at least seventy-five percent (75%) of the members of which are veterans and substantially all of the other members of which are individuals who are spouses, widows, or widowers of veterans, or such individuals, provided that no part of the net earnings of such post, chapter, or organization inures to the benefit of any private shareholder or individual, and further provided that the net profit is used by the post, chapter, or organization for the charitable purposes set forth in Ohio R.C. 5739.02(B)(12), is used for awarding scholarships to or for attendance at an institution mentioned in that division of the Ohio Revised Code, is donated to a governmental agency, or is used for nonprofit youth activities, the purchase of United States or Ohio flags that are donated to schools, youth groups, or other bona fide nonprofit organizations, promotion of patriotism, or disaster relief.

- (k) A fraternal organization that has been in continuous existence in this state for fifteen (15) years and that uses the net profit exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, if contributions for such use would qualify as a deductible charitable contribution under IRC 170.
- (l) A volunteer firefighter's organization that uses the net profit for the purposes set forth in the definition of "volunteer firefighter's organization" in this section.
- (m) "Community action agency" has the same meaning as in Ohio R.C. 122.66.
- (n) "Conduct" means to back, promote, organize, manage, carry on, sponsor, or prepare for the operation of bingo or a game of chance, a scheme of chance, or a sweepstakes.
- (o) "Deal" means a single game of instant bingo tickets, or a single game of electronic instant bingo tickets, all with the same serial number.
- (p) "Distributor" means any person who purchases or obtains bingo supplies and who does either of the following:
- (1) Sells, offers for sale, or otherwise provides or offers to provide the bingo supplies to another person for use in this state;
 - (2) Modifies, converts, adds to, or removes parts from the bingo supplies to further their promotion or sale for use in this state.
- (q) "Electronic bingo aid" means:
- (1) An electronic device used by a participant to monitor bingo cards or sheets purchased at the time and place of a bingo session and that does all of the following:
 - A. It provides a means for a participant to input numbers and letters announced by a bingo caller.
 - B. It compares the numbers and letters entered by the participant to the bingo faces previously stored in the memory of the device.
 - C. It identifies a winning bingo pattern.
 - (2) The term does not include any device into which a coin, currency, token, or an equivalent is inserted to activate play.
- (r) "Electronic instant bingo" means:
- (1) A form of bingo that consists of an electronic or digital representation of instant bingo in which a participant wins a prize if the participant's electronic instant bingo ticket contains a combination of numbers or symbols that was designated in advance as a winning combination, and to which all of the following apply:
 - A. Each deal has a predetermined, finite number of winning and losing tickets and a predetermined prize amount and deal structure, provided that there may be multiple winning combinations in each deal and multiple winning tickets.
 - B. Each electronic instant bingo ticket within a deal has a unique serial number that is not regenerated.
 - C. Each electronic instant bingo ticket within a deal is sold for the same price.
 - D. After a participant purchases an electronic instant bingo ticket, the combination of numbers or symbols on the ticket is revealed to the participant.

- E. The reveal of numbers or symbols on the ticket may incorporate an entertainment or bonus theme, provided that the reveal does not include spinning reels that resemble a slot machine.
- F. The reveal theme, if any, does not require additional consideration or award any prize other than any predetermined prize associated with the electronic instant bingo ticket.
- (2) The term shall not include any of the following:
- A. Any game, entertainment, or bonus theme that replicates or simulates any of the following:
1. The gambling games of keno, blackjack, roulette, poker, craps, other casino-style table games;
 2. Horse racing;
 3. Gambling games offered in this state on slot machines or video lottery terminals. As used in this division, "video lottery terminal" has the same meaning as in Ohio R.C. 3770.21.
- B. Any device operated by dropping one or more coins or tokens into a slot and pulling a handle or pushing a button or touchpoint on a touchscreen to activate one to three or more rotating reels marked into horizontal segments by varying symbols, where the predetermined prize amount depends on how and how many of the symbols line up when the rotating reels come to a rest;
- C. Any device that includes a coin or token slot, tray, or hopper and the ability to dispense coins, cash, tokens, or anything of value other than a credit ticket voucher.
- (q) "Electronic instant bingo system" means both of the following:
- (1) A mechanical, electronic, digital, or video device and associated software to which all of the following apply:
 - A. It is used by not more than one player at a time to play electronic instant bingo on a single screen that is physically connected to the device;
 - B. It is located on the premises of the principal place of business of a veteran's or fraternal organization that holds a type II or type III bingo license to conduct electronic instant bingo at that location issued under Ohio R.C. 2915.08.
 - (2) Any associated equipment or software used to manage, monitor, or document any aspect of electronic instant bingo.
- (r) "Expenses" means the reasonable amount of gross profit actually expended for all of the following:
- (1) The purchase or lease of bingo supplies;
 - (2) The annual license fee required under Ohio R.C. 2915.08;
 - (3) Bank fees and service charges for a bingo session or game account described in Ohio R.C. 2915.10;
 - (4) Audits and accounting services;
 - (5) Safes;
 - (6) Cash registers;
 - (7) Hiring security personnel;
 - (8) Advertising bingo;
 - (9) Renting premises in which to conduct a bingo session;

- (10) Tables and chairs;
 - (11) Expenses for maintaining and operating a charitable organization's facilities, including but not limited to a post home, club house, lounge, tavern, or canteen and any grounds attached to the post home, club house, lounge, tavern, or canteen;
 - (12) Payment of real property taxes and assessments that are levied on a premises on which bingo is conducted;
 - (13) Any other product or service directly related to the conduct of bingo that is authorized in rules adopted by the Attorney General under Ohio R.C. 2915.08(F)(1).
- (s) "Fraternal organization" means any society, order, state headquarters, or association within this state, except a college or high school fraternity, that is not organized for profit, that is a branch, lodge, or chapter of a national or state organization, that exists exclusively for the common business or sociality of its members.
- (t) "Gambling device" means any of the following:
- (1) A book, totalizer, or other equipment used for recording bets;
 - (2) A ticket, token, or other device representing a chance, share, or interest in a scheme of chance or evidencing a bet;
 - (3) A deck of cards, dice, gaming table, roulette wheel, slot machine, or other apparatus designed for use in connection with a game of chance;
 - (4) Any equipment, device, apparatus, or paraphernalia specially designed for gambling purposes;
 - (5) Bingo supplies sold or otherwise provided, or used, in violation of this chapter or Ohio R.C. Chapter 2915.
- (u) "Gambling offense" means any of the following:
- (1) A violation of Ohio R.C. Chapter 2915;
 - (2) A violation of an existing or former municipal ordinance or law of this or any other state or of the United States substantially equivalent to any provision of this chapter or Ohio R.C. Chapter 2915 or a violation of Ohio R.C. 2915.06 as it existed prior to July 1, 1996;
 - (3) An offense under an existing or former municipal ordinance or law of this or any other state or of the United States, of which gambling is an element;
 - (4) A conspiracy or attempt to commit, or complicity in committing, any offense under subsections (v)(1), (2), or (3) hereof.
- (v) "Game fare" means the board or placard, or electronic representation of a board or placard, that accompanies each deal of instant bingo or electronic instant bingo tickets and that includes the following information for the game:
- (1) The name of the game;
 - (2) The manufacturer's name or distinctive logo;
 - (3) The form number;
 - (4) The ticket count;
 - (5) The prize structure, including the number of winning tickets by denomination and the respective winning symbol or number combinations for the winning tickets;
 - (6) The cost per play;
 - (7) The serial number of the game.
- (w) "Game of chance" means poker, craps, roulette, or other game in which a player gives anything of value in the hope of gain, the outcome of which is determined largely by chance, but does not include bingo.

- (x) "Game of chance conducted for profit" means any game of chance designed to produce income for the person who conducts or operates the game of chance, but does not include bingo.
- (y) "Gross annual revenues" means the annual gross receipts derived from the conduct of bingo described in subsection (b)(1) hereof plus the annual net profit derived from the conduct of bingo described in subsection (b)(2) hereof.
- (z) "Gross profit" means gross receipts minus the amount actually expended for the payment of prize awards.
- (aa) "Gross receipts" means all money or assets, including admission fees, that a person receives from bingo without the deduction of any amounts for prizes paid out or for the expenses of conducting bingo. The term does not include any money directly taken in from the sale of food or beverages by a charitable organization conducting bingo, or by a bona fide auxiliary unit or society of a charitable organization conducting bingo, provided all of the following apply:
 - (1) The auxiliary unit or society has been in existence as a bona fide auxiliary unit or society of the charitable organization for at least two (2) years prior to conducting bingo.
 - (2) The person who purchases the food or beverage receives nothing of value except the food or beverage and items customarily received with the purchase of that food or beverage.
 - (3) The food and beverages are sold at customary and reasonable prices.
- (bb) "Instant bingo" means a form of bingo that shall use folded or banded tickets or paper cards with perforated break-open tabs, a face of which is covered or otherwise hidden from view to conceal a number, letter, or symbol, or set of numbers, letters, or symbols, some of which have been designated in advance as prize winners, and may also include games in which some winners are determined by the random selection of one or more bingo numbers by the use of a seal card or bingo blower. "Instant bingo" also includes a punch board game. In all "instant bingo" the prize amount and structure shall be predetermined. The term does not include electronic instant bingo or any device that is activated by the insertion of a coin, currency, token, or an equivalent, and that contains as one of its components a video display monitor that is capable of displaying numbers, letters, symbols, or characters in winning or losing combinations.
- (cc) "Instant bingo ticket dispenser" means a mechanical device that dispenses an instant bingo ticket or card as the sole item of value dispensed and that has the following characteristics:
 - (1) It is activated upon the insertion of United States currency.
 - (2) It performs no gaming functions.
 - (3) It does not contain a video display monitor or generate noise.
 - (4) It is not capable of displaying any numbers, letters, symbols, or characters in winning or losing combinations.
 - (5) It does not simulate or display rolling or spinning reels.
 - (6) It is incapable of determining whether a dispensed bingo ticket or card is a winning or non-winning ticket or card and requires a winning ticket or card to be paid by a bingo game operator.

- (7) It may provide accounting and security features to aid in accounting for the instant bingo tickets or cards it dispenses.
- (8) It is not part of an electronic network and is not interactive.
- (dd) "Internal Revenue Code (IRC)" means the Internal Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C. 1 et seq., as now or hereafter amended.
- (ee) "Manufacturer" means any person who assembles completed bingo supplies from raw materials, other items, or subparts or who modifies, converts, adds to, or removes parts from bingo supplies to further their promotion or sale.
- (ff) "Merchandise prize" means any item of value, but shall not include any of the following:
 - (1) Cash, gift cards, or any equivalent thereof.
 - (2) Plays on games of chance, state lottery tickets, or bingo;
 - (3) Firearms, tobacco, or alcoholic beverages; or
 - (4) A redeemable voucher that is redeemable for any of the items listed in subsections (hh)(1), (2) or (3) hereof.
- (gg) "Net profit" means gross profit minus expenses.
- (hh) "Net profit from the proceeds of the sale of instant bingo or electronic instant bingo" means gross profit minus the ordinary, necessary, and reasonable expense expended for the purchase of bingo supplies for the purpose of conducting instant bingo or electronic instant bingo, and, in the case of instant bingo or electronic instant bingo conducted by a veteran's, fraternal, or sporting organization, minus the payment by that organization of real property taxes and assessments levied on a premises on which instant bingo or electronic instant bingo is conducted.
- (ii) "Participant" means any person who plays bingo.
- (jj) "Person" has the same meaning as in Ohio R. C. 1.59 and includes any firm or any other legal entity, however organized.
- (kk) "Pool not conducted for profit" means a scheme in which a participant gives a valuable consideration for a chance to win a prize and the total amount of consideration wagered is distributed to a participant or participants.
- (ll) "Punch board" means a form of instant bingo that uses a board containing a number of holes or receptacles of uniform size in which are placed, mechanically and randomly, serially numbered slips of paper that may be punched or drawn from the hole or receptacle. A player may punch or draw the numbered slips of paper from the holes or receptacles and obtain the prize established for the game if the number drawn corresponds to a winning number or, if the punch board includes the use of a seal card, a potential winning number.
- (mm) "Raffle" means a form of bingo in which the one or more prizes are won by one or more persons who have purchased a raffle ticket. The one or more winners of the raffle are determined by drawing a ticket stub or other detachable section from a receptacle containing ticket stubs or detachable sections corresponding to all tickets sold for the raffle. The term does not include the drawing of a ticket stub or other detachable section of a ticket purchased to attend a professional sporting event if both of the following apply:
 - (1) The ticket stub or other detachable section is used to select the winner of a free prize given away at the professional sporting event; and
 - (2) The cost of the ticket is the same as the cost of a ticket to the professional sporting event on days when no free prize is given away.
- (nn) "Redeemable voucher" means any ticket, token, coupon, receipt, or other noncash representation of value.

- (oo) "Religious organization" means any church, body of communicants, or group that is not organized or operated for profit and that gathers in common membership for regular worship and religious observances.
- (pp) "Revoke" means to void permanently all rights and privileges of the holder of a license issued under Ohio R.C. 2915.08, 2915.081, or 2915.082 or a charitable gaming license issued by another jurisdiction.
- (qq) "Scheme of chance" means:
- (1) A slot machine unless authorized under Ohio R.C. Chapter 3772, lottery unless authorized under Ohio R.C. Chapter 3770, numbers game, pool conducted for profit, or other scheme in which a participant gives a valuable consideration for a chance to win a prize, but does not include bingo, a skill-based amusement machine, or a pool not conducted for profit. "Scheme of chance" includes the use of an electronic device to reveal the results of a game entry if valuable consideration is paid, directly or indirectly, for a chance to win a prize. Valuable consideration is deemed to be paid for a chance to win a prize in the following instances:
 - A. Less than fifty percent (50%) of the goods or services sold by a scheme of chance operator in exchange for game entries are used or redeemed by participants at any one location.
 - B. Less than fifty percent (50%) of participants who purchase goods or services at any one location do not accept, use, or redeem the goods or services sold or purportedly sold;
 - C. More than fifty percent (50%) of prizes at any one location are revealed to participants through an electronic device simulating a game of chance or a "casino game" as defined in Ohio R.C. 3772.01;
 - D. The good or service sold by a scheme of chance operator in exchange for a game entry cannot be used or redeemed in the manner advertised;
 - E. A participant pays more than fair market value for goods or services offered by a scheme of chance operator in order to receive one or more game entries;
 - F. A participant may use the electronic device to purchase additional game entries;
 - G. A participant may purchase additional game entries by using points or credits won as prizes while using the electronic device;
 - H. A scheme of chance operator pays out in prize money more than twenty percent (20%) of the gross revenue received at one location; or
 - I. A participant makes a purchase or exchange in order to obtain any good or service that may be used to facilitate play on the electronic device.
 - (2) As used in this subsection, "electronic device" means a mechanical, video, digital, or electronic machine or device that is capable of displaying information on a screen or other mechanism and that is owned, leased, or otherwise possessed by any person conducting a scheme of chance, or by that person's partners, affiliates, subsidiaries, or contractors. "Electronic device" does not include an electronic instant bingo system.

- (rr) "Seal card" means a form of instant bingo that uses instant bingo tickets in conjunction with a board or placard that contains one or more seals that, when removed or opened, reveal pre-designated winning numbers, letters, or symbols.
- (ss) "Security personnel" includes any person who either is a Sheriff, deputy sheriff, Marshal, deputy marshal, township constable, or member of an organized police department of a municipal corporation or has successfully completed a peace officer's training course pursuant to Ohio R.C. 109.71 through 109.79 and who is hired to provide security for the premises on which bingo is conducted.
- (tt) "Skill-based amusement machine" means:
- (1) A. A mechanical, video, digital, or electronic device that rewards the player or players, if at all, only with merchandise prizes or with redeemable vouchers redeemable only for merchandise prizes, provided that with respect to rewards for playing the game all of the following apply:
 1. The wholesale value of a merchandise prize awarded as a result of the single play of a machine does not exceed ten dollars (\$10.00);
 2. Redeemable vouchers awarded for any single play of a machine are not redeemable for a merchandise prize with a wholesale value of more than ten dollars (\$10.00);
 3. Redeemable vouchers are not redeemable for a merchandise prize that has a wholesale value of more than ten dollars (\$10.00) times the fewest number of single plays necessary to accrue the redeemable vouchers required to obtain that prize; and
 4. Any redeemable vouchers or merchandise prizes are distributed at the site of the skill-based amusement machine at the time of play.
 - B. A card for the purchase of gasoline is a redeemable voucher for purposes of subsection (vv)(1) hereof even if the skill-based amusement machine for the play of which the card is awarded is located at a place where gasoline may not be legally distributed to the public or the card is not redeemable at the location of, or at the time of playing, the skill-based amusement machine.
- (2) A device shall not be considered a skill-based amusement machine and shall be considered a slot machine if it pays cash or one or more of the following apply:
- A. The ability of a player to succeed at the game is impacted by the number or ratio of prior wins to prior losses of players playing the game;
 - B. Any reward of redeemable vouchers is not based solely on the player achieving the object of the game or the player's score;
 - C. The outcome of the game, or the value of the redeemable voucher or merchandise prize awarded for winning the game, can be controlled by a source other than any player playing the game;
 - D. The success of any player is or may be determined by a chance event that cannot be altered by player actions;
 - E. The ability of any player to succeed at the game is determined by game features not visible or known to the player;

- F. The ability of the player to succeed at the game is impaired by the exercise of a skill that no reasonable player could exercise.
- (3) All of the following apply to any machine that is operated as described in subsection (vv)(1) hereof:
- A. As used in this definition of "skill-based amusement machine", "game" and "play" mean one event from the initial activation of the machine until the results of play are determined without payment of additional consideration. An individual utilizing a machine that involves a single game, play, contest, competition, or tournament may be awarded redeemable vouchers or merchandise prizes based on the results of play.
- B. Advance play for a single game, play, contest, competition, or tournament participation may be purchased. The cost of the contest, competition, or tournament participation may be greater than a single non-contest, competition, or tournament play.
- C. To the extent that the machine is used in a contest, competition, or tournament, that contest, competition, or tournament has a defined starting and ending date and is open to participants in competition for scoring and ranking results toward the awarding of redeemable vouchers or merchandise prizes that are stated prior to the start of the contest, competition, or tournament.
- (4) For purposes of subsection (vv)(1) hereof, the mere presence of a device, such as a pinsetting, ball-releasing, or scoring mechanism, that does not contribute to or affect the outcome of the play of the game does not make the device a skill-based amusement machine.

(uu) "Slot machine" means:

- (1) Either of the following:

- A. Any mechanical, electronic, video, or digital device that is capable of accepting anything of value, directly or indirectly, from or on behalf of a player who gives the thing of value in the hope of gain;
- B. Any mechanical, electronic, video, or digital device that is capable of accepting anything of value, directly or indirectly, from or on behalf of a player to conduct bingo or a scheme or game of chance.
- (2) The term does not include a skill-based amusement machine, an instant bingo ticket dispenser, or an electronic instant bingo system.

(vv) "Sporting organization" means a hunting, fishing, or trapping organization, other than a college or high school fraternity or sorority, that is not organized for profit, that is affiliated with a state or national sporting organization, including but not limited to the League of Ohio Sportsmen, and that has been in continuous existence in this state for a period of three (3) years.

(vww) "Suspend" means to interrupt temporarily all rights and privileges of the holder of a license issued under Ohio R.C. 2915.08, 2915.081, or 2915.082 or a charitable gaming license issued by another jurisdiction.

(vxx) "Sweepstakes" means any game, contest, advertising scheme or plan, or other promotion where consideration is not required for a person to enter to win or become eligible to receive any prize, the determination of which is based upon chance. "Sweepstakes" does not include bingo as authorized under Ohio R.C. Chapter 2915, pari-mutuel wagering as authorized by Ohio R.C. Chapter 3769, lotteries conducted by the State Lottery Commission as authorized by Ohio R.C. Chapter 3770, and casino gaming as authorized by Ohio R.C. Chapter 3772.

(yy) "Sweepstakes terminal device" means:

- (1) A mechanical, video, digital, or electronic machine or device that is owned, leased, or otherwise possessed by any person conducting a sweepstakes, or by that person's partner, affiliates, subsidiaries, or contractors, that is intended to be used by a sweepstakes participant, and that is capable of displaying information on a screen or other mechanism. A device is a sweepstakes terminal device if any of the following apply:
- A. The device uses a simulated game terminal as a representation of the prizes associated with the results of the sweepstakes entries.
- B. The device utilizes software such that the simulated game influences or determines the winning of or value of the prize.
- C. The device selects prizes from a predetermined finite pool of entries.
- D. The device utilizes a mechanism that reveals the content of a predetermined sweepstakes entry.
- E. The device predetermines the prize results and stores those results for delivery at the time the sweepstakes entry results are revealed.
- F. The device utilizes software to create a game result.
- G. The device reveals the prize incrementally, even though the device does not influence the awarding of the prize or the value of any prize awarded.
- H. The device determines and associates the prize with an entry or entries at the time the sweepstakes is entered.

(2) As used in this definition and in Section 517.02:

- A. "Enter" means the act by which a person becomes eligible to receive any prize offered in a sweepstakes.
- B. "Entry" means one event from the initial activation of the sweepstakes terminal device until all the sweepstakes prize results from that activation are revealed.
- C. "Prize" means any gift, award, gratuity, good, service, credit, reward, or any other thing of value that may be transferred to a person, whether possession of the prize is actually transferred, or placed on an account or other record as evidence of the intent to transfer the prize.

(zz) "Sweepstakes terminal facility" means any location in this state where a sweepstakes terminal device is provided to a sweepstakes participant, except as provided in Ohio R.C. 2915.02(G).

(aaa) "Veteran's organization" means any individual post or state headquarters of a national veteran's association or an auxiliary unit of any individual post of a national veteran's association, which post, state headquarters, or auxiliary unit is incorporated as a nonprofit corporation and either has received a letter from the state headquarters of the national veteran's association indicating that the individual post or auxiliary unit is in good standing with the national veteran's association or has received a letter from the national veteran's association indicating that the state headquarters is in good standing with the national veteran's association. As used in this definition, "National Veterans' Association" means any veteran's association that has been in continuous existence as such for a period of at least five (5) years and either is incorporated by an act of the United States Congress or has a national dues-paying membership of at least 5,000 persons.

- (bbb) "Volunteer firefighter's organization" means any organization of volunteer firefighters, as defined in Ohio R.C. 146.01, that is organized and operated exclusively to provide financial support for a volunteer fire department or a volunteer fire company and that is recognized or ratified by a county, municipal corporation, or township.
- (ccc) "Volunteer rescue service organization" means any organization of volunteers organized to function as an emergency medical service organization, as defined in Ohio R.C. 4765.01.
- (ddd) "Youth athletic organization" means any organization, not organized for profit, that is organized and operated exclusively to provide financial support to, or to operate, athletic activities for persons who are twenty-one (21) years of age or younger by means of sponsoring, organizing, operating, or contributing to the support of an athletic team, club, league, or association.
- (eee) "Youth athletic park organization" means any organization, not organized for profit, that satisfies both of the following:
- (1) It owns, operates, and maintains playing fields that satisfy both of the following:
 - A. The playing fields are used for athletic activities by one or more organizations, not organized for profit, each of which is organized and operated exclusively to provide financial support to, or to operate, athletic activities for persons who are eighteen (18) years of age or younger by means of sponsoring, organizing, operating, or contributing to the support of an athletic team, club, league, or association.
 - B. The playing fields are not used for any profit-making activity at any time during the year.
- (2) It uses the proceeds of bingo it conducts exclusively for the operation, maintenance, and improvement of its playing fields of the type described in subsection (ggg)(1) hereof.

517.02 GAMBLING.

- (a) No person shall do any of the following:
- (1) Engage in bookmaking, or knowingly engage in conduct that facilitates bookmaking;
 - (2) Establish, promote, or operate or knowingly engage in conduct that facilitates any game of chance conducted for profit or any scheme of chance;
 - (3) Knowingly procure, transmit, exchange, or engage in conduct that facilitates the procurement, transmission, or exchange of information for use in establishing odds or determining winners in connection with bookmaking or with any game of chance conducted for profit or any scheme of chance;
 - (4) Engage in betting or in playing any scheme or game of chance as a substantial source of income or livelihood;
 - (5) Conduct, or participate in the conduct of, a sweepstakes with the use of a sweepstakes terminal device at a sweepstakes terminal device facility and either:
 - A. Give to another person any item described in subsection (ff)(1), (2), (3) or (4) of Section 517.01 as a prize for playing or participating in a sweepstakes; or

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- B. Give to another person any merchandise prize, or a redeemable voucher for a merchandise prize, the wholesale value of which is in excess of ten dollars (\$10.00) and which is awarded as a single entry for playing or participating in a sweepstakes. Redeemable vouchers shall not be redeemable for a merchandise prize that has a wholesale value of more than ten dollars (\$10.00).
- (6) Conduct, or participate in the conduct of, a sweepstakes with the use of a sweepstakes terminal device at a sweepstakes terminal device facility without first obtaining a current annual "certificate of registration" from the Attorney General as required by division (F) of Ohio R.C. 2915.02.
 - (7) With purpose to violate subsection (a)(1), (2), (3), (4), (5) or (6) of this section, acquire, possess, control, or operate any gambling device.
- (b) For purposes of subsection (a)(1) of this section, a person facilitates bookmaking if the person in any way knowingly aids an illegal bookmaking operation, including, without limitation, placing a bet with a person engaged in or facilitating illegal bookmaking. For purposes of subsection (a)(2) of this section, a person facilitates a game of chance conducted for profit or a scheme of chance if the person in any way knowingly aids in the conduct or operation of any such game or scheme, including, without limitation, playing any such game or scheme.
- (c) This section does not prohibit conduct in connection with gambling expressly permitted by law.
- (d) This section does not apply to any of the following:
- (1) Games of chance, if all of the following apply:
 - A. The games of chance are not traps for money or roulette for money.
 - B. The games of chance are conducted by a charitable organization that is, and has received from the Internal Revenue Service a determination letter that is currently in effect, stating that the organization is, exempt from Federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code.
 - C. The games of chance are conducted at festivals of the charitable organization that are conducted not more than a total of five days a calendar year, and are conducted on premises owned by the charitable organization for a period of no less than one year immediately preceding the conducting of the games of chance, on premises leased from a governmental unit, or on premises that are leased from a veteran's or fraternal organization and that have been owned by the lessor veteran's or fraternal organization for a period of no less than one year immediately preceding the conducting of the games of chance.

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A charitable organization shall not lease premises from a veteran's or fraternal organization to conduct a festival described in subsection (d)(1)(C) hereof if the veteran's or fraternal organization has already leased the premises twelve times during the preceding year to charitable organizations for that purpose. If a charitable organization leases premises from a veteran's or fraternal organization to conduct a festival described in subsection (d)(1)(C) hereof, the charitable organization shall not pay a rental rate for the premises per day of the festival that exceeds the rental rate per bingo session that a charitable organization may pay under Section 517.06(b)(1) when it leases premises from another charitable organization to conduct bingo games.

D. All of the money or assets received from the games of chance after deduction only of prizes paid out during the conduct of the games of chance are used by, or given, donated or otherwise transferred to, any organization that is described in subsection 509(a)(1), (2) or (3) of the Internal Revenue Code and is either a governmental unit or an organization that is tax exempt under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code.

E. The games of chance are not conducted during, or within ten hours of, a bingo game conducted for amusement purposes only pursuant to Section 517.13.

No person shall receive any commission, wage, salary, reward, tip, donations, gratuity or other form of compensation, directly or indirectly, for operating or assisting in the operation of any game of chance.

(2) Any tag fishing tournament operated under a permit issued under Ohio R.C. 1533.92, as "tag fishing tournament" is defined in Ohio R.C. 1531.01.

(3) Bingo conducted by a charitable organization that holds a license issued under Ohio R.C. 2915.08.

(c) Subsection (d) hereof shall not be construed to authorize the sale, lease or other temporary or permanent transfer of the right to conduct games of chance, as granted by subsection (d) hereof, by any charitable organization that is granted that right.

(f) Whoever violates this section is guilty of gambling, a misdemeanor of the first degree. If the offender previously has been convicted of a gambling offense, gambling is a felony and shall be prosecuted under appropriate State law. (ORC 2915.02)

517.03 OPERATING A GAMBLING HOUSE.

(a) No person, being the owner or lessee, or having custody, control or supervision of premises, shall:

- (1) Use or occupy such premises for gambling in violation of Section 517.02;
- (2) Recklessly permit such premises to be used or occupied for gambling in violation of Section 517.02.

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

(c) Premises used or occupied in violation of this section constitute a nuisance subject to abatement pursuant to Ohio R.C. Chapter 3767. (ORC 2915.03)

517.04 PUBLIC GAMING.

(a) No person, while at a hotel, restaurant, tavern, store, arena, hall, or other place of public accommodation, business, amusement, or resort shall make a bet or play any game of chance or scheme of chance.

(b) No person, being the owner or lessee, or having custody, control, or supervision, of a hotel, restaurant, tavern, store, arena, hall, or other place of public accommodation, business, amusement, or resort shall recklessly permit those premises to be used or occupied in violation of subsection (a) of this section.

(c) Subsections (a) and (b) of this section do not prohibit conduct in connection with gambling expressly permitted by law.

(d) Whoever violates this section is guilty of public gaming. Except as otherwise provided in this subsection, public gaming is a minor misdemeanor. If the offender previously has been convicted of any gambling offense, public gaming is a misdemeanor of the fourth degree.

(e) Premises used or occupied in violation of subsection (b) of this section constitute a nuisance subject to abatement under Ohio R.C. Chapter 3767. (ORC 2915.04)

517.05 CHEATING.

(a) No person, with purpose to defraud or knowing that the person is facilitating a fraud, shall engage in conduct designed to corrupt the outcome of any of the following:

- (1) The subject of a bet;
- (2) A contest of knowledge, skill, or endurance that is not an athletic or sporting event;
- (3) A scheme or game of chance;
- (4) Bingo.

(b) Whoever violates this section is guilty of cheating. Except as otherwise provided in this subsection, cheating is a misdemeanor of the first degree. If the potential gain from the cheating is one thousand dollars (\$1,000) or more, or if the offender previously has been convicted of any gambling offense or of any theft offense as defined in Ohio R.C. 2913.01, cheating is a felony and shall be prosecuted under appropriate State law. (ORC 2915.05)

517.06 METHODS OF CONDUCTING A BINGO GAME; PROHIBITIONS.

(a) No charitable organization that conducts bingo shall fail to do any of the following:

- (1) Own all of the equipment used to conduct bingo or lease that equipment from a charitable organization that is licensed to conduct bingo, or from the landlord of a premises where bingo is conducted, for a rental rate that is not more than is customary and reasonable for that equipment;

- (2) Except as otherwise provided in subsection (a)(3) of this section, use all of the gross receipts from bingo for paying prizes, for reimbursement of expenses for or for renting premises in which to conduct bingo, for reimbursement of expenses for or for purchasing or leasing bingo supplies used in conducting bingo, for reimbursement of expenses for or for hiring security personnel, for reimbursement of expenses for or for advertising bingo, or for reimbursement of other expenses or for other expenses listed in the definition for "expenses" in Section 517.01(r), provided that the amount of the receipts so spent is not more than is customary and reasonable for a similar purchase, lease, hiring, advertising, or expense. If the building in which bingo is conducted is owned by the charitable organization conducting bingo and the bingo conducted includes a form of bingo described in the definition of "bingo" in Section 517.01(b)(1), the charitable organization may deduct from the total amount of the gross receipts from each session a sum equal to the lesser of six hundred dollars (\$600.00) or forty-five percent (45%) of the gross receipts from the bingo described in that division as consideration for the use of the premises;
- (3) Use, or give, donate, or otherwise transfer, all of the net profit derived from bingo described in Section 517.01(b)(1), for a charitable purpose listed in its license application and described in Section 517.02(k), or distribute all of the net profit from the proceeds of the sale of instant bingo or electronic instant bingo as stated in its license application and in accordance with Ohio R.C. 2915.101, as applicable.

- (b) No charitable organization that conducts a bingo game described in Section 517.01(b)(1) shall fail to do any of the following:

- (1) Conduct the bingo game on premises that are owned by the charitable organization, on premises that are owned by another charitable organization and leased from that charitable organization for a rental rate not in excess of the lesser of six hundred dollars (\$600.00) per bingo session or forty-five percent (45%) of the gross receipts of the bingo session, on premises that are leased from a person other than a charitable organization for a rental rate that is not more than is customary and reasonable for premises that are similar in location, size, and quality but not in excess of four hundred fifty dollars (\$450.00) per bingo session, or on premises that are owned by a person other than a charitable organization, that are leased from that person by another charitable organization, and that are subleased from that other charitable organization by the charitable organization for a rental rate not in excess of four hundred fifty dollars (\$450.00) per bingo session. No charitable organization is required to pay property taxes or assessments on premises that the charitable organization leases from another person to conduct bingo sessions. If the charitable organization leases from a person other than a charitable organization the premises on which it conducts bingo sessions, the lessor of the premises shall provide the premises to the organization and shall not provide the organization with bingo game operators, security personnel, concessions or concession operators, bingo supplies, or any other type of service. A charitable organization shall not lease or sublease premises that it owns or leases to more than three (3) other charitable organizations per calendar week for
- (2) conducting bingo sessions on the premises. A person that is not a charitable organization shall not lease premises that it owns, leases, or otherwise is empowered to lease to more than three (3) charitable organizations per calendar week for conducting bingo sessions on the premises. In no case shall more than nine (9) bingo sessions be conducted on any premises in any calendar week.
- (2) Display its license conspicuously at the premises where the bingo session is conducted;
- (3) Conduct the bingo session in accordance with the definition of bingo set forth in Section 517.01(b)(1).
- (c) No charitable organization that conducts a bingo game described in Section 517.01(b)(1) shall do any of the following:
- (1) Pay any compensation to a bingo game operator for operating a bingo session that is conducted by the charitable organization or for preparing, selling, or serving food or beverages at the site of the bingo session, permit any auxiliary unit or society of the charitable organization to pay compensation to any bingo game operator who prepares, sells, or serves food or beverages at a bingo session conducted by the charitable organization, or permit any auxiliary unit or society of the charitable organization to prepare, sell, or serve food or beverages at a bingo session conducted by the charitable organization, if the auxiliary unit or society pays any compensation to the bingo game operators who prepare, sell, or serve the food or beverages;
- (2) Pay consulting fees to any person for any services performed in relation to the bingo session;
- (3) Pay concession fees to any person who provides refreshments to the participants in the bingo session;
- (4) Except as otherwise provided in subsection (c)(4) of this section, conduct more than three bingo sessions in any seven-day period. A volunteer firefighter's organization or a volunteer rescue service organization that conducts not more than five (5) bingo sessions in a calendar year may conduct more than three (3) bingo sessions in a seven-day period after notifying the Attorney General when it will conduct the sessions;
- (5) Pay out more than six thousand dollars (\$6,000) in prizes for bingo games described in Section 517.01(b)(1) during any bingo session that is conducted by the charitable organization. "Prizes" does not include awards from the conduct of instant bingo;
- (6) Conduct a bingo session at any time during the eight-hour period between 2:00 a.m. and 10:00 a.m., at any time during, or within ten (10) hours of, a bingo game conducted for amusement only pursuant to Ohio R.C. 2915.12, at any premises not specified on its license, or on any day of the week or during any time period not specified on its license. Subsection (c)(6) of this section does not prohibit the sale of instant bingo tickets beginning at 9:00 a.m. for a bingo session that begins at 10:00 a.m. If circumstances make it impractical for the charitable organization to conduct a bingo session at the premises, or on the day of the week or at the time, specified on its license or if a charitable organization wants to conduct bingo sessions on a day of the week or at a time other than the day or time specified on its license, the charitable organization may apply in writing to the Attorney

(12) Permit any person the charitable organization knows, or should have known, to be under eighteen (18) years of age to play bingo described in Section 517.01(b)(1).

(1) Except as otherwise provided in subsection (d)(3) hereof, no charitable organization shall provide to a bingo game operator, and no bingo game operator shall receive or accept, any commission, wage, salary, reward, tip, donation, gratuity, or other form of compensation, directly or indirectly, regardless of the source, for conducting bingo or providing other work or labor at the site of bingo during a bingo session.

(2) Except as otherwise provided in subsection (d)(3) of this section, no charitable organization shall provide to a bingo game operator any commission, wage, salary, reward, tip, donation, gratuity, or other form of compensation, directly or indirectly regardless of the source, for conducting instant bingo, electronic instant bingo, or both other than at a bingo session at the site of instant bingo, electronic instant bingo, or both other than at a bingo session.

(3) Nothing in subsection (d) hereof prohibits an employee of a fraternal organization, veteran's organization, or sporting organization from selling instant bingo tickets or cards to the organization's members or invited guests, as long as no portion of the employee's compensation is paid from any receipts of bingo.

(e) Notwithstanding subsection (b)(1) of this section, a charitable organization that, prior to December 6, 1977, has entered into written agreements for the lease of premises it owns to another charitable organization or other charitable organizations for the conducting of bingo sessions so that more than two (2) bingo sessions are conducted per calendar week on the premises, and a person that is not a charitable organization and that, prior to December 6, 1977, has entered into written agreements for the lease of premises it owns to charitable organizations for the conducting of more than two (2) bingo sessions per calendar week on the premises, may continue to lease the premises to those charitable organizations, provided that no more than four sessions are conducted per calendar week, that the lessor organization or person has notified the Attorney General in writing of the organizations that will conduct the sessions and the days of the week and the times of the day on which the sessions will be conducted, that the initial lease entered into with each organization that will conduct the sessions was filed with the Attorney General prior to December 6, 1977, and that each organization that will conduct the sessions was issued a license to conduct bingo games by the Attorney General prior to December 6, 1977.

(f) This section does not prohibit a bingo licensed charitable organization or a game operator from giving any person an instant bingo ticket as a prize.

(g) Except as otherwise provided in this subsection, whoever violates subsection (a)(1) or (2), (b)(1), (2), or (3), (c)(1) to (11) or (d) of this section is guilty of a minor misdemeanor. If the offender previously has been convicted of a violation of subsection (a)(1) or (2), (b)(1), (2) or (3), (c)(1) to (11), or (d) of this section, a violation of subsection (a)(1) or (2), (b)(1), (2) or (3) or (c)(1) to (11) or (d) of this section is a misdemeanor of the first degree. Whoever violates subsection (e)(12) of this section is guilty of a misdemeanor of the first degree. If the offender previously has been convicted of a violation of subsection (c)(12) of this section, a violation of subsection (e)(12) is a felony and shall be prosecuted under appropriate State law. (ORC 2915.09)

General for an amended license, pursuant to division (J) of Ohio R.C. 2915.08. A charitable organization may apply twice in each calendar year for an amended license to conduct bingo sessions on a day of the week or at a time other than the day or time specified on its license. If the amended license is granted, the organization may conduct bingo sessions at the premises, on the day of the week, and at the time specified on its amended license.

(7) Permit any person whom the charitable organization knows, or should have known, is under the age of eighteen (18) to work as a bingo game operator;

(8) Permit any person whom the charitable organization knows, or should have known, has been convicted of a felony or gambling offense in any jurisdiction to be a bingo game operator;

(9) Permit the lessor of the premises on which the bingo session is conducted, if the lessor is not a charitable organization, to provide the charitable organization with bingo game operators, security personnel, concessions, bingo supplies, or any other type of service;

(10) Purchase or lease bingo supplies from any person except a distributor issued a license under Ohio R.C. 2915.081;

(11) A. Use or permit the use of electronic bingo aids except under the following circumstances:

1. For any single participant, not more than ninety (90) bingo faces can be played using an electronic bingo aid or aids.

2. The charitable organization shall provide a participant using an electronic bingo aid with corresponding paper bingo cards or sheets.

3. The total price of bingo faces played with an electronic bingo aid shall be equal to the total price of the same number of bingo faces played with a paper bingo card or sheet sold at the same bingo session but without an electronic bingo aid.

4. An electronic bingo aid cannot be part of an electronic network other than a network that includes only bingo aids and devices that are located on the premises at which the bingo is being conducted or be interactive with any device not located on the premises at which the bingo is being conducted.

5. An electronic bingo aid cannot be used to participate in bingo that is conducted at a location other than the location at which the bingo session is conducted and at which the electronic bingo aid is used.

6. An electronic bingo aid cannot be used to provide for the input of numbers and letters announced by a bingo caller other than the bingo caller who physically calls the numbers and letters at the location at which the bingo session is conducted and at which the electronic bingo aid is used.

B. The Attorney General may adopt rules in accordance with Ohio R.C. Chapter 119 that govern the use of electronic bingo aids. The rules may include a requirement that an electronic bingo aid be capable of being audited by the Attorney General to verify the number of bingo cards or sheets played during each bingo session.

517.07 INSTANT BINGO CONDUCT.

- (a) No charitable organization that conducts instant bingo shall do any of the following:
- (1) Fail to comply with the requirements of divisions (A)(1), (2), and (3) of Ohio R.C. 2915.09;
 - (2) Conduct instant bingo unless either of the following applies:
 - A. That organization is, and has received from the Internal Revenue Service a determination letter that is currently in effect stating that the organization is, exempt from federal income taxation under subsection 501(a), is described in subsection 501(c)(3) of the Internal Revenue Code, is a charitable organization as defined in Section 517.01, is in good standing in the State pursuant to Ohio R.C. 2915.08, and is in compliance with Ohio R.C. Chapter 1716;
 - B. That organization is, and has received from the Internal Revenue Service a determination letter that is currently in effect stating that the organization is, exempt from federal income taxation under subsection 501(a), is described in subsection 501(c)(8), 501(c)(10), or 501(c)(19) or is a veteran's organization described in subsection 501(c)(4) of the Internal Revenue Code, and conducts instant bingo under Section 517.14.
 - (3) Conduct instant bingo on any day, at any time, or at any premises not specified on the organization's license issued pursuant to Ohio R.C. 2915.08;
 - (4) Permit any person whom the organization knows or should have known has been convicted of a felony or gambling offense in any jurisdiction to be a bingo game operator in the conduct of instant bingo;
 - (5) Purchase or lease supplies used to conduct instant bingo or punch board games from any person except a distributor licensed under Ohio R.C. 2915.081;
 - (6) Sell or provide any instant bingo ticket or card for a price different from the price printed on it by the manufacturer on either the instant bingo ticket or card or on the game flare;
 - (7) Sell an instant bingo ticket or card to a person under eighteen (18) years of age;
 - (8) Fail to keep unsold instant bingo tickets or cards for less than three (3) years;
 - (9) Pay any compensation to a bingo game operator for conducting instant bingo that is conducted by the organization or for preparing, selling, or serving food or beverages at the site of the instant bingo game, permit any auxiliary unit or society of the organization to pay compensation to any bingo game operator who prepares, sells, or serves food or beverages at an instant bingo game conducted by the organization, or permit any auxiliary unit or society of the organization to prepare, sell, or serve food or beverages at an instant bingo game conducted by the organization, if the auxiliary unit or society pays any compensation to the bingo game operators who prepare, sell, or serve the food or beverages;
 - (10) Pay fees to any person for any services performed in relation to an instant bingo game, except as provided in Section 517.09(d);
 - (11) Pay fees to any person who provides refreshments to the participants in an instant bingo game;
 - (12) A. Allow instant bingo tickets or cards to be sold to bingo game operators at a premises at which the organization sells instant bingo tickets or cards or to be sold to employees of a D permit holder who are working at a premises at which instant bingo tickets or cards are sold;

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- B. Subsection (a)(12)A. of this section does not prohibit a licensed charitable organization or a bingo game operator from giving any person an instant bingo ticket as a prize in place of a cash prize won by a participant in an instant bingo game. In no case shall an instant bingo ticket or card be sold or provided for a price different from the price printed on it by the manufacturer on either the instant bingo ticket or card or on the game flare.
- (13) Fail to display its bingo license, and the serial numbers of the deal of instant bingo tickets or cards to be sold, conspicuously at each premises at which it sells instant bingo tickets or cards;
- (14) Possess a deal of instant bingo tickets or cards that was not purchased from a distributor licensed under Ohio R.C. 2915.081 as reflected on an invoice issued by the distributor that contains all of the information required by Section 517.11(f);
- (15) Fail, once it opens a deal of instant bingo tickets or cards, to continue to sell the tickets or cards in that deal until the tickets or cards with the top two (2) highest tiers of prizes in that deal are sold;
- (16) Possess bingo supplies that were not obtained in accordance with Ohio R.C. 2915.01 to 2915.13.

(b) A charitable organization may purchase, lease, or use instant bingo ticket dispensers to sell instant bingo tickets or cards.

(c) Whoever violates subsection (a) of this section or a rule adopted under Ohio R.C. 2915.091(C) is guilty of illegal instant bingo conduct. Except as otherwise provided in this subsection, illegal instant bingo conduct is a misdemeanor of the first degree. If the offender previously has been convicted of a violation of subsection (a) of this section or of such a rule, illegal instant bingo conduct is a felony and shall be prosecuted under appropriate State law. (ORC 2915.091)

517.08 RAFFLES.

- (a) (1) Subject to subsection (a)(2) of this section, a person or entity that is exempt from federal income taxation under IRC 501(a) and is described in IRC 501(c)(3), 501(c)(4), 501(c)(6), 501(c)(7), 501(c)(8), 501(c)(10), or 501(c)(19) may conduct a raffle to raise money for the person or entity and does not need a license to conduct bingo in order to conduct a raffle drawing that is not for profit.
- (2) If a person or entity that is described in subsection (a)(1) of this section, but that is not also described in IRC 501(c)(3), conducts a raffle, the person or entity shall distribute at least fifty percent (50%) of the net profit from the raffle to a charitable purpose described in Section 517.01(i) or to a department or agency of the federal government, the state, or any political subdivision.
- (b) Except as provided in subsection (a) of this section, no person shall conduct a raffle drawing that is for profit or a raffle drawing that is not for profit.
- (c) Whoever violates subsection (b) of this section is guilty of illegal conduct of a raffle. Except as otherwise provided in this subsection, illegal conduct of a raffle is a misdemeanor of the first degree. If the offender previously has been convicted of a violation of subsection (b) of this section, illegal conduct of a raffle is a felony and shall be prosecuted under appropriate State law. (ORC 2915.092)

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517.09 CHARITABLE INSTANT BINGO ORGANIZATIONS.

(a) As used in this section, "retail income from all commercial activity" means the income that a person receives from the provision of goods, services, or activities that are provided at the location where instant bingo other than at a bingo session is conducted, including the sale of instant bingo tickets. A religious organization that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code, at not more than one location at which it conducts its charitable programs, may include donations from its members and guests as retail income.

- (b) (1) If a charitable instant bingo organization conducts instant bingo other than at a bingo session under a type III license issued under Ohio R.C. 2915.08, the charitable instant bingo organization shall enter into a written contract with the owner or lessor of the location at which the instant bingo is conducted to allow the owner or lessor to assist in the conduct of instant bingo other than at a bingo session, identify each location where the instant bingo other than at a bingo session is being conducted, and identify the owner or lessor of each location.
- (2) A charitable instant bingo organization that conducts instant bingo other than at a bingo session under a type III license issued under Ohio R.C. 2915.08 is not required to enter into a written contract with the owner or lessor of the location at which the instant bingo is conducted provided that the owner or lessor is not assisting in the conduct of the instant bingo other than at a bingo session and provided that the conduct of the instant bingo other than at a bingo session at that location is not more than five (5) days per calendar year and not more than ten (10) hours per day.

(c) Except as provided in subsection (f) of this section, no charitable instant bingo organization shall conduct instant bingo other than at a bingo session at a location where the primary source of retail income from all commercial activity at that location is the sale of instant bingo tickets.

(d) The owner or lessor of a location that enters into a contract pursuant to subsection (b) of this section shall pay the full gross profit to the charitable instant bingo organization, in return for the deal of instant bingo tickets. The owner or lessor may retain the money that the owner or lessor receives for selling the instant bingo tickets, provided, however, that after the deal has been sold, the owner or lessor shall pay to the charitable instant bingo organization the value of any unredeemed instant bingo prizes remaining in the deal of instant bingo tickets.

The charitable instant bingo organization shall pay six per cent of the total gross receipts of any deal of instant bingo tickets for the purpose of reimbursing the owner or lessor for expenses described in this subsection.

As used in this subsection, "expenses" means those items provided for in subsections (r)(4), (5), (6), (7), (8), (12) and (13) of Section 517.01 and that percentage of the owner's or lessor's rent for the location where instant bingo is conducted. "Expenses" in the aggregate, shall not exceed six percent (6%) of the total gross receipts of any deal of instant bingo tickets.

As used in this subsection, "full gross profit" means the amount by which the total receipts of all instant bingo tickets, if the deal had been sold in full, exceeds the amount that would be paid out if all prizes were redeemed.

(e) A charitable instant bingo organization shall provide the Attorney General with all of the following information:

- (1) That the charitable instant bingo organization has terminated a contract entered into pursuant to subsection (b) of this section with an owner or lessor of a location;
- (2) That the charitable instant bingo organization has entered into a written contract pursuant to subsection (b) of this section with a new owner or lessor of a location;
- (3) That the charitable instant bingo organization is aware of conduct by the owner or lessor of a location at which instant bingo is conducted that is in violation of this chapter or Ohio R.C. Chapter 2915.
- (f) Subsection (c) of this section does not apply to a volunteer firefighter's organization that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code, that conducts instant bingo other than at a bingo session on the premises where the organization conducts firefighter training, that has conducted instant bingo continuously for at least five years prior to July 1, 2003, and that, during each of those five years, had gross receipts of at least one million five hundred thousand dollars. (ORC 2915.093)

517.10 LOCATION OF INSTANT BINGO.

(a) No owner or lessor of a location shall assist a charitable instant bingo organization in the conduct of instant bingo other than at a bingo session at that location unless the owner or lessor has entered into a written contract, as described in Section 517.09, with the charitable instant bingo organization to assist in the conduct of instant bingo other than at a bingo session.

(b) The location of the lessor or owner shall be designated as a location where the charitable instant bingo organization conducts instant bingo other than at a bingo session.

(c) No owner or lessor of a location that enters into a written contract as prescribed in subsection (a) of this section shall violate any provision of Ohio R.C. Chapter 2915, or permit, aid, or abet any other person in violating any provision of Ohio R.C. Chapter 2915.

(d) No owner or lessor of a location that enters into a written contract as prescribed in subsection (a) of this section shall violate the terms of the contract.

(1) Whoever violates subsection (c) or (d) of this section is guilty of illegal instant bingo conduct. Except as otherwise provided in this subsection, illegal instant bingo conduct is a misdemeanor of the first degree. If the offender previously has been convicted of a violation of subsection (c) or (d) of this section, illegal instant bingo conduct is a felony and shall be prosecuted under appropriate State law.

(2) If an owner or lessor of a location knowingly, intentionally, or recklessly violates subsection (c) or (d) of this section, any license that the owner or lessor holds for the retail sale of any goods on the owner's or lessor's premises that is issued by the State or a political subdivision is subject to suspension, revocation, or payment of a monetary penalty at the request of the Attorney General. (ORC 2915.094)

517.11 BINGO OR GAME OF CHANCE RECORDS.

(a) No charitable organization that conducts bingo or a game of chance pursuant to Section 517.02(d), shall fail to maintain the following records for at least three years from the date on which the bingo or game of chance is conducted:

- (1) An itemized list of the gross receipts of each bingo session, each game of instant bingo by serial number, each electronic instant bingo game by serial number, each raffle, each punch board game, and each game of chance, and an itemized list of the gross profits of each game of instant bingo by serial number and each electronic instant bingo game by serial number;
 - (2) An itemized list of all expenses, other than prizes, that are incurred in conducting bingo, the name of each person to whom the expenses are paid, and a receipt for all of the expenses;
 - (3) A list of all prizes awarded during each bingo session, each raffle, each punch board game, and each game of chance conducted by the charitable organization, the total prizes awarded from each game of instant bingo by serial number and each electronic instant bingo game by serial number, and the name, address, and social security number of all persons who are winners of prizes of six hundred dollars (\$600.00) or more in value;
 - (4) An itemized list of the recipients of the net profit of the bingo or game of chance, including the name and address of each recipient to whom the money is distributed, and if the organization uses the net profit of bingo, or the money or assets received from a game of chance, for any charitable or other purpose set forth in Section 517.01(j), Section 517.07(d), or Ohio R.C. 2915.101, a list of each purpose and an itemized list of each expenditure for each purpose;
 - (5) The number of persons who participate in any bingo session or game of chance that is conducted by the charitable organization;
 - (6) A list of receipts from the sale of food and beverages by the charitable organization or one of its auxiliary units or societies, if the receipts were excluded from "gross receipts" Section 517.01(aa);
 - (7) An itemized list of all expenses incurred at each bingo session, each raffle, each punch board game, or each game of instant bingo or electronic instant bingo conducted by the charitable organization in the sale of food and beverages by the charitable organization or by an auxiliary unit or society of the charitable organization, the name of each person to whom the expenses are paid, and a receipt for all of the expenses.
- (b) A charitable organization shall keep the records that it is required to maintain pursuant to subsection (a) of this section at its principal place of business in this State or at its headquarters in this State and shall notify the Attorney General of the location at which those records are kept.

(c) The gross profit from each bingo session or game described in Section 517.01(b)(1) or (2) shall be deposited into a checking account devoted exclusively to the bingo session or game. Payments for allowable expenses incurred in conducting the bingo session or game and payments to recipients of some or all of the net profit of the bingo session or game shall be made only by checks or electronic fund transfers drawn on the bingo session or game account.

(d) Each charitable organization shall conduct and record an inventory of all of its bingo supplies as of the first day of November of each year.

(e) The Attorney General may adopt rules in accordance with Ohio R.C. Chapter 119 that establish standards of accounting, record keeping, and reporting to ensure that gross receipts from bingo or games of chance are properly accounted for.

(f) A distributor shall maintain, for a period of three (3) years after the date of its sale or other provision, a record of each instance of its selling or otherwise providing to another person bingo supplies for use in this State. The record shall include all of the following for each instance:

- (1) The name of the manufacturer from which the distributor purchased the bingo supplies and the date of the purchase;
- (2) The name and address of the charitable organization or other distributor to which the bingo supplies were sold or otherwise provided;
- (3) A description that clearly identifies the bingo supplies;
- (4) Invoices that include the nonrepeating serial numbers of all paper bingo cards and sheets and all instant bingo deals sold or otherwise provided to each charitable organization.

(g) A manufacturer shall maintain, for a period of three (3) years after the date of its sale or other provision, a record of each instance of its selling or otherwise providing bingo supplies for use in this State. The record shall include all of the following for each instance:

- (1) The name and address of the distributor to whom the bingo supplies were sold or otherwise provided;
- (2) A description that clearly identifies the bingo supplies, including serial numbers;
- (3) Invoices that include the nonrepeating serial numbers of all paper bingo cards and sheets and all instant bingo deals sold or otherwise provided to each distributor.

(h) (1) The Attorney General, or any law enforcement agency, may do all of the following:

- A. Investigate any charitable organization, distributor, or manufacturer or any officer, agent, trustee, member, or employee of the organization, distributor, or manufacturer;
- B. Examine the accounts and records of the charitable organization, distributor, or manufacturer or of any officer, agent, trustee, member, or employee of the organization, distributor, or manufacturer;
- C. Conduct inspections, audits, and observations of bingo or games of chance;
- D. Conduct inspections of the premises where bingo or games of chance are conducted or where bingo supplies are manufactured or distributed;
- E. Take any other necessary and reasonable action to determine if a violation of any provision of this chapter or Ohio R.C. Chapter 2915 has occurred and to determine whether Section 517.12 has been complied with.

(2) If any law enforcement agency has reasonable grounds to believe that a charitable organization, distributor, or manufacturer of amusement only if there is reason to believe that the purported amusement bingo game does not comply with subsection (a) hereof. A local law enforcement agency may proceed by action in the proper court to enforce this section if the local law enforcement agency gives written notice to the Attorney General when commencing the action. (ORC 2915.12)

(i) No person shall destroy, alter, conceal, withhold, or deny access to any accounts or records of a charitable organization, distributor, or manufacturer that have been requested for examination, or obstruct, impede, or interfere with any inspection, audit, or observation of bingo or a game of chance, of premises where bingo or a game of chance is conducted, or of premises where bingo supplies are manufactured or distributed, or refuse to comply with any reasonable request of, or obstruct, impede, or interfere with any other reasonable action undertaken by, the Attorney General or a law enforcement agency pursuant to subsection (b) hereof.

(j) Whoever violates subsection (a) or (i) of this section is guilty of a misdemeanor of the first degree. (ORC 2915.10)

517.12 BINGO OPERATOR PROHIBITIONS.

(a) No person shall be a bingo game operator unless he is eighteen (18) years of age or older.

(b) No person who has been convicted of a felony or a gambling offense in any jurisdiction shall be a bingo game operator.

(c) Whoever violates subsection (a) hereof is guilty of a misdemeanor of the third degree.

(d) Whoever violates subsection (b) hereof is guilty of a misdemeanor of the first degree. (ORC 2915.11)

517.13 BINGO EXCEPTIONS.

(a) Ohio R.C. 2915.07 to 2915.11 and 2915.14 or Section 517.06 et seq. of this chapter do not apply to bingo games that are conducted for the purpose of amusement only. A bingo game is conducted for the purpose of amusement only if it complies with all of the requirements specified in either subsection (a)(1) or (2) hereof:

(1) A. The participants do not pay any money or any other thing of value including an admission fee, or any fee for bingo cards, sheets, objects to cover the spaces or other devices used in playing bingo, for the privilege of participating in the bingo game or to defray any costs of the game, or pay tips or make donations during or immediately before or after the bingo game.
 B. All prizes awarded during the course of the game are nonmonetary, and in the form of merchandise, goods or entitlements to goods or services only, and the total value of all prizes awarded during the game is less than one hundred dollars (\$100.00).

C. No commission, wages, salary, reward, tip, donation, gratuity or other form of compensation, either directly or indirectly, and regardless of the source, is paid to any bingo game operator for work or labor performed at the site of the bingo game.

D. The bingo game is not conducted either during or within ten (10) hours of any of the following:
 1. A bingo session during which a charitable bingo game is conducted pursuant to Ohio R.C. 2915.07 to 2915.11 or Section 517.06 et seq. of this chapter;
 2. A scheme or game of chance or bingo described in Section 517.01(b)(2).

E. The number of players participating in the bingo game does not exceed fifty (50).

(2) A. The participants do not pay money or any other thing of value as an admission fee, and no participant is charged more than twenty-five cents (25¢) to purchase a bingo card or sheet, objects to cover the spaces or other devices used in playing bingo.

B. The total amount of money paid by all of the participants for bingo cards or sheets, objects to cover the spaces or other devices used in playing bingo does not exceed one hundred dollars (\$100.00).

C. All of the money paid for bingo cards or sheets, objects to cover spaces or other devices used in playing bingo is used only to pay winners monetary and nonmonetary prizes and to provide refreshments.

D. The total value of all prizes awarded during the game does not exceed one hundred dollars (\$100.00).

E. No commission, wages, salary, reward, tip, donation, gratuity or other form of compensation, either directly or indirectly, and regardless of the source, is paid to any bingo game operator for work or labor performed at the site of the bingo game.

F. The bingo game is not conducted during or within ten (10) hours of either of the following:
 1. A bingo session during which a charitable bingo game is conducted pursuant to Ohio R.C. 2915.07 to 2915.15 or Section 517.06 et seq. of this chapter;
 2. A scheme of chance or game of chance or bingo described in Section 517.01(b)(2).

G. All of the participants reside at the premises where the bingo game is conducted.

H. The bingo games are conducted on different days of the week and not more than twice in a calendar week.

517.14 INSTANT BINGO CONDUCT BY A VETERAN'S OR FRATERNAL ORGANIZATION.

(a) Subject to the requirements of Ohio R.C. 2915.14 and 2915.15 concerning electronic instant bingo, a veteran's organization, a fraternal organization, or a sporting organization authorized to conduct a bingo session pursuant to Ohio R.C. Chapter 2915 may conduct instant bingo, electronic instant bingo, or both other than at a bingo session under a type III license issued under Ohio R.C. 2915.08 if all of the following apply:

- (1) The veteran's organization, fraternal organization, or sporting organization limits the sale of instant bingo or electronic instant bingo to twelve (12) hours during any day, provided that the sale does not begin earlier than 10:00 a.m. and ends not later than 2:00 a.m.
- (2) The veteran's organization, fraternal organization, or sporting organization limits the sale of instant bingo or electronic instant bingo to its own premises and to its own members and invited guests.
- (3) The veteran's organization, fraternal organization, or sporting organization is raising money for an organization that is described in IRC 509(a)(1), (a)(2), or (a)(3) and is either a governmental unit or an organization that maintains its principal place of business in this state, that is exempt from federal income taxation under IRC 501(a) and described in IRC 501(c)(3), and that is in good standing in this state and executes a written contract with that organization as required in subsection (b) hereof.

(b) If a veteran's organization, fraternal organization, or sporting organization authorized to conduct instant bingo or electronic instant bingo pursuant to subsection (a) hereof is raising money for another organization that is described in IRC 509(a)(1), (a)(2), or (a)(3) and is either a governmental unit or an organization that maintains its principal place of business in this state, that is exempt from federal income taxation under IRC 501(a) and described in IRC 501(c), and that is in good standing in this state, the veteran's organization, fraternal organization, or sporting organization shall execute a written contract with the organization that is described in IRC 509(a)(1), (a)(2), or (a)(3) and is either a governmental unit or an organization that maintains its principal place of business in this state, that is exempt from federal income taxation under IRC 501(a) and described in IRC 501(c), and that is in good standing in this state in order to conduct instant bingo or electronic instant bingo. That contract shall include a statement of the percentage of the net proceeds that the veteran is, fraternal, or sporting organization will be distributing to the organization that is described in IRC 509(a)(1), (a)(2), or (a)(3) and is either a governmental unit or an organization that maintains its principal place of business in this state, that is exempt from federal income taxation under IRC 501(a) and described in IRC 501(c)(3), and that is in good standing in this state.

(c) (1) If a veteran's organization, fraternal organization, or sporting organization authorized to conduct instant bingo or electronic instant bingo pursuant to subsection (b) hereof has been issued a liquor permit under Ohio R.C. Chapter 4303, that permit may be subject to suspension, revocation, or cancellation if the veteran's organization, fraternal organization, or sporting organization violates a provision of this chapter or Ohio R.C. Chapter 2915.

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(2) No veteran's organization, fraternal organization, or sporting organization that enters into a written contract pursuant to subsection (b) hereof shall violate any provision of this chapter or Ohio R.C. Chapter 2915, or permit, aid, or abet any other person in violating any provision of this chapter or Ohio R.C. Chapter 2915.

(d) A veteran's organization, fraternal organization, or sporting organization shall give all required proceeds earned from the conduct of instant bingo or electronic instant bingo to the organization with which the veteran's organization, fraternal organization, or sporting organization has entered into a written contract.

(e) Whoever violates this section is guilty of illegal instant bingo or electronic instant bingo conduct. Except as otherwise provided in this division, illegal instant bingo or electronic instant bingo conduct is a misdemeanor of the first degree. If the offender previously has been convicted of a violation of this section, illegal instant bingo or electronic instant bingo conduct is a felony to be prosecuted under appropriate state law. (ORC 2915.13)

517.15 SKILL-BASED AMUSEMENT MACHINES.

(a) (1) No person shall give to another person any item described in Section 517.01(ff)(1), (2), (3), or (4) in exchange for a noncash prize, toy, or novelty received as a reward for playing or operating a skill-based amusement machine or for a free or reduced-prize game won on a skill-based amusement machine.

(2) Whoever violates subsection (a)(1) of this section is guilty of skill-based amusement machine prohibited conduct. Except as provided herein, a violation of subsection (a)(1) is a misdemeanor of the first degree for each redemption of a prize that is involved in the violation. If the offender previously has been convicted of a violation of subsection (a)(1), a violation of subsection (a)(1) is a felony and shall be prosecuted under appropriate State law. (ORC 2915.06)

(b) Any regulation of skill-based amusement machines shall be governed by this chapter and Ohio R.C. Chapter 2915 and not by Ohio R.C. Chapter 1345. (ORC 2915.061)

517.16 ELECTRONIC INSTANT BINGO; PROHIBITED CONDUCT.

(a) No charitable organization shall conduct electronic instant bingo unless all of the following are true:

- (1) The organization is a veteran's organization described in Ohio R.C. 2915.01(J), or is a fraternal organization described in Ohio R.C. 2915.01(L), and the organization qualified as a veteran's organization or fraternal organization, as applicable, on or before June 30, 2021.
- (2) The organization is a veteran's organization described in IRC 501(c)(4) or is, and has received from the Internal Revenue Service a determination letter that is currently in effect stating that the organization is, exempt from federal income taxation under IRC 501(a), and is described in IRC 501(c)(7), 501(c)(8), 501(c)(10), or 501(c)(19).

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- (13) Pay consulting fees to any person in relation to electronic instant bingo.
- (c) No person shall sell, offer to sell, or otherwise provide or offer to provide an electronic instant bingo system to any person for use in this municipality unless the electronic instant bingo system has been approved under Ohio R.C. 2915.15.
- (d) Whoever knowingly violates subsection (a), (b) or (c) hereof or a rule adopted under Ohio R.C. 2915.14(D) is guilty of illegal electronic instant bingo conduct. Illegal electronic instant bingo conduct is a misdemeanor of the first degree, except that if the offender previously has been convicted of a violation of subsection (a) or (b) hereof, or any substantially equivalent municipal ordinance or state law, or of a rule adopted under Ohio R.C. 2915.14(D), illegal instant bingo conduct is a felony to be prosecuted under appropriate state law. (ORC 2915.14)

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

- (3) The organization has not conducted a raffle in violation of Ohio R.C. 2915.092(B) using an electronic raffle machine, as described in Ohio Veterans and Fraternal Charitable Coalition v. DeWine, Case No. 13-CV-13610 (C.P. Franklin Co. February 23, 2018), at any time on or after January 1, 2022.
- (b) No charitable organization that conducts electronic instant bingo shall do any of the following:
 - (1) Possess an electronic instant bingo system that was not obtained in accordance with Ohio R.C. Chapter 2915 or with any rule adopted under Ohio R.C. Chapter 2915;
 - (2) Conduct electronic instant bingo on any day, at any time, or on any premises not specified on the organization's type II or type III license issued under Ohio R.C. 2915.08;
 - (3) Hold more than one valid license to conduct electronic instant bingo at any one time;
 - (4) Conduct electronic instant bingo on more than one premises or on any premises other than the charitable organization's principal place of business;
 - (5) Operate more than ten electronic bingo systems at the premises on which the charitable organization conducts electronic instant bingo under its license;
 - (6) Fail to display both of the following conspicuously at the premises on which the charitable organization conducts electronic instant bingo:
 - A. The charitable organization's bingo license;
 - B. The serial number of each deal of electronic instant bingo tickets being sold.
 - (7) Permit any person the charitable organization knows, or should have known, to be under eighteen (18) years of age to play electronic instant bingo;
 - (8) Sell or provide to any person an electronic instant bingo ticket for a price different from the price displayed on the game flare for that deal, except that the charitable organization may give a participant who wins an electronic instant bingo game an electronic instant bingo ticket as a prize in place of a cash prize;
 - (9) Fail, once an electronic instant bingo deal is begun, to continue to sell tickets in that deal until all prizes have been awarded;
 - (10) Permit any person whom the organization knows, or should have known, has been convicted of a felony or gambling offense in any jurisdiction to be a bingo game operator in the conduct of electronic instant bingo;
 - (11) Permit a bingo game operator to play electronic instant bingo;
 - (12)
 - A. Except as otherwise provided in subsection (b)(12)B, hereof, pay compensation to a bingo game operator for conducting electronic instant bingo.
 - B. Subsection (b)(12)A, hereof does not prohibit an employee of a veteran's organization or fraternal organization from redeeming electronic instant bingo tickets or vouchers for the organization's members or invited guests, so long as no portion of the employee's compensation is paid from any bingo receipts.

CHAPTER 529
Liquor Control

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

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) "Club". A corporation or association of individuals organized in good faith for social, recreational, benevolent, charitable, fraternal, political, patriotic, or athletic purposes, which is the owner, lessor, or occupant of a permanent building or part of a permanent building operated solely for such purposes, membership in which entails the prepayment of regular dues, and includes the place so operated.

(f) "Community Facility". Means either of the following:

- (1) Any convention, sports or entertainment facility or complex, or any combination of these, that is used by or accessible to the general public and that is owned or operated in whole or in part by the state, a state agency, or a political subdivision of the state or that is leased from, or located on property owned by or leased from, the state, a state agency, a political subdivision of the state, or a convention facilities authority created pursuant to Ohio R.C. 351.02;
- (2) An area designated as a community entertainment district pursuant to Ohio R.C. 4301.80.
- (g) "Controlled Access Alcohol and Beverage Cabinet". A closed container, either refrigerated, in whole or in part, or nonrefrigerated, access to the interior of which is restricted by means of a device that requires the use of a key, magnetic card, or similar device and from which beer, intoxicating liquor, other beverages or food may be sold.
- (h) "Hotel". The same meaning as in Ohio R.C. 3731.01, subject to the exceptions mentioned in Ohio R.C. 3731.03.
- (i) "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.
- (j) "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.
- (k) "Manufacture". All processes by which beer or intoxicating liquor is produced, whether by distillation, rectifying, fortifying, blending, fermentation, brewing, or in any other manner.
- (l) "Manufacturer". Any person engaged in the business of manufacturing beer or intoxicating liquor.
- (m) "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.
- (n) "Nightclub". A place habitually operated for profit, where food is served for consumption on the premises, and one or more forms of amusement are provided or permitted for a consideration that may be in the form of a cover charge or may be included in the price of the food and beverages, or both, purchased by patrons.
- (o) "Person". Includes firms and corporations.
- (p) "Pharmacy". An establishment as defined in Ohio R.C. 4729.01, that is under the management or control of a licensed pharmacist in accordance with Ohio R.C. 4729.27.

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.

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(4) "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.

(5) The instructions include releasing the contents of the capsule through a machine specifically designed to process the contents.

(f) "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.

(g) "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 or 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.

(h) "Sales Area or Territory". An exclusive geographic area or territory that is assigned to a particular A or B permit holder and that either has one or more political subdivisions as its boundaries or consists of an area of land with readily identifiable geographic boundaries. The term does not include, however, any particular retail location in an exclusive geographic area or territory that had been assigned to another A or B permit holder before April 9, 2001.

(i) "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.

(j) "Spirituosus 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.

(k) "Vehicle". All means of transportation by land, by water, or by air, and everything made use of in any way for such transportation.

(l) "Wholesale Distributor" and "Distributor". A person engaged in the business of selling to retail dealers for purposes of resale.

(m) "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, that is made from the fermented juices of grapes, fruits, or other agricultural products. The term includes cider, except as used in Ohio R.C. 4301.13, 4301.421, 4301.422, 4301.432, and 4301.44, and, for purposes of determining the rate of the tax that applies, Ohio R.C. 4301.43(B), the term does not include cider. (ORC 4301.01, 4301.244)

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

529.07 OPEN CONTAINER PROHIBITED.

- (a) As used in this section:
- (1) "Chauffeured limousine" means a vehicle registered under Ohio R.C. 4503.24.
 - (2) "Street," "highway" and "motor vehicle" have the same meanings as in Ohio R.C. 4511.01.
- (b) No person shall have in the person's possession an opened container of beer or intoxicating liquor in any of the following circumstances:
- (1) In a State liquor store;
 - (2) Except as provided in subsection (c) or (i) hereof, on the premises of the holder of any permit issued by the Division of Liquor Control;
 - (3) In any other public place;
 - (4) Except as provided in subsection (d) or (e) hereof, while operating or being a passenger in or on a motor vehicle on any street, highway or other public or private property open to the public for purposes of vehicular travel or parking;
 - (5) Except as provided in subsection (d) or (e) hereof, while being in or on a stationary motor vehicle on any street, highway or other public or private property open to the public for purposes of vehicular travel or parking.
- (c) (1) A person may have in the person's possession an opened container of any of the following:
- A. Beer or intoxicating liquor that has been lawfully purchased for consumption on the premises where bought from the holder of an A-1-A, A-2, A-2(f), A-3a, D-1, D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, D-7, D-8, E, F, F-2, F-5, F-7 or F-8 permit;
 - B. Beer, wine, or mixed beverages served for consumption on the premises by the holder of an F-3 permit, wine served as a tasting sample by an A-2, S-1, or S-2 permit holder for consumption on the premises of a farmers market for which an F-10 permit has been issued, or wine served for consumption on the premises by the holder of an F-4 or F-6 permit;
 - C. Beer or intoxicating liquor consumed on the premises of a convention facility as provided in Ohio R.C. 4303.201;
 - D. Beer or intoxicating liquor to be consumed during tastings and samplings approved by rule of the Liquor Control Commission.
 - E. Spirituous liquor to be consumed for purposes of a tasting sample, as defined in Ohio R.C. 4301.171.

- (2) A person may have in the person's possession on an F liquor permit premises an opened container of beer or intoxicating liquor that was not purchased from the holder of the F permit if the premises for which the F permit is issued is a music festival and the holder of the F permit grants permission for that possession on the premises during the period for which the F permit is issued. As used in this section, "music festival" means a series of outdoor live musical performances, extending for a period of at least three consecutive days and located on an area of land of at least forty acres.
 - A. A person may have in the person's possession on a D-2 liquor permit premises an opened or unopened container of wine that was not purchased from the holder of the D-2 permit if the premises for which the D-2 permit is issued is an outdoor performing arts center, the person is attending an orchestral performance, and the holder of the D-2 permit grants permission for the possession and consumption of wine in certain pre-designated areas of the premises during the period for which the D-2 permit is issued.
 - B. As used in subsection (c)(3)A. of this section:
 1. "Orchestral performance" means a concert comprised of a group of not fewer than forty musicians playing various musical instruments.
 2. "Outdoor performing arts center" means an outdoor performing arts center that is located on not less than one hundred fifty acres of land and that is open for performances from the first day of April to the last day of October of each year.
- (4) A person may have in the person's possession an opened or unopened container of beer or intoxicating liquor at an outdoor location at which the person is attending an orchestral performance as defined in subsection (c)(3)B.1. hereof if the person with supervision and control over the performance grants permission for the possession and consumption of beer or intoxicating liquor in certain pre-designated areas of that outdoor location.
 - A. A person may have in the person's possession on an F-9 liquor permit premises an opened or unopened container of beer or intoxicating liquor that was not purchased from the holder of the F-9 permit if the person is attending either of the following:
 - A. An orchestral performance and the F-9 permit holder grants permission for the possession and consumption of beer or intoxicating liquor in certain pre-designated areas of the premises during the period for which the F-9 permit is issued;
 - B. An outdoor performing arts event or orchestral performance that is free of charge and the F-9 permit holder annually hosts not less than twenty-five other events or performances that are free of charge on the permit premises.
- (5) As used in subsection (c)(5) hereof, "orchestral performance" has the same meaning as in subsection (c)(3)B. of this section.
 - A. A person may have in the person's possession on the property of an outdoor motorsports facility an opened or unopened container of beer or intoxicating liquor that was not purchased from the owner of the facility if both of the following apply:
 1. The person is attending a racing event at the facility; and
- (6)
 - A. A person may have in the person's possession on the property of an outdoor motorsports facility an opened or unopened container of beer or intoxicating liquor that was not purchased from the owner of the facility if both of the following apply:
 1. The person is attending a racing event at the facility; and

- (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) 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) This section does not apply to a person that has in the person's possession an opened container of homemade beer or wine that is served in accordance with Ohio R.C. 4301.201(E). (ORC 4301.62)

(j) 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.
 - (1) 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-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 537
Offenses Against Persons

- 537.01 Negligent homicide.
537.02 Vehicular homicide and manslaughter.
537.021 Vehicular assault in a construction zone.
537.03 Assault.
537.04 Negligent assault.
537.05 Aggravated menacing.
537.051 Menacing by stalking.
537.06 Menacing.
537.07 Endangering children.
537.08 Unlawful restraint.
537.09 Coercion.
537.10 Telecommunication harassment.
537.11 Threatening or harassing telephone calls.
- 537.12 Misuse of 9-1-1 system.
537.13 Adulterating or furnishing adulterated food or confection.
537.14 Domestic violence.
537.15 Temporary protection order.
537.16 Illegal distribution of cigarettes, other tobacco products, or alternate nicotine products; transaction scans.
537.17 Reserved.
537.18 Contributing to unruliness or delinquency of a child.
537.19 Hazing prohibited.
537.99 Penalty.

CROSS REFERENCES

- See sectional histories for similar State law
Physical harm to persons defined - see GEN. OFF.
501.01 (c), (e)
Fighting; provoking violent response - see GEN. OFF. 509.03

537.01 NEGLIGENT HOMICIDE.

- (a) No person shall negligently cause the death of another or the unlawful termination of another's pregnancy by means of a deadly weapon or dangerous ordnance as defined in Section 549.01.
- (b) Whoever violates this section is guilty of negligent homicide, a misdemeanor of the first degree. (ORC 2903.05)

537.02 VEHICULAR HOMICIDE AND MANSLAUGHTER.

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

- B. 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, provided that this subsection applies only if the person whose death is caused or whose pregnancy is unlawfully terminated is in the construction zone at the time of the offender's commission of the speeding offense in the construction zone and does not apply as described in subsection (d) of this section.
- (2) As the proximate result of committing a violation of any provision of any section contained in Title XLV of the Ohio Revised Code that is a minor misdemeanor or of a municipal ordinance that, regardless of the penalty set by ordinance for the violation, is substantially equivalent to any provision of any section contained in Title XLV of the Ohio Revised Code that is a minor misdemeanor.
- (b) (1) Whoever violates subsection (a)(1) of this section is guilty of vehicular homicide. Except as otherwise provided in this subsection, vehicular homicide is a misdemeanor of the first degree. Vehicular homicide is a felony and shall be prosecuted under appropriate State law if, at the time of the offense, the offender was driving under a suspension or cancellation imposed 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 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. The court shall impose a mandatory jail term on the offender when required by Ohio R.C. 2903.06(E).
- (2) Whoever violates subsection (a)(2) of this section is guilty of vehicular manslaughter. Except as otherwise provided in this subsection, vehicular manslaughter is a misdemeanor of the second degree. Vehicular manslaughter is a misdemeanor of the first degree if, at the time of the offense, the offender was driving under a suspension or cancellation imposed under 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 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.

- (c) The court shall impose a mandatory jail term of at least fifteen days on an offender who is convicted of or pleads guilty to a violation of subsection (a)(1)B. of this section and may impose upon the offender a longer jail term as authorized pursuant to Section 501.99. The court shall impose a mandatory prison term on an offender who is convicted of or pleads guilty to a violation of subsection (a)(1)A. hereof if either of the following applies:
- (1) The offender previously has been convicted of or pleaded guilty to a violation of this section or Ohio R.C. 2903.06 or 2903.08.

(4) If the person is the parent, guardian, or custodian of a child who has the duties under Ohio R.C. Chapters 2152 and 2950 to register, register a new residence address, and periodically verify a residence address and, if applicable, to send a notice of intent to reside, and if the child is not emancipated, as defined in Ohio R.C. 2919.121, fail to ensure that the child complies with those duties under Ohio R.C. Chapters 2152 and 2950.

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

(4) No person engaged in the business of selling cigarettes who ships or causes to be shipped cigarettes to any person in this municipality in any container or wrapping other than the original container or wrapping of the cigarettes shall fail to plainly and visibly mark the exterior of the container or wrapping in which the cigarettes are shipped with the words "cigarettes."

(5) A court shall impose a fine of up to one thousand dollars (\$1,000) for each violation of subsection (d)(3)A., (d)(3)B., or (d)(4) of this section. (ORC 2927.023)

537.19 HAZING PROHIBITED.

(a) As used in this section:

(1) "Hazing" means doing any act or coercing another, including the victim, to do any act of initiation into any student or other organization or any act to continue or reinstate membership in or affiliation with any student or other organization that causes or creates a substantial risk of causing mental or physical harm to any person, including coercing another to consume alcohol or a drug of abuse, as defined in Ohio R.C. 3719.011.

(2) "Organization" includes a national or international organization with which a fraternity or sorority is affiliated.

(c) **Furnishing False Information to Obtain Tobacco Products.**

(1) No person who is eighteen years of age or older but younger than twenty-one years of age shall knowingly furnish false information concerning that person's name, age, or other identification for the purpose of obtaining tobacco products.

(2) Whoever violates subsection (e)(1) of this section is guilty of furnishing false information to obtain tobacco products. Except as otherwise provided in this division, furnishing false information to obtain tobacco products is a misdemeanor of the fourth degree. If the offender previously has been convicted of or pleaded guilty to a violation of subsection (e)(1) of this section or a substantially equivalent state law or municipal ordinance, furnishing false information to obtain tobacco products is a misdemeanor of the third degree. (ORC 2927.024)

(b) (1) No person shall recklessly participate in the hazing of another.

(2) No administrator, employee, faculty member, teacher, consultant, alumnus, or volunteer of any organization, including any primary, secondary, or post-secondary school or any other educational institution, public or private, shall recklessly permit the hazing of any person associated with the organization.

537.17 RESERVED.

(Editor's note: This section was formerly 537.17 Criminal Child Enticement, based on Ohio R.C. 2905.05, Criminal Child Enticement. The Ohio Supreme Court held that Ohio R.C. 2905.05(A) was unconstitutionally overbroad in violation of the First Amendment. See State v. Romage, 138 Ohio St. 3d. 390 (2014).)

(c) (1) No person shall recklessly participate in the hazing of another when the hazing includes coerced consumption of alcohol or drugs of abuse resulting in serious physical harm to the other person.

(2) No administrator, employee, faculty member, teacher, consultant, alumnus, or volunteer of any organization, including any primary, secondary, or post-secondary school or other educational institution, public or private, shall recklessly permit the hazing of any person associated with the organization when the hazing includes coerced consumption of alcohol or drugs of abuse resulting in serious physical harm to that person.

537.18 CONTRIBUTING TO UNRULINESS OR DELINQUENCY OF A CHILD.

(a) As used in this section:

(1) "Delinquent child" has the same meaning as in Ohio R.C. 2152.02.

(2) "Unruly child" has the same meaning as in Ohio R.C. 2151.022.

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

(d) Whoever violates subsections (b) or (c) of this section is guilty of hazing. A violation of subsections (b)(1) or (b)(2) of this section is a misdemeanor of the second degree. A violation of subsections (c)(1) or (c)(2) of this section is a felony to be prosecuted under appropriate state law. (ORC 2903.31)

(e) Reckless failure to immediately report knowledge of hazing.

(1) No administrator, employee, faculty member, teacher, consultant, alumnus, or volunteer of any organization, including any primary, secondary, or post-secondary school or any other public or private educational institution, who is acting in an official and professional capacity shall recklessly fail to immediately report the knowledge of hazing to a law enforcement agency in the county in which the victim of hazing resides or in which the hazing is occurring or has occurred.

(1) Aid, abet, induce, cause, encourage, or contribute to a child or a ward of the juvenile court becoming an unruly child or a delinquent child;

(2) Act in a way tending to cause a child or a ward of the juvenile court to become an unruly child or a delinquent child;

(3) Act in a way that contributes to an adjudication of the child as a delinquent child based on the child's violation of a court order adjudicating the child an unruly child for being an habitual truant;

- (2) A violation of subsection (e)(1) of this section is a misdemeanor of the fourth degree, except that the violation is a misdemeanor of the first degree if the hazing causes serious physical harm.
(ORC 2903.31(B), (C))

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

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**CHAPTER 549
Weapons and Explosives**

- 549.01 Definitions.
- 549.02 Carrying concealed weapons.
- 549.03 Using weapons while intoxicated.
- 549.04 Improperly handling firearms in a motor vehicle.
- 549.05 Failure to secure dangerous ordinance.
- 549.06 Unlawful transactions in weapons.
- 549.07 Underage purchase of firearm.
- 549.08 Discharging firearms.
- 549.09 Throwing or shooting missiles.
- 549.10 Carrying certain weapons prohibited.
- 549.11 Possessing replica firearms in school.
- 549.12 Defacing identification marks of a firearm; possessing a defaced firearm.
- 549.13 Concealed handgun licenses; possession of revoked or suspended license; additional restrictions; posting signs prohibiting possession.
- 549.99 Penalty.

CROSS REFERENCES

See sectional histories for similar State law
 License or permit to possess dangerous ordinance - see Ohio R.C. 2923.18
 Hunting prohibited - see GEN. OFF. 505.11
 Reporting gunshot and stab wounds - see GEN. OFF. 525.05(b)
 Property destruction by tear gas device, etc. - see GEN. OFF. 541.04

549.01 DEFINITIONS.

- As used in this chapter:
- (a) "Deadly weapon" means any instrument, device or thing capable of inflicting death, and designed or specially adapted for use as a weapon, or possessed, carried or used as a weapon.
 - (b) "Firearm" means any deadly weapon capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant. "Firearm" includes an unloaded firearm, and any firearm that is inoperable but that can readily be rendered operable.
 (2) When determining whether a firearm is capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant, the trier of fact may rely upon circumstantial evidence, including, but not limited to, the representations and actions of the individual exercising control over the firearm.
 - (c) "Handgun" means any of the following:
 (1) Any firearm that has a short stock and is designed to be held and fired by the use of a single hand.
 (2) Any combination of parts from which a firearm of a type described in subsection (c)(1) of this section can be assembled.
 - (d) "Semi-automatic firearm" means any firearm designed or specially adapted to fire a single cartridge and automatically chamber a succeeding cartridge ready to fire, with a single function of the trigger.

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"Automatic firearm" means any firearm designed or specially adapted to fire a succession of cartridges with a single function of the trigger.
 "Sawed-off firearm" means a shotgun with a barrel less than eighteen inches long, or a rifle with a barrel less than sixteen inches long, or a shotgun or rifle less than twenty-six inches long overall. "Sawed-off firearm" does not include any firearm with an overall length of at least twenty-six inches that is approved for sale by the Federal Bureau of Alcohol, Tobacco, Firearms and Explosives under the "Gun Control Act of 1968", 82 Stat. 1213, 18 U.S.C. 921(a)(3), but that is found by the Bureau not to be regulated under the "National Firearms Act", 68A Stat. 725 (1934), 26 U.S.C. 5845(a).

"Zip-gun" means any of the following:

- (1) Any firearm of crude and extemporized manufacture;
- (2) Any device, including without limitation a starter's pistol, that is not designed as a firearm, but that is specially adapted for use as a firearm;
- (3) Any industrial tool, signalling device or safety device, that is not designed as a firearm, but that as designed is capable of use as such, when possessed, carried or used as a firearm.

"Explosive device" means any device designed or specially adapted to cause physical harm to persons or property by means of an explosion, and consisting of an explosive substance or agency and a means to detonate it. "Explosive device" includes without limitation any bomb, any explosive demolition device, any blasting cap or detonator containing an explosive charge, and any pressure vessel that has been knowingly tampered with or arranged so as to explode.

"Incendiary device" means any firebomb, and any device designed or specially adapted to cause physical harm to persons or property by means of fire, and consisting of an incendiary substance or agency and a means to ignite it.

"Ballistic knife" means a knife with a detachable blade that is propelled by a spring-operated mechanism.
 "Dangerous ordinance" means any of the following, except as provided in subsection (f) hereof:

- (1) Any automatic or sawed-off firearm, zip-gun or ballistic knife;
 - (2) Any explosive device or incendiary device;
 - (3) Nitroglycerin, nitrocellulose, nitrostarch, PETN, cyclonite, TNT, picric acid and other high explosives; amatol, tritonal, tetrytol, pentolite, peacetol, cyclotol and other high explosive compositions; plastic explosives; dynamite, blasting gelatin, gelatin dynamite, sensitized ammonium nitrate, liquid-oxygen blasting explosives, blasting powder and other blasting agents; and any other explosive substance having sufficient brisance or power to be particularly suitable for use as a military explosive, or for use in mining, quarrying, excavating or demolitions;
 - (4) Any firearm, rocket launcher, mortar, artillery piece, grenade, mine, bomb, torpedo or similar weapon, designed and manufactured for military purposes, and the ammunition for that weapon;
 - (5) Any firearm muffler or suppressor;
 - (6) Any combination of parts that is intended by the owner for use in converting any firearm or other device into a dangerous ordinance.
- "Dangerous ordinance" does not include any of the following:
 (1) Any firearm, including a military weapon and the ammunition for that weapon, and regardless of its actual age, that employs a percussion cap or other obsolete ignition system, or that is designed and safe for use only with black powder;
 (2) Any pistol, rifle or shotgun, designed or suitable for sporting purposes, including a military weapon as issued or as modified, and the ammunition for that weapon unless the firearm is an automatic or sawed-off firearm;

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- (3) Any cannon or other artillery piece that, regardless of its actual age, is of a type in accepted use prior to 1887, has no mechanical, hydraulic, pneumatic or other system for absorbing recoil and returning the tube into battery without displacing the carriage, and is designed and safe for use only with black powder;
- (4) Black powder, priming quills and percussion caps possessed and lawfully used to fire a cannon of a type defined in subsection (1)(3) hereof during displays, celebrations, organized matches or shoots, and target practice, and smoketess and black powder, primers and percussion caps possessed and lawfully used as a propellant or ignition device in small-arms or small-arms ammunition;
- (5) Dangerous ordnance that is inoperable or inert and cannot readily be rendered operable or activated, and that is kept as a trophy, souvenir, curio or museum piece.
- (6) Any device that is expressly excepted from the definition of a destructive device pursuant to the "Gun Control Act of 1968", 82 Stat. 1213, 18 U.S.C. 921(a)(4), as amended, and regulations issued under that Act.
- (7) Any firearm with an overall length of at least twenty-six inches that is approved for sale by the Federal Bureau of Alcohol, Tobacco, Firearms, and Explosives under the "Gun Control Act of 1968", 82 Stat. 1213, 18 U.S.C. 921(a)(3), but that is found by the Bureau not to be regulated under the "National Firearms Act", 68A Stat. 725 (1934), 26 U.S.C. 5845(a).

(m) "Explosive" means any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion. "Explosive" includes all materials that have been classified as division 1.1, division 1.2, division 1.3, or division 1.4 explosives by the United States Department of Transportation in its regulations and includes, but is not limited to, dynamite, black powder, pellet powders, initiating explosives, blasting caps, electric blasting caps, safety fuses, fuse igniters, squibs, cordeau detonnant fuses, instantaneous fuses, and igniter cords and igniters. "Explosive" does not include "fireworks" as defined in Ohio R.C. 3743.01, or any substance or material otherwise meeting the definition of explosive set forth in this section that is manufactured, sold, possessed, transported, stored or used in any activity described in Ohio R.C. 3743.80, provided the activity is conducted in accordance with all applicable laws, rules and regulations, including, but not limited to, the provisions of Ohio R.C. 3743.80, and the rules of the Fire Marshal adopted pursuant to Ohio R.C. 3737.82.

- (n) (1) "Concealed handgun license" or "license to carry a concealed handgun" means, subject to subsection (n)(2) of this section, a license or temporary emergency license to carry a concealed handgun issued under Ohio R.C. 2923.125 or 2923.1213 or a license to carry a concealed handgun issued by another state with which the Attorney General has entered into a reciprocity agreement under Ohio R.C. 109.69.
- (2) A reference in any provision of the Ohio Revised Code to a concealed handgun license issued under Ohio R.C. 2923.125 or a license to carry a concealed handgun issued under Ohio R.C. 2923.125 means only a license of the type that is specified in that section. A reference in any provision of the Ohio Revised Code to a concealed handgun license issued under Ohio R.C. 2923.1213, a license to carry a concealed handgun issued under Ohio R.C. 2923.1213, or a license to carry a concealed handgun on a temporary emergency basis means only a license of the type that is specified in Ohio R.C. 2923.1213. A reference in any provision of the

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Ohio Revised Code to a concealed handgun license issued by another state or a license to carry a concealed handgun issued by another state means only a license issued by another state with which the Attorney General has entered into a reciprocity agreement under Ohio R.C. 109.69.

- (o) "Valid concealed handgun license" or "valid license to carry a concealed handgun" means a concealed handgun license that is currently valid, that is not under a suspension under division (A)(1) of Ohio R.C. 2923.128, under Ohio R.C. 2923.1213, or under a suspension provision of the state other than this State in which the license was issued, and that has not been revoked under division (B)(1) of Ohio R.C. 2923.128, under Ohio R.C. 2923.1213 or under a revocation provision of the state other than this State in which the license was issued.
- (p) "Misdemeanor punishable by imprisonment for a term exceeding one year" does not include any of the following:
- (1) Any federal or state offense pertaining to antitrust violations, unfair trade practices, restraints of trade or other similar offenses relating to the regulation of business practices;
 - (2) Any misdemeanor offense punishable by a term of imprisonment of two years or less.
 - (q) "Alien registration number" means the number issued by the United States Citizenship and Immigration Services Agency that is located on the alien's permanent resident card and may also be commonly referred to as the "USCIS number" or the "alien number".
 - (r) "Active duty" has the same meaning as defined in 10 U.S.C. 101. (ORC 2923.11)

549.02 CARRYING CONCEALED WEAPONS

(a) No person shall knowingly carry or have, concealed on the person's person or concealed ready at hand, any of the following:

- (1) A deadly weapon other than a handgun;
- (2) A handgun other than a dangerous ordinance;
- (3) A dangerous ordinance.

(b) No person who has been issued a concealed handgun license, shall do any of the following:

- (1) If the person is stopped for a law enforcement purpose and is carrying a concealed handgun, before or at the time a law enforcement officer asks if the person is carrying a concealed handgun, knowingly fail to disclose that the person then is carrying a concealed handgun, knowing that it is not a violation of this section if the person fails to disclose that fact to an officer during the stop and the person already has notified another officer of that fact during the same stop;
- (2) If the person is stopped for a law enforcement purpose and is carrying a concealed handgun, knowingly fail to keep the person's hands in plain sight at any time after any law enforcement officer begins approaching the person while stopped and before the law enforcement officer leaves, unless the failure is pursuant to and in accordance with directions given by a law enforcement officer;
- (3) If the person is stopped for a law enforcement purpose and is carrying a concealed handgun, knowingly disregard or fail to comply with any lawful order of any law enforcement officer given while the person is stopped, including, but not limited to, a specific order to the person to keep the person's hands in plain sight.

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- (c) (1) This section does not apply to any of the following:
 - A. An officer, agent or employee or this or any other state or the United States, or to a law enforcement officer, who is authorized to carry concealed weapons or dangerous ordinance, or is authorized to carry handguns and is acting within the scope of the officer's, agent's or employee's duties;
 - B. Any person who is employed in this State, who is authorized to carry concealed weapons or dangerous ordinance or is authorized to carry handguns, and who is subject to and in compliance with the requirements of Ohio R.C. 109.801 unless the appointing authority of the person has expressly specified that the exemption provided in subsection (c)(1)(B), hereof does not apply to the person.
 - C. A person's transportation or storage of a firearm, other than a firearm described in divisions (G) to (M) of Ohio R.C. 2923.11 in a motor vehicle for any lawful purpose if the firearm is not on the actor's person;
 - D. A person's storage or possession of a firearm, other than a firearm described in divisions (G) to (M) of Ohio R.C. 2923.11 in the actor's own home for any lawful purpose.

(2) Subsection (a)(2) of this section does not apply to any person who has been issued a concealed handgun license that is valid at the time of the alleged carrying or possession of a handgun or who, at the time of the alleged carrying or possession of a handgun, 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 Ohio R.C. 2923.123(G)(1), unless the person knowingly is in a place described in Ohio R.C. 2923.126(B).

- (d) It is an affirmative defense to a charge under subsection (a)(1) of this section of carrying or having control of a weapon other than a handgun and other than a dangerous ordinance, that the actor was not otherwise prohibited by law from having the weapon, and that any of the following applies:
 - (1) The weapon was carried or kept ready at hand by the actor for defensive purposes, while the actor was engaged in or was going to or from the actor's lawful business or occupation, which business or occupation was of a character or was necessarily carried on in a manner or at a time or place as to render the actor particularly susceptible to criminal attack, such as would justify a prudent person in going armed.
 - (2) The weapon was carried or kept ready at hand by the actor for defensive purposes, while the actor was engaged in a lawful activity and had reasonable cause to fear a criminal attack upon the actor, a member of the actor's family, or the actor's home, such as would justify a prudent person in going armed.
 - (3) The weapon was carried or kept ready at hand by the actor for any lawful purpose and while in the actor's own home.
- (e) (1) No person who is charged with a violation of this section shall be required to obtain a concealed handgun license as a condition for the dismissal of the charge.

(2) If a person is convicted of, was convicted of, pleads guilty to, or has pleaded guilty to a violation of subsection (b)(1) of this section as it existed prior to June 13, 2022, the person may file an application under Ohio R.C. 2953.37 requesting the expungement of the record of conviction.

(f) (1) Whoever violates this section is guilty of carrying concealed weapons. Except as otherwise provided in this subsection or subsections (f)(2), (5) and (6) of this section, carrying concealed weapons in violation of subsection (a) of this section is a misdemeanor of the first degree. Except as otherwise provided in this subsection or subsections (f)(2), (5) and (6) of this section, if the offender previously has been convicted of a violation of this section or of 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 dangerous ordinance, carrying concealed weapons in violation of subsection (a) of this section is a felony and shall be prosecuted under appropriate State law. Except as otherwise provided in subsections (f)(2), (5) and (6) of this section, if the weapon involved is a firearm and the violation of this section is committed at premises for which a D permit has been issued under Chapter 4303, of the Revised Code or if the offense is committed aboard an aircraft, or with purpose to carry a concealed weapon aboard an aircraft, regardless of the weapon involved, carrying concealed weapons in violation of subsection (a) of this section is a felony and shall be prosecuted under appropriate State law.

(2) A person shall not be arrested for a violation of subsection (a)(2) of this section solely because the person does not promptly produce a valid concealed handgun license. If a person is arrested for a violation of subsection (a)(2) of this section and is convicted of or pleads guilty to the violation, the offender shall be punished as follows:

- A. The offender shall be guilty of a minor misdemeanor if both of the following apply:
 - 1. Within ten days after the arrest, the offender presents a concealed handgun license, which license was valid at the time of the arrest to the law enforcement agency that employs the arresting officer.
 - 2. At the time of the arrest, the offender was not knowingly in a place described in division (B) of Ohio R.C. 2923.126.
- B. The offender shall be guilty of a misdemeanor and shall be fined five hundred dollars (\$500.00) if all of the following apply:
 - 1. The offender previously had been issued a concealed handgun license and that license expired within the two years immediately preceding the arrest.
 - 2. Within forty-five days after the arrest, the offender presents any type of concealed handgun license to the law enforcement agency that employed the arresting officer, and the offender waives in writing the offender's right to a speedy trial on the charge of the violation that is provided in Ohio R.C. 2945.71.
 - 3. At the time of the commission of the offense, the offender was not knowingly in a place described in division (B) of Ohio R.C. 2923.126.

- 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) Carrying concealed weapons in violation of subsection (b)(1) of this section is a misdemeanor of the second degree.
- (4) 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 subsection (b)(2) or (b)(3) hereof 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;

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- 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 ordinance, 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;
 - (4) If the firearm is at least twenty-four inches in overall length as measured from the muzzle to the part of the stock furthest from the muzzle and if the barrel is at least eighteen inches in length, either in plain sight with the action open or the weapon stripped, or, if the firearm is of a type on which the action will not stay open or which cannot easily be stripped, in plain sight.

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(b) No person who has been issued a concealed handgun license, or who 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, who is the driver or an occupant of a motor vehicle that is stopped as a result of a traffic stop or a stop for another law enforcement purpose or is the driver or an occupant of a commercial motor vehicle that is stopped by an employee of the motor carrier enforcement unit for the purposes defined in Ohio R.C. 5503.34, and who is transporting or has a loaded handgun in the motor vehicle or commercial motor vehicle in any manner, shall do any of the following:

- (1) Before or at the time a law enforcement officer asks if the person is carrying a concealed handgun, knowingly fail to disclose that the person then possesses or has a loaded handgun in the motor vehicle, provided that it is not a violation of this division if the person fails to disclose that fact to an officer during the stop and the person already has notified another officer of that fact during the same stop;
- (2) Before or at the time an employee of the motor carrier enforcement unit asks if the person is carrying a concealed handgun, knowingly fail to disclose that the person then possesses or has a loaded handgun in the commercial motor vehicle, provided that it is not a violation of this division if the person fails to disclose that fact to an employee of the unit during the stop and the person already has notified another employee of the unit of that fact during the same stop;
- (3) Knowingly fail to remain in the motor vehicle while stopped, or knowingly fail to keep the person's hands in plain sight at any time after any law enforcement officer begins approaching the person while stopped and before the law enforcement officer leaves, unless the failure is pursuant to and in accordance with directions given by a law enforcement officer.
- (4) Knowingly disregard or fail to comply with any lawful order of any law enforcement officer given while the motor vehicle is stopped, including, but not limited to, a specific order to the person to keep the person's hands in plain sight.

(c) (1) This section does not apply to any of the following:

- A. An officer, agent or employee of this or any other state or the United States, or a law enforcement officer, when authorized to carry or have loaded or accessible firearms in motor vehicles and acting within the scope of the officer's, agent's or employee's duties;
- B. Any person who is employed in this State, who is authorized to carry or have loaded or accessible firearms in motor vehicles, and who is subject to and in compliance with the requirements of Ohio R.C. 109.801, unless the appointing authority of the person has expressly specified that the exemption provided in subsection (c)(1)(B) does not apply to the person.

(2) Subsection (a) of this section does not apply to a person who transports or possesses a handgun in a motor vehicle if, at the time of that transportation or possession, both of the following apply:

- A. The person transporting or possessing the handgun has been issued a concealed handgun license that is valid at the time in question or the person 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 Ohio R.C. 2923.125(G)(1).
- B. The person transporting or possessing the handgun is not knowingly in a place described in division (B) of Ohio R.C. 2923.126.

(3) Subsection (a) of this section does not apply to a person if all of the following apply:

- A. The person possesses a valid all-purpose vehicle permit issued under Ohio R.C. 1533.103 by the Chief of the Division of Wildlife.
- B. The person is on or in an all-purpose vehicle as defined in Ohio R.C. 1531.01 on private or publicly owned lands or on or in a motor vehicle during the open hunting season for a wild quadruped or game bird.
- C. The person is on or in an all-purpose vehicle as defined in Ohio R.C. 1531.01 or a motor vehicle that is marked on a road that is owned or administered by the Division of Wildlife.

(d) (1) The affirmative defenses authorized in Section 549.02(d)(1) and (2) are affirmative defenses to a charge under subsection (a) that involves a firearm other than a handgun.

(2) It is an affirmative defense to a charge under subsection (a) of improperly handling firearms in a motor vehicle that the actor transported or had the firearm in the motor vehicle for any lawful purpose and while the motor vehicle was on the actor's own property, provided that the affirmative defense is not available unless the person, immediately prior to arriving at the actor's own property, did not transport or possess the firearm in a motor vehicle in a manner prohibited by subsection (a) while the motor vehicle was being operated on a street, highway, or other public or private property used by the public for vehicular traffic.

(e) (1) No person who is charged with a violation of subsection (a) shall be required to obtain a concealed handgun license as a condition for the dismissal of the charge.

(2) If a person is convicted of, was convicted of, pleads guilty to, or has pleaded guilty to a violation of subsection (b) of this section as it existed prior to September 30, 2011, and the conduct that was the basis of the violation no longer would be a violation of subsection (b) of this section on or after September 30, 2011, or if a person is convicted of, was convicted of, pleads guilty to, or has pleaded guilty to a violation of subsection (a) of this section as the subsection existed prior to June 13, 2022, the person may file an application under Ohio R.C. 2953.37 requesting the expungement of the record of conviction.

(f) Whoever violates this section is guilty of improperly handling firearms in a motor vehicle. Violation of subsection (a) of this section is a misdemeanor of the fourth degree. A violation of subsection (b)(1) or (b)(2) of this section is a misdemeanor of the second degree. A violation of subsection (b)(3) or (4) of this section is a misdemeanor of the first degree or, if the offender previously has been convicted of or pleaded guilty to a violation of subsection (b)(3) or (4) of this section, a felony and shall be prosecuted under appropriate State law. In addition to any other penalty or sanction imposed for a misdemeanor violation of subsection (b)(3) or (4) of this section, the offender's concealed handgun license shall be suspended pursuant to Ohio R.C. 2923.128(A)(2).

(g) If a law enforcement officer stops a motor vehicle for a traffic stop or any other purpose, if any person in the motor vehicle 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) As used in this section:

- (1) "Commercial motor vehicle" has the same meaning as in Ohio R.C. 4506.25(A).
- (2) "Motor carrier enforcement unit" means the motor carrier enforcement unit in the Department of Public Safety, Division of State Highway Patrol, that is created by Ohio R.C. 5503.34.
- (3) "Motor vehicle", "street" and "highway" have the same meanings as in Ohio R.C. 4511.01.
- (4) A. "Unloaded" means:
 1. With respect to a firearm other than a firearm described in subsection (h)(4)B, of this section, that no ammunition is in the firearm in question, no magazine or speed loader containing ammunition is inserted into the firearm in question and one of the following applies:
 - a. There is no ammunition in a magazine or speed loader that is in the vehicle in question and that may be used with the firearm in question.
 - b. Any magazine or speed loader that contains ammunition and that may be used with the firearm in question is stored in a compartment within the vehicle in question that cannot be accessed without leaving the vehicle or is stored in a container that provides complete and separate enclosure.

2. For the purposes of subsection (h)(4)A, 1.b. of this section, a "container that provides complete and separate enclosure" includes, but is not limited to, any of the following:

- a. A package, box or case with multiple compartments, as long as the loaded magazine or speed loader and the firearm in question either are in separate compartments within the package, box, or case, or, if they are in the same compartment, the magazine or speed loader is contained within a separate enclosure in that compartment that does not contain the firearm and that closes using a snap, button, buckle, zipper, hook and loop closing mechanism, or other fastener that must be opened to access the contents or the firearm is contained within a separate enclosure of that nature in that compartment that does not contain the magazine or speed loader.
- b. A pocket or other enclosure on the person of the person in question that closes using a snap, button, buckle, zipper, hook and loop closing mechanism, or other fastener that must be opened to access the contents.
3. For the purposes of subsection (h)(4)A, of this section, ammunition held in stripper-clips or in en-bloc clips is not considered ammunition that is loaded into a magazine or speed loader.
 - B. "Unloaded" means, with respect to a firearm employing a percussion cap, flintlock, or other obsolete ignition system, when the weapon is uncapped or when the priming charge is removed from the pan.
 - (i) Subsection (h)(4) of this section does not affect the authority of a person who has been issued a concealed handgun license that is valid at the time in question to have one or more magazines or speed loaders containing ammunition anywhere in a vehicle, without being transported as described in those divisions, so long as no ammunition is in a firearm, other than a handgun, in the vehicle other than as permitted under any other provision of this chapter. A person who has been issued a concealed handgun license that is valid at the time in question may have one or more magazines or speed loaders containing ammunition anywhere in a vehicle without further restriction, as long as no ammunition is in a firearm, other than a handgun, in the vehicle other than as permitted under any provision of this chapter. (ORC 2923.16)

549.05 FAILURE TO SECURE DANGEROUS ORDNANCE.

(a) No person, in acquiring, possessing, carrying or using any dangerous ordnance shall negligently fail to take proper precautions:

- (1) To secure the dangerous ordnance against theft, or against its acquisition or use by any unauthorized or incompetent person;
 - (2) To insure the safety of persons and property.
- (b) Whoever violates this section is guilty of failure to secure dangerous ordnance, a misdemeanor of the second degree. (ORC 2923.19)

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, 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 REPLICAS 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) (1) This section does not apply to any of the following:

- A. An officer, agent, or employee of this or any other state or the United States who is authorized to carry deadly weapons or dangerous ordnance and is acting within the scope of the officer's, agent's, or employee's duties.
- B. A law enforcement officer who is authorized to carry deadly weapons or dangerous ordnance;
- C. A security officer employed by a board of education or governing body of a school during the time that the security officer is on duty pursuant to that contract of employment;
- D. 1. Any person not described in subsections (b)(1)A. to (b)(1)C. of this section who has written authorization from the board of education or governing body of a school to convey deadly weapons or dangerous ordnance into a school safety zone or to possess a deadly weapon or dangerous ordnance in a school safety zone and who conveys or possesses the deadly weapon or dangerous ordnance in accordance with that authorization, provided both of the following apply:

- a. Either the person has successfully completed the curriculum, instruction, and training established under Ohio R.C. 5502.703, or the person has received a certificate of having satisfactorily completed an approved basic peace officer training program or is a law enforcement officer.
- b. The board or governing body has notified the public, by whatever means the affected school regularly communicates with the public, that the board or governing body has authorized one or more persons to go armed within a school operated by the board or governing authority.
2. A district board or school governing body that authorizes a person under subsection (b)(1)D. of this section shall require that person to submit to an annual criminal records check conducted in the same manner as Ohio R.C. 3319.39 or Ohio R.C. 3319.391.
- E. Any person who is employed in this state, who is authorized to carry deadly weapons or dangerous ordnance, and who is subject to and in compliance with the requirements of Ohio R.C. 109.801, unless the appointing authority of the person has expressly specified that the exemption provided in subsection (b)(1)E. of this section does not apply to the person.
- (2) This section does not apply to premises upon which home schooling is conducted. This section 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, re-enactment or other dramatic presentation, school safety training, or a ROTC activity or another similar use of the object.
- (3) This section does not apply to a person who conveys or attempts to convey a handgun into, or possesses a handgun in, a school safety zone if, at the time of that conveyance, attempted conveyance, or possession of the handgun, all of the following apply:
- A. The person does not enter into a school building or onto school premises and is not at a school activity.
- B. The person has been issued a concealed handgun license that is valid at the time of the conveyance, attempted conveyance, or possession or the person 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 Ohio R.C. 2923.125(G)(1).
- C. The person is in the school safety zone in accordance with 18 U.S.C. § 922(g)(2)(B).
- D. The person is not knowingly in a place described in Ohio R.C. 2923.126(B)(1) or (B)(3) to (8).
- (4) This section does not apply to a person who conveys or attempts to convey a handgun into, or possesses a handgun in, a school safety zone if at the time of that conveyance, attempted conveyance, or possession of the handgun all of the following apply:

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- A. The person has been issued a concealed handgun license that is valid at the time of the conveyance, attempted conveyance or possession or the person 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 Ohio R.C. 2923.125(G)(1).
- B. The person leaves the handgun in a motor vehicle.
- C. The handgun does not leave the motor vehicle.
- D. If the person exits the motor vehicle, the person locks the motor vehicle.

(e) Whoever violates this section is guilty of illegal possession of an object indistinguishable from a firearm in a school safety zone. Except as otherwise provided in this division, 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 this section, illegal possession of an object indistinguishable from a firearm in a school safety zone is a felony to be prosecuted under appropriate state law.

- (d) (1) In addition to any other penalty imposed upon a person who is convicted of or pleads guilty to a violation of this section, and subject to subsection (d)(2) of this section, if the offender has not attained nineteen years of age, regardless of whether the offender is attending or is enrolled in a school operated by a board of education or for which the State Board of Education prescribes minimum standards under Ohio R.C. 3301.07, of the suspension. If the offender is not a resident of this State, the court shall impose a class four suspension of the nonresident operating privilege of the offender from the range specified in Ohio R.C. 4510.02(A)(4).
- (2) If the offender shows good cause why the court should not suspend one of the types of licenses, permits or privileges specified in subsection (d)(1) of this section or deny the issuance of one of the temporary instruction permits specified in subsection (d)(1) of this section, the court in its discretion may choose not to impose the suspension, revocation or denial required in subsection (d)(1) of this section, but the court, in its discretion, instead may require the offender to perform community service for a number of hours determined by the court.

(e) As used in this section, "object that is indistinguishable from a firearm" means an object made, constructed or altered so that, to a reasonable person without specialized training in firearms, the object appears to be a firearm.

(ORC 2923.122(C) - (G))

549.12 DEFACING IDENTIFICATION MARKS OF A FIREARM; POSSESSING A DEFACED FIREARM.

- (a) No person shall do either of the following:
- (1) Change, alter, remove, or obliterate the name of the manufacturer, model, manufacturer's serial number, or other mark or identification on a firearm.
- (2) Possess a firearm knowing or having reasonable cause to believe that the name of the manufacturer, model, manufacturer's serial number, or other mark of identification on the firearm has been changed, altered, removed, or obliterated.

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- (b) (1) Whoever violates subsection (a)(1) of this section is guilty of defacing identification marks of a firearm. Except as otherwise provided in this subsection, defacing identification marks of a firearm is a misdemeanor of the first degree. If the offender previously has been convicted of or pleaded guilty to a violation of subsection (a)(1) of this section, defacing identification marks of a firearm is a felony and shall be prosecuted under appropriate State law.
- (2) Whoever violates subsection (a)(2) of this section is guilty of possessing a defaced firearm. Except as otherwise provided in this subsection, possessing a defaced firearm is a misdemeanor of the first degree. If the offender previously has been convicted of or pleaded guilty to a violation of subsection (a)(2) of this section, possessing a defaced firearm is a felony and shall be prosecuted under appropriate State law. (ORC 2923.201)

549.13 CONCEALED HANDGUN LICENSES; POSSESSION OF REVOKED OR SUSPENDED LICENSE; ADDITIONAL RESTRICTIONS; POSTING SIGNS PROHIBITING POSSESSION.

- (a) Possession of a Revoked or Suspended Concealed Handgun License.
- (1) No person, except in the performance of official duties, shall possess a concealed handgun license that was issued and that has been revoked or suspended.
- (2) Whoever violates this subsection (a) is guilty of possessing a revoked or suspended concealed handgun license, a misdemeanor of the third degree. (ORC 2923.1211(B), (C))
- (b) Additional Restrictions. Pursuant to Ohio R.C. 2923.126:
- (1) A concealed handgun license that is issued under Ohio R.C. 2923.125 shall expire five years after the date of issuance. A licensee who has been issued a license under that section shall be granted a grace period of thirty days after the licensee's license expires during which the licensee's license remains valid. Except as provided in subsection (b)(2) and (b)(3) of this section, a licensee who has been issued a concealed handgun license under Ohio R.C. 2923.125 or 2923.1213 may carry a concealed handgun anywhere in this state if the license is valid when the licensee is in actual possession of a concealed handgun. The licensee shall give notice of any change in the licensee's residence address to the sheriff who issued the license within forty-five days after that change.
- (2) A valid concealed handgun license does not authorize the licensee to carry a concealed handgun in any manner prohibited under Ohio R.C. 2923.12(B) or in any manner prohibited under Ohio R.C. 2923.16. A valid license does not authorize the licensee to carry a concealed handgun into any of the following places:
- A. A police station, sheriff's office, or state highway patrol station, premises controlled by the bureau of criminal identification and investigation, a state correctional institution, jail, workhouse, or other detention facility; any area of an airport passenger terminal that is beyond a passenger or property screening checkpoint or to which access is restricted through security measures by the airport authority or a public agency; or an institution that is maintained, operated, managed, and governed pursuant to Ohio R.C. 5119.14(A) or Ohio R.C. 5123.03(A)(1);

- B. A school safety zone if the licensee's carrying the concealed handgun is in violation of Ohio R.C. 2923.122;
- C. A courthouse or another building or structure in which a courtroom is located if the licensee is carrying the concealed handgun in violation of Ohio R.C. 2923.123;
- D. Any premises or open air arena for which a D permit has been issued under Ohio R.C. Chapter 4303 if the licensee is carrying the concealed handgun in violation of Ohio R.C. 2923.121;
- E. Any premises owned or leased by any public or private college, university, or other institution of higher education, unless the handgun is in a locked motor vehicle or the licensee is in the immediate process of placing the handgun in a locked motor vehicle or unless the licensee is carrying the concealed handgun pursuant to a written policy, rule, or other authorization that is adopted by the institution's board of trustees or other governing body and that authorizes specific individuals or classes of individuals to carry a concealed handgun on the premises;
- F. Any church, synagogue, mosque, or other place of worship, unless permits otherwise;
- G. Any building that is a government facility of this state or a political subdivision of this state and that is not a building that is used primarily as a shelter, restroom, parking facility for motor vehicles, or rest facility and is not a courthouse or other building or structure in which a courtroom is located that is subject to subsection (b)(2)(C) of this section, unless the governing body with authority over the building has enacted a statute, ordinance, or policy that permits a licensee to carry a concealed handgun into the building;
- H. A place in which federal law prohibits the carrying of handguns. Nothing in this subsection (b) shall negate or restrict a rule, policy, or practice of a private employer that is not a private college, university, or other institution of higher education concerning or prohibiting the presence of firearms on the private employer's premises or property, including motor vehicles owned by the private employer.

- B. 1. A private employer shall be immune from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to a licensee bringing a handgun onto the premises or property of the private employer, including motor vehicles owned by the private employer, unless the private employer acted with malicious purpose. A private employer is immune from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to the private employer's decision to permit a licensee to bring, or prohibit a licensee from bringing, a handgun onto the premises or property of the private employer.

2. A political subdivision shall be immune from liability in a civil action, to the extent and in the manner provided in Ohio R.C. Chapter 2744, for any injury, death, or loss to person or property that allegedly was caused by or related to a licensee bringing a handgun onto any premises or property owned, leased, or otherwise under the control of the political subdivision. As used in this division, "political subdivision" has the same meaning as in Ohio R.C. 2744.01.
3. An institution of higher education shall be immune from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to a licensee bringing a handgun onto the premises of the institution, including motor vehicles owned by the institution, unless the institution acted with malicious purpose. An institution of higher education is immune from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to the institution's decision to permit a licensee or class of licensees to bring a handgun onto the premises of the institution.
- C. 1. a. Except as provided in subsection (b)(3)C.2. of this section and Ohio R.C. 2923.1214, the owner or person in control of private land or premises, and a private person or entity leasing land or premises owned by the state, the United States, or a political subdivision of the state or the United States, may post a sign in a conspicuous location on that land or on those premises prohibiting persons from carrying firearms or concealed firearms on or onto that land or those premises. Except as otherwise provided in this division, a person who knowingly violates a posted prohibition of that nature is guilty of criminal trespass in violation of Ohio R.C. 2911.21(A)(4) and is guilty of a misdemeanor of the fourth degree. If a person knowingly violates a posted prohibition of that nature and the posted land or premises primarily was a parking lot or other parking facility, the person is not guilty of criminal trespass under Ohio R.C. 2911.21 or under any other criminal law of this State or criminal law, ordinance, or resolution of a political subdivision of this State, and instead is subject only to a civil cause of action for trespass based on the violation.

- b. If a person knowingly violates a posted prohibition of the nature described in this division and the posted land or premises is a child day-care center, type A family day-care home, or type B family day-care home, unless the person is a licensee who resides in a type A family day-care home or type B family day-care home, the person is guilty of aggravated trespass in violation of Ohio R.C. 2911.211. Except as otherwise provided in this division, the offender is guilty of a misdemeanor of the first degree. If the person previously has been convicted of a violation of this division or any substantially equivalent state law or municipal ordinance, or of 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 dangerous ordnance, the offender is guilty of a felony to be prosecuted under appropriate state law.
2. A landlord may not prohibit or restrict a tenant who is a licensee and who on or after September 9, 2008 enters into a rental agreement with the landlord for the use of residential premises, and the tenant's guest while the tenant is present, from lawfully carrying or possessing a handgun on those residential premises.
3. As used in subsection (b)(3)C. of this section:
- a. "Residential premises" has the same meaning as in Ohio R.C. 5321.01, except "residential premises" does not include a dwelling unit that is owned or operated by a college or university.
- b. "Landlord", "tenant", and "rental agreement" have the same meanings as in Ohio R.C. 5321.01.
- (4) A person who holds a valid concealed handgun license issued by another state that is recognized by the Attorney General pursuant to a reciprocity agreement entered into pursuant to Ohio R.C. 109.69 or a person who holds a valid concealed handgun license under the circumstances described in Ohio R.C. 109.69(B) has the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license under Ohio R.C. 2923.125 and is subject to the same restrictions that apply to a person who has been issued a license under that section that is valid at the time in question.
- (5) A. A peace officer has the same right to carry a concealed handgun in this State as a person who was issued a concealed handgun license under Ohio R.C. 2923.125, provided that the officer when carrying a concealed handgun under authority of this section is carrying validating identification. For purposes of reciprocity with other States, a peace officer shall be considered to be a licensee in this State.

- B.** An active duty member of the armed forces of the United States who is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in Ohio R.C. 2923.125(G)(1) has the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license under Ohio R.C. 2923.125 and is subject to the same restrictions as specified in this subsection (b).
- C.** A tactical medical professional who is qualified to carry firearms while on duty under Ohio R.C. 109.771 has the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license under Ohio R.C. 2923.125.
- (6) A.** A qualified retired peace officer who possesses a retired peace officer identification card issued pursuant to subsection (b)(6)B. of this section and a valid firearms requalification certification issued pursuant to subsection (b)(6)C. of this section has the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license under Ohio R.C. 2923.125 and is subject to the same restrictions that apply to a person who has been issued a license issued under that section that is valid at the time in question. For purposes of reciprocity with other states, a qualified retired peace officer who possesses a retired peace officer identification card issued pursuant to subsection (b)(6)B. of this section and a valid firearms requalification certification issued pursuant to subsection (b)(6)C. of this section shall be considered to be a licensee in this state.
- B.**
- 1.** Each public agency of this State or of a political subdivision of this State that is served by one or more peace officers shall issue a retired peace officer identification card to any person who retired from service as a peace officer with that agency, if the issuance is in accordance with the agency's policies and procedures and if the person, with respect to the person's service with that agency, satisfies all of the following:
 - a.** The person retired in good standing from service as a peace officer with the public agency, and the retirement was not for reasons of mental instability.
 - b.** Before retiring from service as a peace officer with that agency, the person was authorized to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law and the person had statutory powers of arrest.
 - c.** At the time of the person's retirement as a peace officer with that agency, the person was trained and qualified to carry firearms in the performance of the peace officer's duties.

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- d.** Before retiring from service as a peace officer with that agency, the person was regularly employed as a peace officer for an aggregate of 15 years or more, or, in the alternative, the person retired from service as a peace officer with that agency, after completing any applicable probationary period of that service, due to a service-connected disability, as determined by the agency.
- 2.** A retired peace officer identification card issued to a person under subsection (b)(6)B.1. of this section shall identify the person by name, contain a photograph of the person, identify the public agency of this state or of the political subdivision of this State from which the person retired as a peace officer and that is issuing the identification card, and specify that the person retired in good standing from service as a peace officer with the issuing public agency and satisfies the criteria set forth in subsections (b)(6)B.1.a. to (b)(6)B.1.d. of this section. In addition to the required content specified in this subsection, a retired peace officer identification card issued to a person under subsection (b)(6)B.1. of this section may include the firearms requalification certification described in subsection (b)(6)C. of this section, and if the identification card includes that certification, the identification card shall serve as the firearms requalification certification for the retired peace officer. If the issuing public agency issues credentials to active law enforcement officers who serve the agency, the agency may comply with subsection (b)(6)B.1. of this section by issuing the same credentials to persons who retired from service as a peace officer with the agency and who satisfy the criteria set forth in subsection (b)(6)B.1.a. to (b)(6)B.1.d. of this section, provided that the credentials so issued to retired peace officers are stamped with the word "RETIRED".
 - 3.** A public agency of this state or of a political subdivision of this State may charge persons who retired from service as a peace officer with the agency a reasonable fee for issuing to the person a retired peace officer identification card pursuant to subsection (b)(6)B.1. of this section.
 - C. 1.** If a person retired from service as a peace officer with a public agency of this state or of a political subdivision of this state and the person satisfies the criteria set forth in subsections (b)(6)B.1.a. to (b)(6)B.1.d. of this section, the public agency may provide the retired peace officer with the opportunity to attend a firearms requalification program that is approved for purposes of firearms requalification required under Ohio R.C. 109.801. The retired peace officer may be required to pay the cost of the course.

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2. If a retired peace officer who satisfies the criteria set forth in subsections (b)(6)B.1.a. to (b)(6)B.1.d. of this section attends a firearms requalification program that is approved for purposes of firearms requalification required under Ohio R.C. 109.801, the retired peace officer's successful completion of the firearms requalification program qualifies the retired peace officer for purposes of subsection (b)(6) of this section for five years from the date on which the program was successfully completed, and the requalification is valid during that five-year period. If a retired peace officer who satisfies the criteria set forth in subsections (b)(6)B.1.a. to (b)(6)B.1.d. of this section satisfactorily completes such a firearms requalification program, the retired peace officer shall be issued a firearms requalification certification that identifies the retired peace officer by name, identifies the entity that taught the program, specifies that the retired peace officer successfully completed the program, specifies the date on which the course was successfully completed, and specifies that the requalification is valid for five years year from that date of successful completion. The firearms requalification certification for a retired peace officer may be included in the retired peace officer identification card issued to the retired peace officer under subsection (b)(6)B. of this section.
3. A retired peace officer who attends a firearms requalification program that is approved for purposes of firearms requalification required under Ohio R.C. 109.801 may be required to pay the cost of the program.
- (7) As used in subsection (b)(6) of this section:
- A. "Government body." Has the same meaning as in Ohio R.C. 154.01.
- B. "State government facility of this State or a political subdivision of this State" means any of the following:
1. A building or part of a building that is owned or leased by the government of this State or a political subdivision of this State and where employees of the government of this State or the political subdivision regularly are present for the purpose of performing their official duties as employees of the State or political subdivision;
 2. The office of a deputy registrar serving pursuant to Ohio R.C. Chapter 4503 that is used to perform deputy registrar functions.
- C. "Qualified retired peace officer" means a person who satisfies all of the following:
1. The person satisfies the criteria set forth in subsections (b)(6)B.1.a. to (b)(6)B.1.d. of this section.
 2. The person is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.
 3. The person is not prohibited by Federal law from receiving firearms.

- D. "Retired peace officer identification card" means an identification card that is issued pursuant to subsection (b)(6)B. of this section to a person who is a retired peace officer.
- E. "Factual medical professional." Has the same meaning as in Ohio R.C. 109.71.
- F. "Validating identification." Means photographic identification issued by the agency for which an individual serves as a peace officer that identifies the individual as a peace officer of the agency. (ORC 2923.126)

(c) **Posting of Signs Prohibiting Possession.** Each person, board, or entity that owns or controls any place or premises identified in Ohio R.C. 2923.126(B) as a place into which a valid license does not authorize the licensee to carry a concealed handgun, or a designee of such a person, board, or entity, shall post in the following one or more conspicuous locations in the premises a sign that contains a statement in substantially the following form: "Unless otherwise authorized by law, pursuant to the Ohio Revised Code, no person shall knowingly possess, have under the person's control, convey, or attempt to convey a deadly weapon or dangerous ordinance onto these premises." (ORC 2923.1212)

549.99 PENALTY.

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

911.03 UNLAWFUL CONNECTIONS.
 No person, firm or corporation shall establish, or permit to be established, or maintain, or permit to be maintained, any connection whereby a private, auxiliary or emergency water supply, other than the regular public water supply of Lancaster, may enter the supply or distributing system of the City, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the Superintendent of Water and by the Ohio Environmental Protection Agency. (Ord. 30-94, Passed 10-10-94.)

911.04 SURVEYS AND INVESTIGATIONS OF PROPERTIES SERVED.

It shall be the duty of the Superintendent of Water to cause surveys and investigations to be made of industrial and other properties served by the public water supply, where actual or potential hazards to the public water supply may exist. Such surveys and investigations shall be made a matter of public record and shall be repeated as often as the Superintendent of Water shall deem necessary. (Ord. 30-94, Passed 10-10-94.)

911.05 RIGHT OF ENTRY.

The Superintendent of Water shall have the right to enter at any reasonable time, any property served by a connection to the public water supply or distributing system of Lancaster for the purpose of inspecting the piping system or systems thereof. On demand, the owner, lessee or occupants of any property so served, shall furnish to the Superintendent of Water any information which he may request, regarding the piping system or systems or water use on such property. The refusal of such information, when demanded, shall, within the discretion of the Superintendent of Water, be deemed evidence of the presence of improper connections, as provided in this chapter. (Ord. 30-94, Passed 10-10-94.)

911.06 SERVICE DISCONTINUANCE AND RESTORATION.

The Superintendent of Water is hereby authorized and directed to discontinue, after reasonable notice to the occupant thereof, the water service to any property wherein any connection in violation of the provisions of this chapter is known to exist, and to take such other precautionary measures as he may deem necessary to eliminate any danger of contamination of the public water supply distribution mains. Water service to such property shall not be restored until such conditions shall have been eliminated or corrected, in compliance with the provision of chapter. (Ord. 30-94, Passed 10-10-94.)

911.07 CAPACITY CHARGE FOR WATER.

(a) The City Engineer is hereby authorized and directed to collect a water system capacity charge whenever application is made for the issuance of a water tap permit to provide water service to a structure, whenever such property is either inside or outside the corporate limits of the City and as provided elsewhere in the City code.

(b) When City forces do not perform actual installation of the main water line or a service connection, the City Engineer is hereby authorized and directed to collect a water system capacity charge whenever an application is made for the issuance of a sewer permit to provide sanitary sewer service to a structure, whenever such property is or will be tributary, directly or indirectly, to any trunk sewer built by the City, either inside or outside the corporate limits of the City and as provided elsewhere in the City codes.

(c) When City forces do not perform actual installation of the main water line or a service connection, or applicant does not apply for a sewer permit, the City Engineer is hereby authorized to collect a water system capacity charge when an application for a building permit is approved by the City Engineering Department.

(d) The charge shall be determined in accordance with the following:

TABLE 1
 (1) PROPERTY INSIDE CORPORATE LIMITS
 DOMESTIC USE ONLY

Water Meter Size	Capacity Fee
5/8 or 3/4 inch	\$ 3,690
1 inch	6,149
1 1/2 inch	12,299
2 inch	19,678
4 inch	61,493
6 inch	112,986
8 inch	221,375
10 inch	356,660
12 inch	528,840

Fees for meters larger than 12 inch will be determined on an individual basis.
 Effective January 1, 2023

Water Meter Size	Capacity Fee
3/8 or 3/4 inch	\$3,690
1 inch	6,149
1 1/2 inch	12,299
2 inch	19,678
4 inch	59,346
6 inch	118,336
8 inch	189,409
10 inch	497,509
12 inch	627,928

TABLE 2

Effective January 1, 2023

(2) PROPERTY INSIDE CORPORATE LIMITS FIRE PURPOSES ONLY - NO WATER METER

Tap Size	Capacity Fee
1 inch	\$1,057
1 ½ inch	2,378
2 inch	4,228
4 inch	16,911
6 inch	38,049
8 inch	67,605
10 inch	120,119
12 inch	213,426

Fees for taps larger than 12 inch will be determined on an individual contract basis. If domestic lines is used also with fire line, Section (3) is also applicable. The capacity charge for water, for fire purposes only, may be waived by the Service-Safety Director for existing structures located in a Historic District, listed on the National Register of Historic Places, designated as a Designated Landmark, or within the Downtown Lancaster Special Improvement District when a sprinkler system is added on each floor as an incentive to preserve existing structures from the threat of fire by the addition of fire suppression. The approval of the sprinkler plans and completion of the plans are conditions of the waiver.

(3) PROPERTY INSIDE CORPORATE LIMITS FIRE LINE WITH DOMESTIC METER

When customer requests a fire line, one large line capable of providing the required fire flow be installed from the distribution system and that the domestic service be tapped off the fire line inside the structure where a meter is installed to record domestic flow for billing purposes. The charges shall be determined in accordance with the following.

Customer to be charged the scheduled meter size for the domestic line found in TABLE 1 plus the fee located in TABLE 2.

TABLE 3

(4) PROPERTY OUTSIDE CORPORATE LIMITS CONNECTING TO AN EXISTING LINE FOR DOMESTIC USE ONLY

Water Meter Size	Capacity Fee
5/8 or 3/4 inch	\$5,535
1 inch	9,224
1 ½ inch	18,449
2 inch	29,517
4 inch	92,240
6 inch	184,479
8 inch	332,063
10 inch	534,990
12 inch	793,260

Fees for taps larger than 12 inch will be determined on an individual basis. Effective January 1, 2023

Water Meter Size	Capacity Fee
5/8 or 3/4 inch	\$5,535
1 inch	9,224
1 ½ inch	17,591
2 inch	28,251
4 inch	89,019
6 inch	177,504
8 inch	284,133
10 inch	746,264
12 inch	941,892

Fees for taps larger than 12 inch will be determined on an individual basis.

TABLE 4

Effective January 1, 2023

(5) PROPERTY OUTSIDE CORPORATE LIMITS CONNECTING TO EXISTING LINE FOR FIRE PURPOSE ONLY

Tap Size	Capacity Fee
1 inch	\$1,586
1 ½ inch	3,567
2 inch	6,341
4 inch	25,367
6 inch	57,073
8 inch	101,407
10 inch	180,179
12 inch	320,139

Fees for taps larger than 12 inch will be determined on an individual contract basis. If domestic line is used also with fire line, Section (6) is also applicable.

(6) PROPERTY OUTSIDE CORPORATE LIMITS CONNECTING TO AN EXISTING LINE FOR FIRE LINE WITH DOMESTIC METER

When a customer requests a fire line, one large line capable of providing the required fire flows be installed from the distribution system and that the domestic service be tapped off fire line inside the structure where a meter is installed to record domestic flows for billing purposes. The charges shall be determined in accordance with the following:
Customers to be charged the scheduled meter size for domestic line found in TABLE 3 plus the fee located in TABLE 4.

(e) Credit for Existing Tap. In the event of an existing lot having service and the owner would like to increase the size of the tap/meter, a one-time credit would be given. Credit would be determined by subtracting the price of the existing tap/meter from the price of the increased tap/meter. The owner then would be responsible for the difference of the two. This fee would then have to be paid when tap application is filed with the Division of Water.

(f) Property Outside Corporate Limits That Does Not Have An Existing City Maintained Line. The Superintendent of Water along with the City Engineer, Mayor, and/or Service Director and Law Director may negotiate with areas outside corporate limits of Lancaster. Negotiated contract must be approved by a simple majority of City Council. (Ord. 35-22. Passed 11-28-22.)

911.07.1 PAYMENT FOR PERSONS WITH QUALIFIED INCOMES.

- (a) People or families with a qualified income as set forth in subsection (b) hereof may elect to pay the water capacity charge and or tapping fee over a five year period.
- (b) "Qualified income" or this section means a gross income of the family unit less than twenty thousand dollars (\$20,000.00) in the year application is made to defer such charges and fees. Such application shall be made in affidavit form to the Superintendent of Water whenever application is made for the issuance of a water tap. After certification to Council, such charges and fees shall be certified in ordinance form to the County Auditor to be placed upon tax duplicate and collected in the same manner as other taxes and assessments over such five year period.

(c) All funds received as hereir, authorized shall be deposited with the City Treasurer and credited to the special fund described in Section 911.07 (b). (Ord. 47-04. Passed 8-23-04.)

911.07.2 HEARING BOARD.

(a) A Hearing Board shall be appointed by the Mayor as needed for arbitration of differences between the Superintendent of Water and the water users on matters concerning interpretation and execution of the provision of this chapter. The cost of the arbitration will be divided equally between the City and the water user.

(b) One member of the board shall be a registered professional engineer; one member shall be a representative of an industry or manufacturing enterprise; one member shall be a lawyer and one member shall be selected at large for his/her interest in accomplishing the objectives of this chapter. (Ord. 15-99. Passed 3-22-99.)

911.07.3 VALIDITY.

- (a) All ordinances or parts of ordinances in conflict herewith are hereby repealed.
- (b) The validity of any section, clause, sentence or provision of this chapter shall not affect the validity of any other part of this chapter which can be given effect without such invalid part or parts. (Ord. 15-99. Passed 3-22-99.)

911.07.4 PENALTY.

- (a) Whoever violates any provision of this chapter, shall be served by the Service Safety Director with a written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall within the period of time stated in such notice, permanently cease all violations.
- (b) Whoever continues any violation beyond the time limit provided for in subsection (a) hereof shall be guilty of an unclassified misdemeanor with a fine of up to one hundred dollars (\$100.00) for each day a violation continues.

(c) Whoever violates any of the provisions of this chapter shall become liable to the City for any expense, loss or damage occasioned the City by reason of such violation.

(d) The City shall enforce by mandamus, injunction or other legal remedy these rules and regulations, and shall remove any harmful or improper construction or obstruction or shall close any opening or connection made improperly or in violation of these rules and regulations, under authority provided in the code.

(e) The City shall have full power to invoke any authorized legal, equitable or special remedy for the enforcement of this chapter. (Ord. 15-99, Passed 3-22-99.)

City expenses, outlays and claims of every nature and kind arising out of unskillfulness or negligence on his part in connection with plumbing or excavating for plumbing as prescribed in this section. Such bond shall remain in force and shall be executed for a period of one year except that on such expiration, it shall remain in force as to all penalties, claims and demand that may have accrued thereunder prior to such expiration. (Ord. 7-86, Passed 2-10-86.)

912.05 CAPACITY CHARGE FOR TRUNK SANITARY SEWER BENEFIT.

(a) The City Engineer is hereby authorized and directed to collect a sanitary sewer system capacity charge whenever application is made for the issuance of a sewer permit to provide sanitary sewer to a structure, whenever such property is or will be tributary, directly or indirectly to any trunk sanitary sewer built by the City, either inside or outside the corporate limits of the City and as provided elsewhere in the Lancaster Codified Ordinances.

(b) The charge shall be determined in accordance with the following:

(1) PROPERTY INSIDE CORPORATE LIMITS

TABLE 1

WATER METER SIZE	CAPACITY FEE
5/8 or 3/4 inch	\$4,844.00
1 inch	9,452.00
1 1/2 inch	22,920.00
2 inch	39,933.00
4 inch	86,010.00
6 inch	144,611.00
8 inch	325,374.00

Fees for meters larger than 8 inch will be determined on an individual basis.

(2) PROPERTY OUTSIDE CORPORATE LIMITS

TABLE 2

WATER METER SIZE	CAPACITY FEE
5/8 or 3/4 inch	\$7,266.00
1 inch	14,178.00
1 1/2 inch	34,381.00
2 inch	59,900.00
4 inch	129,016.00
6 inch	216,916.00
8 inch	488,062.00

Fees for meters larger than eight (8) inch will be determined on an individual basis. Effective January 1, 2023

(1) PROPERTY INSIDE CORPORATE LIMITS

TABLE 1

WATER METER SIZE	CAPACITY FEE
5/8 or 3/4 inch	\$5,789.00
1 inch	9,842.00
1 1/2 inch	19,104.00
2 inch	30,683.00
4 inch	96,680.00
6 inch	192,782.00
8 inch	308,566.00
10 inch	810,493.00
12 inch	1,022,958.00

Fees for meters larger than twelve (12) inch will be determined on an individual basis.

(2) PROPERTY OUTSIDE CORPORATE LIMITS

TABLE 2

WATER METER SIZE	CAPACITY FEE
5/8 or 3/4 inch	\$8,684.00
1 inch	14,763.00
1 1/2 inch	28,657.00
2 inch	46,024.00
4 inch	145,020.00
6 inch	289,172.00
8 inch	462,849.00
10 inch	1,215,740.00
12 inch	1,534,437.00

Fees for meters larger than twelve (12) inch will be determined on an individual basis.

(c) A deduction may be made from the trunk sewer capacity charge herein imposed whenever, and to the extent that, the owner of the property concerned can show that a special assessment has been paid for such or similar trunk sewer benefit, provided that such deduction shall be limited to the amount of such original payment.

(d) **Capacity Charge for Trunk Sewer Benefit.** An exemption of the capacity charge shall be made where a structure of a classified use is replaced by a structure of a higher use. The capacity charge fee shall be the difference of the lower use fee from the higher use fee. The City Engineer or his designee shall have the final discretion to approve or reject the existing lateral.

(e) The capacity charge due for existing residential structures required to connect to the City's sanitary system by Lancaster Codified Ordinance Section 912.02 may be paid through the following methods:

- (1) A ten-year assessment to the real property tax without interest so long as the payments are received within thirty (30) days of the due date.
- (2) A five-year assessment to the real property tax without interest so long as the payments are received within thirty (30) days of the due date.
- (3) Payment in full.

(Ord. 30-22. Passed 10-24-22.)

912.06 WAIVER OF FEES FOR PERSONS WITH QUALIFIED INCOMES.

(a) People or families with a qualified income set forth in subsection (b) hereof shall have the sewer capacity charge, tapping, and inspection fees waived.

(b) "Qualified Income" for this section means a gross income of the family unit less than twenty thousand dollars (\$20,000) in the year application is made to have such charges and fees waived. Such application shall be made in affidavit form to the City Engineer whenever application is made for the issuance of a sewer tap application.

(c) All funds received as herein authorized shall be deposited with the Wastewater Revenue Fund. (Ord. 47-04. Passed 8-23-04.)

912.07 USE OF THE PUBLIC SEWERS REGULATED.

(a) No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer.

(b) Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the City Engineer. Industrial cooling water or unpolluted process waters may be discharged, on approval of the City Engineer, to a storm sewer, combined sewer or natural outlet.

(c) No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

- (1) Any gasoline, benzene, naphtha, fuel oil, motor oil or other flammable or explosive liquid, solid or gas;

- (2) Any water or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the water pollution control plant;
- (3) Any water or wastes having a pH less than 5.5 or higher than 9.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works; or
- (4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, fat, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshing, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

(d) No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely in the opinion of the City Engineer or Superintendent, that such wastes can harm either the sewers, sewage treatment process or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the City Engineer or Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the water pollution control plant, degree of treatability of wastes in the water pollution control plant, and other pertinent factors. The substances prohibited include but are not limited to:

- (1) Any liquid or vapor having a temperature higher than 104 degrees Fahrenheit, at the introduction into the public sewer;
- (2) Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of 100mg/l, or containing substances which may solidify or become viscous at temperatures between thirty-two and 150 degrees Fahrenheit;
- (3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horse power or greater, shall be subject to the review and approval of the City Engineer;
- (4) Any waters or wastes containing strong acid iron pickling wastes or concentrated plating solutions, whether neutralized or not;
- (5) Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances, in excess of the limits set in Section 916.05 or wastes exerting an excessive chlorine requirement to such degree that any such material received in the composite sewage at the water pollution control plant exceeds the limits established by the Superintendent for such materials;
- (6) Any water or wastes containing phenols or other taste or odor-producing substances in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal or other public agencies of jurisdiction for such discharge to the receiving waters;

- (7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations;
- (8) Materials which exert or cause:
 - A. Unusual concentrations of inert suspended solids such as but not limited to Fuller's earth, lime slurries and lime residues, or of dissolved solids such as but not limited to sodium chloride and sodium sulfate;
 - B. Excessive discoloration such as but not limited to dye wastes and vegetable tanning solutions;
 - C. Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the water pollution control plant; or
 - D. Unusual volume of flow or concentration of wastes constituting "slugs", as defined herein; or
- (9) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such a degree that the water pollution control plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- (e) If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in subsection (d) hereof, and which, in the judgment of the City Engineer or Superintendent, may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the City Engineer or Superintendent may:
 - (1) Require new industries or industries with significant increase in discharge to submit information on waste-water characteristics and obtain prior approval for discharges, in accordance with Chapter 916;
 - (2) Require other methods of disposal; and/or
 - (3) Require pretreatment to an acceptable condition for discharge to the public sewers; in accordance with Chapter 916; and/or
 - (4) Require control over the quantities, rates and times of discharge; and/or
 - (5) Require facilities to prevent accidental discharge of any unacceptable wastes; and
 - (6) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of this section or other City ordinances.

If the City Engineer permits the pretreatment or equalization of waste flows, the design and installation of the plans and equipment shall be subject to the review and approval of the City Engineer and Superintendent, and subject to the requirements of all applicable codes, ordinances and laws.

(f) Grease, oil and sand interceptors shall be provided when, in the opinion of the City Engineer or Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the City Engineer and shall be located as to be readily and easily accessible for cleaning and inspection. Provided however, that approval of any such interceptors by the City Engineer or Superintendent shall not relieve any person of the responsibility of complying with the discharge requirements of this section.

- (g) Fats, grease, oil and sand interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight.
- (h) Where installed, all fats, grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times.
 - (i) (1) The admission into the public sewers, of any waters or wastes having:
 - A. A five day BOD greater than 200 mg/l by weight; or
 - B. Containing more than 300 mg/l by weight of suspended solids; or
 - C. Containing any quantity of substances having the characteristics described in Section 912.07(d)(8); or
 - D. Having an average daily flow greater than five percent (5%) of the average daily sewage flow of the water pollution control plant; or
 - E. Having NH₃-N (Ammonia Nitrogen) greater than twenty mg/l by weight.
 Shall be subject to the review and approval of the City Engineer or Superintendent.
 - (2) Where necessary in the opinion of the Superintendent, the owner shall provide at his expense such preliminary treatment as may be necessary to:
 - A. Reduce BOD to 200 mg/l, the suspended solids to 300 mg/l by weight and the ammonia nitrogen to 20 mg/l; or
 - B. Reduce the objectionable characteristics or constituents to within the maximum limits provided in Section 912.07(d)(8); or
 - C. Control the quantities and rates of discharge of such waters or wastes; or
 - D. Be subject to surcharge.
 - (j) Where preliminary treatment or flow equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.
 - (k) When required by the City Engineer or Superintendent, the owner of any property serviced by a sewer lateral carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the sewer lateral to facilitate observations, sampling and measurement of the wastes. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the City Engineer. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times. See Chapter 916, Municipal Pretreatment.
 - (l) All measurements, tests and analysis of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of "Standard Methods for Examination of Water and Wastewater", published by the American Public Health Association, and shall be determined at the control manhole provided or upon suitable samples taken at such control manhole. In the event that no special manhole

has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the sewer lateral is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. (The particular analysis involved will determine whether a twenty-four hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analysis are obtained from the twenty-four hour composites of all outfalls, whereas pHs are determined from periodic grab samples.)

(m) No statement contained in this section shall be construed as preventing any special agreement or arrangements between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefor by the industrial concern, and in accordance with Chapter 916. (Ord. 7-86. Passed 2-10-86.)

912.08 DAMAGE OR DESTRUCTION OF SEWAGE WORKS.

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct. (Ord. 7-86. Passed 2-10-86.)

912.09 OPERATING UPSETS.

Any discharger which experiences an upset in operations which places the discharger in a temporary state of noncompliance with this chapter or a wastewater discharge permit issued pursuant hereto shall inform the City thereof within twenty-four hours of first awareness of the commencement of the upset. Where such information is given orally, a written follow-up report thereof shall be filed by the discharger with the City within five days. The report shall specify:

- (a) Description of the upset, the cause thereof and the upset's impact on a discharger's compliance status;
- (b) Duration of noncompliance, including exact dates and times of noncompliance, and if the noncompliance continues, the time by which compliance is reasonably expected to occur; and
- (c) All steps taken or to be taken to reduce, eliminate and prevent recurrence of such an upset or other conditions of noncompliance.

A documented and verified bonafide operation upset shall be an affirmative defense to any enforcement action brought by the City against a discharger for any noncompliance with this chapter or any wastewater discharge permit issued pursuant hereto which arises out of violations alleged to have occurred during the period of the upset. (Ord. 7-86. Passed 2-10-86.)

912.10 POWERS AND AUTHORITY OF CITY ENGINEER AND SUPERINTENDENT.

(a) The City Engineer, Superintendent or other duly authorized employees of the City bearing proper credentials and identifications shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this chapter. The City Engineer or his representative shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and sources of discharge to the sewers or waterways or facilities for waste treatment.

(b) While performing the necessary work on private properties referred to in subsection (a) hereof, the City Engineer or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the City employees, and the City shall indemnify the company against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Section 912.07(k).

(c) The City Engineer and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of but not limited to inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within such easement. All entry and subsequent work, if any on such easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (Ord. 7-86. Passed 2-10-86.)

912.11 HEARING BOARD.

(a) A Hearing Board shall be appointed by the Mayor as needed for arbitration of differences between the City Engineer and sewer users on matters concerning interpretation and execution of the provisions of this chapter. The cost of the arbitration will be divided equally between the City and the sewer user.

(b) One member of the Board shall be a registered professional engineer; one member shall be a representative of an industry or manufacturing enterprise; one member shall be a lawyer and one member shall be selected at large for his interest in accomplishing the objectives of this chapter. (Ord. 7-86. Passed 2-10-86.)

912.12 VALIDITY.

(a) All ordinances or parts of ordinances in conflict herewith are hereby repealed.

(b) The validity of any section, clause, sentence or provision of this chapter shall not affect the validity of any other part of this chapter which can be given effect without such invalid part or parts. (Ord. 7-86. Passed 2-10-86.)

912.99 PENALTY.

(a) Whoever violates any provision of this chapter, shall be served by the Service-Safety Director with a written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall within the period of time stated in such notice, permanently cease all violations.

(b) Whoever continues any violation beyond the time limit provided for in subsection (a) hereof shall be fined not more than one hundred dollars (\$100.00) for each violation. Each day in which any such violation continues shall be deemed a separate offense.

(c) Whoever violates any of the provisions of this chapter shall become liable to the City for any expense, loss or damage occasioned the City by reason of such violation.

(d) The City shall enforce by mandamus, injunction or other legal remedy these rules and regulations, and shall remove any harmful or improper construction or obstruction or shall close any opening or connection made improperly or in violation of these rules and regulations, under authority provided in the Code.

(e) The City shall have full power to invoke any authorized legal, equitable or special remedy for the enforcement of this chapter. (Ord. 7-86. Passed 2-10-86.)

- (1) The sewer rates and charges shall be based on the quantity of water used on or in the property or premises subject to such rates and charges, as the same is measured by the water meter there in use, plus a base charge, except as herein otherwise provided. For the purpose of billing and collecting the charges for sewage service, the water meters shall be read monthly, and the users shall be billed each month. The water usage schedule on which the amount of such rates and charges shall be determined shall be as follows:

RESIDENTIAL/COMMERCIAL:

	Total
Base Rate	\$18.98
Treatment	\$6.54/100cfl
Effective January 1, 2023	
Base Rate	\$19.55
Treatment	\$6.74/100cfl
Effective January 1, 2024	
Base Rate	\$20.72
Treatment	\$7.14/100cfl
Effective January 1, 2025	
Base Rate	\$21.96
Treatment	\$7.57/100cfl
Effective January 1, 2026	
Base Rate	\$22.62
Treatment	\$7.80/100cfl
Effective January 1, 2027	
Base Rate	\$23.30
Treatment	\$8.03/100cfl

- (2) For residential users of the sewage works that are not metered water users or from whom accurate meter readings are not available, the monthly charge shall be as follows:

	Total
Total	\$71.30
Effective January 1, 2023	
Total	\$73.47
Effective January 1, 2024	
Total	\$77.88
Effective January 1, 2025	
Total	\$82.55
Effective January 1, 2026	
Total	\$85.02
Effective January 1, 2027	
Total	\$87.57

INDUSTRIAL:

TIER 1	0-100cfl	\$6.54
TIER 2	101-250cfl	\$5.65
TIER 3	251-2500cfl	\$4.39
TIER 4	> 2501cfl	\$4.12
Monthly Customer Charge		\$18.98
Effective January 1, 2023:		
TIER 1	0-100cfl	\$7.19
TIER 2	101-250cfl	\$6.22
TIER 3	251-2500cfl	\$4.83
TIER 4	> 2501cfl	\$4.53
Monthly Customer Charge		\$20.88

Effective January 1, 2024:

TIER 1	0-100ccf	\$7.62
TIER 2	101-250ccf	\$6.59
TIER 3	251-2500ccf	\$5.12
TIER 4	> 2501ccf	\$4.80
Monthly Customer Charge		\$22.13

Effective January 1, 2025:

TIER 1	0-100ccf	\$8.08
TIER 2	101-250ccf	\$6.99
TIER 3	251-2500ccf	\$5.43
TIER 4	> 2501ccf	\$5.09
Monthly Customer Charge		\$23.46

Effective January 1, 2026:

TIER 1	0-100ccf	\$8.32
TIER 2	101-250ccf	\$7.20
TIER 3	251-2500ccf	\$5.59
TIER 4	> 2501ccf	\$5.24
Monthly Customer Charge		\$24.16

Effective January 1, 2027:

TIER 1	0-100ccf	\$8.57
TIER 2	101-250ccf	\$7.42
TIER 3	251-2500ccf	\$5.76
TIER 4	> 2501ccf	\$5.39
Monthly Customer Charge		\$24.88

(3) For the service rendered to the City, the City shall be subject to the same rates and charges hereinabove provided or to charges and rates established in harmony therewith.

(b) The quantity of water discharged into the sanitary sewer system and obtained from sources other than the City shall be determined by the City in such a manner as the City shall reasonably elect, and the sewage service shall be billed at the above appropriate rates; further, as is hereinafter provided in this section, the City may make proper allowances in determining the sewage bill for quantities of water shown on the records to be consumed, but which are also shown to the satisfaction of the City that such quantities do not enter the sanitary sewerage system.

(1) In the event: a lot, parcel of real estate or building discharging sanitary sewage, industrial wastes, water or other liquids into the City's sanitary sewerage system, either directly or indirectly, is not a user of water supplied by the City, the water used thereon or therein is not measured by a water meter or is measured by a water meter not acceptable to the City, then the amount of water used shall be otherwise measured or determined by the City. In order to ascertain the rate or charge provided in this chapter the owner or other interested party shall, at his expense, install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the City for the determination of sewage discharge.

(2) In the event a lot, parcel of real estate or building discharging sanitary sewage, industrial wastes, water or other liquids into the City sanitary sewerage system, either directly or indirectly, is a user of water supplied by the City, and in addition, is a user of water from another source which is not measured by a water meter or is measured by a water meter not acceptable to the City then the amount of water used shall be otherwise measured or determined by the City. In order to ascertain the rates or charges, the owner or other interested parties shall, at his expense, install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the City for the determination of sewage discharge.

(3) In the event two or more residential lots, parcels of real estate, or buildings discharging sanitary sewage, water or other liquids into the City sanitary sewerage system, either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, then in each such case, for billing purposes, the quantity of water used shall be averaged for each user and the base charge and the flow rates and charges shall apply to each of the number of residential lots, parcels of real estate or buildings served through the single water meter.

(4) In the event a lot, parcel of real estate or building discharges sanitary sewage, industrial waste, water or other liquids into the City's sanitary sewerage system either directly or indirectly, and uses water in excess of 1000 cubic feet per month, and it can be shown to the satisfaction of the City that a portion of water as measured by the water meter or meters does not and cannot enter the sanitary sewer system, then the owner or other interested party shall, at his own expense, install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the City for the determination of sewage discharge.

- (5) In order that the residential users discharging sanitary sewage not be penalized for sprinkling lawns, washing cars, watering gardens, etc., during the months of May, June, July, August, September and October, the billing for sanitary sewer services for residential users for the months of May, June, July, August, September and October (Summer Average) of a particular year shall be based upon that user's average monthly water usage billed during the months January, February, March, April, November and December (Winter Average). Residential sanitary sewer services applicable to the Summer Average shall apply to each lot, parcel of real estate, or building which is occupied and used as a residence. The Summer Average shall not apply to any premises which are partially used for commercial or industrial purposes.

The Winter Average shall be determined by the customer's actual usage during the prior year for November thru April. When the average is calculated, the high and low readings will be discarded. If a customer has less than six (6) readings, the number shall be defaulted to a value of eight hundred (800) cubic feet. For billing purposes, a minimum of three hundred (300) cubic feet shall be set and the lesser of the actual/average (default if used) will be charged. (Ord. 30-22. Passed 10-24-22.)

915.05 STRENGTH SURCHARGES.

In order that the rates and charges may be justly and equitably adjusted to the service rendered to users, the City shall base its charges not only on the volume, but also on strength and character of the stronger-than-normal domestic sewage and wastes which it is required to treat and dispose of. The City shall require the user to determine the strength and content of all sewage and wastes discharged, either directly or indirectly into the sanitary sewer system, in such manner and by such method as the City may deem practicable in the light of the conditions and attending circumstances of the case, in order to determine the proper charge. The user shall furnish a central sampling point available to the City at all times.

- (a) Normal sewage domestic waste strength should not exceed a carbonaceous biochemical oxygen demand (CBOD) of 200 milligrams per liter of fluid or suspended solids in excess of 300 milligrams per liter fluid. Additional charges for treating stronger-than-normal domestic waste shall be made on the following basis:

- (1) Rate surcharge based upon CBOD. There shall be an additional charge of thirty dollars and forty-four cents (\$30.44) per 100 pounds of carbonaceous biochemical demand for CBOD received in excess of 200 milligrams per liter of fluid. The rate shall increase to thirty-three dollars and forty-eight cents (\$33.48) per 100 pounds on January 1, 2023.
- (2) Rate surcharge based upon suspended solids. There shall be an additional charge of eighteen dollars and fifty-five cents (\$18.55) per 100 pounds of suspended solids for suspended solids received in excess of 300 milligrams per liter of fluid. The rate shall increase to twenty dollars and forty-one cents (\$20.41) per 100 pounds on January 1, 2023. (Ord. 30-22. Passed 10-24-22.)
- (b) The determination of suspended solids and five-day biochemical oxygen demand contained in the waste shall be in accordance with the latest copy of "Standard Methods for the Examination of Water and Wastewater", as written by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation, and in conformance with "Methods for Chemical Analysis of Water and Wastes", U.S. EPA-600/4-79-020. (Ord. 6-86. Passed 2-10-86.)

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915.06 COLLECTION AND ENFORCEMENT DUTIES.

The charge or rentals levied pursuant to this chapter shall be collected by the Safety-Service Department, and the Safety-Service Director shall make and enforce such by-laws and regulations as may be deemed necessary for the safe, economical and efficient management and protection of the City sewerage system and the sewage pumping, treatment and disposal works, for the construction and use of the sewers and connections to the sewerage system, and for the regulation, collection, rebating and refunding of such charge or rentals.

The Director is hereby authorized to prohibit dumping of wastes into the City sewage system, which, at his discretion, are deemed harmful to the operation of the sewage treatment works of the City, or to require methods affecting pretreatment of such wastes to comply with the pretreatment standards included in the National Pollution Discharge Elimination System (NPDES) permit issued to the sewage works and Chapter 916.

- (a) The rates and charges for all users shall be prepared and billed monthly.
- (b) The rates and charges may be billed to the tenant or tenants occupying the properties served, unless otherwise requested in writing by the owner, but such billing shall in no way relieve the owner from the liability in the event payment is not made as heretofore required. The owners of properties served, which are occupied by a tenant or tenants, shall have the right to examine the collection records of the City for the purpose of determining whether bills have been paid by such tenant or tenants, provided that such examination shall be made at the office at which such records are kept and during the hours that such office is open for business.
- (c) Each user shall be notified, on an annual basis, and in conjunction with the regular bill, of the user rate and that portion of the rate which is attributable to wastewater treatment services. (Ord. 6-86. Passed 2-10-86.)
- (d) As is provided by statute, all rates and charges not paid when due are hereby declared to be delinquent and a penalty of five percent (5%) of the amount of the rates or charges due shall be attached thereto. The time at which such rates or charges shall be paid is now fixed at fifteen (15) days after the date of mailing of the bill. (Ord. 64-05. Passed 10-17-05.)

915.07 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 a connection to the sanitary sewerage system of the City, and if the same is not paid within thirty days after it shall become due and payable, it shall be certified to the County Auditor who shall place the same on the tax duplicate of the County with the interest and penalties allowed by law and shall be collected the same as other taxes are collected. (Ord. 6-86. Passed 2-10-86.)

915.08 RATES TO APPLY TO FUTURE CONNECTIONS.

For any lots, lands, buildings or premises from which connection is made with the City sanitary sewerage system or which begins to discharge sewage, industrial waste, water or other liquids into the City sanitary sewerage system, either directly or indirectly, after the effective date of this chapter charges shall be made pursuant to this chapter. (Ord. 6-86. Passed 2-10-86.)

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915.09 USE OF SANITARY SEWER FUND.

The funds received from the collection of the charges or rentals authorized by this chapter, shall be deposited with the City Treasurer and shall be accounted for and be known as the Sanitary Sewer Fund and, when appropriated by Council, shall be available for the payment of the cost and expense of the management, maintenance, operation and repair of the City sewerage system and the sewage pumping, treatment and disposal works. Any surplus in the Operation, Maintenance and Replacement (OM & R) segment of the Sanitary Sewer Fund must be used for OM & R purposes and as provided by law. Any surplus in the Capital Improvements or Debt Retirement segment of the Sanitary Sewer Fund may be used for any purpose other than OM & R, and as provided by law. (Ord. 7-95, Passed 2-27-95.)

915.10 PERIODIC REVIEW OF SEWER RATES.

(a) In order that the rates and charges for sewage services may remain fair and equitable and be in proportion to the cost of providing services to the various users or user classes, the City shall cause a study to be made within a reasonable period of time following the first year of operation, after completion of construction. Such study shall include, but not be limited to, an analysis of the costs associated with the treatment of excessive strength effluents from industrial users, volume and delivery flow rate characteristics attributed to the various users or user classes, the financial position of the treatment works and the adequacy of its revenue to provide reasonable funds for the operation and maintenance, replacements, debt service requirements and capital improvements to the treatment works.

(b) Thereafter, on an annual basis, within a reasonable period of time following the normal accounting period, the City shall cause a similar study to be made for the purpose of reviewing the fairness and equity of the rates and charges for sewage services on a continuing basis. Such studies shall be conducted by officials or employees of the City, or by a firm of certified public accountants, or a firm of consulting engineers which firms shall have experience in such studies, or by such combination of officials, employees, certified public accountants or engineers as the City shall determine to be best under the circumstances.

(c) Further, the results of such study shall be used as a basis for any rate adjustments necessary to maintain sufficiency of revenue and/or proportionality between classes. (Ord. 6-86, Passed 2-10-86.)

915.11 VALIDITY.

The invalidity of any section, clause, sentence or provision of this chapter shall not affect the validity of any other part of this chapter which can be given effect without such invalid part or parts. (Ord. 6-86, Passed 2-10-86.)

915.12 EFFECTIVE DATE.

The rates and charges as herein set forth shall become effective on the first full billing period occurring after the effective date of this section. (Ord. 6-86, Passed 2-10-86.)

915.13 APPLICATION OF RATES.

The user charge rates established in this chapter apply to all users of the City treatment works. (Ord. 6-86, Passed 2-10-86.)

MATERIALS	INDUSTRIAL EFFLUENT LIMITATIONS MAX/DAY (mg/l)
Arsenic	0.043
Mercury	0.0002
Silver	0.021
Oil and Grease	100

Any other pollutants of concern shall be controlled in the industrial users control document (permit) based on mass proportioning of these pollutants. Annual review and proportioning shall occur by the City, with written notification to the user. (Ord. 16-15. Passed 11-23-15.)

916.06 ACCIDENTAL DISCHARGES.

(a) Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this chapter. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner's or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the City for review, and shall be approved by the City before construction of the facility. All existing users shall complete such a plan within ninety days of the effective date of this section. No user who commences contribution to the POTW after the effective date of this section shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the City. Review and approval of such plans and operating procedures by the City shall not relieve the user from the responsibility to modify the user's facility as necessary to meet the requirements of this chapter. In the case of an accidental discharge or the occurrence of a slugload, it is the responsibility of the user to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

(b) At least once during the term of each significant industrial user's control mechanism or within one year of being identified as a significant industrial user, the City will evaluate the need for a plan, device or structure to control potential slug control discharges.

(c) **Written Notice.** Within five days following an accidental discharge or the occurrence of a slugload, the user shall submit to the Superintendent a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil or criminal penalties, or other liability which may be imposed by this chapter or other applicable law.

(d) All industrial users shall promptly notify the POTW at least 30 days in advance of any substantial change in the volume or character of pollutants in their discharge. Significant industrial users shall notify the POTW immediately of any changes at its facility affecting the potential for a slug discharge.

(e) **Notice of Employees.** A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure. (Ord. 16-15. Passed 11-23-15.)

916.07 FEES.

(a) **Cost Purpose.** It is the purpose of this chapter to provide for the recovery of costs from users of the City's wastewater disposal system for the implementation of the program established herein. The applicable charges or fees shall be set forth in the City's schedule of charges and fees.

(b) **Charges and Fees.** The City may adopt charges and fees which may include:

- (1) Fees for reimbursement of costs of setting up and operating the City's pretreatment program;
- (2) Fees for monitoring, inspections and surveillance procedures;
- (3) Fees for reviewing accidental discharge procedures and construction;
- (4) Fees for permit applications;
- (5) Fees for filing appeals;
- (6) Fees for consistent removal by the City of pollutants otherwise subject to Federal pretreatment standards;
- (7) Other fees as the City may deem necessary to carry out the requirements contained herein.

(c) **Separate Fees.** These fees relate solely to the matters covered by this chapter and are separate from all other fees chargeable by the City. (Ord. 16-15. Passed 11-23-15.)

916.08 STRENGTH SURCHARGE.

(a) Every person, firm or corporation whose premises are served by a sewer connection which discharges sanitary sewage, industrial wastes, water or other liquids, other than normal sewage, either directly or indirectly into the sewerage system under the jurisdiction of the City, shall be charged and shall pay a sewage surcharge in addition to the sewerage service charge for normal domestic sewage.

(b) The basis of the surcharge shall be determined on the following constituents of the water or wastes that are in excess of "normal sewage":

- (1) Total suspended solids;
- (2) C.B.O.D., five days at 20 degrees Centigrade;

When any or all of the total suspended solids or C.B.O.D. of a water or waste accepted for admission to the City sewage works exceeds the values of these constituents for normal domestic sewage, payment of the treatment surcharge will be computed as the cost of treating the excess quantities of waste based upon the weight in units of 100 pounds. (Ord. 16-15. Passed 11-23-15.)

(c) Strength surcharges are hereby established as follows:

Pollutant Parameters	Cost Per 100 Pounds
Carbonaceous Biochemical Oxygen Demand	\$30.44
Suspended Solids	\$18.55
Effective January 1, 2023	
Carbonaceous Biochemical Oxygen Demand	\$33.48
Suspended Solids	\$20.41
(Ord. 30-22. Passed 10-24-22.)	

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