CODIFIED ORDINANCES OF THE VILLAGE OF ROAMING SHORES OHIO

Complete to June 1, 2015

CERTIFICATION

We, John Ball, Mayor, and Leeann Moses, Clerk-Treasurer of the Village of Roaming Shores, Ohio, pursuant to Ohio Revised Code 731.23 and 731.42, hereby certify that the general and permanent ordinances of the Village of Roaming Shores, 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 the Village of Roaming Shores, Ohio, 2007, as amended to June 1, 2015.

/s/ John Ball
Mayor

/s/ Leeann Moses
Clerk-Treasurer

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publication by
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Cleveland, Ohio

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VILLAGE OF ROAMING SHORES

ROSTER OF OFFICIALS

(2015)

COUNCIL

Robert Cook, President
Roy Brommer
Cheryl Fain
Marlene Hocevar
Ed Koziol
Mark Reighard

OFFICIALS

John Ball	Mayor
Leeann Moses	Clerk-Treasurer
Kevin Grippi	Village Administrator
Kyle B. Smith	Solicitor

The publisher expresses its appreciation
to

RICHARD WILLS
Councilman

JIM BENTLEY
Councilman

LEEANN MOSES
Clerk-Treasurer

and to all other Village personnel who
gave time to the 2007 codification of
the Village ordinances.

ORDINANCE NO. 448-08-07

AN EMERGENCY ORDINANCE APPROVING CODIFIED ORDINANCES FOR THE VILLAGE OF ROAMING SHORES.

WHEREAS, this Ordinance is deemed to be an emergency ordinance, necessary for the preservation of the public health, safety and welfare, in that consideration of public peace, health and safety require the adoption and implementation of a codified system of all Village Ordinances; and

WHEREAS, the Village Council has by and through Ordinance No. 445-02-07 determined that it is in the best interests of the operations of the Village Government to codify into loose-leaf book format all Village Ordinances of a general and permanent nature; and

WHEREAS, the Village Council has now received the completed codification of Village Ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF ROAMING SHORES, OHIO:

Section 1: That the Village Ordinance codification is hereby adopted.

Section 2: That this Ordinance is declared to be an emergency measure and shall be in force and effect from and after its passage and approval by the Village Mayor.

Carl Biats
VILLAGE MAYOR

Adopted on the 21st day of August, 2007.

Attest:

Leeann Moses
VILLAGE CLERK

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EDITOR'S NOTE

The arrangement and numbering of the Codified Ordinances into component codes, titles, chapters and sections are based on an adaptation of the decimal numbering system which is similar to that used in the Ohio Revised Code, and in accord with the best accepted practice in instituting a codification. Each section is self-identifying as to code, chapter and section number. For example, 305.06 indicates that the code number is 3, the chapter number is 305 (or the 5th chapter within code 3), and the section number is .06. The code and chapter numbers appear left of the decimal, with the code number preceding the first two digits left of the decimal, and the chapter number being all digits left of the decimal. The section number appears right of the decimal. As another example, 113.10 indicates the code number is 1, the chapter number is 113 (or the 13th chapter within code 1), and the section number is .10.

This numbering system has the advantage of inherent flexibility in allowing for an almost endless amount of expansion. Codes, titles and chapters initially are odd-numbered, thus reserving the use of even numbers for future legislation. Sections within chapters are consecutively numbered, except that penalty provisions are usually assigned the number .99 as used in the Revised Code. Newly created sections subsequent to the original codification may be indicated by three digits right of the decimal in the event the law properly belongs between two consecutively numbered sections. For example, newly created 575.061, 575.062 and 575.063 follow 575.06 and precede 575.07 to be placed in their logical position.

Section histories enable a user to trace the origin of the law contained in the section. The history indicates the derivation by reference to either its passage date and the ordinance number originally assigned to it at that time, or to its inclusion in any prior code. Sections without histories indicate that the section contains new matter which was ordained by the Adopting Ordinance which enacts the Codified Ordinances.

The Comparative Section Table is included to show the disposition of every ordinance included in the Codified Ordinances. It indicates whether a given ordinance was consolidated with another into one section or split into two or more sections. Cross references direct the user to subject matter reasonably related to material contained within a given chapter.

GENERAL INDEX

EDITOR'S NOTE: References are to individual code sections. As additional aids for locating material, users are directed to:

(a) The comparative Section Table which indicates in the Codified Ordinances the disposition of the ordinances or resolutions integrated therein.

(b) The table of contents preceding each component code, and the sectional analysis preceding each chapter.

(c) The cross references to related material following each chapter analysis.

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TITLE FIVE - Administrative
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TITLE SEVEN - Taxation
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CODIFIED ORDINANCES OF ROAMING SHORES

PART ONE - ADMINISTRATIVE CODE

TITLE ONE - General Provisions

Chap. 101. Codified Ordinances.
Chap. 103. Official Standards.

CHAPTER 101
Codified Ordinances

101.01 Designation; citation; headings.
101.02 General definitions.
101.03 Rules of construction.
101.04 Revivor; effect of amendment or repeal.
101.05 Construction of section references.
101.06 Conflicting provisions.
101.07 Determination of legislative intent.
101.08 Severability.
101.99 General penalty.

CROSS REFERENCES

See sectional histories for similar State law
Statute of limitations on prosecutions - see Ohio R.C. 718.06; GEN. OFF. 501.06
Codification in book form - see Ohio R.C. 731.23
Imprisonment until fine and costs are paid - see Ohio R.C. 1905.30, 2947.14
Citation issuance for minor misdemeanors - see Ohio R.C. 2935.26 et seq.
Rules of construction for offenses and penalties - see GEN. OFF. 501.04

101.01 DESIGNATION; CITATION; HEADINGS.

(a) All ordinances of a permanent and general nature of the Municipality as revised, codified, rearranged, renumbered and consolidated into component codes, titles, chapters and sections shall be known and designated as the Codified Ordinances of Roaming Shores, Ohio, 2007, for which designation "Codified Ordinances" may be substituted. Code, title, chapter and section headings do not constitute any part of the law as contained in the Codified Ordinances. (ORC 1.01)

(b) All references to codes, titles, chapters and sections are to such components of the Codified Ordinances unless otherwise specified. Any component code may be referred to and cited by its name, such as the "Traffic Code". Sections may be referred to and cited by the designation "Section" followed by the number, such as "Section 101.01".

101.02 GENERAL DEFINITIONS.

As used in the Codified Ordinances, unless another definition is provided or the context otherwise requires:

(a) "And" may be read "or", and "or" may be read "and", if the sense requires it. (ORC 1.02(F))

(b) "Another" when used to designate the owner of property which is the subject of an offense, includes not only natural persons but also every other owner of property. (ORC 1.02(B))

(c) "Bond" includes an undertaking and "undertaking" includes a bond. (ORC 1.02(D), (E))

(d) "Council" means the legislative authority of the Municipality.

(e) "County" means Ashtabula County, Ohio.

(f) "Keeper" or "proprietor" includes all persons, whether acting by themselves or as a servant, agent or employee.

(g) "Land" or "real estate" includes rights and easements of an incorporeal nature. (ORC 701.01(F))

(h) "Municipality" or “Village” means the Village of Roaming Shores, Ohio.

(i) "Oath" includes affirmation and "swear" includes affirm. (ORC 1.59(B))

(j) "Owner", when applied to property, includes any part owner, joint owner or tenant in common of the whole or part of such property.

(k) "Person" includes an individual, corporation, business trust, estate, trust, partnership and association. (ORC 1.59(C))

(l) "Premises", as applied to property, includes land and buildings.

(m) "Property" means real and personal property. (ORC 1.59(E))
"Personal property" includes all property except real.
"Real property" includes lands, tenements and hereditaments.

(n) "Public authority" includes boards of education; the Municipal, County, State or Federal government, its officers or an agency thereof; or any duly authorized public official.

(o) "Public place" includes any street, sidewalk, park, cemetery, school yard, body of water or watercourse, public conveyance, or any other place for the sale of merchandise, public accommodation or amusement.

(p) "Registered mail" includes certified mail and "certified mail" includes registered mail.
(ORC 1.02(G))

(q) "Rule" includes regulation. (ORC 1.59(F))

(r) "Sidewalk" means that portion of the street between the curb line and the adjacent property line intended for the use of pedestrians.

(s) "This State" or "the State" means the State of Ohio.
(ORC 1.59(G))

(t) "Street" includes alleys, avenues, boulevards, lanes, roads, highways, viaducts and all other public thoroughfares within the Municipality.

(u) "Tenant" or "occupant", as applied to premises, includes any person holding a written or oral lease, or who actually occupies the whole or any part of such premises, alone or with others.

(v) "Whoever" includes all persons, natural and artificial; partners; principals, agents and employees; and all officials, public or private.
(ORC 1.02(A))

(w) "Written" or "in writing" includes any representation of words, letters, symbols or figures. This provision does not affect any law relating to signatures.
(ORC 1.59(J))

101.03 RULES OF CONSTRUCTION.

(a) Common and Technical Usage. Words and phrases shall be read in context and construed according to the rules of grammar and common usage. Words and phrases that have acquired a technical or particular meaning, whether by legislative definition or otherwise, shall be construed accordingly.
(ORC 1.42)

(b) Singular and Plural; Gender; Tense. As used in the Codified Ordinances, unless the context otherwise requires:

(1) The singular includes the plural, and the plural includes the singular.

(2) Words of one gender include the other genders.

(3) Words in the present tense include the future.
(ORC 1.43)

(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) 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 which is not a Sunday or a legal holiday.

When a public office, in which an act required by law is to be performed, is closed to the public for the entire day which constitutes the last day for doing such act or before its usual closing time on such day, then such act may be performed on the next succeeding day which is not a Sunday or a legal holiday. If any legal holiday falls on 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) The repeal of a repealing ordinance does not revive the ordinance originally repealed nor impair the effect of any saving clause therein.
(ORC 1.57)

(b) An ordinance which is re-enacted or amended is intended to be a continuation of the prior ordinance and not a new enactment, so far as it is the same as the prior ordinance.
(ORC 1.54)

(c) The re-enactment, amendment or repeal of an ordinance does not, except as provided in subsection (d) hereof:

(1) Affect the prior operation of the ordinance or any prior action taken thereunder;

(2) Affect any validation, cure, right, privilege, obligation or liability previously acquired, accrued, accorded or incurred thereunder;

(3) Affect any violation thereof or penalty, forfeiture or punishment incurred in respect thereto, prior to the amendment or repeal;

(4) Affect any investigation, proceeding or remedy in respect of any such privilege, obligation, liability, penalty, forfeiture or punishment; and the investigation, proceeding or remedy may be instituted, continued or enforced, and the penalty, forfeiture or punishment imposed, as if the ordinance had not been repealed or amended.

(d) If the penalty, forfeiture or punishment for any offense is reduced by a re-enactment or amendment of an ordinance, the penalty, forfeiture, or punishment, if not already imposed, shall be imposed according to the ordinance as amended.
(ORC 1.58)

101.05 CONSTRUCTION OF SECTION REFERENCES.

(a) A reference to any portion of the Codified Ordinances applies to all re-enactments or amendments thereof.
(ORC 1.55)

(b) If a section refers to a series of numbers or letters, the first and the last numbers or letters are included.
(ORC 1.56)

(c) Wherever in a penalty section reference is made to a violation of a series of sections or of subsections of a section, such reference shall be construed to mean a violation of any section or subsection 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.

(a) If there is a conflict between figures and words in expressing a number, the words govern.
(ORC 1.46)

(b) If a general provision conflicts with a special or local provision, they shall be construed, if possible, so that effect is given to both. If the conflict between the provisions is irreconcilable, the special or local provision prevails as an exception to the general provision, unless the general provision is the later adoption and the manifest intent is that the general provision prevail.
(ORC 1.51)

(c) (1) If ordinances enacted at different meetings of Council are irreconcilable, the ordinance latest in date of enactment prevails.

(2) If amendments to the same ordinance are enacted at different meetings of Council, one amendment without reference to another, the amendments are to be harmonized, if possible, so that effect may be given to each. If the amendments are substantively irreconcilable, the latest in date of enactment prevails. The fact that a later amendment restates language deleted by an earlier amendment, or fails to include language inserted by an earlier amendment, does not of itself make the amendments irreconcilable. Amendments are irreconcilable only when changes made by each cannot reasonably be put into simultaneous operation.
(ORC 1.52)

101.07 DETERMINATION OF LEGISLATIVE INTENT.

(a) In enacting an ordinance, it is presumed that:

(1) Compliance with the constitutions of the State and of the United States is intended;
(2) The entire ordinance is intended to be effective;
(3) A just and reasonable result is intended;
(4) A result feasible of execution is intended.
(ORC 1.47)

(b) An ordinance is presumed to be prospective in its operation unless expressly made retrospective.
(ORC 1.48)

(c) If an ordinance is ambiguous, the court, in determining the intention of Council may consider among other matters:

(1) The object sought to be attained;
(2) The circumstances under which the ordinance was enacted;
(3) The legislative history;
(4) The common law or former legislative provisions, including laws upon the same or similar subjects;
(5) The consequences of a particular construction;
(6) The administrative construction of the ordinance.
(ORC 1.49)

101.08 SEVERABILITY.

If any provision of a section of the Codified Ordinances or the application thereof to any person or circumstance is held invalid, the invalidity does not affect the other provisions or applications of the section or related sections which can be given effect without the invalid provision or application, and to this end the provisions are severable.
(ORC 1.50)

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 one hundred dollars ($100.00). A separate offense shall be deemed committed each day during or on which a violation continues or occurs.

CHAPTER 103
Official Standards

EDITOR'S NOTE: There are no sections in Chapter 103. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

State standard of time - see Ohio R.C. 1.04
State legal holidays - see Ohio R.C. 1.14, 5.20 et seq.
State flag - see Ohio R.C. 5.01

TITLE THREE - Legislative

Chap. 111. Council.
Chap. 113. Ordinances and Resolutions.

CHAPTER 111
Council

111.01 Rules, regulations and procedures.

CROSS REFERENCES

Composition - see Ohio R.C. 731.01, 731.06
President pro tempore - see Ohio R.C. 731.10 et seq., 733.25
Qualifications - see Ohio R.C. 731.02, 731.44
Vacancy - see Ohio R.C. 731.43
Meetings - see Ohio R.C. 731.44, 731.46
Rules and journal - see Ohio R.C. 731.45
Misconduct - see Ohio R.C. 733.72 et seq.
Contract interest - see GEN. OFF. 525.10
Open meetings - see Ohio R.C. 121.22

111.01 RULES, REGULATIONS AND PROCEDURES.

Whereas statutory laws provide for and grant authority for such Council Rules under Ohio R.C. 731.45, therefore be it ordained that the following rules shall be established for the Council of the Village of Roaming Shores.

(a) President. The Mayor shall be President of Council and shall preside at all regular and special meetings thereof but shall have no vote except in case of a tie.
(ORC 733.24)

(b) President Pro Tem. At the first regular meeting in January of each year, Council shall immediately proceed to elect a President Pro Tem from its own number, who shall serve until the first meeting in January next after his election. When the Mayor is absent from the Village or is unable, for any cause to perform his duties, the President Pro Tem shall be the Acting Mayor, and shall have the same powers and perform the same duties as the Mayor.
(ORC 731.10)

In the absence of both the President and President Pro Tem, the Council shall appoint a temporary chairman.

(c) Succession. In the case of death, resignation or removal of the Mayor, the President Pro Tem shall become Mayor and serve for the unexpired term. When the President Pro Tem becomes Mayor, the vacancy thus created shall be filled by election of another President Pro Tem.
(ORC 733.25 - 731.11 - 731.43)

(d) Vacancies. When the office of a member of Council becomes vacant, the vacancy shall be filled by election by Council for the unexpired term. If Council fails within thirty days to fill such vacancy, the Mayor shall fill it by appointment.
(ORC 731.43)

(e) Resignation. The resignation of a member of Council shall not take effect until the same has been accepted by a vote of the majority of the members of the person tendering the resignation.

(f) Administrative Responsibility. Under the general laws of Ohio applicable to non-charter villages, both legislative and administrative authority is vested in Council. This apparent over-lapping of authority warrants clarification as it applies to the Mayor as the executive head, and to the conduct of administrative work. Council is made responsible for general policies, plan approvals, financial control, and organization strength. In turn, the Mayor is responsible for execution of policy, plan accomplishment, financial integrity, and personnel management. When Council considers and approves/disapproves payment of bills, appointments to positions, zoning standards of a Planning Commission, budget, budget requests, and other forms of administration by the Mayor, staff, commissions and committees, it is acting in an administrative capacity in conformity with constituted Village government, and with specific laws. This relationship is basic to non-charter villages, and is not to be confused with the powers and distinctions of charter or city government.

Council uses standing and special committees to assist in expediting its work, see subsections (g) and (h) hereof. These committees are concerned with both legislative and administrative matters. It must be borne in mind by committees, individuals and the Mayor that any decision involving the exercise of judgment or discretion must be made by Council as a body. To foster this relationship by all concerned is to observe the spirit of the law.

(g) Standing, Special Committees. At the first regular meeting of Council after its organization, or at such later time as established by Council, Council shall appoint standing committees each consisting of two members of Council for the following named programs:

(1) Finance.
(2) Personnel.
(3) Safety.
(4) Civic/Community Development.
(5) Personnel.

The Council members on the various committees may select ad hoc members at their discretion. Ad Hoc members shall be voting members. Each committee shall elect a chairman at the first meeting of the committee.

Temporary special committees may be appointed by Council to undertake some special task. Council may at any time remove any member(s) of any committee and appoint a new member(s) of such committee to serve in place of such member so removed.

Members of committees may be removed only for due cause. The Mayor, President Pro Tem, or any Council member may request that a committee member be removed. The matter shall be referred to the Personnel Committee for review and recommendation. Council may remove committee member(s) by majority vote.

(h) Committee Responsibilities.

(1) Committee(s) shall:

A. Follow Council direction in matters referred to it.

B. Normally be expected to investigate or study a given problem or need, taking no decision action itself but to submit a report and recommendations.

C. Within its area of responsibility assume both short and long range study of plans and needs, work to establish desirable economic, budgetary and work standards, and to train others, and inspect for accomplishment.

D. Issue no orders in conflict with the executive officers of the Village, or the law; thereby acting in an advisory capacity, reporting to Council for action.

(2) A special committee shall be given direction by Council when appointed and will be discharged on receipt of its report.

(i) Meetings. As prescribed by ordinance, regular meetings shall be held in the location agreed to by Council at 7:30 EST or EDT as applicable, the 3rd Tuesday of each month.

When any regular meeting of Council falls on a legal holiday, or an election day, Council shall meet in regular session on the day following at the stated place and hour or as arranged at the regular meeting preceding the meeting in question.

Special meetings may be called by the President or any three members of Council, providing at least forty-eight hours notice to each member, served personally or left at their usual place of residence. Any member may waive, in writing, notice of any special meeting.

At the first regular meeting in January of each year, and at such other times as the Mayor deems expedient, he shall report to Council concerning the affairs of the Village and recommend such measures as seem proper to him.

All meetings shall be held in conformity with Ohio R.C. 121.22 and specifically as to subsection (f). Those persons requesting advance notice shall receive an agenda of all meetings as requested, both regular and special, by mailing a copy thereof in a self-addressed, properly stamped envelope provided by the person requesting such advance notice.

(j) Attendance. Attendance at Council meetings shall ordinarily include the Clerk-Treasurer and such other staff and department heads as may be requested.

Meetings of Council are open to the public.

(ORC 731.46)

(k) Record of Proceedings; Meeting Agenda. The Clerk-Treasurer shall keep the only record of the proceedings, and of all the rules, by-laws, resolutions and ordinances passed or adopted, which shall be subject to inspection of all person(s) interested. In case of the absence of the Clerk-Treasurer, Council shall appoint one of its members to perform the duties as Clerk-Treasurer of Council.

The Clerk-Treasurer shall prepare an agenda for every meeting, attend to all correspondence incidental to the office, and perform such other duties as may be assigned by a majority vote of Council, or as required by law.

The Clerk-Treasurer shall be notified by officers and committee chairmen of matters to be presented, including ordinances and resolutions in order that they may be listed on the meeting agenda.

Any Council member with the approval of two-thirds vote of Council members may add subjects to the agenda at a regularly scheduled Council meeting.

The agenda should be in a member's hands a minimum of three days prior to the scheduled meeting.

(l) Order of Business.

Prayer
Pledge of Allegiance
*Roll Call
Minutes of last meeting
Visitor's Comments (two-minute limit)
Mayor's Report
Standing Committee Reports
Special Committee Reports
Old Business
New Business
Introduction of Resolutions and Ordinances
Miscellaneous Business
Solicitor's Report
Visitor's Comments (two-minute limit)
Adjournment

* Roll call is to determine if a quorum is present. A quorum shall be four members of Council present to conduct business.

(m) Order and Decorum. The President of Council shall preserve order and decorum, and confine members in debate to the question. He or she may in common with any other member call any member to order who shall violate any of the rules, and shall, when in the chair, decide all questions or order, subject to an appeal to Council on the demand of two members. On such appeal, there shall be no debate, but the member making the appeal may briefly state their reasons for the same, and the presiding officer shall have the same right to a similar statement.

The presiding officer may actively participate in debate before Council.

(n) Delinquency. Council may punish or expel any member for disorderly conduct or a violation of its rules, and declare their seat vacant for absence without a valid excuse where such absence has continued for two months. No expulsion shall take place without the concurrence of two-thirds of all members elected, and until the delinquent member has been notified of the charge against him and has had an opportunity to be heard. (ORC 731.45)

(o) Voting. Every member shall vote by a yea, nay or abstain. Every member has the right to explain his vote and such reason shall be so recorded by the Clerk-Treasurer in the regular minutes.

(p) Reference to Committee. Any new business brought before Council may be referred to the proper committee, if such referral is deemed necessary or proper. If such referral is not needed, and the matter can be disposed of quickly, then such action should be taken at once. When communications are read, they may if necessary, be referred to committee immediately after being read by the Clerk-Treasurer. Prolonged argument, discussion and debate shall be avoided. If the matter under consideration requires investigation and study or if such nature that long discussion may be provoked, it shall be referred to committee promptly by the presiding officer.

If any matters referred by Council to any committee, or officer, are not reported upon by the next regular scheduled meeting, such matter shall be brought up by the Village Clerk-Treasurer to the attention of Council, which shall take such further action in the premises as it may deem best.

The report of any committees of Council, or a municipal officer, upon matters referred to by Council, shall be made in writing and shall be accompanied by the original papers upon which such report is based, unless otherwise ordered by Council.

Council may accept or reject any committee report in whole or part.

(q) Introductions. The Mayor or Council members may introduce ordinances and resolutions. Ordinances and resolutions as may be presented to Council upon written recommendation of some committee of Council.

(r) Legislation Referred to Committee or Solicitor. When ordinances and resolutions are to be prepared, Council shall by majority vote, request their preparation by the Solicitor. If the ordinance or resolution is referred to a committee, the committee will then report on the ordinance or resolution at the next Council meeting. The committee will also furnish a copy of the ordinance or resolution to the Clerk-Treasurer as well as Council for information and review in advance of the next Council meeting.

The Solicitor has the responsibility of preparing legislation in the manner prescribed by law. The committee will only determine whether the subject matter has been fully covered; the Solicitor will be responsible for the fulfillment of legal requirements.

It shall be the duty of the committee to which legislation has been referred to make comparisons with all existing ordinances, reporting thereon, and recommending any changes necessary.

(s) Voting on Legislation. Ordinances and resolutions shall be voted upon separately, even though the committee report urging approval of such legislation may be adopted unanimously. The voting of such legislation shall be entered in the minutes as "in favor of" and "opposed to" together with the name of the members of Council voting "in favor of" by words commonly used to express favor such as "yes", "aye" or "yea" or voting in opposition hereof by words of negation such as "no" or "nay" or abstaining from voting. (ORC 731.17)

(t) Majority Defined; Three-Fourths Defined. Whenever "majority" is used herein, unless otherwise expressly indicated, it shall be held to mean a majority of those elected to Council, likewise, whenever a two-thirds or three-fourths vote is indicated, it shall mean two-thirds or three-fourths of the members elected to Council. Thus, in a Council of six members, a majority shall be four, and three-fourths shall be five.

Council shall pass no ordinance without the concurrence of a majority vote of the members.

(u) Second Reading of Ordinances; Emergency Ordinances. When an ordinance is presented, it shall be read and if it is not an emergency ordinance, it should be set aside for second reading at the next meeting. If it is an emergency ordinance, requiring immediate action, the presiding officer should, after it is read, entertain a motion to suspend the rules and read the ordinance by its title only for the second and third readings. An emergency ordinance shall include the specifics for the reason for the emergency. If three-fourths of the members approve the motion, the ordinance shall be ready by its title only for the second and third readings. The ordinance is then ready for passage.

(ORC 731.30)

Upon passage of the ordinance, it shall be signed by the Clerk-Treasurer and the Mayor.

(v) Amending Resolution or Ordinance. It shall be in order to amend a resolution or ordinance at any time prior to passage, but if such ordinance or resolution is of a general or permanent nature, it shall be noted as amended upon subsequent readings.

(w) Limitations on Debate. No member of Council while Council is in session shall engage in debate or discussion with anyone save another member of Council or the President of Council or some person who has either been granted by Council the privilege to address Council or is present at a Council meeting on invitation of Council.

No member shall speak more than once upon any subject, until every member choosing to speak shall have had an opportunity to be heard.

(x) Acceptable Motions; Order of Precedence. When a question or proposition is before Council, or under debate, no motion shall be received except the following:

(1) To adjourn (non-debatable).
(2) To lay on the table (non-debatable).
(3) For the previous question (request that discussion end and the vote be taken) (non-debatable).
(4) To postpone to a certain day.
(5) To commit (to refer to standing or special committee).
(6) To amend the motion.
(7) To postpone indefinitely.

The several motions shall have precedence in the order in which they are herein arranged.

(y) Amendments. These rules may be amended or altered or new rules adopted by a vote of the majority of all the members elected at any meeting of Council.

(Ord. 307-05-99. Passed 6-1-99.)

CHAPTER 113
Ordinances and Resolutions

EDITOR'S NOTE: There are no sections in Chapter 113. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

Newspaper publication - see Ohio R.C. 7.12, 701.04, 731.21 et seq.
Adoption and style - see Ohio R.C. 715.03, 731.17 et seq.
Subject and amendments - see Ohio R.C. 731.19
Authentication - see Ohio R.C. 731.20
Publication in book form - see Ohio R.C. 731.23
Adopting of technical codes - see Ohio R.C. 731.231
Certification as to publication - see Ohio R.C. 731.24 et seq.
Posting - see Ohio R.C. 731.25
Initiative and referendum - see Ohio R.C. 731.28 et seq.
Emergency measures - see Ohio R.C. 731.30
As evidence - see Ohio R.C. 731.42

TITLE FIVE - Administrative

Chap. 121. Mayor.
Chap. 125. Clerk-Treasurer.
Chap. 127. Solicitor.
Chap. 129. Village Administrator.
Chap. 133. Police Department.
Chap. 137. Records Commission.
Chap. 151. Personnel Rules and Regulations.

CHAPTER 121
Mayor

121.01 Spending authority.

CROSS REFERENCES

Removal from office - see Ohio R.C. 3.07 et seq.
Acting Mayor - see Ohio R.C. 731.10 et seq., 733.25
To appoint and remove auxiliary officers - see Ohio R.C. 737.161
Election, term, qualifications and powers - see Ohio R.C. 733.24
To be Council President - see Ohio R.C. 733.24
Vacancy - see Ohio R.C. 733.25
General duties - see Ohio R.C. 733.30 et seq.
Reports to Council - see Ohio R.C. 733.32, 733.41
Protest of excessive expenditures - see Ohio R.C. 733.33
Charges of delinquent officers - see Ohio R.C. 733.34 et seq.
Disposition of fines and other moneys - see Ohio R.C. 733.40
Salary - see Ohio R.C. 1905.21

121.01 SPENDING AUTHORITY.

The Mayor, with the approval of the Council President or Clerk-Treasurer, is empowered to pay regular and necessary expenses of the Village, not to exceed one hundred dollars ($100.00) in any given month, with the condition that said expenses be submitted to Council for approval at the next regular meeting.
(Ord. 14-9-80. Passed 11-25-80.)

CHAPTER 125
Clerk-Treasurer

125.01 Offices of Village Clerk and Treasurer combined.

125.02 Designee for elected officials.

CROSS REFERENCES

Loss of funds; release of liability - see Ohio R.C. 131.18 et seq.
Uniform bond law - see Ohio R.C. Ch. 133
Uniform Depository Act - see Ohio R.C. Ch. 135
Auditing accounts - see Ohio R.C. 733.12 et seq.
Election and term of Clerk - see Ohio R.C. 733.26
Merger of offices of Clerk and Treasurer - see Ohio R.C. 733.261
Powers and duties of Clerk - see Ohio R.C. 733.27 et seq.
Election and term of Treasurer - see Ohio R.C. 733.42
Books and accounts - see Ohio R.C. 733.28, 733.43, 733.45 et seq.
Powers and duties of Treasurer - see Ohio R.C. 733.44 et seq.
Annual report to Council - see Ohio R.C. 733.45
Appropriation and expenditure - see Ohio R.C. 5705.41

125.01 OFFICES OF VILLAGE CLERK AND TREASURER COMBINED.

Effective January 1, 1982, the offices of the Clerk and Treasurer of the Village, shall be combined into one office, to be known as the Clerk/Treasurer.
(Ord. 26-7-81. Passed 7-21-81.)

125.02 DESIGNEE FOR ELECTED OFFICIALS.

The Village Clerk-Treasurer is hereby named as the appropriate designee for all elected officials of the Village of Roaming Shores to successfully complete the training requirements established by the Ohio Attorney General under Ohio R.C. 149.43(E).
(Ord. 451-10-07. Passed 10-16-07.)

CHAPTER 127
Solicitor

EDITOR'S NOTE: There are no sections in Chapter 127. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

Conflict of interest - see Ohio R.C. 120.39
Legal counsel - see Ohio R.C. 733.48
Preparation of bonds - see Ohio R.C. 733.70

CHAPTER 129
Village Administrator

129.01 Established; powers.

CROSS REFERENCES
Appointment, removal - see Ohio R.C. 735.271
Powers to contract - see Ohio R.C. 731.141
Board of Trustees of Public Affairs abolished - see Ohio R.C. 735.272
Powers and duties - see Ohio R.C. 735.271, 735.273

129.01 ESTABLISHED; POWERS.

There is hereby established the position of Village Administrator, which position shall have those powers and duties as provided by Ohio R.C. 735.273.
(Ord. 152-08-91. Passed 9-17-91.)

CHAPTER 133
Police Department

133.01 Auxiliary Police Unit.

CROSS REFERENCES

Peace officer training certificate required for permanent employment - see Ohio R.C. 109.77
Police protection contract - see Ohio R.C. 505.441, 737.04
Composition - see Ohio R.C. 715.05, 737.16
General powers and duties - see Ohio R.C. 737.11, 737.18
Auxiliary police unit - see Ohio R.C. 737.161
Probation period; final appointment - see Ohio R.C. 737.17
Removal and appeal - see Ohio R.C. 737.171

133.01 AUXILIARY POLICE UNIT.

(a) There is hereby established within the Village an auxiliary police unit within the Village Police Department to serve pursuant to the direction and control of the Village Police Chief and subject to general rules prescribed by the Village Council and Mayor.

(b) Members of the Auxiliary Police Unit of the Village Police Department are to serve as volunteers, unless assigned by the Chief of Police as a temporary replacement for regular police officers, in which event they shall be paid at such rate as provided by legislation of Council when so assigned by the Village Police Chief.
(Ord. 259-01-97. Passed 2-18-97.)

CHAPTER 137
Records Commission

137.01 Established.
137.02 Composition.
137.03 Meetings.
137.04 Adoption of records handbook.

CROSS REFERENCES
Photostat or microfilm recording - see Ohio R.C. 9.01
Authority to establish - see Ohio R.C. 149.39

137.01 ESTABLISHED.
There is hereby created a Records Commission in the Village in compliance with Ohio R.C. 149.39.

137.02 COMPOSITION.
The Records Commission shall be composed of the Mayor, who shall serve as Chairman, the Clerk-Treasurer, the Solicitor and a private citizen appointed by the Mayor.

137.03 MEETINGS.
The Commission shall meet at least once every six months, upon call from the Mayor, and shall follow the procedure established in Ohio R.C. 149.39 for the disposal of any records of the Village.

137.04 ADOPTION OF RECORDS HANDBOOK.
The Local Government Records Handbook published by the Ohio Historical Society in the 1990 Revised Edition, relative to the establishment of a local government records program, is hereby adopted by the Village as the framework, procedure and program for the maintenance and, where applicable, disposal of Village records.
(Ord. 401-01-04. Passed 3-23-04.)

CHAPTER 151
Personnel Rules and Regulations

EDITOR'S NOTE: Personnel Rules and Regulations are kept on file at the Village Hall. See the Clerk-Treasurer for the most recent copy.

TITLE SEVEN - Taxation
Chap. 183. License Taxes.

CHAPTER 183
License Taxes

183.01 Levy of tax on motor vehicles.

CROSS REFERENCES
Authority to levy - see Ohio R.C. Ch. 4506

183.01 LEVY OF TAX ON MOTOR VEHICLES.

(a) Levy of Annual Tax on Motor Vehicles. There is hereby levied an annual license tax upon the operation of motor vehicles on the public roads or highways pursuant to Ohio R.C. 4504.172, for the purposes of paying the costs and expenses of enforcing and administering the tax provided for in this section; and to provide additional revenue for the purposes set forth in Ohio R.C. 4504.06; and to supplement revenue already available for such purposes.

Such tax shall be at the rate of five dollars ($5.00) per motor vehicle on each and every motor vehicle the district of registration of which, as defined in Ohio R.C. 4503.10, is in the Village.

As used in this chapter, " motor vehicle" means any and all vehicles included within the definition of motor vehicle in Ohio R.C. 4501.01 and 4505.01.

(b) Duration of the Tax. The tax imposed by this chapter shall be in effect for the registration year commencing January 1, 1988 and shall continue in effect and application during each registration year thereafter.

(c) Payment of the Tax. The tax imposed by this chapter shall be paid to the Registrar of Motor Vehicles of the State of Ohio or to a Deputy Registrar at the time application for registration of a motor vehicle is made as provided in Ohio R.C. 4503.10.

(d) Disposition of Proceeds. All moneys derived from the tax hereinbefore levied shall be used by the Village for the purposes specified in this chapter.
(Ord. 91-08-87. Passed 9-15-87.)

CODIFIED ORDINANCES OF ROAMING SHORES

PART THREE - TRAFFIC CODE

TITLE ONE - Administration
- **Chap. 301. Definitions.**
- **Chap. 303. Enforcement, Impounding and Penalty.**
- **Chap. 305. Traffic Control.**

TITLE THREE - Streets and Traffic Control Devices
- **Chap. 311. Street Obstructions and Special Uses.**
- **Chap. 313. Traffic Control Devices.**

TITLE FIVE - Vehicles
- **Chap. 331. Operation Generally.**
- **Chap. 333. OVI; Willful Misconduct; Speed.**
- **Chap. 335. Licensing; Accidents.**
- **Chap. 337. Safety and Equipment.**
- **Chap. 339. Commercial and Heavy Vehicles.**
- **Chap. 341. Commercial Drivers.**

TITLE SEVEN - Parking
- **Chap. 351. Parking Generally.**

TITLE NINE - Pedestrians, Bicycles and Motorcycles
- **Chap. 371. Pedestrians.**
- **Chap. 373. Bicycles and Motorcycles.**
- **Chap. 375. Snowmobiles, Off-Highway Motorcycles and All Purpose Vehicles.**

CODIFIED ORDINANCES OF ROAMING SHORES

PART THREE - TRAFFIC CODE

TITLE ONE - Administration

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

CHAPTER 301
Definitions

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

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

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

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

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

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

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

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

(b) "Motorized bicycle" means any vehicle having either two tandem wheels or one wheel in the front and two wheels in the rear, that is capable of being pedaled and is equipped with a helper motor of not more than fifty cubic centimeters piston displacement which produces no more than one brake horsepower and is capable of propelling the vehicle at a speed of no greater than twenty miles per hour on a level surface. (ORC 4511.01(H))

301.05 BUS.

"Bus" means every motor vehicle designed for carrying more than nine passengers and used for the transportation of persons other than in a ridesharing arrangement as defined in Ohio R.C. 4511.01, and every motor vehicle, automobile for hire or funeral car, other than a taxicab or motor vehicle used in a ridesharing arrangement, designed and used for the transportation of persons for compensation. (ORC 4511.01(L))

301.06 BUSINESS DISTRICT.

"Business district" means the territory fronting upon a street or highway, including the street or highway, between successive intersections where fifty percent or more of the frontage between such successive intersections is occupied by buildings in use for business, or where fifty percent or more of the frontage for a distance of 300 feet or more is occupied by buildings in use for business, and the character of such territory is indicated by official traffic control devices. (ORC 4511.01(NN))

301.07 COMMERCIAL TRACTOR.

"Commercial tractor" means every motor vehicle having motive power designed or used for drawing other vehicles and not so constructed as to carry any load thereon, or designed or used for drawing other vehicles while carrying a portion of such other vehicles, or the load thereon, or both. (ORC 4511.01(I))

301.08 CONTROLLED-ACCESS HIGHWAY.

"Controlled-access highway" means every street or highway in respect to which owners or occupants of abutting lands and other persons have no legal right or access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such street or highway. (ORC 4511.01(CC))

301.09 CROSSWALK.

"Crosswalk" means:

(a) That part of a roadway at intersections ordinarily included within the real or projected prolongation of property lines and curb lines or, in the absence of curbs, the edges of the traversable roadway;

(b) Any portion of a roadway at an intersection or elsewhere, distinctly indicated for pedestrian crossing by lines or other markings on the surface;

(c) Notwithstanding subsections (a) and (b) hereof, there shall not be a crosswalk where authorized signs have been placed indicating no crossing.
(ORC 4511.01(LL))

301.10 DRIVER OR OPERATOR.

"Driver" or "operator" means every person who drives or is in actual physical control of a vehicle. (ORC 4511.01(Y))

301.11 EMERGENCY VEHICLE.

"Emergency vehicle" means emergency vehicles of municipal, township or county departments or public utility corporations when identified as such as required by law, the Ohio Director of Public Safety or local authorities, and motor vehicles when commandeered by a police officer. (ORC 4511.01(D))

301.12 EXPLOSIVES.

"Explosives" means any chemical compound or mechanical mixture that is intended for the purpose of producing an explosion that contains any oxidizing and combustible units or other ingredients in such proportions, quantities or packing that an ignition by fire, by friction, by concussion, by percussion or by a detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects, or of destroying life or limb.

Manufactured articles shall not be held to be explosives when the individual units contain explosives in such limited quantities, of such nature or in such packing, that it is impossible to procure a simultaneous or a destructive explosion of such units, to the injury of life, limb or property by fire, by friction, by concussion, by percussion or by a detonator, such as fixed ammunition for small arms, firecrackers or safety fuse matches. (ORC 4511.01(T))

301.13 EXPRESSWAY.

"Expressway" means a divided arterial highway for through traffic with full or partial control of access with an excess of fifty percent of all crossroads separated in grade.
(ORC 4511.01(ZZ))

301.14 FLAMMABLE LIQUID.

"Flammable liquid" means any liquid that has a flash point of seventy degrees Fahrenheit, or less, as determined by a tagliabue or equivalent closed cup test device.
(ORC 4511.01(U))

301.15 FREEWAY.

"Freeway" means a divided multi-lane highway for through traffic with all crossroads separated in grade and with full control of access. (ORC 4511.01(YY))

301.16 GROSS WEIGHT.

"Gross weight" means the weight of a vehicle plus the weight of any load thereon.
(ORC 4511.01(V))

301.161 HIGHWAY MAINTENANCE VEHICLE.

“Highway maintenance vehicle” means a vehicle used in snow and ice removal or road surface maintenance, including a snow plow, traffic line striper, road sweeper, mowing machine, asphalt distributing vehicle, or other such vehicle designed for use in specific highway maintenance activities. (ORC 4511.01(QQQ))

301.162 HIGHWAY TRAFFIC SIGNAL.

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

301.17 INTERSECTION.

"Intersection" means:

(a) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, the lateral boundary lines of the roadways of two highways that join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways that join at any other angle might come into conflict. The junction of an alley or driveway with a roadway or highway does not constitute an intersection unless the roadway or highway at the junction is controlled by a traffic control device.

(b) If a highway includes two roadways that are thirty feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway constitutes a separate intersection. If both intersecting highways include two roadways thirty feet or more apart, then every crossing of any two roadways of such highways constitutes a separate intersection.

(c) At a location controlled by a traffic control signal, regardless of the distance between the separate intersections as described in subsection (b) of this section:

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

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

(3) Where a crosswalk is designated on a roadway on the departure from the intersection, the intersection includes the area that extends to the far side of the crosswalk. (ORC 4511.01(KK))

301.18 LANED STREET OR HIGHWAY.

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

301.181 MEDIAN.

“Median” means the area between two roadways of a divided highway, measured from edge of traveled way to edge of traveled way, but excluding turn lanes. The width of a median may be different between intersections, between interchanges, and at opposite approaches of the same intersection. (ORC 4511.01(NNN))

301.19 MOTORCYCLE.

"Motorcycle" means every motor vehicle, other than a tractor, having a seat or saddle for the use of the operator and designed to travel on not more than three wheels in contact with the ground, including but not limited to, motor vehicles known as "motor-driven cycle," "motor scooter" or "motorcycle" without regard to weight or brake horsepower.
(ORC 4511.01(C))

301.20 MOTOR VEHICLE.

"Motor vehicle" means every vehicle propelled or drawn by power other than muscular power, except motorized bicycles, road rollers, traction engines, power shovels, power cranes and other equipment used in construction work and not designed for or employed in general highway transportation, hole-digging machinery, well-drilling machinery, ditch-digging machinery, farm machinery, and trailers designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a street or highway for a distance of no more than ten miles and at a speed of twenty-five miles per hour or less.
(ORC 4511.01(B))

301.201 OPERATE.

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

301.21 PARK OR PARKING.

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

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

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

301.24 POLE TRAILER.
"Pole trailer" means every trailer or semitrailer attached to the towing vehicle by means of a reach, pole or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregular shaped loads such as poles, pipes or structural members capable, generally, of sustaining themselves as beams between the supporting connection. (ORC 4511.01(O))

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

301.251 PREDICATE MOTOR VEHICLE OR TRAFFIC OFFENSE.
"Predicate motor vehicle or traffic offense" means any of the following:

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

(b) A violation of division (A)(2) of Ohio R.C. 4511.17, divisions (A) to (D) of Ohio R.C. 4511.51, or division (A) of Ohio R.C. 4511.74;

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

(d) A violation of a municipal ordinance that is substantially similar to any section or provision set forth or described in subsection (a) to (c) of this section. (ORC 4511.01(III))

301.26 PRIVATE ROAD OR DRIVEWAY.
(a) "Private road or driveway" means every way or place in private ownership used for vehicular travel by the owner and those having express or implied permission from the owner but not by other persons. (ORC 4511.01(DD))

(b) "Private road open to public travel" means a private toll road or road, including any adjacent sidewalks that generally run parallel to the road, within a shopping center, airport, sports arena, or other similar business or recreation facility that is privately owned but where the public is allowed to travel without access restrictions. "Private road open to public travel" includes a gated toll road but does not include a road within a private gated property where access is restricted at all times, a parking area, a driving aisle within a parking area, or a private grade crossing. (ORC 4511.01(OOO))

301.27 PUBLIC SAFETY VEHICLE.

"Public safety vehicle" means any of the following:

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

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

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

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

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

(ORC 4511.01(E))

(e) Vehicles used by the Motor Carrier Enforcement Unit for the enforcement of orders and rules of the Public Utilities Commission as specified in Ohio R.C. 5503.34. (ORC 4511.01(E))

301.28 RAILROAD.

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

301.29 RAILROAD SIGN OR SIGNAL.

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

301.30 RAILROAD TRAIN.

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

301.31 RESIDENCE DISTRICT.

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

301.32 RIGHT OF WAY.

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

(a) The right of a vehicle or pedestrian to proceed uninterruptedly in a lawful manner in the direction in which it or the individual is moving in preference to another vehicle or pedestrian approaching from a different direction into its or the individual's path;

(b) A general term denoting land, property or the interest therein, usually in the configuration of a strip, acquired for or devoted to transportation purposes. When used in this context, right of way includes the roadway, shoulders or berm, ditch, and slopes extending to the right-of-way limits under the control of the State or local authority. (ORC 4511.01(UU))

301.321 ROAD SERVICE VEHICLE.

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

301.33 ROADWAY.

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

301.34 SAFETY ZONE.

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

301.35 SCHOOL BUS.

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

301.36 SEMITRAILER.

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

301.361 SHARED-USE PATH.

"Shared-use path" means a bikeway outside the traveled way and physically separate from motorized vehicular traffic by an open space or barrier and either within the highway right-of-way or within an independent alignment. A shared-use path also may be used by pedestrians, including skaters, joggers, users of manual and motorized wheelchairs, and other authorized motorized and non-motorized users. (ORC 4511.01(PPP))

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

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

301.39 STOP (WHEN REQUIRED).
"Stop" when required means a complete cessation of movement.

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

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

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

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

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

301.43 THROUGH STREET OR HIGHWAY.
"Through street or highway" means every street or highway as provided in Section 313.02. (ORC 4511.01(HH))

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

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

301.46 TRAFFIC CONTROL DEVICE.

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

301.47 TRAFFIC CONTROL SIGNAL.

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

301.48 TRAILER.

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

301.49 TRUCK.

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

301.50 URBAN DISTRICT.

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

301.51 VEHICLE.

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

301.52 WHEELCHAIR, MOTORIZED.

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

CHAPTER 303
Enforcement, Impounding and Penalty

303.01 Compliance with lawful order of police officer; fleeing.
303.02 Traffic direction in emergencies; obedience to school guard.
303.03 Officer may remove ignition key.
303.04 Road workers, motor vehicles and equipment excepted.
303.041 Emergency, public safety and coroner's vehicles exempt.
303.05 Application to persons riding, driving animals upon roadway.
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303.08 Impounding of vehicles; redemption.
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303.082 Private tow-away zones.
303.083 Release of vehicle; records; charges.
303.09 Leaving junk and other vehicles on private or public property without permission or notification.
303.10 Leaving junk vehicles on private property with permission of owner.
303.11 Providing false information to police officer.
303.99 General Traffic Code penalties.

CROSS REFERENCES

See sectional histories for similar State law
Disposition of unclaimed vehicles - see Ohio R.C. 737.32, 4513.62 et seq.
Citations for minor misdemeanors - see Ohio R.C. 2935.26 et seq.
Power of trial court of record to suspend or revoke license for certain violations - see Ohio R.C. 4507.16, 4507.34
State point system suspension - see Ohio R.C. 4507.40
Uniform application of Ohio Traffic Law - see Ohio R.C. 4511.06
Marking motor vehicles used by traffic officers - see Ohio R.C. 4549.13
Distinctive uniform required for traffic officers - see Ohio R.C. 4549.15
Exceptions for emergency or public safety vehicles - see TRAF. 331.20, 333.06

303.01 COMPLIANCE WITH LAWFUL ORDER OF POLICE OFFICER; FLEEING.

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

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

(EDITOR'S NOTE: Refer to Ohio R.C. 2921.331 for filing charges under subsection (b) hereof since the jury or judge as trier of fact may determine the violation to be a felony.)

(c) Whoever violates this section is guilty of failure to comply with an order or signal of a police officer. A violation of subsection (a) is a misdemeanor of the first degree. Except as hereinafter provided, a violation of subsection (b) is a misdemeanor of the first degree. A violation of subsection (b) is a felony if the jury or judge as trier of fact finds any one of the following by proof beyond a reasonable doubt:

(1) In committing the offense, the offender was fleeing immediately after the commission of a felony;

(2) The operation of the motor vehicle by the offender was a proximate cause of serious physical harm to persons or property;

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

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

303.02 TRAFFIC DIRECTION IN EMERGENCIES; OBEDIENCE TO SCHOOL GUARD.

(a) Police officers shall direct or regulate traffic in accordance with the provisions of this Traffic Code, provided that, in the event of fire or other emergency or to expedite traffic or safeguard pedestrians, they are authorized to direct traffic as conditions may require notwithstanding the provisions of this Traffic Code. Firemen, when at the scene of a fire, may direct or assist the police in directing traffic thereat or in the immediate vicinity. The direction of traffic may be by word or audible signal, by gesture or visible signal or by any combination thereof. No person shall fail to comply with any lawful order or direction of any police officer or fireman issued pursuant to this section.

(b) No person shall fail to comply with any lawful order or direction of any school crossing guard invested with authority to direct, control or regulate traffic in the vicinity of the school to which such guard may be assigned.

(c) 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.

303.03 OFFICER MAY REMOVE IGNITION KEY.

A law enforcement officer may remove the ignition key left in the ignition switch of an unlocked and unattended motor vehicle parked on a street or highway, or any public or private property used by the public for purposes of vehicular travel or parking. The officer removing such key shall place notification upon the vehicle detailing his name and badge number, the place where such key may be reclaimed and the procedure for reclaiming such key. The key shall be returned to the owner of the motor vehicle upon presentation of proof of ownership.
(ORC 4549.05)

303.04 ROAD WORKERS, MOTOR VEHICLES AND EQUIPMENT EXCEPTED.

(a) The provisions of this Traffic Code do not apply to persons, teams, motor vehicles, and other equipment while actually engaged in work upon the surface of a highway within an area designated by traffic control devices, but apply to such persons and vehicles when traveling to or from such work.

(b) The driver of a highway maintenance vehicle owned by this state or any political subdivision of this state, while the driver is engaged in the performance of official duties upon a street or highway, provided the highway maintenance vehicle is equipped with flashing lights and such other markings as are required by law, and such lights are in operation when the driver and vehicle are so engaged, shall be exempt from criminal prosecution for violations of Sections 331.01 to 331.04, 331.06 to 331.08, 331.31, 333.04, 337.01 and Ohio R.C. 4511.66 and 5577.01 to 5577.09.

(c) (1) This section does not exempt a driver of a highway maintenance vehicle from civil liability arising from a violation of Sections 331.01 to 331.04, 331.06 to 331.08, 331.31, 333.04, 337.01 or Ohio R.C. 4511.66 or 5577.01 to 5577.09.

(2) This section does not exempt the driver of a vehicle that is engaged in the transport of highway maintenance equipment from criminal liability for a violation of Ohio R.C. 5577.01 to 5577.09.

(ORC 4511.04)

303.041 EMERGENCY, PUBLIC SAFETY AND CORONER'S VEHICLES EXEMPT.

(a) Ohio R.C. 4511.12, 4511.13, 4511.131, 4511.132, 4511.14, 4511.202, 4511.21, 4511.211, 4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 4511.29, 4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 4511.36, 4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 4511.43, 4511.431, 4511.432, 4511.44, 4511.441, 4511.57, 4511.58, 4511.59, 4511.60, 4511.61, 4511.62, 4511.66, 4511.68, 4511.681 and 4511.69 and all sections of this Traffic Code or other municipal ordinances that are substantially equivalent to the sections listed above, do not apply to the driver of an emergency vehicle or public safety vehicle if the emergency vehicle or public safety vehicle is responding to an emergency call, is equipped with and displaying at least one flashing, rotating or oscillating light visible under normal atmospheric conditions from a distance of 500 feet to the front of the vehicle and if the driver of the vehicle is giving an audible signal by siren, exhaust whistle or bell. This section does not relieve the driver of an emergency vehicle or public safety vehicle from the duty to drive with due regard for the safety of all persons and property upon the highway. (ORC 4511.041)

(b) Ohio R.C. 4511.25, 4511.26, 4511.27, 4511.28, 4511.29, 4511.30, 4511.31, 4511.32, 4511.33, 4511.35, 4511.36, 4511.37, 4511.38 and 4511.66, and all sections of this Traffic Code or other municipal ordinances that are substantially equivalent to the sections listed above, do not apply to a coroner, deputy coroner, or coroner's investigator operating a motor vehicle in accordance with Ohio R.C. 4513.171. This section does not relieve a coroner, deputy coroner, or coroner's investigator operating a motor vehicle from the duty to drive with due regard for the safety of all persons and property upon the highway. (ORC 4511.042)

303.05 APPLICATION TO PERSONS RIDING, DRIVING ANIMALS UPON ROADWAY.

Every person riding, driving or leading an animal upon a roadway shall be subject to the provisions of this Traffic Code applicable to the driver of a vehicle, except those provisions of such sections which by their nature are inapplicable. (ORC 4511.05)

303.06 FREEWAY USE PROHIBITED BY PEDESTRIANS, BICYCLES AND ANIMALS.

(a) No person, unless otherwise directed by a police officer, shall:

(1) As a pedestrian, occupy any space within the limits of the right-of-way of a freeway, except: in a rest area; on a facility that is separated from the roadway and shoulders of the freeway and is designed and appropriately marked for pedestrian use; in the performance of public works or official duties; as a result of an emergency caused by an accident or breakdown of a motor vehicle; or to obtain assistance;

(2) Occupy any space within the limits of the right of way of a freeway, with: an animal-drawn vehicle; a ridden or led animal; herded animals; a pushcart; a bicycle, except on a facility that is separated from the roadway and shoulders of the freeway and is designed and appropriately marked for bicycle use; a bicycle with motor attached; a motor driven cycle with a motor which produces not to exceed five brake horsepower; an agricultural tractor; farm machinery; except in the performance of public works or official duties.

(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.051)

303.07 APPLICATION TO DRIVERS OF GOVERNMENT VEHICLES.

The provisions of this Traffic Code applicable to the drivers of vehicles shall apply to the drivers of all vehicles owned or operated by the United States, any state or any political subdivision thereof, including this Municipality, except as may be otherwise provided by law and subject to such specific exceptions as are set forth with reference to authorized emergency and public safety vehicles.

303.08 IMPOUNDING OF VEHICLES; REDEMPTION.

(a) Police officers are authorized to provide for the removal of a vehicle under the following circumstances:

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

(2) When any vehicle or "abandoned junk motor vehicle" as defined in 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.

(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.

303.081 IMPOUNDING VEHICLES ON PRIVATE RESIDENTIAL OR AGRICULTURAL PROPERTY.

(a) (1) The Chief of Police upon complaint of any person adversely affected may order into storage any motor vehicle, other than an abandoned junk motor vehicle as defined in Ohio R.C. 4513.63, that has been left on private residential or private agricultural property for at least four hours without the permission of the person having the right to the possession of the property. The Chief of Police, upon complaint of the owner of a repair garage or place of storage, may order into storage any motor vehicle, other than an abandoned junk motor vehicle, that has been left at the garage or place of storage for a longer period than that agreed upon. When ordering a motor vehicle into storage pursuant to this section, the Chief of Police may arrange for the removal of the motor vehicle by a towing service and shall designate a storage facility.

(2) A towing service towing a motor vehicle under subsection (a)(1) of this section shall remove the motor vehicle in accordance with that subsection. The towing service shall deliver the motor vehicle to the location designated by the Chief of Police not more than two hours after the time it is removed from the private property.

(3) Subject to subsection (b) of this section, the owner of a motor vehicle that has been removed pursuant to this subsection may recover the vehicle only in accordance with subsection (d) of this section.

(4) As used in this section "private residential property" means private property on which is located one or more structures that are used as a home, residence or sleeping place by one or more persons, if no more than three separate households are maintained in the structure or structures. "Private residential property" does not include any private property on which is located one or more structures that are used as a home, residence or sleeping place by two or more persons, if more than three separate households are maintained in the structure or structures.

(b) If the owner or operator of a motor vehicle that has been ordered into storage pursuant to subsection (a)(1) of this section arrives after the motor vehicle has been prepared for removal, but prior to its actual removal from the property, the towing service shall give the owner or operator oral or written notification at the time of such arrival that the vehicle owner or operator may pay a fee of not more than one-half of the fee for the removal of the motor vehicle under subsection (d)(1) of this section in order to obtain release of the motor vehicle. Upon payment of that fee, the towing service shall give the vehicle owner or operator a receipt showing both the full amount normally assessed and the actual amount received and shall release the motor vehicle to the owner or operator. Upon its release, the owner or operator immediately shall move it so that it is not on the private residential or private agricultural property without the permission of the person having the right to possession of the property, or is not at the garage or place of storage without the permission of the owner, whichever is applicable.

(c) (1) The Chief of Police shall maintain a record of motor vehicles that the Chief orders into storage pursuant to subsection (a)(1) of this section. The record shall include an entry for each such motor vehicle that identifies the motor vehicle's license number, make, model and color, the location from which it was removed, the date and time of the removal, the telephone number of the person from whom it may be recovered, and the address of the place to which it has been taken and from which it may be recovered. The Chief of Police shall provide any information in the record that pertains to a particular motor vehicle to any person who, either in person or pursuant to a telephone call, identifies self as the owner or operator of the motor vehicle and requests information pertaining to its location.

(2) Any person who registers a complaint that is the basis of the Police Chief's order for the removal and storage of a motor vehicle under subsection (a)(1) of this section shall provide the identity of the law enforcement agency with which the complaint was registered to any person who identifies self as the owner or operator of the motor vehicle and requests information pertaining to its location.

(d) (1) The owner or lienholder of a motor vehicle that is ordered into storage pursuant to subsection (a)(1) of this section may reclaim it upon both of the following:

A. Payment of the following fees:

1. Not more than ninety dollars ($90.00) for the removal of the motor vehicle. However, if the motor vehicle has a manufacturer's gross vehicle weight rating in excess of ten thousand pounds, and is a truck, bus or a combination of a commercial tractor and trailer or semitrailer, not more than one hundred fifty dollars ($150.00) for the removal.

2. Not more than twelve dollars ($12.00) per twenty-four hour period for the storage of the motor vehicle. However, if the motor vehicle has a manufacturer's gross vehicle weight rating in excess of ten thousand pounds and is a truck, bus or a combination of a commercial tractor and trailer or semitrailer, not more than twenty dollars ($20.00) per twenty-four hour period for storage.

B. Presentation of proof of ownership, which may be evidenced by a certificate of title to the motor vehicle.

(2) Upon presentation of proof of ownership, the owner of a motor vehicle that is ordered into storage under subsection (a)(1) of this section may retrieve any personal items from the motor vehicle without retrieving the vehicle and without paying any fee. However, the owner may not retrieve any personal item that has been determined by the Chief of Police, as applicable, to be necessary to a criminal investigation. For purposes of subsection (d)(2) of this section, "personal items" do not include any items that are attached to the motor vehicle.

(3) If a motor vehicle that is ordered into storage pursuant to subsection (a)(1) of this section remains unclaimed by the owner for thirty days, the procedures established by Ohio R.C. 4513.61 and 4513.62 apply.

(e) (1) No person shall remove, or cause the removal of, any motor vehicle from any private residential or private agricultural property other than in accordance with subsection (a)(1) of this section or Ohio R.C. 4513.61 to 4513.65.

(2) No towing service or storage facility shall fail to comply with the requirements of this section.

(f) This section does not apply to any private residential or private agricultural property that is established as a private tow-away zone in accordance with Section 303.082.

(g) The owner of any towing service or storage facility that violates subsection (e) of this section is guilty of a minor misdemeanor.
(ORC 4513.60)

303.082 PRIVATE TOW-AWAY ZONES.

(a) The owner of private property may establish a private tow-away zone, but may do so only if all of the following conditions are satisfied:

(1) The owner posts on the owner's property a sign, that is at least eighteen inches by twenty-four inches in size, that is visible from all entrances to the property, and that includes all of the following information:

A. A statement that the property is a tow-away zone;

B. A description of persons authorized to park on the property. If the property is a residential property, the owner of the private property may include on the sign a statement that only tenants and guests may park in the private tow-away zone, subject to the terms of the property owner. If the property is a commercial property, the owner of the private property may include on the sign a statement that only customers may park in the private tow-away zone. In all cases, if it is not apparent which persons may park in the private tow-away zone, the owner shall include on the sign the address of the property on which the private tow-away zone is located, or the name of the business that is located on the property designated as a private tow-away zone.

C. If the private tow-away zone is not enforceable at all times, the times during which the parking restrictions are enforced;

D. The telephone number and the address of the place from which a towed vehicle may be recovered at any time during the day or night;

E. A statement that the failure to recover a towed vehicle may result in the loss of title to the vehicle as provided in division (B) of Ohio R.C. 4505.101.

Any owner of property that has been established as a private tow-away zone under Ohio R.C. 4513.60 or Section 303.081 et seq. of this Traffic Code as that section existed prior to the effective date of this section who does not have a contract with a towing service for the removal of vehicles from the property may retain existing private tow-away zone signs that comply with that section for up to six months after the effective date of this section. At any time, in order to comply with the requirements of subsection (b)(1) of this section, such a property owner may modify the existing sign by affixing to the existing sign stickers or an addendum in lieu of replacing the sign.

(2) A towing service ensures that a vehicle towed under this section is taken to a location from which it may be recovered that complies with all of the following:

A. It is located within twenty linear miles of the location of the private tow-away zone, unless it is not practicable to take the vehicle to a place of storage within twenty linear miles.

B. It is well-lighted.

C. It is on or within a reasonable distance of a regularly scheduled route of one or more modes of public transportation, if any public transportation is available in the municipal corporation or township in which the private tow-away zone is located.

(b) (1) If a vehicle is parked on private property that is established as a private tow-away zone in accordance with subsection (a) of this section, without the consent of the owner of the property or in violation of any posted parking condition or regulation, the owner may cause the removal of the vehicle by a towing service. The towing service shall remove the vehicle in accordance with this section. The vehicle owner and the operator of the vehicle are considered to have consented to the removal and storage of the vehicle, to the payment of the applicable fees established under subsection (g) of this section, and to the right of a towing service to obtain title to the vehicle if it remains unclaimed as provided in Ohio R.C. 4505.101. The owner or lienholder of a vehicle that has been removed under this section, subject to subsection (c) of this section, may recover the vehicle in accordance with subsection (g) of this section.

(2) If a municipal corporation requires tow trucks and tow truck operators to be licensed, no owner of private property located within the municipal corporation shall cause the removal and storage of any vehicle pursuant to subsection (b) of this section by an unlicensed tow truck or unlicensed tow truck operator.

(c) If the owner or operator of a vehicle that is being removed under authority of subsection (b) of this section, arrives after the vehicle has been prepared for removal, but prior to the actual removal from the property, the towing service shall give the vehicle owner or operator oral or written notification at the time of such arrival that the vehicle owner or operator may pay a fee of not more than one-half of the fee for the removal of the vehicle established under subsection (g) of this section, in order to obtain release of the vehicle. Upon payment of that fee, the towing service shall give the vehicle owner or operator a receipt showing both the full amount normally assessed and the actual amount received and shall release the vehicle to the owner or operator. Upon its release the owner or operator immediately shall move the vehicle so that the vehicle is not parked on the private property established as a private tow-away zone without the consent of the owner or in violation of any posted parking condition or regulation.

(d) (1) Prior to towing a vehicle under subsection (b) of this section, a towing service shall make all reasonable efforts to take as many photographs as necessary to evidence that the vehicle is clearly parked on private property in violation of a private tow-away zone established under subsection (a) of this section.

The towing service shall record the time and date of the photographs taken under this section. The towing service shall retain the photographs and the record of the time and date, in electronic or printed form, for at least thirty days after the date on which the vehicle is recovered by the owner or lienholder or at least two years after the date on which the vehicle was towed, whichever is earlier.

(2) A towing service shall deliver a vehicle towed under subsection (b) of this section to the location from which it may be recovered not more than two hours after the time it was removed from the private tow-away zone.

(e) (1) If an owner of private property that is established as a private tow-away zone in accordance with subsection (a) of this section causes the removal of a vehicle from that property by a towing service under subsection (b) of this section, the towing service, within two hours of removing the vehicle, shall provide notice to the Police Department concerning all of the following:

A. The vehicle's license number, make, model and color;
B. The location from which the vehicle was removed;
C. The date and time the vehicle was removed;
D. The telephone number of the person from whom the vehicle may be recovered;
E. The address of the place from which the vehicle may be recovered.

(2) The Chief of Police shall maintain a record of any vehicle removed from private property in the Chief's jurisdiction that is established as a private tow-away zone of which the Chief has received notice under this section. The record shall include all information submitted by the towing service. The Chief shall provide any information in the record that pertains to a particular vehicle to a person who, either in person or pursuant to a telephone call, identifies self as the owner, operator or lienholder of the vehicle, and requests information pertaining to the vehicle.

(f) (1) When a vehicle is removed from private property in accordance with this section, the owner of the towing service or storage facility from which the vehicle may be recovered shall immediately cause a search to be made of the records of the Bureau of Motor Vehicles to ascertain the identity of the owner and any lienholder of the motor vehicle. Subject to subsection (f)(4) of this section, the owner of the towing service or storage facility shall send notice to the vehicle owner and any known lienholder as follows:

A. Within five business days of removal of the vehicle from the private tow-away zone, if the vehicle has not yet been recovered, to the owner's and lienholder's last known address by certified or express mail with return receipt requested or by a commercial carrier service utilizing any form of delivery requiring a signed receipt;
B. If the vehicle remains unclaimed thirty days after the first notice is sent, in the manner authorized in subsection (f)(1)A. of this section;
C. If the vehicle remains unclaimed forty-five days after the first notice is sent, in the manner authorized in subsection (f)(1)A. of this section.

(2) Sixty days after any notice sent pursuant to subsection (f)(1) of this section is received, as evidenced by a receipt signed by any person, or the towing service or storage facility has been notified that delivery was not possible, the owner of a towing service or storage facility, if authorized under subsection (B) of Ohio R.C. 4505.101, may initiate the process for obtaining a certificate of title to the motor vehicle as provided in that section.

(3) A towing service or storage facility that does not receive a signed receipt of notice, or a notification that delivery was not possible, shall not obtain, and shall not attempt to obtain, a certificate of title to the motor vehicle under division (B) of Ohio R.C. 4505.101.

(4) With respect to a vehicle concerning which a towing service or storage facility is not eligible to obtain title under Ohio R.C. 4505.101, the towing service or storage facility need only comply with the initial notice required under subsection (f)(1)A. of this section.

(g) (1) The owner or lienholder of a vehicle that is removed under subsection (b) of this section may reclaim it upon all of the following:

A. Presentation of proof of ownership, which may be evidenced by a certificate of title to the vehicle;

B. Payment of the following fees:

1. Not more than ninety dollars ($90.00) for the removal of the vehicle. However, if the vehicle has a manufacturer's gross vehicle weight rating in excess of ten thousand pounds and is a truck, bus or a combination of a commercial tractor and trailer or semitrailer, not more than one hundred fifty dollars ($150.00) for the removal.

2. Not more than twelve dollars ($12.00) per twenty-four-hour period for the storage of the vehicle. However, if the vehicle has a manufacturer's gross vehicle weight rating in excess of ten thousand pounds and is a truck, bus, or a combination of a commercial tractor and trailer or semitrailer, not more than twenty dollars ($20.00) per twenty-four-hour period for storage.

3. If notice has been sent to the owner and lienholder as described in subsection (f) of this section, a processing fee of twenty-five dollars ($25.00).

(2) A towing service or storage facility in possession of a vehicle that is removed under authority of subsection (b) of this section shall show the vehicle owner, operator or lienholder who contests the removal of the vehicle all photographs taken under subsection (d) of this section. Upon request, the towing service or storage facility shall provide copies of all photographs in the medium in which the photographs are stored, whether paper, electronic, or otherwise.

(3) Upon presentation of proof of ownership, which may be evidenced by a certificate of title to the vehicle, the owner of a vehicle that is removed under authority of subsection (b) of this section may retrieve any personal items from the vehicle without retrieving the vehicle and without paying any fee. For purposes of subsection (g)(3) of this section, "personal items" do not include any items that are attached to the vehicle.

(h) No towing service or storage facility shall remove, or cause the removal of any vehicle from private property that is established as a private tow-away zone under this section, store such a vehicle other than in accordance with this section, or otherwise fail to comply with any applicable requirement of this section.

(i) This section does not affect or limit the operation of Ohio R.C. 4513.60 or Ohio R.C. 4513.61 to 4613.65 as they relate to property other than private property that is established as a private tow-away zone under subsection (a) of this section.

(j) The owner of any towing service or storage facility or property owner that violates subsection (h) of this section is guilty of a minor misdemeanor.
(ORC 4513.601)

303.083 RELEASE OF VEHICLE; RECORDS; CHARGES.

(EDITOR'S NOTE: The provisions of former Section 303.083 as amended are now codified in Section 303.081.)

303.09 LEAVING JUNK AND OTHER VEHICLES ON PRIVATE OR PUBLIC PROPERTY WITHOUT PERMISSION OR NOTIFICATION.

(a) No person shall willfully leave any vehicle or an "abandoned junk motor vehicle" as defined in Ohio R.C. 4513.63 on private property for more than seventy-two 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 the vehicle in such place.

For purposes of this section, the fact that a vehicle has been so left without permission or notification is prima-facie evidence of abandonment. Nothing contained in this section shall invalidate the provisions of other ordinances regulating or prohibiting the abandonment of motor vehicles on streets, highways, public property or private property within the Municipality.

(b) Whoever violates this section is guilty of a minor misdemeanor and shall also be assessed any costs incurred by the Municipality in disposing of an abandoned junk motor vehicle that is the basis of the violation, less any money accruing to the Municipality from this disposal of the vehicle. (ORC 4513.64)

303.10 LEAVING JUNK VEHICLES ON PRIVATE PROPERTY WITH PERMISSION OF OWNER.

(a) For the purposes of this section, "junk motor vehicle" means any motor vehicle meeting the requirements of Ohio R.C. 4513.63(B) to (E) that is left uncovered in the open on private property for more than seventy-two hours with the permission of the person having the right to the possession of the property, except if the person is operating a junk yard or scrap metal processing facility licensed under authority of Ohio R.C. 4737.05 to 4737.12; or regulated under authority of the Municipality; or if the property on which the motor vehicle is left is not subject to licensure or regulation by any governmental authority, unless the person having the right to the possession of the property can establish that the motor vehicle is part of a bona fide commercial operation, or if the motor vehicle is a collector's vehicle.

Persons may store or keep by unrestricted method any collector's vehicle as defined in Ohio R.C. 4501.01(F) on private property with the permission of the person having the right to the possession of the property; except that such person having such permission shall conceal, by means of buildings, fences, vegetation, terrain or other suitable obstruction, any unlicensed collector's vehicle stored in the open.

Council, the Chief of Police or the Municipal Zoning Authority, may send notice by certified mail with return receipt requested, to the person having the right to the possession of the property on which a junk motor vehicle is left, that within ten days of receipt of the notice, the junk motor vehicle either shall be covered by being housed in a garage or other suitable structure or shall be removed from the property.

No person shall willfully leave a junk motor vehicle uncovered in the open for more than ten days after receipt of a notice as provided in this section. The fact that a junk motor vehicle is so left is prima-facie evidence of willful failure to comply with the notice. Each subsequent period of thirty days that a junk motor vehicle continues to be so left constitutes a separate offense.

(b) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4513.65)

303.11 PROVIDING FALSE INFORMATION TO POLICE OFFICER.

(a) No person shall knowingly present, display or orally communicate a false name, social security number or date of birth to a law enforcement officer who is in the process of issuing to the person a traffic ticket or complaint.

(b) Whoever violates this section is guilty of a misdemeanor of the first degree.
(ORC 4513.361)

303.99 GENERAL TRAFFIC CODE PENALTIES.

(a) General Misdemeanor Classifications. Whoever violates any provision of this Traffic Code for which violation no penalty is otherwise provided, is guilty of a minor misdemeanor.
(ORC 4513.99)

(b) Penalties. Whoever is convicted of or pleads guilty to a violation of this Traffic Code shall be imprisoned for a definite term or fined, or both, which term of imprisonment and fine shall be fixed by the court as provided in this section.

Classification of Misdemeanor	Maximum Term of Imprisonment	Maximum Fine
First degree	180 days	$1,000.00
Second degree	90 days	750.00
Third degree	60 days	500.00
Fourth degree	30 days	250.00
Minor	No imprisonment	150.00

(ORC 2929.24; 2929.28)

CHAPTER 305
Traffic Control

305.01 Authority to regulate local traffic.
305.02 Conformity with State manual.
305.03 Permit required for traffic signal on State route.
305.04 Violations subject to misdemeanor classification.
305.05 Owner may establish non-liability for local traffic offenses by proof of lease of vehicle.

CROSS REFERENCES

See sectional history for similar State law
Power to designate highway as included in a freeway, expressway or thruway - see Ohio R.C. 4511.011
Uniform system of traffic control devices - see Ohio R.C. 4511.09, 4511.11(D)
Placing and maintaining local traffic control devices - see Ohio R.C. 4511.10, 4511.11
Alteration of prima-facie speed limits - see Ohio R.C. 4511.21, 4511.22(A), 4511.23
Power to erect stop signs at grade crossings - see Ohio R.C. 4511.61
Designation of through streets and erection of stop or yield signs - see Ohio R.C. 4511.65; TRAF. 313.02
Traffic control devices defined - see TRAF. 301.46

305.01 AUTHORITY TO REGULATE LOCAL TRAFFIC.

(a) The provisions of the State Traffic Code as contained in Ohio R.C. Chapters 4511 and 4513 do not prevent the Municipality from enacting local traffic regulations covering the following activities with respect to the streets and highways under local jurisdiction and within the reasonable exercise of the police power by the Municipality:

(1) Regulating the stopping, standing or parking of vehicles;
(2) Regulating traffic by means of police officers or traffic control devices;
(3) Regulating or prohibiting processions or assemblages on streets or highways;
(4) Designating particular streets as one-way streets and requiring that all vehicles on the one-way streets be moved in one specific direction;
(5) Regulating the speed of vehicles in public parks;
(6) Designating any street or highway as a through street or highway and requiring that all vehicles stop before entering or crossing a through street or highway, or designating any intersection as a stop intersection and requiring all vehicles to stop at one or more entrances to the intersection;

(7) Regulating or prohibiting vehicles from passing to the left of safety zones;
(8) Regulating the operation of bicycles; provided that no such regulation shall be fundamentally inconsistent with the uniform rules of the road prescribed by this Traffic Code and that no such regulation shall prohibit the use of bicycles on any public street or highway except as provided in Section 303.06;
(9) Requiring the registration and licensing of bicycles, including the requirement of a registration fee for residents of the Municipality;
(10) Regulating the use of certain streets by vehicles.

(b) No ordinance or regulation enacted under subsections (a)(4), (5), (6), (7), (8), or (10) of this section shall be effective until signs giving notice of the local traffic regulations are posted upon or at the entrance to the street or highway or part of the street or highway affected, as may be most appropriate.

(c) Every ordinance, resolution or regulation enacted under subsection (a)(1) hereof shall be enforced in compliance with Section 305.05. (ORC 4511.07)

305.02 CONFORMITY WITH STATE MANUAL.

All traffic control devices placed pursuant to the provisions of this Traffic Code shall conform to the Ohio Manual of Uniform Traffic Control Devices for Streets and Highways, as set forth in Ohio R.C. 4511.09.

305.03 PERMIT REQUIRED FOR TRAFFIC SIGNAL ON STATE ROUTE.

No traffic control signal shall be placed or maintained upon an extension of the State highway system within the Village without first obtaining the permission of the Ohio Director of Transportation. The Director may revoke the permission and may require to be removed any traffic control signal that has been erected without his permission on an extension of a State highway within the Village, or that, if erected under a permit granted by the Director, does not conform to the State manual as required by Section 305.02, or that is not operated in accordance with the terms of the permit. (ORC 4511.11(C))

305.04 VIOLATIONS SUBJECT TO MISDEMEANOR CLASSIFICATION.

Except as otherwise provided, any person violating the rules and regulations promulgated in connection with this chapter is guilty of a misdemeanor which shall be classified as provided in Section 303.99.

305.05 OWNER MAY ESTABLISH NONLIABILITY FOR LOCAL TRAFFIC OFFENSES BY PROOF OF LEASE OF VEHICLE.

(a) The owner of a vehicle shall be entitled to establish nonliability for prosecution for violation of an ordinance, resolution or regulation enacted under Section 305.01(a)(1) by proving the vehicle was in the care, custody or control of a person other than the owner at the time of the violation pursuant to a written lease agreement providing that except for such agreement, no other business relationship with respect to the vehicle in question exists between the operator and owner.

(b) Proof that the vehicle was in the care, custody or control of a person other than the owner shall be established by sending a copy of such written lease agreement to the prosecuting authority within thirty days from the date of receipt by the owner of the notice of violation. The furnishing of a copy of a written lease agreement shall be prima-facie evidence that a vehicle was in the care, custody or control of a person other than the owner.
(ORC 4511.071)

TITLE THREE - Streets and Traffic Control Devices

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

CHAPTER 311
Street Obstructions and Special Uses

311.01 Placing injurious material or obstruction in street.
311.02 Parades and assemblages.
311.03 Toy vehicles on streets.

CROSS REFERENCES
See sectional history for similar State law
Power to regulate processions or assemblages - see Ohio R.C. 4511.07(C)
Dropping, sifting and leaking loads - see TRAF. 339.08

311.01 PLACING INJURIOUS MATERIAL OR OBSTRUCTION IN STREET.

(a) No person shall place or knowingly drop upon any part of a street, highway or alley any tacks, bottles, wire, glass, nails or other articles which may damage or injure any person, vehicle or animal traveling along or upon such street, except such substances that may be placed upon the roadway by proper authority for the repair or construction thereof.

(b) Any person who drops or permits to be dropped or thrown upon any street any noxious, destructive or injurious material shall immediately remove the same.

(c) Any person authorized to remove a wrecked or damaged vehicle from a street shall remove any glass or other injurious substance dropped upon the street from such vehicle.

(d) No person shall place any obstruction in or upon a street without proper authority.

(e) No person, with intent to cause physical harm to a person or vehicle, shall place or knowingly drop upon any part of a highway, lane, road, street or alley any tacks, bottles, wire, glass, nails or other articles which may damage or injure any person, vehicle or animal traveling along or upon such highway, except such substances that may be placed upon the roadway by proper authority for the repair or construction thereof.

(f) (1) Except as otherwise provided in this subsection, whoever violates any provision of subsections (a) to (d) of this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates any provision of subsections (a) to (d) of 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 any provision of subsections (a) to (d) of this section is guilty of a misdemeanor of the third degree.

(2) Whoever violates subsection (e) of this section is guilty of a misdemeanor of the first degree. (ORC 4511.74)

311.02 PARADES AND ASSEMBLAGES.

(a) No person, group of persons or organization shall conduct or participate in any parade, assemblage or procession other than a funeral procession upon any street or highway, or block off any street or highway area, without first obtaining a permit from the Police Chief.

Applications for such permits shall be made on such forms as may be prescribed and shall contain such information as is reasonably necessary to a fair determination of whether a permit should be issued. Applications shall be filed not less than five days before the time intended for such parade, procession or assemblage.

The permit may be refused or cancelled if:

(1) The time, place, size or conduct of the parade including the assembly areas and route of march would unreasonably interfere with the public convenience and safe use of the streets and highways.

(2) The parade would require the diversion of so great a number of police officers to properly police the line of movement, assembly area and areas contiguous thereto so as to deny normal police protection to the Municipality.

(3) The parade route of march or assembly areas would unreasonably interfere with the movement of police vehicles, fire-fighting equipment or ambulance service to other areas of the Municipality.

(4) The parade would unreasonably interfere with another parade for which a permit has been issued.

(5) The information contained in the application is found to be false, misleading or incomplete in any material detail.

(6) An emergency such as a fire or storm would prevent the proper conduct of the parade.

The permit or any order accompanying it may limit or prescribe reasonable conditions, including the hours, the place of assembly and of dispersal, the route of march or travel and the streets, highways or portions thereof which may be used or occupied.

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

311.03 TOY VEHICLES ON STREETS.

(a) No person on roller skates or riding in or by means of any sled, toy vehicle, skateboard or similar device shall go upon any roadway except while crossing a street on a crosswalk and except on streets set aside as play streets.

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

CHAPTER 313
Traffic Control Devices

313.01 Obedience to traffic control devices.
313.02 Through streets; stop and yield right-of-way signs.
313.03 Traffic signal indications.
313.04 Lane-use control signal indications.
313.05 Special pedestrian control signals.
313.06 Flashing traffic signals. (Repealed)
313.07 Unauthorized signs and signals, hiding from view, advertising.
313.08 Alteration, injury, removal of traffic control devices.
313.09 Driver's duties upon approaching ambiguous or non-working traffic signal.
313.10 Unlawful purchase, possession or sale.
313.11 Portable signal preemption devices prohibited.

CROSS REFERENCES
See sectional histories for similar State law
Designation of through streets or stop intersections - see Ohio R.C. 4511.07(F), 4511.65
Uniform system of traffic control devices - see Ohio R.C. 4511.09, 4511.11(D)
Placing and maintaining local traffic control devices - see Ohio R.C. 4511.10, 4511.11
Traffic control devices defined - TRAF. 301.46

313.01 OBEDIENCE TO TRAFFIC CONTROL DEVICES.

(a) No pedestrian or driver of a vehicle shall disobey the instructions of any traffic control device placed in accordance with the provisions of this Traffic Code, unless at the time otherwise directed by a police officer.

No provisions of this Traffic Code for which signs are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section of this Traffic Code does not state that signs are required, that section shall be effective even though no signs are erected or in place.

(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.12)

313.02 THROUGH STREETS; STOP AND YIELD RIGHT-OF-WAY SIGNS.

(a) All State routes are hereby designated as through streets or highways, provided that stop signs, yield signs or traffic control signals shall be erected at all intersections with such through streets or highways, except as otherwise provided in this section. Where two or more State routes that are through streets or highways intersect and no traffic control signal is in operation, stop signs or yield signs shall be erected at one or more entrances thereto by the Ohio Department of Transportation, except as otherwise provided in this section.

Whenever the Ohio Director of Transportation determines on the basis of an engineering and traffic investigation that stop signs are necessary to stop traffic on a through highway for safe and efficient operation, nothing in this section shall be construed to prevent such installations. When circumstances warrant, the Director also may omit stop signs on roadways intersecting through highways under his jurisdiction. Before the Director either installs or removes a stop sign under this paragraph, he shall give notice, in writing, of that proposed action to the Municipality at least thirty days before installing or removing the stop sign.

(b) Other streets or highways or portions thereof, are hereby designated through streets or highways, if they are within the Municipality, if they have a continuous length of more than one mile between the limits of such street or highway or portion thereof, and if they have "stop" or "yield" signs or traffic control signals at the entrances of the majority of intersecting streets or highways. For purposes of this section, the limits of such street or highway or portion thereof, shall be a municipal corporation line, the physical terminus of the street or highway or any point on such street or highway at which vehicular traffic thereon is required by regulatory signs to stop or yield to traffic on the intersecting street, provided that in residence districts the Municipality may by ordinance designate such street or highway, or portion thereof, not to be a through highway and thereafter the affected residence district shall be indicated by official traffic control devices. Where two or more streets or highways designated under this subsection (b) intersect and no traffic control signal is in operation, stop signs or yield signs shall be erected at one or more entrances thereto by the Ohio Department of Transportation or by Council or the authorized local authority, except as otherwise provided in this section.

(c) Stop signs need not be erected at intersections so constructed as to permit traffic to safely enter a through street or highway without coming to a stop. Signs shall be erected at such intersections indicating that the operator of a vehicle shall yield the right of way to or merge with all traffic proceeding on the through street or highway.

(d) Council or the authorized local authority may designate additional through streets or highways and shall erect stop signs, yield signs or traffic control signals at all streets and highways intersecting such through streets or highways, or may designate any intersection as a stop or yield intersection and shall erect like signs at one or more entrances to such intersection. (ORC 4511.65)

313.03 TRAFFIC SIGNAL INDICATIONS.

Highway traffic signal indications for vehicles, and pedestrians shall have the following meanings:

(a) Steady Green Signal Indication:

(1) A. Vehicular traffic facing a circular green signal indication is permitted to proceed straight through or turn right or left, or make a u-turn movement except as such movement is modified by a lane-use sign, turn prohibition sign, lane marking, roadway design, separate turn signal indication, or other traffic control device. Such vehicular traffic, including vehicles turning right or left or making a u-turn movement, shall yield the right-of-way to both of the following:

1. Pedestrians lawfully within an associated crosswalk;
2. Other vehicles lawfully within the intersection.

B. In addition, vehicular traffic turning left or making a u-turn movement to the left shall yield the right-of-way to other vehicles approaching from the opposite direction so closely as to constitute an immediate hazard during the time when such turning vehicle is moving across or within the intersection.

(2) Vehicular traffic facing a green arrow signal indication, displayed alone or in combination with another signal indication, is permitted to cautiously enter the intersection only to make the movement indicated by such arrow, or such other movement as is permitted by other indications displayed at the same time. Such vehicular traffic, including vehicles turning right or left or making a u-turn movement, shall yield the right-of-way to both of the following:

A. Pedestrians lawfully within an associated crosswalk.

B. Other traffic lawfully using the intersection.

(3) A. Unless otherwise directed by a pedestrian signal indication, as provided in Section 313.05, pedestrians facing a circular green signal indication are permitted to proceed across the roadway within any marked or unmarked associated crosswalk. The pedestrian shall yield the right-of-way to vehicles lawfully within the intersection or so close as to create an immediate hazard at the time that the green signal indication is first displayed.

B. Pedestrians facing a green arrow signal indication, unless otherwise directed by a pedestrian signal indication or other traffic control device, shall not cross the roadway.

(b) Steady Yellow Signal Indication:

(1) Vehicular traffic facing a steady circular yellow signal indication is thereby warned that the related green movement or the related flashing arrow movement is being terminated or that a steady red signal indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection. The provisions governing vehicular operation under the movement being terminated shall continue to apply while the steady circular yellow signal indication is displayed.

(2) Vehicular traffic facing a steady yellow arrow signal indication is thereby warned that the related green arrow movement or the related flashing arrow movement is being terminated. The provisions governing vehicular operation under the movement being terminated shall continue to apply while the steady yellow arrow signal indication is displayed.

(3) Pedestrians facing a steady circular yellow or yellow arrow signal indication, unless otherwise directed by a pedestrian signal indication as provided in Section 313.05 or other traffic control device, shall not start to cross the roadway.

(c) Steady Red Signal Indication:

(1) A. Vehicular traffic facing a steady circular red signal indication, unless entering the intersection to make another movement permitted by another signal indication, shall stop at a clearly marked stop line; but if there is no stop line, traffic shall stop before entering the crosswalk on the near side of the intersection; or if there is no crosswalk, before then before entering the intersection; and shall remain stopped until a signal indication to proceed is displayed except as provided in subsections (c)(1), (2) and (3) of this section.

B. Except when a traffic control device is in place prohibiting a turn on red or a steady red arrow signal indication is displayed, vehicular traffic facing a steady circular red signal indication is permitted, after stopping, to enter the intersection to turn right, or to turn left from a one-way street into a one-way street. The right to proceed with the turn shall be subject to the provisions that are applicable after making a stop at a stop sign.

(2) A. Vehicular traffic facing a steady red arrow signal indication shall not enter the intersection to make the movement indicated by the arrow and, unless entering the intersection to make another movement permitted by another signal indication, shall stop at a clearly marked stop line; but if there is no stop line, before entering the crosswalk on the near side of the intersection; or if there is no crosswalk, then before entering the intersection; and shall remain stopped until a signal indication or other traffic control device permitting the movement indicated by such red arrow is displayed.

B. When a traffic control device is in place permitting a turn on a steady red arrow signal indication, vehicular traffic facing a steady red arrow indication is permitted, after stopping, to enter the intersection to turn right or to turn left from a one-way street into a one-way street. The right to proceed with the turn shall be limited to the direction indicated by the arrow, and shall be subject to the provisions that are applicable after making a stop at a stop sign.

(3) Unless otherwise directed by a pedestrian signal indication as provided in Section 313.05 or other traffic control device, pedestrians facing a steady circular red or steady red arrow signal indication shall not enter the roadway.

(4) Local authorities by ordinance, or the Director of Transportation on State highways, may prohibit a right or a left turn against a steady red signal at any intersection, which shall be effective when signs giving notice thereof are posted at the intersection.

(d) Flashing Green Signal Indication. A flashing green signal indication has no meaning and shall not be used.

(e) Flashing Yellow Signal Indication:

(1) A. Vehicular traffic, on an approach to an intersection, facing a flashing circular yellow signal indication, is permitted to cautiously enter the intersection to proceed straight through or turn right or left or make a u-turn movement except as such movement is modified by lane-use signs, turn prohibition signs, lane markings, roadway design, separate turn signal indications, or other traffic control devices. Such vehicular traffic, including vehicles turning right or left or making a u-turn movement, shall yield the right-of-way to both of the following:

1. Pedestrians lawfully within an associated crosswalk;
2. Other vehicles lawfully within the intersection.

B. In addition, vehicular traffic turning left or making a u-turn to the left shall yield the right-of-way to other vehicles approaching from the opposite direction so closely as to constitute an immediate hazard during the time when such turning vehicle is moving across or within the intersection.

(2) A. Vehicular traffic, on an approach to an intersection, facing a flashing yellow arrow signal indication, displayed alone or in combination with another signal indication, is permitted to cautiously enter the intersection only to make the movement indicated by such arrow, or other such movement as is permitted by other signal indications displayed at the same time. Such vehicular traffic, including vehicles turning right or left or making a u-turn, shall yield the right-of-way to both of the following:

1. Pedestrians lawfully within an associated crosswalk;
2. Other vehicles lawfully within the intersection.

B. In addition, vehicular traffic turning left or making a u-turn to the left shall yield the right-of-way to other vehicles approaching from the opposite direction so closely as to constitute an immediate hazard during the time when such turning vehicle is moving across or within the intersection.

(3) Pedestrians facing any flashing yellow signal indication at an intersection, unless otherwise directed by a pedestrian signal indication or other traffic control device, are permitted to proceed across the roadway within any marked or unmarked associated crosswalk. Pedestrians shall yield the right-of-way to vehicles lawfully within the intersection at the time that the flashing yellow signal indication is first displayed.

(4) When a flashing circular yellow signal indication is displayed as a beacon to supplement another traffic control device, road users are notified that there is a need to pay additional attention to the message contained thereon or that the regulatory or warning requirements of the other traffic control device, which might not be applicable at all times, are currently applicable.

(f) Flashing Red Signal Indication:

(1) Vehicular traffic, on an approach to an intersection, facing a flashing circular red signal indication, shall stop at a clearly marked stop line; but if there is no stop line, before entering the crosswalk on the near side of the intersection; or if there is no crosswalk, at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection. The right to proceed shall be subject to the provisions that are applicable after making a stop at a stop sign.

(2) Pedestrians facing any flashing red signal indication at an intersection, unless otherwise directed by a pedestrian signal indication or other traffic control device, are permitted to proceed across the roadway within any marked or unmarked associated crosswalk. Pedestrians shall yield the right-of-way to vehicles lawfully within the intersection at the time that the flashing red signal indication is first displayed.

(3) When a flashing circular red signal indication is displayed as a beacon to supplement another traffic control device, road users are notified that there is a need to pay additional attention to the message contained thereon or that the regulatory requirements of the other traffic control device, which might not be applicable at all times, are currently applicable. Use of this signal indication shall be limited to supplementing stop, do not enter, or wrong way signs, and to applications where compliance with the supplemented traffic control device requires a stop at a designated point.

(g) General Application: In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.

(h) Exception. This section does not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by Ohio R.C. 4511.61 and 4511.62. (ORC 4511.13)

313.04 LANE-USE CONTROL SIGNAL INDICATIONS.

(a) The meanings of lane-use control signal indications are as follows:

(1) A steady downward green arrow: A road user is permitted to drive in the lane over which the arrow signal indication is located.

(2) A steady yellow "X": A road user is to prepare to vacate the lane over which the signal indication is located because a lane control change is being made to a steady red "X" signal indication.

(3) A steady white two-way left-turn arrow: A road user is permitted to use a lane over which the signal indication is located for a left turn, but not for through travel, with the understanding that common use of the lane by oncoming road users for left turns also is permitted.

(4) A steady white one-way left-turn arrow: A road user is permitted to use a lane over which the signal indication is located for a left turn, without opposing turns in the same lane, but not for through travel.

(5) A steady red "X": A road user is not permitted to use the lane over which the signal indication is located and that this signal indication shall modify accordingly the meaning of other traffic controls present.
(ORC 4511.131)

(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.
(ORC 4511.99)

313.05 SPECIAL PEDESTRIAN CONTROL SIGNALS.

(a) Whenever special pedestrian control signals exhibiting the words "walk" or "don't walk", or the symbol of a walking person or an upraised palm are in place, such signals shall indicate the following instructions:

(1) A steady walking person signal indication, which symbolizes "walk", means that a pedestrian facing the signal indication is permitted to start to cross the roadway in the direction of the signal indication, possibly in conflict with turning vehicles. The pedestrian shall yield the right-of-way to vehicles lawfully within the intersection at the time that the walking person signal indication is first shown.

(2) A flashing upraised hand signal indication, which symbolizes "don't walk", means that a pedestrian shall not start to cross the roadway in the direction of the signal indication, but that any pedestrian who has already started to cross on a steady walking person signal indication shall proceed to the far side of the traveled way of the street or highway, unless otherwise directed by a traffic control device to proceed only to the median of a divided highway or only to some other island or pedestrian refuge area.

(3) A steady upraised hand signal indication means that a pedestrian shall not enter the roadway in the direction of the signal indication.

(4) Nothing int his section shall be construed to invalidate the continued use of pedestrian control signals utilizing the word "wait" if those signals were installed prior to March 28, 1985.

(5) A flashing walking person signal indication has no meaning and shall not be used. (ORC 4511.14)

(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.99)

313.06 FLASHING TRAFFIC SIGNALS.

(Former Ohio R.C. 4511.15 from which Section 313.06 was derived was repealed by House Bill 349, effective April 20, 2012.)

313.07 UNAUTHORIZED SIGNS AND SIGNALS, HIDING FROM VIEW, ADVERTISING.

(a) No person shall place, maintain or display upon or in view of any street any unauthorized sign, signal, marking or device which purports to be, is an imitation of or resembles a traffic control device or railroad sign or signal, or which attempts to direct the movement of traffic, or hides from view or interferes with the effectiveness of any traffic control device or any railroad sign or signal, and no person shall place or maintain, nor shall any public authority permit upon any street any traffic sign or signal bearing thereon any commercial advertising. This section does not prohibit either the erection upon private property adjacent to streets of signs giving useful directional information and of a type that cannot be mistaken for traffic control devices, or the erection upon private property of traffic control devices by the owner of real property in accordance with Ohio R.C. 4511.211 and 4511.432.

Every such prohibited sign, signal, marking or device is a public nuisance, and the Police Chief is authorized to remove it or cause it to be removed.

(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.16)

313.08 ALTERATION, INJURY, REMOVAL OF TRAFFIC CONTROL DEVICES.

(a) No person without lawful authority, shall do any of the following:

(1) Knowingly move, deface, damage, destroy or otherwise improperly tamper with any traffic control device, any railroad sign or signal, or any inscription, shield or insignia on the device, sign or signal, or any part of the device, sign or signal;

(2) Knowingly drive upon or over any freshly applied pavement marking material on the surface of a roadway while the marking material is in an undried condition and is marked by flags, markers, signs or other devices intended to protect it;

(3) Knowingly move, damage, destroy or otherwise improperly tamper with a manhole cover.

(b) (1) Except as otherwise provided in this subsection, whoever violates subsection (a)(1) or (3) of this section is guilty of a misdemeanor of the third degree. If a violation of subsection (a)(1) or (3) of this section creates a risk of physical harm to any person, the offender is guilty of a misdemeanor of the first degree. If a violation of subsection (a)(1) or (3) of this section causes serious physical harm to property that is owned, leased, or controlled by a state or local authority, the offender is guilty of a felony and shall be prosecuted under appropriate state law.

(2) Except as otherwise provided in this subsection, whoever violates subsection (a)(2) of this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates subsection (a)(2) of 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 subsection (a)(2) of this section is guilty of a misdemeanor of the third degree.
(ORC 4511.17)

313.09 DRIVER'S DUTIES UPON APPROACHING AMBIGUOUS OR NON-WORKING TRAFFIC SIGNAL.

(a) The driver of a vehicle who approaches an intersection where traffic is controlled by traffic control signals shall do all of the following, if the signal facing the driver either exhibits no colored lights or colored lighted arrows or exhibits a combination of such lights or arrows that fails to clearly indicate the assignment of right of way:

(1) Stop at a clearly marked stop line, but if none, stop before entering the crosswalk on the near side of the intersection, or, if none, stop before entering the intersection;

(2) Yield the right of way to all vehicles in the intersection or approaching on an intersecting road, if the vehicles will constitute an immediate hazard during the time the driver is moving across or within the intersection or junction of roadways.

(3) Exercise ordinary care while proceeding through the intersection.

(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.132)

313.10 UNLAWFUL PURCHASE, POSSESSION OR SALE.

(a) As used in this section, "traffic control device" means any sign, traffic control signal or other device conforming to and placed or erected in accordance with the manual adopted under Ohio R.C. 4511.09 by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic, including signs denoting the names of streets and highways, but does not mean any pavement marking.

(b) No individual shall buy or otherwise possess or sell, a traffic control device, except when one of the following applies:

(1) In the course of the individual's employment by the State or a local authority for the express or implied purpose of manufacturing, providing, erecting, moving or removing such a traffic control device;

(2) In the course of the individual's employment by any manufacturer of traffic control devices other than a State or local authority;

(3) For the purpose of demonstrating the design and function of a traffic control device to State or local officials;

(4) When the traffic control device has been purchased from the State or a local authority at a sale of property that is no longer needed or is unfit for use;

(5) The traffic control device has been properly purchased from a manufacturer for use on private property and the person possessing the device has a sales receipt for the device or other acknowledgment of sale issued by the manufacturer.

(c) This section does not preclude, and shall not be construed as precluding, prosecution for theft in violation of Ohio R.C. 2913.02 or a municipal ordinance relating to theft, or for receiving stolen property in violation of Ohio R.C. 2913.51 or a municipal ordinance relating to receiving stolen property.

(d) Whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.18)

313.11 PORTABLE SIGNAL PREEMPTION DEVICES PROHIBITED.

(a) (1) No person shall possess a portable signal preemption device.

(2) No person shall use a portable signal preemption device to affect the operation of a traffic control signal.

(b) Subsection (a)(1) of this section does not apply to any of the following persons and subsection (a)(2) of this section does not apply to any of the following persons when responding to an emergency call:

(1) A peace officer, as defined in Ohio R.C. 109.71(A)(11), (12), (14) or (19);
(2) A State highway patrol trooper;
(3) A person while occupying a public safety vehicle as defined in Ohio R.C. 4511.01(E)(1), (3) or (4).

(c) Whoever violates subsection (a)(1) of this section is guilty of a misdemeanor of the fourth degree. Whoever violates subsection (a)(2) of this section is guilty of a misdemeanor of the first degree.

(d) As used in this section, "portable signal preemption device" means a device that, if activated by a person, is capable of changing a traffic control signal to green out of sequence. (ORC 4511.031)

TITLE FIVE - Vehicles

Chap. 331. Operation Generally.
Chap. 333. OVI; Willful Misconduct; Speed.
Chap. 335. Licensing; Accidents.
Chap. 337. Safety and Equipment.
Chap. 339. Commercial and Heavy Vehicles.
Chap. 341. Commercial Drivers.

CHAPTER 331
Operation Generally

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331.02 Passing to right when proceeding in opposite directions.
331.03 Overtaking, passing to left; driver's duties.
331.04 Overtaking and passing upon right.
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331.38 Stopping for school bus; discharging children.
331.39 Driving across grade crossing.
331.40 Stopping at grade crossing.
331.41 Shortcutting; avoiding traffic control devices.
331.42 Littering from motor vehicle.
331.43 Wearing earplugs or earphones prohibited.
331.44 Vehicular operation on street closed due to rise in water level.

CROSS REFERENCES
See sectional histories for similar State law
Obedience to traffic control devices - see TRAF. 313.01
Operation of bicycles and motorcycles - see TRAF. 373.01 et seq.
School bus operation - see OAC Ch. 4501-3

331.01 DRIVING UPON RIGHT SIDE OF ROADWAY; EXCEPTIONS.

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

(1) When overtaking and passing another vehicle proceeding in the same direction, or when making a left turn under the rules governing such movements;

(2) When an obstruction exists making it necessary to drive to the left of the center of the highway; provided, any person so doing shall yield the right of way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard;

(3) When driving upon a roadway divided into three or more marked lanes for traffic under the rules applicable thereon;

(4) When driving upon a roadway designated and posted with signs for one-way traffic;

(5) When otherwise directed by a police officer or traffic control device.

(b) (1) Upon all roadways any vehicle proceeding at less than the prevailing and lawful speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic, and far enough to the right to allow passing by faster vehicles if such passing is safe and reasonable, except under any of the following circumstances:

A. When overtaking and passing another vehicle proceeding in the same direction;

B. When preparing for a left turn;

C. When the driver must necessarily drive in a lane other than the right-hand lane to continue on the driver's intended route.

(2) Nothing in subsection (b)(1) of this section requires a driver of a slower vehicle to compromise the driver's safety to allow overtaking by a faster vehicle.

(c) Upon any roadway having four or more lanes for moving traffic and providing for two-way movement of traffic, no vehicle shall be driven to the left of the center line of the roadway, except when authorized by official traffic control devices designating certain lanes to the left of the center of the roadway for use by traffic not otherwise permitted to use the lanes, or except as permitted under subsection (a) (2) hereof.

This subsection shall not be construed as prohibiting the crossing of the center line in making a left turn into or from an alley, private road or driveway.

(d) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.25)

331.02 PASSING TO RIGHT WHEN PROCEEDING IN OPPOSITE DIRECTIONS.

(a) Operators of vehicles proceeding in opposite directions shall pass each other to the right, and upon roadways having width for not more than one line of traffic in each direction, each operator shall give to the other one-half of the main traveled portion of the roadway or as nearly one-half as is reasonably possible.

(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.26)

331.03 OVERTAKING, PASSING TO LEFT; DRIVER'S DUTIES.

(a) The following rules govern the overtaking and passing of vehicles proceeding in the same direction:

(1) The operator of a vehicle overtaking another vehicle proceeding in the same direction shall, except as provided in subsection (a)(3) hereof, signal to the vehicle to be overtaken, shall pass to the left thereof at a safe distance, and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.

(2) Except when overtaking and passing on the right is permitted, the operator of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle at the latter's audible signal, and the operator shall not increase the speed of the operator’s vehicle until completely passed by the overtaking vehicle.

(3) The operator of a vehicle overtaking and passing another vehicle proceeding in the same direction on a divided street or highway as defined in Section 331.31, a limited access highway as defined in Ohio R.C. 5511.02 or a highway with four or more traffic lanes, is not required to signal audibly to the vehicle being overtaken and passed.

(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.27)

331.04 OVERTAKING AND PASSING UPON RIGHT.

(a) The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:

(1) When the vehicle overtaken is making or about to make a left turn;

(2) Upon a roadway with unobstructed pavement of sufficient width for two or more lines of vehicles moving lawfully in the direction being traveled by the overtaking vehicle.

(b) The driver of a vehicle may overtake and pass another vehicle only under conditions permitting such movement in safety. The movement shall not be made by driving off the roadway.

(c) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.28)

331.05 OVERTAKING, PASSING TO LEFT OF CENTER.

(a) No vehicle shall be driven to the left of the center of the roadway in overtaking and passing traffic proceeding in the same direction, unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made, without interfering with the safe operation of any traffic approaching from the opposite direction or any traffic overtaken. In every event the overtaking vehicle must return to an authorized lane of travel as soon as practicable and in the event the passing movement involves the use of a lane authorized for traffic approaching from the opposite direction before coming within 200 feet of any approaching vehicle.

(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.29)

331.06 ADDITIONAL RESTRICTIONS ON DRIVING UPON LEFT SIDE OF ROADWAY.

(a) No vehicle shall be driven upon the left side of the roadway under the following conditions:

(1) When approaching the crest of a grade or upon a curve in the highway, where the operator's view is obstructed within such a distance as to create a hazard in the event traffic might approach from the opposite direction;

(2) When the view is obstructed upon approaching within 100 feet of any bridge, viaduct or tunnel;

(3) When approaching within 100 feet of or traversing any intersection or railroad grade crossing.

(b) This section does not apply to vehicles upon a one-way roadway, upon a roadway where traffic is lawfully directed to be driven to the left side or under the conditions described in Section 331.01(a)(2).

(c) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.30)

331.07 HAZARDOUS OR NO PASSING ZONES.

(a) Hazardous zones, commonly called "no passing zones," shall consist of an auxiliary yellow line marked on the roadway pavement and placed parallel to the normal center line or marked lane line. When the auxiliary yellow line appears on the left side in the driver's lane of travel and to the right of the normal center line or marked lane line, no driver shall drive across the auxiliary yellow line to overtake and pass another vehicle proceeding in the same direction. When auxiliary yellow lines appear on both sides of the normal center line or marked lane line, drivers proceeding in either direction shall not drive across such auxiliary yellow lines to overtake and pass another vehicle proceeding in the same direction. No driver shall, at any other time, drive across the yellow auxiliary line when it appears in the driver's lane of travel, except to make a lawfully permitted left-hand turn under the rules governing such movement. No passing signs may also be erected facing traffic to indicate the beginning and end of each no passing zone.

When appropriate signs or markings indicating hazardous or no passing zones are in place and clearly visible, every operator of a vehicle shall obey the directions of the signs or markings, notwithstanding the distance set out in Section 331.06.

(b) Subsection (a) of this section does not apply when all of the following apply:

(1) The slower vehicle is proceeding at less than half the speed of the speed limit applicable to that location.

(2) The faster vehicle is capable of overtaking and passing the slower vehicle without exceeding the speed limit.

(3) There is sufficient clear sight distance to the left of the center or center line of the roadway to meet the overtaking and passing provisions of Section 331.05, considering the speed of the slower vehicle.

(c) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.31)

331.08 DRIVING IN MARKED LANES OR CONTINUOUS LINES OF TRAFFIC.

(a) Whenever any roadway has been divided into two or more clearly marked lanes for traffic or wherever traffic is lawfully moving in two or more substantially continuous lines in the same direction, the following rules apply:

(1) A vehicle shall be driven, as nearly as is practicable, entirely within a single lane or line of traffic and shall not be moved from such lane or line until the driver has first ascertained that such movement can be made with safety.

(2) Upon a roadway which is divided into three lanes and provides for two-way movement of traffic, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle where the roadway is clearly visible and such center lane is clear of traffic within a safe distance, or when preparing for a left turn, or where such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is posted with signs to give notice of such allocation.

(3) Official signs may be erected directing specified traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway, or restricting the use of a particular lane to only buses during certain hours or during all hours, and drivers of vehicles shall obey the directions of such signs.

(4) Official traffic control devices may be installed prohibiting the changing of lanes on sections of roadway and drivers of vehicles shall obey the directions of every such device.

(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.33)

331.09 FOLLOWING TOO CLOSELY.

(a) The operator of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicle and the traffic upon and the condition of the highway.

The driver of any truck, or motor vehicle drawing another vehicle, when traveling upon a roadway outside a business or residence district shall maintain a sufficient space, whenever conditions permit, between such vehicle and another vehicle ahead so an overtaking motor vehicle may enter and occupy such space without danger. This paragraph does not prevent overtaking and passing nor does it apply to any lane specially designated for use by trucks.

Motor vehicles being driven upon any roadway outside of a business or residence district in a caravan or motorcade, shall maintain a sufficient space between such vehicles so an overtaking vehicle may enter and occupy such space without danger. This paragraph shall not apply to funeral processions.

(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.34)

331.10 TURNING AT INTERSECTIONS.

(a) The driver of a vehicle intending to turn at an intersection shall be governed by the following rules:

(1) Approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.

(2) At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of such center line where it enters the intersection and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered. Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

(3) At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle, and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left-hand lane of the roadway being entered lawfully available to the traffic moving in that lane.

(4) Markers, buttons or signs may be placed within or adjacent to intersections and thereby require and direct that a different course from that specified in this section be traveled by vehicles turning at an intersection, and when such markers, buttons or signs are so placed, no operator of a vehicle shall turn such vehicle at an intersection other than as directed and required by such markers, buttons or signs.

(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.36)

331.11 TURNING INTO PRIVATE DRIVEWAY, ALLEY OR BUILDING.

(a) The driver of a vehicle intending to turn into a private road or driveway, alley or building from a public street or highway shall be governed by the following rules:

(1) Approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.

(2) Upon a roadway where traffic is proceeding in opposite directions, approach for a left turn and a left turn shall be made from that portion of the right half of the roadway nearest the center line thereof.

(3) Upon a roadway where traffic is restricted to one direction, approach for a left turn and a left turn shall be made as close as practicable to the left-hand curb or edge of the roadway.

It shall be the duty of the driver of any vehicle entering a private road or driveway, alley or building to yield the right of way to pedestrians lawfully using the sidewalk or sidewalk area extending across any alleyway, private road, driveway or building.

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

331.12 "U" TURNS RESTRICTED.

(a) Except as provided in Section 313.03 and subsection (b) hereof, no vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to or near the crest of a grade, if the vehicle cannot be seen within 500 feet by the driver of any other vehicle approaching from either direction.

(b) The driver of an emergency vehicle or public safety vehicle, when responding to an emergency call, may turn the vehicle so as to proceed in the opposite direction. This subsection applies only when the emergency vehicle or public safety vehicle is responding to an emergency call, is equipped with and displaying at least one flashing, rotating or oscillating light visible under normal atmospheric conditions from a distance of 500 feet to the front of the vehicle, and when the driver of the vehicle is giving an audible signal by siren, exhaust whistle or bell. This subsection does not relieve the driver of an emergency vehicle or public safety vehicle from the duty to drive with due regard for the safety of all persons and property upon the highway. (ORC 4511.37)

(c) Except as provided in subsection (b) hereof, no vehicle shall be turned so as to proceed in the opposite direction within an intersection, or upon any street in a business district, or upon a freeway, expressway or controlled-access highway, or where authorized signs are erected to prohibit such movement, or at any other location unless such movement can be made with reasonable safety to other users of the street and without interfering with the safe operation of any traffic that may be affected by such movement.

(d) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.37)

331.13 STARTING AND BACKING VEHICLES.

(a) No person shall start a vehicle which is stopped, standing or parked until such movement can be made with reasonable safety.

Before backing, operators of vehicles shall give ample warning, and while backing they shall exercise vigilance not to injure person or property on the street or highway.

No person shall back a motor vehicle on a freeway, except: in a rest area; in the performance of public works or official duties; as a result of an emergency caused by an accident or breakdown of a motor vehicle.

(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.38)

331.14 SIGNALS BEFORE CHANGING COURSE, TURNING OR STOPPING.

(a) No person shall turn a vehicle or move right or left upon a highway unless and until such person has exercised due care to ascertain that the movement can be made with reasonable safety nor without giving an appropriate signal in the manner hereinafter provided.

When required, a signal of intention to turn or move right or left shall be given continuously during not less than the last 100 feet traveled by the vehicle before turning, except that in the case of a person operating a bicycle, the signal shall be made not less than one time but is not required to be continuous. A bicycle operator is not required to make a signal if the bicycle is in a designated turn lane, and a signal shall not be given when the operator's hands are needed for the safe operation of the bicycle.

No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give a signal.

Any stop or turn signal required by this section shall be given either by means of the hand and arm, or by signal lights that clearly indicate to both approaching and following traffic intention to turn or move right or left, except that any motor vehicle in use on a highway shall be equipped with, and the required signal shall be given by, signal lights when the distance from the center of the top of the steering post to the left outside limit of the body, cab or load of such motor vehicle exceeds twenty-four inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds fourteen feet, whether a single vehicle or a combination of vehicles.

The signal lights required by this section shall not be flashed on one side only on a disabled vehicle, flashed as a courtesy or "do pass" signal to operators of other vehicles approaching from the rear, nor be flashed on one side only of a parked vehicle except as may be necessary for compliance with this section.

(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.39)

331.15 HAND AND ARM SIGNALS.

(a) Except as provided in subsection (b) hereof, all signals required by this Traffic Code, when given by hand and arm shall be given from the left side of the vehicle in the following manner, and such signals shall indicate as follows:

(1) Left turn: Hand and arm extended horizontally;
(2) Right turn: Hand and arm extended upward;
(3) Stop or decrease speed: Hand and arm extended downward.

(b) As an alternative to subsection (a)(2) hereof, a person operating a bicycle may give a right turn signal by extending the right hand and arm horizontally and to the right side of the bicycle.

(c) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.40)

331.16 RIGHT OF WAY AT INTERSECTIONS.

(a) When two vehicles approach or enter an intersection from different streets or highways at approximately the same time, the driver of the vehicle on the left shall yield the right of way to the vehicle on the right.

(b) The right of way rule declared in subsection (a) hereof, is modified at through highways and otherwise as stated in this Traffic Code and Ohio R.C. Chapter 4511. (ORC 4511.41)

(c) Subject to compliance with any traffic control device, when two vehicles approach or enter a junction of two or more alleys from different directions at approximately the same time, the driver of the vehicle on the left shall yield the right of way to the vehicle on the right.

(d) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.41)

331.17 RIGHT OF WAY WHEN TURNING LEFT.

(a) The operator of a vehicle intending to turn to the left within an intersection or into an alley, private road or driveway shall yield the right of way to any vehicle approaching from the opposite direction, whenever the approaching vehicle is within the intersection or so close to the intersection, alley, private road or driveway as to constitute an immediate hazard.

(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.42)

331.18 OPERATION OF VEHICLE AT YIELD SIGNS.

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

(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.43(B))

331.19 OPERATION OF VEHICLE AT STOP SIGNS.

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

(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.43(A))

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

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

(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.03)

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

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

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

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

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

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

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

(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.44)

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

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

(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.431)

331.24 RIGHT OF WAY OF FUNERAL PROCESSION.

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

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

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

(d) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.451)

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

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

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

(c) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.70(A),(B),(D))

331.26 DRIVING UPON STREET POSTED AS CLOSED FOR REPAIR.

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

(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.71)

331.27 FOLLOWING AND PARKING NEAR EMERGENCY OR SAFETY VEHICLES.

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

(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.72)

331.28 DRIVING OVER FIRE HOSE.

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

(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.73)

331.29 DRIVING THROUGH SAFETY ZONE.

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

(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.60)

331.30 ONE-WAY STREETS AND ROTARY TRAFFIC ISLANDS.

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

(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.32)

331.31 DRIVING UPON DIVIDED ROADWAYS.

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

(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.35)

331.32 ENTERING AND EXITING CONTROLLED-ACCESS HIGHWAY.

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

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

331.33 OBSTRUCTING INTERSECTION, CROSSWALK OR GRADE CROSSING.

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

(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.712)

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

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

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

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

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

331.35 OCCUPYING A MOVING TRAILER OR MANUFACTURED OR MOBILE HOME.

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

(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.701)

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

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

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

331.37 DRIVING UPON SIDEWALKS, STREET LAWNS OR CURBS.

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

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

(c) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.711)

331.38 STOPPING FOR SCHOOL BUS; DISCHARGING CHILDREN.

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

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

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

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

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

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

(f) As used in this section:
(1) "Head start agency" has the same meaning as in Ohio R.C. 3301.32.
(2) "School bus", as used in relation to children who attend a program offered by a head start agency, means a bus that is owned and operated by a head start agency, is equipped with an automatically extended stop warning sign of a type approved by the State Board of Education, is painted the color and displays the markings described in Ohio R.C. 4511.77, and is equipped with amber and red visual signals meeting the requirements of Ohio R.C. 4511.771, irrespective of whether or not the bus has fifteen or more children aboard at any time. "School bus" does not include a van owned and operated by a head start agency, irrespective of its color, lights, or markings.

(g) (1) Whoever violates subsection (a) of this section may be fined an amount not to exceed five hundred dollars ($500.00). A person who is issued a citation for a violation of subsection (a) of this section is not permitted to enter a written plea of guilty and waive the person's right to contest the citation in a trial but instead must appear in person in the proper court to answer the charge.
(2) In addition to and independent of any other penalty provided by law, the court or mayor may impose upon an offender who violates this section a class seven suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (a)(7) of Ohio R.C. 4510.02. When a license is suspended under this section, the court or mayor shall cause the offender to deliver the license to the court, and the court or clerk of the court immediately shall forward the license to the Registrar of Motor Vehicles, together with notice of the court's action. (ORC 4511.75)

331.39 DRIVING ACROSS GRADE CROSSING.

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

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

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

331.40 STOPPING AT GRADE CROSSING.

(a) (1) Except as provided in subsection (a)(2) hereof, the operator of any bus, any school vehicle, or any vehicle transporting material required to be placarded under 49 CFR Parts 100-185, before crossing at grade any track of a railroad, shall stop the vehicle, and, while so stopped, shall listen through an open door or open window and look in both directions along the track for any approaching train, and for signals indicating the approach of a train, and shall proceed only upon exercising due care after stopping, looking and listening as required by this section. Upon proceeding, the operator of such a vehicle shall cross only in a gear that will ensure there will be no necessity for changing gears while traversing the crossing and shall not shift gears while crossing the tracks.

(2) This section does not apply at grade crossings when the Ohio Public Utilities Commission has authorized and approved an exempt crossing as provided in this subsection.

A. Any local authority may file an application with the Commission requesting the approval of an exempt crossing. Upon receipt of such a request, the Commission shall authorize a limited period for the filing of comments by any party regarding the application and then shall conduct a public hearing in the community seeking the exempt crossing designation. The Commission shall provide appropriate prior public notice of the comment period and the public hearing. By registered mail, the Commission shall notify each railroad operating over the crossing of the comment period.

B. After considering any comments or other information received, the Commission may approve or reject the application. By order, the Commission may establish conditions for the exempt crossing designation, including compliance with division (b) of 49 C.F.R. Part 392.10, when applicable. An exempt crossing designation becomes effective only when appropriate signs giving notice of the exempt designation are erected at the crossing as ordered by the Commission and any other conditions ordered by the Commission are satisfied.

C. By order, the Commission may rescind any exempt crossing designation made under this section if the Commission finds that a condition at the exempt crossing has changed to such an extent that the continuation of the exempt crossing designation compromises public safety. The Commission may conduct a public hearing to investigate and determine whether to rescind the exempt crossing designation. If the Commission rescinds the designation, it shall order the removal of any exempt crossing signs and may make any other necessary order.

(3) As used in this section:

A. "School vehicle" means any vehicle used for the transportation of pupils to and from a school or school-related function if the vehicle is owned or operated by, or operated under contract with, a public or nonpublic school.

B. "Bus" means any vehicle originally designed by its manufacturer to transport sixteen or more passengers, including the driver, or carries sixteen or more passengers, including the driver.

C. "Exempt crossing" means a highway rail grade crossing authorized and approved by the Public Utilities Commission under subsection (a)(2) hereof at which vehicles may cross without making the stop otherwise required by this section.

(4) Except as otherwise provided in this subsection (a)(4), whoever violates subsection (a) hereof is guilty of a minor misdemeanor. If the offender previously has been convicted of or pleaded guilty to one or more violations of subsection (a) hereof or Ohio R.C. 4511.76, 4511.761, 4511.762, 4511.764, 4511.77 or 4511.79, or a municipal ordinance that is substantially similar to any of those sections, whoever violates subsection (a) hereof is guilty of a misdemeanor of the fourth degree. (ORC 4511.63)

(b) (1) When authorized stop signs are erected at railroad grade crossings, the operator of any vehicle shall stop within fifty but not less than fifteen feet from the nearest rail of the railroad tracks and shall exercise due care before proceeding across such grade crossing.

(2) Except as otherwise provided in this subsection, whoever violates this subsection (b)(1) hereof is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.61)

331.41 SHORTCUTTING; AVOIDING TRAFFIC CONTROL DEVICES.

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

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

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

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

331.42 LITTERING FROM MOTOR VEHICLE.

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

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

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

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

331.43 WEARING EARPLUGS OR EARPHONES PROHIBITED.

(a) No person shall operate a motor vehicle while wearing earphones over, or earplugs in, both ears. As used in this section, "earphones" means any headset, radio, tape player or other similar device that provides the listener with radio programs, music or other recorded information through a device attached to the head and that covers all or a portion of both ears. "Earphones" does not include speakers or other listening devices that are built into protective headgear.

(b) This section does not apply to:
(1) Any person wearing a hearing aid;
(2) Law enforcement personnel while on duty;
(3) Fire personnel and emergency medical service personnel while on duty;
(4) Any person engaged in the operation of equipment for use in the maintenance or repair of any street or highway; or
(5) Any person engaged in the operation of refuse collection equipment.

(c) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.
(ORC 4511.84)

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

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

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

(c) (1) Whoever violates subsection (a) hereof is guilty of a minor misdemeanor.

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

(d) As used in this section:

(1) "Emergency medical service organization", "firefighting agency" and "private fire company" have the same meanings as in Ohio R.C. 9.60.

(2) "Rescuer" means a state agency, political subdivision, firefighting service, private fire company, or emergency medical service organization.

(ORC 4511.714.)

CHAPTER 333
OVI; Willful Misconduct; Speed

333.01 Driving or physical control while under the influence.
333.02 Operation in willful or wanton disregard of safety.
333.03 Maximum speed limits; assured clear distance ahead.
333.031 Approaching a stationary public safety, emergency, or road service vehicle.
333.04 Stopping vehicle; slow speed; posted minimum speeds.
333.05 Speed limitations over bridges.
333.06 Speed exceptions for emergency or safety vehicles.
333.07 Street racing prohibited.
333.08 Operation without reasonable control.
333.09 Reckless operation on streets, public or private property.
333.10 Operation in violation of immobilization order.
333.11 Texting while driving prohibited.

CROSS REFERENCES
See sectional histories for similar State law
Drug of abuse defined - see Ohio R.C. 3719.011(A)
Alcohol defined - see Ohio R.C. 4301.01(B)(1)
Alteration of prima-facie speed limits - see Ohio R.C. 4511.21, 4511.22(B), 4511.23
Failure to control vehicle - see TRAF. 331.34
Walking on highway while under the influence - see TRAF. 371.09

333.01 DRIVING OR PHYSICAL CONTROL WHILE UNDER THE INFLUENCE.

(a) (1) Operation Generally. No person shall operate any vehicle within this Municipality, if, at the time of the operation, any of the following apply:

A. The person is under the influence of alcohol, a drug of abuse, or a combination of them.

B. The person has a concentration of eight-hundredths of one per cent or more but less than seventeen-hundredths of one per cent by weight per unit volume of alcohol in the person's whole blood.

C. The person has a concentration of ninety-six-thousandths of one per cent or more but less than two hundred four-thousandths of one per cent by weight per unit volume of alcohol in the person's blood serum or plasma.

D. The person has a concentration of eight-hundredths of one gram or more but less than seventeen-hundredths of one gram by weight of alcohol per two hundred ten liters of the person's breath.

E. The person has a concentration of eleven-hundredths of one gram or more but less than two hundred thirty-eight-thousandths of one gram by weight of alcohol per one hundred milliliters of the person's urine.

F. The person has a concentration of seventeen-hundredths of one per cent or more by weight per unit volume of alcohol in the person's whole blood.

G. The person has a concentration of two hundred four-thousandths of one per cent or more by weight per unit volume of alcohol in the person's blood serum or plasma.

H. The person has a concentration of seventeen-hundredths of one gram or more by weight of alcohol per two hundred ten liters of the person's breath.

I. The person has a concentration of two hundred thirty-eight-thousandths of one gram or more by weight of alcohol per one hundred milliliters of the person's urine.

J. Except as provided in subsection (m) of this section, the person has a concentration of any of the following controlled substances or metabolites of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or exceeds any of the following:

1. The person has a concentration of amphetamine in the person's urine of at least five hundred nanograms of amphetamine per milliliter of the person's urine or has a concentration of amphetamine in the person's whole blood or blood serum or plasma of at least one hundred nanograms of amphetamine per milliliter of the person's whole blood or blood serum or plasma.
2. The person has a concentration of cocaine in the person's urine of at least one hundred fifty nanograms of cocaine per milliliter of the person's urine or has a concentration of cocaine in the person's whole blood or blood serum or plasma of at least fifty nanograms of cocaine per milliliter of the person's whole blood or blood serum or plasma.
3. The person has a concentration of cocaine metabolite in the person's urine of at least one hundred fifty nanograms of cocaine metabolite per milliliter of the person's urine or has a concentration of cocaine metabolite in the person's whole blood or blood serum or plasma of at least fifty nanograms of cocaine metabolite per milliliter of the person's whole blood or blood serum or plasma.
4. The person has a concentration of heroin in the person's urine of at least two thousand nanograms of heroin per milliliter of the person's urine or has a concentration of heroin in the person's whole blood or blood serum or plasma of at least fifty nanograms of heroin per milliliter of the person's whole blood or blood serum or plasma.
5. The person has a concentration of heroin metabolite (6-monoacetyl morphine) in the person's urine of at least ten nanograms of heroin metabolite (6-monoacetyl morphine) per milliliter of the person's urine or has a concentration of heroin metabolite (6-monoacetyl morphine) in the person's whole blood or blood serum or plasma of at least ten nanograms of heroin metabolite (6-monoacetyl morphine) per milliliter of the person's whole blood or blood serum or plasma.

6. The person has a concentration of L.S.D. in the person's urine of at least twenty-five nanograms of L.S.D. per milliliter of the person's urine or a concentration of L.S.D. in the person's whole blood or blood serum or plasma of at least ten nanograms of L.S.D. per milliliter of the person's whole blood or blood serum or plasma.
7. The person has a concentration of marihuana in the person's urine of at least ten nanograms of marihuana per milliliter of the person's urine or has a concentration of marihuana in the person's whole blood or blood serum or plasma of at least two nanograms of marihuana per milliliter of the person's whole blood or blood serum or plasma.
8. Either of the following applies:
   a. The person is under the influence of alcohol, a drug of abuse or a combination of them, and, as measured by gas chromatography mass spectrometry, the person has a concentration of marihuana metabolite in the person's urine of at least fifteen nanograms of marihuana metabolite per milliliter of the person's urine or has a concentration of marihuana metabolite in the person's whole blood or blood serum or plasma of at least five nanograms of marihuana metabolite per milliliter of the person's whole blood or blood serum or plasma.
   b. As measured by gas chromatography mass spectrometry, the person has a concentration of marihuana metabolite in the person's urine of at least thirty-five nanograms of marihuana metabolite per milliliter of the person's urine or has a concentration of marihuana metabolite in the person's whole blood or blood serum or plasma of at least fifty nanograms of marihuana metabolite per milliliter of the person's whole blood or blood serum or plasma.
9. The person has a concentration of methamphetamine in the person's urine of at least five hundred nanograms of methamphetamine per milliliter of the person's urine or has a concentration of methamphetamine in the person's whole blood or blood serum or plasma of at least one hundred nanograms of methamphetamine per milliliter of the person's whole blood or blood serum or plasma.
10. The person has a concentration of phencyclidine in the person's urine of at least twenty-five nanograms of phencyclidine per milliliter of the person's urine or has a concentration of phencyclidine in the person's whole blood or blood serum or plasma of at least ten nanograms of phencyclidine per milliliter of the person's whole blood or blood serum or plasma.
11. The State Board of Pharmacy has adopted a rule pursuant to Ohio R.C. 4729.041 that specifies the amount of salvia divinorum and the amount of salvinorin A that constitute concentrations of salvia divinorum and salvinorin A in a person's urine, in a person's whole blood, or in a person's blood serum or plasma at or above which the person is impaired for purposes of operating any vehicle within this

Municipality, the rule is in effect, and the person has a concentration of salvia divinorum or salvinorin A of at least that amount so specified by rule in the person's urine, in the person's whole blood, or in the person's blood serum or plasma.

(2) No person who, within twenty years of the conduct described in subsection (a)(2)A. of this section, previously has been convicted of or pleaded guilty to a violation of Ohio R.C. 4511.19(A) or (B), or any other equivalent offense shall do both of the following:

A. Operate any vehicle within this Municipality while under the influence of alcohol, a drug of abuse or a combination of them;

B. Subsequent to being arrested for operating the vehicle as described in subsection (a)(2)A. of this section, being asked by a law enforcement officer to submit to a chemical test or tests under Ohio R.C. 4511.191, and being advised by the officer in accordance with Ohio R.C. 4511.192 of the consequences of the person's refusal or submission to the test or tests, refuse to submit to the test or tests.

(b) Operation After Under-Age Consumption. No person under twenty-one years of age shall operate any vehicle within this Municipality, if, at the time of the operation, any of the following apply:

(1) The person has a concentration of at least two-hundredths of one per cent but less than eight-hundredths of one per cent by weight per unit volume of alcohol in the person's whole blood.

(2) The person has a concentration of at least three-hundredths of one per cent but less than ninety-six-thousandths of one per cent by weight per unit volume of alcohol in the person's blood serum or plasma.

(3) The person has a concentration of at least two-hundredths of one gram but less than eight-hundredths of one gram by weight of alcohol per two hundred ten liters of the person's breath.

(4) The person has a concentration of at least twenty-eight one-thousandths of one gram but less than eleven-hundredths of one gram by weight of alcohol per one hundred milliliters of the person's urine.

(c) One Conviction Limitation. In any proceeding arising out of one incident, a person may be charged with a violation of subsection (a)(1)A. or (a)(2) and a violation of subsection (b)(1), (2) or (3) of this section, but the person may not be convicted of more than one violation of these subsections. (ORC 4511.99)

(d) Physical Control.

(1) As used in this subsection, "physical control" means being in the driver's position of the front seat of a vehicle and having possession of the vehicle's ignition key or other ignition device.

(2) A. No person shall be in physical control of a vehicle if, at the time of the physical control, any of the following apply:

1. The person is under the influence of alcohol, a drug of abuse, or a combination of them.

2. The person's whole blood, blood serum or plasma, breath, or urine contains at least the concentration of alcohol specified in subsection (a)(1)B., C., D. or E. hereof.

3. Except as provided in subsection (d)(3) of this section, the person has a concentration of a listed controlled substance or a listed metabolite of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or exceeds the concentration specified in subsection (a)(1)J. hereof.

B. No person under twenty-one years of age shall be in physical control of a vehicle while under the influence of alcohol, a drug of abuse, or a combination of them or while the person's whole blood, blood serum or plasma, breath, or urine contains at least the concentration of alcohol specified in subsection (b)(1) to (4) hereof.

(3) Subsection (d)(2)A.3. of this section does not apply to a person who is in physical control of a vehicle while the person has a concentration of a listed controlled substance or a listed metabolite of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or exceeds the amount specified in subsection (a)(1)J. hereof, if both of the following apply:

A. The person obtained the controlled substance pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs.

B. The person injected, ingested, or inhaled the controlled substance in accordance with the health professional's directions.

(e) Evidence; Tests.

(1) A. In any criminal prosecution or juvenile court proceeding for a violation of (a)(1)A. of this section or for any equivalent offense, that is vehicle-related the result of any test of any blood or urine withdrawn and analyzed at any health care provider, as defined in Ohio R.C. 2317.02, may be admitted with expert testimony to be considered with any other relevant and competent evidence in determining the guilt or innocence of the defendant.

B. In any criminal prosecution or juvenile court proceeding for a violation of subsection (a) or (b) of this section or for an equivalent offense that is vehicle related, the court may admit evidence on the concentration of alcohol, drugs of abuse, controlled substances, metabolites of a controlled substance, or a combination of them in the defendant's whole blood, blood serum or plasma, breath, urine or other bodily substance at the time of the alleged violation as shown by chemical analysis of the substance withdrawn within three hours of the time of the alleged violation. The three-hour time limit specified in this subsection regarding the admission of evidence does not extend or affect the two-hour time limit specified in Ohio R.C. 4511.192(A) as the maximum period of time during which a person may consent to a chemical test or tests as described in that section. The court may admit evidence on the concentration of alcohol, drugs of abuse, or a combination of them as described in this section when a person submits to a blood, breath, urine or other bodily substance test at the request of a law enforcement officer under Ohio R.C. 4511.191, or a blood or urine sample is obtained pursuant to a search warrant. Only a physician, a registered nurse, an emergency medical technician-intermediate, an emergency medical

technician-paramedic or a qualified technician, chemist, or phlebotomist shall withdraw a blood sample for the purpose of determining the alcohol, drug, controlled substance, metabolite of a controlled substance, or combination content of the whole blood, blood serum, or blood plasma. This limitation does not apply to the taking of breath or urine specimens. A person authorized to withdraw blood under this subsection may refuse to withdraw blood under this subsection, if in that person's opinion, the physical welfare of the person would be endangered by the withdrawing of blood.

The bodily substance withdrawn under subsection (e)(1)B. hereof shall be analyzed in accordance with methods approved by the Director of Health by an individual possessing a valid permit issued by the Director pursuant to Ohio R.C. 3701.143.

C. As used in subsection (e)(1)B. of this section, "emergency medical technician-intermediate" and "emergency medical technician-paramedic" have the same meanings as in Ohio R.C. 4765.01.

(2) In a criminal prosecution or juvenile court proceeding for violation of subsection (a) of this section or for an equivalent offense that is vehicle related, if there was at the time the bodily substance was withdrawn a concentration of less than the applicable concentration of alcohol specified in subsections (a)(1)B., C., D. and E. of this section, or less than the applicable concentration of a listed controlled substance or a listed metabolite of a controlled substance specified for a violation of subsection (a)(1)J. of this section, that fact may be considered with other competent evidence in determining the guilt or innocence of the defendant. This subsection does not limit or affect a criminal prosecution or juvenile court proceeding for a violation of subsection (b) of this section or for an equivalent offense that is substantially equivalent to that subsection.

(3) Upon the request of the person who was tested, the results of the chemical test shall be made available to the person or the person's attorney, immediately upon the completion of the chemical test analysis.

If the chemical test was obtained pursuant to subsection (e)(1)B. hereof, the person tested may have a physician, a registered nurse, or a qualified technician, chemist or phlebotomist of the person's own choosing administer a chemical test or tests, at the person's expense, in addition to any administered at the request of a law enforcement officer. If the person was under arrest as described in division (A)(5) of Ohio R.C. 4511.191, the arresting officer shall advise the person at the time of the arrest that the person may have an independent chemical test taken at the person's own expense. If the person was under arrest other than described in division (A)(5) of Ohio R.C. 4511.191, the form to be read to the person to be tested, as required under Ohio R.C. 4511.192, shall state that the person may have an independent test performed at the person's expense. The failure or inability to obtain an additional chemical test by a person shall not preclude the admission of evidence relating to the chemical test or tests taken at the request of a law enforcement officer.

(4) A. As used in subsections (e)(4)B. and C. of this section, "national highway traffic safety administration" means the National Traffic Highway Safety Administration established as an administration of the United States Department of Transportation under 96 Stat. 2415 (1983), 49 U.S.C.A. 105.

B. In any criminal prosecution or juvenile court proceeding for a violation of subsection (a), (b) or (d) of this section, of a municipal ordinance relating to operating a vehicle while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, or of a municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath or urine, if a law enforcement officer has administered a field sobriety test to the operator or person in physical control of the vehicle involved in the violation and if it is shown by clear and convincing evidence that the officer administered the test in substantial compliance with the testing standards for any reliable, credible, and generally accepted field sobriety tests that were in effect at the time the tests were administered, including, but not limited to, any testing standards then in effect that were set by the National Highway Traffic Safety Administration, all of the following apply:

1. The officer may testify concerning the results of the field sobriety test so administered.
2. The prosecution may introduce the results of the field sobriety test so administered as evidence in any proceedings in the criminal prosecution or juvenile court proceeding.
3. If testimony is presented or evidence is introduced under subsection (e)(4)B.1. or 2. of this section and if the testimony or evidence is admissible under the Rules of Evidence, the court shall admit the testimony or evidence and the trier of fact shall give it whatever weight the trier of fact considers to be appropriate.

C. Subsection (e)(4)B. of this section does not limit or preclude a court, in its determination of whether the arrest of a person was supported by probable cause or its determination of any other matter in a criminal prosecution or juvenile court proceeding of a type described in that subsection, from considering evidence or testimony that is not otherwise disallowed by subsection (e)(4)B. of this section. (ORC 4511.19; 4511.194)

(f) Forensic Laboratory Reports.

(1) Subject to subsection (f)(3) of this section, in any criminal prosecution or juvenile court proceeding for a violation of subsection (a)(1)B., C., D., E., F., G., H., I., or J. or (b)(1), (2), (3) or (4) of this section or for an equivalent offense that is substantially equivalent to any of those subsections, a laboratory report from any laboratory personnel issued a permit by the Department of Health authorizing an analysis as described in this subsection that contains an analysis of the whole blood, blood serum or plasma, breath, urine, or other bodily substance tested and that contains all of the information specified in this subsection shall be admitted as prima-facie evidence of the information and statements that the report contains.

The laboratory report shall contain all of the following:

A. The signature, under oath, of any person who performed the analysis;

B. Any findings as to the identity and quantity of alcohol, a drug of abuse, a controlled substance, a metabolite of a controlled substance, or a combination of them that was found;

C. A copy of a notarized statement by the laboratory director or a designee of the director that contains the name of each certified analyst or test performer involved with the report, the analyst's or test performer's employment relationship with the laboratory that issued the report, and a notation that performing an analysis of the type involved is part of the analyst's or test performer's regular duties;

D. An outline of the analyst's or test performer's education, training, and experience in performing the type of analysis involved and a certification that the laboratory satisfies appropriate quality control standards in general and, in this particular analysis, under rules of the Department of Health.

(2) Notwithstanding any other provision of law regarding the admission of evidence, a report of the type described in subsection (f)(1) of this section is not admissible against the defendant to whom it pertains in any proceeding, other than a preliminary hearing or a grand jury proceeding, unless the prosecutor has served a copy of the report on the defendant's attorney or, if the defendant has no attorney, on the defendant.

(3) A report of the type described in subsection (f)(1) of this section shall not be prima-facie evidence of the contents, identity, or amount of any substance if, within seven days after the defendant to whom the report pertains or the defendant's attorney receives a copy of the report, the defendant or the defendant's attorney demands the testimony of the person who signed the report. The judge in the case may extend the seven-day time limit in the interest of justice.

(g) Immunity From Liability For Withdrawing Blood. Except as otherwise provided in this subsection, any physician, registered nurse, emergency medical technician-intermediate, emergency medical technician-paramedic, or qualified technician, chemist, or phlebotomist who withdraws blood from a person pursuant to this section or Ohio R.C. 4511.191 or 4511.192, and any hospital, first-aid station, or clinic at which blood is withdrawn from a person pursuant to this section or Ohio R.C. 4511.191 or 4511.192, is immune from criminal liability and civil liability based upon a claim of assault and battery or any other claim that is not a claim of malpractice, for any act performed in withdrawing blood from the person. The immunity provided in this subsection also extends to an emergency medical service organization that employs an emergency medical technician-intermediate or emergency medical technician-paramedic who withdraws blood under this section. The immunity provided in this subsection is not available to a person who withdraws blood if the person engaged in willful or wanton misconduct.

As used in this subsection, "emergency medical technician-intermediate" and "emergency medical technician-paramedic" have the same meanings as in Ohio R.C. 4765.01.

(h) General OVI Penalty.

(1) Whoever violates any provision of subsections (a)(1)A. to I. or (a)(2) of this section is guilty of operating a vehicle under the influence of alcohol, a drug of abuse, or a combination of them. Whoever violates subsection (a)(1)J. of this section is guilty of operating a vehicle while under the influence of a listed controlled substance or a listed metabolite of a controlled substance. The court shall sentence the offender for either offense under Ohio R.C. Chapter 2929, and this Traffic Code, except as otherwise authorized or required by subsections (h)(1)A. to E. of this section:

A. Except as otherwise provided in subsections (h)(1)B., C., D. or E. of this section, the offender is guilty of a misdemeanor of the first degree, and the court shall sentence the offender to all of the following:

1. If the sentence is being imposed for a violation of subsections (a)(1)A., B., C., D., E., or J. of this section, a mandatory jail term of three consecutive days. As used in this subsection, three consecutive days means seventy-two consecutive hours. The court may sentence an offender to both an intervention program and a jail term. The court may impose a jail term in addition to the three-day mandatory jail term or intervention program. However, in no case shall the cumulative jail term imposed for the offense exceed six months.

The court may suspend the execution of the three-day jail term under this subsection if the court, in lieu of that suspended term, places the offender under a community control sanction pursuant to Ohio R.C. 2929.25 and requires the offender to attend, for three consecutive days, a drivers' intervention program certified under Ohio R.C. 5119.38.

The court also may suspend the execution of any part of the three-day jail term under this subsection if it places the offender under a community control sanction pursuant to Ohio R.C. 2929.25 for part of the three days, requires the offender to attend for the suspended part of the term a drivers' intervention program so certified, and sentences the offender to a jail term equal to the remainder of the three consecutive days that the offender does not spend attending the program. The court may require the offender, as a condition of community control and in addition to the required attendance at a drivers' intervention program, to attend and satisfactorily complete any treatment or education programs that comply with the minimum standards adopted pursuant to Ohio R.C. Chapter 5119 by the Director of Mental Health and Addiction Services that the operators of the drivers' intervention program determine that the offender should attend and to report periodically to the court on the offender's progress in the programs. The court also may impose on the offender any other conditions of community control that it considers necessary.

2. If the sentence is being imposed for a violation of subsection (a)(1)F., G., H. or I. or (a)(2) of this section, except as otherwise provided in this subsection, a mandatory jail term of at least three consecutive days and a requirement that the offender attend, for three consecutive days, a drivers' intervention program that is certified pursuant to Ohio R.C. 5119.38. As used in this subsection, three consecutive days means seventy-two consecutive hours. If the court determines that the offender is not conducive to treatment in a drivers' intervention program, if the offender refuses to attend a drivers' intervention program, or if the jail at which the offender is to serve the jail term imposed can provide a drivers' intervention program, the court shall sentence the offender to a mandatory jail term of at least six consecutive days.

   The court may require the offender, under a community control sanction imposed under Ohio R.C. 2929.25, to attend and satisfactorily complete any treatment or education programs that comply with the minimum standards adopted pursuant to Ohio R.C. Chapter 5119 by the Director of Mental Health and Addiction Services, in addition to the required attendance at drivers' intervention program, that the operators of the drivers' intervention program determine that the offender should attend and to report periodically to the court on the offender's progress in the programs. The court also may impose any other conditions of community control on the offender that it considers necessary.

3. In all cases, a fine of not less than three hundred seventy-five dollars ($375.00) and not more than one thousand seventy-five dollars ($1,075).

4. In all cases, a class five license suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege from the range specified in division (A)(5) of Ohio R.C. 4510.02. The court may grant limited driving privileges relative to the suspension under Ohio R.C. 4510.021 and 4510.13.

B. Except as otherwise provided in subsection (h)(1)E. of this section, an offender who, within six years of the offense, previously has been convicted of or pleaded guilty to one violation of subsection (a) or (b) of this section or one other equivalent offense is guilty of a misdemeanor of the first degree. The court shall sentence the offender to all of the following:

1. If the sentence is being imposed for a violation of subsection (a)(1)A., B., C., D., E., or J. of this section, a mandatory jail term of ten consecutive days. The court shall impose the ten-day mandatory jail term under this subsection unless, subject to subsection (h)(3) of this section, it instead imposes a sentence under that subsection consisting of both a jail term and a term of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring. The court may impose a jail term in addition to the ten-day mandatory jail term. The cumulative jail term imposed for the offense shall not exceed six months.

In addition to the jail term or the term of house arrest with electronic monitoring or continuous alcohol monitoring or both types of monitoring and jail term, the court shall require the offender to be assessed by a community addiction services provider that is authorized by Ohio R.C. 5119.21, subject to subsection (k) of this section, and shall order the offender to follow the treatment recommendations of the services provider. The purpose of the assessment is to determine the degree of the offender's alcohol usage and to determine whether or not treatment is warranted. Upon the request of the court, the services provider shall submit the results of the assessment to the court, including all treatment recommendations and clinical diagnoses related to alcohol use.

2. If the sentence is being imposed for a violation of subsection (a)(1)F., G., H. or I. or (a)(2) of this section, except as otherwise provided in this subsection, a mandatory jail term of twenty consecutive days. The court shall impose the twenty-day mandatory jail term under this subsection unless, subject to subsection (h)(3) of this section, it instead imposes a sentence under that subsection consisting of both a jail term and a term of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring. The court may impose a jail term in addition to the twenty-day mandatory jail term. The cumulative jail term imposed for the offense shall not exceed six months.

   In addition to the jail term or the term of house arrest with electronic monitoring or continuous alcohol monitoring or both types of monitoring and jail term, the court shall require the offender to be assessed by a community addiction services provider that is authorized by Ohio R.C. 5119.21, subject to subsection (k) of this section, and shall order the offender to follow the treatment recommendations of the services provider. The purpose of the assessment is to determine the degree of the offender's alcohol usage and to determine whether or not treatment is warranted. Upon the request of the court, the services provider shall submit the results of the assessment to the court, including all treatment recommendations and clinical diagnoses related to alcohol use.

3. In all cases, notwithstanding the fines set forth in Section 303.99, a fine of not less than five hundred twenty-five dollars ($525.00) and not more than one thousand six hundred twenty-five dollars ($1,625).

4. In all cases, a class four license suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(4) of Ohio R.C. 4510.02. The court may grant limited driving privileges relative to the suspension under Ohio R.C. 4510.021 and 4510.13. (ORC 4511.19)
5. In all cases, if the vehicle is registered in the offender's name, immobilization of the vehicle involved in the offense for ninety days in accordance with Ohio R.C. 4503.233 and impoundment of the license plates of that vehicle for ninety days. (ORC 4511.193)

C. Except as otherwise provided in subsection (h)(1)E. of this section, an offender who, within six years of the offense, previously has been convicted of or pleaded guilty to two violations of subsection (a) or (b) of this section or other equivalent offenses is guilty of a misdemeanor. The court shall sentence the offender to all of the following:

1. If the sentence is being imposed for a violation of subsection (a)(1)A., B., C., D., E., or J. of this section, a mandatory jail term of thirty consecutive days. The court shall impose the thirty-day mandatory jail term under this subsection unless, subject to subsection (h)(3) of this section, it instead imposes a sentence under that subsection consisting of both a jail term and a term of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring. The court may impose a jail term in addition to the thirty-day mandatory jail term. Notwithstanding the jail terms set forth in Section 303.99, the additional jail term shall not exceed one year, and the cumulative jail term imposed for the offense shall not exceed one year.
2. If the sentence is being imposed for a violation of subsection (a)(1)F., G., H. or I. or (a)(2) of this section, a mandatory jail term of sixty consecutive days. The court shall impose the sixty-day mandatory jail term under this subsection unless, subject to subsection (h)(3) of this section, it instead imposes a sentence under that subsection consisting of both a jail term and a term of electronically monitored house arrest with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring. The court may impose a jail term in addition to the sixty-day mandatory jail term. Notwithstanding the terms of imprisonment set forth in Section 303.99, the additional jail term shall not exceed one year, and the cumulative jail term imposed for the offense shall not exceed one year.
3. In all cases, notwithstanding the fines set forth in Section 303.99, a fine of not less than eight hundred fifty dollars ($850.00) and not more than two thousand seven hundred fifty dollars ($2,750).

4. In all cases, a class three license suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(3) of Ohio R.C. 4510.02. The court may grant limited driving privileges relative to the suspension under Ohio R.C. 4510.021 and 4510.13. (ORC 4511.19)
5. In all cases, if the vehicle is registered in the offender's name, criminal forfeiture of the vehicle involved in the offense in accordance with Ohio R.C. 4503.234. Subsection (h)(5) of this section applies regarding any vehicle that is subject to an order of criminal forfeiture under this subsection. (ORC 4511.193)
6. In all cases, the court shall order the offender to participate with a community addiction services provider authorized by Ohio R.C. 5119.21, subject to subsection (k) of this section, and shall order the offender to follow the treatment recommendations of the services provider. The operator of the services provider shall determine and assess the degree of the offender's alcohol dependency and shall make recommendations for treatment. Upon the request of the court, the services provider shall submit the results of the assessment to the court, including all treatment recommendations and clinical diagnoses related to alcohol use.

D. Except as otherwise provided in subsection (h)(1)E. of this section, an offender who, within six years of the offense, previously has been convicted of or pleaded guilty to three or four violations of subsection (a) or (b) of this section or other equivalent offenses or an offender who, within twenty years of the offense, previously has been convicted of or pleaded guilty to five or more violations of that nature is guilty of a felony of the fourth degree and shall be prosecuted under appropriate state law.

E. An offender who previously has been convicted of or pleaded guilty to a violation of Ohio R.C. 4511.19(A) that was a felony, regardless of when the violation and the conviction or guilty plea occurred, is guilty of a felony of the third degree and shall be prosecuted under appropriate state law.

(2) An offender who is convicted of or pleads guilty to a violation of subsection (a) of this section and who subsequently seeks reinstatement of the driver's or occupational driver's license or permit or nonresident operating privilege suspended under this section as a result of the conviction or guilty plea shall pay a reinstatement fee as provided in division (F)(2) of Ohio R.C. 4511.191.

(3) If an offender is sentenced to a jail term under subsection (h)(1)B.1. or 2. or (h)(1)C.1. or 2. of this section and if, within sixty days of sentencing of the offender, the court issues a written finding on the record that, due to the unavailability of space at the jail where the offender is required to serve the term, the offender will not be able to begin serving that term within the sixty-day period following the date of sentencing, the court may impose an alternative sentence under this subsection that includes a term of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring.

As an alternative to a mandatory jail term of ten consecutive days required by subsection (h)(1)B.1. of this section, the court, under this subsection, may sentence the offender to five consecutive days in jail and not less than eighteen consecutive days of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring. The cumulative total of the five consecutive days in jail and the period of house arrest with electronic monitoring, continuous alcohol monitoring, or both types of monitoring shall not exceed six months. The five consecutive days in jail do not have to be served prior to or consecutively to the period of house arrest.

As an alternative to the mandatory jail term of twenty consecutive days required by subsection (h)(1)B.2. of this section, the court, under this subsection, may sentence the offender to ten consecutive days in jail and not less than thirty-six consecutive days of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring. The cumulative total of the ten consecutive days in jail and the period of house arrest with electronic monitoring, continuous alcohol monitoring or both types of monitoring shall not exceed six months. The ten consecutive days in jail do not have to be served prior to or consecutively to the period of house arrest.

As an alternative to a mandatory jail term of thirty consecutive days required by subsection (h)(1)C.1. of this section, the court, under this subsection, may sentence the offender to fifteen consecutive days in jail and not less than fifty-five consecutive days of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring. The cumulative total of the fifteen consecutive days in jail and the period of house arrest with electronic monitoring, continuous alcohol monitoring or both types of monitoring shall not exceed one year. The fifteen consecutive days in jail do not have to be served prior to or consecutively to the period of house arrest.

As an alternative to the mandatory jail term of sixty consecutive days required by subsection (h)(1)C.2. of this section, the court, under this subsection, may sentence the offender to thirty consecutive days in jail and not less than one hundred ten consecutive days of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring. The cumulative total of the thirty consecutive days in jail and the period of house arrest with electronic monitoring, continuous alcohol monitoring, or both types of monitoring shall not exceed one year. The thirty consecutive days in jail do not have to be served prior to or consecutively to the period of house arrest.

(4) If an offender's driver's or occupational driver's license or permit or nonresident operating privilege is suspended under subsection (h) of this section and if Ohio R.C. 4510.13 permits the court to grant limited driving privileges, the court may grant the limited driving privileges in accordance with that section. If division (A)(7) of that section requires that the court impose as a condition of the privileges that the offender must display on the vehicle that is driven subject to the privileges restricted license plates that are issued under Ohio R.C. 4503.231, except as provided in division (B) of that section, the court shall impose that condition as one of the conditions of the limited driving privileges granted to the offender, except as provided in division (B) of Ohio R.C. 4503.231.

(5) If title to a motor vehicle that is subject to an order of criminal forfeiture under this section is assigned or transferred and division (B)(2) or (3) of Ohio R.C. 4503.234 applies, in addition to or independent of any other penalty established by law, the court may fine the offender the value of the vehicle as determined by publications of the national auto dealers association. The proceeds of any fine so imposed shall be distributed in accordance with division (C)(2) of that section.

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

(7) As used in subsection (h) of this section, "electronic monitoring", "mandatory prison term" and "mandatory term of local incarceration" have the same meanings as in Ohio R.C. 2929.01.

(i) Vehicle Operation After Underage Alcohol Consumption Penalty. Whoever violates subsection (b) of this section is guilty of operating a vehicle after underage alcohol consumption and shall be punished as follows:

(1) Except as otherwise provided in subsection (i)(2) of this section, the offender is guilty of a misdemeanor of the fourth degree. In addition to any other sanction imposed for the offense, the court shall impose a class six suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(6) of Ohio R.C. 4510.02.

(2) If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one or more violations of subsection (a) or (b) of this section or other equivalent offenses, the offender is guilty of a misdemeanor of the third degree. In addition to any other sanction imposed for the offense, the court shall impose a class four suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(4) of Ohio R.C. 4510.02.

(3) If the offender also is convicted of or also pleads guilty to a specification of the type described in Ohio R.C. 2941.1416 and if the court imposes a jail term for the violation of subsection (b) of this section, the court shall impose upon the offender an additional definite jail term pursuant to division (E) of Ohio R.C. 2929.24.

(4) The offender shall provide the court with proof of financial responsibility as defined in Ohio R.C. 4509.01. If the offender fails to provide that proof of financial responsibility, then, in addition to any other penalties provided by law, the court may order restitution pursuant to Ohio R.C. 2929.28, in an amount not exceeding five thousand dollars ($5,000) for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the vehicle before, during or after committing the violation of subsection (b) of this section.
(ORC 4511.19)

(j) Physical Control Penalty. Whoever violates subsection (d) hereof is guilty of having physical control of a vehicle while under the influence, a misdemeanor of the first degree. In addition to other sanctions imposed, the court may impose on the offender a class seven suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(7) of Ohio R.C. 4510.02. (ORC 4511.194)

(k) Compliance With Ohio R.C. Chapter 5119 Standards.

(1) No court shall sentence an offender to an alcohol treatment program under this section unless the treatment program complies with the minimum standards for alcohol treatment programs adopted under Ohio R.C. Chapter 5119 by the Director of Mental Health and Addiction Services.

(2) An offender who stays in a driver's intervention program or in an alcohol treatment program under an order issued under this section shall pay the cost of the stay in the program. However, if the court determines that an offender who stays in an alcohol treatment program under an order issued under this section is unable to pay the cost of the stay in the program, the court may order that the cost be paid from the court's indigent drivers' alcohol treatment fund.

(l) Appeal Does Not Stay Operation of License Suspension. If a person whose driver's or commercial driver's license or permit or nonresident operating privilege is suspended under this section files an appeal regarding any aspect of the person's trial or sentence, the appeal itself does not stay the operation of the suspension.

(m) Subsection (a)(1)J. of this section does not apply to a person who operates a vehicle while the person has a concentration of a listed controlled substance or a listed metabolite of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or exceeds the amount specified in that subsection, if both of the following apply:

(1) The person obtained the controlled substance pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs.

(2) The person injected, ingested, or inhaled the controlled substance in accordance with the health professional's directions.

(n) The prohibited concentrations of a controlled substance or a metabolite of a controlled substance listed in subsection (a)(1)J. of this section also apply in a prosecution of a violation of Ohio R.C. 2923.16(D) in the same manner as if the offender is being prosecuted for a prohibited concentration of alcohol.

(o) Conflict of Terms. All terms defined in Ohio R.C. 4510.01 apply to this section. If the meaning of a term defined in Ohio R.C . 4510.01 conflicts with the meaning of the same term as defined in Ohio R.C. 4501.01 or this Traffic Code, the term as defined in Ohio R.C. 4510.01 applies to this section. (ORC 4511.19)

(p) Indigent Drivers Alcohol Treatment Fund. Twenty-five dollars ($25.00) of any fine imposed for a violation of subsection (a) hereof shall be deposited into the municipal or county indigent drivers alcohol treatment fund pursuant to Ohio R.C. 4511.193.
(ORC 4511.193)

(q) Definitions. As used in this section:

(1) "Equivalent offense" means any of the following:

A. A violation of division (A) or (B) of Ohio R.C. 4511.19;

B. A violation of a municipal OVI ordinance;

C. A violation of Ohio R.C. 2903.04 in a case in which the offender was subject to the sanctions described in division (D) of that section;

D. A violation of division (A)(1) of Ohio R.C. 2903.06 or 2903.08 or a municipal ordinance that is substantially equivalent to either of those divisions;

E. A violation of division (A)(2), (3) or (4) of Ohio R.C. 2903.06, division (A)(2) of Ohio R.C. 2903.08, or former Ohio R.C. 2903.07, or a municipal ordinance that is substantially equivalent to any of those divisions or that former section, in a case in which a judge or jury as the trier of fact found that the offender was under the influence of alcohol, a drug of abuse, or a combination of them;

F. A violation of division (A) or (B) of Ohio R.C. 1547.11;

G. A violation of a municipal ordinance prohibiting a person from operating or being in physical control of any vessel underway or from manipulating any water skis, aquaplane or similar device on the waters of this State while under the influence of alcohol, a drug of abuse, or a combination of them or prohibiting a person from operating or being in physical control of any vessel underway or from manipulating any water skis, aquaplane or similar device on the waters of this State with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath or urine;

H. A violation of an existing or former municipal ordinance, law of another state, or law of the United States that is substantially equivalent to division (A) or (B) of Ohio R.C. 4511.19 or division (A) or (B) of Ohio R.C. 1547.11;

I. A violation of a former law of this State that was substantially equivalent to division (A) or (B) of Ohio R.C. 4511.19 or division (A) or (B) of Ohio R.C. 1547.11;

(2) "Mandatory jail term" means the mandatory term in jail of three, six, ten, twenty, thirty, or sixty days that must be imposed under subsection (h)(1)A., B. or C. upon an offender convicted of a violation of subsection (a) hereof and in relation to which all of the following apply:

A. Except as specifically authorized under this section, the term must be served in a jail.

B. Except as specifically authorized under this section, the term cannot be suspended, reduced or otherwise modified pursuant to Ohio R.C. 2929.21 to 2929.28, or any other provision of the Ohio Revised Code.

(3) "Municipal OVI ordinance" and "municipal OVI offense" mean any municipal ordinance prohibiting a person from operating a vehicle while under the influence of alcohol, a drug of abuse, or a combination of them or prohibiting a person from operating a vehicle with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum, or plasma, breath or urine.

(4) "Community residential sanction", "continuous alcohol monitoring", "jail", "mandatory prison term", "mandatory term of local incarceration", "sanction" and "prison term" have the same meanings as in Ohio R.C. 2929.01.

(5) "Drug of abuse" has the same meaning as in Ohio R.C. 4506.01.

(6) "Equivalent offense that is vehicle-related" means an equivalent offense that is any of the following:

A. A violation described in subsection (q)(1), (2), (3), (4) or (5) hereof;
B. A violation of an existing or former municipal ordinance, law of another state, or law of the United States that is substantially equivalent to division (A) or (B) of Ohio R.C. 4511.19;
C. A violation of a former law of this state that was substantially equivalent to division (A) or (B) of Ohio R.C. 4511.19. (ORC 4511.181)

333.02 OPERATION IN WILLFUL OR WANTON DISREGARD OF SAFETY.

(a) No person shall operate a vehicle on any street or highway in willful or wanton disregard of the safety of persons or property. (ORC 4511.20)

(b) No person shall operate a vehicle on any public or private property other than streets or highways, in willful or wanton disregard of the safety of persons or property.

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

(c) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.201)

(d) Whenever a person is found guilty under this section of operating a motor vehicle in violation of this section relating to reckless operation, the trial court of any court of record, in addition to or independent of all other penalties provided by law, may impose a class five suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege from the range specified in division (A)(5) of Ohio R.C. 4510.02. (ORC 4510.15)

333.03 MAXIMUM SPEED LIMITS; ASSURED CLEAR DISTANCE AHEAD.

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

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

(1) A. Twenty miles per hour in school zones during school recess and while children are going to or leaving school during the opening or closing hours, and when twenty miles per hour school speed limit signs are erected; except, that on controlled-access highways and expressways, if the right-of-way line fence has been erected without pedestrian opening, the speed shall be governed by subsection (b)(4) hereof and on freeways, if the right-of-way line fence has been erected without pedestrian opening, the speed shall be governed by subsection (b)(7) hereof. The end of every school zone may be marked by a sign indicating the end of the zone. Nothing in this

section or in the manual and specifications for a uniform system of traffic control devices shall be construed to require school zones to be indicated by signs equipped with flashing or other lights, or giving other special notice of the hours in which the school zone speed limit is in effect.

B. As used in this section, "school" means any school chartered under Ohio R.C. 3301.16 and any nonchartered school that during the preceding year filed with the Department of Education in compliance with rule 3301-35-08 of the Ohio Administrative Code, a copy of the school's report for the parents of the school's pupils certifying that the school meets Ohio minimum standards for nonchartered, nontax-supported schools and presents evidence of this filing to the jurisdiction from which it is requesting the establishment of a school zone.

C. As used in this section, "school zone" means that portion of a street or highway passing a school fronting upon the street or highway that is encompassed by projecting the school property lines to the fronting street or highway. Upon request from the Municipality for streets and highways under its jurisdiction, the Ohio Director of Transportation may extend the traditional school zone boundaries. The distances in subsections (b)(1)C.1. to 3. hereof shall not exceed 300 feet per approach per direction and are bounded by whichever of the following distances or combinations thereof the Director approves as most appropriate:

1. The distance encompassed by projecting the school building lines normal to the fronting highway and extending a distance of 300 feet on each approach direction;
2. The distance encompassed by projecting the school property lines intersecting the fronting highway and extending a distance of 300 feet on each approach direction;
3. The distance encompassed by the special marking of the pavement for a principal school pupil crosswalk plus a distance of 300 feet on each approach direction of highway;

Nothing in this section shall be construed to invalidate the Director's initial action on August 9, 1976, establishing all school zones at the traditional school zone boundaries defined by projecting school property lines, except when those boundaries are extended as provided in subsections (b)(1)A. and C. hereof.

D. As used in this subsection, "crosswalk" has the meaning given that term in Section 301.09. The Director may, upon request by resolution of Council, and upon submission by the Municipality of such engineering, traffic and other information as the Director considers necessary, designate a school zone on any portion of a State route lying within the Municipality that includes a crosswalk customarily used by children going to or leaving a school during recess and opening and closing hours, whenever the distance, as measured in a straight line, from the school property line nearest the crosswalk to the nearest point of the crosswalk is no more than 1,320 feet. Such a school zone shall include the distance encompassed by the crosswalk and extending 300 feet on each approach direction of the State route;

(2) Twenty-five miles per hour in all other portions of the Municipality, except on State routes outside business districts, through highways outside business districts and alleys;

(3) Thirty-five miles per hour on all State routes or through highways within the Municipality outside business districts, except as provided in subsections (b)(4) and (5) hereof;

(4) Fifty miles per hour on controlled-access highways and expressways within the Municipality;

(5) Fifty miles per hour on State routes within the Municipality outside urban districts unless a lower prima-facie speed is established as further provided in this section;

(6) Fifteen miles per hour on all alleys within the Municipality;

(7) Fifty-five miles per hour at all times on freeways with paved shoulders inside the Municipality other than freeways as provided in subsection (b)(10) and (12);

(8) Sixty miles per hour for operators of any motor vehicle at all times on all portions of rural divided highways;

(9) Sixty-five miles per hour for operators of any motor vehicle at all times on rural expressways without traffic control signals;

(10) Seventy miles per hour for operators of any motor vehicle at all times on all rural freeways.

(11) Fifty-five miles per hour for operators of any motor vehicle at all times on all portions of freeways in congested areas as determined by the Director and that are part of the interstate system and are located within a municipal corporation or within an interstate freeway outerbelt;

(12) Sixty-five miles per hour for operators of any motor vehicle at all times on all portions of freeways in urban areas as determined by the Director and that are part of the interstate system and are part of an interstate freeway outerbelt; (AO)

(13) Designated speed limits.

A. No person shall operate a motor vehicle on roadways within the Village at a speed greater than set forth below on the roads designated or at any lesser speed than is reasonable or proper, having due regard to traffic, weather and other conditions prevailing at the time of the operation:

1. On Rome-Rock Creek Road: 35 miles per hour.
2. On all other roadways within the Village: 25 miles per hour.

B. Whoever violates any provision of this section is guilty of a minor misdemeanor punishable by a fine not in excess of one hundred fifty dollars ($150.00).

(Ord. 361-03-02. Passed 5-21-02.)

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

(d) No person shall operate a motor vehicle upon a street or highway as follows:

(1) At a speed exceeding fifty-five miles per hour, except upon a highway, expressway or freeway as provided in subsection (b)(8), (9), (10) and (12) hereof;

(2) At a speed exceeding sixty miles per hour upon a highway as provided in subsection (b)(8) hereof;

(3) At a speed exceeding sixty-five miles per hour upon an expressway as provided in subsection (b)(9) hereof, except upon a freeway as provided in subsection (b)(10) hereof;

(4) At a speed exceeding seventy miles per hour upon a freeway as provided in subsection (b)(10) hereof;

(5) At a speed exceeding the posted speed limit upon a highway, expressway or freeway for which the Director has determined and declared a speed limit pursuant to Ohio R.C. 4511.21(I)(2) or (L)(2).

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

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

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

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

(i) As used in this section:

(1) "Interstate system" has the same meaning as in 23 U.S.C.A. 101.

(2) "Commercial bus" means a motor vehicle designed for carrying more than nine passengers and used for the transportation of persons for compensation.

(3) "Noncommercial bus" includes but is not limited to a school bus, or a motor vehicle operated solely for the transportation of persons associated with a charitable or nonprofit organization.

(4) "Outerbelt" means a portion of a freeway that is part of the interstate system and is located in the outer vicinity of a major municipal corporation or group of municipal corporations, as designated by the Director.

(5) "Rural" means outside urbanized areas, as designated in accordance with 23 USC 101, and outside of a business or urban district.

(j) (1) A violation of any provision of this section is one of the following:

A. Except as otherwise provided in subsections (j)(1)B., (1)C., (2) and (3) of this section, a minor misdemeanor;

B. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to two violations of any provision of this section or of any provision of Ohio R.C. 4511.21 or a municipal ordinance that is substantially similar to any provision of this section, a misdemeanor of the fourth degree;

C. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to three or more violations of any provision of this section or of any provision of Ohio R.C. 4511.21 or a municipal ordinance that is substantially similar to any provision of this section, a misdemeanor of the third degree.

(2) If the offender has not previously been convicted of or pleaded guilty to a violation of any provision of Ohio R.C. 4511.21 or of any provision of a municipal ordinance that is substantially similar to Ohio R.C. 4511.21 and operated a motor vehicle faster than thirty-five miles an hour in a business district of a municipal corporation, faster than fifty miles an hour in other portions of a municipal corporation, or faster than thirty-five miles an hour in a school zone during recess or while children are going to or leaving school during the school's opening or closing hours, a misdemeanor of the fourth degree.

(3) Notwithstanding subsection (j)(1) of this section, if the offender operated a motor vehicle in a construction zone where a sign was then posted in accordance with Ohio R.C. 4511.98, the court, in addition to all other penalties provided by law, shall impose upon the offender a fine of two times the usual amount imposed for the violation. No court shall impose a fine of two times the usual amount imposed for the violation upon an offender if the offender alleges, in an affidavit filed with the court prior to the offender's sentencing, that the offender is indigent and is unable to pay the fine imposed pursuant to this subsection and if the court determines that the offender is an indigent person and unable to pay the fine.
(ORC 4511.21)

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

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

(1) If the driver of the motor vehicle is traveling on a street or highway that consists of at least two lanes that carry traffic in the same direction of travel as that of the driver's motor vehicle, the driver shall proceed with due caution and, if possible with due regard to the road, weather, and traffic conditions, shall change lanes into a lane that is not adjacent to that of the stationary public safety vehicle, emergency vehicle, road service vehicle, vehicle used by the Public Utilities Commission to conduct motor vehicle inspections in accordance with Ohio R.C. 4923.04 and 4923.06 or a highway maintenance vehicle.

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

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

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

(d) (1) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

(2) Notwithstanding Section 303.99(b), upon a finding that a person operated a motor vehicle in violation of subsection (c) of this section, the court, in addition to all other penalties provided by law, shall impose a fine of two times the usual amount imposed for the violation. (ORC 4511.213)

333.04 STOPPING VEHICLE; SLOW SPEED; POSTED MINIMUM SPEEDS.

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

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

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

(d) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.22)

333.05 SPEED LIMITATIONS OVER BRIDGES.

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

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

(c) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.23)

333.06 SPEED EXCEPTIONS FOR EMERGENCY OR SAFETY VEHICLES.

The prima-facie speed limitations set forth in Section 333.03 do not apply to emergency vehicles or public safety vehicles when they are responding to emergency calls and are equipped with and displaying at least one flashing, rotating or oscillating light visible under normal atmospheric conditions from a distance of 500 feet to the front of the vehicle and when the drivers thereof sound audible signals by bell, siren or exhaust whistle. This section does not relieve the driver of an emergency vehicle or public safety vehicle from the duty to drive with due regard for the safety of all persons using the street or highway. (ORC 4511.24)

333.07 STREET RACING PROHIBITED.

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

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

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

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

333.08 OPERATION WITHOUT REASONABLE CONTROL.

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

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

333.09 RECKLESS OPERATION ON STREETS, PUBLIC OR PRIVATE PROPERTY.

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

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

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

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

333.10 OPERATION IN VIOLATION OF IMMOBILIZATION ORDER.

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

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

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

333.11 TEXTING WHILE DRIVING PROHIBITED.

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

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

(1) A person using a handheld electronic wireless communications device in that manner for emergency purposes, including an emergency contact with a law enforcement agency, hospital or health care provider, fire department, or other similar emergency agency or entity;

(2) A person driving a public safety vehicle who uses a handheld electronic wireless communications device in that manner in the course of the person's duties;

(3) A person using a handheld electronic wireless communications device in that manner whose motor vehicle is in a stationary position and who is outside a lane of travel;

(4) A person reading, selecting, or entering a name or telephone number in a handheld electronic wireless communications device for the purpose of making or receiving a telephone call;

(5) A person receiving wireless messages on a device regarding the operation or navigation of a motor vehicle; safety-related information, including emergency, traffic or weather alerts; or data used primarily by the motor vehicle;

(6) A person receiving wireless messages via radio waves;

(7) A person using a device for navigation purposes;

(8) A person conducting wireless interpersonal communication with a device that does not require manually entering letters, numbers, or symbols or reading text messages, except to activate, deactivate, or initiate the device or a feature or function of the device;

(9) A person operating a commercial truck while using a mobile data terminal that transmits and receives data;

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

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

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

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

(f) As used in this section:

(1) "Electronic wireless communications device" includes any of the following:

A. A wireless telephone;

B. A text-messaging device;

C. A personal digital assistant;

D. A computer, including a laptop computer and a computer tablet;

E. Any other substantially similar wireless device that is designed or used to communicate text.

(2) "Voice-operated or hands-free device" means a device that allows the user to vocally compose or send, or to listen to a text-based communication without the use of either hand except to activate, or deactivate a feature or function.

(3) "Write, send or read a text-based communication" means to manually write or send, or read a text-based communication using an electronic wireless communications device, including manually writing or sending, or reading communications referred to as text messages, instant messages, or electronic mail.

(ORC 4511.204)

CHAPTER 335
Licensing; Accidents

335.01 Driver's license or commercial driver's license required.
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335.13 Stopping after accident upon property other than street.
335.14 Vehicle accident resulting in damage to realty.

CROSS REFERENCES

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

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

(a) (1) No person, except those expressly exempted under Ohio R.C. 4507.03, 4507.04, and 4507.05, shall operate any motor vehicle upon a public road or highway or any public or private property used by the public for purposes of vehicular travel or parking in this Municipality unless the person has a valid driver's license issued under Ohio R.C. Chapter 4507 or a commercial driver's license issued under Ohio R.C. Chapter 4506.

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

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

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

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

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

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

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

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

335.02 PERMITTING OPERATION WITHOUT VALID LICENSE; ONE LICENSE PERMITTED.

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

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

(c) (1) Except as otherwise provided in this subsection, whoever violates subsection (a) hereof is guilty of an unclassified misdemeanor. When the offense is an unclassified misdemeanor, the offender shall be sentenced pursuant to Ohio R.C. 2929.21 to 2929.28, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to Ohio R.C. 2929.26; notwithstanding division (A)(2)(a) of Ohio R.C. 2929.28, the offender may be fined up to one thousand dollars ($1,000) and, notwithstanding division (A)(3) of Ohio R.C. 2929.27, the offender may be ordered pursuant to division (C) of that section to serve a term of community service of up to five hundred hours. The failure of an offender to complete a term of community service imposed by the court may be punished as indirect criminal contempt under division (A) of Ohio R.C. 2705.02 that may be filed in the underlying case. If, within three years of the offense, the offender previously has been convicted of or pleaded guilty to two or more violations of Ohio R.C. 4507.02 or a substantially equivalent municipal ordinance, the offense is a misdemeanor of the first degree.

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

335.03 DRIVING WITH TEMPORARY INSTRUCTION PERMIT; CURFEW.

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

(1) If the permit is issued to a person who is at least fifteen years six months of age, but less than sixteen years of age:

A. The permit and identification card are in the holder's immediate possession;

B. The holder is accompanied by an eligible adult who actually occupies the seat beside the permit holder and does not have a prohibited concentration of alcohol in the whole blood, blood serum or plasma, breath, or urine as provided in Ohio R.C. 4511.19(A);

C. The total number of occupants of the vehicle does not exceed the total number of occupant restraining devices originally installed in the motor vehicle by its manufacturer, and each occupant of the vehicle is wearing all of the available elements of a properly adjusted occupant restraining device.

(2) If the permit is issued to a person who is at least sixteen years of age:

A. The permit and identification card are in the holder's immediate possession;

B. The holder is accompanied by a licensed operator who is at least twenty-one years of age and is actually occupying a seat beside the driver and does not have a prohibited concentration of alcohol in the whole blood, blood serum or plasma, breath, or urine as provided in Ohio R.C. 4511.19(A);

C. The total number of occupants of the vehicle does not exceed the total number of occupant restraining devices originally installed in the motor vehicle by its manufacturer, and each occupant of the vehicle is wearing all of the available elements of a properly adjusted occupant restraining device.

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

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

(c) As used in this section:

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

A. An instructor of a driver education course approved by the Department of Education or a driver training course approved by the Department of Public Safety;

B. Any of the following persons who holds a current valid driver's or commercial driver's license issued by this State:

1. A parent, guardian or custodian of the permit holder;

2. A person twenty-one years of age or older who acts in loco parentis of the permit holder.

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

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

335.031 DRIVING WITH PROBATIONARY LICENSE; CURFEW.

(a) (1) A. No holder of a probationary driver's license, who has not attained the age of seventeen years shall operate a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking between the hours of midnight and six a.m. unless the holder is accompanied by the holder's parent or guardian.

B. No holder of a probationary driver's license who has attained the age of seventeen years but has not attained the age of eighteen years shall operate a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking between the hours of one a.m. and five a.m. unless the holder is accompanied by the holder's parent or guardian.

(2) A. Subject to subsection (c)(1)A., subsection (a)(1)A. does not apply to the holder of a probationary driver's license who is traveling to or from work between the hours of midnight and six a.m. and has in the holder's immediate possession written documentation from the holder's employer.

B. Subsection (a)(1)B. does not apply to the holder of a probationary driver's license who is traveling to or from work between the hours of one a.m. and five a.m. and has in the holder's immediate possession written documentation from the holder's employer.

(3) An employer is not liable in damages in a civil action for any injury, death, or loss to person or property that allegedly arises from, or is related to, the fact that the employer provided an employee who is the holder of a probationary driver's license with the written documentation described in subsection (a)(2) .

The registrar of motor vehicles shall make available at no cost a form to serve as the written documentation described in subsection (a)(2), and employers and holders of probationary driver's licenses may utilize that form or may choose to utilize any other written documentation to meet the requirements of that division.

(4) No holder of a probationary driver's license who is less than seventeen years of age shall operate a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking with more than one person who is not a family member occupying the vehicle unless the probationary license holder is accompanied by the probationary license holder's parent, guardian, or custodian.

(b) It is an affirmative defense to a violation of subsection (a)(1)A. or B. hereof if, at the time of the violation, the holder of the probationary driver's license was traveling to or from an official function sponsored by the school the holder attends, or an emergency existed that required the holder to operate a motor vehicle in violation of subsection (a)(1)A. or B. hereof, or the holder was an emancipated minor.

(c) (1) A. Except as otherwise provided in subsection (c)(2) hereof, if a person is issued a probationary driver's license prior to attaining the age of seventeen years and the person pleads guilty to, is convicted of, or is adjudicated in juvenile court of having committed a moving violation during the six-month period commencing on the date on which the person is issued the probationary driver's license, the holder must be accompanied by the holder's parent or guardian whenever the holder is operating a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking during whichever of the following time periods applies:

1. If, on the date the holder of the probationary driver's license pleads guilty to, is convicted of, or is adjudicated in juvenile court of having committed the moving violation, the holder has not attained the age of sixteen years six months, during the six-month period commencing on that date;
2. If, on the date the holder pleads guilty to, is convicted of, or is adjudicated in juvenile court of having committed the moving violation, the holder has attained the age of sixteen years six months but not seventeen years, until the person attains the age of seventeen years.

B. If the holder of a probationary driver's license commits a moving violation during the six-month period after the person is issued the probationary driver's license and before the person attains the age of seventeen years and on the date the person pleads guilty to, is convicted of, or is adjudicated in juvenile court of having committed the moving violation, the person has attained the age of seventeen years, or if the person commits the moving violation during the six-month period after the person is issued the probationary driver's license and after the person attains the age of seventeen years, the holder is not subject to the restriction described in subsection (c)(1)A.1. and 2. hereof unless the court or juvenile court imposes such a restriction upon the holder.

(2) Any person who is subject to the operating restrictions established under subsection (c)(1) of this section as a result of a first moving violation may petition the court for occupational or educational driving privileges without being accompanied by the holder's parent or guardian during the period of time specified in that subsection. The court may grant the person such driving privileges if the court finds reasonable cause to believe that the restrictions established in subsection (c)(1) will seriously affect the person's ability to continue in employment or educational training or will cause undue hardship on the license holder or a family member of the license holder. In granting the driving privileges, the court shall specify the purposes, times, and places of the privileges and shall issue the person appropriate forms setting forth the privileges granted. Occupational or educational driving privileges under this subsection shall not be granted to the same person more than once. If a person is convicted of, pleads guilty to, or is adjudicated in juvenile court of having committed a second or subsequent moving violation, any driving privileges previously granted under this subsection are terminated upon the subsequent conviction, plea, or adjudication.

(3) No person shall violate subsection (c)(1)A. hereof.

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

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

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

(g) As used in this section:

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

(2) "Family member" of a probationary license holder includes any of the following:

A. A spouse;

B. A child or stepchild;

C. A parent, stepparent, grandparent, or parent-in-law;

D. An aunt or uncle;

E. A sibling, whether or the whole or half blood or by adoption, a brother-in-law or a sister-in-law;

F. A son or daughter of the probationary license holder's stepparent if the stepparent has not adopted the probationary license holder;

G. An eligible adult, as defined in Ohio R.C. 4507.05.

(3) "Moving violation" means any violation of any statute or ordinance that regulates the operation of vehicles, streetcars, or trackless trolleys on the highways or streets. "Moving violation" does not include a violation of Ohio R.C. 4513.263 or a substantially equivalent municipal ordinance, or a violation of any statute or ordinance regulating pedestrians or the parking of vehicles, vehicle size or load limitations, vehicle fitness requirements, or vehicle registration.

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

335.032 USE OF ELECTRONIC WIRELESS COMMUNICATION DEVICE PROHIBITED WHILE DRIVING.

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

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

(1) A person using an electronic wireless communications device for emergency purposes, including an emergency contact with a law enforcement agency, hospital or health care provider, fire department, or other similar emergency agency or entity;

(2) A person using an electronic wireless communications device whose motor vehicle is in a stationary position and the motor vehicle is outside a lane of travel;

(3) A person using a navigation device in a voice-operated or hands-free manner who does not manipulate the device while driving.

(c) (1) Except as provided in subsection (c)(2) of this section, whoever violates subsection (a) of this section shall be fined one hundred fifty dollars ($150.00). In addition, the court shall impose a class seven suspension of the offender's driver's license or permit for a definite period of sixty days.

(2) If the person previously has been adjudicated a delinquent child or a juvenile traffic offender for a violation of this section, whoever violates this section shall be fined three hundred dollars ($300.00). In addition, the court shall impose a class seven suspension of the person's driver's license or permit for a definite period of one year.

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

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

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

335.04 CERTAIN ACTS PROHIBITED.

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

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

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

335.05 WRONGFUL ENTRUSTMENT OF A MOTOR VEHICLE.

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

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

(2) The offender knows or has reasonable cause to believe that the other person's driver's or commercial driver's license or permit or nonresident operating privileges have been suspended or canceled under Ohio R.C. Chapter 4510, or any other provision of the Ohio Revised Code or this Traffic Code.

(3) The offender knows or has reasonable cause to believe that the other person's act of driving the motor vehicle would violate any prohibition contained in Ohio R.C. Chapter 4509.

(4) The offender knows or has reasonable cause to believe that the other person's act of driving would violate Ohio R.C. 4511.19 or any substantially equivalent municipal ordinance.

(5) The offender knows or has reasonable cause to believe that the vehicle is the subject of an immobilization waiver order issued under Ohio R.C. 4503.235 and the other person is prohibited from operating the vehicle under that order.

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

(1) Regarding an operator allegedly in the category described in subsection (a)(1), (3) or (5) of this section, the offender and the operator of the motor vehicle reside in the same household and are related by consanguinity or affinity.

(2) Regarding an operator allegedly in the category described in subsection (a)(2) of this section, the offender and the operator of the motor vehicle reside in the same household, and the offender knows or has reasonable cause to believe that the operator has been charged with or convicted of any violation of law or ordinance, or has committed any other act or omission, that would or could result in the suspension or cancellation of the operator's license, permit or privilege.

(3) Regarding an operator allegedly in the category described in subsection (a)(4) of this section, the offender and the operator of the motor vehicle occupied the motor vehicle together at the time of the offense.

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

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

(2) A. If, within three years of a violation of subsection (a)(1), (2) or (3) of this section, the offender previously has pleaded guilty to or been convicted of two or more violations of division (A)(1), (2) or (3) of Ohio R.C. 4511.203 or a substantially equivalent municipal ordinance, the offender is guilty of a misdemeanor of the first degree.

B. Whoever violates subsection (a)(4) or (5) of this section is guilty of a misdemeanor of the first degree.

(3) For any violation of this section, in addition to the penalties imposed under Section 303.99, the court may impose a class seven suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license or nonresident operating privilege from the range specified in division (A)(7) of Ohio R.C. 4510.02, and, if the vehicle involved in the offense is registered in the name of the offender, the court may order one of the following:

A. Except as otherwise provided in subsection (c)(3)B. or C. of this section, the court may order, for thirty days, the immobilization of the vehicle involved in the offense and the impoundment of that vehicle's license plates. If issued, the order shall be issued and enforced under Ohio R.C. 4503.233.

B. If the offender previously has been convicted of or pleaded guilty to one violation of Ohio R.C. 4511.203 or a substantially equivalent municipal ordinance, the court may order, for sixty days, the immobilization of the vehicle involved in the offense and the impoundment of that vehicle's license plates. If issued, the order shall be issued and enforced under Ohio R.C. 4503.233.

C. If the offender previously has been convicted of or pleaded guilty to two or more violations of Ohio R.C. 4511.203 or a substantially equivalent municipal ordinance, the court may order the criminal forfeiture to the state of the vehicle involved in the offense. If issued, the order shall be issued and enforced under Ohio R.C. 4503.234.

If title to a motor vehicle that is subject to an order for criminal forfeiture under this subsection is assigned or transferred and division (B)(2) or (3) of Ohio R.C. 4503.234 applies, in addition to or independent of any other penalty established by law, the court may fine the offender the value of the vehicle as determined by publications of the national automobile dealer's association. The proceeds from any fine imposed under this subsection shall be distributed in accordance with division (C)(2) of Ohio R.C. 4503.234.

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

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

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

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

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

335.06 DISPLAY OF LICENSE.

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

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

(2) If, within three years of the offense, the offender previously has been convicted of or pleaded guilty to two or more violations of Ohio R.C. 4507.35 or a substantially equivalent municipal ordinance, the offense is a misdemeanor of the first degree. (ORC 4507.35)

335.07 DRIVING UNDER SUSPENSION OR LICENSE RESTRICTION.

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

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

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

(d) (1) Whoever violates subsection (a) or (b) hereof, is guilty of a misdemeanor of the first degree. The court may impose upon the offender a class seven suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(7) of Ohio R.C. 4510.02.

(2) A. Except as provided in subsection (d)(2)B. or C. of this section, the court, in addition to any other penalty that it imposes on the offender and if the vehicle is registered in the offender's name and if, within three years of the offense, the offender previously has been convicted of or pleaded guilty to one violation of Ohio R.C. 4510.11 or Ohio R.C. 4510.111 or 4510.16, or a substantially equivalent municipal ordinance, the court, in addition to or independent of any other sentence that it imposes upon the offender, may order the immobilization of the vehicle involved in the offense for thirty days and the impoundment of that vehicle's license plates for thirty days in accordance with Ohio R.C. 4503.233.

B. If the vehicle is registered in the offender's name and if, within three years of the offense, the offender previously has been convicted of or pleaded guilty to two violations of Ohio R.C. 4510.11 or any combination of two violations of Ohio R.C. 4510.11 or Ohio R.C. 4510.111 or 4510.16, or of a substantially similar municipal ordinance, the court, in addition to any other sentence that it imposes on the offender may order the immobilization of the vehicle involved in the offense for sixty days and the impoundment of that vehicle's license plates for sixty days in accordance with Ohio R.C. 4503.233.

C. If the vehicle is registered in the offender's name and if, within three years of the offense, the offender previously has been convicted of or pleaded guilty to three or more violations of Ohio R.C. 4510.11, or any combination of three or more violations of Ohio R.C. 4501.11 or Ohio R.C. 4510.111 or 4510.16, or of a substantially similar municipal ordinance, the court, in addition to any other sentence that it imposes on the offender may order the criminal forfeiture of the vehicle involved in the offense to the State.

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

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

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

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

335.071 DRIVING UNDER OVI SUSPENSION.

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

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

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

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

B. A fine of not less than two hundred fifty dollars ($250.00) and not more than one thousand dollars ($1,000).

C. A license suspension under subsection (e) of this section.

(2) If, within six years of the offense, the offender previously has been convicted of or pleaded guilty to one violation of this section or one equivalent offense, driving under OVI suspension is a misdemeanor of the first degree. The court shall sentence the offender to all of the following:

A. A mandatory jail term of ten consecutive days. Notwithstanding the jail terms provided in Ohio R.C. Chapter 2929, the court may sentence the offender to a longer jail term of not more than one year. The ten-day mandatory jail term shall be imposed unless, subject to subsection (c) of this section, the court instead imposes a sentence of not less than ninety consecutive days of house arrest with electronic monitoring. The period of house arrest with electronic monitoring shall not exceed one year.

B. Notwithstanding the fines provided for in Ohio R.C. Chapter 2929, a fine of not less than five hundred dollars ($500.00) and not more than two thousand five hundred dollars ($2,500).

C. A license suspension under subsection (e) of this section.

(3) If, within six years of the offense, the offender previously has been convicted of or pleaded guilty to two or more violations of this section or two or more equivalent offenses, driving under OVI suspension is a misdemeanor of the first degree. The court shall sentence the offender to all of the following:

A. A mandatory jail term of thirty consecutive days. Notwithstanding the jail terms provided in Ohio R.C. Chapter 2929, the court may sentence the offender to a longer jail term of not more than one year. The court shall not sentence the offender to a term of house arrest with electronic monitoring in lieu of the mandatory portion of the jail term.

B. Notwithstanding the fines set forth in Ohio R.C. Chapter 2929, a fine of not less than five hundred dollars ($500.00) and not more than two thousand five hundred dollars ($2,500).

C. A license suspension under subsection (e) of this section.

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

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

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

(e) In addition to or independent of all other penalties provided by law or ordinance, the trial judge of any court of record or the mayor of a mayor's court shall impose on an offender who is convicted of or pleads guilty to a violation of this section a class seven suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege from the range specified in division (A)(7) of Ohio R.C. 4510.02.

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

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

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

(g) (1) If a person is convicted of or pleads guilty to a violation of a municipal ordinance that is substantially equivalent to Ohio R.C. 4510.14, the court, in addition to and independent of any sentence that it imposes upon the offender for the offense, if the vehicle the offender was operating at the time of the offense is registered in the offender's name, shall do whichever of the following is applicable:

A. If, within six years of the current offense, the offender has not been convicted of or pleaded guilty to a violation of Ohio R.C. 4510.14 or former division (D)(2) of Ohio R.C. 4507.02, or a municipal ordinance that is substantially equivalent to that section or former division, the court shall order the immobilization for thirty days of the vehicle involved in the offense and the impoundment for thirty days of the license plates of that vehicle in accordance with Ohio R.C. 4503.233.

B. If, within six years of the current offense, the offender has been convicted of or pleaded guilty to one violation of Ohio R.C. 4510.14 or former division (D)(2) of Ohio R.C. 4507.02, or a municipal ordinance that is substantially equivalent to that section or former division, the court shall order the immobilization for sixty days of the vehicle involved in the offense and the impoundment for sixty days of the license plates of that vehicle in accordance with Ohio R.C. 4503.233.

C. If, within six years of the current offense, the offender has been convicted of or pleaded guilty to two or more violations of Ohio R.C. 4510.14 or former division (D)(2) of Ohio R.C. 4507.02 or a municipal ordinance that is substantially equivalent to that section or former division, the court shall order the criminal forfeiture to the State of the vehicle the offender was operating at the time of the offense.

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

(3) An order for criminal forfeiture of a vehicle under this section shall be issued and enforced under Ohio R.C. 4503.234. Upon receipt of a copy of the order from the court, neither the Registrar of Motor Vehicles nor a Deputy Registrar shall accept any application for the registration or transfer of registration of any motor vehicle owned or leased by the person named in the declaration of forfeiture. The period of registration denial shall be five years after the date of the order unless, during that period, the court having jurisdiction of the offense that led to the order terminates the forfeiture and notifies the Registrar of the termination. The Registrar then shall take the necessary measures to permit the person to register a vehicle owned or leased by the person or to transfer registration of the vehicle.
(ORC 4510.161)

(h) As used in this section:

(1) "Electronic monitoring" has the same meaning as in Ohio R.C. 2929.01.

(2) "Equivalent offense" means any of the following:

A. A violation of a municipal ordinance, law of another state, or law of the United States that is substantially equivalent to subsection (a) of this section;

B. A violation of a former law of this State that was substantially equivalent to subsection (a) of this section.

(3) "Jail" has the same meaning as in Ohio R.C. 2929.01.

(4) "Mandatory jail term" means the mandatory term in jail of three, ten, or thirty consecutive days that must be imposed under subsection (b)(1), (2) or (3) of this section upon an offender convicted of a violation of subsection (a) of this section and in relation to which all of the following apply:

A. Except as specifically authorized under this section, the term must be served in a jail.

B. Except as specifically authorized under this section, the term cannot be suspended, reduced, or otherwise modified pursuant to any provision of the Ohio Revised Code.
(ORC 4510.14)

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

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

(b) No person shall operate any motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking in this Municipality if the person's driver's or commercial driver's license or temporary instruction permit or nonresident operating privilege has been suspended pursuant to Ohio R.C. 4509.37 or 4509.40 for nonpayment of a judgment.

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

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

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

(2) If, within three years of the offense, the offender previously was convicted of or pleaded guilty to two or more violations of Ohio R.C. 4510.16, or any combination of two violations of Ohio R.C. 4510.16 or Ohio R.C. 4510.11 or 4510.111, or a substantially equivalent municipal ordinance, the offense is a misdemeanor of the fourth degree.

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

(ORC 4510.16)

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

335.073 DRIVING WITHOUT COMPLYING WITH LICENSE REINSTATEMENT REQUIREMENTS.

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

(b) Upon the request or motion of the prosecuting authority, a noncertified copy of the law enforcement automated data system report or a noncertified copy of a record of the Registrar of Motor Vehicles that shows the name, date of birth, and social security number of a person charged with a violation of subsection (a) of this section may be admitted into evidence as prima-facie evidence that the license of the person had not been reinstated by the person at the time of the alleged violation of subsection (a) hereof. The person charged with a violation of subsection (a) hereof may offer evidence to rebut this prima-facie evidence.

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

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

(2) If, within three years of a violation of subsection (a) of this section, the offender previously has pleaded guilty to or been convicted of two or more violations of Ohio R.C. 4510.21(A) or a substantially equivalent municipal ordinance, the offender is guilty of a misdemeanor of the first degree.

(3) In all cases, the court may impose upon the offender a class seven suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary driver's license, or nonresident operating privilege from the range specified in division (A)(7) of Ohio R.C. 4510.02. (ORC 4510.21)

335.074 DRIVING UNDER LICENSE FORFEITURE OR CHILD SUPPORT SUSPENSION.

(a) No person shall operate any motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking in this Municipality whose driver's or commercial driver's license has been suspended pursuant to Ohio R.C. 2151.354, 2151.87, 2935.27, 3123.58, 4301.99, 4510.032, 4510.22 or 4510.33.

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

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

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

(2) If, within three years of the offense, the offender previously was convicted of or pleaded guilty to two or more violations of subsection (A) of Ohio R.C. 4510.111, or any combination of two or more violations of subsection (A) of Ohio R.C. 4510.111, or Ohio R.C. 4510.11 or 4510.16, or a substantially equivalent municipal ordinance, the offense is a misdemeanor of the fourth degree and the offender shall provide the court with proof of financial responsibility as defined in Ohio R.C. 4509.01. If the offender fails to provide that proof of financial responsibility, then in addition to any other penalties provided by law, the court may order restitution pursuant to Ohio R.C. 2929.28 in an amount not exceeding five thousand dollars ($5,000) for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the vehicle before, during or after committing the offense for which the offender is sentenced under this section. (ORC 4510.111)

335.08 OPERATION OR SALE WITHOUT CERTIFICATE OF TITLE.

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

(1) Operate in this Municipality a motor vehicle for which a certificate of title is required without having that certificate in accordance with Ohio R.C. Chapter 4505 or, if a physical certificate of title has not been issued for a motor vehicle, operate the motor vehicle in this Municipality knowing that the ownership information relating to the vehicle has not been entered into the automated title processing system by a clerk of a court of common pleas;

(2) Display or display for sale or sell as a dealer or acting on behalf of a dealer, a motor vehicle without having obtained a manufacturer's or importer's certificate, a certificate of title, or an assignment of a certificate of title for it as provided in Ohio R.C. Chapter 4505;

(3) Fail to surrender any certificate of title or any certificate of registration or license plates upon cancellation of the same by the Registrar of Motor Vehicles and notice of the cancellation as prescribed in Ohio R.C. Chapter 4505;

(4) Fail to surrender the certificate of title to a clerk of a court of common pleas as provided in Ohio R.C. Chapter 4505 in case of the destruction or dismantling or change of a motor vehicle in such respect that it is not the motor vehicle described in the certificate of title;

(5) Violate any rules adopted pursuant to Ohio R.C. Chapter 4505;

(6) Except as otherwise provided in Ohio R.C. Chapter 4505 and Chapter 4517, sell at wholesale a motor vehicle the ownership of which is not evidenced by an Ohio certificate of title, or the current certificate of title issued for the motor vehicle, or the manufacturer's certificate of origin, and all title assignments that evidence the seller's ownership of the motor vehicle, and an odometer disclosure statement that complies with Ohio R.C. 4505.06 and subchapter IV of the "Motor Vehicle Information and Cost Savings Act", 86 Stat. 961 (1972), 15 U.S.C. 1981;

(7) Operate in this Municipality a motor vehicle knowing that the certificate of title to the vehicle or ownership of the vehicle as otherwise reflected in the automated title processing system has been canceled.

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

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

335.09 DISPLAY OF LICENSE PLATES.

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

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

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

335.10 EXPIRED OR UNLAWFUL LICENSE PLATES.

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

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

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

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

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

(f) (1) Whoever violates subsection (a) hereof is guilty of a misdemeanor of the fourth degree.

(2) Whoever violates subsection (b) hereof is guilty of a minor misdemeanor on a first offense and a misdemeanor of the fourth degree on each subsequent offense.

(3) Whoever violates any provision of this section for which no other penalty is provided is guilty of a minor misdemeanor.

(ORC 4549.11; 4549.12)

335.11 USE OF ILLEGAL LICENSE PLATES; TRANSFER OF REGISTRATION.

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

(1) Is fictitious;

(2) Is a counterfeit or an unlawfully made copy of any distinctive number or identification mark;

(3) Belongs to another motor vehicle, provided that this section does not apply to a motor vehicle that is operated on the streets in this Municipality when the motor vehicle displays license plates that originally were issued for a motor vehicle that previously was owned by the same person who owns the motor vehicle that is operated on the streets in this Municipality, during the thirty-day period described in subsection (c) hereof.

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

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

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

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

(a) In case of accident to or collision with persons or property upon any of the public roads or highways, due to the driving or operation thereon of any motor vehicle, the person driving or operating the motor vehicle, having knowledge of the accident or collision, immediately shall stop the driver's or operator's motor vehicle at the scene of the accident or collision and shall remain at the scene of the accident or collision until the driver or operator has given the driver's or operator's name and address and, if the driver or operator is not the owner, the name and address of the owner of that motor vehicle, together with the registered number of that motor vehicle, to any person injured in the accident or collision or to the operator, occupant, owner, or attendant of any motor vehicle damaged in the accident or collision, or to any police officer at the scene of the accident or collision.

In the event the injured person is unable to comprehend and record the information required to be given by this section, the other driver involved in the accident or collision forthwith shall notify the nearest police authority concerning the location of the accident or collision, and the driver's name, address and the registered number of the motor vehicle the driver was operating, and then remain at the scene of the accident or collision until a police officer arrives, unless removed from the scene by an emergency vehicle operated by a political subdivision or an ambulance.

If the accident or collision is with an unoccupied or unattended motor vehicle, the operator who collides with the motor vehicle shall securely attach the information required to be given in this section, in writing, to a conspicuous place in or on the unoccupied or unattended motor vehicle.

(b) Whoever violates subsection (a) of this section is guilty of failure to stop after an accident, a misdemeanor of the first degree. If the accident or collision results in serious physical harm or death to a person, failure to stop after an accident is a felony and shall be prosecuted under appropriate state law.

The court, in addition to any other penalties provided by law, shall impose upon the offender a class five suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(5) of Ohio R.C. 4510.02. No judge shall suspend the first six months of suspension of an offender's license, permit, or privilege required by this subsection.

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

335.13 STOPPING AFTER ACCIDENT UPON PROPERTY OTHER THAN STREET.

(a) In case of accident or collision resulting in injury or damage to persons or property upon any public or private property other than public roads or highways, due to the driving or operation thereon of any motor vehicle, the person driving or operating the motor vehicle, having knowledge of the accident or collision, shall stop, and, upon request of the person injured or damaged, or any other person, shall give that person the driver's or operator's name and address, and, if the driver or operator is not the owner, the name and address of the owner of that motor vehicle, together with the registered number of that motor vehicle, and, if available, exhibit the driver's or operator's driver's or commercial driver's license.

If the owner or person in charge of the damaged property is not furnished such information, the driver of the motor vehicle involved in the accident or collision, within twenty-four hours after the accident or collision, shall forward to the police authority in the municipality in which the accident or collision occurred the same information required to be given to the owner or person in control of the damaged property and give the date, time, and location of the accident or collision.

If the accident or collision is with an unoccupied or unattended motor vehicle, the operator who collides with the motor vehicle shall securely attach the information required to be given in this section, in writing, to a conspicuous place in or on the unoccupied or unattended motor vehicle.

(b) Whoever violates subsection (a) of this section is guilty of failure to stop after a nonpublic road accident, a misdemeanor of the first degree. If the accident or collision results in serious physical harm or death to a person, failure to stop after a nonpublic road accident is a felony and shall be prosecuted under appropriate state law.

The court, in addition to any other penalties provided by law, shall impose upon the offender a class five suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(5) of Ohio R.C. 4510.02. No judge shall suspend the first six months of suspension of an offender's license, permit, or privilege required by this subsection.

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

335.14 VEHICLE ACCIDENT RESULTING IN DAMAGE TO REALTY.

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

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

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

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

CHAPTER 337
Safety and Equipment

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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.

337.01 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.

(d) Notwithstanding any provision of law to the contrary, no law enforcement officer shall cause the operator of a vehicle being operated upon a street or highway to stop the vehicle solely because the officer observes that a violation of subsection (a)(3) of this section has been or is being committed or for the sole purpose of issuing a ticket, citation or summons for a violation of that subsection, or causing the arrest of or commencing a prosecution of a person for a violation of that subsection.

(e) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4513.03)

337.03 HEADLIGHTS ON MOTOR VEHICLES AND MOTORCYCLES.

(a) Every motor vehicle, other than a motorcycle, shall be equipped with at least two headlights with at least one near each side of the front of the motor vehicle.

(b) Every motorcycle shall be equipped with at least one and not more than two headlights.

(c) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4513.04)

337.04 TAIL LIGHT; ILLUMINATION OF REAR LICENSE PLATE.

(a) Every motor vehicle, trailer, semitrailer, pole trailer or vehicle which is being drawn at the end of a train of vehicles shall be equipped with at least one tail light mounted on the rear which, when lighted, shall emit a red light visible from a distance of 500 feet to the rear, provided that in the case of a train of vehicles only the tail light on the rear-most vehicle need be visible from the distance specified.

(b) Either a tail light or a separate light shall be so constructed and placed as to illuminate with a white light the rear registration plate, when such registration plate is required, and render it legible from a distance of fifty feet to the rear. Any tail light, together with any separate light for illuminating the rear registration plate, shall be so wired as to be lighted whenever the headlights or auxiliary driving lights are lighted, except where separate lighting systems are provided for trailers for the purpose of illuminating such registration plate.

(c) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4513.05)

337.05 REAR RED REFLECTORS.

(a) Every new motor vehicle sold after September 6, 1941, and operated on a street, other than vehicles of the type mentioned in Section 337.06 or a commercial tractor to which a trailer or semitrailer is attached, shall carry at the rear, either as a part of the tail lights or separately, two red reflectors of such size and characteristics and so maintained as to be visible at night from all distances within 300 feet to fifty feet from such vehicle.

(b) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4513.06)

337.06 SAFETY LIGHTING ON COMMERCIAL VEHICLES.

(a) Buses, trucks, commercial tractors, trailers, semitrailers and pole trailers, when operated upon any street, shall be equipped with clearance lights, marker lights, reflectors and stop lights as required by State regulations. Such equipment shall be lighted at all times mentioned in Section 337.02 except that clearance lights and side marker lights need not be lighted on a vehicle operated where there is sufficient light to reveal any person or substantial object on the street at a distance of 500 feet.

Such equipment shall be in addition to all other lights specifically required by Section 337.02 to Section 337.15, inclusive. Vehicles operated under the jurisdiction of the Ohio Public Utilities Commission are not subject to this section.

(b) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4513.07)

337.07 OBSCURED LIGHTS ON VEHICLES IN COMBINATION.

(a) Whenever motor and other vehicles are operated in combination during the time that lights are required, any light, except tail lights, which by reason of its location on a vehicle of the combination would be obscured by another vehicle of the combination need not be lighted, but this section does not affect the requirement that lighted clearance lights be displayed on the front of the foremost vehicle required to have clearance lights or that all lights required on the rear of the rearmost vehicle of any combination shall be lighted.

(b) Whoever violates this section is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree.
(ORC 4513.08)

337.08 RED LIGHT OR RED FLAG ON EXTENDED LOADS.

(a) Whenever the load upon any vehicle extends to the rear four feet or more beyond the bed or body of such vehicle, there shall be displayed at the extreme rear end of the load, at the times specified in Section 337.02, a red light or lantern plainly visible from a distance of at least 500 feet to the side and rear. The red light or lantern required by this section is in addition to the red rear light required upon every vehicle. At any other time there shall be displayed at the extreme rear end of such load a red flag or cloth not less than sixteen inches square.

(b) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4513.09)

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 337.02, 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 ON SLOW-MOVING VEHICLES; EMBLEM REQUIRED.

(a) All vehicles other than bicycles, including animal-drawn vehicles and vehicles referred to in Section 337.01(c), not specifically required to be equipped with lights or other lighting devices by Section 337.02 to 337.09, shall at all times specified in Section 337.02, be equipped with at least one light displaying a white light visible from a distance of not less than 1,000 feet to the front of the vehicle, and also shall be equipped with two lights 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 light 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.

Lights and reflectors required or authorized by this section shall meet standards adopted by the Ohio Director of Public Safety.

(b) All boat trailers, farm machinery and other machinery, including all road construction machinery, upon a street or highway, except when being used in actual construction and maintenance work in an area guarded by a flagperson, or where flares are used, or when operating or traveling within the limits of a construction area designated by the Ohio Director of Transportation, or the Municipal or County Engineer, when such construction area is marked in accordance with requirements of the Director and the Manual of Uniform Traffic Control Devices, as set forth in Ohio R.C. 4511.09, which is designed for operation at a speed of twenty-five miles per hour or less shall be operated at a speed not exceeding twenty-five miles per hour, and shall display a triangular slow-moving vehicle emblem (SMV). The emblem shall be mounted so as to be visible from a distance of not less than 500 feet to the rear. 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 SMV emblems referred to in this section shall correlate with and, so far as possible, conform with those approved by the American Society of Agricultural Engineers.

A unit of farm machinery that is designed by its manufacturer to operate at a speed greater than twenty-five miles per hour may be operated on a street or highway at a speed greater than twenty-five miles per hour provided it is operated in accordance with this section.

As used in this subsection (b), "machinery" does not include any vehicle designed to be drawn by an animal.

(c) The use of the SMV emblem shall be restricted to animal-drawn vehicles, and to the slow-moving vehicles specified in subsection (b) hereof operating or traveling within the limits of the highway. Its use on slow-moving vehicles being transported upon other types of vehicles or on any other type of vehicle or stationary object on the highway is prohibited.

(d) (1) No person shall sell, lease, rent or operate any boat trailer, farm machinery or other machinery defined as a slow-moving vehicle in subsection (b) hereof, except those units designed to be completely mounted on a primary power unit, which is manufactured or assembled on or after April 1, 1966, unless the vehicle is equipped with a slow-moving vehicle emblem mounting device as specified in subsection (b) hereof.

(2) 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 a slow-moving vehicle emblem as specified in subsection (b) of this section and a speed identification symbol that meets the specifications contained in the American Society of Agricultural Engineers Standard ANSI/ASAE S584 JAN2005, agricultural equipment; speed identification symbol (SIS).

(e) Any boat trailer, farm machinery, or other machinery defined as a slow-moving vehicle in subsection (b) of this section, in addition to the use of the slow-moving vehicle emblem, and any unit of farm machinery that is designed by its manufacturer to operate at a speed greater than twenty-five miles per hour, in addition to the display of a speed identification symbol may be equipped with a red flashing light that shall be visible from a distance of not less than one thousand feet to the rear at all times specified in Section 337.02. When a double-faced light is used, it shall display amber light to the front and red light to the rear.

In addition to the lights described in this subsection, farm machinery and motor vehicles escorting farm machinery may display a flashing, oscillating or rotating amber light, as permitted by Section 337.16, and also may display simultaneously flashing turn signals or warning lights, as permitted by that section.

(f) Every animal-drawn vehicle upon a street or highway shall at all times be equipped in one of the following ways:

(1) With a slow-moving vehicle emblem complying with subsection (b) hereof;

(2) With alternate reflective material complying with rules adopted under this subsection (f);

(3) With both a slow-moving vehicle emblem and alternate reflective material as specified in this subsection (f).

The Ohio Director of Public Safety, subject to Ohio R.C. Chapter 119, shall adopt rules establishing standards and specifications for the position of mounting of the alternate reflective material authorized by this subsection (f). The rules shall permit, as a minimum, the alternate reflective material to be black, gray or silver in color. The alternate reflective material shall be mounted on the animal-drawn vehicle so as to be visible at all times specified in Section 337.02, from a distance of not less than 500 feet to the rear when illuminated by the lawful lower beams of headlamps.

(g) Every unit of farm machinery that is designed by its manufacturer to operate at a speed greater than twenty-five miles per hour shall display a slow-moving vehicle emblem and a speed identification symbol that meets the specifications contained in the American Society of Agricultural Engineers Standard ANSI/ASAE S584 JAN2005, agricultural equipment; speed identification symbol (SIS) when the unit is operated upon a street or highway, irrespective of the speed at which the unit is operated on the street or highway. The speed identification symbol shall indicate the maximum speed in miles per hour at which the unit of farm machinery is designed by its manufacturer to operate. The display of the speed identification symbol shall be in accordance with the standard prescribed in this subsection.

If an agricultural tractor that is designed by its manufacturer to operate at a speed greater than twenty-five miles per hour is being operated on a street or highway at a speed greater than twenty-five miles per hour and is towing, pulling or otherwise drawing a unit of farm machinery, the unit of farm machinery shall display a slow-moving vehicle emblem and a speed identification symbol that is the same as the speed identification symbol that is displayed on the agricultural tractor.

(h) When an agricultural tractor that is designed by its manufacturer to operate at a speed greater than twenty-five miles per hour is being operated on a street or highway at a speed greater than twenty-five miles per hour, the operator shall possess some 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.

(i) As used in this section, "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.

(j) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4513.11)

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 a left turn, or in the presence of a vehicular traffic hazard requiring unusual care in approaching, or overtaking or passing. This prohibition does not apply to emergency vehicles, road service vehicles servicing or towing a disabled vehicle, rural mail delivery vehicles, vehicles transporting preschool children as provided in Ohio R.C. 4513.182, highway maintenance vehicles, funeral hearses, funeral escort vehicles and similar equipment operated by the Department or local authorities, which shall be 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, but shall not display a flashing, oscillating or rotating light of any other color, nor to vehicles or machinery permitted by Section 337.10 to have a flashing red light.

(2) When used on a street or highway, farm machinery and vehicles escorting farm machinery may be equipped with and display a flashing, oscillating, or rotating amber light, and the prohibition contained in subsection (c)(1) hereof does not apply to such machinery or vehicles. Farm machinery also may display the lights described in Section 337.10.

(d) Except a person operating a public safety vehicle, as defined in Section 301.27, 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; and except a public law enforcement officer, or other person sworn to enforce the criminal and traffic laws of the State or Municipality, 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.

(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:

	From a speed of 20 miles per hour	
	Stopping distance in feet	Deceleration in feet per second per second
Brakes on all wheels	30	14
Brakes not on all four wheels	40	10.7

(10) All brakes shall be maintained in good working order and shall be so adjusted as to operate as equally as practicable with respect to the wheels on opposite sides of the vehicle. (ORC 4513.20)

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

337.19 HORN, SIREN AND THEFT ALARM SIGNAL.

(a) Every motor vehicle when operated upon a street shall be equipped with a horn which is in good working order and capable of emitting sound audible, under normal conditions, from a distance of not less than 200 feet.

(b) No motor vehicle shall be equipped with, nor shall any person use upon a vehicle, any siren, whistle or bell. Any vehicle may be equipped with a theft alarm signal device which shall be so arranged that it cannot be used as an ordinary warning signal. Every emergency or public safety vehicle shall be equipped with a siren, whistle or bell capable of emitting sound audible under normal conditions from a distance of not less than 500 feet and of a type approved by the Ohio Director of Public Safety. Such equipment shall not be used except when such vehicle is operated in response to an emergency call or is in the immediate pursuit of an actual or suspected violator of the law, in which case the driver of the emergency or public safety vehicle shall sound such equipment when it is necessary to warn pedestrians and other drivers of the approach thereof.

(c) No person shall use the horn of a motor vehicle except to give warning to other drivers or pedestrians.

(d) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4513.21)

337.20 MUFFLER; MUFFLER CUTOUT; EXCESSIVE SMOKE, GAS OR NOISE.

(a) Every motor vehicle and motorcycle with an internal combustion engine shall at all times be equipped with a muffler which is in good working order and in constant operation to prevent excessive or unusual noise, and no person shall use a muffler cutout, by-pass or similar device upon a motor vehicle on a highway. Every motorcycle muffler shall be equipped with baffle plates.

(b) No person shall own, operate or have in the person's possession any motor vehicle or motorcycle equipped with a device for producing excessive smoke or gas, or so equipped as to permit oil or any other chemical to flow into or upon the exhaust pipe or muffler of such vehicle, or equipped in any other way to produce or emit smoke or dangerous or annoying gases from any portion of such vehicle, other than the ordinary gases emitted by the exhaust of an internal combustion engine under normal operation.

(c) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4513.22)

337.21 REAR-VIEW MIRROR; CLEAR VIEW TO FRONT, BOTH SIDES AND REAR.

(a) Every motor vehicle and motorcycle shall be equipped with a mirror so located as to reflect to the operator a view of the street to the rear of such vehicle or motorcycle. Operators of vehicles and motorcycles shall have a clear and unobstructed view to the front and to both sides of their vehicles or motorcycles and shall have a clear view to the rear of their vehicles or motorcycles by mirror.

(b) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4513.23)

337.22 WINDSHIELD AND WINDSHIELD WIPER; SIGN OR POSTER THEREON.

(a) No person shall drive any motor vehicle on a street or highway, other than a motorcycle or motorized bicycle, that is not equipped with a windshield.

(b) (1) No person shall drive any motor vehicle, other than a bus, with any sign, poster or other nontransparent material upon the front windshield, sidewings, side or rear windows of such vehicle other than a certificate or other paper required to be displayed by law, except that there may be in the lower left-hand or right-hand corner of the windshield a sign, poster or decal not to exceed four inches in height by six inches in width. No sign, poster or decal shall be displayed in the front windshield in such a manner as to conceal the vehicle identification number for the motor vehicle when in accordance with federal law, that number is located inside the vehicle passenger compartment and so placed as to be readable through the vehicle glazing without moving any part of the vehicle.

(2) Subsection (b)(1) of this section does not apply to a person who is driving a passenger car with an electronic device, including an antenna, electronic tolling or other transponder, camera, directional navigation device, or other similar electronic device located in the front windshield if the device meets both of the following:
A. It does not restrict the vehicle operator's sight lines to the road and highway signs and signals.
B. It does not conceal the vehicle identification number.

(3) Subsection (b)(1) of this section does not apply to a person who is driving a commercial car with an electronic device, including an antenna, electronic tolling or other transponder, camera, directional navigation device, or other similar electronic device located in the front windshield if the device meets both of the following:
A. It does not restrict the vehicle operator's sight lines to the road and highway signs and signals.
B. It is mounted not more than six inches below the upper edge of the windshield and is outside the area swept by the vehicle's windshield wipers.

(c) The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow or other moisture from the windshield. The device shall be maintained in good working order and so constructed as to be controlled or operated by the operator of the vehicle.

(d) Whoever violates this section is guilty of a minor misdemeanor. (ORC 4513.24)

337.23 LIMITED LOAD EXTENSION ON LEFT SIDE OF PASSENGER VEHICLE.

(a) No passenger-type vehicle shall be operated on a street with any load carried on such vehicle which extends more than six inches beyond the line of the fenders on the vehicle's left side. (ORC 4513.30)

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

337.24 MOTOR VEHICLE STOP LIGHTS.

(a) Every motor vehicle, trailer, semitrailer, and pole trailer when operated upon a street or highway shall be equipped with two or more stop lights, except that passenger cars manufactured or assembled prior to January 1, 1967, motorcycles, and motor-driven cycles shall be equipped with at least one stop light. Stop lights shall be mounted on the rear of the vehicle, actuated upon application of the service brake, and may be incorporated with other rear lights. Such stop lights when actuated shall emit a red light visible from a distance of five hundred feet to the rear, provided that in the case of a train of vehicles only the stop lights on the rear-most vehicle need be visible from the distance specified.

Such stop lights when actuated shall give a steady warning light to the rear of a vehicle or train of vehicles to indicate the intention of the operator to diminish the speed of or stop a vehicle or train of vehicles.

When stop lights are used as required by this section, they shall be constructed or installed so as to provide adequate and reliable illumination and shall conform to the appropriate rules and regulations established under Ohio R.C. 4513.19.

Historical motor vehicles as defined in Ohio R.C. 4503.181, not originally manufactured with stop lights, are not subject to this section.

(b) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4513.071)

337.25 AIR CLEANER REQUIRED.

(a) No person shall operate a motor vehicle with an internal combustion engine unless the carburetion system of the vehicle is protected with an air filter, a flame arresting device, or any other accepted method of protection that is adequate for this purpose. If the original device or system is replaced, it shall be replaced with one that is equal to or better than the original equipment.

(b) This section does not apply to a person doing automotive repair work on a motor vehicle that necessitates this device being removed while the work is performed.

(c) 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.

337.26 CHILD RESTRAINT SYSTEM USAGE.

(a) When any child who is in either or both of the following categories is being transported in a motor vehicle, other than a taxicab or public safety vehicle as defined in Ohio R.C. 4511.01, that is required by the United States Department of Transportation to be equipped with seat belts at the time of manufacture or assembly, the operator of the motor vehicle shall have the child properly secured in accordance with the manufacturer's instructions in a child restraint system that meets federal motor safety standards:

(1) A child who is less than four years of age;
(2) A child who weighs less than forty pounds.

(b) When any child who is in either or both of the following categories is being transported in a motor vehicle, other than a taxicab, that is owned, leased or otherwise under the control of a nursery school, or day-care center, the operator of the motor vehicle shall have the child properly secured in accordance with the manufacturer's instructions in a child restraint system that meets federal motor vehicle safety standards:

(1) A child who is less than four years of age;
(2) A child who weighs less than forty pounds.

(c) When any child who is less than eight years of age and less than four feet nine inches in height, who is not required by subsection (a) or (b) of this section to be secured in a child restraint system, is being transported in a motor vehicle, other than a taxicab or public safety vehicle as defined in Ohio R.C. 4511.01 or a vehicle that is regulated under Ohio R.C. 5104.011, that is required by the United States Department of Transportation to be equipped with seat belts at the time of manufacture or assembly, the operator of the motor vehicle shall have the child properly secured in accordance with the manufacturer’s instructions on a booster seat that meets federal motor vehicle safety standards.

(d) When any child who is at least eight years of age but not older than fifteen years of age and who is not otherwise required by subsection (a), (b) or (c) hereof to be secured in a child restraint system or booster seat, is being transported in a motor vehicle, other than a taxicab or public safety vehicle as defined in Ohio R.C. 4511.01, that is required by the United States Department of Transportation to be equipped with seat belts at the time of manufacture or assembly, the operator of the motor vehicle shall have the child properly restrained either in accordance with the manufacturer's instructions in a child restraint system that meets federal motor vehicle safety standards or in an occupant restraining device as defined in Ohio R.C. 4513.263.

(e) Notwithstanding any provision of law to the contrary, no law enforcement officer shall cause an operator of a motor vehicle being operated on any street or highway to stop the motor vehicle for the sole purpose of determining whether a violation of subsection (c) or (d) of this section has been or is being committed or for the sole purpose of issuing a ticket, citation, or summons for a violation of subsection (c) or (d) of this section or causing the arrest of or commencing a prosecution of a person for a violation of subsection (c) or (d) of this section, and absent another violation of law, a law enforcement officer's view of the interior or visual inspection of a motor vehicle being operated on any street or highway may not be used for the purpose of determining whether a violation of subsection (c) or (d) of this section has been or is being committed.

(f) The Ohio Director of Public Safety shall adopt such rules as are necessary to carry out this section.

(g) The failure of an operator of a motor vehicle to secure a child in a child restraint system, a booster seat or an occupant restraining device as required by this section is not negligence imputable to the child, is not admissible as evidence in any civil action involving the rights of the child against any other person allegedly liable for injuries to the child, is not to be used as a basis for a criminal prosecution of the operator of the motor vehicle other than a prosecution for a violation of this section, and is not admissible as evidence in any criminal action involving the operator of the motor vehicle other than a prosecution for a violation of this section.

(h) This section does not apply when an emergency exists that threatens the life of any person operating or occupying a motor vehicle that is being used to transport a child who otherwise would be required to be restrained under this section. This section does not apply to a person operating a motor vehicle who has an affidavit signed by a physician licensed to practice in this State under Ohio R.C. Chapter 4731 or a chiropractor licensed to practice in this State under Ohio R.C. Chapter 4734 that states that the child who otherwise would be required to be restrained under this section has a physical impairment that makes use of a child restraint system, booster seat or an occupant restraining device impossible or impractical, provided that the person operating the vehicle has safely and appropriately restrained the child in accordance with any recommendations of the physician or chiropractor as noted on the affidavit.

(i) Nothing in this section shall be construed to require any person to carry with the person the birth certificate of a child to prove the age of the child, but the production of a valid birth certificate for a child showing that the child was not of an age to which this section applies is a defense against any ticket, citation or summons issued for violating this section.

(j) Whoever violates subsection (a), (b), (c) or (d) of this section shall be punished as follows, provided that the failure of an operator of a motor vehicle to secure more than one child in a child restraint system, booster seat, or occupant restraining device as required by this section that occurred at the same time, on the same day, and at the same location is deemed to be a single violation of this section:

(1) Except as otherwise provided in subsection (j)(2) of this section, the offender is guilty of a minor misdemeanor and shall be fined not less than twenty-five dollars ($25.00) nor more than seventy-five dollars ($75.00).

(2) If the offender previously has been convicted of or pleaded guilty to a violation of subsection (a), (b), (c) or (d) of this section or of a state law or municipal ordinance that is substantially similar to any of those subsections, the offender is guilty of a misdemeanor of the fourth degree.
(ORC 4511.81)

337.27 DRIVERS AND PASSENGERS REQUIRED TO WEAR SEAT BELTS.

(a) As used in this section:

(1) "Automobile" means any commercial tractor, passenger car, commercial car or truck that is required to be factory-equipped with an occupant restraining device for the operator or any passenger by regulations adopted by the United States Secretary of Transportation pursuant to the "National Traffic and Motor Vehicle Safety Act of 1966," 80 Stat. 719, 15 U.S.C.A. 1392.

(2) "Occupant restraining device" means a seat safety belt, shoulder belt, harness or other safety device for restraining a person who is an operator of or passenger in an automobile and that satisfies the minimum Federal vehicle safety standards established by the United States Department of Transportation.

(3) "Passenger" means any person in an automobile, other than its operator, who is occupying a seating position for which an occupant restraining device is provided.

(4) "Commercial tractor," "passenger car," and "commercial car" have the same meanings as provided in Ohio R.C. 4501.01.

(5) "Vehicle" and "motor vehicle", as used in the definitions of the terms set forth in subsection (a)(4) hereof, have the same meanings as provided in Chapter 301.

(6) “Tort action” means a civil action for damages for injury, death, or loss to person or property. “Tort action” includes a product liability claim, as defined in Ohio R.C. 2307.71 and an asbestos claim, as defined in Ohio R.C. 2307.91, but does not include a civil action for damages for breach of contract or another agreement between persons.

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

(1) Operate an automobile on any street or highway unless that person is wearing all of the available elements of a properly adjusted occupant restraining device, or operate a school bus that has an occupant restraining device installed for use in its operator's seat unless that person is wearing all of the available elements of the device, as properly adjusted;

(2) Operate an automobile on any street or highway unless each passenger in the automobile who is subject to the requirement set forth in subsection (b)(3) hereof is wearing all of the available elements of a properly adjusted occupant restraining device;

(3) Occupy, as a passenger, a seating position on the front seat of an automobile being operated on any street or highway unless that person is wearing all of the available elements of a properly adjusted occupant restraining device;

(4) Operate a taxicab on any street or highway unless all factory-equipped occupant restraining devices in the taxicab are maintained in usable form.

(c) Subsection (b)(3) hereof does not apply to a person who is required by Section 337.26 to be secured in a child restraint device or booster seat. Subsection (b)(1) hereof does not apply to a person who is an employee of the United States Postal Service or of a newspaper home delivery service, during any period in which the person is engaged in the operation of an automobile to deliver mail or newspapers to addressees. Subsections (b)(1) and (3) hereof do not apply to a person who has an affidavit signed by a physician licensed to practice in this State under Ohio R.C. Chapter 4731 or a chiropractor licensed to practice in this State under Ohio R.C. Chapter 4734 that states that the person has a physical impairment that makes use of an occupant restraining device impossible or impractical.

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

(e) All fines collected for violations of subsection (b) hereof shall be forwarded to the Treasurer of State for deposit as provided in Ohio R.C. 4513.263.

(f) (1) Subject to subsection (f)(2) of this section, the failure of a person to wear all of the available elements of a properly adjusted occupant restraining device in violation of subsection (b)(1) or (3) or the failure of a person to ensure that each minor who is a passenger of an automobile being operated by that person is wearing all of the available elements of a properly adjusted occupant restraining device, in violation of subsection (b)(2) of this section, shall not be considered or used by the trier of fact in a tort action as evidence of negligence or contributory negligence. But the trier of fact may determine based on evidence admitted consistent with the Ohio rules of evidence that the failure contributed to the harm alleged in the tort action and may diminish a recovery of compensatory damages that represents noneconomic loss, as defined in Ohio R.C. 2307.011 in a tort action that could have been recovered but for the plaintiff's failure to wear all of the available elements of a properly adjusted occupant restraining device. Evidence of that failure shall not be used as a basis for a criminal prosecution of the person other than a prosecution for a violation of this section; and shall not be admissible as evidence in a criminal action involving the person other than a prosecution for a violation of this section.

(2) If, at the time of an accident involving a passenger car equipped with occupant restraining devices, any occupant of the passenger car who sustained injury or death was not wearing an available occupant restraining device, was not wearing all of the available elements of such a device, or was not wearing such a device as properly adjusted, then, consistent with the Rules of Evidence, the fact that the occupant was not wearing the available occupant restraining device, was not wearing all of the available elements of such a device, or was not wearing such a device as properly adjusted is admissible in evidence in relation to any claim for relief in a tort action to the extent that the claim for relief satisfies all of the following:

A. It seeks to recover damages for injury or death to the occupant.

B. The defendant in question is the manufacturer, designer, distributor or seller of the passenger car.

C. The claim for relief against the defendant in question is that the injury or death sustained by the occupant was enhanced or aggravated by some design defect in the passenger car or that the passenger car was not crashworthy.

(g) (1) Whoever violates subsection (b)(1) of this section shall be fined thirty dollars ($30.00).

(2) Whoever violates subsection (b)(3) of this section shall be fined twenty dollars ($20.00).

(3) Except as otherwise provided in this subsection, whoever violates subsection (b)(4) of this section is guilty of a minor misdemeanor. If the offender previously has been convicted of or pleaded guilty to a violation of subsection (b)(4) of this section, whoever violates subsection (b)(4) of this section is guilty of a misdemeanor of the third degree.
(ORC 4513.263)

337.28 USE OF SUNSCREENING, NONTRANSPARENT AND REFLECTORIZED MATERIALS.

(a) Requirements.

(1) No person shall operate, on any highway or other public or private property open to the public for vehicular travel or parking, lease, or rent any motor vehicle that is required to be registered in this State with any sunscreening material, or other product or material which has the effect of making the windshield or windows nontransparent or would alter the windows' color, increase its reflectivity, or reduce its light transmittance, unless the product or material satisfies one of the following exceptions:

A. Any manufacturer's tinting or glazing of motor vehicle windows or windshields that is otherwise in compliance with or permitted by "Federal Motor Vehicle Safety Standard Number 205" (FMVSS 205) in effect at the time of the manufacture of the motor vehicle until such standard is subsequently repealed or reduced. In "Federal Motor Vehicle Safety Standard Number 205" (FMVSS 205) "manufacturer" means any person engaged in the manufacturing or assembling of motor vehicles or motor vehicle equipment, including any person importing motor vehicles or motor vehicle equipment for resale.

B. Any sunscreening material or other product or material applied to the windshield when used in conjunction with the safety glazing materials of such window, has a light transmittance of not less than seventy percent plus or minus three per cent and is not red or yellow in color.

C. Any sunscreening material or other product or material applied to the side windows to the immediate right or left of the driver, so long as such material, when used in conjunction with the safety glazing materials of such windows, has a light transmittance of not less than fifty per cent plus or minus three percent and is not red or yellow in color.

D. Any sunscreening material or other product or material applied to a window not otherwise listed in subsections (a)(1)A. to C. or E. of this section, except that outside left and right rear view mirrors are required if the sunscreening material is applied to the rear window and the sunscreening material, when used in conjunction with the safety glazing material of such window, has a light transmittance of less than fifty per cent plus or minus three percent.

E. Any sunscreening material or other product or material applied along the top of the windshield and that does not extend downward beyond the AS-1 line or five inches from the top of the windshield, whichever is closer to the top, is not regulated by this section.

(2) No person shall install in any motor vehicle any glass or other material that fails to conform to the specifications of this section.

(3) No used motor vehicle dealer or new motor vehicle dealer, as defined in Ohio R.C. 4517.01, shall sell any motor vehicle that fails to conform to the specifications of this section.

(4) No reflectorized materials shall be permitted upon or in any front windshield, side windows, sidewings or rear window.

(5) No person shall operate on any highway or other public or private property open to the public for vehicular travel or parking, lease, or rent any motor vehicle that is required to be registered in this State that is equipped with privacy drapes, louvers, curtains or blinds unless the drapes, louvers, curtains or blinds are open and secure during vehicle operation.

(6) All motor vehicles, beginning with the 1990 model year, must be equipped with labels identifying sunscreening material. All sunscreening material must indicate the manufacturer's name and the percentage level of light transmission of the material permanently installed between the material and the surface to which the material is applied or affixed. Such label must be legible and must be placed in the lower left-hand corner of the vehicle window when viewed from the outside. (OAC 4501-41-03)

(b) Exemptions. The provisions of this section do not apply to:

(1) A motor vehicle registered in this State in the name of a person, or the person's parent, legal guardian or spouse who has an affidavit signed by a physician licensed to practice in this State under Ohio R.C. Chapter 4731 or an affidavit signed by an optometrist licensed to practice in this State under Ohio R.C. Chapter 4725 that states that the person has a physical condition that makes it necessary to equip such motor vehicle with sunscreening material which would be of a light transmittance and/or luminous reflectance in violation of this section. Such affidavit shall be in the possession of the person so afflicted or the driver at all times while in the motor vehicle;

(2) The windows to the rear of the driver in chauffeured limousines as defined herein;

(3) The windows to the rear of the driver in those vehicles designed and used to transport corpses which include hearses and other vehicles adapted for such use; and

(4) The manufacturer's tinting or glazing of motor vehicle windows or windshields that is otherwise in compliance with or permitted by "Federal Motor Vehicle Safety Standard Number 205" (FMVSS 205) in effect at the time of the manufacture of the motor vehicle as provided in subsection (a) hereof. (OAC 4501-41-05)

(c) Definitions. As used in this section, certain terms are defined as follows:

(1) "Motor vehicle" has the same meaning as specified in Section 301.20.

(2) "Sunscreening material" means products or materials, including film, glazing and perforated sunscreening, which, when applied to the windshield or windows of a motor vehicle, reduce the effects of the sun with respect to light reflectance or transmittance.

(3) "Transmittance" means the ratio of the amount of total light, expressed in percentages, which is allowed to pass through the product or material, including glazing, to the amount of total light falling on the product or material and the glazing.
(4) "Windshield" means the front exterior viewing device of a motor vehicle.
(5) "Window" means any device designed for exterior viewing from a motor vehicle, except the windshield or any roof-mounted viewing device.
(6) "Manufacturer" unless otherwise specified in this section, means any person who engages in the manufacturing or assembling of sunscreening products or materials or any person who fabricates, laminates or tempers a safety glazing material, incorporating, during the manufacturing process, the capacity to reflect or reduce the transmission of light.
(7) "Chauffeured limousine" means a motor vehicle that is designed to carry nine or fewer passengers and is operated for hire on an hourly basis pursuant to a prearranged contract for the transportation of passengers on public roads and highways along a route under the control of the person hiring the vehicle and not over a defined and regular route. "Prearranged contract" means an arrangement, made in advance of boarding, to provide transportation from a specific location in a chauffeured limousine at a fixed rate per hour or trip. "Chauffeured limousine" does not include any vehicle that is used exclusively in the business of funeral directing. (OAC 4501-41-02)

(d) Penalty. Whoever violates this section is guilty of a minor misdemeanor. (ORC 4513.241)

337.29 BUMPER HEIGHTS.

(a) Definitions.
(1) "Passenger car" means any motor vehicle with motive power, designed for carrying ten persons or less, except a multipurpose passenger vehicle or motorcycle.
(2) "Multipurpose passenger vehicle" means a motor vehicle with motive power, except a motorcycle, designed to carry ten persons or less, that is constructed either on a truck chassis or with special features for occasional off-road operation.
(3) "Truck" means every motor vehicle, except trailers and semitrailers, designed and used to carry property and having a gross vehicle weight rating of 10,000 pounds or less.
(4) "Manufacturer" has the same meaning as in Ohio R.C. 4501.01.
(5) "Gross vehicle weight rating" means the manufacturer's gross vehicle weight rating established for the vehicle.
(6) "Body floor height" means the vertical distance between top of the frame rail and the bottom of the passenger compartment (cab) floor. In the event that the vehicle is a truck body, floor height will be measured by the vertical distance between the passenger compartment (cab) floor and the floor of the truck bed.
(7) "Bumper height" means the vertical distance between the ground and the highest point of the bottom of the bumper, measured when the vehicle is laden on a level surface with the vehicle tires inflated to the manufacturer's recommended pressure.
(8) "Frame" means the main longitudinal structural members of the chassis of the vehicle or, for vehicles with unitized body construction, the lowest main longitudinal structural members of the body of the vehicle.

(9) "Wheel track distance" means the distance on the ground between the center of the tire tread on one side of the vehicle, and the center of the tire tread on the opposite side. (OAC 4501-43-02)

(b) Prohibitions; Application.

(1) No person shall operate upon a street or highway any passenger car, multipurpose passenger vehicle, or truck registered in this State that does not conform to the requirements of this section.

(2) No person shall modify any motor vehicle registered in this State in such a manner as to cause the vehicle body or chassis to come in contact with the ground, expose the fuel tank to damage from collision, or cause the wheels to come in contact with the body under normal operation, and no person shall disconnect any part of the original suspension system of the vehicle to defeat the safe operation of that system including the installation of inverted, altered or modified suspension system component parts which results in elevation of the height of the vehicle bumper or frame unit which is not in compliance with this section.

(3) No person shall operate upon a street or highway any passenger car, multipurpose passenger vehicle or truck registered in this State without a bumper on the front and rear of the vehicle if such vehicle was equipped with bumpers as standard equipment by the manufacturer.

(4) No person shall operate upon a street or highway any passenger car, multipurpose passenger vehicle or truck registered in this State if the difference in height between the body floor and the top of the frame exceeds four inches.

(5) Nothing contained in this section shall be construed to prohibit either of the following:

A. The installation upon a passenger car, multipurpose passenger vehicle or truck registered in this State of heavy duty equipment, including shock absorbers and overload springs as long as such equipment does not cause the vehicle to be in violation of this section;

B. The operation on a street or highway of a passenger car, multipurpose passenger vehicle or truck registered in this State with normal wear to the suspension system if the normal wear does not adversely affect the control of the vehicle.

(6) This section does not apply to any specially designed or modified passenger car, multipurpose passenger vehicle or truck when operated off a street or highway in races and similar events.

(7) A specially designed or modified passenger car, multipurpose passenger vehicle or truck which does not conform to this section shall not be operated on a street or highway.
(OAC 4501-43-03)

(c) Specifications.

(1) The horizontal bumper shall be at least 4.5 inches in vertical height, centered on the vehicle's centerline, and extend no less than the width of the respective wheel track distances. Bumpers shall be horizontal load bearing bumpers and attached to the vehicle frame to effectively transfer impact when engaged.

(2) Maximum bumper heights shall be determined by the type of vehicle at time of manufacture. If other than a passenger vehicle, the maximum bumper height shall be determined by the gross vehicle weight rating (GVWR) at the time of manufacture. The height shall be measured in terms of the vertical distance between the ground and the bottom of the bumper. Maximum bumper heights are as follows:

	Front (inches)	Rear (inches)
Passenger Vehicles	22	22
All Other Vehicles:		
4,500 lbs. and under GVWR	24	26
4,501 lbs. to 7,500 lbs. GVWR	27	29
7,501 lbs. to 10,000 lbs. GVWR	28	31

(3) If the body and/or truck bed height is altered the difference in height between the body floor and/or the truck bed floor to the top of the frame rail shall not exceed four inches.

(4) For any vehicle with bumpers or attaching components which have been modified or altered from the original manufacturer's design in order to conform with the maximum bumper requirements of this section, the bumper height shall be measured from a level surface to the bottom of the vehicle frame rail at the most forward and rearward points of the frame rail. Frame rail height if bumper modified or altered:

	Front (inches)	Rear (inches)
Passenger Vehicles	22	22
All Other Vehicles:		
4,500 lbs. and under GVWR	24	26
4,501 lbs. to 7,500 lbs. GVWR	27	29
7,501 lbs. to 10,000 lbs. GVWR	28	31

(5) The height restriction in this subsection (c) applies to the distance from the ground to the bottom of the frame rail under any one or more of the following conditions:

A. A motor vehicle is not equipped with a front and rear bumper.

B. The bumper height relative to the frame rails has been altered.

C. A supplemental bumper has been installed or an addition to the original or replacement has been made.

(OAC 4501-43-04; ORC 4513.021)

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

337.30 DIRECTIONAL SIGNALS REQUIRED.

(a) (1) No person shall operate any motor vehicle manufactured or assembled on or after January 1, 1954, unless the vehicle is equipped with electrical or mechanical directional signals.

(2) No person shall operate any motorcycle or motor-driven cycle manufactured or assembled on or after January 1, 1968, unless the vehicle is equipped with electrical or mechanical directional signals.

(b) "Directional signals" means an electrical or mechanical signal device capable of clearly indicating an intention to turn either to the right or to the left and which shall be visible from both the front and rear.

(c) All mechanical signal devices shall be self-illuminating devices when in use at the times mentioned in Section 337.02.

(d) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4513.261)

CHAPTER 339
Commercial and Heavy Vehicles

339.01 Oversize or overweight vehicle operation on State routes; State permit.
339.02 Use of local streets; local permit and conditions.
339.03 Maximum width, height and length.
339.04 Route and load information.
339.05 Wheel protectors.
339.06 Vehicles transporting explosives.
339.07 Towing requirements.
339.08 Loads dropping or leaking; removal required; tracking mud.
339.09 Shifting load; loose loads.
339.10 Vehicles with spikes, lugs and chains.
339.11 Use of studded tires and chains.

CROSS REFERENCES
See sectional histories for similar State law
Weighing vehicle; removal of excess load - see Ohio R.C. 4513.33
Arrest notice of driver - see Ohio R.C. 5577.14
Slower moving vehicles to be driven in right-hand lane - see TRAF. 331.01(b)

339.01 OVERSIZE OR OVERWEIGHT VEHICLE OPERATION ON STATE ROUTES; STATE PERMIT.

(a) No person shall operate or move a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum specified in Ohio R.C. 5577.01 to 5577.09, inclusive, or otherwise not in conformity with Ohio R.C. 4513.01 to 4513.37, inclusive, upon any State route within the Municipality, except pursuant to special written permit issued by the Ohio Director of Transportation, or upon any local truck route. Every such permit shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any police officer.

No holder of a permit issued by the Ohio Director of Transportation shall be required to obtain any local permit or license or pay any local fee or charge for movement on any State route within the Municipality; however, it shall be unlawful to operate any such vehicle or combination of vehicles upon any roadway within the Municipality which is not a State route, except as provided in Section 339.02. (ORC 4513.34)

(b) (1) No person shall violate the terms of a permit issued under this section that relate to gross load limits.

(2) No person shall violate the terms of a permit issued under this section that relate to axle load by more than 2000 pounds per axle or group of axles.

(3) No person shall violate the terms of a permit issued under this section that relate to an approved route except upon order of a law enforcement officer or authorized agent of the issuing authority.

(c) Whoever violates any provision of this section for which no other penalty is provided is guilty of a minor misdemeanor. (ORC 4513.99)

339.02 USE OF LOCAL STREETS; LOCAL PERMIT AND CONDITIONS.

(a) Use of Local Streets. No person shall operate a vehicle exceeding a size as specified in Section 339.03 or exceeding a gross weight of five tons, upon any street in the Municipality other than a State route, except those local streets designated as a truck route and marked as such by appropriate traffic signs, and except when such operation is necessary to load or unload property, to go to or from the usual place of storage of such vehicle or to perform any other legitimate business or act other than passage through the Municipality. Operators of vehicles so deviating from either a State route or a designated truck route within the Municipality shall confine such deviation to that required in order to accomplish the purpose of the departure.

(b) Local Permit and Conditions. Upon application and for good cause, the Police Chief may issue a local permit authorizing an applicant to move an oversize or overweight vehicle or combination of vehicles upon local streets.

No permittee shall be required to obtain a special permit from the Ohio Director of Transportation for the movement of the vehicle or combination of vehicles on streets or highways under local jurisdiction; however, the approval of the Ohio Director of Transportation shall be required for movement upon State routes as provided in Section 339.01.

The Police Chief may grant a permit for a single or round trip, or for such period of time, not to exceed one year, as the Police Chief in his discretion deems advisable, or for the duration of any construction project. The Police Chief may limit or prescribe terms or conditions of operation for such vehicle or combination of vehicles by designating the route, hours, speed or such other restrictions as may be necessary for the preservation of the public peace, property, health and safety. The Police Chief may require the posting of bond or other security necessary to compensate for any damage to a roadway or road structure.

For each such permit, the Police Chief shall charge ten dollars ($10.00), and for each hour of time or any part thereof spent by each police officer in supervising the movement of such vehicle, the applicant shall pay the sum of twenty-five dollars ($25.00) per hour per officer. The charge can be prorated into fifteen minute increments.

Signs shall be posted to apprise drivers of the limitations imposed by this section. Such signs shall be in accordance with the standards for traffic control devices of the State Department of Transportation. No driver shall disobey the instructions indicated on any such sign.

Violation of any of the limitations, terms or conditions of the permit granted by the Police Chief shall be cause for immediate revocation or suspension of such permit, and denial of request for any future permit. Such violation shall also subject the violator to the penalty prescribed by subsection (c) hereof.

(c) 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.

339.03 MAXIMUM WIDTH, HEIGHT AND LENGTH.

(a) No vehicle shall be operated upon the public highways, streets, bridges and culverts within the Municipality, whose dimensions exceed those specified in this section.

(b) No such vehicle shall have a width in excess of:
- (1) 104 inches for passenger bus type vehicles operated exclusively within municipal corporations;
- (2) 102 inches, excluding such safety devices as are required by law, for passenger bus type vehicles operated over freeways, and such other State roads with minimum pavement widths of twenty-two feet, except those roads or portions of roads over which operation of 102-inch buses is prohibited by order of the Ohio Director of Transportation;
- (3) 132 inches for traction engines;
- (4) 102 inches for recreational vehicles, excluding safety devices and retracted awnings and other appurtenances of six inches or less in width and except that the Director may prohibit the operation of 102-inch recreational vehicles on designated State highways or portions of highways;
- (5) 102 inches, including load, for all other vehicles, except that the Director may prohibit the operation of 102-inch vehicles on such State highways or portions of State highways as the Director designates.

(c) No such vehicle shall have a length in excess of:
- (1) 66 feet for passenger bus type vehicles and articulated passenger bus type vehicles operated by a regional transit authority pursuant to Ohio R.C. 306.30 to 306.54;
- (2) 45 feet for all other passenger bus type vehicles;
- (3) 53 feet for any semitrailer when operated in a commercial tractor-semitrailer combination, with or without load, except that the Director may, by journal entry, prohibit the operation of any such commercial tractor-semitrailer combination on such State highways or portions of State highways as the Director designates;
- (4) 28.5 feet for any semitrailer or trailer when operated in a commercial tractor-semitrailer-trailer or commercial tractor-semitrailer-semitrailer combination, except that the Director may prohibit the operation of any such commercial tractor-semitrailer-trailer or commercial tractor-semitrailer-semitrailer combination on such State highways or portions of State highways as the Director designates;
- (5) A. 97 feet for drive-away saddlemount vehicle transporter combinations and drive-away saddlemount with fullmount vehicle transporter combinations when operated on any interstate, United States route, or State route, including reasonable access travel on all other roadways for a distance not to exceed one road mile from any interstate, United States route, or State route, not to exceed three saddlemounted vehicles, but which may include one fullmount;
  - B. 75 feet for drive-away saddlemount vehicle transporter combinations and drive-away saddlemount with fullmount vehicle transporter combinations, when operated on any roadway not designated as an interstate, United States route, or State route, not to exceed three saddlemounted vehicles, but which may include one fullmount;
- (6) 65 feet for any other combination of vehicles coupled together, with or without load, except as provided in subsections (c)(3) and (4) and in subsection (e) hereof;
- (7) 45 feet for recreational vehicles.
- (8) 50 feet for all other vehicles except trailers and semitrailers, with or without load.

(d) No such vehicle shall have a height in excess of thirteen feet six inches, with or without load.

(e) An automobile transporter or boat transporter shall be allowed a length of sixty-five feet and a stinger-steered automobile transporter or stinger-steered boat transporter shall be allowed a length of seventy-five feet, except that the load thereon may extend no more than four feet beyond the rear of such vehicles and may extend no more than three feet beyond the front of such vehicles, and except further that the Director may prohibit the operation of any stinger-steered automobile transporter or stinger-steered boat transporter or a B-train assembly on any State highway or portion of any State highway that the Director designates.

(f) The widths prescribed in subsection (b) shall not include side mirrors, turn signal lamps, marker lamps, handholds for cab entry and egress, flexible fender extensions, mud flaps, splash and spray suppressant devices, and load-induced tire bulge.

The width prescribed in subsection (b)(5) shall not include automatic covering devices, tarp and tarp hardware, and tiedown assemblies, provided these safety devices do not extend more than three inches from each side of the vehicle.

The lengths prescribed in subsections (c)(2) to (8) hereof shall not include safety devices, bumpers attached to the front or rear of such bus or combination, nonproperty carrying devices or components that do not extend more than twenty-four inches beyond the rear of the vehicle and are needed for loading or unloading, B-train assembly used between the first and second semitrailer of a commercial tractor-semitrailer-semitrailer combination, energy conservation devices as provided in any regulations adopted by the Secretary of the United States Department of Transportation, or any noncargo-carrying refrigeration equipment attached to the front of trailers and semitrailers. In special cases, vehicles whose dimensions exceed those prescribed by this section may operate in accordance with rules adopted by the Ohio Director of Transportation.

(g) This section does not apply to fire engines, fire trucks or other vehicles or apparatus belonging to any municipal corporation or to the volunteer fire department of any municipal corporation or used by such department in the discharge of its functions. This section does not apply to vehicles and pole trailers used in the transportation of wooden and metal poles, nor to the transportation of pipes or well-drilling equipment, nor to farm machinery and equipment. The owner or operator of any vehicle, machinery or equipment not specifically enumerated in this section but the dimensions of which exceed the dimensions provided by this section, when operating the same on the highways and streets of this State shall comply with the rules of the Director governing such movement, that the Director may adopt. Ohio R.C. 119.01 to 119.13 apply to any rules the Director adopts under this section, or the amendment or rescission of the rules, and any person adversely affected shall have the same right of appeal as provided in those sections.

This section does not require the State, the Municipality, County, township or any railroad or other private corporation to provide sufficient vertical clearance to permit the operation of such vehicle, or to make any changes in or about existing structures now crossing streets, roads and other public thoroughfares in the Municipality.

(h) As used in this section, "recreational vehicle" has the same meaning as in Ohio R.C. 4501.01. (ORC 5577.05)

(i) Whoever violates this section is guilty of a minor misdemeanor on a first offense; on a second offense or subsequent offense, the person is guilty of a misdemeanor of the fourth degree. (ORC 5577.99)

339.04 ROUTE AND LOAD INFORMATION.

Drivers of vehicles described in this chapter shall be required, upon request by a police officer, to give full and true information as to the route they are following and the name of the consignor and consignee and place of delivery or removal and the location of any consignment being hauled or goods being removed, and upon a designation by such police officer of a route to be followed, shall immediately adopt and pursue such route.

339.05 WHEEL PROTECTORS.

(a) No person shall drive or operate, or cause to be driven or operated, any commercial car, trailer or semitrailer, used for the transportation of goods or property, the gross weight of which, with load, exceeds three tons, upon the streets, bridges and culverts within this Municipality unless such vehicle is equipped with suitable metal protectors or substantial flexible flaps on the rearmost wheels of such vehicle or combination of vehicles to prevent, as far as practicable, the wheels from throwing dirt, water or other materials on the windshields of following vehicles. Such protectors or flaps shall have a ground clearance of not more than one-third of the distance from the center of the rearmost axle to the center of the flaps under any conditions of loading of the vehicle, and they shall be at least as wide as the tires they are protecting. If the vehicle is so designed and constructed that such requirements are accomplished by means of fenders, body construction or other means of enclosure, then no such protectors or flaps are required. Rear wheels not covered at the top by fenders, bodies or other parts of the vehicle shall be covered at the top by protective means extending at least to the center line of the rearmost axle.
(ORC 5577.11)

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

339.06 VEHICLES TRANSPORTING EXPLOSIVES.

(a) Any person operating any vehicle transporting explosives upon a street or highway shall at all times comply with the following requirements:

(1) Such vehicle shall be marked or placarded on each side and on the rear with the word "EXPLOSIVES" in letters not less than eight inches high, or there shall be displayed on the rear of such vehicle a red flag not less than twenty-four inches square marked with the word "DANGER" in white letters six inches high, or shall be marked or placarded in accordance with Section 177.823 of the United States Department of Transportation Regulations.

(2) Such vehicle shall be equipped with not less than two fire extinguishers, filled and ready for immediate use, and placed at convenient points on such vehicle. (ORC 4513.29)

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

339.07 TOWING REQUIREMENTS.

(a) When one vehicle is towing another vehicle, the drawbar or other connection shall be of sufficient strength to pull all weight towed thereby, and such drawbar or other connection shall not exceed fifteen feet from one vehicle to the other, except the connection between any two vehicles transporting poles, pipe, machinery or other objects of structural nature which cannot readily be dismembered.

(b) When one vehicle is towing another and the connection consists only of a chain, rope or cable, there shall be displayed upon such connection a white flag or cloth not less than twelve inches square.

(c) In addition to such drawbar or other connection, each trailer and each semitrailer which is not connected to a commercial tractor by means of a fifth wheel shall be coupled with stay chains or cables to the vehicle by which it is being drawn. The chains or cables shall be of sufficient size and strength to prevent the towed vehicle's parting from the drawing vehicle in case the drawbar or other connection should break or become disengaged. In case of a loaded pole trailer, the connecting pole to the drawing vehicle shall be coupled to the drawing vehicle with stay chains or cables of sufficient size and strength to prevent the towed vehicle's parting from the drawing vehicle.

(d) Every trailer or semitrailer, except pole and cable trailers and pole and cable dollies operated by a public utility, as defined in Ohio R.C. 5727.01, shall be equipped with a coupling device which shall be so designed and constructed that the trailer will follow substantially in the path of the vehicle drawing it, without whipping or swerving from side to side. Vehicles used to transport agricultural produce or agricultural production materials between a local place of storage and supply and the farm, when drawn or towed on a street or highway at a speed of twenty-five miles per hour or less, and vehicles 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 shall have a drawbar or other connection, including the hitch mounted on the towing vehicle, which shall be of sufficient strength to pull all the weight towed thereby. Only one such vehicle used to transport agricultural produce or agricultural production materials as provided in this section may be towed or drawn at one time, except as follows:

(1) An agricultural tractor may tow or draw more than one such vehicle;

(2) A pickup truck or straight truck designed by the manufacturer to carry a load of not less than one-half ton and not more than two tons may tow or draw not more than two such vehicles that are being used to transport agricultural produce from the farm to a local place of storage. No vehicle being so towed by such a pickup truck or straight truck shall be considered to be a motor vehicle. (ORC 4513.32)

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

339.08 LOADS DROPPING OR LEAKING; REMOVAL REQUIRED; TRACKING MUD.

(a) No vehicle shall be driven or moved on any street, highway or other public place unless such vehicle is so constructed, loaded or covered as to prevent any of its load from dropping, sifting, leaking or otherwise escaping therefrom, except that sand or other substances may be dropped for the purpose of securing traction, or water or other substances may be sprinkled on a roadway in cleaning or maintaining such roadway.

(b) Except for a farm vehicle used to transport agricultural produce or agricultural production materials or a rubbish vehicle in the process of acquiring its load, no vehicle loaded with garbage, swill, cans, bottles, waste paper, ashes, refuse, trash, rubbish, waste, wire, paper, cartons, boxes, glass, solid waste or any other material of an unsanitary nature that is susceptible to blowing or bouncing from a moving vehicle shall be driven or moved on any street, highway or other public place unless the load is covered with a sufficient cover to prevent the load or any part of the load from spilling onto the street, highway or other public place.
(ORC 4513.31)

(c) No person shall operate any vehicle so as to track or drop mud, stones, gravel or other similar material on any street, highway or other public place.

(d) It shall be the duty of the driver of a vehicle who unlawfully drops or deposits mud, stones, gravel or other similar material or permits the load or any portion thereof to be dropped or deposited upon any street, highway or other public place to immediately remove the same or cause it to be removed. (ORC 4513.31)

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

339.09 SHIFTING LOAD; LOOSE LOADS.

(a) In addition to any other lawful requirements of load distribution, no person shall operate any vehicle upon a street or highway unless such vehicle is so laden as to prevent its contents from shifting or otherwise unbalancing the vehicle to such an extent as to interfere with the safe operation of the same.

(b) No motor vehicle or trailer shall be driven unless the tailboard or tailgate, tarpaulins, chains (except ground or contact chains), ropes, stakes, poles, and the like, or any part of the load, are securely fastened to prevent dangling, flapping, swinging or falling from the side, end or top of the load or body. All projecting cargo shall be properly guarded by a red flag or cloth or a red light or lantern as required by Section 337.08.

(c) 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.

339.10 VEHICLES WITH SPIKES, LUGS AND CHAINS.

(a) No person shall drive over the improved streets of this Municipality a traction engine or tractor with tires or wheels equipped with ice picks, spuds, spikes, chains or other projections of any kind extending beyond the cleats, or no person shall tow or in any way pull another vehicle over the improved streets of this Municipality, which towed or pulled vehicle has tires or wheels equipped with ice picks, spuds, spikes, chains or other projections of any kind. "Traction engine" or "tractor," as used in this section, applies to all self-propelling engines equipped with metal-tired wheels operated or propelled by any form of engine, motor or mechanical power. (ORC 5589.08)

(b) Whoever violates this section is guilty of a minor misdemeanor. (ORC 5589.99)

339.11 USE OF STUDDED TIRES AND CHAINS.

(a) For purposes of this section, "studded tire" means any tire designed for use on a vehicle, and equipped with metal studs or studs of wear-resisting material that project beyond the tread of the traction surface of the tire. "Motor vehicle," "street or highway," "public safety vehicle" and "school bus" have the same meanings as given those terms in Chapter 301.

(b) (1) Except as provided in subsection (b)(2) hereof, no person shall operate any motor vehicle, other than a public safety vehicle or bus, that is equipped with studded tires on any street or highway, except during the period extending from November 1 of each year through April 15 of the succeeding year.

(2) A person may operate a motor vehicle that is equipped with retractable studded tires with the studs retracted at any time of the year, but shall operate the motor vehicle with the studs extended only as provided in subsection (b)(1) hereof.

(c) This section does not apply to the use of tire chains when there is snow or ice on the streets or highways where such chains are being used, or the immediate vicinity thereof. (ORC 5589.081)

(d) Whoever violates this section is guilty of a minor misdemeanor. (ORC 5589.99)

CHAPTER 341
Commercial Drivers

341.01 Definitions.
341.02 Exemptions.
341.03 Prerequisites to operation of a commercial motor vehicle.
341.04 Prohibitions.
341.05 Criminal offenses.
341.06 Employment of drivers of commercial vehicles.

CROSS REFERENCES
See sectional histories for similar State law
Disqualification - see Ohio R.C. 4506.16
Suspension or revocation of license - see Ohio R.C. 4507.16
Warning devices when disabled on freeways - see Ohio R.C. 4513.28
Arrest notice of driver - see Ohio R.C. 5577.14
Load limits - see TRAF. Ch. 339

341.01 DEFINITIONS.

As used in this chapter:

(a) "Alcohol concentration" means the concentration of alcohol in a person's blood, breath or urine. When expressed as a percentage, it means grams of alcohol per the following:
  (1) One hundred milliliters of whole blood, blood serum, or blood plasma;
  (2) Two hundred ten liters of breath;
  (3) One hundred milliliters of urine.

(b) "Commercial driver's license" means a license issued in accordance with Ohio R.C. Chapter 4506 that authorizes an individual to drive a commercial motor vehicle.

(c) "Commercial motor vehicle" means any motor vehicle designed or used to transport persons or property that meets any of the following qualifications:
  (1) Any combination of vehicles with a combined gross vehicle weight rating of 26,001 pounds or more, provided the gross vehicle weight rating of the vehicle or vehicles being towed is in excess of 10,000 pounds;
  (2) Any single vehicle with a gross vehicle weight rating of 26,001 pounds or more, or any such vehicle towing a vehicle having a gross vehicle weight rating that is not in excess of 10,000 pounds;
  (3) Any single vehicle or combination of vehicles that is not a class A or class B vehicle, but is designed to transport sixteen or more passengers including the driver;

(4) Any school bus with a gross vehicle weight rating of less than 26,001 pounds that is designed to transport fewer than sixteen passengers including the driver;

(5) Is transporting hazardous materials for which placarding is required under subpart F of 49 C.F.R. part 172, as amended;

(6) Any single vehicle or combination of vehicles that is designed to be operated and to travel on a public street or highway and is considered by the Federal Motor Carrier Safety Administration to be a commercial motor vehicle, including, but not limited to, a motorized crane, a vehicle whose function is to pump cement, a rig for drilling wells, and a portable crane.

(d) "Controlled substance" means all of the following:

(1) Any substance classified as a controlled substance under the "Controlled Substances Act," 80 Stat. 1242 (1970), 21 U.S.C.A. 802(6), as amended;

(2) Any substance included in schedules I through V of 21 C.F.R. part 1308, as amended;

(3) Any drug of abuse.

(e) "Disqualification" means any of the following:

(1) The suspension, revocation, or cancellation of a person's privileges to operate a commercial motor vehicle;

(2) Any withdrawal of a person's privileges to operate a commercial motor vehicle as the result of a violation of state or local law relating to motor vehicle traffic control other than parking, vehicle weight, or vehicle defect violations;

(3) A determination by the Federal Motor Carrier Safety Administration that a person is not qualified to operate a commercial motor vehicle under 49 C.F.R. 391.

(f) "Drive" means to drive, operate or be in physical control of a motor vehicle.

(g) "Driver" means any person who drives, operates or is in physical control of a commercial motor vehicle or is required to have a commercial driver's license.

(h) "Driver's license" means a license issued by the Ohio Bureau of Motor Vehicles that authorizes an individual to drive.

(i) "Drug of abuse" means any controlled substance, dangerous drug as defined in Ohio R.C. 4729.01 or over-the-counter medication that, when taken in quantities exceeding the recommended dosage, can result in impairment of judgment or reflexes.

(j) "Employer" means any person, including the Federal Government, any state and a political subdivision of any state, that owns or leases a commercial motor vehicle or assigns a person to drive such a motor vehicle.

(k) "Endorsement" means an authorization on a person's commercial driver's license that is required to permit the person to operate a specified type of commercial motor vehicle.

(l) "Farm truck" means a truck controlled and operated by a farmer for use in the transportation to or from a farm, for a distance of not more than one hundred fifty miles, of products of the farm, including livestock and its products, poultry and its products, floricultural and horticultural products, and in the transportation to the farm, from a distance of not more than one hundred fifty miles, of supplies for the farm, including tile, fence, and every other thing or commodity used in agricultural, floricultural, horticultural, livestock and poultry production, and livestock, poultry and other animals and things used for breeding, feeding, or other purposes connected with the operation of the farm, when the truck is operated in accordance with this subsection and is not used in the operations of a motor carrier, as defined in Ohio R.C. 4923.01.

(m) "Fatality" means the death of a person as the result of a motor vehicle accident occurring not more than three hundred sixty-five days prior to the date of a death.
(n) "Felony" means any offense under federal or state law that is punishable by death or specifically classified as a felony under the law of this State, regardless of the penalty that may be imposed.
(o) "Foreign jurisdiction" means any jurisdiction other than a state.
(p) "Gross vehicle weight rating" means the value specified by the manufacturer as the maximum loaded weight of a single or a combination vehicle. The gross vehicle weight rating of a combination vehicle is the gross vehicle weight rating of the power unit plus the gross vehicle weight rating of each towed unit.
(q) "Hazardous materials" means any material that has been designated as hazardous under 49 U.S.C. 5103 and is required to be placarded under subpart F of 49 C.F.R. part 172 or any quantity of a material listed as a select agent or toxin in 42 C.F.R. part 73, as amended.
(r) "Motor vehicle" means a vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power used on highways, except that such term does not include a vehicle, machine, tractor, trailer or semitrailer operated exclusively on a rail.
(s) "Out-of-service order" means a declaration by an authorized enforcement officer of a federal, state, local, Canadian or Mexican jurisdiction declaring that a driver, commercial motor vehicle or commercial motor carrier operation is out of service as defined in 49 C.F.R. 390.5.
(t) "Public safety vehicle" has the same meaning as in divisions (E)(1) and (3) of Ohio R.C. 4511.01.
(u) "Recreational vehicle" includes every vehicle that is defined as a recreational vehicle in Ohio R.C. 4501.01 and is used exclusively for purposes other than engaging in business for profit.
(v) "School bus" has the same meaning as in Ohio R.C. 4511.01.
(w) "State" means a state of the United States and includes the District of Columbia.
(x) "Tester" means a person or entity acting pursuant to a valid agreement entered into pursuant to Ohio R.C. 4506.09.
(y) "United States" means the fifty states and the District of Columbia.
(z) "Vehicle" has the same meaning as in Ohio R.C. 4511.01.
(ORC 4506.01)

341.02 EXEMPTIONS.

Section 341.02 has been deleted from the Codified Ordinances. Former Ohio R.C. 4506.02 from which Section 341.02 was derived was repealed by Am. Sub. H.B. No. 68, effective June 29, 2005. The exemptions are now contained in Section 341.03.

341.03 PREREQUISITES TO OPERATION OF A COMMERCIAL MOTOR VEHICLE.

(a) Except as provided in subsections (b) and (c) of this section, the following shall apply:

(1) No person shall drive a commercial motor vehicle on a highway in this Municipality unless the person holds, and has in the person's possession, a valid commercial driver's license with proper endorsements for the motor vehicle being driven, issued by the Registrar of Motor Vehicles, a valid examiner's commercial driving permit issued under Ohio R.C. 4506.13, a valid restricted commercial driver's license and waiver for farm-related

service industries issued under Ohio R.C. 4506.24, or a valid commercial driver's license temporary instruction permit issued by the Registrar and is accompanied by an authorized state driver's license examiner or tester or a person who has been issued and has in the person's immediate possession a current, valid commercial driver's license with proper endorsements for the motor vehicle being driven.

(2) No person who has been a resident of this State for thirty days or longer shall drive a commercial motor vehicle under the authority of a commercial driver's license issued by another jurisdiction.

(b) Nothing in subsection (a) of this section applies to any qualified person when engaged in the operation of any of the following:

(1) A farm truck;

(2) Fire equipment for a fire department, volunteer or nonvolunteer fire company, fire district, or joint fire district;

(3) A public safety vehicle used to provide transportation or emergency medical service for ill or injured persons;

(4) A recreational vehicle;

(5) A commercial motor vehicle within the boundaries of an eligible unit of local government, if the person is employed by the eligible unit of local government and is operating the commercial motor vehicle for the purpose of removing snow or ice from a roadway by plowing, sanding, or salting, but only if either the employee who holds a commercial driver's license issued under Ohio R.C. Chapter 4506 and ordinarily operates a commercial motor vehicle for these purposes is unable to operate the vehicle, or the employing eligible unit of local government determines that a snow or ice emergency exists that requires additional assistance;

(6) A vehicle operated for military purposes by any member or uniformed employee of the armed forces of the United States or their reserve components, including the Ohio national guard. This exception does not apply to United States reserved technicians.

(7) A commercial motor vehicle that is operated for nonbusiness purposes. "Operated for nonbusiness purposes" means that the commercial motor vehicle is not used in commerce as "commerce" is defined in 49 C.F.R. 383.5, as amended, and is not regulated by the Public Utilities Commission pursuant to Ohio R.C. Chapter 4905, 4921, or 4923.

(8) A motor vehicle that is designed primarily for the transportation of goods and not persons, while that motor vehicle is being used for the occasional transportation of personal property by individuals not for compensation and not in the furtherance of a commercial enterprise.

(9) A police SWAT team vehicle.

(10) A police vehicle used to transport prisoners.

(c) Nothing contained in subsection (b)(5) of this section shall be construed as preempting or superseding any law, rule, or regulation of this State concerning the safe operation of commercial motor vehicles.

(d) Whoever violates this section is guilty of a misdemeanor of the first degree. (ORC 4506.03)

341.04 PROHIBITIONS.

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

(1) Drive a commercial motor vehicle while having in the person's possession or otherwise under the person's control more than one valid driver's license issued by this State, any other state or by a foreign jurisdiction;

(2) Drive a commercial motor vehicle on a highway in this Municipality in violation of an out-of-service order, while the person's driving privilege is suspended, revoked or canceled, or while the person is subject to disqualification;

(3) Drive a motor vehicle on a highway in this Municipality under authority of a commercial driver's license issued by another state or a foreign jurisdiction, after having been a resident of this State for thirty days or longer.

(b) Whoever violates this section is guilty of a misdemeanor of the first degree. (ORC 4506.04)

341.05 CRIMINAL OFFENSES.

(a) No person who holds a commercial driver's license or operates a motor vehicle for which a commercial driver's license is required shall do any of the following:

(1) Drive a commercial motor vehicle while having a measureable or detectable amount of alcohol or of a controlled substance in the person's blood, breath or urine;

(2) Drive a commercial motor vehicle while having an alcohol concentration of four-hundredths of one per cent or more by whole blood or breath;

(3) Drive a commercial motor vehicle while having an alcohol concentration of forty-eight-thousandths of one per cent or more by blood serum or blood plasma;

(4) Drive a commercial motor vehicle while having an alcohol concentration of fifty-six-thousandths of one per cent or more by urine;

(5) Drive a motor vehicle while under the influence of a controlled substance;

(6) Drive a motor vehicle in violation of Ohio R.C. 4511.19 or a municipal OVI ordinance as defined in Ohio R.C. 4511.181;

(7) Use a motor vehicle in the commission of a felony;

(8) Refuse to submit to a test under Ohio R.C. 4506.17 or 4511.191;

(9) Operate a commercial motor vehicle while the person's commercial driving privileges are revoked, suspended, canceled, or disqualified;

(10) Cause a fatality through the negligent operation of a commercial motor vehicle, including, but not limited to, the offenses of aggravated vehicular homicide, vehicular homicide, and vehicular manslaughter;

(11) Fail to stop after an accident in violation of Sections 335.12 to 335.14;

(12) Drive a commercial motor vehicle in violation of any provision of Ohio R.C. 4511.61 to 4511.63 or any federal or local law or ordinance pertaining to railroad-highway grade crossings;

(13) Use a motor vehicle in the commission of a felony involving the manufacture, distribution, or dispensing of a controlled substance as defined in Ohio R.C. 3719.01 or the possession with intent to manufacture, distribute, or dispose a controlled substance.

(b) Whoever violates this section is guilty of a misdemeanor of the first degree. (ORC 4506.15)

341.06 EMPLOYMENT OF DRIVERS OF COMMERCIAL VEHICLES.

(a) Each employer shall require every applicant for employment as a driver of a commercial motor vehicle to provide the applicant's employment history for the ten years preceding the date the employment application is submitted to the prospective employer. The following information shall be submitted:

(1) A list of the names and addresses of the applicant's previous employers for which the applicant was the operator of a commercial motor vehicle;
(2) The dates the applicant was employed by these employers;
(3) The reason for leaving each of these employers.

(b) No employer shall knowingly permit or authorize any driver employed by the employer to drive a commercial motor vehicle during any period in which any of the following apply:

(1) The driver's commercial driver's license is suspended, revoked or canceled by any state or a foreign jurisdiction;
(2) The driver has lost the privilege to drive, or currently is disqualified from driving, a commercial motor vehicle in any state or foreign jurisdiction;
(3) The driver, the commercial motor vehicle the driver is driving, or the motor carrier operation is subject to an out-of-service order in any state or foreign jurisdiction;
(4) The driver has more than one driver's license.

(c) No employer shall knowingly permit or authorize a driver to operate a commercial motor vehicle in violation of Section 341.05.

(d) Whoever violates subsection (c) of this section may be assessed a fine not to exceed ten thousand dollars. (ORC 4506.20)

CHAPTER 351
Parking Generally

351.01 Police may remove unattended vehicle which obstructs traffic.
351.02 Registered owner prima-facie liable for unlawful parking.
351.03 Prohibited standing or parking places.
351.04 Parking near curb; handicapped locations on public and private lots and garages.
351.05 Manner of angle parking.
351.06 Selling, washing or repairing vehicle upon roadway.
351.07 Unattended vehicle: duty to stop engine, remove key, set brake and turn wheels.
351.08 Opening vehicle door on traffic side.
351.09 Truck loading zones.
351.10 Bus stops and taxicab stands.
351.11 Parking in alleys and narrow streets; exceptions.
351.12 Prohibition against parking on streets or highways.
351.13 Parking on posted private property.

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)

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 as provided in subsection (b) hereof;
(2) In front of a 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 and, on the side of the street opposite the 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.

(b) A person shall be permitted, without charge or restriction, to stand or park on a sidewalk, a motor-driven cycle or motor scooter that has an engine not larger than one hundred and fifty cubic centimeters, or a bicycle, provided that the motor-driven cycle, motor scooter, or bicycle does not impede the normal flow of pedestrian traffic. This division does not authorize any person to operate a vehicle in violation of Section 331.37.

(c) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.68)

351.04 PARKING NEAR CURB; HANDICAPPED LOCATIONS ON PUBLIC AND PRIVATE LOTS AND GARAGES.

(a) Every vehicle stopped or parked upon a roadway where there is an adjacent curb shall be stopped or parked with the curb side wheels of the vehicle parallel with and not more than twelve inches from the curb, unless it is impossible to approach so close to the curb; in such case the stop shall be as close to the curb as possible and only for the time necessary to discharge and receive passengers or to load or unload merchandise.

(b) (1) This subsection does not apply to streets or parts thereof where angle parking is lawfully permitted. However, no angle parking shall be permitted on a state route unless an unoccupied roadway width of not less than twenty-five feet is available for free-moving traffic.

(2) A. No angled parking space that is located on a state route within a municipal corporation is subject to elimination, irrespective of whether there is or is not at least twenty-five feet of unoccupied roadway width available for free-moving traffic at the location of that angled parking space, unless the municipal corporation approves of the elimination of the angled parking space.

B. Replacement, repainting or any other repair performed by or on behalf of the municipal corporation of the lines that indicate the angled parking space does not constitute an intent by the municipal corporation to eliminate the angled parking space.

(c) (1) A. Except as provided in subsection (c)(1)B. hereof, no vehicle shall be stopped or parked on a road or highway with the vehicle facing in a direction other than the direction of travel on that side of the road or highway.

B. The operator of a motorcycle may back the motorcycle into an angled parking space so that when the motorcycle is parked it is facing in a direction other than the direction of travel on the side of the road or highway.

(2) The operator of a motorcycle may back the motorcycle into a parking space that is located on the side of, and parallel to, a road or highway. The motorcycle may face any direction when so parked. Not more than two motorcycles at a time shall be parked in a parking space as described in subsection (c)(2) of this section irrespective of whether or not the space is metered.

(d) Notwithstanding any provision of this Code or any rule, air compressors, tractors, trucks and other equipment, while being used in the construction, reconstruction, installation, repair or removal of facilities near, on, over or under a street, may stop, stand or park where necessary in order to perform such work, provided a flagperson is on duty, or warning signs or lights are displayed as may be prescribed by the Ohio Director of Transportation.

(e) Special parking locations and privileges for persons with disabilities that limit or impair the ability to walk, also known as handicapped parking spaces or disability parking spaces shall be provided and designated by the Municipality and all agencies and instrumentalities thereof at all offices and facilities, where parking is provided, whether owned, rented or leased, and at all publicly owned parking garages. The locations shall be designated through the posting of an elevated sign, whether permanently affixed or movable, imprinted with the international symbol of access and shall be reasonably close to exits, entrances, elevators and ramps. All elevated signs posted in accordance with this subsection and Ohio R.C. 3781.111 (C) shall be mounted on a fixed or movable post, and the distance from the ground to the bottom edge of the sign shall measure not less than five feet. If a new sign or a replacement sign designating a special parking location is posted on or after October 14, 1999, there also shall be affixed upon the surface of that sign or affixed next to the designating sign a notice that states the fine applicable for the offense of parking a motor vehicle in the special designated parking location if the motor vehicle is not legally entitled to be parked in that location.

(f) (1) No person shall stop, stand or park any motor vehicle at special parking locations provided under subsection (e) hereof, or at special clearly marked parking locations provided in or on privately owned parking lots, parking garages, or other parking areas and designated in accordance with subsection (e) hereof, unless one of the following applies:

A. The motor vehicle is being operated by or for the transport of a person with a disability that limits or impairs the ability to walk and is displaying a valid removable windshield placard or special license plates;

B. The motor vehicle is being operated by or for the transport of a handicapped person and is displaying a parking card or special handicapped license plates.

(2) Any motor vehicle that is parked in a special marked parking location in violation of subsection (f)(1) 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.

(3) If a person is charged with a violation of subsection (f)(1) of this section, it is an affirmative defense to the charge that the person suffered an injury not more than seventy-two hours prior to the time the person was issued the ticket or citation and that, because of the injury, the person meets at least one of the criteria contained in Ohio R.C. 4503.44(A)(1).

(g) When a motor vehicle is being operated by or for the transport of a person with a disability that limits or impairs the ability to walk and is displaying a removable windshield placard or a temporary removable windshield placard or special license plates, or when a motor vehicle is being operated by or for the transport of a handicapped person and is displaying a parking card or special handicapped license plates, the motor vehicle is permitted to park for a period of two hours in excess of the legal parking period permitted by local authorities, except where local ordinances or police rules provide otherwise or where the vehicle is parked in such a manner as to be clearly a traffic hazard.

(h) As used in this section:

(1) "Handicapped person" means any person who has lost the use of one or both legs, or one or both arms, who is blind, deaf or so severely handicapped as to be unable to move without the aid of crutches or a wheelchair, or whose mobility is restricted by a permanent cardiovascular, pulmonary or other handicapping condition.

(2) "Person with a disability that limits or impairs the ability to walk" has the same meaning as in Ohio R.C. 4503.44.

(3) "Special license plates" and "removable windshield placard" mean any license plates or removable windshield 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 or temporary removable windshield placard issued by a state, district, country or sovereignty.

(i) (1) Whoever violates subsection (a) or (c) of this section is guilty of a minor misdemeanor.

(2) A. Whoever violates subsection (f)(1)A. or B. of this section is guilty of a misdemeanor and shall be punished as provided in subsection (i)(2)A. and B. of this section. Except as otherwise provided in subsection (i)(2)A. of this section, an offender who violates subsection (f)(1)A. or B. of this section shall be fined not less than two hundred fifty dollars ($250.00) nor more than five hundred dollars ($500.00). An offender who violates subsection (f)(1)A. or B. of this section shall be fined not more than one hundred dollars ($100.00) if the offender, prior to sentencing, proves either of the following to the satisfaction of the court:

1. At the time of the violation of subsection (f)(1)A. of this section, the offender or the person for whose transport the motor vehicle was being operated had been issued a removable windshield placard that then was valid or special license plates that then were valid but the offender or the person neglected to display the placard or license plates as described in subsection (f)(1)A. of this section.
2. At the time of the violation of subsection (f)(1)B. of this section, the offender or the person for whose transport the motor vehicle was being operated had been issued a parking card that then was valid or special handicapped license plates that then were valid but the offender or the person neglected to display the card or license plates as described in subsection (f)(1)B. of this section.

B. In no case shall an offender who violates subsection (f)(1)A. or B. of this section be sentenced to any term of imprisonment.

An arrest or conviction for a violation of subsection (f)(1)A. or B. 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 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 4511.69)

351.05 MANNER OF ANGLE PARKING.

(a) Upon streets where angle parking is permitted, no person shall stop, stand or park a vehicle other than at the angle to the curb or edge of the roadway as is indicated by appropriate signs or markings.

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

351.06 SELLING, WASHING OR REPAIRING VEHICLE UPON ROADWAY.

(a) No person shall stop, stand or park a vehicle upon any roadway for the principal purpose of:

(1) Displaying such vehicle for sale;
(2) Washing, greasing or repairing such vehicle except repairs necessitated by an emergency.

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

351.07 UNATTENDED VEHICLE: DUTY TO STOP ENGINE, REMOVE KEY, SET BRAKE AND TURN WHEELS.

(a) No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key from the ignition, effectively setting the parking brake, and, when the motor vehicle is standing upon any grade, turning the front wheels to the curb or side of the highway.

The requirements of this section relating to the stopping of the engine, locking of the ignition and removing the key from the ignition of a motor vehicle shall not apply to an emergency vehicle or a public safety vehicle.

(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.661)

351.08 OPENING VEHICLE DOOR ON TRAFFIC SIDE.

(a) No person shall open the door of a vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, and can be done without interfering with the movement of other traffic, nor shall any person leave a door open on the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.70(C), (D))

351.09 TRUCK LOADING ZONES.

(a) No person shall stop, stand or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials in any place marked as a truck loading zone during hours when the provisions applicable to such zones are in effect. In no case shall the stop for loading and unloading of materials exceed thirty minutes.

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

351.10 BUS STOPS AND TAXICAB STANDS.

(a) No person shall stop, stand or park a vehicle other than a bus in a bus stop, or other than a taxicab in a taxicab stand when any such stop or stand has been officially designated and appropriately posted, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any bus or taxicab waiting to enter or about to enter such zone, and then only for a period not to exceed three minutes, if such stopping is not prohibited therein by posted signs.

(b) The operator of a bus shall not stop, stand or park such vehicle upon any street at any place for the purpose of loading or unloading passengers or their baggage other than at a bus stop so designated and posted as such, except in case of an emergency.

(c) The operator of a bus shall enter a bus stop on a public street in such a manner that the bus when stopped to load or unload passengers or baggage shall be in a position with the right front wheel of such vehicle not further than eighteen inches from the curb and the bus approximately parallel to the curb so as not to unduly impede the movement of other vehicular traffic.

(d) The operator of a taxicab shall not stand or park such vehicle upon any street at any place other than in a taxicab stand so designated and posted as such. This provision shall not prevent the operator of a taxicab from temporarily stopping in accordance with other stopping or parking provisions at any place for the purpose of and while actually engaged in the expeditious loading or unloading of passengers.

(e) 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.

351.11 PARKING IN ALLEYS AND NARROW STREETS; EXCEPTIONS.

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

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

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

351.12 PROHIBITION AGAINST PARKING ON STREETS OR HIGHWAYS.

(a) Upon any street or highway outside a business or residence district, no person shall stop, park or leave standing any vehicle, whether attended or unattended, upon the paved or main traveled part of the street or highway if it is practicable to stop, park or so leave such vehicle off the paved or main traveled part of such street or highway. In every event, a clear and unobstructed portion of the street or highway opposite such standing vehicle shall be left for the free passage of other vehicles, and a clear view of such stopped vehicle shall be available from a distance of 200 feet in each direction upon such street or highway.

This section does not apply to the driver of any vehicle which is disabled while on the paved or improved or main traveled portion of a street or highway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving the disabled vehicle in such position.

(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.
(ORC 4511.66)

351.13 PARKING ON POSTED PRIVATE PROPERTY.

(a) If an owner of private property posts on the property in a conspicuous manner, prohibition against parking on the property or conditions and regulations under which parking is permitted, no person shall do either of the following:

(1) Park a vehicle on the property without the owner's consent;

(2) Park a vehicle on the property in violation of any condition or regulation posted by the owner.

(b) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4511.681)

TITLE NINE - Pedestrians, Bicycles and Motorcycles

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

CHAPTER 371
Pedestrians

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

CROSS REFERENCES
See sectional histories for similar State law
Pedestrian defined - see TRAF. 301.22
Pedestrian prohibited on freeways - see TRAF. 303.06
Obedience to traffic control devices - see TRAF. 313.01, 313.03
Pedestrian control signals - see TRAF. 313.05

371.01 RIGHT OF WAY IN CROSSWALK.

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

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

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

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

(e) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.46)

371.02 RIGHT OF WAY OF BLIND PERSON.

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

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

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

(c) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.47)

371.03 CROSSING ROADWAY OUTSIDE CROSSWALK; DIAGONAL CROSSINGS AT INTERSECTIONS.

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

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

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

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

(e) This section does not relieve the operator of a vehicle from exercising due care to avoid colliding with any pedestrian upon any roadway.

(f) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.48)

371.04 MOVING UPON RIGHT HALF OF CROSSWALK.

(a) Pedestrians shall move, whenever practicable, upon the right half of crosswalks.

(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.49)

371.05 WALKING ALONG HIGHWAYS.

(a) Where a sidewalk is provided and its use is practicable, no pedestrian shall walk along and upon an adjacent roadway.

(b) Where a sidewalk is not available, any pedestrian walking along and upon a highway shall walk only on a shoulder, as far as practicable from the edge of the roadway.

(c) Where neither a sidewalk nor a shoulder is available, any pedestrian walking along and upon a highway shall walk as near as practicable to an outside edge of the roadway, and, if on a two-way roadway, shall walk only on the left side of the roadway.

(d) Except as otherwise provided in Section 313.03 and 371.01, any pedestrian upon a roadway shall yield the right of way to all vehicles upon the roadway.

(e) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.50)

371.06 USE OF HIGHWAY FOR SOLICITING; RIDING ON OUTSIDE OF VEHICLES.

(a) No person while on a roadway outside a safety zone shall solicit a ride from the driver of any vehicle.

(b) (1) Except as provided in subsection (b)(2) hereof, no person shall stand on a highway for the purpose of soliciting employment, business or contributions from the occupant of any vehicle.

(2) Council, by ordinance, may authorize the issuance of a permit to a charitable organization to allow a person acting on behalf of the organization to solicit charitable contributions from the occupant of a vehicle by standing on a highway, other than a freeway, as provided in Ohio R.C. 4511.051(A), that is under the jurisdiction of the Municipality. The permit shall be valid for only one period or time, which shall be specified in the permit, in any calendar year. Council also may specify the locations where contributions may be solicited and may impose any other restrictions on or requirements regarding the manner in which the solicitations are to be conducted that Council considers advisable.

(3) As used herein, "charitable organization" means an organization that has received from the Internal Revenue Service a currently valid ruling or determination letter recognizing the tax-exempt status of the organization pursuant to Section 501(c)(3) of the "Internal Revenue Code."

(c) No person shall hang onto, or ride on the outside of any motor vehicle while it is moving upon a roadway, except mechanics or test engineers making repairs or adjustments, or workers performing specialized highway or street maintenance or construction under authority of a public agency.

(d) No operator shall knowingly permit any person to hang onto, or ride on the outside of, any motor vehicle while it is moving upon a roadway, except mechanics or test engineers making repairs or adjustments, or workers performing specialized highway or street maintenance or construction under authority of a public agency.

(e) No driver of a truck, trailer or semitrailer shall knowingly permit any person who has not attained the age of sixteen years to ride in the unenclosed or unroofed cargo storage area of the driver's vehicle if the vehicle is traveling faster than twenty-five miles per hour, unless either of the following applies:

(1) The cargo storage area of the vehicle is equipped with a properly secured seat to which is attached a seat safety belt that is in compliance with federal standards for an occupant restraining device as defined in Ohio R.C. 4513.263(A)(2), the seat and seat safety belt were installed at the time the vehicle was originally assembled and the person riding in the cargo storage area is in the seat and is wearing the seat safety belt;

(2) An emergency exists that threatens the life of the driver or the person being transported in the cargo storage area of the truck, trailer or semitrailer.

(f) No driver of a truck, trailer or semitrailer shall permit any person, except for those workers performing specialized highway or street maintenance or construction under authority of a public agency to ride in the cargo storage area or on a tailgate of the driver's vehicle while the tailgate is unlatched.

(g) (1) Except as otherwise provided in this subsection, whoever violates any provision of subsections (a) to (d) of this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates any provision of subsections (a) to (d) of 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 any provision of subsections (a) to (d) of this section is guilty of a misdemeanor of the third degree.

(2) Whoever violates subsection (e) or (f) of this section is guilty of a minor misdemeanor. (ORC 4511.51)

371.07 RIGHT OF WAY ON SIDEWALK.

(a) The driver of a vehicle shall yield the right of way to any pedestrian on a sidewalk.

(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.441)

371.08 YIELDING TO PUBLIC SAFETY VEHICLE.

(a) Upon the immediate approach of a public safety vehicle as stated in Section 331.21, every pedestrian shall yield the right of way to the public safety vehicle.

(b) This section shall not relieve the driver of a public safety vehicle from the duty to exercise due care to avoid colliding with any pedestrian.

(c) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.452)

371.09 WALKING ON HIGHWAY WHILE UNDER THE INFLUENCE.

(a) A pedestrian who is under the influence of alcohol, any drug of abuse, or any combination of them, to a degree that renders the pedestrian a hazard shall not walk or be upon a highway.

(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.481)

371.10 ON BRIDGES OR RAILROAD CROSSINGS.

(a) No pedestrian shall enter or remain upon any bridge or approach thereto beyond the bridge signal, gate or barrier after a bridge operation signal indication has been given.

(b) No pedestrian shall pass through, around, over or under any crossing gate or barrier at a railroad grade crossing or bridge while the gate or barrier is closed or is being opened or closed.

(c) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.
(ORC 4511.511)

371.11 PERSONS OPERATING MOTORIZED WHEELCHAIRS.

(a) Every person operating a motorized wheelchair shall have all of the rights and duties applicable to a pedestrian that are contained in this Traffic Code, except those provisions which by their nature can have no application.
(ORC 4511.491)

(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.
(ORC 4511.99)

371.12 ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES.

(a) (1) Electric personal assistive mobility devices may be operated on the public streets, highways, sidewalks, and paths and portions of roadways set aside for the exclusive use of bicycles in accordance with this section.

(2) Except as otherwise provided in this section, those sections of this Traffic Code that by their nature are applicable to an electric personal assistive mobility device apply to the device and the person operating it whenever it is operated upon any public street, highway, sidewalk, or path or upon any portion of a roadway set aside for the exclusive use of bicycles.

(b) No operator of an electric personal assistive mobility device shall do any of the following:

(1) Fail to yield the right-of-way to all pedestrians and human-powered vehicles at all times;

(2) Fail to give an audible signal before overtaking and passing a pedestrian;

(3) Operate the device at night unless the device or its operator is equipped with or wearing both of the following:

A. A lamp pointing to the front that emits a white light visible from a distance of not less than five hundred feet;

B. A red reflector facing the rear that is visible from all distances from one hundred feet to six hundred feet when directly in front of lawful lower beams of head lamps on a motor vehicle.

(4) Operate the device on any portion of a street or highway that has an established speed limit of fifty-five miles per hour or more;

(5) Operate the device upon any path set aside for the exclusive use of pedestrians or other specialized use when an appropriate sign giving notice of the specialized use is posted on the path;

(6) If under eighteen years of age, operate the device unless wearing a protective helmet on the person's head with the chin strap properly fastened;

(7) If under sixteen years of age, operate the device unless, during the operation, the person is under the direct visual and audible supervision of another person who is eighteen years of age or older and is responsible for the immediate care of the person under sixteen years of age.

(c) No person who is under fourteen years of age shall operate an electric personal assistive mobility device.

(d) No person shall distribute or sell an electric personal assistive mobility device unless the device is accompanied by a written statement that is substantially equivalent to the following: "WARNING: TO REDUCE THE RISK OF SERIOUS INJURY, USE ONLY WHILE WEARING FULL PROTECTIVE EQUIPMENT - HELMET, WRIST GUARDS, ELBOW PADS, AND KNEE PADS". (ORC 4511.512)

(e) "Electric personal assistive mobility device" means a self-balancing two non-tandem wheeled device that is designed to transport only one person, has an electric propulsion system of an average of seven hundred fifty watts, and when ridden on a paved level surface by an operator who weighs one hundred seventy pounds has a maximum speed of less than twenty miles per hour. (ORC 4501.01)

(f) Whoever violates subsection (b) or (c) hereof is guilty of a minor misdemeanor and shall be punished as follows:

(1) The offender shall be fined ten dollars ($10.00).

(2) If the offender previously has been convicted of or pleaded guilty to a violation of division (B) or (C) of Ohio R.C. 4511.512 or a substantially similar municipal ordinance, the court, in addition to imposing the fine required under subsection (f)(1) hereof, shall do one of the following:

A. Order the impoundment for not less than one day but not more than thirty days of the electric personal assistive mobility device that was involved in the current violation of that section. The court shall order the device to be impounded at a safe indoor location designated by the court and may assess storage fees of not more than five dollars ($5.00) per day, provided the total storage, processing, and release fees assessed against the offender or the device in connection with the device's impoundment or subsequent release shall not exceed fifty dollars ($50.00).

B. If the court does not issue an impoundment order pursuant to subsection (f)(2)A. hereof, issue an order prohibiting the offender from operating any electric personal assistive mobility device on the public streets, highways, sidewalks, and paths and portions of roadways set aside for the exclusive use of bicycles for not less than one day but not more than thirty days.

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

CHAPTER 373
Bicycles and Motorcycles

373.01 Code application to bicycles.
373.02 Riding upon seats; handle bars; helmets and glasses.
373.03 Attaching bicycle or sled to vehicle.
373.04 Riding bicycles and motorcycles abreast.
373.05 Signal device on bicycle.
373.06 Lights and reflector on bicycle; brakes.
373.07 Riding bicycle on right side of roadway; obedience to traffic rules; passing.
373.08 Reckless operation; control, course and speed.
373.09 Parking of bicycle.
373.10 Motorized bicycle operation, equipment and license.
373.11 Paths exclusively for bicycles.

CROSS REFERENCES
See sectional histories for similar State law
Motorcycle protective equipment - see OAC Ch. 4501-17
Motorized bicycle equipment - see OAC Ch. 4501-23
Bicycle defined - see TRAF. 301.04
Motorcycle defined - see TRAF. 301.19
Bicycles prohibited on freeways - see TRAF. 303.06
Hand and arm signals - see TRAF. 331.15
Motorcycle operator's license required - see TRAF. 335.01(a)
Motorcycle headlight - see TRAF. 337.03
Motorcycle brakes - see TRAF. 337.18(a)(2)

373.01 CODE APPLICATION TO BICYCLES.

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

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

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

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

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

373.02 RIDING UPON SEATS; HANDLEBARS; HELMETS AND GLASSES.

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

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

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

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

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

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

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

(h) No person shall operate or be a passenger on a snowmobile or motorcycle without using safety glasses or other protective eye device. No person who is under the age of eighteen years, or who holds a motorcycle operator's endorsement or license bearing "novice" designation that is currently in effect as provided in Ohio R.C. 4507.13, shall operate a motorcycle on a highway, or be a passenger on a motorcycle, unless wearing a protective helmet on the person's head, and no other person shall be a passenger on a motorcycle operated by such a person unless similarly wearing a protective helmet. The helmet, safety glasses or other protective eye device shall conform with rules adopted by the Ohio Director of Public Safety. The provisions of this subsection or a violation thereof shall not be used in the trial of any civil action.

(i) (1) No person shall operate a motorcycle with a valid temporary permit and temporary instruction permit identification card issued by the Ohio Registrar of Motor Vehicles pursuant to Ohio R.C. 4507.05 unless the person, at the time of such operation, is wearing on the person's head a protective helmet that conforms with rules adopted by the Director.

(2) No person shall operate a motorcycle with a valid temporary instruction permit and temporary instruction permit identification card issued by the Registrar pursuant to Ohio R.C. 4507.05 in any of the following circumstances:

A. At any time when lighted lights are required by Section 337.02(a)(1);

B. While carrying a passenger;

C. On any limited access highway.

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

(k) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.53)

373.03 ATTACHING BICYCLE OR SLED TO VEHICLE.

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

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

(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.54)

373.04 RIDING BICYCLES AND MOTORCYCLES ABREAST.

(a) Persons riding bicycles or motorcycles upon a roadway shall ride not more than two abreast in a single lane, except on paths or parts of roadways set aside for the exclusive use of bicycles or motorcycles.

(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.55)

373.05 SIGNAL DEVICE ON BICYCLE.

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

(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.56)

373.06 LIGHTS AND REFLECTOR ON BICYCLE; BRAKES.

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

(1) A lamp mounted on the front of either the bicycle or the operator that shall emit a white light visible from a distance of at least five hundred feet to the front; and three hundred feet to the sides. A generator-powered lamp that emits light only when the bicycle is moving may be used to meet this requirement.

(2) A red reflector on the rear that shall be visible from all distances from one hundred feet to six hundred feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle.

(3) A lamp emitting either flashing or steady red light visible from a distance of five hundred feet to the rear shall be used in addition to the red reflector; If the red lamp performs as a reflector in that it is visible as specified in subsection (a)(2) of this section, the red lamp may serve as the reflector and a separate reflector is not required.

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

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

(d) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.56)

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

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

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

(c) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.55(A))

373.08 RECKLESS OPERATION; CONTROL, COURSE AND SPEED.

(a) No person shall operate a bicycle:

(1) Without due regard for the safety and rights of pedestrians and drivers and occupants of all other vehicles, and so as to endanger the life, limb or property of any person while in the lawful use of the streets or sidewalks or any other public or private property;

(2) Without exercising reasonable and ordinary control over such bicycle;

(3) In a weaving or zigzag course unless such irregular course is necessary for safe operation in compliance with law;

(4) Without both hands upon the handle grips except when necessary to give the required hand and arm signals, or as provided in Section 373.02(d);

(5) At a speed greater than is reasonable and prudent under the conditions then existing.

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

373.09 PARKING OF BICYCLE.

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

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

373.10 MOTORIZED BICYCLE OPERATION, EQUIPMENT AND LICENSE.

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

(1) The person is fourteen or fifteen years of age and holds a valid probationary motorized bicycle license issued after the person has passed the test provided for in Ohio R.C. 4511.521, or the person is sixteen years of age or older and holds either a valid commercial driver's license issued under Ohio R.C. Chapter 4506, or a driver's license issued under Ohio R.C. Chapter 4507, or a valid motorized bicycle license issued after the person has passed the test provided for in Ohio R.C. 4511.521, except that if a person is sixteen years of age, has a valid probationary motorized bicycle license and desires a motorized bicycle license, the person is not required to comply with the testing requirements provided for in Ohio R.C. 4511.521;

(2) The motorized bicycle is equipped in accordance with rules adopted by the Ohio Director of Public Safety and is in proper working order;

(3) The person, if under eighteen years of age, is wearing a protective helmet on the person's head with the chin strap properly fastened, and the motorized bicycle is equipped with a rear-view mirror;

(4) The person operates the motorized bicycle when practicable within three feet of the right edge of the roadway obeying all traffic rules applicable to vehicles; and

(5) The motorized bicycle displays on the rear of such bicycle the current license plate or validation sticker furnished by the Ohio Director of Public Safety under Ohio R.C. 4503.191.

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

(c) Each probationary motorized bicycle license or motorized bicycle license shall be laminated with a transparent plastic material.

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

373.11 PATHS EXCLUSIVELY FOR BICYCLES.

(a) No person shall operate a motor vehicle, snowmobile, or all-purpose vehicle upon any path set aside for the exclusive use of bicycles, when an appropriate sign giving notice of such use is posted on the path.

Nothing in this section shall be construed to affect any rule of the Ohio Director of Natural Resources governing the operation of motor vehicles, snowmobiles, all-purpose vehicles, and bicycles on lands under the Director's jurisdiction.

(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.
(ORC 4511.713)

CHAPTER 375
Snowmobiles, Off-Highway Motorcycles and All Purpose Vehicles

375.01 Definitions.
375.02 Equipment.
375.03 Code application; prohibited operation.
375.04 Permitted operation.
375.05 Licensing requirements of operator.
375.06 Registration of vehicles.
375.07 Accident reports.
375.08 Certificate of title.

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See sectional histories for similar State law
Lights, brakes and muffler - see OAC Ch. 4501.29
Power of trial court of record to impound registration certificate for certain violations - see Ohio R.C 4519.47
Power to regulate; municipal licensing prohibited - see Ohio R.C. 4519.48
Street or highway defined - see TRAF. 301.42
Required usage of helmets and safety glasses - see TRAF. 373.02(f)

375.01 DEFINITIONS.
As used in this chapter:
(a) "Snowmobile" means any self-propelled vehicle designed primarily for use on snow or ice, and steered by skis, runners or caterpillar treads. (ORC 4519.01(A))
(b) "All purpose vehicle" means any self-propelled vehicle designed primarily for cross-country travel on land and water, or on more than one type of terrain, and steered by wheels or caterpillar treads, or any combination thereof, including vehicles that operate on a cushion of air, vehicles commonly known as all-terrain vehicles, all season vehicles, mini-bikes and trail bikes. "All-purpose vehicle" does not include a utility vehicle as defined in Ohio R.C. 4501.01 or any vehicle principally used in playing golf, any motor vehicle or aircraft required to be registered under Ohio R.C. Chapter 4503 or Chapter 4561, and any vehicle excepted from definition as a motor vehicle by Section 301.20 of this Traffic Code. (ORC 4519.01(B))
(c) "Owner" means any person, firm or corporation, other than a lienholder or dealer, having title to a snowmobile, off-highway motorcycle, or all purpose vehicle, or other right to the possession thereof. (ORC 4519.01(C))

(d) "Operator" means any person who operates or is in actual physical control of a snowmobile, off-highway motorcycle or all purpose vehicle.

(e) "Limited access highway" or "freeway" means a highway especially designed for through traffic and over which abutting property owners have no easement or right of access by reason of the fact that their property abuts upon such highway, and access to which may be allowed only at highway intersections designated by the Ohio Director of Transportation. (ORC 5511.02)

(f) "Interstate highway" means any part of the interstate system of highways as defined in subsection (e), 90 Stat. 431 (1976), 23 U.S.C.A. 103, and amendments thereof.

(g) "Off-highway motorcycle" means every motorcycle, as defined in Ohio R.C. 4511.01, that is designed to be operated primarily on lands other than a street or highway. (ORC 4519.01)

375.02 EQUIPMENT.

(a) Equipment of snowmobiles, off-highway motorcycles, and all purpose vehicles shall include, but not necessarily be limited to requirements for the following items:

(1) At least one headlight having a minimum candlepower of sufficient intensity to reveal persons and objects at a distance of at least 100 feet ahead under normal atmospheric conditions during hours of darkness;

(2) At least one red taillight having a minimum candlepower of sufficient intensity to be plainly visible from a distance of 500 feet to the rear under normal atmospheric conditions during hours of darkness;

(3) Adequate brakes. Every snowmobile, while traveling on packed snow, shall be capable of carrying a driver who weighs 175 pounds or more, and, while carrying such driver, be capable of stopping in not more than forty feet from an initial steady speed of twenty miles per hour, or locking its traction belt.

(4) A muffler system capable of precluding the emission of excessive smoke or exhaust fumes, and of limiting the engine noise of vehicles. On snowmobiles manufactured after January 1, 1973, such requirement shall include sound dampening equipment such that noise does not exceed eighty-two decibels on the "A" scale at fifty feet as measured according to SAE J192 (September 1970).

(b) No person shall operate any snowmobile, off-highway motorcycle, or all purpose vehicle in violation of this section, except that equipment specified in subsections (a)(1) and (2) hereof shall not be required on snowmobiles, off-highway motorcycles, or all purpose vehicles operated during the daylight hours.

(c) Except as otherwise provided in this subsection, whoever violates subsection (b) of this section shall be fined not more than fifty dollars ($50.00). If the offender within the preceding year previously has committed a violation of subsection (b) of this section, whoever violates subsection (b) of this section shall be fined not less than fifteen dollars ($15.00) nor more than one hundred dollars ($100.00), imprisoned not more than three days, or both.
(ORC 4519.20)

375.03 CODE APPLICATION; PROHIBITED OPERATION.

(a) The applicable provisions of this Traffic Code shall be applied to the operation of snowmobiles, off-highway motorcycles, and all purpose vehicles; except that no snowmobile, off-highway motorcycle, or all purpose vehicle shall be operated as follows:

(1) On any street or highway except for emergency travel only during such time and in such manner as the State or local authority having jurisdiction over such street or highway shall designate, and except as provided in Section 375.04;

(2) Upon any property owned or leased by the Municipality except in areas designated for such purposes;

(3) On any private property, or in any nursery or planting area, without the permission of the owner or other person having the right to possession of the property;

(4) On any land or waters controlled by the State, except at those locations where a sign has been posted permitting such operation;

(5) On tracks or right of way of any operating railroad;

(6) While transporting any firearm, bow or other implement for hunting, that is not unloaded and securely encased;

(7) For the purpose of chasing, pursuing, capturing or killing any animal or wild fowl;

(8) During the time from sunset to sunrise, unless displaying lighted lights as required by Section 375.02.

(b) Whoever violates this section shall be fined not less than fifty dollars ($50.00) nor more than five hundred dollars ($500.00), imprisoned not less than three nor more than thirty days, or both. (ORC 4519.40)

375.04 PERMITTED OPERATION.

Snowmobiles, off-highway motorcycles, and all purpose vehicles may be operated as follows:

(a) To make a crossing of a highway, other than a freeway or limited access highway, whenever the crossing can be made in safety and will not interfere with the movement of vehicular traffic approaching from any direction on the highway, and provided that the operator yields the right of way to any approaching traffic that presents an immediate hazard;

(b) On highways in the County or Township road systems whenever the local authority having jurisdiction over such highway so permits;

(c) Off and alongside a street or highway for limited distances from the point of unloading from a conveyance to the point at which the snowmobile, off-highway motorcycle, or all purpose vehicle is intended and authorized to be operated.

(d) On the berm or shoulder of a highway, other than a highway as designated in Ohio R.C. 4519.40(A), when the terrain permits such operation to be undertaken safely and without the necessity of entering any traffic lane;

(e) On the berm or shoulder of a county or township road, while traveling from one area of operation of the snowmobile, off-highway motorcycle, or all-purpose vehicle to another such area. (ORC 4519.41)

375.05 LICENSING REQUIREMENTS OF OPERATOR.

(a) No person who does not hold a valid, current motor vehicle driver's or commercial driver's license, motorcycle operator's endorsement or probationary license issued under Ohio R.C. Chapter 4506 or 4507, or a valid, current driver's license issued by another jurisdiction, shall operate a snowmobile, off-highway motorcycle, or all purpose vehicle on any street or highway, on any portion of the right of way thereof, or on any public land or waters. This subsection shall not be construed to permit the holder of such a license to operate a snowmobile, off-highway motorcycle, or all purpose vehicle in violation of Section 375.03.

(b) No person who is less than sixteen years of age shall operate a snowmobile, off-highway motorcycle, or all purpose vehicle on any land or waters other than private property or waters owned by or leased to such person's parent or guardian, unless accompanied by another person who is eighteen years of age, or older, and who holds a license as provided in subsection (a) hereof, except that the Ohio Department of Natural Resources may permit such operation on State controlled land under its jurisdiction when such person is less than sixteen years of age and is accompanied by a parent or guardian who is a licensed driver eighteen years of age or older.

(c) Whoever violates this section shall be fined not less than fifty dollars ($50.00) nor more than five hundred dollars ($500.00), imprisoned not less than three nor more than thirty days, or both. (ORC 4519.44)

375.06 REGISTRATION OF VEHICLES.

(a) Except as provided in Ohio R.C 4519.02(B), (C) and (D), no person shall operate any snowmobile, off-highway motorcycle, or all purpose vehicle unless the snowmobile, off-highway motorcycle, or all purpose vehicle is registered and numbered in accordance with Ohio R.C. 4519.03 and 4519.04.

(b) Except as otherwise provided in this subsection, whoever violates subsection (a) of this section shall be fined not more than twenty-five dollars ($25.00). If the offender previously has been convicted of or pleaded guilty to a violation of subsection (a) of this section, whoever violates subsection (a) of this section shall be fined not less than twenty-five dollars ($25.00) nor more than fifty dollars ($50.00). (ORC 4519.02)

375.07 ACCIDENT REPORTS.

(a) The operator of a snowmobile, off-highway motorcycle, or all purpose vehicle involved in any accident resulting in bodily injury to or death of any person or damage to the property of any person in excess of one hundred dollars ($100.00) shall report the accident within forty-eight hours to the Chief of Police, and, within thirty days, shall forward a written report of the accident to the Ohio Registrar of Motor Vehicles on a form prescribed by the Registrar. If the operator is physically incapable of making the reports and there is another participant in the accident not so incapacitated, the participant shall make the reports. In the event that there is no other participant, and the operator is other than the owner, the owner, within the prescribed periods of time, shall make the reports.

Any law enforcement officer or other person authorized by Ohio R.C. 4519.42 and 4519.43, who investigates or receives information of an accident involving a snowmobile, off-highway motorcycle, or all purpose vehicle shall forward to the Registrar a written report of the accident within forty-eight hours. (ORC 4519.46)

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

375.08 CERTIFICATE OF TITLE.

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

(1) Operate in this Municipality an off-highway motorcycle or all-purpose vehicle without having a certificate of title for the off-highway motorcycle or all-purpose vehicle, if such a certificate is required by Ohio R.C. Chapter 4519 to be issued for the off-highway motorcycle or all-purpose vehicle, or, if a physical certificate of title has not been issued for it, operate an off-highway motorcycle or all-purpose vehicle knowing that the ownership information relating to the motorcycle or vehicle has not been entered into the automated title processing system by a clerk of a court of common pleas;

(2) Operate in this Municipality an off-highway motorcycle or all-purpose vehicle if a certificate of title to the off-highway motorcycle or all-purpose vehicle has been issued and then has been canceled;

(3) Fail to surrender any certificate of title upon cancellation of it by the Registrar of Motor Vehicles and notice of the cancellation as prescribed in Ohio R.C. Chapter 4519;

(4) Fail to surrender the certificate of title to a clerk of the court of common pleas as provided in Ohio R.C. Chapter 4519, in case of the destruction or dismantling of, or change in, the off-highway motorcycle or all-purpose vehicle described in the certificate of title;

(5) Violate any provision of Ohio R.C. 4519.51 to 4519.70 or any lawful rules adopted pursuant to those sections;

(6) Operate in this Municipality an off-highway motorcycle or all-purpose vehicle knowing that the certificate of title to or ownership of the motorcycle or vehicle as otherwise reflected in the automated title processing system has been canceled.

(b) Whoever violates this section shall be fined not more than two hundred dollars ($200.00) or imprisoned not more than ninety days, or both.
(ORC 4519.66)

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PART FIVE - GENERAL OFFENSES CODE

CHAPTER 501
General Provisions and Penalty

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See sectional histories for similar State law
Limitation of prosecution for income tax violations - see Ohio R.C. 718.06
Modification of sentence - see Ohio R.C. 2929.10(C), (D)
Penalty considerations - see Ohio R.C. 2929.22
Citation issuance for minor misdemeanors - see Ohio R.C. 2935.26 et seq.

501.01 DEFINITIONS.

As used in the Codified Ordinances:

(a) "Force" means any violence, compulsion or constraint physically exerted by any means upon or against a person or thing.

(b) "Deadly force" means any force that carries a substantial risk that it will proximately result in the death of any person.

(c) "Physical harm to persons" means any injury, illness or other physiological impairment, regardless of its gravity or duration.

(d) "Physical harm to property" means any tangible or intangible damage to property that, in any degree, results in loss to its value or interferes with its use or enjoyment. "Physical harm to property" does not include wear and tear occasioned by normal use.

(e) "Serious physical harm to persons" means any of the following:

(1) Any mental illness or condition of such gravity as would normally require hospitalization or prolonged psychiatric treatment;
(2) Any physical harm that carries a substantial risk of death;
(3) Any physical harm that involves some permanent incapacity, whether partial or total, or that involves some temporary, substantial incapacity;
(4) Any physical harm that involves some permanent disfigurement, or that involves some temporary, serious disfigurement;
(5) Any physical harm that involves acute pain of such duration as to result in substantial suffering, or that involves any degree of prolonged or intractable pain.

(f) "Serious physical harm to property" means any physical harm to property that does either of the following:
(1) Results in substantial loss to the value of the property, or requires a substantial amount of time, effort or money to repair or replace;
(2) Temporarily prevents the use or enjoyment of the property, or substantially interferes with its use and enjoyment for an extended period of time.

(g) "Risk" means a significant possibility, as contrasted with a remote possibility, that a certain result may occur or that certain circumstances may exist.

(h) "Substantial risk" means a strong possibility, as contrasted with a remote or significant possibility, that a certain result may occur or that certain circumstances may exist.

(i) "Offense of violence" means any of the following:
(1) A violation of Ohio R.C. 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.21, 2903.211, 2903.22, 2905.01, 2905.02, 2905.11, 2905.32, 2907.02, 2907.03, 2907.05, 2909.02, 2909.03, 2909.24, 2911.01, 2911.02, 2911.11, 2917.01, 2917.02, 2917.03, 2917.31, 2919.25, 2921.03, 2921.04, 2921.34, 2923.161, 2911.12(A)(1) to (3) or 2919.22(B)(1) to (4), or felonious sexual penetration in violation of former Ohio R.C. 2907.12;
(2) A violation of an existing or former municipal ordinance or law of this or any other state or the United States, substantially equivalent to any section listed in subsection (i)(1) hereof;
(3) An offense, other than a traffic offense, under an existing or former municipal ordinance or law of this or any other state or the United States, committed, purposely or knowingly, and involving physical harm to persons or a risk of serious physical harm to persons;
(4) A conspiracy or attempt to commit, or complicity in committing any offense under subsection (i)(1), (2) or (3) hereof.

(j) (1) "Property" means any property, real or personal, tangible or intangible, and any interest or license in that property. "Property" includes, but is not limited to, cable television service, other telecommunications service, telecommunications devices, information service, computers, data, computer software, financial instruments associated with computers, other documents associated with computers, or copies of the documents, whether in machine or human readable form, trade secrets, trademarks, copyrights, patents, and property protected by a trademark, copyright, or patent. “Financial instruments associated with computers” include, but are not limited to, checks, drafts, warrants, money orders, notes of indebtedness, certificates of deposit, letters of credit, bills of credit or debit cards, financial transaction authorization mechanisms, marketable securities, or any computer system representations of any of them.

(2) As used in this section, “trade secret” has the same meaning as in Ohio R.C. 1333.61, and “telecommunications service” and “information service” have the same meanings as in Ohio R.C. 2913.01.

(3) As used in this section, “cable television service”, “computer”, “computer software”, “computer system”, “computer network”, “data”, and “telecommunications device” have the same meanings as in Ohio R.C. 2913.01.

(k) "Law enforcement officer" means any of the following:

(1) A sheriff, deputy sheriff, constable, police officer of a township or joint police district, marshal, deputy marshal, municipal police officer, member of a police force employed by a metropolitan housing authority under Ohio R.C. 3735.31(D) or State highway patrol trooper;

(2) An officer, agent or employee of the State or any of its agencies, instrumentalities or political subdivisions, upon whom, by statute, Charter or ordinance, a duty to conserve the peace or to enforce all or certain laws is imposed and the authority to arrest violators is conferred, within the limits of that statutory duty and authority;

(3) A mayor or manager in the mayor’s or manager’s capacity as chief conservator of the peace within the mayor’s or manager’s municipal corporation;

(4) A member of an auxiliary police force organized by county, township or municipal law enforcement authorities, within the scope of the member's appointment or commission;

(5) A person lawfully called pursuant to Ohio R.C. 311.07 to aid a sheriff in keeping the peace, for the purposes and during the time when the person is called;

(6) A person appointed by a mayor pursuant to Ohio R.C. 737.01 as a special patrolling officer during riot or emergency, for the purposes and during the time when the person is appointed;

(7) A member of the organized militia of this State or the armed forces of the United States, lawfully called to duty to aid civil authorities in keeping the peace or protect against domestic violence;

(8) A prosecuting attorney, assistant prosecuting attorney, secret service officer or municipal prosecutor;

(9) A veterans' home police officer appointed under Ohio R.C. 5907.02;

(10) A member of a police force employed by a regional transit authority under Ohio R.C. 306.35(Y);

(11) A special police officer employed by a port authority under Ohio R.C. 4582.04 or 4582.28;

(12) The Senate Sergeant of Arms and or Assistant Sergeant at Arms;

(13) A special police officer employed by a municipal corporation at a municipal airport, or other municipal air navigation facility, that has scheduled operations, as defined in Section 119.3 of Title 14 of the Code of Federal Regulations, 14 C.F.R. 119.3, as amended, and that is required to be under a security program and is governed by aviation security rules of the transportation security administration of the United States Department of Transportation as provided in Parts 1542 and 1544 of Title 49 of the Code of Federal Regulations, as amended.

(l) "Privilege" means an immunity, license or right conferred by law, or bestowed by express or implied grant, or arising out of status, position, office or relationship, or growing out of necessity.

(m) "Contraband" means any property that is illegal for a person to acquire or possess under a statute, ordinance, or rule, or that a trier of fact lawfully determines to be illegal to possess by reason of the property's involvement in an offense. "Contraband" includes, but is not limited to, all of the following:

(1) Any controlled substance, as defined in Ohio R.C. 3719.01, or any device, or paraphernalia;

(2) Any unlawful gambling device, or paraphernalia;

(3) Any dangerous ordnance or obscene material.

(n) A person is "not guilty by reason of insanity" relative to a charge of an offense only if the person proves, in the manner specified in Ohio R.C. 2901.05, that at the time of the commission of the offense, the person did not know, as a result of a severe mental disease or defect, the wrongfulness of the person's acts.

(o) (1) A. Subject to subsection (o)(2) hereof, as used in any section contained in Part Five - General Offenses Code that sets forth a criminal offense, "person" includes all of the following:

1. An individual, corporation, business trust, estate, trust, partnership, and association;

2. An unborn human who is viable.

B. As used in any section contained in Part Five - General Offenses Code that does not set forth a criminal offense, "person" includes an individual, corporation, business trust, estate, trust, partnership and association.

C. As used in subsection (o)(1)A. hereof:

1. "Unborn human" means an individual organism of the species Homo sapiens from fertilization until live birth.

2. "Viable" means the stage of development of a human fetus at which there is a realistic possibility of maintaining and nourishing of a life outside the womb with or without temporary artificial life-sustaining support.

(2) Notwithstanding subsection (o)(1)A. hereof, in no case shall the portion of the definition of the term "person" that is set forth in subsection (o)(1)A.2. hereof be applied or construed in any section contained in Part Five - General Offenses Code that sets forth a criminal offense in any of the following manners:

A. Except as otherwise provided in subsection (o)(2)A. hereof, in a manner so that the offense prohibits or is construed as prohibiting any pregnant woman or her physician from performing an abortion with the consent of the pregnant woman, with the consent of the pregnant woman implied by law in a medical emergency, or with the approval of one otherwise authorized by law to consent to medical treatment on behalf of the pregnant woman. An abortion that violates the conditions described in the immediately preceding sentence may be punished as a violation of Ohio R.C. 2903.01, 2903.02, 2903.03, 2903.04, 2903.05, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 2903.14, 2903.21, or 2903.22, as applicable. An abortion that does not violate the conditions described in the second immediately preceding sentence, but that does violate Ohio R.C. 2919.12, division (B) of Ohio R.C. 2919.13, or Ohio R.C. 2919.151, 2919.17 or 2919.18, may be punished as a violation of Ohio R.C. 2919.12, division (B) of Ohio R.C. 2919.13, or Ohio R.C. 2919.151, 2919.17 or 2919.18, as applicable. Consent is sufficient under this subsection if it is of the type otherwise adequate to permit medical treatment to the pregnant woman, even if it does not comply with Ohio R.C. 2919.12.

B. In a manner so that the offense is applied or is construed as applying to a woman based on an act or omission of the woman that occurs while she is or was pregnant and that results in any of the following:
1. Her delivery of a stillborn baby;
2. Her causing, in any other manner, the death in utero of a viable, unborn human that she is carrying;
3. Her causing the death of her child who is born alive but who dies from one or more injuries that are sustained while the child is a viable, unborn human;
4. Her causing her child who is born alive to sustain one or more injuries while the child is a viable, unborn human;
5. Her causing, threatening to cause, or attempting to cause, in any other manner, an injury, illness or other physiological impairment, regardless of its duration or gravity, or a mental illness or condition, regardless of its duration or gravity, to a viable, unborn human that she is carrying.

(p) "School safety zone" consists of a school, school building, school premises, school activity, and school bus.

(q) "School", "school building" and "school premises" have the same meaning as in Ohio R.C. 2925.01.

(r) "School activity" means any activity held under the auspices of a board of education of a city, local, exempted village, joint vocational, or cooperative education school district; a governing authority of a community school established under Ohio R.C. Chapter 3314; a governing body of an educational service center; or the governing body of a nonpublic school for which the State Board of Education prescribes minimum standards under Ohio R.C. 3301.07.

(s) "School bus" has the same meaning as in Ohio R.C. 4511.01.
(ORC 2901.01)

501.02 CLASSIFICATION OF OFFENSES.

As used in the Codified Ordinances:

(a) Offenses include misdemeanors of the first, second, third and fourth degree, minor misdemeanors and offenses not specifically classified.

(b) Regardless of the penalty that may be imposed, any offense specifically classified as a misdemeanor is a misdemeanor.

(c) Any offense not specifically classified is a misdemeanor if imprisonment for not more than one year may be imposed as a penalty.

(d) Any offense not specifically classified is a minor misdemeanor if the only penalty that may be imposed is one of the following:

(1) For an offense committed prior to January 1, 2004, a fine not exceeding one hundred dollars ($100.00);

(2) For an offense committed on or after January 1, 2004, a fine not exceeding one hundred fifty dollars ($150.00), community service under division (D) of Ohio R.C. 2929.27, or a financial sanction other than a fine under Ohio R.C. 2929.28.
(ORC 2901.02)

501.03 COMMON LAW OFFENSES ABROGATED.

(a) No conduct constitutes a criminal offense against the Municipality unless it is defined as an offense in the Codified Ordinances or any other Municipal ordinance.

(b) An offense is defined when one or more sections of the Codified Ordinances state a positive prohibition or enjoin a specific duty, and provide a penalty for violation of such prohibition or failure to meet such duty.

(c) This section does not affect the power of a court to punish for contempt or to employ any sanction authorized by law to enforce an order, civil judgment or decree. (ORC 2901.03)

501.04 RULES OF CONSTRUCTION.

(a) Except as otherwise provided in subsection (c) hereof, sections of the Codified Ordinances defining offenses or penalties shall be strictly construed against the Municipality and liberally construed in favor of the accused.

(b) Rules of criminal procedure and sections of the Ohio Revised Code providing for criminal procedure shall be construed so as to effect the fair, impartial, speedy and sure administration of justice.

(c) Any provision of a section of the Codified Ordinances that refers to a previous conviction of or plea of guilty to a violation of a section of the Codified Ordinances or Ohio Revised Code or of a division of a section of the Codified Ordinances or Ohio Revised Code shall be construed to also refer to a previous conviction of or plea of guilty to a substantially equivalent offense under an existing or former law of this State, another state, or the United States or under an existing or former municipal ordinance.

(d) Any provision of the Codified Ordinances that refers to a section, or to a division of a section, of the Codified Ordinances that defines or specifies a criminal offense shall be construed to also refer to an existing or former law of this State, another state, or the United States, to an existing or former municipal ordinance, or to an existing or former division of any such existing or former law or ordinance that defines or specifies, or that defined or specified, a substantially equivalent offense. (ORC 2901.04)

501.05 CRIMINAL LAW JURISDICTION.

(a) A person is subject to misdemeanor prosecution and punishment in this Municipality if any of the following occur:

(1) The person commits an offense under the laws of this Municipality, any element of which takes place in this Municipality.

(2) While in this Municipality, the person attempts to commit, or is guilty of complicity in the commission of, an offense in another jurisdiction, which offense is an offense under both the laws of this Municipality or this State and the other jurisdiction, or, while in this Municipality, the person conspires to commit an offense in another jurisdiction, which offense is an offense under both the laws of this Municipality or this State and the other jurisdiction, and a substantial overt act in furtherance of the conspiracy is undertaken in this Municipality by the person or another person involved in the conspiracy, subsequent to the person's entrance into the conspiracy. In any case in which a person attempts to commit, is guilty of complicity in the commission of, or conspires to commit an offense in another jurisdiction as described in this subsection, the person is subject to criminal prosecution and punishment in this Municipality for the attempt, complicity, or conspiracy, and for any resulting offense that is committed or completed in the other jurisdiction.

(3) While out of this Municipality, the person conspires or attempts to commit, or is guilty of complicity in the commission of, an offense in this Municipality.

(4) While out of this Municipality, the person omits to perform a legal duty imposed by the laws of this Municipality, which omission affects a legitimate interest of the Municipality in protecting, governing or regulating any person, property, thing, transaction or activity in this Municipality.

(5) While out of this Municipality, the person unlawfully takes or retains property and subsequently brings any of the unlawfully taken or retained property into this Municipality.

(6) While out of this Municipality, the person unlawfully takes or entices another and subsequently brings the other person into this Municipality.

(7) The person, by means of a computer, computer system, computer network, telecommunication, telecommunications device, telecommunications service, or information service, causes or knowingly permits any writing, data, image, or other telecommunication to be disseminated or transmitted into this Municipality in violation of the law of this Municipality.

(b) This Municipality includes the land and water within its boundaries and the air space above such land and water, and real property outside the corporate limits, with respect to which this Municipality has either exclusive or concurrent legislative jurisdiction. Where the boundary between this Municipality and another jurisdiction is disputed, the disputed territory is conclusively presumed to be within this Municipality for purposes of this section.

(c) When an offense is committed under the laws of this Municipality, and it appears beyond a reasonable doubt that the offense or any element of the offense took place either in this Municipality or in another jurisdiction or jurisdictions, but it cannot reasonably be determined in which it took place, the offense or element is conclusively presumed to have taken place in this Municipality for purposes of this section.

(d) When a person is subject to criminal prosecution and punishment in this Municipality for an offense committed or completed outside of this Municipality, the person is subject to all specifications for that offense that would be applicable if the offense had been committed within this Municipality.

(e) Any act, conduct, or element that is a basis of a person being subject under this section to criminal prosecution and punishment in this Municipality need not be committed personally by the person as long as it is committed by another person who is in complicity or conspiracy with the person.

(f) This section shall be liberally construed, consistent with constitutional limitations, to allow this Municipality the broadest possible jurisdiction over offenses and persons committing offenses in, or affecting, this Municipality.

(g) For purposes of subsection (a)(2) of this section, an overt act is substantial when it is of a character that manifests a purpose on the part of the actor that the object of the conspiracy should be completed.

(h) As used in this section, "computer", "computer system", "computer network", "information service", "telecommunication", "telecommunications device", "telecommunications service", "data", and "writing" have the same meaning as in Ohio R.C. 2913.01. (ORC 2901.11)

501.06 LIMITATION OF CRIMINAL PROSECUTION.

(a) Except as otherwise provided in this section, a prosecution shall be barred unless it is commenced within the following periods after an offense is committed:

(1) For misdemeanor other than a minor misdemeanor, two years;

(2) For a minor misdemeanor, six months.

(b) If the period of limitation provided in subsection (a) hereof has expired, prosecution shall be commenced for an offense of which an element is fraud or breach of a fiduciary duty, within one year after discovery of the offense either by an aggrieved person, or by his legal representative who is not himself a party to the offense.

(c) (1) If the period of limitation provided in this section has expired, prosecution shall be commenced for the following offenses during the following specified periods of time:

A. For an offense involving misconduct in office by a public servant at any time while the accused remains a public servant, or within two years thereafter;

B. For an offense by a person who is not a public servant but whose offense is directly related to the misconduct in office of a public servant, at any time while that public servant remains a public servant, or within two years thereafter.

(2) As used in this subsection:

A. An "offense is directly related to the misconduct in office of a public servant" includes, but is not limited to, a violation of Ohio R.C. 101.71, 101.91, 121.61 or 2921.13, division (F) or (H) of Ohio R.C. 102.03, division (A) of Ohio R.C. 2921.02, division (A) or (B) of Ohio R.C. 2921.43, or division (F) or (G) of Ohio R.C. 3517.13, that is directly related to an offense involving misconduct in office of a public servant.

B. "Public servant" has the same meaning as in Section 525.01.

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

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

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

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

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

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

(1) The victim of the offense reaches the age of majority.

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

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

501.07 REQUIREMENTS FOR CRIMINAL LIABILITY.

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

(1) The person's liability is based on conduct that includes either a voluntary act, or an omission to perform an act or duty that the person is capable of performing;

(2) The person has the requisite degree of culpability for each element as to which a culpable mental state is specified by the language defining the offense.

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

(c) (1) When language defining an element of an offense that is related to knowledge or intent or to which mens rea could fairly be applied neither specifies culpability nor plainly indicates a purpose to impose strict liability, the element of the offense is established only if a person acts recklessly.

(2) Subsection (c)(1) of this section does not apply to offenses defined in the Traffic Code.

(3) Subsection (c)(1) of this section does not relieve the prosecution of the burden of proving the culpable mental state required by any definition incorporated into the offense.

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

(e) As used in this section:

(1) Possession is a voluntary act if the possessor knowingly procured or received the thing possessed, or was aware of the possessor's control of the thing possessed for a sufficient time to have ended possession.

(2) Reflexes, convulsions, body movements during unconsciousness or sleep, and body movements that are not otherwise a product of the actor's volition, are involuntary acts.

(3) "Culpability" means purpose, knowledge, recklessness or negligence, as defined in Section 501.08.

(4) "Intoxication" includes, but is not limited to, intoxication resulting from the ingestion of alcohol, a drug, or alcohol and a drug.

(ORC 2901.21)

501.08 CULPABLE MENTAL STATES.

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

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

When knowledge of the existence of a particular fact is an element of an offense, such knowledge is established if a person subjectively believes that there is a high probability of its existence and fails to make inquiry or acts with a conscious purpose to avoid learning the fact.

(c) A person acts recklessly when, with heedless indifference to the consequences, the person perversely disregards a substantial and unjustifiable risk that the person's conduct is likely to cause a certain result or is likely to be of a certain nature. A person is reckless with respect to circumstances when, with heedless indifference to the consequences, the person perversely disregards a substantial and unjustifiable risk that such circumstances are likely to exist.

(d) A person acts negligently when, because of a substantial lapse from due care, the person fails to perceive or avoid a risk that the person's conduct may cause a certain result or may be of a certain nature. A person is negligent with respect to circumstances when, because of a substantial lapse from due care, the person fails to perceive or avoid a risk that such circumstances may exist.

(e) When the section defining an offense provides that negligence suffices to establish an element thereof, then recklessness, knowledge or purpose is also sufficient culpability for such element. When recklessness suffices to establish an element of an offense, then knowledge or purpose is also sufficient culpability for such element. When knowledge suffices to establish an element of an offense, then purpose is also sufficient culpability for such element.
(ORC 2901.22)

501.09 ATTEMPT.

(a) No person, purposely or knowingly, and when purpose or knowledge is sufficient culpability for the commission of an offense, shall engage in conduct that, if successful, would constitute or result in the offense.

(b) It is no defense to a charge under this section that, in retrospect, commission of the offense that was the object of the attempt was either factually or legally impossible under the attendant circumstances, if that offense could have been committed had the attendant circumstances been as the actor believed them to be.

(c) No person who is convicted of committing a specific offense or of complicity in the commission of an offense, shall be convicted of an attempt to commit the same offense in violation of this section.

(d) It is an affirmative defense to a charge under this section that the actor abandoned the actor's effort to commit the offense or otherwise prevented its commission, under circumstances manifesting a complete and voluntary renunciation of the actor's criminal purpose.

(e) Whoever violates this section is guilty of an attempt to commit an offense. An attempt to commit a drug abuse offense for which the penalty is determined by the amount or number of unit doses of the controlled substance involved in the drug abuse offense is an offense of the same degree as the drug abuse offense attempted would be if that drug abuse offense had been committed and had involved an amount or number of unit doses of the controlled substance that is within the next lower range of controlled substance amounts than was involved in the attempt. An attempt to commit any other misdemeanor is a misdemeanor of the next lesser degree than the misdemeanor attempted. In the case of an attempt to commit an offense other than a violation of Ohio R.C. Chapter 3734 that is not specifically classified, an attempt is a misdemeanor of the first degree if the offense attempted is a felony under the Ohio Revised Code, and a misdemeanor of the fourth degree if the offense attempted is a misdemeanor. An attempt to commit a minor misdemeanor is not an offense under this section.

(f) As used in this section, "drug abuse offense" has the same meaning as in Ohio R.C. 2925.01. (ORC 2923.02)

501.10 COMPLICITY.

(a) No person, acting with the kind of culpability required for the commission of an offense, shall do any of the following:

(1) Solicit or procure another to commit the offense;
(2) Aid or abet another in committing the offense;
(3) Cause an innocent or irresponsible person to commit the offense.

(b) It is no defense to a charge under this section that no person with whom the accused was in complicity has been convicted as a principal offender.

(c) No person shall be convicted of complicity under this section unless an offense is actually committed, but a person may be convicted of complicity in an attempt to commit an offense in violation of Section 501.09.

(d) If an alleged accomplice of the defendant testifies against the defendant in a case in which the defendant is charged with complicity in the commission of or an attempt to commit an offense, an attempt to commit an offense or an offense, the court when it charges the jury, shall state substantially the following:

> "The testimony of an accomplice does not become inadmissible because of his complicity, moral turpitude or self-interest, but the admitted or claimed complicity of a witness may affect his credibility and make his testimony subject to grave suspicion, and require that it be weighed with great caution.
>
> "It is for you, as jurors, in the light of all the facts presented to you from the witness stand, to evaluate such testimony and to determine its quality and worth or its lack of quality and worth."

(e) It is an affirmative defense to a charge under this section that, prior to the commission of or attempt to commit the offense, the actor terminated his complicity, under circumstances manifesting a complete and voluntary renunciation of his criminal purpose.

(f) Whoever violates this section is guilty of complicity in the commission of an offense, and shall be prosecuted and punished as if he were a principal offender. A charge of complicity may be stated in terms of this section, or in terms of the principal offense.
(ORC 2923.03)

501.11 ORGANIZATIONAL CRIMINAL LIABILITY.

(a) An organization may be convicted of an offense under any of the following circumstances:

(1) The offense is a minor misdemeanor committed by an officer, agent or employee of the organization acting in its behalf and within the scope of the officer's, agent's or employee's office or employment, except that if the section defining the offense designates the officers, agents or employees for whose conduct the organization is accountable or the circumstances under which it is accountable, those provisions shall apply.

(2) A purpose to impose organizational liability plainly appears in the section defining the offense, and the offense is committed by an officer, agent or employee of the organization acting in its behalf and within the scope of the officer's, agent's or employee's office or employment, except that if the section defining the offense designates the officers, agents or employees for whose conduct the organization is accountable or the circumstances under which it is accountable, those provisions shall apply.

(3) The offense consists of an omission to discharge a specific duty imposed by law on the organization.

(4) If, acting with the kind of culpability otherwise required for the commission of the offense, its commission was authorized, requested, commanded, tolerated or performed by the board of directors, trustees, partners or by a high managerial officer, agent or employee acting in behalf of the organization and within the scope of such a board's or person's office or employment.

(b) If strict liability is imposed for the commission of an offense, a purpose to impose organizational liability shall be presumed, unless the contrary plainly appears.

(c) In a prosecution of an organization for an offense other than one for which strict liability is imposed, it is a defense that the high managerial officer, agent or employee having supervisory responsibility over the subject matter of the offense exercised due diligence to prevent its commission. This defense is not available if it plainly appears inconsistent with the purpose of the section defining the offense.

(d) As used in this section, "organization" means a corporation for profit or not for profit, partnership, limited partnership, joint venture, unincorporated nonprofit association, estate, trust or other commercial or legal entity. "Organization" does not include an entity organized as or by a governmental agency for the execution of a governmental program. (ORC 2901.23)

501.12 PERSONAL ACCOUNTABILITY FOR ORGANIZATIONAL CONDUCT.

(a) An officer, agent or employee of an organization as defined in Section 501.11 may be prosecuted for an offense committed by such organization, if he acts with the kind of culpability required for the commission of the offense, and any of the following apply:

(1) In the name of the organization or in its behalf, he engages in conduct constituting the offense, or causes another to engage in such conduct, or tolerates such conduct when it is of a type for which he has direct responsibility;

(2) He has primary responsibility to discharge a duty imposed on the organization by law, and such duty is not discharged.

(b) When a person is convicted of an offense by reason of this section, he is subject to the same penalty as if he had acted in his own behalf. (ORC 2901.24)

501.13 CONSPIRACY.

(a) No person, with purpose to commit or to promote or facilitate the commission of aggravated murder, murder, kidnapping, abduction, compelling prostitution, promoting prostitution, trafficking in persons, aggravated arson, arson, aggravated robbery, robbery, aggravated burglary, burglary, engaging in a pattern of corrupt activity, corrupting another with drugs, a felony drug trafficking, manufacturing, processing or possession offense, theft of drugs, or illegal processing of drug documents, the commission of a felony offense of unauthorized use of a vehicle, illegally transmitting multiple commercial electronic mail messages or unauthorized access of a computer in violation of Ohio R.C. 2923.421 or the commission of a violation of any provision of Ohio R.C. Chapter 3734, other than Ohio R.C. 3734.18, that relates to hazardous wastes, shall do either of the following:

(1) With another person or persons, plan or aid in planning the commission of any of the specified offenses;

(2) Agree with another person or persons that one or more of them will engage in conduct that facilitates the commission of any of the specified offenses.

(b) No person shall be convicted of conspiracy unless a substantial overt act in furtherance of the conspiracy is alleged and proved to have been done by the accused or a person with whom the accused conspired, subsequent to the accused's entrance into the conspiracy. For purposes of this section, an overt act is substantial when it is of a character that manifests a purpose on the part of the actor that the object of the conspiracy should be completed.

(c) When the offender knows or has reasonable cause to believe that a person with whom the offender conspires also has conspired or is conspiring with another to commit the same offense, the offender is guilty of conspiring with that other person, even though the other person's identity may be unknown to the offender.

(d) It is no defense to a charge under this section that, in retrospect, commission of the offense that was the object of the conspiracy was impossible under the circumstances.

(e) A conspiracy terminates when the offense or offenses that are its objects are committed or when it is abandoned by all conspirators. In the absence of abandonment, it is no defense to a charge under this section that no offense that was the object of the conspiracy was committed.

(f) A person who conspires to commit more than one offense is guilty of only one conspiracy, when the offenses are the object of the same agreement or continuous conspiratorial relationship.

(g) When a person is convicted of committing or attempting to commit a specific offense or of complicity in the commission of or attempt to commit the specific offense, the person shall not be convicted of conspiracy involving the same offense.

(h) (1) No person shall be convicted of conspiracy upon the testimony of a person with whom the defendant conspired, unsupported by other evidence.

(2) If a person with whom the defendant allegedly has conspired testifies against the defendant in a case in which the defendant is charged with conspiracy and if the testimony is supported by other evidence, the court, when it charges the jury, shall state substantially the following:

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

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

(3) "Conspiracy", as used in subsection (h)(1) of this section, does not include any conspiracy that results in an attempt to commit an offense or in the commission of an offense.

(i) The following are affirmative defenses to a charge of conspiracy:

(1) After conspiring to commit an offense, the actor thwarted the success of the conspiracy under circumstances manifesting a complete and voluntary renunciation of the actor's criminal purpose.

(2) After conspiring to commit an offense, the actor abandoned the conspiracy prior to the commission of or attempt to commit any offense that was the object of the conspiracy, either by advising all other conspirators of the actor's abandonment, or by informing any law enforcement authority of the existence of the conspiracy and of the actor's participation in the conspiracy.

(j) Whoever violates this section is guilty of conspiracy, which is a misdemeanor of the first degree, when the most serious offense that is the object of the conspiracy is a felony of the fifth degree.

(k) This section does not define a separate conspiracy offense or penalty where conspiracy is defined as an offense by one or more sections of this Code, other than this section. In such a case, however:

(1) With respect to the offense specified as the object of the conspiracy in the other section or sections, subsection (a) hereof defines the voluntary act or acts and culpable mental state necessary to constitute the conspiracy;

(2) Subsections (b) to (i) hereof are incorporated by reference in the conspiracy offense defined by the other section or sections of this Code.

(l) (1) In addition to the penalties that otherwise are imposed for conspiracy, a person who is found guilty of conspiracy to engage in a pattern of corrupt activity is subject to divisions (B)(2) and (3) of Ohio R.C. 2923.32, division (A) of Ohio R.C. 2981.04 and division (D) of Ohio R.C. 2981.06.

(2) If a person is convicted of or pleads guilty to conspiracy and if the most serious offense that is the object of the conspiracy is a felony drug trafficking, manufacturing, processing or possession offense, in addition to the penalties or sanctions that may be imposed for the conspiracy under subsection (j) hereof and Ohio R.C. Chapter 2929, both of the following apply:

A. The provisions of divisions (D), (F) and (G) of Ohio R.C. 2925.03, division (D) of Ohio R.C. 2925.04, division (D) of Ohio R.C. 2925.05, division (D) of Ohio R.C. 2925.06 and division (E) of Ohio R.C. 2925.11 that pertain to mandatory and additional fines, driver's or commercial driver's license or permit suspensions, and professionally licensed persons and that would apply under the appropriate provisions of those divisions to a person who is convicted of or pleads guilty to the felony drug trafficking, manufacturing, processing, or possession offense that is the most serious offense that is the basis of the conspiracy shall apply to the person who is convicted of or pleads guilty to the conspiracy as if the person had been convicted or pleaded guilty to the felony drug trafficking, manufacturing, processing or possession offense that is the most serious offense that is the basis of the conspiracy.

B. The court that imposes sentence upon the person who is convicted of or pleads guilty to the conspiracy shall comply with the provisions identified as being applicable under subsection (l)(2) of this section, in addition to any other penalty or sanction that it imposes for the conspiracy under subsection (j) of this section and Ohio R.C. Chapter 2929.

(m) As used in this section:

(1) "Felony drug trafficking, manufacturing, processing or possession offense" means any of the following that is a felony:

A. A violation of Ohio R.C. 2925.03, 2925.04, 2925.05, or 2925.06;

B. A violation of Ohio R.C. 2925.11 that is not a minor drug possession offense.

(2) "Minor drug possession offense" has the same meaning as in Ohio R.C. 2925.01. (ORC 2923.01)

501.99 PENALTIES FOR MISDEMEANORS.

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

(1) Restitution. Unless the misdemeanor offense is a minor misdemeanor or could be disposed of by the traffic violations bureau serving the court under Traffic Rule 13, restitution by the offender to the victim of the offender's crime or any survivor of the victim, in an amount based on the victim's economic loss. The court may not impose restitution as a sanction pursuant to this section if the offense is a minor misdemeanor or could be disposed of by the traffic violations bureau serving the court under Traffic Rule 13.

If the court requires restitution, the court shall order that the restitution be made to the victim in open court or to the adult probation department that serves the jurisdiction or the clerk of the court on behalf of the victim.

If the court imposes restitution, the court shall determine the amount of restitution to be paid by the offender. If the court imposes restitution, the court may base the amount of restitution it orders on an amount recommended by the victim, the offender, a presentence investigation report, estimates or receipts indicating the cost of repairing or replacing property, and other information, provided that the amount the court orders as restitution shall not exceed the amount of the economic loss suffered by the victim as a direct and proximate result of the commission of the offense.

If the court decides to impose restitution, the court shall hold an evidentiary hearing on restitution if the offender, victim or survivor disputes the amount of restitution. If the court holds an evidentiary hearing, at the hearing the victim or survivor has the burden to prove by a preponderance of the evidence the amount of restitution sought from the offender.

All restitution payments shall be credited against any recovery of economic loss in a civil action brought by the victim or any survivor of the victim against the offender. No person may introduce evidence of an award of restitution under this section in a civil action for purposes of imposing liability against an insurer under Ohio R.C. 3937.18.

If the court imposes restitution, the court may order that the offender pay a surcharge, of not more than five per cent of the amount of the restitution otherwise ordered, to the entity responsible for collecting and processing restitution payments.

The victim or survivor may request that the prosecutor in the case file a motion, or the offender may file a motion, for modification of the payment terms of any restitution ordered. If the court grants the motion, it may modify the payment terms as it determines appropriate.

(2) Fines. A fine in the following amount:

A. For a misdemeanor of the first degree, not more than one thousand dollars ($1,000);

B. For a misdemeanor of the second degree, not more than seven hundred fifty dollars ($750.00);

C. For a misdemeanor of the third degree, not more than five hundred dollars ($500.00);

D. For a misdemeanor of the fourth degree, not more than two hundred fifty dollars ($250.00);

E. For a minor misdemeanor, not more than one hundred fifty dollars ($150.00).

(3) Reimbursement of costs of sanctions.

A. Reimbursement by the offender of any or all of the costs of sanctions incurred by the government, including, but not limited to, the following:

1. All or part of the costs of implementing any community control sanction, including a supervision fee under Ohio R.C. 2951.021;

2. All or part of the costs of confinement in a jail or other residential facility, including, but not limited to, a per diem fee for room and board, the costs of medical and dental treatment, and the costs of repairing property damaged by the offender while confined.

B. The amount of reimbursement ordered under subsection (a)(3)A. of this section shall not exceed the total amount of reimbursement the offender is able to pay and shall not exceed the actual cost of the sanctions. The court may collect any amount of reimbursement the offender is required to pay under that subsection. If the court does not order reimbursement under that subsection, confinement costs may be assessed pursuant to a repayment policy adopted under Ohio R.C. 2929.37. In addition, the offender may be required to pay the fees specified in Ohio R.C. 2929.38 in accordance with that section. (ORC 2929.28)

(b) Jail Terms.

(1) Except as provided in Ohio R.C. 2929.22 or 2929.23 of the Revised Code, and unless another term is required or authorized pursuant to law, if the sentencing court imposing a sentence upon an offender for a misdemeanor elects or is required to impose a jail term on the offender pursuant to this General Offenses Code, the court shall impose a definite jail term that shall be one of the following:

A. For a misdemeanor of the first degree, not more than one hundred eighty days;

B. For a misdemeanor of the second degree, not more than ninety days;

C. For a misdemeanor of the third degree, not more than sixty days;

D. For a misdemeanor of the fourth degree, not more than thirty days.

(2) A. A court that sentences an offender to a jail term under this section may permit the offender to serve the sentence in intermittent confinement or may authorize a limited release of the offender as provided in Ohio R.C. 2929.26(B). The court retains jurisdiction over every offender sentenced to jail to modify the jail sentence imposed at any time, but the court shall not reduce any mandatory jail term.

B. 1. If a prosecutor, as defined in Ohio R.C. 2935.01, has filed a notice with the court that the prosecutor wants to be notified about a particular case and if the court is considering modifying the jail sentence of the offender in that case, the court shall notify the prosecutor that the court is considering modifying the jail sentence of the offender in that case. The prosecutor may request a hearing regarding the court's consideration of modifying the jail sentence of the offender in that case, and, if the prosecutor requests a hearing, the court shall notify the eligible offender of the hearing.

2. If the prosecutor requests a hearing regarding the court's consideration of modifying the jail sentence of the offender in that case, the court shall hold the hearing before considering whether or not to release the offender from the offender's jail sentence.

(3) If a court sentences an offender to a jail term under this section and the court assigns the offender to a county jail that has established a county jail industry program pursuant to Ohio R.C. 5147.30, the court shall specify, as part of the sentence, whether the offender may be considered for participation in the program. During the offender's term in the county jail, the court retains jurisdiction to modify its specification regarding the offender's participation in the county jail industry program.

(4) If a person is sentenced to a jail term pursuant to this section, the court may impose as part of the sentence pursuant to Ohio R.C. 2929.28 a reimbursement sanction, and, if the local detention facility in which the term is to be served is covered by a policy adopted pursuant to Ohio R.C. 307.93, 341.14, 341.19, 341.21, 341.23, 753.02, 753.04, 753.16, 2301.56, or 2947.19 and Ohio R.C. 2929.37, both of the following apply:

A. The court shall specify both of the following as part of the sentence:

1. If the person is presented with an itemized bill pursuant to Ohio R.C. 2929.37 for payment of the costs of confinement, the person is required to pay the bill in accordance with that section.

2. If the person does not dispute the bill described in subsection (b)(4)A.1. of this section and does not pay the bill by the times specified in Ohio R.C. 2929.37, the clerk of the court may issue a certificate of judgment against the person as described in that section.

B. The sentence automatically includes any certificate of judgment issued as described in subsection (b)(4)A.2. of this section.

(ORC 2929.24)

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

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

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

(2) When an organization is convicted of an offense that is not specifically classified, and the penalty provided includes a higher fine than the fine that is provided in this subsection (c), then the penalty imposed shall be pursuant to the penalty provided for the violation of the section defining the offense.

(3) This subsection (c) does not prevent the imposition of available civil sanctions against an organization convicted of an offense pursuant to Section 501.11, either in addition to or in lieu of a fine imposed pursuant to this subsection (c).

(ORC 2929.31)

CHAPTER 505
Animals and Fowl

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CROSS REFERENCES
See sectional histories for similar State law
Owner or keeper liable for damages - see Ohio R.C 951.10
Dog registration - see Ohio R.C. 955.01

505.001 DEFINITIONS.
As used in this chapter unless otherwise specifically provided herein:

(a) (1) "Dangerous dog" means a dog that, without provocation, and subject to subsection (a)(2) hereof has done any of the following:
A. Caused injury, other than killing or serious injury, to any person;
B. Killed another dog;
C. Been the subject of a third or subsequent violation of Section 505.01(c).

(2) "Dangerous dog" does not include a police dog that has caused injury, other than killing or serious injury, to any person or has killed another dog while the police dog is being used to assist one or more law enforcement officers in the performance of their official duties.

(b) "Menacing fashion" means that a dog would cause any person being chased or approached to reasonably believe that the dog will cause physical injury to that person.

(c) (1) Subject to subsection (c)(2) hereof, "nuisance dog" means a dog that without provocation and while off the premises of its owner, keeper or harborer has chased or approached a person in either a menacing fashion or an apparent attitude of attack or has attempted to bite or otherwise endanger any person.

(2) "Nuisance dog" does not include a police dog that while being used to assist one or more law enforcement officers in the performance of official duties has chased or approached a person in either a menacing fashion or an apparent attitude of attack or has attempted to bite or otherwise endanger any person.

(d) "Police dog" means a dog that has been trained, and may be used, to assist one or more law enforcement officers in the performance of their official duties.

(e) "Serious injury" means any of the following:

(1) Any physical harm that carries a substantial risk of death;

(2) Any physical harm that involves a permanent incapacity, whether partial or total, or a temporary, substantial incapacity;

(3) Any physical harm that involves a permanent disfigurement or a temporary, serious disfigurement;

(4) Any physical harm that involves acute pain of a duration that results in substantial suffering or any degree of prolonged or intractable pain.

(f) (1) "Vicious dog" means a dog that, without provocation and subject to subsection (f)(2) hereof has killed or caused serious injury to any person.

(2) "Vicious dog" does not include either of the following:

A. A police dog that has killed or caused serious injury to any person while the police dog is being used to assist one or more law enforcement officers in the performance of their official duties;

B. A dog that has killed or caused serious injury to any person while a person was committing or attempting to commit a trespass or other criminal offense on the property of the owner, keeper or harborer of the dog.

(g) "Without provocation" means that a dog was not teased, tormented or abused by a person, or that the dog was not coming to the aid or the defense of a person who was not engaged in illegal or criminal activity and who was not using the dog as a means of carrying out such activity. (ORC 955.11)

505.01 DOGS RUNNING AT LARGE.

(a) A person, firm or corporation which is the owner or has charge of a dog or dogs shall not permit said animal or animals to run at large upon the private and/or public roads, streets or highways or upon unenclosed land in the Village unless said dog or dogs is or are confined upon a leash properly attached to an immovable object or held by an individual, who is at least ten years of age.

(b) A violation of subsection (a) hereof shall be deemed to be a minor misdemeanor and subject to penalty as set forth in the Ohio Revised Code for minor misdemeanors.
(Ord. 3609.)

505.02 IMPOUNDING AND DISPOSITION; RECORDS.

(a) A police officer or animal warden may impound every animal or dog found in violation of Section 505.01. If the dog is not wearing a valid registration tag and the owner is not otherwise reasonably determined, notice shall be posted in the pound or animal shelter both describing the dog and place where seized and advising the unknown owner that unless the dog is redeemed within three days, it may thereafter be sold or destroyed according to law. If the dog is wearing a valid registration tag or the identity of the owner, keeper or harborer is otherwise reasonably determined, notice shall be given by certified mail to such owner, keeper or harborer that the dog has been impounded and unless redeemed within fourteen days of the date of notice, it may thereafter be sold or destroyed according to law. Any dog seized and impounded may be redeemed by its owner, keeper or harborer at any time prior to the applicable redemption period upon payment of all lawful costs assessed against the animal and upon providing the dog with a valid registration tag if it has none.

(b) A record of all dogs impounded, the disposition of the same, the owner's name and address where known, and a statement of any costs assessed against the dog shall be kept by any poundkeeper.

505.03 ANNUAL REGISTRATION OF DOGS; TAGS REQUIRED.

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

(b) Whoever violates this section is guilty of a minor misdemeanor for a first offense and a misdemeanor of the fourth degree for each subsequent offense. (ORC 955.99)

505.04 ABANDONING ANIMALS.

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

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

505.05 KILLING OR INJURING ANIMALS.

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

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

505.06 POISONING ANIMALS.

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

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

505.07 CRUELTY TO ANIMALS GENERALLY.

(a) No person shall:

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

(2) Impound or confine an animal without affording it, during such confinement, access to shelter from wind, rain, snow or excessive direct sunlight if it can reasonably be expected that the animal would otherwise become sick or in some other way suffer. This subsection (a)(2) does not apply to animals impounded or confined prior to slaughter. For the purpose of this section, "shelter" means a man-made enclosure, windbreak, sunshade or natural windbreak or sunshade that is developed from the earth's contour, tree development or vegetation;

(3) Carry or convey an animal in a cruel or inhuman manner;

(4) Keep animals other than cattle, poultry or fowl, swine, sheep or goats in an enclosure without wholesome exercise and change of air, nor feed cows on food that produces impure or unwholesome milk;

(5) Detain livestock in railroad cars or compartments longer than twenty-eight hours after they are so placed without supplying them with necessary food, water and attention, nor permit such livestock to be so crowded as to overlie, crush, wound or kill each other.

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

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

505.071 CRUELTY TO COMPANION ANIMALS.

(a) As used in this section:

(1) "Companion animal" means any animal that is kept inside a residential dwelling and any dog or cat regardless of where it is kept. "Companion animal" does not include livestock or any wild animal.

(2) "Cruelty", "torment" and "torture" have the same meanings as in Ohio R.C. 1717.01.

(3) "Residential dwelling" means a structure or shelter or the portion of a structure or shelter that is used by one or more humans for the purpose of a habitation.

(4) "Practice of veterinary medicine" has the same meaning as in Ohio R.C. 4741.01.

(5) "Wild animal" has the same meaning as in Ohio R.C. 1531.01.

(6) "Federal animal welfare act" means the "Laboratory Animal Act of 1966", Pub. L. No. 89-544, 80 Stat. 350 (1966), 7 U.S.C.A. 2131 et seq., as amended by the "Animal Welfare Act of 1970", Pub. L. No. 91-579, 84 Stat. 1560 (1970), the "Animal Welfare Act Amendments of 1976", Pub. L. No. 94-279, 90 Stat. 417 (1976), and the "Food Security Act of 1985", Pub. L. No. 99-198, 99 Stat. 1354 (1985), and as it may be subsequently amended.

(7) "Dog kennel" means an animal rescue for dogs that is registered under Ohio R.C. 956.06, a boarding kennel or a training kennel.

(b) No person shall knowingly torture, torment, needlessly mutilate or maim, cruelly beat, poison, needlessly kill, or commit an act of cruelty against a companion animal.

(c) No person who confines or who is the custodian or caretaker of a companion animal shall negligently do any of the following:

(1) Commit any act by which unnecessary or unjustifiable pain or suffering is caused, permitted or allowed to continue, when there is a reasonable remedy or relief, against the companion animal;

(2) Omit any act of care by which unnecessary or unjustifiable pain or suffering is caused, permitted or allowed to continue, when there is a reasonable remedy or relief, against the companion animal;

(3) Commit any act of neglect by which unnecessary or unjustifiable pain or suffering is caused, permitted or allowed to continue, when there is a reasonable remedy or relief, against the companion animal;

(4) Needlessly kill the companion animal;

(5) Deprive the companion animal of necessary sustenance, confine the companion animal without supplying it during the confinement with sufficient quantities of good, wholesome food and water, or impound or confine the companion animal without affording it, during the impoundment or confinement, with access to shelter from heat, cold, wind, rain, snow, or excessive direct sunlight, if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the deprivation, confinement, or impoundment in any of those specified manners.

(d) No owner, manager, or employee of a dog kennel who confines or is the custodian or caretaker of a companion animal shall negligently do any of the following:

(1) Commit any act by which unnecessary or unjustifiable pain or suffering is caused, permitted or allowed to continue, when there is a reasonable remedy or relief, against the companion animal;
(2) Omit any act of care by which unnecessary or unjustifiable pain or suffering is caused, permitted, or allowed to continue, when there is a reasonable relief, against the companion animal;
(3) Commit any act of neglect by which unnecessary or unjustifiable pain or suffering is caused, permitted or allowed to continue, when there is a reasonable remedy or relief, against the companion animal;
(4) Needlessly kill the companion animal;
(5) Deprive the companion animal of necessary sustenance, confine the companion animal without supplying it during the confinement with sufficient quantities of good, wholesome food and water, or impound or confine the companion animal without affording it, during the impoundment or confinement, with access to shelter from heat, cold, wind, rain, snow or excessive direct sunlight if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the deprivation, confinement, or impoundment or confinement in any of those specified manners.

(e) Subsections (b), (c) and (d) of this section do not apply to any of the following:
(1) A companion animal used in scientific research conducted by an institution in accordance with the federal animal welfare act and related regulations;
(2) The lawful practice of veterinary medicine by a person who has been issued a license, temporary permit, or registration certificate to do so under Ohio R.C. Chapter 4741;
(3) Dogs being used or intended for use for hunting or field trial purposes, provided that the dogs are being treated in accordance with usual and commonly accepted practices for the care of hunting dogs;
(4) The use of common training devices, if the companion animal is being treated in accordance with usual and commonly accepted practices for the training of animals;
(5) The administering of medicine to a companion animal that was properly prescribed by a person who has been issued a license, temporary permit, or registration certificate under Ohio R.C. Chapter 4741.
(ORC 959.131)

(f) (1) Whoever violates subsection (b) hereof is guilty of a misdemeanor of the first degree on a first offense. On each subsequent offense such person is guilty of a felony and shall be prosecuted under appropriate State law.
(2) Whoever violates subsection (c) hereof is guilty of a misdemeanor of the second degree on a first offense and a misdemeanor of the first degree on each subsequent offense.
(3) Whoever violates subsection (d) hereof is guilty of a misdemeanor of the first degree.
(4) A. A court may order a person who is convicted of or pleads guilty to a violation of this section to forfeit to an impounding agency, as defined in Ohio R.C. 959.132, any or all of the companion animals in that person's ownership or care. The court also may prohibit or place limitations on the person's ability to own or care for any companion animals for a specified or indefinite period of time.

B. A court may order a person who is convicted of or pleads guilty to a violation of this section to reimburse an impounding agency for the reasonably necessary costs incurred by the agency for the care of a companion animal that the agency impounded as a result of the investigation or prosecution of the violation, provided that the costs were not otherwise paid under Ohio R.C. 959.132.

(5) If a court has reason to believe that a person who is convicted of or pleads guilty to a violation of this section suffers from a mental or emotional disorder that contributed to the violation, the court may impose as a community control sanction or as a condition of probation a requirement that the offender undergo psychological evaluation or counseling. The court shall order the offender to pay the costs of the evaluation or counseling. (ORC 959.99)

505.08 NUISANCE CONDITIONS PROHIBITED.

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

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

505.09 BARKING OR HOWLING DOGS.

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

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

505.10 ANIMAL BITES; REPORTS AND QUARANTINE.

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

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

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

505.11 HUNTING AND TRAPPING PROHIBITED; EXCEPTION.

(a) No person shall engage in hunting or trapping within the limits of the Village, other than as specifically authorized by act of Council for purposes of game control.

(b) As used in this section, "hunting" shall mean pursuing, shooting, killing, following after or on the trail of, lying in wait for, shooting at, or wounding wild birds or wild quadrupeds while employing any device commonly used to kill or wound wild birds or wild quadrupeds, whether such acts result in such killing or wounding or not. It includes every attempt to kill or wound and every act of assistance to any other person in killing or wounding or attempting to kill or wound wild birds or wild quadrupeds.

(c) As used in this section, "trapping" shall mean securing or attempting to secure possession of a wild bird or wild quadruped by means of setting, placing, drawing or using any device that is designed to close upon, hold fast, confine, or otherwise capture a wild bird or wild quadruped whether such means result in such capturing or not. It includes every act of assistance to any other person in capturing wild birds or wild quadrupeds by such device whether such means result in such capturing or not.

(d) Exception: When written application to the Mayor of the Village; that a property owner's property is being damaged by wild quadrupeds, and upon surveying the damaged property, the Mayor may issue a permit to trap and/or hire a professional trapper. The permit would be in force for a period of thirty days. No permit shall be necessary, nor shall this section be construed to apply to elimination of pests or rodents within any dwelling or outbuilding.

(e) Whoever violates this section is guilty of a misdemeanor of the fourth degree. Whoever violates this section a second time is guilty of a misdemeanor of the third degree. (Ord. 15-11-80. Passed 8-18-80.)

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

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

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

505.13 DANGEROUS WILD ANIMALS AND RESTRICTED SNAKES.

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

(b) (1) Except for a restricted snake specified in Ohio R.C. 935.01(L)(1), no person shall sell or offer for sale at auction a dangerous wild animal or restricted snake.

(2) Except for a microchip removed for purposes of a medical emergency by a veterinarian that is qualified to provide veterinary care to the dangerous wild animal, no person shall knowingly remove a microchip that is implanted in a dangerous wild animal as required in Ohio R.C. 935.04.

(3) No person that possesses a dangerous wild animal or restricted snake shall fail to post and display any of the following:

A. On each cage in which a dangerous wild animal is confined, signs warning the public that a dangerous wild animal is confined in the cage;

B. At each entrance to the property where a dangerous wild animal is confined, a sign warning the public that a dangerous wild animal is on the property;

C. On each container in which a restricted snake is confined, a sign warning the public that a restricted snake is in the container;

D. At the main entrance to each structure where a restricted snake is confined, a sign warning the public that a restricted snake is in the structure;

E. On a vehicle that is used to transport a dangerous wild animal or restricted snake, a sign warning that a dangerous wild animal or restricted snake, as applicable, is in the vehicle.

The signs shall comply with standards established in rules adopted by the State Director of Agriculture.

(4) No person shall allow a dangerous wild animal or restricted snake to roam off the property where it is confined.

(5) No person shall remove any teeth or claws from a dangerous wild animal or restricted snake, as applicable, unless determined to be medically necessary by a veterinarian. (ORC 935.18)

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

505.14 VICIOUS DOGS PROHIBITED.

(a) No person shall own, keep or have in his or her possession or under his or her control within the Village a vicious dog. For purposes of this chapter, a vicious dog is a dog which because of its size and vicious nature or other dangerous characteristics constitutes a danger to human life or property and shall meet at least of the criteria listed below:

(1) While outside the premises of the owner of the dog, the dog has on more than one occasion chased without provocation any human being and bitten or attempted to bite such person.

(2) While outside the premises of the owner of the dog, the dog has killed or seriously injured any other domestic animal owned by another, including dogs or cats.

(b) This section shall not apply to any official police or law enforcement dog.

(c) Whoever violates any provision of this section shall be guilty of a third degree misdemeanor and upon a second conviction, the Village may seek a court order to terminate the dog.

(Ord. 554-04-12. Passed 6-19-12.)

505.15 EXOTIC ANIMALS PROHIBITED.

(a) Definitions. As used in this chapter, the following terms shall have the following meanings:

(1) "Dangerous animal" means any wild mammal, reptile or fowl which is not naturally tame or gentle, but is of a wild nature or disposition, and which because of its size, vicious nature or other characteristics would constitute a danger to human life or property if it escaped from secure quarters. "Dangerous animal" also includes any domestic mammal, reptile or fowl which because of its size or vicious propensity or other characteristics would constitute a danger to human life or property if it escaped from secure quarters.

(b) Prohibited Animals. It shall be unlawful for any person to keep, maintain, or have in his possession or under his control within the Village any of the following animals:

(1) Any animal which has been declared to be protected or endangered by the U.S. Department of Interior or the Ohio Revised Code.
(2) All poisonous animals, inclulding rear-fang snakes.
(3) Badgers (Melinae).
(4) Bears (Ursidae).
(5) Beavers (Castoridae).
(6) Canids, that is: wolves, foxes, coyotes, jackals, dingo, raccoon dogs.
(7) Civet (Viverrine).
(8) Civet or raccoon dog (Nyctereutes Procyonides).
(9) Constrictor snakes.
(10) Crocodilians, that is: alligators, crocodiles, caimans, cavils.
(11) Eagle, hawks, owls (Falconiformes).
(12) Edentate, that is: anteaters, tamandua, sloths, armadillos.
(13) Emus (Casuariiformes).
(14) Felid, that is: lions, tigers, leopards, cheetahs, jaguars, pumas, lynx, ocelots.
(15) Game cocks and other fighting birds.
(16) Hyaenidae (Hyenas).
(17) Marsupials, that is: opossums, Tasmanian wolf, kangaroos, koalas, wombats.
(18) Muskrats (Ondatra).
(19) Ostriches (Struthio).
(20) Porcupine (Hystricomorpha).
(21) Primates (non-human), that is: apes, monkeys, baboons, chimpanzees, gibbons, gorillas, orangutans, siamangs.
(22) Procyonides, that is: raccoons, coatis, kinkajous, ring-tailed cats, pandas.
(23) Rheas (Rheiformes).
(24) Skunks (Mephitinae).
(25) Squirrels (Sciuridae).
(26) Sharks (Chondrichthyes).
(27) Swine (Suidae).
(28) Ungulates, that is: elephants, zebra, tapirs, rhinoceroses, camel, lama, caribou, antelope, bison, reindeer, deer, giraffe, hippopotamus, wild boar, gazelle, gnu.
(29) Water buffalo (Bubalus).
(30) Wart hogs (Phacochoerus Aethiopicus).

(31) Weasels.
(32) Wolverines (Gulo Gulo).
(33) Woodchucks (Marmota Monas).
(34) Any other animal or reptile of wild, vicious or dangerous propensities.

(c) Any person violating this section shall be fined not less than twenty-five dollars ($25.00) nor more than five hundred dollars ($500.00) for each offense and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (Ord. 512-04-11. Passed 6-21-11.)

505.99 PENALTY.

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

CHAPTER 509
Disorderly Conduct and Peace Disturbance

509.01 Riot.
509.011 Inciting to violence.
509.02 Failure to disperse.
509.03 Disorderly conduct; intoxication.
509.04 Disturbing a lawful meeting.
509.05 Misconduct at an emergency.
509.06 Inducing panic.
509.07 Making false alarms.
509.08 Curfew.
509.99 Penalty.

CROSS REFERENCES
See sectional histories for similar State law
Use of force to suppress riot - see Ohio R.C. 2917.05
Cordoning off riot areas, prohibiting sales of firearms and explosives - see Ohio R.C. 3761.16
Emergency suspension of permits and sales by Director of Liquor Control - see Ohio R.C 4301.251
Noise control - see GEN. OFF. Ch. 511
Criminal trespass - see GEN. OFF. 541.05

509.01 RIOT.

(a) No person shall participate with four or more others in a course of disorderly conduct in violation of Section 509.03:

(1) With purpose to commit or facilitate the commission of a misdemeanor, other than disorderly conduct;

(2) With purpose to intimidate a public official or employee into taking or refraining from official action, or with purpose to hinder, impede or obstruct a function of government;

(3) With purpose to hinder, impede or obstruct the orderly process of administration or instruction at an educational institution, or to interfere with or disrupt lawful activities carried on at such institution.

(b) No person shall participate with four or more others with purpose to do an act with unlawful force or violence, even though such act might otherwise be lawful.

(c) Whoever violates this section is guilty of riot, a misdemeanor of the first degree. (ORC 2917.03)

509.011 INCITING TO VIOLENCE.

(a) No person shall knowingly engage in conduct designed to urge or incite another to commit any offense of violence, when either of the following apply:

(1) The conduct takes place under circumstances that create a clear and present danger that any offense of violence will be committed;

(2) The conduct proximately results in the commission of any offense of violence.

(b) Whoever violates this section is guilty of inciting to violence. If the offense of violence that the other person is being urged or incited to commit is a misdemeanor, inciting to violence is a misdemeanor of the first degree. (ORC 2917.01)

509.02 FAILURE TO DISPERSE.

(a) Where five or more persons are participating in a course of disorderly conduct in violation of Section 509.03, and there are other persons in the vicinity whose presence creates the likelihood of physical harm to persons or property or of serious public inconvenience, annoyance or alarm, a law enforcement officer or other public official may order the participants and such other persons to disperse. No person shall knowingly fail to obey such order.

(b) Nothing in this section requires persons to disperse who are peaceably assembled for a lawful purpose.

(c) (1) Whoever violates this section is guilty of failure to disperse.

(2) Except as otherwise provided in subsection (c)(3) hereof, failure to disperse is a minor misdemeanor.

(3) Failure to disperse is a misdemeanor of the fourth degree if the failure to obey the order described in subsection (a) hereof, creates the likelihood of physical harm to persons or is committed at the scene of a fire, accident, disaster, riot, or emergency of any kind. (ORC 2917.04)

509.03 DISORDERLY CONDUCT; INTOXICATION.

(a) No person shall recklessly cause inconvenience, annoyance or alarm to another by doing any of the following:

(1) Engaging in fighting, in threatening harm to persons or property, or in violent or turbulent behavior;

(2) Making unreasonable noise or offensively coarse utterance, gesture or display, or communicating unwarranted and grossly abusive language to any person, which by its very utterance or usage inflicts injury or tends to incite an immediate breach of the peace;

(3) Insulting, taunting or challenging another, under circumstances in which that conduct is likely to provoke a violent response;

(4) Hindering or preventing the movement of persons on a public street, road, highway or right of way, or to, from, within or upon public or private property, so as to interfere with the rights of others, and by any act that serves no lawful and reasonable purpose of the offender;

(5) Creating a condition that is physically offensive to persons or that presents a risk of physical harm to persons or property, by any act that serves no lawful and reasonable purpose of the offender.

(b) No person, while voluntarily intoxicated shall do either of the following:

(1) In a public place or in the presence of two or more persons, engage in conduct likely to be offensive or to cause inconvenience, annoyance or alarm to persons of ordinary sensibilities, which conduct the offender, if the offender were not intoxicated, should know is likely to have that effect on others;

(2) Engage in conduct or create a condition that presents a risk of physical harm to the offender or another, or to the property of another.

(c) Violation of any statute or ordinance of which an element is operating a motor vehicle, locomotive, watercraft, aircraft or other vehicle while under the influence of alcohol or any drug of abuse, is not a violation of subsection (b) hereof.

(d) If a person appears to an ordinary observer to be intoxicated, it is probable cause to believe that person is voluntarily intoxicated for purposes of subsection (b) hereof.

(e) (1) Whoever violates this section is guilty of disorderly conduct.

(2) Except as otherwise provided in this subsection (e)(3), disorderly conduct is a minor misdemeanor.

(3) Disorderly conduct is a misdemeanor of the fourth degree if any of the following applies:

A. The offender persists in disorderly conduct after reasonable warning or request to desist.

B. The offense is committed in the vicinity of a school or in a school safety zone.

C. The offense is committed in the presence of any law enforcement officer, firefighter, rescuer, medical person, emergency medical services person, or other authorized person who is engaged in the person's duties at the scene of a fire, accident, disaster, riot or emergency of any kind.

D. The offense is committed in the presence of any emergency facility person who is engaged in the person's duties in an emergency facility.

(f) As used in this section:

(1) "Emergency medical services person" is the singular of "emergency medical services personnel" as defined in Ohio R.C. 2133.21.

(2) "Emergency facility person" is the singular of "emergency facility personnel" as defined in Ohio R.C. 2909.04.

(3) "Emergency facility" has the same meaning as in Ohio R.C. 2909.04.

(4) "Committed in the vicinity of a school" has the same meaning as in Ohio R.C. 2925.01. (ORC 2917.11)

509.04 DISTURBING A LAWFUL MEETING.

(a) No person, with purpose to prevent or disrupt a lawful meeting, procession or gathering, shall do either of the following:

(1) Do any act which obstructs or interferes with the due conduct of such meeting, procession or gathering;

(2) Make any utterance, gesture or display which outrages the sensibilities of the group.

(b) Whoever violates this section is guilty of disturbing a lawful meeting, a misdemeanor of the fourth degree. (ORC 2917.12)

509.05 MISCONDUCT AT AN EMERGENCY.

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

(1) Hamper the lawful operations of any law enforcement officer, firefighter, rescuer, medical person, emergency medical services person, or other authorized person, engaged in the person's duties at the scene of a fire, accident, disaster, riot, or emergency of any kind;

(2) Hamper the lawful activities of any emergency facility person who is engaged in the person's duties in an emergency facility;

(3) Fail to obey the lawful order of any law enforcement officer engaged in the law enforcement officer's duties at the scene of or in connection with a fire, accident, disaster, riot, or emergency of any kind.

(b) Nothing in this section shall be construed to limit access or deny information to any news media representative in the lawful exercise of the news media representative's duties.

(c) Whoever violates this section is guilty of misconduct at an emergency. Except as otherwise provided in this subsection, misconduct at an emergency is a misdemeanor of the fourth degree. If a violation of this section creates a risk of physical harm to persons or property, misconduct at an emergency is a misdemeanor of the first degree.

(d) As used in this section:

(1) "Emergency medical services person" is the singular of "emergency medical services personnel" as defined in Ohio R.C. 2133.21.

(2) "Emergency facility person" is the singular of "emergency facility personnel" as defined in Ohio R.C. 2909.04.

(3) "Emergency facility" has the same meaning as in Ohio R.C. 2909.04. (ORC 2917.13)

509.06 INDUCING PANIC.

(a) No person shall cause the evacuation of any public place, or otherwise cause serious public inconvenience or alarm, by doing any of the following:

(1) Initiating or circulating a report or warning of an alleged or impending fire, explosion, crime or other catastrophe, knowing that such report or warning is false;

(2) Threatening to commit any offense of violence;

(3) Committing any offense, with reckless disregard of the likelihood that its commission will cause serious public inconvenience or alarm.

(b) Division (a) hereof does not apply to any person conducting an authorized fire or emergency drill.

(c) Whoever violates this section is guilty of inducing panic, a misdemeanor of the first degree. If inducing panic results in physical harm to any person, economic harm of one thousand dollars ($1,000) or more, if the public place involved in a violation of this section is a school or an institution of higher education, or if the violation pertains to a purported, threatened or actual use of a weapon of mass destruction, inducing panic is a felony and shall be prosecuted under appropriate State law.

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

(e) As used in this section:

(1) "Economic harm" means any of the following:

A. All direct, incidental, and consequential pecuniary harm suffered by a victim as a result of criminal conduct. "Economic harm" as described in this division includes, but is not limited to, all of the following:

1. All wages, salaries, or other compensation lost as a result of the criminal conduct;
2. The cost of all wages, salaries, or other compensation paid to employees for time those employees are prevented from working as a result of the criminal conduct;
3. The overhead costs incurred for the time that a business is shut down as a result of the criminal conduct;
4. The loss of value to tangible or intangible property that was damaged as a result of the criminal conduct.

B. All costs incurred by the Municipality as a result of, or in making any response to, the criminal conduct that constituted the violation of this section or Section 509.07, including, but not limited to, all costs so incurred by any law enforcement officers, firefighters, rescue personnel, or emergency medical services personnel of the state or the political subdivision.

(2) "School" means any school operated by a board of education or any school for which the state board of education prescribes minimum standards under Ohio R.C. 3301.07, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted at the time a violation of this section is committed.

(3) "Weapon of mass destruction" means any of the following:

A. Any weapon that is designed or intended to cause death or serious physical harm through the release, dissemination, or impact of toxic or poisonous chemicals, or their precursors;

B. Any weapon involving a disease organism or biological agent;

C. Any weapon that is designed to release radiation or radioactivity at a level dangerous to human life;

D. Any of the following, except to the extent that the item or device in question is expressly excepted from the definition of "destructive device" pursuant to 18 U.S.C. 921(a)(4) and regulations issued under that section:

1. Any explosive, incendiary, or poison gas bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or similar device;
2. Any combination of parts either designed or intended for use in converting any item or device into any item or device described in division (e)(3)D.1. of this section and from which an item or device described in that division may be readily assembled.

(4) "Biological agent" has the same meaning as in Ohio R.C. 2917.33.
(5) "Emergency medical services personnel" has the same meaning as in Ohio R.C. 2133.21.
(6) "Institution of higher education" means any of the following:
A. A state university or college as defined in Ohio R.C. 3345.12(A)(1), community college, state community college, university branch, or technical college;
B. A private, nonprofit college, university or other post-secondary institution located in this State that possesses a certificate of authorization issued by the Ohio Board of Regents pursuant to Ohio R.C. Chapter 1713.
C. A post-secondary institution with a certificate of registration issued by the State Board of Career Colleges and Schools under Ohio R.C. Chapter 3332. (ORC 2917.31)

509.07 MAKING FALSE ALARMS.

(a) No person shall do any of the following:
(1) Initiate or circulate a report or warning of an alleged or impending fire, explosion, crime or other catastrophe, knowing that the report or warning is false and likely to cause public inconvenience or alarm;
(2) Knowingly cause a false alarm of fire or other emergency to be transmitted to or within any organization, public or private, for dealing with emergencies involving a risk of physical harm to persons or property;
(3) Report to any law enforcement agency an alleged offense or other incident within its concern, knowing that such offense did not occur.

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

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

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

(e) As used in this section, "economic harm" and "weapon of mass destruction" have the same meanings as in Section 509.06. (ORC 2917.32)

509.08 CURFEW.

(a) No person having the control and custody of or being the parent or guardian of a minor shall knowingly permit such minor to, nor shall such minor, be outside the confines of his homesite or congregate, wander, travel through in an automobile, sit in an automobile, loiter or play upon the streets or other places within the Village, unsupervised on unenclosed lands, or other places of amusement or entertainment for the times hereinafter prohibited for the respective ages specified:

(1) Minors under thirteen years of age, between the hours of 9:00 p.m. and 6:00 a.m. of the following day during the months of May to September, inclusive, and between the hours of 7:30 p.m. and 6:00 a.m. of the following day during the months of October to April, inclusive;

(2) Minors thirteen or fourteen years of age, between the hours of 9:30 p.m. and 6:00 a.m. of the following day on Sunday through Thursday, inclusive, and between the hours of 10:30 p.m. and 6:00 a.m. of the following day on Friday and Saturday;

(3) Minors fifteen, sixteen or seventeen years of age, between the hours of 10:30 p.m. and 6:00 a.m. of the following day on Sunday through Thursday, inclusive, and between the hours of 12:01 a.m. and 6:00 a.m. of the following day on Friday and Saturday.

(b) The hours referred to herein mean the official Village time which is applicable throughout the Village, whether it is Eastern Standard Time or Eastern Daylight Savings Time.

(c) This section shall not apply to minors on an emergency errand or on legitimate business as directed by the parent, guardian or custodian, nor to minors, accompanied by the parent, guardian or custodian, or some other person over twenty-one years of age who has been given responsibility for such minor's control and custody by the person legally responsible for the discipline of the minor.

(d) Any school, church, lodge or other organization sponsoring functions wherein minors in attendance will be out at a later hour than provided for in this section shall obtain the approval of the Village Police or the Ashtabula County Sheriff Department to have the minors remain to the time when the entertainment will end. All minors attending such function shall be required to be within the confines of their respective homesites one-half hour after such function is ended.

(e) Any minor violating this section shall be charged as being an unruly child and dealt with in accordance with Juvenile Court law and procedure. Any parent or guardian who violates this section is guilty of a minor misdemeanor.
(Ord. 360-03-02. Passed 5-21-02.)

509.99 PENALTY.

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

CHAPTER 511
Noise Control

511.01 Noise levels prohibited.

511.02 Noise from grading, excavation, landscaping and construction activity.

CROSS REFERENCES
Disorderly Conduct and Peace Disturbance - see GEN. OFF. Ch. 509

511.01 NOISE LEVELS PROHIBITED.

(a) Except as herein provided, the following is hereby prohibited within the Village between the hours of 11:00 p.m. and 8:00 a.m.: music, speech and noise of any character which is amplified by any electronic means which is generated outdoors or from indoors and audible beyond the property line of the location from which said music, speech, or noise of any character is generated.

(1) Any commercially licensed food and beverage establishment may play live music during the times set forth in subsection (a) hereof, and until midnight on Fridays and Saturdays only, provided that such music is not unreasonably loud, disturbing and annoying to anyone outside the property lines of such establishment.

(b) No person, after a reasonable request to desist, shall make or cause to be made any noise, music or speech, that is unreasonably loud, disturbing and annoying to others.

(c) It is unlawful for anyone operating or occupying a vehicle on a street, highway, parking lot or driveway within the Village, to operate or amplify the sound produced by a radio, CD player or other mechanical sound-making device or instrument from within a motor vehicle, so that the sound is audible a distance of 100 feet or more from the motor vehicle or is louder than necessary for the convenient hearing by persons inside the vehicle. The primary means of detection shall be by the officer's ordinary auditory senses. The officer must have a direct line of sight and hearing to the motor vehicle. The officer need not determine the particular words or phrases being produced. The detection of a rhythmic bass reverberating-type sound is sufficient to constitute an audible sound. This Section does not apply to a motor vehicle used for an emergency, business or political purposes or noise made by a horn, siren or other warning device required or permitted by State law or these Codified Ordinances.

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

(e) Whoever violates this section is guilty of a minor misdemeanor, punishable by a fine not in excess of one hundred dollars ($100.00), for a first offense. Whoever violates this section after having been previously convicted of a first offense is guilty of a fourth degree misdemeanor, punishable by a fine not in excess of two hundred fifty dollars ($250.00) and a jail sentence not in excess of thirty (30) days.
(Ord. 579-03-2013. Passed 5-21-13.)

511.02 NOISE FROM GRADING, EXCAVATION, LANDSCAPING AND CONSTRUCTION ACTIVITY.

(a) The following is hereby prohibited within the Village between the hours of 8:00 o'clock p.m. and 8:00 o'clock a.m.: noise caused by the operation of grading and excavation equipment (including, but not limited to, bulldozers and backhoes), landscaping equipment (including, but not limited to, chain saws, mowers, chippers, shredders, blowers, and vacuums), and construction equipment (including, but not limited to, hammers, saws, compressors, and air-driven nailers) which is generated outdoors or from indoors and audible beyond the property line of the location from which said noise is generated.

(b) No person shall, after a request to desist, make, continue or cause to be made by the use of any grading, excavation, landscaping or construction machinery any unreasonably loud, disturbing and unnecessary noises of such a character, intensity, and duration as to disturb the peace and quiet of the community or to be detrimental to the life and health of any individual.

(c) Heavy grading and/or excavation machinery requiring a warm-up period, may be run at idle speed during the hour of 7:00 o'clock a.m. to 8:00 o'clock a.m. Actual operation of this machinery, to perform work, during this time period is not permitted.

(d) Whoever violates this section is guilty of a minor misdemeanor for a first offense. Whoever violates this section after having been previously convicted of a first offense is guilty of a fourth degree misdemeanor.
(Ord. 420-03-05. Passed 5-17-05.)

CHAPTER 513
Drug Abuse Control

513.01 Definitions.
513.02 Gift of marihuana.
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 marihuana.
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 Marihuana drug paraphernalia.
513.13 Counterfeit controlled substances.
513.14 Offender may be required to pay for controlled substance tests.
513.15 Clandestine drug labs.
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)
Attempted drug abuse offenses - see GEN. OFF. 501.09(e)
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.

As used in this chapter, certain terms are defined as follows:

(a) "Administer" means the direct application of a drug, whether by injection, inhalation, ingestion or any other means to a person or an animal.

(b) "Controlled substance" means a drug, compound, mixture, preparation or substance included in Schedule I, II, III, IV, or V.

(c) "Dispense" means sell, leave with, give away, dispose of or deliver.

(d) "Distribute" means to deal in, ship, transport or deliver but does not include administering or dispensing a drug.

(e) "Hypodermic" means a hypodermic syringe or needle, or other instrument or device for the injection of medication.

(f) "Manufacturer" means a person who manufactures a controlled substance as "manufacture" is defined in Ohio R.C. 3715.01.

(g) Except as provided in subsection (g)(2) hereof:

(1) "Marihuana" means all parts of a plant of the genus cannabis, whether growing or not, the seeds of a plant of that type; the resin extracted from a part of a plant of that type; and every compound, manufacture, salt, derivative, mixture or preparation of a plant of that type or of its seeds or resin. "Marihuana" does not include the mature stalks of the plant, fiber produced from the stalks, oils or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted from the mature stalks, fiber, oil or cake, or the sterilized seed of the plant that is incapable of germination. (ORC 3719.01)

(2) "Marihuana" does not include hashish.
(ORC 2925.01)

(h) "Controlled substance analog" has the same meaning as provided in Ohio R.C. 3719.01.

(i) "Official written order" means an order written on a form provided for that purpose by the Director of the United States Drug Enforcement Administration, under any laws of the United States making provision for the order, if the order forms are authorized and required by Federal law.

(j) "Pharmacist" means a person licensed under Ohio R.C. Chapter 4729 to engage in the practice of pharmacy.

(k) "Pharmacy" has the same meaning as in Ohio R.C. 4729.01.

(l) "Poison" means any drug, chemical, or preparation likely to be deleterious or destructive to adult human life in quantities of four grams or less.

(m) "Licensed health professional authorized to prescribe drugs", "prescriber" and "prescription" have the same meanings as in Ohio R.C. 4729.01.

(n) "Sale" includes delivery, barter, exchange, transfer or gift, or offer thereof, and each transaction of those natures made by any person, whether as principal, proprietor, agent, servant or employee.

(o) "Schedule I", "Schedule II", "Schedule III", "Schedule IV" and "Schedule V" mean controlled substance Schedules I, II, III, IV, and V respectively, established pursuant to Ohio R.C. 3719.41, as amended pursuant to Ohio R.C. 3719.43 or 3719.44.

(p) "Wholesaler" means a person who, on official written orders other than prescriptions, supplies controlled substances that the person has not manufactured, produced or prepared personally and includes a "wholesale distributor of dangerous drugs" as defined in Ohio R.C. 4729.01.
(ORC 3719.01)

(q) "Drug of abuse" means any controlled substance as defined in subsection (b) hereof, any harmful intoxicant as defined in subsection (x) hereof and any dangerous drug as defined in subsection (r) hereof.
(ORC 3719.011)

(r) "Dangerous drug" means any of the following:

(1) Any drug to which either of the following applies:

A. Under the "Federal Food, Drug, and Cosmetic Act", 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is required to bear a label containing the legend "Caution: Federal law prohibits dispensing without prescription" or "Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian" or any similar restrictive statement, or the drug may be dispensed only upon a prescription;

B. Under Ohio R.C. Chapter 3715 or 3719, the drug may be dispensed only upon a prescription.

(2) Any drug that contains a Schedule V narcotic drug and that is exempt from Ohio R.C. Chapter 3719 or to which that chapter does not apply;

(3) Any drug intended for administration by injection into the human body other than through a natural orifice of the human body. (ORC 4729.02)

(s) "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 controlled substance analogs, marihuana, cocaine, L.S.D., heroin, and hashish and except as provided in subsection (s)(2) or (5) hereof, 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 phencyclidine;

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, 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, and the Federal Drug Abuse Control laws as defined in Ohio R.C. 3719.01, 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 and the Federal Drug Abuse Control laws;

(2) An amount equal to or exceeding one hundred twenty 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.

(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.

(t) "Unit dose" means an amount or unit of 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.

(u) "Cultivate" includes planting, watering, fertilizing or tilling.

(v) "Drug abuse offense" means any of the following:

(1) A violation of Ohio R.C.. 2925.02, 2925.03, 2925.04 to 2925.06, 2925.11, 2925.12, 2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36 or 2925.37; or a violation of Ohio R.C. 2913.02(A) that constitutes theft of drugs;

(2) A violation of an existing or former law of this or any other state or of the United States, that is substantially equivalent to any section listed in subsection (v)(1) hereof;

(3) An offense under an existing or former law of this or any other 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 or attempt to commit, or complicity in committing or attempting to commit any offense under subsection (v)(1), (2) or (3) hereof.

(w) "Felony drug abuse offense" means any drug abuse offense that would constitute a felony under the laws of this State, any other state or the United States.

(x) "Harmful intoxicant" does not include beer or intoxicating liquor, but means any of the following:

(1) Any compound, mixture, preparation or substance the gas, fumes or vapor of which when inhaled can induce intoxication, excitement, giddiness, irrational behavior, depression, stupefaction, paralysis, unconsciousness, asphyxiation or other harmful physiological effects, and includes, but is not limited to, any of the following:
   A. Any volatile organic solvent, plastic cement, model cement, fingernail polish remover, lacquer thinner, cleaning fluid, gasoline, or other preparation containing a volatile organic solvent;
   B. Any aerosol propellant;
   C. Any fluorocarbon refrigerant;
   D. Any anesthetic gas.
(2) Gamma Butyrolactone;
(3) 1,4 Butanediol.

(y) "Manufacture" means 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.

(z) "Possess" or "possession" means 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.

(aa) "Sample drug" means 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.

(bb) "Standard pharmaceutical reference manual" means the current edition, with cumulative changes if any, of references that are approved by the State Board of Pharmacy.

(cc) "Juvenile" means a person under eighteen years of age.

(dd) "School" means 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.

(ee) "School premises" means 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, any 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.

(ff) "School building" means 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.

(gg) "Counterfeit controlled substance" means:

(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 that trademark, trade name or identifying mark; or

(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; or

(3) Any substance that is represented to be a controlled substance but is not a controlled substance or is a different controlled substance; or

(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 marking, labeling, packaging, distribution or the price for which it is sold or offered for sale.

(hh) 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 one thousand 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 one thousand feet of the boundaries of any school premises.

(ii) An offense is "committed in the vicinity of a juvenile" if the offender commits the offense within one hundred 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 one hundred feet of or within view of the juvenile, or whether the juvenile actually views the commission of the offense.

(jj) "Hashish" means the resin or a preparation of the resin contained in marihuana, whether in solid form or in a liquid concentrate, liquid extract, or liquid distillate form.

(kk) "Public premises" means any hotel, restaurant, tavern, store, arena, hall, or other place of public accommodation, business, amusement, or resort.

(ll) "Methamphetamine" means methamphetamine, any salt, isomer, or salt of an isomer of methamphetamine, or any compound, mixture, preparation, or substance containing methamphetamine or any salt, isomer or salt of an isomer of methamphetamine.

(mm) "Lawful prescription" means a prescription that is issued for a legitimate medical purpose by a licensed health professional authorized to prescribe drugs, that is not altered or forged, and that was not obtained by means of deception or by the commission of any theft offense.

(nn) "Deception" and "theft offense" have the same meanings as in Ohio R.C. 2913.01. (ORC 2925.01)

513.02 GIFT OF MARIHUANA.

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

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

(c) The court may suspend for not less than six months or 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. 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) This section does not apply to the following:

(1) 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.

(2) 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;

(3) 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;

(4) Any person who obtained the controlled substance pursuant to a lawful prescription issued by a licensed health professional authorized to prescribe drugs.

(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 less than six months or more than five years the offender's driver's or commercial driver's license or permit.

(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 less than six months or more than five years the offender's driver's or commercial driver's license or permit. (ORC 2925.12)

513.05 PERMITTING DRUG ABUSE.

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

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

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

(d) In addition to any other sanction imposed for an offense under this section, the court that sentences a person who is convicted of or pleads guilty to a violation of this section may suspend for not less than six months or more than five years the offender's driver's or commercial driver's license or permit.

(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 less than six months or more than five years the offender's driver's or commercial driver's license or permit. (ORC 2925.31)

513.08 ILLEGALLY DISPENSING DRUG SAMPLES.

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

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

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

(1) Except as otherwise provided in subsection (c)(2) hereof, illegal dispensing of drug samples is a misdemeanor of the second degree.

(2) If the offense was committed in the vicinity of a school or in the vicinity of a juvenile, illegal dispensing of drug samples is a misdemeanor of the first degree.

(d) In addition to any other sanction imposed for an offense under this section, the court that sentences an offender who is convicted of or pleads guilty to a violation of this section may suspend for not less than six months or more than five years the offender's driver's or commercial driver's license or permit. (ORC 2925.36)

513.09 CONTROLLED SUBSTANCE OR PRESCRIPTION LABELS.

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

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

513.10 HYPODERMIC POSSESSION, DISPLAY AND DISPENSING.

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

(1) A manufacturer or distributor of, or dealer in, hypodermics or medication packaged in hypodermics, and any authorized agent or employee of that manufacturer, distributor or dealer, in the regular course of business;

(2) Terminal distributor of dangerous drugs, in the regular course of business;

(3) A person authorized to administer injections, in the regular course of the person's profession or employment;

(4) A person, when the hypodermic was lawfully obtained and is kept and used for the purpose of self-administration of insulin or other drug prescribed for the treatment of disease by a licensed health professional authorized to prescribe drugs;

(5) A person whose use of a hypodermic is for legal research, clinical, educational or medicinal purposes;

(6) A farmer, for the lawful administration of a drug to an animal;

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

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

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

513.11 HARMFUL INTOXICANTS; POSSESSING NITROUS OXIDE IN MOTOR VEHICLE.

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

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

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

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

(c) Whoever violates this section is guilty of possessing nitrous oxide in a motor vehicle, a misdemeanor of the fourth degree.
(ORC 2925.33)

513.12 DRUG PARAPHERNALIA.

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

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

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

(1) Any statement by the owner, or by anyone in control, of the equipment, product or material, concerning its use;

(2) The proximity in time or space of the equipment, product or material, or of the act relating to the equipment, product or material, to a violation of any provision of this chapter or Ohio R.C. Chapter 2925;

(3) The proximity of the equipment, product or material to any controlled substance;

(4) The existence of any residue of a controlled substance on the equipment, product or material;

(5) Direct or circumstantial evidence of the intent of the owner, or of anyone in control, of the equipment, product or material, to deliver it to any person whom the owner or person in control of the equipment, product or material knows intends to use the object to facilitate a violation of any provision of this chapter or Ohio R.C. Chapter 2925. A finding that the owner, or anyone in control, of the equipment, product or material, is not guilty of a violation of any other provision of this chapter or Ohio R.C. Chapter 2925, does not prevent a finding that the equipment, product or material was intended or designed by the offender for use as drug paraphernalia;

(6) Any oral or written instruction provided with the equipment, product or material concerning its use;

(7) Any descriptive material accompanying the equipment, product or material and explaining or depicting its use;

(8) National or local advertising concerning the use of the equipment, product or material;

(9) The manner and circumstances in which the equipment, product or material is displayed for sale;

(10) Direct or circumstantial evidence of the ratio of the sales of the equipment, product or material to the total sales of the business enterprise;

(11) The existence and scope of legitimate uses of the equipment, product or material in the community;

(12) Expert testimony concerning the use of the equipment, product or material.

(c) (1) Subject to subsection (d)(2) of this section, no person shall knowingly use, or possess with purpose to use, drug paraphernalia.

(2) No person shall knowingly sell, or possess or manufacture with purpose to sell, drug paraphernalia, if the person knows or reasonably should know that the equipment, product or material will be used as drug paraphernalia.

(3) No person shall place an advertisement in any newspaper, magazine, handbill or other publication that is published and printed and circulates primarily within this State, if the person knows that the purpose of the advertisement is to promote the illegal sale in the State of the equipment, product or material that the offender intended or designed for use as drug paraphernalia.

(d) (1) This section does not apply to manufacturers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies and other persons whose conduct is in accordance with Ohio R.C. Chapters 3719, 4715, 4729, 4730, 4731, and 4741. This section shall not be construed to prohibit the possession or use of a hypodermic as authorized by Section 513.10.

(2) Subsection (c)(1) of this section does not apply to a person's use, or possession with purpose to use, any drug paraphernalia that is equipment, a product, or material of any kind that is used by the person, intended by the person for use, or designed for use in storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body marihuana.

(e) Notwithstanding Ohio R.C. Chapter 2981, any drug paraphernalia that was used, possessed, sold or manufactured in violation of this section shall be seized, after a conviction for that violation shall be forfeited, and upon forfeiture shall be disposed of pursuant to Ohio R.C. 2981.12.

(f) (1) Whoever violates subsection (c)(1) hereof is guilty of illegal use or possession of drug paraphernalia, a misdemeanor of the fourth degree.

(2) Except as provided in subsection (f)(3) hereof, whoever violates subsection (c)(2) hereof is guilty of dealing in drug paraphernalia, a misdemeanor of the second degree.

(3) Whoever violates subsection (c)(2) hereof by selling drug paraphernalia to a juvenile is guilty of selling drug paraphernalia to juveniles, a misdemeanor of the first degree.

(4) Whoever violates subsection (c)(3) hereof is guilty of illegal advertising of drug paraphernalia, a misdemeanor of the second degree.

(g) In addition to any other sanction imposed upon an offender for a violation of this section, the court may suspend for not less than six months or more than five years the offender's driver's or commercial driver's license or permit. If the offender is a professionally licensed person, in addition to any other sanction imposed for a violation of this section, the court immediately shall comply with Ohio R.C. 2925.38. (ORC 2925.14)

513.121 MARIHUANA DRUG PARAPHERNALIA.

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

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

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

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

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

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

(g) In addition to any other sanction imposed upon an offender for a violation of this section, the court shall suspend for not less than six months or more than five years the offender's driver's or commercial driver's license or permit. 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)

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

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

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

513.15 CLANDESTINE DRUG LABS.

(a) Definitions.

(1) "Clandestine drug lab" means the unlawful manufacture or attempt to manufacture controlled substances.

(2) "Clandestine drub lab site" means any place or area where law enforcement has determined that conditions associated with the operation of a clandestine drub lab exist. A clandestine drub lab site may include industrial, commercial and residential buildings and dwellings, including accessory buildings, accessory structures, motor vehicles, a chemical dump site or any land.

(b) Declaration of Property as a Public Nuisance. Any clandestine drub lab site or chemical dump site identified by law enforcement authorities is hereby declared to be a public health nuisance.

(c) Notice of Public Health Nuisance to Concerned Parties. Upon receipt of the notification by law enforcement agencies, the Administrator shall promptly issue a Declaration of Public Health Nuisance for the affected property and post a copy of the Declaration at the probably entrance to the dwelling or property. Where the Administrator or Police Chief determines that an immediate threat of human exposure or injury exists, the Village may conduct emergency dismantling and disposal of drug processing apparatus and/or chemicals. To the extent permitted by law, the individual or entity responsible, and/or the owner of the property where the site is found, shall be liable to the Village for its cost incurred in conducting the emergency dismantling and disposal. Such costs may be recovered pursuant to subsections (e) and (f) hereof, without regard to whether a nuisance is declared or an abatement order is issued. The Administrator shall also notify the owner of the property by mail and notify the following parties:

(1) Occupants of the premises.
(2) All adjacent property owners and any other neighbors at probable risk.
(3) The primary and secondary mortgage holders.

(d) The Administrator shall also issue an Order to Abate the public health nuisance, which shall comply with the rules and regulations attached as Exhibit A to Ordinance 541-12-11 and order the owner of the property to do the following:

(1) Cause the immediate vacation of all occupants of those portions of the property, including building or structure interiors, which may place the occupants or visitors at risk.
(2) Contract with appropriate environmental testing and cleaning firms to conduct an on-site assessment, complete clean-up and remediation testing and follow up testing, and determine that the property risks are sufficiently reduced to allow safe human occupation of the dwelling.
(3) Provide the Administrator with written documentation of the clean up process including a signed written statement from the environmental testing and cleaning firm that the property is safe for human occupancy and that the clean up was conducted. The owner shall complete the remediation and post remediation assessment within ninety (90) days from the date of the Declaration of Public Nuisance.

(e) Property Owner's Responsibility for Costs. The property owner shall be responsible for all costs of clean up of the site, including contractor fees.

(f) City Responsibility and Recovery of Costs.

(1) If, after Notice of the Declaration of Public Health Nuisances, the property owner fails to arrange appropriate assessment and clean up pursuant to the rules attached as Exhibit A to Ordinance 541-12-11, the Administrator is authorized to proceed to initiate the on-site assessment and clean up.
(2) If the Village is unable to locate the property owner, or serve them with Notice, within fourteen (14) days of the Declaration of Public Health Nuisance, the Administrator is authorized to proceed and complete an on-site assessment and clean up.
(3) The Village may abate the nuisance by removing the hazardous structure or building, or otherwise.
(4) The Village shall be entitled to recover all costs of abatement of the public nuisance. The Village may recover costs by civil action against the person or persons who own the property, or by assessing such costs as a special assessment pursuant to Oho Revised Code.

(g) Appeals. Any person adversely affected by any order of the Administrator pursuant to this section may request a hearing on the matter by submitting a written request to the Planning Commission for an appeal within five days of receipt of the Notice of Declaration of Public Health Nuisance. The Commission shall issue a written order either affirming, reversing or modifying the order of the Administrator.

(h) Penalties. Any person or company found violating any provision of this section shall be guilty of a first degree misdemeanor.
(Ord. 541-12-11. Passed 3-20-12.)

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

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.
As used in this chapter:
(a) "Bookmaking" means the business of receiving or paying off bets.
(b) "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.
(c) "Scheme of chance" means 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:
(1) Less than fifty percent 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;

(2) Less than fifty percent 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;
(3) More than fifty percent 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;
(4) 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;
(5) 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;
(6) A participant may use the electronic device to purchase additional game entries;
(7) A participant may purchase additional game entries by using points or credits won as prizes while using the electronic device;
(8) A scheme of chance operator pays out in prize money more than twenty per cent of the gross revenue received at one location; or
(9) 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.

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.

(d) "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.

(e) "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.

(f) "Gambling device" means any of the following:
(1) A book, totalizer or other equipment 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.

(g) "Gambling offense" means the following:
(1) A violation of Ohio R.C. 2915.02 to 2915.092, 2915.10 or 2915.11;
(2) A violation of an existing or former municipal ordinance or law of this or any other state or the United States substantially equivalent to any section listed in subsection (g)(1) hereof 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 the United States, of which gambling is an element;
(4) A conspiracy or attempt to commit, or complicity in committing an offense under subsection (g)(1), (2) or (3) hereof.

(h) Except as otherwise provided in this chapter, "charitable organization" means either of the following:

(1) An organization that is and has received from the Internal Revenue Service a determination letter that currently is 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;

(2) 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 subsection 501(c)(4), (c)(7), (c)(8), (c)(10) or (c)(19) of the Internal Revenue Code.

To qualify as a charitable organization, an organization shall have been in continuous existence as such in this State for a period of two 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 in division (D) of Ohio R.C. 2915.02.

(i) "Religious organization" means any church, body of communicants or group that is not organized or operated for profit, that gathers in common membership for regular worship and religious observances.

(j) "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 subsection, "national veteran's association" means any veteran's association that has been in continuous existence as such for a period of at least five years and either is incorporated by an act of the United States congress or has a national dues-paying membership of at least five thousand persons.

(k) "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.

(l) "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 of sodality of its members.

(m) "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.

(n) "Charitable bingo game" means any bingo game described in subsection (o)(1) or (2) of this section 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.

(o) "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 spaces arranged in five horizontal and five 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 space 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 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 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 (o)(1)C. hereof, that a predetermined and preannounced pattern of spaces has been covered on a bingo card or sheet being used by a participant.

(2) Instant bingo, punch boards and raffles.

(p) "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.

(q) "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, 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.

(r) "Participant" means any person who plays bingo.

(s) "Bingo session" means a period that includes both of the following:

(1) Not to exceed five continuous hours for the conduct of one or more games described in subsection (o)(1) of this section, instant bingo, and seal cards;

(2) A period for the conduct of instant bingo and seal cards for not more than two hours before and not more than two hours after the period described in subsection (s)(1) of this section.

(t) "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. "Gross receipts" 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 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.

(u) "Security personnel" includes any person who either is a sheriff, deputy sheriff, marshal, deputy marshal, township constable, or a police officer of a municipal corporation or has successfully completed a peace officer's training course pursuant to Ohio R.C. 109.71 to 109.79 and who is hired to provide security for the premises on which bingo is conducted.

(v) “Charitable purpose" means that the net profit of bingo, other than instant bingo, is used by, or is given, donated, or otherwise transferred to, any of the following:
(1) Any organization that is described in subsection 509(a)(1), 509(a)(2), or 509(a)(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;
(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 per cent 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 division (B)(12) of Ohio R.C. 5739.02, is used for awarding scholarships to or for attendance at an institution mentioned in division (B)(12) of Ohio R.C. 5739.02, 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;
(3) A fraternal organization that has been in continuous existence in this State for fifteen 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 subsection 170 of the Internal Revenue Code;
(4) A volunteer firefighter's organization that uses the net profit for the purposes set forth in subsection (k) of this section.

(w) "Internal Revenue Code" means the Internal Revenue Code of 1986, 100 Stat. 2085, 26 U..S.C. 1, as now or hereafter amended.

(x) "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 years of age or younger by means of sponsoring, organizing, operating or contributing to the support of an athletic team, club, league or association.

(y) "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 at least one hundred days per year 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 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 paragraph (1) hereof.

(z) "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; 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. For purposes of this chapter, "bingo supplies" are not to be considered equipment used to conduct a bingo game.

(aa) “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. In all “instant bingo” the prize amount and structure shall be predetermined. "Instant bingo" does not include 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.

(bb) “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 predesignated winning numbers, letters, or symbols.

(cc) “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. “Raffle” 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.

(dd) "Punch board" means 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 when used in conjunction with instant bingo. 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.

(ee) "Gross profit" means gross receipts minus the amount actually expended for the payment of prize awards.

(ff) "Net profit" means gross profit minus expenses.

(gg) "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 division (B)(1) of Ohio R.C. 2915.08.

(hh) "Person" has the same meaning as in Ohio R.C. 1.59 and includes any firm or any other legal entity, however organized.

(ii) "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.

(jj) "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.

(kk) "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.

(ll) "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.

(mm) "Gross annual revenues" means the annual gross receipts derived from the conduct of bingo described in subsection (o)(1) of this section plus the annual net profit derived from the conduct of bingo described in subsection (o)(2) of this section.

(nn) "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 nonwinning 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.

(oo) (1) "Electronic bingo aid" means 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) "Electronic bingo aid" does not include any device into which a coin, currency, token, or an equivalent is inserted to activate play.

(pp) “Deal of instant bingo tickets" means a single game of instant bingo tickets all with the same serial number.

(qq) (1) "Slot machine” means 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) “Slot machine” does not include a skill-based amusement machine or an instant bingo ticket dispenser.

(rr) “Net profit from the proceeds of the sale of instant bingo" means gross profit minus the ordinary, necessary, and reasonable expense expended for the purchase of instant bingo supplies, and, in the case of 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 is conducted.

(ss) "Charitable instant bingo organization" means an organization that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code and is a charitable organization as defined in this section. A "charitable instant bingo organization" does not include a charitable organization that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code 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 Ohio R.C. 2915.13.

(tt) "Game flare" means the board or placard that accompanies each deal of instant bingo tickets and that has printed on or affixed to it 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 instant bingo tickets by denomination and the respective winning symbol or number combinations for the winning instant bingo tickets;
(6) The cost per play;
(7) The serial number of the game.

(uu) (1) "Skill-based amusement machine" means 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:

A. The wholesale value of a merchandise prize awarded as a result of the single play of a machine does not exceed ten dollars;
B. 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;
C. Redeemable vouchers are not redeemable for a merchandise prize that has a wholesale value of more than ten dollars times the fewest number of single plays necessary to accrue the redeemable vouchers required to obtain that prize; and
D. Any redeemable vouchers or merchandise prizes are distributed at the site of the skill-based amusement machine at the time of play.

A card for the purchase of gasoline is a redeemable voucher for purposes of division (uu)(1) of this section 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 impacted 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 (uu)(1) of this section:

A. As used in subsection (uu) of this section, "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 noncontest, 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 (uu)(1) of this section, the mere presence of a device, such as a pin-setting, 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.

(vv) "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, bingo, or instant bingo;

(3) Firearms, tobacco, or alcoholic beverages; or

(4) A redeemable voucher that is redeemable for any of the items listed in subsection (vv)(1), (2) or (3) of this section.

(ww) "Redeemable voucher" means any ticket, token, coupon, receipt, or other noncash representation of value.

(xx) "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.

(yy) "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 years.

(zz) "Community action agency" has the same meaning as in Ohio R.C. 122.66.

(aaa) (1) "Sweepstakes terminal device" means 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 partners, 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 subsection 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 of 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.
D. "Sweepstakes terminal device facility" means any location in this Municipality where a sweepstakes terminal device is provided to a sweepstakes participant, except as provided in Ohio R.C. 2915.02(G).

(bbb) "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 this chapter, 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.
(ORC 2915.01)

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 (vv)(1), (2), (3) or (4) of Section 517.01 as a prize for playing or participating in a sweepstakes; or

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 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.

(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 craps 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.

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.

(e) 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) Use, or give, donate, or otherwise transfer, all of the net profit derived from bingo, other than instant bingo, for a charitable purpose listed in its license application and described in Section 517.01(v), or distribute all of the net profit from the proceeds of the sale of instant bingo as stated in its license application and in accordance with Ohio R.C. 2915.101.

(b) No charitable organization that conducts a bingo game described in Section 517.01(o)(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 per cent 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 other charitable organizations per calendar week for 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 charitable organizations per calendar week for conducting bingo sessions on the premises. In no case shall more than nine 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(o)(1).

(c) No charitable organization that conducts a bingo game described in Section 517.01(o)(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 bingo sessions in a calendar year may conduct more than three 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(o)(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 two a.m. and ten a.m., at any time during, or within ten 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 nine a.m. for a bingo session that begins at ten 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 General for an amended license, pursuant to division (F) 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 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 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.

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

(d) (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) hereof, 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 other than at a bingo session at the site of instant bingo 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 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 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 (c)(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 (c)(12) is a felony and shall be prosecuted under appropriate State law.
(ORC 2915.09)

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 years of age;

(8) Fail to keep unsold instant bingo tickets or cards for less than three 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;

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 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 charitable organization, a public school, a chartered nonpublic school, a community school, or a veteran's organization, fraternal organization, or sporting organization that is exempt from federal income taxation under subsection 501(a) and is described in subsection 501(c)(3), 501(c)(4), 501(c)(7), 501(c)(8), 501(c)(10), or 501(c)(19) of the Internal Revenue Code may conduct a raffle to raise money for the organization or school and does not need a license to conduct bingo in order to conduct a raffle drawing that is not for profit.

(2) If a charitable organization that is described in subsection (a)(1) of this section, but that is not also described in subsection 501(c)(3) of the Internal Revenue Code, conducts a raffle, the charitable organization shall distribute at least fifty per cent of the net profit from the raffle to a charitable purpose described in Section 517.01(v) 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)

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, 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 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 days per calendar year and not more than ten 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 (gg)(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 per cent 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.

(e) (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 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;

(2) An itemized list of all expenses, other than prizes, that are incurred in conducting bingo or instant 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 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(v), Section 517.02(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(t);
(7) An itemized list of all expenses incurred at each bingo session, each raffle, each punch board game, or each game of 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(o)(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 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 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) The Attorney General, or any law enforcement agency, may do all of the following:

(1) Investigate any charitable organization or any officer, agent, trustee, member, or employee of the organization;

(2) Examine the accounts and records of the organization;

(3) Conduct inspections, audits, and observations of bingo or games of chance;

(4) Conduct inspections of the premises where bingo or games of chance are conducted;

(5) Take any other necessary and reasonable action to determine if a violation of any provision of this chapter has occurred and to determine whether Section 517.12 has been complied with.

If any law enforcement agency has reasonable grounds to believe that a charitable organization or an officer, agent, trustee, member, or employee of the organization has violated any provision of this chapter, the law enforcement agency may proceed by action in the proper court to enforce this chapter, provided that the law enforcement agency shall give written notice to the Attorney General when commencing an action as described in this subsection.

(i) No person shall destroy, alter, conceal, withhold, or deny access to any accounts or records of a charitable organization that have been requested for examination, or obstruct, impede, or interfere with any inspection, audit, or observation of bingo or a game of chance or premises where bingo or a game of chance is conducted, 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 (h) of this section.

(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 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 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 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(o)(2).

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

(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 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 2915.11 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(o)(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.

(b) The Attorney General, or any local law enforcement agency, may investigate the conduct of a bingo game that purportedly is conducted for purposes 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)

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

(a) A veteran's organization, a fraternal organization, or a sporting organization authorized to conduct a bingo session pursuant to Ohio R.C. 2915.01 to 2915.12 may conduct instant bingo other than at a bingo session if all of the following apply:

(1) The veteran's organization, fraternal organization or sporting organization limits the sale of instant bingo to twelve hours during any day, provided that the sale does not begin earlier than ten a.m. and ends not later than two a.m.

(2) The veteran's organization, fraternal organization or a sporting organization limits the sale of 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 subsection 509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code 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 subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code, and that is in good standing in this State and executes a written contract with that organization as required in subsection (b) of this section.

(b) If a veteran's organization, fraternal organization, or sporting organization authorized to conduct instant bingo pursuant to subsection (a) of this section is raising money for another organization that is described in subsection 509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code 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 subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code, 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 subsection 509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code 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 subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code, and that is in good standing in this State in order to conduct instant bingo. That contract shall include a statement of the percentage of the net proceeds that the veteran's, fraternal or sporting organization will be distributing to the organization that is described in subsection 509(a)(1), 509(a)(2) or 509(a)(3) of the Internal Revenue Code 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 subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code, and that is in good standing in this State.

(c) (1) If a veteran's organization, fraternal organization or a sporting organization authorized to conduct instant bingo pursuant to subsection (a) of this section 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 a sporting organization violates a provision of this chapter or Ohio R.C. Chapter 2915.

(2) No veteran's organization, fraternal organization, or a sporting organization that enters into a written contract pursuant to subsection (b) of this section 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 a sporting organization shall give all required proceeds earned from the conduct of instant bingo to the organization with which the veteran's organization, fraternal organization, or a sporting organization has entered into a written contract.

(e) Whoever violates 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 this section, illegal instant bingo conduct is a felony and shall 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(vv)(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)

517.99 PENALTY.

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

CHAPTER 521
Health, Safety and Sanitation

521.01 Abandoned refrigerators and airtight containers.
521.02 Venting of heaters and burners.
521.03 Barricades and warning lights; abandoned excavations.
521.04 Sidewalk obstructions; damage or injury.
521.05 Notice to fill lots, remove putrid substances.
521.06 Duty to keep sidewalks in repair and clean.
521.07 Fences.
521.08 Littering and deposit of garbage, rubbish, junk, etc.
521.09 Noxious or offensive odors.
521.10 Nonsmoking areas in places of public assembly.
521.11 Removal of mulch from the Village Leaf Recycling Compost Center.
521.12 User of dumpsters.
521.99 Penalty.

CROSS REFERENCES
See sectional histories for similar State law
Flagpole installation in sidewalk - see Ohio R.C. 723.012
Excavation liability - see Ohio R.C. 723.49 et seq.
Removal of noxious weeds or litter - see Ohio R.C. 731.51 et seq.
Nuisances - see Ohio R.C. Ch. 3767
Tampering with safety devices - see GEN. OFF. 541.04

521.01 ABANDONED REFRIGERATORS AND AIRTIGHT CONTAINERS.

(a) No person shall abandon, discard, or knowingly permit to remain on premises under his control, in a place accessible to children, any abandoned or discarded icebox, refrigerator or other airtight or semiairtight container which has a capacity of one and one-half cubic feet or more and an opening of fifty square inches or more and which has a door or lid equipped with hinge, latch or other fastening device capable of securing such door or lid, without rendering such equipment harmless to human life by removing such hinges, latches or other hardware which may cause a person to be confined therein. This section shall not apply to an icebox, refrigerator or other airtight or semiairtight container located in that part of a building occupied by a dealer, warehouseman or repairman. (ORC 3767.29)

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

521.02 VENTING OF HEATERS AND BURNERS.

(a) A brazier, salamander, space heater, room heater, furnace, water heater or other burner or heater using wood, coal, coke, fuel oil, kerosene, gasoline, natural gas, liquid petroleum gas or similar fuel, and tending to give off carbon monoxide or other harmful gas:

(1) When used in living quarters, or in any enclosed building or space in which persons are usually present, shall be used with a flue or vent so designed, installed and maintained as to vent the products of combustion outdoors; except in storage, factory or industrial buildings which are provided with sufficient ventilation to avoid the danger of carbon monoxide poisoning;

(2) When used as a portable or temporary burner or heater at a construction site, or in a warehouse, shed or structure in which persons are temporarily present, shall be vented as provided in subsection (a) hereof, or used with sufficient ventilation to avoid the danger of carbon monoxide poisoning.

(b) This section does not apply to domestic ranges, laundry stoves, gas logs installed in a fireplace with an adequate flue, or hot plates, unless the same are used as space or room heaters.

(c) No person shall negligently use, or, being the owner, person in charge, or occupant of premises, negligently permit the use of a burner or heater in violation of the standards for venting and ventilation provided in this section.

(d) Subsection (a) hereof does not apply to any kerosene-fired space or room heater that is equipped with an automatic extinguishing tip-over device, or to any natural gas-fired or liquid petroleum gas-fired space or room heater that is equipped with an oxygen depletion safety shutoff system, and that has its fuel piped from a source outside of the building in which it is located, that are approved by an authoritative source recognized by the State Fire Marshal in the State Fire Code adopted by him under Ohio R.C. 3737.82.

(e) The State Fire Marshal may make rules to ensure the safe use of unvented kerosene, natural gas or liquid petroleum gas heaters exempted from subsection (a) hereof when used in assembly buildings, business buildings, high hazard buildings, institutional buildings, mercantile buildings and type R-1 and R-2 residential buildings, as these groups of buildings are defined in rules adopted by the Board of Building Standards under Ohio R.C. 3781.10. No person shall negligently use, or, being the owner, person in charge or occupant of premises, negligently permit the use of a heater in violation of any rules adopted under this subsection.

(f) The State Fire Marshal may make rules prescribing standards for written instructions containing ventilation requirements and warning of any potential fire hazards that may occur in using a kerosene, natural gas, or liquid petroleum gas heater. No person shall sell or offer for sale any kerosene, natural gas or liquid petroleum gas heater unless the manufacturer provides with the heater written instructions that comply with any rules adopted under this subsection.

(g) No product labeled as a fuel additive for kerosene heaters and having a flash point below one hundred degrees Fahrenheit or thirty-seven and eight-tenths degrees centigrade shall be sold, offered for sale or used in any kerosene space heater.

(h) No device that prohibits any safety feature on a kerosene, natural gas or liquid petroleum gas space heater from operating shall be sold, offered for sale or used in connection with any kerosene, natural gas or liquid petroleum gas space heater.

(i) No person shall sell or offer for sale any kerosene-fired, natural gas or liquid petroleum gas-fired heater that is not exempt from subsection (a) hereof unless it is marked conspicuously by the manufacturer on the container with the phrase "Not Approved For Home Use."

(j) No person shall use a cabinet-type, liquid petroleum gas-fired heater having a fuel source within the heater, inside any building, except as permitted by the State Fire Marshal in the State Fire Code adopted by him under Ohio R.C. 3737.82. (ORC 3701.82)

(k) Whoever violates this section is guilty of a misdemeanor of the first degree. (ORC 3701.99(C))

521.03 BARRICADES AND WARNING LIGHTS; ABANDONED EXCAVATIONS.

(a) No person shall abandon or knowingly permit to remain on public or private property, any excavation, well, cesspool or structure which is in the process of construction, reconstruction, repair or alteration unless the same is adequately protected by suitable barricades and guarded by warning devices or lights at night so that the condition will not reasonably prove dangerous to life or limb.

(b) No person shall destroy, remove, damage or extinguish any barricade or warning light that is placed for the protection of the public so as to prevent injury to life or limb.

(c) Any owner or agent in control of a premises upon which a basement, cellar, well or cistern has been abandoned due to demolition, failure to build or any other reason shall cause the same to be filled to the ground surface with rock, gravel, earth or other suitable material.

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

521.04 SIDEWALK OBSTRUCTIONS; DAMAGE OR INJURY.

(a) No person shall place or knowingly drop upon any part of a sidewalk, playground or other public place any tacks, bottles, wire, glass, nails or other articles which may damage property of another or injure any person or animal traveling along or upon such sidewalk or playground.

(b) No person shall walk on, or allow any animal upon, or injure or deface in any way, any soft or newly laid sidewalk pavement.

(c) No person shall place, deposit or maintain any merchandise, goods, material or equipment upon any sidewalk so as to obstruct pedestrian traffic thereon except for such reasonable time as may be actually necessary for the delivery or pickup of such articles. In no such case shall the obstruction remain on such sidewalk for more than one hour.

(d) No person shall unload upon, or transport any heavy merchandise, goods, material or equipment over or across any sidewalk or curb without first placing some sufficient protection over the pavement to protect against damage or injury. The affected area shall be rendered safe and free from danger.

(e) No person shall allow any cellar or trap door, coal chute or elevator or lift opening in any sidewalk to remain open without providing suitable safeguards to protect and warn pedestrian traffic of the dangerous condition.

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

521.05 NOTICE TO FILL LOTS, REMOVE PUTRID SUBSTANCES.

(a) No person shall fail to comply with the following requirements within the lawful time after service or publication of the notice or resolution is made as required by law:

To fill or drain any lot or land or remove all putrid substances therefrom, or remove all obstructions from culverts, covered drains or natural watercourses as provided in Ohio R.C. 715.47.

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

521.06 DUTY TO KEEP SIDEWALKS IN REPAIR AND CLEAN.

(a) No owner or occupant of abutting lands shall fail to keep the sidewalks, curbs or gutters in repair and free from snow, ice or any nuisance. (ORC 723.011)

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

521.07 FENCES.

(a) No person shall erect or maintain any fence charged with electrical current.

(b) No person shall erect or maintain a barbed wire fence which abuts or is adjacent to any public street or sidewalk. This subsection (b) does not prevent the placement and use of not more than three strands of barbed wire on top of a fence other than a barbed wire fence, provided such strands are not less than seventy-two inches from the ground.

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

521.08 LITTERING AND DEPOSIT OF GARBAGE, RUBBISH, JUNK, ETC.

(a) No person, regardless of intent, shall deposit litter or cause litter to be deposited on any public property, on private property not owned by the person, or in or on waters of the State, or Municipality, unless one of the following applies:

(1) The person is directed to do so by a public official as part of a litter collection drive;

(2) Except as provided in subsection (b) hereof, the person deposits the litter in a litter receptacle in a manner that prevents its being carried away by the elements;

(3) The person is issued a permit or license covering the litter pursuant to Ohio R. C. Chapter 3734 or 6111.

(b) No person, without privilege to do so, shall knowingly deposit litter, or cause it to be deposited, in a litter receptacle located on any public property or on any private property not owned by the person, unless one of the following applies:

(1) The litter was generated or located on the property on which the litter receptacle is located.

(2) The person is directed to do so by a public official as part of a litter collection drive.

(3) The person is directed to do so by a person whom the person reasonably believes to have the privilege to use the litter receptacle.

(4) The litter consists of any of the following:

A. The contents of a litter bag or container of a type and size customarily carried and used in a motor vehicle;

B. The contents of an ash tray of a type customarily installed or carried and used in a motor vehicle;

C. Beverage containers and food sacks, wrappings and containers of a type and in an amount that reasonably may be expected to be generated during routine commuting or business or recreational travel by a motor vehicle;

D. Beverage containers, food sacks, wrappings, containers and other materials of a type and in an amount that reasonably may be expected to be generated during a routine day by a person and deposited in a litter receptacle by a casual passerby.

(c) (1) As used in subsection (b)(1) hereof, "public property" includes any private property open to the public for the conduct of business, the provision of a service, or upon the payment of a fee but does not include any private property to which the public otherwise does not have a right of access.

(2) As used in subsection (b)(4) hereof, "casual passerby" means a person who does not have depositing litter in a litter receptacle as the person's primary reason for traveling to or by the property on which the litter receptacle is located.

(d) As used in this section:

(1) "Litter" means garbage, trash, waste, rubbish, ashes, cans, bottles, wire, paper, cartons, boxes, automobile parts, furniture, glass or anything else of an unsightly or unsanitary nature.

(2) "Deposit" means to throw, drop, discard or place.

(3) "Litter receptacle" means a dumpster, trash can, trash bin, garbage can or similar container in which litter is deposited for removal.
(ORC 3767.32)

(e) No person shall cause or allow litter to be collected or remain in any place to the damage or prejudice of others or of the public, or unlawfully obstruct, impede, divert, corrupt or render unwholesome or impure, any natural watercourse.

(f) Whoever violates any provision of subsections (a) to (d) hereof, is guilty of a misdemeanor of the third degree. The sentencing court may, in addition to or in lieu of the penalty provided in this subsection require a person who violates subsections (a) to (d) hereof to remove litter from any public or private property, or in or on any waters.
(ORC 3767.99(C))

(g) Whoever violates subsection (e) hereof is guilty of a minor misdemeanor.

521.09 NOXIOUS OR OFFENSIVE ODORS.

(a) No person shall erect, continue, use or maintain a dwelling, building, structure or place for a residence or for the exercise of a trade, employment or business, or for the keeping or feeding of an animal which, by occasioning noxious exhalations or noisome or offensive smells, becomes injurious to the health, comfort or property of individuals or of the public. (ORC 3767.13)

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

521.10 NONSMOKING AREAS IN PLACES OF PUBLIC ASSEMBLY.

(a) As used in this section, "place of public assembly" means:

(1) Enclosed theaters, except the lobby; opera houses; auditoriums; classrooms; elevators; rooms in which persons are confined as a matter of health care, including but not limited to a hospital room and a room in a rest home serving as the residence of a person living in such rest home;

(2) All buildings and other enclosed structures owned by the State,its agencies or political subdivisions, including but not limited to hospitals and State institutions for the mentally retarded and the mentally ill; university and college buildings, except rooms within those buildings used primarily as the residences of students or other persons affiliated with the university or college; office buildings; libraries; museums; and vehicles used in public transportation. That portion of a building or other enclosed structure that is owned by the State, a State agency or a political subdivision and that is used primarily as a food service establishment is not a place of public assembly.

(3) Each portion of a building or enclosed structure that is not included in subsection (a)(1) or (2) hereof is a place of public assembly if it has a seating capacity of fifty or more persons and is available to the public. Restaurants, food service establishments, dining rooms, cafes, cafeterias or other rooms used primarily for the service of food, as well as bowling alleys and places licensed by the Department of Liquor Control to sell intoxicating beverages for consumption on the premises, are not places of public assembly.

(b) For the purpose of separating persons who smoke from persons who do not smoke for the comfort and health of persons not smoking, in every place of public assembly there shall be an area where smoking is not permitted, which shall be designated a no smoking area. Provided that, no more than one-half of the rooms in any health care facility in which persons are confined as a matter of health care may be designated as smoking areas in their entirety. The designation shall be made before the place of public assembly is made available to the public. In places included in subsection (a)(1) hereof the local fire authority having jurisdiction shall designate no smoking area. In places included in subsection (a)(2) hereof that are owned by the Municipality, Council shall designate an officer who shall designate the area. In places included in subsection (a)(3) hereof, the person having control of the operations of the place of public assembly shall designate the no smoking area. In places included in subsection (a)(2) hereof which are also included in subsection (a)(1) hereof, the officer who has authority to designate the area in places in subsection (a)(2) hereof shall designate the no smoking area. A no smoking area may include the entire place of public assembly. Designations shall be made by the placement of signs that are clearly visible and that state "NO SMOKING". No person shall remove signs from areas designated as no smoking areas.

(c) This section does not affect or modify the prohibition contained in Ohio R.C. 3313.751(B).

(d) No person shall smoke in any area designated as a no smoking area in accordance with subsection (b) hereof or Ohio R.C. 3791.031.

(e) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 3791.031)

521.11 REMOVAL OF MULCH FROM THE VILLAGE LEAF RECYCLING COMPOST CENTER.

(a) No vehicle larger than standard sedans, station wagons, passenger vans and pick-up trucks may be used to enter the Village Recycling Center for purposes of removal of recycled leaf compost product.

(b) All loading of recycled leaf compost product into vehicles removing said product from the Village Recycling Center shall be done only by hand and hand tools, with mechanized loading vehicles prohibited other than as authorized by written permission from the Village Mayor or Village Administrator in cases of the use of mulch for public purposes.

(c) Removal of recycled leaf compost product from the Village Recycling Center shall hereinafter be limited to a maximum of two cubic yards per vehicle entering the Village Recycling Center or, with the permission from the Village Mayor or Village Administrator, six cubic yards for uses within the corporate limits of the Village of Roaming Shores. Written permission from the Village Mayor or Village Administrator may be requested and granted for larger quantities in cases of the use of mulch for public purposes.
(Ord. 480-07-09. Passed 9-15-09.)

521.12 USE OF DUMPSTERS.

(a) For the purposes of this section, a "dumpster" is defined as a container on wheels or otherwise capable of being lifted, which exceeds sixteen cubic feet and is used for the purpose of disposing of garbage, rubbish or construction debris.

(b) No person shall locate or allow to be located on their premises a dumpster except as follows:

(1) A dumpster may be located for the purpose of construction or remodeling on the premises where such construction or remodeling occurs for a period of two consecutive weeks, not to exceed four weeks per calendar year. The Mayor may extend such period from two to an additional six (6) consecutive weeks on the basis of extensive remodeling or construction, delays caused by weather, or other just cause.

(2) A dumpster may be located on commercial property for the disposal of garbage or rubbish arising from the use of such property, providing that the dumpster is fully enclosed and hidden from public view by shrubbery or wall.

(c) Any person found violating this section shall be fined the sum of fifty dollars ($50.00) per day that such violation is continued to exist. Such person shall be given a written warning prior to citation, delivered by regular mail to the owner's tax address as shown in the records of the Ashtabula County Treasurer/Auditor, or by posting a written notice on the door of the residence or other building on such location.
(Ord. 549-3-12. Passed 5-15-12.)

521.99 PENALTY.

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

CHAPTER 525
Law Enforcement and Public Office

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CROSS REFERENCES
See sectional histories for similar State law
Law enforcement officer defined - see GEN. OFF. 501.01(k)
Misconduct at an emergency - see GEN. OFF. 509.05
Making false alarms - see GEN. OFF. 509.07
Personating an officer to defraud - see GEN. OFF. 545.16

525.01 DEFINITIONS.

As used in this chapter:

(a) "Public official" means any elected or appointed officer, or employee, or agent of the State or any political subdivision thereof, whether in a temporary or permanent capacity, and includes, but is not limited to, legislators, judges and law enforcement officers. "Public official" does not include an employee, officer, or governor-appointed member of the board of directors of the nonprofit corporation formed under Ohio R.C. 187.01.

(b) "Public servant" means any of the following:

(1) Any public official;

(2) Any person performing ad hoc a governmental function, including, but not limited to, a juror, member of a temporary commission, master, arbitrator, advisor or consultant;

(3) A person who is a candidate for public office, whether or not the person is elected or appointed to the office for which the person is a candidate. A person is a candidate for purposes of this subsection if the person has been nominated according to law for election or appointment to public office, or if the person has filed a petition or petitions as required by law to have the person's name placed on the ballot in a primary, general or special election, or if the person campaigns as a write-in candidate in any primary, general or special election. "Public servant" does not include an employee, officer, or governor-appointed member of the board of directors of the nonprofit corporation formed under Ohio R.C. 187.01.

(c) "Party official" means any person who holds an elective or appointive post in a political party in the United States or this State, by virtue of which the person directs, conducts or participates in directing or conducting party affairs at any level of responsibility.

(d) "Official proceeding" means any proceeding before a legislative, judicial, administrative or other governmental agency or official authorized to take evidence under oath, and includes any proceeding before a referee, hearing examiner, commissioner, notary or other person taking testimony or a deposition in connection with an official proceeding.

(e) "Detention" means arrest, confinement in any vehicle subsequent to an arrest, confinement in any public or private facility for custody of persons charged with or convicted of a crime in this State or another state or under the laws of the United States or alleged or found to be a delinquent child or unruly child in this State or another state or under the laws of the United States; hospitalization, institutionalization or confinement in any public or private facility that is ordered pursuant to or under the authority of Ohio R.C. 2945.37, 2945.371, 2945.38, 2945.39 or 2945.40, 2945.401 or 2945.402; confinement in any vehicle for transportation to or from any facility of any of those natures; detention for extradition or deportation, except as provided in this subsection, supervision by any employee of any facility of any of those natures; that is incidental to hospitalization, institutionalization or confinement in the facility but that occurs outside the facility; supervision by an employee of the Department of Rehabilitation and Correction of a person on any type of release from a State correctional institution; or confinement in any vehicle, airplane, or place while being returned from outside of this State into this State by a private person or entity pursuant to a contract entered into under Ohio R.C. 311.29(E) or Ohio R.C. 5149.03(B). For a person confined in a county jail who participates in a county jail industry program pursuant to Ohio R.C. 5147.30, "detention" includes time spent at an assigned work site and going to and from the work site.

(f) "Detention facility" means any public or private place used for the confinement of a person charged with or convicted of any crime in this State or another state or under the laws of the United States or alleged or found to be a delinquent child or unruly child in this State or another state or under the laws of the United States.

(g) "Valuable thing or valuable benefit" includes, but is not limited to, a contribution. This inclusion does not indicate or imply that a contribution was not included in those terms before September 17, 1986.

(h) "Campaign committee," "contribution," "political action committee," "legislative campaign fund," "political party" and "political contributing entity" have the same meanings as in Ohio R.C. 3517.01.

(i) "Provider agreement" has the same meaning as in Ohio R.C. 5164.01.

(ORC 2921.01)

525.02 FALSIFICATION.

(a) No person shall knowingly make a false statement, or knowingly swear or affirm the truth of a false statement previously made, when any of the following applies:

(1) The statement is made in any official proceeding.

(2) The statement is made with purpose to incriminate another.

(3) The statement is made with purpose to mislead a public official in performing the public official's official function.

(4) The statement is made with purpose to secure the payment of unemployment compensation; Ohio works first; prevention, retention and contingency benefits and services; disability financial assistance; retirement benefits or health care coverage from a state retirement system; economic development assistance as defined in Ohio R.C. 9.66; or other benefits administered by a governmental agency or paid out of a public treasury.

(5) The statement is made with purpose to secure the issuance by a governmental agency of a license, permit, authorization, certificate, registration, release or provider agreement.

(6) The statement is sworn or affirmed before a notary public or another person empowered to administer oaths.

(7) The statement is in writing on or in connection with a report or return that is required or authorized by law.

(8) The statement is in writing, and is made with purpose to induce another to extend credit to or employ the offender, or to confer any degree, diploma, certificate of attainment, award of excellence or honor on the offender, or to extend to or bestow upon the offender any other valuable benefit or distinction, when the person to whom the statement is directed relies upon it to that person's detriment.

(9) The statement is made with purpose to commit or facilitate the commission of a theft offense.

(10) The statement is knowingly made to a probate court in connection with any action, proceeding or other matter within its jurisdiction, either orally or in a written document, including, but not limited to, an application, petition, complaint or other pleading, or an inventory, account or report.

(11) The statement is made on an account, form, record, stamp, label or other writing that is required by law.

(12) The statement is made in a document or instrument of writing that purports to be a judgment, lien, or claim of indebtedness and is filed or recorded with the Secretary of State, a county recorder, or the clerk of a court of record.

(13) The statement is required under Ohio R.C. 5743.71 in connection with the person's purchase of cigarettes or tobacco products in a delivery sale.

(b) It is no defense to a charge under subsection (a)(6) hereof that the oath or affirmation was administered or taken in an irregular manner.

(c) If contradictory statements relating to the same fact are made by the offender within the period of the statute of limitations for falsification, it is not necessary for the prosecution to prove which statement was false, but only that one or the other was false.

(d) (1) Whoever violates any provision of subsection (a)(1) to (8) or (10) to (13) hereof is guilty of falsification, a misdemeanor of the first degree.

(2) Whoever violates subsection (a)(9) hereof is guilty of falsification in a theft offense, a misdemeanor of the first degree. If the value of the property or services stolen is one thousand dollars ($1,000) or more, falsification in a theft offense is a felony and shall be prosecuted under appropriate State law.

(e) A person who violates this section is liable in a civil action to any person harmed by the violation for injury, death, or loss to person or property incurred as a result of the commission of the offense and for reasonable attorney's fees, court costs, and other expenses incurred as a result of prosecuting the civil action commenced under this section. A civil action under this section is not the exclusive remedy of a person who incurs injury, death, or loss to person or property as a result of a violation of this section.
(ORC 2921.13)

525.03 IMPERSONATION OF PEACE OFFICER.

(a) As used in this section:

(1) "Peace officer" means a sheriff, deputy sheriff, marshal, deputy marshal, member of the organized police department of a municipal corporation or township constable who is employed by a political subdivision of this State; a member of a police force employed by a metropolitan housing authority under Ohio R.C. 3735.31(D); a member of a police force employed by a regional transit authority under Ohio R.C. 306.35(Y), a State university law enforcement officer appointed under Ohio R.C. 3345.04; a veterans' home police officer appointed under Ohio R.C. 5907.02; a special police officer employed by a port authority under Ohio R.C. 4582.04 or 4582.28; an officer, agent, or employee of the State or any of its agencies, instrumentalities or political subdivisions, upon whom, by statute, a duty to conserve the peace or to enforce all or certain laws is imposed and the authority to arrest violators is conferred, within limits of that statutory duty and authority; or a State highway patrol trooper whose primary duties are to preserve the peace, to protect life and property and to enforce the laws, ordinances or rules of the State or any of its political subdivisions.

(2) "Private police officer" means any security guard, special police officer, private detective or other person who is privately employed in a police capacity.

(3) "Federal law enforcement officer" means an employee of the United States who serves in a position the duties of which are primarily the investigation, apprehension or detention of individuals suspected or convicted of offenses under the criminal laws of the United States.

(4) "Investigator of the Bureau of Criminal Identification and Investigation" has the same meaning as in Ohio R.C. 2903.11.

(5) "Impersonate" means to act the part of, assume the identity of, wear the uniform or any part of the uniform of or display the identification of a particular person or of a member of a class of persons with purpose to make another person believe that the actor is that particular person or is a member of that class of persons.

(b) No person shall impersonate a peace officer, private police officer, federal law enforcement officer or investigator of the Bureau of Criminal Identification and Investigation.

(c) No person, by impersonating a peace officer, private police officer, federal law enforcement officer, or investigator of the Bureau of Criminal Identification and Investigation, shall arrest or detain any person, search any person or search the property of any person.

(d) No person, with purpose to commit or facilitate the commission of an offense, shall impersonate a peace officer, private police officer, federal law enforcement officer, an officer, agent or employee of the State or the Municipality or investigator of the Bureau of Criminal Identification and Investigation.

(e) It is an affirmative defense to a charge under subsection (b) hereof that the impersonation of the peace officer was for a lawful purpose.

(f) Whoever violates subsection (b) hereof is guilty of a misdemeanor of the fourth degree. Whoever violates subsections (c) or (d) hereof is guilty of a misdemeanor of the first degree. If the purpose of a violation of subsection (d) hereof is to commit or facilitate the commission of a felony, such violation is a felony and shall be prosecuted under appropriate State law. (ORC 2921.51)

525.04 COMPOUNDING A CRIME.

(a) No person shall knowingly demand, accept or agree to accept anything of value in consideration of abandoning or agreeing to abandon a pending criminal prosecution.

(b) It is an affirmative defense to a charge under this section when both of the following apply:

(1) The pending prosecution involved is for violation of Sections 545.05, 545.07, 545.09 or 545.10(b)(2), or Ohio R.C. 2913.02, 2913.11, 2913.21(B)(2) or 2913.47, of which the actor under this section was the victim.

(2) The thing of value demanded, accepted or agreed to be accepted, in consideration of abandoning or agreeing to abandon the prosecution, did not exceed an amount that the actor reasonably believed due him as restitution for the loss caused him by the offense.

(c) When a prosecuting witness abandons or agrees to abandon a prosecution under subsection (b) hereof, the abandonment or agreement in no way binds the State or Municipality to abandoning the prosecution.

(d) Whoever violates this section is guilty of compounding a crime, a misdemeanor of the first degree. (ORC 2921.21)

525.05 FAILURE TO REPORT A CRIME, INJURY OR KNOWLEDGE OF DEATH.

(a) (1) Except as provided in subsection (a)(2) hereof, no person, knowing that a felony has been or is being committed, shall knowingly fail to report such information to law enforcement authorities.

(2) No person, knowing that a violation of division (B) of Ohio R.C. 2913.04 has been, or is being committed or that the person has received information derived from such a violation, shall knowingly fail to report the violation to law enforcement authorities.

(b) Except for conditions that are within the scope of subsection (e) of this section, no physician, limited practitioner, nurse, or other person giving aid to a sick or injured person shall negligently fail to report to law enforcement authorities any gunshot or stab wound treated or observed by the physician, limited practitioner, nurse, or person, or any serious physical harm to persons that the physician, limited practitioner, nurse, or person knows or has reasonable cause to believe resulted from an offense of violence.

(c) No person who discovers the body or acquires the first knowledge of the death of a person shall fail to report the death immediately to a physician whom the person knows to be treating the deceased for a condition from which death at such time would not be unexpected, or to a law enforcement officer, an ambulance service, an emergency squad, or the coroner in a political subdivision in which the body is discovered, the death is believed to have occurred, or knowledge concerning the death is obtained.

(d) No person shall fail to provide upon request of the person to whom a report required by subsection (c) of this section was made, or to any law enforcement officer who has reasonable cause to assert the authority to investigate the circumstances surrounding the death, any facts within the person's knowledge that may have a bearing on the investigation of the death.

(e) (1) As used in this subsection, "burn injury" means any of the following:

A. Second or third degree burns;

B. Any burns to the upper respiratory tract or laryngeal edema due to the inhalation of superheated air;

C. Any burn injury or wound that may result in death;

D. Any physical harm to persons caused by or as the result of the use of fireworks, novelties and trick noisemakers, and wire sparklers, as each is defined by Ohio R.C. 3743.01.

(2) No physician, nurse, or limited practitioner who, outside a hospital, sanitarium, or other medical facility, attends or treats a person who has sustained a burn injury that is inflicted by an explosion or other incendiary device, or that shows evidence of having been inflicted in a violent, malicious, or criminal manner, shall fail to report the burn injury immediately to the local arson, or fire and explosion investigation, bureau, if there is a bureau of this type in the jurisdiction in which the person is attended or treated, or otherwise to local law enforcement authorities.

(3) No manager, superintendent or other person in charge of a hospital, sanitarium or other medical facility in which a person is attended or treated for any burn injury that is inflicted by an explosion or other incendiary device, or that shows evidence of having been inflicted in a violent, malicious, or criminal manner, shall fail to report the burn injury immediately to the local arson, or fire and explosion investigation, bureau, if there is a bureau of this type in the jurisdiction in which the person is attended or treated, or otherwise to local law enforcement authorities.

(4) No person who is required to report any burn injury under subsection (e)(2) or (3) of this section shall fail to file, within three working days after attending or treating the victim, a written report of the burn injury with the office of the State Fire Marshal. The report shall comply with the uniform standard developed by the State Fire Marshal pursuant to Ohio R.C. 3737.22(A)(15).

(5) Anyone participating in the making of reports under subsection (e) of this section or anyone participating in a judicial proceeding resulting from the reports is immune from any civil or criminal liability that otherwise might be incurred or imposed as a result of such actions. Notwithstanding Ohio R.C. 4731.22, the physician-patient relationship is not a ground for excluding evidence regarding a person's burn injury or the cause of the burn injury in any judicial proceeding resulting from a report submitted under subsection (e) of this section.

(f) (1) Any doctor of medicine or osteopathic medicine, hospital intern or resident, registered or licensed practical nurse, psychologist, social worker, independent social worker, social work assistant, licensed professional clinical counselor, licensed professional counselor, independent marriage and family therapist or marriage and family therapist who knows or has reasonable cause to believe that a patient or client has been the victim of domestic violence, as defined in Ohio R.C. 3113.31, shall note that knowledge or belief and the basis for it in the patient's or client's records.

(2) Notwithstanding Ohio R.C. 4731.22, the doctor-patient privilege shall not be a ground for excluding any information regarding the report containing the knowledge or belief noted under subsection (f)(1) of this section, and the information may be admitted as evidence in accordance with the Rules of Evidence.

(g) Subsections (a) and (d) of this section do not require disclosure of information, when any of the following applies:

(1) The information is privileged by reason of the relationship between attorney and client; doctor and patient; licensed psychologist or licensed school psychologist and client; licensed professional clinical counselor, licensed professional counselor, independent social worker, social worker, independent marriage and family therapist, or marriage and family therapist and client; member of the clergy, rabbi, minister, or priest and any person communicating information confidentially to the member of the clergy, rabbi, minister, or priest for a religious counseling purpose of a professional character; husband and wife; or a communications assistant and those who are a party to a telecommunications relay service call.

(2) The information would tend to incriminate a member of the actor's immediate family.

(3) Disclosure of the information would amount to revealing a news source, privileged under Ohio R.C. 2739.04 or 2739.12.

(4) Disclosure of the information would amount to disclosure by a member of the ordained clergy of an organized religious body of a confidential communication made to that member of the clergy in that member's capacity as a member of the clergy by a person seeking the aid or counsel of that member of the clergy.

(5) Disclosure would amount to revealing information acquired by the actor in the course of the actor's duties in connection with a bona fide program of treatment or services for drug dependent persons or persons in danger of drug dependence, which program is maintained or conducted by a hospital, clinic, person, agency, or services provider certified pursuant to Ohio R.C. 5119.36.

(6) Disclosure would amount to revealing information acquired by the actor in the course of the actor's duties in connection with a bona fide program for providing counseling services to victims of crimes that are violations of Ohio R.C. 2907.02 or 2907.05 or to victims of felonious sexual penetration in violation of former Ohio R.C. 2907.12. As used in this subsection, "counseling services" include services provided in an informal setting by a person who, by education or experience, is competent to provide those services.

(h) No disclosure of information pursuant to this section gives rise to any liability or recrimination for a breach of privilege or confidence.

(i) Whoever violates subsection (a) or (b) of this section is guilty of failure to report a crime. Violation of subsection (a)(1) of this section is a misdemeanor of the fourth degree. Violation of subsection (a)(2) or (b) of this section is a misdemeanor of the second degree.

(j) Whoever violates subsection (c) or (d) of this section is guilty of failure to report knowledge of a death, a misdemeanor of the fourth degree.

(k) (1) Whoever negligently violates subsection (e) of this section is guilty of a minor misdemeanor.

(2) Whoever knowingly violates subsection (e) of this section is guilty of a misdemeanor of the second degree. (ORC 2921.22)

525.06 FAILURE TO AID A LAW ENFORCEMENT OFFICER.

(a) No person shall negligently fail or refuse to aid a law enforcement officer, when called upon for assistance in preventing or halting the commission of an offense, or in apprehending or detaining an offender, when such aid can be given without a substantial risk of physical harm to the person giving it.

(b) Whoever violates this section is guilty of failure to aid a law enforcement officer, a minor misdemeanor. (ORC 2921.23)

525.07 OBSTRUCTING OFFICIAL BUSINESS.

(a) No person, without privilege to do so and with purpose to prevent, obstruct or delay the performance by a public official of any authorized act within the public official's official capacity, shall do any act that hampers or impedes a public official in the performance of the public official's lawful duties.

(b) Whoever violates this section is guilty of obstructing official business. Except as otherwise provided in this subsection (b), obstructing official business is a misdemeanor of the second degree. If a violation of this section creates a risk of physical harm to any person, obstructing official business is a felony and shall be prosecuted under appropriate State law. (ORC 2921.31)

525.08 OBSTRUCTING JUSTICE.

(a) No person, with purpose to hinder the discovery, apprehension, prosecution, conviction, or punishment of another for a misdemeanor, or to assist another to benefit from the commission of a misdemeanor, and no person, with purpose to hinder the discovery, apprehension, prosecution, adjudication as a delinquent child, or disposition of a child for an act that if committed by an adult would be a misdemeanor or to assist a child to benefit from the commission of an act that if committed by an adult would be a misdemeanor, shall do any of the following:

(1) Harbor or conceal the other person or child;
(2) Provide the other person or child with money, transportation, a weapon, a disguise, or other means of avoiding discovery or apprehension;
(3) Warn the other person or child of impending discovery or apprehension;
(4) Destroy or conceal physical evidence of the misdemeanor, or act, or induce any person to withhold testimony or information or to elude legal process summoning the person to testify or supply evidence;
(5) Communicate false information to any person.
(6) Prevent or obstruct any person, by means of force, intimidation, or deception, from performing any act to aid in the discovery, apprehension, or prosecution of the other person or child.

(b) A person may be prosecuted for, and may be convicted of or adjudicated a delinquent child for committing, a violation of subsection (a) hereof, regardless of whether the person or child aided ultimately is apprehended for, is charged with, is convicted of, pleads guilty to, or is adjudicated a delinquent child for committing the crime or act the person or child aided committed. The crime or act the person or child aided committed shall be used under subsection (c) hereof in determining the penalty for the violation of subsection (a) hereof, regardless of whether the person or child aided ultimately is apprehended for, is charged with, is convicted of, pleads guilty to, or is adjudicated a delinquent child for committing the crime or act the person or child aided committed.

(c) (1) Whoever violates this section is guilty of obstructing justice.
(2) If the crime committed by the person aided is a misdemeanor or if the act committed by the child aided would be a misdemeanor if committed by an adult, obstructing justice is a misdemeanor of the same degree as the misdemeanor committed by the person aided or a misdemeanor of the same degree that the act committed by the child aided would be if committed by an adult.

(d) As used in this section:
(1) "Adult" and "child" have the same meanings as in Ohio R.C. 2151.011.
(2) "Delinquent child" has the same meaning as in Ohio R.C. 2152.02.
(ORC 2921.32)

525.09 RESISTING ARREST.

(a) No person, recklessly or by force, shall resist or interfere with a lawful arrest of the person or another.

(b) No person, recklessly or by force, shall resist or interfere with a lawful arrest of the person or another person and, during the course of or as a result of the resistance or interference, cause physical harm to a law enforcement officer.

(c) Whoever violates this section is guilty of resisting arrest. A violation of subsection (a) hereof is a misdemeanor of the second degree. A violation of subsection (b) hereof is a misdemeanor of the first degree. (ORC 2921.33)

525.10 HAVING AN UNLAWFUL INTEREST IN A PUBLIC CONTRACT.

(a) No public official shall knowingly do any of the following:
(1) During the public official's term of office or within one year thereafter, occupy any position of profit in the prosecution of a public contract authorized by the public official or by a legislative body, commission or board of which the public official was a member at the time of authorization unless the contract was let by competitive bidding, to the lowest and best bidder;
(2) Have an interest in the profits or benefits of a public contract entered into by or for the use of the Municipality or governmental agency or instrumentality with which the public official is connected;
(3) Have an interest in the profits or benefits of a public contract that is not let by competitive bidding if required by law, and that involves more than one hundred fifty dollars ($150.00).

(b) In the absence of bribery or a purpose to defraud, a public official, member of a public official's family or any of a public official's business associates shall not be considered as having an interest in a public contract if all of the following apply:
(1) The interest of that person is limited to owning or controlling shares of the corporation, or being a creditor of the corporation or other organization that is the contractor on the public contract involved, or that is the issuer of the security in which public funds are invested;
(2) The shares owned or controlled by that person do not exceed five percent (5%) of the outstanding shares of the corporation, and the amount due that person as creditor does not exceed five percent (5%) of the total indebtedness of the corporation or other organization;
(3) That person, prior to the time the public contract is entered into, files with the Municipality or governmental agency or instrumentality involved, an affidavit giving that person's exact status in connection with the corporation or other organization.

(c) This section does not apply to a public contract in which a public official, member of a public official's family, or one of a public official's business associates, has an interest, when all of the following apply:

(1) The subject of the public contract is necessary supplies or services for the Municipality or governmental agency or instrumentality involved;

(2) The supplies or services are unobtainable elsewhere for the same or lower cost, or are being furnished to the Municipality or governmental agency or instrumentality as part of a continuing course of dealing established prior to the public official's becoming associated with the Municipality or governmental agency or instrumentality involved;

(3) The treatment accorded the Municipality or governmental agency or instrumentality is either preferential to or the same as that accorded other customers or clients in similar transactions;

(4) The entire transaction is conducted at arm's length, with full knowledge by the Municipality or governmental agency or instrumentality involved, of the interest of the public official, member of the public official's family or business associate, and the public official takes no part in the deliberations or decisions of the Municipality or governmental agency or instrumentality with respect to the public contract.

(d) Subsection (a)(4) does not prohibit participation by a public employee in any housing program funded by public moneys if the public employee otherwise qualifies for the program and does not use the authority or influence of the public employee's office or employment to secure benefits from the program and if the moneys are to be used on the primary residence of the public employee. Such participation does not constitute an unlawful interest in a public contract in violation of this section.

(e) Whoever violates this section is guilty of having an unlawful interest in a public contract. Violation of this section is a misdemeanor of the first degree.

(f) It is not a violation of this section for a prosecuting attorney to appoint assistants and employees in accordance with Ohio R.C. 309.06 and 2921.421, or for a chief legal officer of a municipal corporation or an official designated as prosecutor in a municipal corporation to appoint assistants and employees in accordance with Ohio R.C. 733.621 and 2921.421.

(g) Any public contract in which a public official, a member of the public official's family, or any of the public official's business associates has an interest in violation of this section is void and unenforceable. Any contract securing the investment of public funds in which a public official, a member of the public official's family, or any of the public official's business associates has an interest, is an underwriter, or receives any brokerage, origination, or servicing fees and that was entered into in violation of this section is void and unenforceable.

(h) As used in this section:

(1) "Public contract" means any of the following:

A. The purchase or acquisition, or a contract for the purchase or acquisition of property or services by or for the use of the State, any of its political subdivisions, or any agency or instrumentality of either, including the employment of an individual by the State, any of its political subdivisions, or any agency or instrumentality of either.

B. A contract for the design, construction, alteration, repair or maintenance of any public property.

(2) "Chief legal officer" has the same meaning as in Ohio R.C. 733.621. (ORC 2921.42)

525.11 SOLICITING OR RECEIVING IMPROPER COMPENSATION.

(a) No public servant shall knowingly solicit or accept and no person shall knowingly promise or give to a public servant either of the following:

(1) Any compensation, other than is allowed by Ohio R.C. 102.03(G), (H), and (I) or other provisions of law, to perform the public servant's official duties, to perform any other act or service in the public servant's public capacity, for the general performance of the duties of the public servant's public office or public employment, or as a supplement to the public servant's public compensation;

(2) Additional or greater fees or costs than are allowed by law to perform the public servant's official duties.

(b) No public servant for the public servant's own personal or business use and no person for the person's own personal or business use or for the personal or business use of a public servant or party official, shall solicit or accept anything of value in consideration of either of the following:

(1) Appointing or securing, maintaining or renewing the appointment of any person to any public office, employment or agency;

(2) Preferring, or maintaining the status of, any public employee with respect to compensation, duties, placement, location, promotion or other material aspects of employment.

(c) No person for the benefit of a political party, campaign committee, legislative campaign fund, political action committee or political contributing entity shall coerce any contribution in consideration of either of the following:

(1) Appointing or securing, maintaining or renewing the appointment of any person to any public office, employment or agency;

(2) Preferring, or maintaining the status of, any public employee with respect to compensation, duties, placement, location, promotion or other material aspects of employment.

(d) Whoever violates this section is guilty of soliciting improper compensation, a misdemeanor of the first degree.

(e) A public servant who is convicted of a violation of this section is disqualified from holding any public office, employment or position of trust in this Municipality for a period of seven years from the date of conviction.

(f) Subsections (a), (b) and (c) hereof do not prohibit a person from making voluntary contributions to a political party, campaign committee, legislative campaign fund, political action committee or political contributing entity or prohibit a political party, campaign committee, legislative campaign fund, political action committee or political contributing entity from accepting voluntary contributions. (ORC 2921.43)

525.12 DERELICTION OF DUTY.

(a) No law enforcement officer shall negligently do any of the following:

(1) Fail to serve a lawful warrant without delay;

(2) Fail to prevent or halt the commission of an offense or to apprehend an offender, when it is in the law enforcement officer's power to do so alone or with available assistance.

(b) No law enforcement, ministerial or judicial officer shall negligently fail to perform a lawful duty in a criminal case or proceeding.

(c) No officer, having charge of a detention facility, shall negligently do any of the following:

(1) Allow the detention facility to become littered or unsanitary;

(2) Fail to provide persons confined in the detention facility with adequate food, clothing, bedding, shelter and medical attention;

(3) Fail to control an unruly prisoner, or to prevent intimidation of or physical harm to a prisoner by another;

(4) Allow a prisoner to escape;

(5) Fail to observe any lawful and reasonable regulation for the management of the detention facility.

(d) No public official of the Municipality shall recklessly create a deficiency, incur a liability or expend a greater sum than is appropriated by the legislative authority of the Municipality for the use in any one year of the department, agency or institution with which the public official is connected.

(e) No public servant shall recklessly fail to perform a duty expressly imposed by law with respect to the public servant's office, or recklessly do any act expressly forbidden by law with respect to the public servant's office.

(f) Whoever violates this section is guilty of dereliction of duty, a misdemeanor of the second degree.

(g) As used in this section, "public servant" includes an officer or employee of a contractor as defined in Ohio R.C. 9.08.

525.13 INTERFERING WITH CIVIL RIGHTS.

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

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

525.14 UNAUTHORIZED DISPLAY OF LAW ENFORCEMENT EMBLEMS ON MOTOR VEHICLES.

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

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

525.15 ASSAULTING POLICE DOG OR HORSE OR AN ASSISTANCE DOG.

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

(1) The police dog or horse is assisting a law enforcement officer in the performance of the officer's official duties at the time the physical harm is caused or attempted.

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

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

(1) Taunt, torment, or strike a police dog or horse;

(2) Throw an object or substance at a police dog or horse;

(3) Interfere with or obstruct a police dog or horse, or interfere with or obstruct a law enforcement officer who is being assisted by a police dog or horse, in a manner that does any of the following:

A. Inhibits or restricts the law enforcement officer's control of the police dog or horse;

B. Deprives the law enforcement officer of control of the police dog or horse;

C. Releases the police dog or horse from its area of control;

D. Enters the area of control of the police dog or horse without the consent of the law enforcement officer, including placing food or any other object or substance into that area;

E. Inhibits or restricts the ability of the police dog or horse to assist a law enforcement officer.

(4) Engage in any conduct that is likely to cause serious physical injury or death to a police dog or horse.

(5) If the person is the owner, keeper, or harborer of a dog, fail to reasonably restrain the dog from taunting, tormenting, chasing, approaching in a menacing fashion or apparent attitude of attack, or attempting to bite or otherwise endanger a police dog or horse that at the time of the conduct is assisting a law enforcement officer in the performance of the officer's duties or that the person knows is a police dog or horse.

(c) No person shall knowingly cause, or attempt to cause, physical harm to an assistance dog in either of the following circumstances:

(1) The dog is assisting or serving a blind, deaf or hearing impaired, or mobility impaired person at the time the physical harm is caused or attempted.

(2) The dog is not assisting or serving a blind, deaf or hearing impaired, or mobility impaired person at the time the physical harm is caused or attempted, but the offender has actual knowledge that the dog is an assistance dog.

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

(1) Taunt, torment, or strike an assistance dog;

(2) Throw an object or substance at an assistance dog;

(3) Interfere with or obstruct an assistance dog, or interfere with or obstruct a blind, deaf or hearing impaired, or mobility impaired person who is being assisted or served by an assistance dog, in a manner that does any of the following:

A. Inhibits or restricts the assisted or served person's control of the dog;

B. Deprives the assisted or served person of control of the dog;

C. Releases the dog from its area of control;

D. Enters the area of control of the dog without the consent of the assisted or served person, including placing food or any other object or substance into that area;

E. Inhibits or restricts the ability of the dog to assist the assisted or served person.

(4) Engage in any conduct that is likely to cause serious physical injury or death to an assistance dog;

(5) If the person is the owner, keeper or harborer of a dog, fail to reasonably restrain the dog from taunting, tormenting, chasing, approaching in a menacing fashion or apparent attitude of attack, or attempting to bite or otherwise endanger an assistance dog that at the time of the conduct is assisting or serving a blind, deaf or hearing impaired, or mobility impaired person or that the person knows is an assistance dog.

(e) (1) Whoever violates subsection (a) hereof is guilty of assaulting a police dog or horse. If the violation results in physical harm to the police dog or horse, assaulting a police dog or horse is a misdemeanor of the first degree. If the violation does not result in death, serious physical harm, or physical harm to the police dog or horse, assaulting a police dog or horse is a misdemeanor of the second degree. If the violation results in death or serious physical harm to the police dog or horse, such violation is a felony and shall be prosecuted under appropriate State law.

(2) Whoever violates subsection (b) hereof is guilty of harassing a police dog or horse. Except as otherwise provided in this subsection, harassing a police dog or horse is a misdemeanor of the second degree. If the violation results in the death of the police dog or horse or if the violation results in serious physical harm to the police dog or horse but does not result in its death, harassing a police dog or horse is a felony and shall be prosecuted under appropriate State law. If the violation results in physical harm to the police dog or horse but does not result in its death or in serious physical harm to it, harassing a police dog or horse is a misdemeanor of the first degree.

(3) Whoever violates subsection (c) hereof is guilty of assaulting an assistance dog. If the violation results in physical harm to the dog other than death or serious physical harm, assaulting an assistance dog is a misdemeanor of the first degree. If the violation does not result in death, serious physical harm, or physical harm to the dog, assaulting an assistance dog is a misdemeanor of the second degree. If the violation results in death or serious physical harm to the dog, such violation is a felony and shall be prosecuted under appropriate State law.

(4) Whoever violates subsection (d) of this section is guilty of harassing an assistance dog. Except as otherwise provided in this subsection, harassing an assistance dog is a misdemeanor of the second degree. If the violation results in the death of or serious physical harm to the assistance dog but does not result in its death, harassing an assistance dog is a felony and shall be prosecuted under appropriate State law. If the violation results in physical harm to the assistance dog but does not result in its death or in serious physical harm to it, harassing an assistance dog is a misdemeanor of the first degree.

(5) In addition to any other sanction or penalty imposed for the offense under this section, whoever violates subsection (a), (b), (c) or (d) of this section is responsible for the payment of all of the following:

A. Any veterinary bill or bill for medication incurred as a result of the violation by the Police Department regarding a violation of subsection (a) or (b) of this section or by the blind, deaf or hearing impaired, or mobility impaired person assisted or served by the assistance dog regarding a violation of subsection (c) or (d) of this section;

B. The cost of any damaged equipment that results from the violation;

C. If the violation did not result in the death of the police dog or horse or the assistance dog that was the subject of the violation and if, as a result of that dog or horse being the subject of the violation, the dog or horse needs further training or retraining to be able to continue in the capacity of a police dog or horse or an assistance dog, the cost of any further training or retraining of that dog or horse by a law enforcement officer or by the blind, deaf or hearing impaired, or mobility impaired person assisted or served by the assistance dog;

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

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

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

(h) As used in this section:

(1) "Physical harm" means any injury, illness, or other physiological impairment, regardless of its gravity or duration.

(2) "Police dog or horse" means a dog or horse that has been trained, and may be used, to assist law enforcement officers in the performance of their official duties.

(3) "Serious physical harm" means any of the following:

A. Any physical harm that carries a substantial risk of death;

B. Any physical harm that causes permanent maiming or that involves some temporary, substantial maiming;

C. Any physical harm that causes acute pain of a duration that results in substantial suffering.

(4) "Assistance dog", "blind", and "mobility impaired person" have the same meanings as in Ohio R.C. 955.011.

(ORC 2921.321)

525.16 FALSE ALLEGATION OF PEACE OFFICER MISCONDUCT.

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

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

(c) Whoever violates this section is guilty of making a false allegation of peace officer misconduct, a misdemeanor of the first degree.

(ORC 2921.15)

525.17 REFUSAL TO DISCLOSE PERSONAL INFORMATION IN PUBLIC PLACE.

(a) No person who is in a public place shall refuse to disclose the person's name, address, or date of birth, when requested by a law enforcement officer who reasonably suspects either of the following:

(1) The person is committing, has committed, or is about to commit a criminal offense.

(2) The person witnessed any of the following:

A. An offense of violence that would constitute a felony under the laws of this State;

B. A felony offense that causes or results in, or creates a substantial risk of, serious physical harm to another person or to property;

C. Any attempt or conspiracy to commit, or complicity in committing, any offense identified in subsection (a)(2)A. or B. of this section;

D. Any conduct reasonably indicating that any offense identified in subsection (a)(2)A. or B. of this section or any attempt, conspiracy, or complicity described in subsection (a)(2)C. of this section has been, is being, or is about to be committed.

(b) Whoever violates this section is guilty of failure to disclose one's personal information, a misdemeanor of the fourth degree.

(c) Nothing in this section requires a person to answer any questions beyond that person's name, address, or date of birth. Nothing in this section authorizes a law enforcement officer to arrest a person for not providing any information beyond that person's name, address, or date of birth or for refusing to describe the offense observed.

(d) It is not a violation of this section to refuse to answer a question that would reveal a person's age or date of birth if age is an element of the crime that the person is suspected of committing. (ORC 2921.29)

525.99 PENALTY.

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

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.
As used in the Codified Ordinances:
(a) "Alcohol" means ethyl alcohol, whether rectified or diluted with water or not, whatever its origin may be, and includes synthetic ethyl alcohol. Such term excludes denatured alcohol and wood alcohol.
(b) "Intoxicating liquor" and "liquor" include all liquids and compounds, other than beer as defined in subsection (c) hereof, containing one half of one percent (0.5%) or more of alcohol by volume which are fit to use for beverage purposes, from whatever source and by whatever process produced, by whatever name called and whether they are medicated, proprietary or patented. Such phrase includes cider and alcohol and all solids and confections which contain one-half of one percent or more of alcohol by volume.
(c) "Beer" includes all beverages brewed or fermented wholly or in part from malt products and containing one-half of one percent (0.5%) or more, but not more than twelve percent (12%) of alcohol by volume.
(d) "Person" includes firms and corporations.
(e) "Low-alcohol beverage" means any brewed or fermented malt product, or any product made from the fermented juices of grapes, fruits, or other agricultural products, that contains either no alcohol or less than one-half of one percent (0.5%) of alcohol by volume. The beverages described in subsection (e) hereof do not include a soft drink such as root beer, birch beer, or ginger beer.
(ORC 4301.01)

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

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

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

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

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

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

(1) That beer or intoxicating liquor will be consumed by an underage person on the premises of the accommodations that the person engages or uses, unless the person engaging or using the accommodations is the spouse of the underage person and is not an underage person, or is the parent or legal guardian of all of the underage persons, who consume beer or intoxicating liquor on the premises and that person is on the premises at all times when beer or intoxicating liquor is being consumed by an underage person;

(2) That a drug of abuse will be consumed on the premises of the accommodations by any person, except a person who obtained the drug of abuse pursuant to a prescription issued by a practitioner and has the drug of abuse in the original container in which it was dispensed to the person.

(d) (1) No person is required to permit the engagement of accommodations at any hotel, inn, cabin or campground by an underage person or for an underage person, if the person engaging the accommodations knows or has reason to know that the underage person is intoxicated, or that the underage person possesses any beer or intoxicating liquor and is not supervised by a parent, spouse who is not an underage person or legal guardian who is or will be present at all times when the beer or intoxicating liquor is being consumed by the underage person.

(2) No underage person shall knowingly engage or attempt to engage accommodations at any hotel, inn, cabin or campground by presenting identification that falsely indicates that the underage person is twenty-one years of age or older for the purpose of violating this section.

(e) No underage person shall knowingly order, pay for, share the cost of, attempt to purchase, possess, or consume any beer or intoxicating liquor, in any public or private place. No underage person shall knowingly be under the influence of any beer or intoxicating liquor in any public place. The prohibitions set forth in this subsection (e) hereof against an underage person knowingly possessing, consuming, or being under the influence of any beer or intoxicating liquor shall not apply if the underage person is supervised by a parent, spouse who is not an underage person, or legal guardian, or the beer or intoxicating liquor is given by a physician in the regular line of the physician's practice or given for established religious purposes.

(f) No parent, spouse who is not an underage person or legal guardian of a minor shall knowingly permit the minor to violate this section or Section 529.021(a) to (c).

(g) The operator of any hotel, inn, cabin or campground shall make the provisions of this section available in writing to any person engaging or using accommodations at the hotel, inn, cabin or campground.

(h) As used in this section:

(1) "Drug of abuse" has the same meaning as in Ohio R.C. 3719.011.

(2) "Hotel" has the same meaning as in Ohio R.C. 3731.01.

(3) "Licensed health professional authorized to prescribe drugs" and "prescription" have the same meanings as in Ohio R.C. 4729.01.

(4) "Minor" means a person under the age of eighteen years.

(5) "Underage person" means a person under the age of twenty-one years. (ORC 4301.69)

(i) Whoever violates this section is guilty of a misdemeanor of the first degree. In addition, whoever violates subsection (a) hereof shall be fined not less than five hundred dollars ($500.00). (ORC 4301.99)

529.021 PURCHASE BY MINOR; MISREPRESENTATION.

(a) Except as otherwise provided in this chapter or Ohio R.C. Chapter 4301, no person under the age of twenty-one years shall purchase beer or intoxicating liquor. (ORC 4301.63)

(b) Except as otherwise provided in this chapter or Ohio R.C. Chapter 4301, no person shall knowingly furnish any false information as to the name, age or other identification of any person under twenty-one years of age for the purpose of obtaining or with the intent to obtain, beer or intoxicating liquor for a person under twenty-one years of age, by purchase, or as a gift. (ORC 4301.633)

(c) Except as otherwise provided in this chapter or Ohio R.C. Chapter 4301, no person under the age of twenty-one years shall knowingly show or give false information concerning the person's name, age or other identification for the purpose of purchasing or otherwise obtaining beer or intoxicating liquor in any place where beer or intoxicating liquor is sold under a permit issued by the Division of Liquor Control or sold by the Division of Liquor Control. (ORC 4301.634)

(d) (1) Whoever violates any provision of this section for which no other penalty is provided is guilty of a misdemeanor of the first degree.

(2) Whoever violates subsection (a) 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 (a) 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.

(3) A. Whoever violates subsection (c) hereof is guilty of a misdemeanor of the first degree. If, in committing a first violation of that subsection, the offender presented to the permit holder or the permit holder's employee or agent a false, fictitious or altered identification card, a false or fictitious driver's license purportedly issued by any state, or a driver's license issued by any state that has been altered, the offender is guilty of a misdemeanor of the first degree and shall be fined not less than two hundred fifty dollars ($250.00) and not more than one thousand dollars ($1,000) and may be sentenced to a term of imprisonment of not more than six months.

B. On a second violation in which, for the second time, the offender presented to the permit holder or the permit holder's employee or agent a false, fictitious or altered identification card, a false or fictitious driver's license purportedly issued by any state, or a driver's license issued by any state that has been altered, the offender is guilty of a misdemeanor of the first degree and shall be fined not less than five hundred dollars ($500.00) nor more than one thousand dollars ($1,000), and may be sentenced to a term of imprisonment of not more than six months. The court also may impose a class seven suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege from the range specified in Ohio R.C. 4510.02(A)(7).

C. On a third or subsequent violation in which, for the third or subsequent time, the offender presented to the permit holder or the permit holder's employee or agent a false, fictitious or altered identification card, a false or fictitious driver's license purportedly issued by any state, or a driver's license issued by any state that has been altered, the offender is guilty of a misdemeanor of the first degree and shall be fined not less than five hundred dollars ($500.00) nor more than one thousand dollars ($1,000), and may be sentenced to a term of imprisonment of not more than six months. Except as provided in this subsection, the court also may impose a class six suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege from the range specified in Ohio R.C. 4510.02(A)(6), and the court may order that the suspension or denial remain in effect until the offender attains the age of twenty-one years. The court, in lieu of suspending the offenders temporary instruction permit, probationary driver's license or driver's license, instead may order the offender to perform a determinate number of hours of community service, with the court determining the actual number of hours and the nature of the community service the offender shall perform. (ORC 4301.99)

529.03 SALES TO INTOXICATED PERSONS.

(a) No permit holder and no agent or employee of a permit holder shall sell or furnish beer or intoxicating liquor to an intoxicated person.
(ORC 4301.22)

(b) Whoever violates this section is guilty of a misdemeanor of the third degree.
(ORC 4301.99)

529.04 LIQUOR CONSUMPTION IN MOTOR VEHICLE.

(a) No person shall consume any beer or intoxicating liquor in a motor vehicle. This section does not apply to persons described in Section 529.07(d). (ORC 4301.64)

(b) Whoever violates subsection (a) hereof is guilty of a misdemeanor of the fourth degree.

(c) If an offender who violates this section was under the age of eighteen years at the time of the offense, the court, in addition to any other penalties it imposes upon the offender, shall suspend the offender's temporary instruction permit, probationary driver's license, or driver's license for a period of not less than six months and not more than one year. In lieu of suspending the offender's temporary instruction permit, probationary driver's license or driver's license, the court may instead require the offender to perform community service for a number of hours to be determined by the court. If the offender is fifteen years and six months of age or older and has not been issued a temporary instruction permit or probationary driver's license, the offender shall not be eligible to be issued such a license or permit for a period of six months. If the offender has not attained the age of fifteen years and six months, the offender shall not be eligible to be issued a temporary instruction permit until the offender attains the age of sixteen years. (ORC 4301.99)

529.05 PERMIT REQUIRED.

(a) No person personally or by the person's clerk, agent or employee shall manufacture, manufacture for sale, offer, keep or possess for sale, furnish or sell, or solicit the purchase or sale of any beer or intoxicating liquor in this Municipality, or transport, import or cause to be transported or imported any beer, intoxicating liquor or alcohol on or into this Municipality for delivery, use or sale, unless the person has fully complied with Ohio R.C. Chapters 4301 and 4303 or is the holder of a permit issued by the Division of Liquor Control and in force at the time. (ORC 4303.25)

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

529.06 LOW-ALCOHOL BEVERAGES: SALE TO AND PURCHASE BY UNDERAGE PERSONS PROHIBITED.

(a) As used in this section, "underage person" means a person under eighteen years of age.

(b) No underage person shall purchase any low-alcohol beverage.

(c) No underage person shall order, pay for, share the cost of, or attempt to purchase any low-alcohol beverage.

(d) No person shall knowingly furnish any false information as to the name, age, or other identification of any underage person for the purpose of obtaining or with the intent to obtain any low-alcohol beverage for an underage person, by purchase or as a gift.

(e) No underage person shall knowingly show or give false information concerning the person's name, age, or other identification for the purpose of purchasing or otherwise obtaining any low-alcohol beverage in any place in this Municipality.

(f) No person shall sell or furnish any low-alcohol beverage to, or buy any low-alcohol beverage for, 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 accompanied by a parent, spouse who is not an underage person, or legal guardian.

(g) 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 any low-alcohol beverage, unless the low-alcohol beverage 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 when the person possesses or consumes the low-alcohol beverage.

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

(h) No underage person shall knowingly possess or consume any low-alcohol beverage in any public or private place, unless accompanied by a parent, spouse who is not an underage person, or legal guardian, or unless the low-alcohol beverage is given by a physician in the regular line of the physician's practice or given for established religious purposes.

(i) No parent, spouse who is not an underage person, or legal guardian of an underage person shall knowingly permit the underage person to violate this section. (ORC 4301.631)

(j) Whoever violates any provision of this section for which no other penalty is provided is guilty of a misdemeanor of the fourth degree.

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

529.07 OPEN CONTAINER PROHIBITED.

(a) As used in this section:

(1) "Chauffeured limousine" means a vehicle registered under Ohio R.C. 4503.24.

(2) "Street," "highway" and "motor vehicle" have the same meanings as in Ohio R.C. 4511.01.

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

(1) Except as provided in subsection (c)(1)E. hereof, in an agency store;

(2) Except as provided in subsection (c) hereof, on the premises of the holder of any permit issued by the Division of Liquor Control;

(3) In any other public place;

(4) Except as provided in subsection (d) or (e) hereof, while operating or being a passenger in or on a motor vehicle on any street, highway or other public or private property open to the public for purposes of vehicular travel or parking;

(5) Except as provided in subsection (d) or (e) hereof, while being in or on a stationary motor vehicle on any street, highway or other public or private property open to the public for purposes of vehicular travel or parking.

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

A. Beer or intoxicating liquor that has been lawfully purchased for consumption on the premises where bought from the holder of an A-1-A, A-2, A-3a, D-1, D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, D-7, D8, E, F, F-2, F-5, F-7 or F-8 permit;

B. Beer, wine or mixed beverages served for consumption on the premises by the holder of an F-3 permit or wine served for consumption on the premises by the holder of an F-4 or F-6 permit;

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

D. Beer or intoxicating liquor to be consumed during tastings and samplings approved by rule of the Liquor Control Commission.

E. Spirituous liquor to be consumed for purposes of a tasting sample, as defined in Ohio R.C. 4301.171.

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

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

B. As used in subsection (c)(3)A. of this section:

1. "Orchestral performance" means a concert comprised of a group of not fewer than forty musicians playing various musical instruments.
2. "Outdoor performing arts center" means an outdoor performing arts center that is located on not less than one hundred fifty acres of land and that is open for performances from the first day of April to the last day of October of each year.

(4) A person may have in the person's possession an opened or unopened container of beer or intoxicating liquor at an outdoor location at which the person is attending an orchestral performance as defined in subsection (c)(3)B.1. hereof if the person with supervision and control over the performance grants permission for the possession and consumption of beer or intoxicating liquor in certain predesignated areas of that outdoor location.

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

As used in subsection (c)(5) hereof, "orchestral performance" has the same meaning as in subsection (c)(3)B. of this section.

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

1. The person is attending a racing event at the facility; and
2. The owner of the facility grants permission for the possession and consumption of beer or intoxicating liquor on the property of the facility;

B. As used in subsection (c)(6)A. of this section:

1. "Racing event" means a motor vehicle racing event sanctioned by one or more motor racing sanctioning organizations.
2. "Outdoor motorsports facility" means an outdoor racetrack to which all of the following apply:
   a. It is two and four-tenths miles or more in length.
   b. It is located on two hundred acres or more of land.
   c. The primary business of the owner of the facility is the hosting and promoting of racing events.
   d. The holder of a D-1, D-2 or D-3 permit is located on the property of the facility.

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

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

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

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

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

(1) The opened bottle of wine is securely resealed by the permit holder or an employee of the permit holder before the bottle is removed from the premises. The bottle shall be secured in such a manner that it is visibly apparent if the bottle has been subsequently opened or tampered with.

(2) The opened bottle of wine that is resealed in accordance with subsection (e)(1) of this section is stored in the trunk of a motor vehicle or, if the motor vehicle does not have a trunk, behind the last upright seat or in an area not normally occupied by the driver or passengers and not easily accessible by the driver. (ORC 4301.62)

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

529.08 HOURS OF SALE OR CONSUMPTION.

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

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

(1) From Monday to Saturday between the hours of one a.m. and five thirty a.m.

(2) On Sunday between the hours of one a.m. and Sunday midnight, unless statutorily authorized otherwise.

(3) Consumption of beer, wine, mixed beverages, or spirituous liquor is also prohibited during the above hours upon the premises of the above permit holders who are authorized by their permit to sell beer, wine, mixed beverages, or spirituous liquor for on-premises consumption.

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

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

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

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

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

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

CHAPTER 533
Obscenity and Sex Offenses

533.01 Definitions.
533.02 Presumption of knowledge; actual notice and defense.
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CROSS REFERENCES
See sectional histories for similar State law
Complicity - see GEN. OFF. 501.10
Offensive conduct - see GEN. OFF. 509.03
Telephone harassment - see GEN. OFF. 537.10
Criminal trespass - see GEN. OFF. 541.05

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

(1) The material or performance, when considered as a whole, appeals to the prurient interest of juveniles in sex.
(2) The material or performance is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable for juveniles.
(3) The material or performance, when considered as a whole, lacks serious literary, artistic, political and scientific value for juveniles.

(f) When considered as a whole, and judged with reference to ordinary adults, or, if it is designed for sexual deviates or other specially susceptible group, judged with reference to such group, any material or performance is "obscene" if any of the following apply:
(1) Its dominant appeal is to prurient interest;
(2) Its dominant tendency is to arouse lust by displaying or depicting sexual activity, masturbation, sexual excitement or nudity in a way which tends to represent human beings as mere objects of sexual appetite;
(3) Its dominant tendency is to arouse lust by displaying or depicting bestiality or extreme or bizarre violence, cruelty or brutality;
(4) Its dominant tendency is to appeal to scatological interest by displaying or depicting human bodily functions of elimination in a way which inspires disgust or revulsion in persons with ordinary sensibilities, without serving any genuine scientific, educational, sociological, moral or artistic purpose;
(5) It contains a series of displays or descriptions of sexual activity, masturbation, sexual excitement, nudity, bestiality, extreme or bizarre violence, cruelty or brutality, or human bodily functions of elimination, the cumulative effect of which is a dominant tendency to appeal to prurient or scatological interest, when the appeal to such interest is primarily for its own sake or for commercial exploitation, rather than primarily for a genuine scientific, educational, sociological, moral or artistic purpose.

(g) "Sexual excitement" means the condition of human male or female genitals when in a state of sexual stimulation or arousal.

(h) "Nudity" means the showing, representation or depiction of human male or female genitals, pubic area or buttocks with less than a full, opaque covering, or of a female breast with less than a full, opaque covering of any portion thereof below the top of the nipple, or of covered male genitals in a discernibly turgid state.

(i) "Juvenile" means an unmarried person under the age of eighteen.

(j) "Material" means any book, magazine, newspaper, pamphlet, poster, print, picture, figure, image, description, motion picture film, phonographic record, or tape, or other tangible thing capable of arousing interest through sight, sound, or touch and includes an image or text appearing on a computer monitor, television screen, liquid crystal display, or similar display device or an image or text recorded on a computer hard disk, computer floppy disk, compact disk, magnetic tape or similar data storage device.

(k) "Performance" means any motion picture, preview, trailer, play, show, skit, dance or other exhibition performed before an audience.

(l) "Spouse" means a person married to an offender at the time of an alleged offense, except that such person shall not be considered the spouse when any of the following apply:

(1) When the parties have entered into a written separation agreement authorized by Ohio R.C. 3103.06;
(2) During the pendency of an action between the parties for annulment, divorce, dissolution of marriage or legal separation;
(3) In the case of an action for legal separation, after the effective date of the judgment for legal separation.

(m) "Minor" means a person under the age of eighteen years.
(n) "Mental health client or patient" has the same meaning as in Ohio R.C. 2305.51.
(o) "Mental health professional" has the same meaning as in Ohio R.C. 2305.115.
(p) "Sado-masochistic abuse" means flagellation or torture by or upon a person or the condition of being fettered, bound, or otherwise physically restrained.
(ORC 2907.01)

533.02 PRESUMPTION OF KNOWLEDGE; ACTUAL NOTICE AND DEFENSE.

(a) An owner or manager, or agent or employee of an owner or manager, of a bookstore, newsstand, theater, or other commercial establishment engaged in selling materials or exhibiting performances, who, in the course of business does any of the acts prohibited by Section 533.11, is presumed to have knowledge of the character of the material or performance involved, if the owner, manager, or agent or employee of the owner or manager has actual notice of the nature of such material or performance, whether or not the owner, manager, or agent or employee of the owner or manager has precise knowledge of its contents.

(b) Without limitation on the manner in which such notice may be given, actual notice of the character of material or a performance may be given in writing by the chief legal officer of the jurisdiction in which the person to whom the notice is directed does business. Such notice, regardless of the manner in which it is given, shall identify the sender, identify the material or performance involved, state whether it is obscene or harmful to juveniles and bear the date of such notice.

(c) Section 533.11 does not apply to a motion picture operator or projectionist acting within the scope of employment as an employee of the owner or manager of a theater or other place for the showing of motion pictures to the general public, and having no managerial responsibility or financial interest in the operator's or projectionist's place of employment, other than wages.

(d) (1) Sections 533.11, 533.12(a) and 533.13 do not apply to a person solely because the person provided access or connection to or from an electronic method of remotely transferring information not under that person's control, including having provided capabilities that are incidental to providing access or connection to or from the electronic method of remotely transferring the information, and that do not include the creation of the content of the material that is the subject of the access or connection.
(2) Subsection (d)(1) of this section does not apply to a person who conspires with an entity actively involved in the creation or knowing distribution of material in violation of Section 533.11, 533.12 or 533.13, or who knowingly advertises the availability of material of that nature.

(3) Subsection (d)(1) of this section does not apply to a person who provides access or connection to an electronic method of remotely transferring information that is engaged in the violation of Section 533.11, 533.12 or 533.13, and that contains content that person has selected and introduced into the electronic method of remotely transferring information or content over which that person exercises editorial control.

(e) An employer is not guilty of a violation of Section 533.11, 533.12, or 533.13 based on the actions of an employee or agent of the employer unless the employee's or agent's conduct is within the scope of employee's or agent's employment or agency, and the employer does either of the following:

(1) With knowledge of the employee's or agent's conduct, the employer authorizes or ratifies the conduct.

(2) The employer recklessly disregards the employee's or agent's conduct.

(f) It is an affirmative defense to a charge under Section 533.11 or 533.13 as the section applies to an image transmitted through the internet or another electronic method of remotely transmitting information that the person charged with violating the section has taken, in good faith, reasonable, effective, and appropriate actions under the circumstances to restrict or prevent access by juveniles to material that is harmful to juveniles, including any method that is feasible under available technology.

(g) If any provision of this section, or the application of any provision of this section to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of this section or related sections that can be given effect without the invalid provision or application. To this end, the provisions are severable.
(ORC 2907.35)

533.03 UNLAWFUL SEXUAL CONDUCT WITH A MINOR.

(a) No person, who is eighteen years of age or older, shall engage in sexual conduct with another, who is not the spouse of the offender, when the offender knows the other person is thirteen years of age or older but less than sixteen years of age, or the offender is reckless in that regard.

(b) Whoever violates this section is guilty of unlawful sexual conduct with a minor, a misdemeanor of the first degree. If the offender is four years older or more than the other person, or if the offender has previously been convicted of or pleaded guilty to a violation of Ohio R.C. 2907.02, 2907.03 or 2907.04, or former Ohio R.C. 2907.12, unlawful sexual conduct with a minor is a felony and shall be prosecuted under appropriate State law.
(ORC 2907.04)

533.04 SEXUAL IMPOSITION.

(a) No person shall have sexual contact with another, not the spouse of the offender; cause another, not the spouse of the offender, to have sexual contact with the offender; or cause two or more persons to have sexual contact when any of the following applies:

(1) The offender knows that the sexual contact is offensive to the other person, or one of the other persons, or is reckless in that regard.
(2) The offender knows that the other person's or one of the other person's ability to appraise the nature of or control the offender's or touching person's conduct is substantially impaired.
(3) The offender knows that the other person or one of the other persons submits because of being unaware of the sexual contact.
(4) The other person or one of the other persons is thirteen years of age or older but less than sixteen years of age, whether or not the offender knows the age of such person, and the offender is at least eighteen years of age and four or more years older than such other person.
(5) The offender is a mental health professional, the other person or one of the other persons is a mental health client or patient of the offender, and the offender induces the other person who is the client or patient to submit by falsely representing to the other person who is the client or patient that the sexual contact is necessary for mental health treatment purposes.

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

(c) Whoever violates this section is guilty of sexual imposition, a misdemeanor of the third degree. If the offender previously has been convicted of a violation of Ohio R.C. 2907.02, 2907.03, 2907.04, 2907.05, 2907.06 or 2907.12, or a substantially similar municipal ordinance, a violation of this section is a misdemeanor of the first degree. (ORC 2907.06)

533.05 IMPORTUNING.

(EDITOR'S NOTE: Former Section 533.05 has been deleted from the Codified Ordinances. Section 533.05 was identical to Ohio R.C. 2907.07(B) which the Ohio Supreme Court held to be unconstitutional in State v. Thompson, 95 Ohio St. 3rd 264 (2002).)

533.06 VOYEURISM.

(a) No person, for the purpose of sexually arousing or gratifying the person's self, shall commit trespass or otherwise surreptitiously invade the privacy of another, to spy or eavesdrop upon another.

(b) No person, for the purpose of sexually arousing or gratifying the person's self, shall commit trespass or otherwise surreptitiously invade the privacy of another to videotape, film, photograph, or otherwise record the other person in a state of nudity.

(c) No person shall secretly or surreptitiously videotape, film, photograph, or otherwise record another person under or through the clothing being worn by that other person for the purpose of viewing the body of, or the undergarments worn by, that other person.

(d) (1) Whoever violates this section is guilty of voyeurism.
(2) A violation of subsection (a) hereof is a misdemeanor of the third degree.
(3) A violation of subsection (b) hereof is a misdemeanor of the second degree.
(4) A violation of subsection (c) hereof is a misdemeanor of the first degree. (ORC 2907.08)

533.07 PUBLIC INDECENCY.

(a) No person shall recklessly do any of the following, under circumstances in which the person's conduct is likely to be viewed by and affront others, who are in the person's physical proximity and who are not members of the person's household:

(1) Expose the person's private parts;

(2) Engage in sexual conduct or masturbation;

(3) Engage in conduct that to an ordinary observer would appear to be sexual conduct or masturbation.

(b) No person shall knowingly do any of the following, under circumstances in which the person's conduct is likely to be viewed by and affront another person who is a minor, who is not the spouse of the offender, and who resides in the person's household:

(1) Engage in masturbation;

(2) Engage in sexual conduct;

(3) Engage in conduct that to an ordinary observer would appear to be sexual conduct or masturbation;

(4) Expose the person's private parts with the purpose of personal sexual arousal or gratification or to lure the minor into sexual activity.

(c) (1) Whoever violates this section is guilty of public indecency and shall be punished as provided in subsections (c)(2), (3), (4) and (5) of this section.

(2) Except as otherwise provided in subsection (c)(2) of this section, a violation of subsection (a)(1) of this section is a misdemeanor of the fourth degree. If the offender previously has been convicted of or pleaded guilty to one violation of this section, a violation of subsection (a)(1) of this section is a misdemeanor of the third degree or, if any person who was likely to view and be affronted by the offender's conduct was a minor, a misdemeanor of the second degree. If the offender previously has been convicted of or pleaded guilty to two violations of this section, a violation of subsection (a)(1) of this section is a misdemeanor of the second degree or, if any person who was likely to view and be affronted by the offender's conduct was a minor, a misdemeanor of the first degree. If the offender previously has been convicted of or pleaded guilty to three or more violations of this section, a violation of subsection (a)(1) of this section is a misdemeanor of the first degree or, if any person who was likely to view and be affronted by the offender's conduct was a minor, a felony which shall be prosecuted under appropriate state law.

(3) Except as otherwise provided in subsection (c)(3) of this section, a violation of subsection (a)(2) or (3) of this section is a misdemeanor of the third degree. If the offender previously has been convicted of or pleaded guilty to one violation of this section, a violation of subsection (a)(2) or (3) of this section is a misdemeanor of the second degree or, if any person who was likely to view and be affronted by the offender's conduct was a minor, a misdemeanor of the first degree. If the offender previously has been convicted of or pleaded guilty to two or more violations of this section, a violation of subsection (a)(2) or (3) of this section is a misdemeanor of the first degree or, if any person who was likely to view and be affronted by the offender's conduct was a minor, a felony which shall be prosecuted under appropriate state law.

(4) Except as otherwise provided in subsection (c)(4) of this section, a violation of subsection (b)(1), (2) or (3) of this section is a misdemeanor of the second degree. If the offender previously has been convicted of or pleaded guilty to one violation of this section, a violation of subsection (b)(1), (2) or (3) of this section is a misdemeanor of the first degree. If the offender previously has been convicted of or pleaded guilty to two or more violations of this section, a violation of subsection (b)(1), (2) or (3) of this section is a felony and shall be prosecuted under appropriate state law.

(5) A violation of subsection (b)(4) of this section is a misdemeanor of the first degree unless the offender previously has been convicted of or pleaded guilty to any violation of this section in which case the violation is a felony and shall be prosecuted under appropriate state law. (ORC 2907.09)

533.08 PROCURING.

(a) No person, knowingly and for gain, shall do either of the following:

(1) Entice or solicit another to patronize a prostitute or brothel;

(2) Procure a prostitute for another to patronize, or take or direct another at his or her request to any place for the purpose of patronizing a prostitute.

(b) No person, having authority or responsibility over the use of premises, shall knowingly permit such premises to be used for the purpose of engaging in sexual activity for hire.

(c) Whoever violates this section is guilty of procuring. Except as otherwise provided in this subsection (c), procuring is a misdemeanor of the first degree. If the prostitute who is procured, patronized or otherwise involved in a violation of subsection (a)(2) of this section is under sixteen years of age at the time of the violation, regardless of whether the offender who violates subsection (a)(2) of this section knows the prostitute's age, or if a prostitute who engages in sexual activity for hire in premises used in violation of subsection (b) of this section is under sixteen years of age at the time of the violation, regardless of whether the offender who violates subsection (b) of this section knows the prostitute's age, procuring is a felony and shall be prosecuted under appropriate state law. If the prostitute who is procured, patronized or otherwise involved in a violation of subsection (a)(2) of this section is sixteen or seventeen years of age at the time of the violation or if a prostitute who engages in sexual activity for hire in premises used in violation of subsection (b) of this section is sixteen or seventeen years of age at the time of the violation, procuring is a felony and shall be prosecuted under appropriate state law.
(ORC 2907.23)

533.09 SOLICITING.

(a) No person shall solicit another who is eighteen years of age or older to engage with such other person in sexual activity for hire.

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

(c) If a person is convicted of or pleads guilty to a violation of any provision of this section or an attempt to commit a violation of any provision of this section, and if the person, in committing or attempting to commit the violation, was in, was on, or used a motor vehicle, the court, in addition to or independent of all other penalties imposed for the violation, shall impose upon the offender a class six suspension of the person's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(6) of Ohio R.C. 4510.02. In lieu of imposing upon the offender the class six suspension, the court instead may require the offender to perform community service for a number of hours determined by the court.

(d) As used in this section, "sexual activity for hire" means an implicit or explicit agreement to provide sexual activity in exchange for anything of value paid to the person engaging in such sexual activity, to any person trafficking that person, or to any person associated with either such person. (ORC 2907.24)

533.091 LOITERING TO ENGAGE IN SOLICITATION.

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

(1) Beckon to, stop or attempt to stop another;
(2) Engage or attempt to engage another in conversation;
(3) Stop or attempt to stop the operator of a vehicle or approach a stationary vehicle;
(4) If the offender is the operator of or a passenger in a vehicle, stop, attempt to stop, beckon to, attempt to beckon to, or entice another to approach or enter the vehicle of which the offender is the operator or in which the offender is the passenger;
(5) Interfere with the free passage of another.

(b) As used in this section:

(1) "Vehicle" has the same meaning as in Ohio R.C. 4501.01.
(2) "Public place" means any of the following:
A. A street, road, highway, thoroughfare, bikeway, walkway, sidewalk, bridge, alley, alleyway, plaza, park, driveway, parking lot, or transportation facility;
B. A doorway or entrance way to a building that fronts on a place described in subsection (b)(2)A. hereof;
C. A place not described in subsection (b)(2)A. or B. hereof that is open to the public.

(c) Whoever violates subsection (a) hereof is guilty of loitering to engage in solicitation, a misdemeanor of the third degree. (ORC 2907.241)

533.10 PROSTITUTION.

(a) No person shall engage in sexual activity for hire.

(b) Whoever violates this section is guilty of prostitution, a misdemeanor of the third degree. (ORC 2907.25)

533.11 DISSEMINATING MATTER HARMFUL TO JUVENILES.

(a) No person, with knowledge of its character or content, shall recklessly do any of the following:

(1) Directly sell, deliver, furnish, disseminate, provide, exhibit, rent or present to a juvenile, a group of juveniles, a law enforcement officer posing as a juvenile, or a group of law enforcement officers posing as juveniles any material or performance that is obscene or harmful to juveniles;

(2) Directly offer or agree to sell, deliver, furnish, disseminate, provide, exhibit, rent or present to a juvenile, a group of juveniles, a law enforcement officer posing as a juvenile, or a group of law enforcement officers posing as juveniles any material or performance that is obscene or harmful to juveniles;

(3) While in the physical proximity of the juvenile or law enforcement officer posing as a juvenile, allow any juvenile or law enforcement officer posing as a juvenile to review or peruse any material or view any live performance that is harmful to juveniles.

(b) The following are affirmative defenses to a charge under this section, that involves material or a performance that is harmful to juveniles but not obscene:

(1) The defendant is the parent, guardian or spouse of the juvenile involved.

(2) The juvenile involved, at the time of the conduct in question, was accompanied by the juvenile's parent or guardian who, with knowledge of its character, consented to the material or performance being furnished or presented to the juvenile.

(3) The juvenile exhibited to the defendant or the defendant's agent or employee a draft card, driver's license, birth certificate, marriage license, or other official or apparently official document purporting to show that the juvenile was eighteen years of age or over or married, and the person to whom that document was exhibited did not otherwise have reasonable cause to believe that the juvenile was under the age of eighteen and unmarried.

(c) (1) It is an affirmative defense to a charge under this section, involving material or a performance that is obscene or harmful to juveniles, that the material or performance was furnished or presented for a bona fide medical, scientific, educational, governmental, judicial or other proper purpose, by a physician, psychologist, sociologist, scientist, teacher, librarian, clergyman, prosecutor, judge or other proper person.

(2) Except as provided in subsection (b)(3) hereof, mistake of age is not a defense to a charge under this section.

(d) (1) A person directly sells, delivers, furnishes, disseminates, provides, exhibits, rents, or presents or directly offers or agrees to sell, deliver, furnish, disseminate, provide, exhibit, rent, or present material or a performance to a juvenile, a group of juveniles, a law enforcement officer posing as a juvenile, or a group of law enforcement officers posing as juveniles in violation of this section by means of an electronic method of remotely transmitting information if the person knows or has reason to believe that the person receiving the information is a juvenile or the group of persons receiving the information are juveniles.

(2) A person remotely transmitting information by means of a method of mass distribution does not directly sell, deliver, furnish, disseminate, provide, exhibit, rent, or present or directly offer or agree to sell, deliver, furnish, disseminate, provide, exhibit, rent, or present the material or performance in question to a juvenile, a group of juveniles, a law enforcement officer posing as a juvenile, or a group of law enforcement officers posing as juveniles in violation of this section if either of the following applies:

A. The person has inadequate information to know or have reason to believe that a particular recipient of the information or offer is a juvenile.

B. The method of mass distribution does not provide the person the ability to prevent a particular recipient from receiving the information.

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

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

533.12 DECEPTION TO OBTAIN MATTER HARMFUL TO JUVENILES.

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

(1) Falsely represent that he is the parent, guardian or spouse of such juvenile;

(2) Furnish such juvenile with any identification or document purporting to show that such juvenile is eighteen years of age or over or married.

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

(1) Falsely represent that he is eighteen years of age or over or married;

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

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

533.13 DISPLAYING MATTER HARMFUL TO JUVENILES.

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

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

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

533.14 UNLAWFUL ADVERTISING OF MASSAGE.

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

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

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

533.99 PENALTY.

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

CHAPTER 537
Offenses Against Persons

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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.

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

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

(e) As used in this section:

(1) "Mandatory prison term" and "mandatory jail term" have the same meanings as in Ohio R.C. 2929.01.

(2) "Traffic-related homicide, manslaughter or assault offense" means a violation of Ohio R.C. 2903.04 in circumstances in which division (D) of that section applies, a violation of Ohio R.C. 2903.06 or 2903.08, or a violation of Ohio R.C. 2903.06, 2903.07 or 2903.08 as they existed prior to March 23, 2000.

(3) "Construction zone" has the same meaning as in Ohio R.C. 5501.27.

(4) "Speeding offense" means a violation of Ohio R.C. 4511.21 or a municipal ordinance pertaining to speed.

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

(g) The court imposing a sentence upon an offender for any violation of this section also shall impose a suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (B) of Ohio R.C. 4510.02 that is equivalent in length to the suspension required for a violation of Ohio R.C. 2903.06 under similar circumstances. (ORC 4510.07)

537.021 VEHICULAR ASSAULT IN A CONSTRUCTION ZONE.

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

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

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

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

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

(e) As used in this section:

(1) "Mandatory jail term" has the same meaning as in Ohio R.C. 2929.01.

(2) "Traffic-related homicide, manslaughter or assault offense" has the same meaning as in Ohio R.C. 2903.06.

(3) "Construction zone" has the same meaning as in Ohio R.C. 5501.27.

(4) "Speeding offense" has the same meaning as in Ohio R.C. 2903.06.

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

537.03 ASSAULT.

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

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

(c) (1) Whoever violates this section is guilty of assault, a misdemeanor of the first degree, and the court shall sentence the offender as provided in subsection (c) hereof. If the assault was committed under the circumstances provided in subsection (c)(2), (3), (4), (5), (6), (7), (8) or (9) hereof, assault is a felony and shall be prosecuted under appropriate State law.

(2) Except as otherwise provided in this subsection, if the offense is committed by a caretaker against a functionally impaired person under the caretaker's care.

(3) If the offense occurs in or on the grounds of a State correctional institution or an institution of the Department of Youth Services, the victim of the offense is an employee of the Department of Rehabilitation and Correction or the Department of Youth Services, and the offense is committed by a person incarcerated in the State correctional institution or by a person institutionalized in the Department of Youth Services Institution pursuant to a commitment to the Department of Youth Services.

(4) If the offense is committed in any of the following circumstances:

A. The offense occurs in or on the grounds of a local correctional facility, the victim of the offense is an employee of the local correctional facility or a probation department or is on the premises of the facility for business purposes or as a visitor, and the offense is committed by a person who is under custody in the facility subsequent to the person's arrest for any crime or delinquent act, subsequent to the person's being charged with or convicted of any crime, or subsequent to the person's being alleged to be or adjudicated a delinquent child.

B. The offense occurs off the grounds of a State correctional institution and off the grounds of an institution of the Department of Youth Services, the victim of the offense is an employee of the Department of Rehabilitation and Correction, the Department of Youth Services, or a probation department, the offense occurs during the employee's official work hours and while the employee is engaged in official work responsibilities, and the offense is committed by a person incarcerated in a State correctional institution or institutionalized in the Department of Youth Services who temporarily is outside of the institution for any purpose, by a parolee, by an offender under transitional control, under a community control sanction, or on an escorted visit, by a person under post-release control, or by an offender under any other type of supervision by a government agency.

C. The offense occurs off the grounds of a local correctional facility, the victim of the offense is an employee of the local correctional facility or a probation department, the offense occurs during the employee's official work hours and while the employee is engaged in official work responsibilities, and the offense is committed by a person who is under custody in the facility subsequent to the person's arrest for any crime or delinquent act, subsequent to the person being charged with or convicted of any crime, or subsequent to the person being alleged to be or adjudicated a delinquent child and who temporarily is outside of the facility for any purpose or by a parolee, by an offender under transitional control, under a community control sanction, or on an escorted visit, by a person under post-release control, or by an offender under any other type of supervision by a government agency.

D. The victim of the offense is a school teacher or administrator or a school bus operator, and the offense occurs in a school, on school premises, in a school building, on a school bus or while the victim is outside of school premises or a school bus and is engaged in duties or official responsibilities associated with the victim's employment or position as a school teacher or administrator or a school bus operator, including, but not limited to, driving, accompanying, or chaperoning students at or on class or field trips, athletic events, or other school extracurricular activities or functions outside of school premises.

(5) If the victim of the offense is a peace officer or an investigator of the Bureau of Criminal Identification and Investigation, a firefighter, or a person performing emergency medical service, while in the performance of their official duties.

(6) If the victim of the offense is a peace officer or an investigator of the Bureau of Criminal Identification and Investigation and if the victim suffered serious physical harm as a result of the commission of the offense.

(7) If the victim of the offense is an officer or employee of a public children services agency or a private child placing agency and the offense relates to the officer's or employee's performance or anticipated performance of official responsibilities or duties.

(8) If the victim of the offense is a health care professional of a hospital, a health care worker of a hospital, or a security officer of a hospital whom the offender knows or has reasonable cause to know is a health care professional of a hospital; a health care worker of a hospital, or a security officer of a hospital, if the victim is engaged in the performance of the victim's duties, and if the hospital offers de-escalation or crisis intervention training for such professionals, workers or officers, assault is one of the following:

A. Except as otherwise provided in subsection (c)(8)B. of this section, assault committed in the specified circumstances is a misdemeanor of the first degree. Notwithstanding the fine specified in division (A)(2)(b) of Ohio R.C. 2929.28 for a misdemeanor of the first degree, in sentencing the offender under this subsection and if the court decides to impose a fine, the court may impose upon the offender a fine of not more than five thousand dollars ($5,000).

B. If the offender previously has been convicted of or pleaded guilty to one or more assault or homicide offenses committed against hospital personnel, assault committed in the specified circumstances is a felony.

(9) If the victim of the offense is a judge, magistrate, prosecutor or court official or employee whom the offender knows or has reasonable cause to know is a judge, magistrate, prosecutor or court official or employee, and if the victim is engaged in the performance of the victim's duties, assault is one of the following:

A. Except as otherwise provided in subsection (c)(9)B. of this section, assault committed in the specified circumstances is a misdemeanor of the first degree. In sentencing the offender under this subsection, if the court decides to impose a fine, notwithstanding the fine specified in division (A)(2)(b) of Ohio R.C. 2929.28 for a misdemeanor of the first degree, the court may impose upon the offender a fine of not more than five thousand dollars ($5,000).

B. If the offender previously has been convicted of or pleaded guilty to one or more assault or homicide offenses committed against justice system personnel, assault committed in the specified circumstances is a felony.

(10) If an offender who is convicted of or pleads guilty to assault when it is a misdemeanor also is convicted of or pleads guilty to a specification as described in Ohio R.C. 2941.1423 that was included in the indictment, count in the indictment or information charging the offense, the court shall sentence the offender to a mandatory jail term as provided in division (G) of Ohio R.C. 2929.24.

(d) As used in this section:

(1) "Peace officer" has the same meaning as in Ohio R.C. 2935.01.

(2) "Firefighter" has the same meaning as in Ohio R.C. 3937.41.

(3) "Emergency medical service" has the same meaning as in Ohio R.C. 4765.01.

(4) "Local correctional facility" means a county, multicounty, municipal, municipal-county or multicounty-municipal jail or workhouse. A minimum security jail established under Ohio R.C. 341.23 or 753.21, or another county, multicounty, municipal, municipal-county, or multicounty-municipal facility used for the custody of persons arrested for any crime or delinquent act, persons charged with or convicted of any crime, or persons alleged to be or adjudicated a delinquent child.

(5) "Employee of a local correctional facility" means a person who is an employee of the political subdivision or of one or more of the affiliated political subdivisions that operates the local correctional facility and who operates or assists in the operation of the facility.

(6) "School teacher or administrator" means either of the following:

A. A person who is employed in the public schools of the State under a contract described in Ohio R.C. 3311.77 or 3319.08 in a position in which the person is required to have a certificate issued pursuant to Ohio R.C. 3319.22 to 3319.311.

B. A person who is employed by a nonpublic school for which the State Board of Education prescribes minimum standards under Ohio R.C. 3301.07 and who is certified in accordance with Ohio R.C. 3301.071.

(7) "Community control sanction" has the same meaning as in Ohio R.C. 2929.01.

(8) "Escorted visit" means an escorted visit granted under Ohio R.C. 2967.27.

(9) "Post-release control" and "transitional control" have the same meanings as in Ohio R.C. 2967.01.

(10) "Investigator of the Bureau of Criminal Identification and Investigation" has the same meaning as in Ohio R.C. 2903.11.

(11) "Health care professional" and "health care worker" have the same meanings as in Ohio R.C. 2305.234.

(12) "Assault or homicide offense committed against hospital personnel" means a violation of this section or Ohio R.C. 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13 or 2903.14 committed in circumstances in which all of the following apply:

A. The victim of the offense was a health care professional of a hospital, a health care worker of a hospital or a security officer of a hospital.

B. The offender knew or had reasonable cause to know that the victim was a health care professional of a hospital, a health care worker of a hospital, or a security officer of a hospital;

C. The victim was engaged in the performance of the victim's duties.

D. The hospital offered de-escalation or crisis intervention training for such professionals, workers or officers.

(13) "De-escalation or crisis intervention training" means de-escalation or crisis intervention training for health care professionals of a hospital, health care workers of a hospital, and security officers of a hospital to facilitate interaction with patients, members of a patient's family, and visitors, including those with mental impairments.

(14) "Assault or homicide offense committed against justice system personnel" means a violation of this section or of Ohio R.C. 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13 or 2903.14 committed in circumstances in which the victim of the offense was a judge, magistrate, prosecutor, or court official or employee whom the offender knew or had reasonable cause to know was a judge, magistrate, prosecutor, or court official or employee, and the victim was engaged in the performance of the victim's duties.

(15) "Court official or employee" means any official or employee of a court created under the constitution or statutes of this State or of a United States court located in this State.

(16) "Judge" means a judge of a court created under the constitution or statutes of this State or of a United States court located in this State.

(17) "Magistrate" means an individual who is appointed by a court of record of this State and who has the powers and may perform the functions specified in Civil Rule 53, Criminal Rule 19, or Juvenile Rule 40, or an individual who is appointed by a United States court located in this State who has similar powers and functions.

(18) "Prosecutor" has the same meaning as in Ohio R.C. 2935.01.

(19) A. "Hospital" means, subject to subsection (d)(19)B. of this section, an institution classified as a hospital under Ohio R.C. 3701.01 in which are provided to patients diagnostic, medical, surgical, obstetrical, psychiatric, or rehabilitation care or a hospital operated by a health maintenance organization.

B. "Hospital" does not include any of the following:

1. A facility licensed under Ohio R.C. Chapter 3721, a health care facility operated by the Department of Mental Health or the Department of Developmental Disabilities, a health maintenance organization that does not operate a hospital, or the office of any private, licensed health care professional, whether organized for individual or group practice;

2. An institution for the sick that is operated exclusively for patients who use spiritual means for healing and for whom the acceptance of medical care is inconsistent with their religious beliefs, accredited by a national accrediting organization, exempt from federal income taxation under Section 501 of the "Internal Revenue Code of 1986", 100 Stat. 2085, 26 U.S.C. 1, as amended, and providing twenty-four-hour nursing care pursuant to the exemption in division (E) of Ohio R.C. 4723.32 from the licensing requirements of Ohio R.C. Chapter 4723.

(20) "Health maintenance organization" has the same meaning as in Ohio R.C. 3727.01. (ORC 2903.13)

537.04 NEGLIGENT ASSAULT.

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

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

537.05 AGGRAVATED MENACING.

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

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

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

537.051 MENACING BY STALKING.

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

(2) No person, through the use of any electronic method of remotely transferring information, including, but not limited to, any computer, computer network, computer program, or computer system, shall post a message with purpose to urge or incite another to commit a violation of subsection (a)(1) of this section.

(3) No person, with sexual motivation, shall violate subsection (a)(1) or (2) of this section.

(b) Whoever violates this section is guilty of menacing by stalking.

(1) Except as otherwise provided in subsections (b)(2) and (3) of this section, menacing by stalking is a misdemeanor of the first degree.

(2) Menacing by stalking is a felony and shall be prosecuted under appropriate State law if any of the following applies:

A. The offender previously has been convicted of or pleaded guilty to a violation of this section or a violation of Section 541.051.

B. In committing the offense under subsection (a)(1), (2), or (3) of this section, the offender made a threat of physical harm to or against the victim, or as a result of an offense committed under subsection (a)(2) or (3) of this section, a third person induced by the offender's posted message made a threat of physical harm to or against the victim.

C. In committing the offense under subsection (a)(1), (2), or (3) of this section, the offender trespassed on the land or premises where the victim lives, is employed, or attends school, or as a result of an offense committed under subsection (a)(2) or (3) of this section, a third person induced by the offender's posted message trespassed on the land or premises where the victim lives, is employed, or attends school.

D. The victim of the offense is a minor.

E. The offender has a history of violence toward the victim or any other person or a history of other violent acts toward the victim or any other person.

F. While committing the offense under subsection (a)(1) of this section or a violation of subsection (a)(3) of this section is based on conduct in violation of subsection (a)(1) of this section, the offender had a deadly weapon on or about the offender's person or under the offender's control. Subsection (b)(2)F. of this section does not apply in determining the penalty for a violation of subsection (a)(2) of this section or a violation of subsection (a)(3) of this section based on conduct in violation of subsection (a)(1) of this section.

G. At the time of the commission of the offense, the offender was the subject of a protection order issued under Ohio R.C. 2903.213 or 2903.214, regardless of whether the person to be protected under the order is the victim of the offense or another person.

H. In committing the offense under subsection (a)(1), (2), or (3) of this section, the offender caused serious physical harm to the premises at which the victim resides, to the real property on which that premises is located, or to any personal property located on that premises, or as a result of an offense committed under subsection (a)(2) of this section, or an offense committed under subsection (a)(3) of this section based on a violation of subsection (a)(2) of this section, a third person induced by the offender's posted message caused serious physical harm to that premises, that real property, or any personal property on that premises.

I. Prior to committing the offense, the offender had been determined to represent a substantial risk of physical harm to others as manifested by evidence of then-recent homicidal or other violent behavior, evidence of then-recent threats that placed another in reasonable fear of violent behavior and serious physical harm, or other evidence of then-present dangerousness.

(3) If the victim of the offense is an officer or employee of a public children services agency or a private child placing agency and the offense relates to the officer's or employee's performance or anticipated performance of official responsibilities or duties, or, if the offender previously has been convicted of or pleaded guilty to an offense of violence, the victim of that prior offense was an officer or employee of a public children services agency or private child placing agency, and that prior offense related to the officer's or employee's performance or anticipated performance of official responsibilities, or duties, menacing by stalking is a felony and shall be prosecuted under appropriate State law.

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

(d) As used in this section:

(1) "Pattern of conduct" means two or more actions or incidents closely related in time, whether or not there has been a prior conviction based on any of those actions or incidents, or two or more actions or incidents closely related in time, whether or not there has been a prior conviction based on any of those actions or incidents, directed at one or more persons employed by or belonging to the same corporation, association, or other organization. Actions or incidents that prevent, obstruct, or delay the performance by a public official, firefighter, rescuer, emergency medical services person, or emergency facility person of any authorized act within the public official's, firefighter's, rescuer's, emergency medical services person's, or emergency facility person's official capacity, or the posting of messages or receipts of information or data through the use of an electronic method of remotely transferring information, including, but not limited to, a computer, computer network, computer program, computer system, or telecommunications device, may constitute a "pattern of conduct".

(2) "Mental distress" means any of the following:
A. Any mental illness or condition that involves some temporary substantial incapacity;
B. Any mental illness or condition that would normally require psychiatric treatment, psychological treatment, or other mental health services, whether or not any person requested or received psychiatric treatment, psychological treatment, or other mental health services.
(3) "Emergency medical services person" is the singular of "emergency medical services personnel" as defined in Ohio R.C. 2133.21.
(4) "Emergency facility person" is the singular of "emergency facility personnel" as defined in Ohio R.C. 2909.04.
(5) "Public official" has the same meaning as in Ohio R.C. 2921.01.
(6) "Computer", "computer network", "computer program", "computer system" and "telecommunications device" have the same meanings as in Ohio R.C. 2913.01.
(7) "Post a message" means transferring, sending, posting, publishing, disseminating or otherwise communicating, or attempting to transfer, send, post, publish, disseminate or otherwise communication, any message or information, whether truthful or untruthful, about an individual, and whether done under one's own name, under the name of another, or while impersonating another.
(8) "Third person" means, in relation to conduct as described in subsection (a)(2) of this section, an individual who is neither the offender nor the victim of the conduct.
(9) "Sexual motivation" has the same meaning as in Ohio R.C. 2971.01.
(10) "Organization" includes an entity that is a governmental employer.

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

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

(3) Subsection (f)(1) of this section does not apply to a person who conspires with a person actively involved in the creation or knowing distribution of material in violation of this section or who knowingly advertises the availability of material of that nature.
(ORC 2903.211)

537.06 MENACING.

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

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

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

537.07 ENDANGERING CHILDREN.

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

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

(c) (1) No person shall operate a vehicle in violation of Section 333.01(a) of the Traffic Code when one or more children under eighteen years of age are in the vehicle. Notwithstanding any other provision of law, a person may be convicted at the same trial or proceeding of a violation of subsection (c) hereof and a violation of Section 333.01(a) of the Traffic Code that constitutes the basis of the charge of the violation of subsection (c) hereof. For purposes of Ohio R.C. 4511.191 to 4511.197 and all related provisions of law, a person arrested for a violation of subsection (c) hereof shall be considered to be under arrest for operating a vehicle while under the influence of alcohol, a drug of abuse, or a combination of them or for operating a vehicle with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath, or urine.

(2) As used in subsection (c) hereof:

A. "Controlled substance" has the same meaning as in Ohio R.C. 3719.01.

B. "Vehicle" has the same meaning as in Ohio R.C. 4511.01.

(d) Whoever violates this section is guilty of endangering children.

(1) Whoever violates subsection (a) or (b) hereof is guilty of a misdemeanor of the first degree. If the violation results in serious physical harm to the child involved, or if the offender previously has been convicted of an offense under this section, Ohio R.C. 2919.22 or of any offense involving neglect, abandonment, contributing to the delinquency of or physical abuse of a child, endangering children is a felony and shall be prosecuted under appropriate State law.

(2) Whoever violates subsection (c) hereof is guilty of a misdemeanor of the first degree. Endangering children is a felony and shall be prosecuted under appropriate State law if either of the following applies:

A. The violation results in serious physical harm to the child involved or the offender previously has been convicted of an offense under Ohio R.C. 2919.22 or any offense involving neglect, abandonment, contributing to the delinquency of, or physical abuse of a child.

B. The violation results in serious physical harm to the child involved and the offender previously has been convicted of a violation of Ohio R.C. 2919.22(C) or subsection (c) hereof, Ohio R.C. 2903.06, or 2903.08, Section 2903.07 as it existed prior to March 23, 2000, or Ohio R.C. 2903.04 in a case in which the offender was subject to the sanctions described in division (D) of that section.

(3) In addition to any term of imprisonment, fine, or other sentence, penalty, or sanction it imposes upon the offender pursuant to subsection (d)(2) hereof, or pursuant to any other provision of law, the court also may impose upon the offender any of the sanctions provided under Ohio R.C. 2919.22(E)(5)(d).

(e) (1) If a person violates subsection (c) hereof and if, at the time of the violation, there were two or more children under eighteen years of age in the motor vehicle involved in the violation, the offender may be convicted of a violation of subsection (c) hereof for each of the children, but the court may sentence the offender for only one of the violations.

(2) A. If a person is convicted of or pleads guilty to a violation of subsection (c) hereof but the person is not also convicted of and does not also plead guilty to a separate charge charging the violation of Section 333.01(a) of the Traffic Code that was the basis of the charge of the violation of subsection (c) hereof, both of the following apply:

1. For purposes of the provisions of the Traffic Code penalty that set forth the penalties and sanctions for a violation of Section 333.01(a) of the Traffic Code, the conviction of or plea of guilty to the violation of subsection (c) hereof shall not constitute a violation of Section 333.01(a) of the Traffic Code.
2. For purposes of any provision of law that refers to a conviction of or plea of guilty to a violation of Section 333.01(a) of the Traffic Code and that is not described in subsection (e)(2)A.1. hereof, the conviction of or plea of guilty to the violation of subsection (c) hereof shall constitute a conviction of or plea of guilty to a violation of Section 333.01(a) of the Traffic Code.

B. If a person is convicted of or pleads guilty to a violation of subsection (c) hereof and the person also is convicted of or pleads guilty to a separate charge charging the violation of Section 333.01(a) of the Traffic Code that was the basis of the charge of the violation of subsection (c) hereof, the conviction of or plea of guilty to the violation of subsection (c) hereof shall not constitute, for purposes of any provision of law that refers to a conviction of or plea of guilty to a violation of Section 333.01(a) of the Traffic Code, a conviction of or plea of guilty to a violation of Section 333.01(a) of the Traffic Code. (ORC 2919.22)

537.08 UNLAWFUL RESTRAINT.

(a) No person, without privilege to do so, shall knowingly restrain another of the other person's liberty.

(b) No person, without privilege to do so and with a sexual motivation, shall knowingly restrain another of the other person's liberty.

(c) Whoever violates this section is guilty of unlawful restraint, a misdemeanor of the third degree.

(d) As used in this section, "sexual motivation" has the same meaning as in Ohio R.C. 2971.01. (ORC 2905.03)

537.09 COERCION.

(a) No person, with purpose to coerce another into taking or refraining from action concerning which the other person has a legal freedom of choice, shall do any of the following:

(1) Threaten to commit any offense;

(2) Utter or threaten any calumny against any person;

(3) Expose or threaten to expose any matter tending to subject any person to hatred, contempt or ridicule, to damage any person's personal or business repute, or to impair any person's credit;
(4) Institute or threaten criminal proceedings against any person;
(5) Take or withhold, or threaten to take or withhold official action, or cause or threaten to cause official action to be taken or withheld.

(b) Subsections (a)(4) and (5) hereof shall not be construed to prohibit a prosecutor or court from doing any of the following in good faith and in the interest of justice:
(1) Offering or agreeing to grant, or granting immunity from prosecution pursuant to Ohio R.C. 2945.44;
(2) In return for a plea of guilty to one or more offenses charged or to one or more other or lesser offenses, or in return for the testimony of the accused in a case to which the accused is not a party, offering or agreeing to dismiss, or dismissing one or more charges pending against an accused, or offering or agreeing to impose, or imposing a certain sentence or modification of sentence;
(3) Imposing community control sanction on certain conditions, including without limitation requiring the offender to make restitution or redress to the victim of the offense.

(c) It is an affirmative defense to a charge under subsection (a)(3), (4) or (5) hereof that the actor's conduct was a reasonable response to the circumstances that occasioned it, and that the actor's purpose was limited to any of the following:
(1) Compelling another to refrain from misconduct or to desist from further misconduct;
(2) Preventing or redressing a wrong or injustice;
(3) Preventing another from taking action for which the actor reasonably believed the other person to be disqualified;
(4) Compelling another to take action that the actor reasonably believed the other person to be under a duty to take.

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

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

537.10 TELECOMMUNICATION HARASSMENT.

(a) No person shall knowingly make or cause to be made a telecommunication, or knowingly permit telecommunication to be made from a telecommunications device under the person's control, to another, if the caller does any of the following:
(1) Fails to identify the caller to the recipient of the telecommunication and makes the telecommunication with purpose to harass, or abuse, any person at the premises to which the telecommunication is made, whether or not actual communication takes place between the caller and a recipient;

(2) Describes, suggests, requests, or proposes that the caller, the recipient of the telecommunication, or any other person engage in sexual activity, and the recipient or another person at the premises to which the telecommunication is made has requested, in a previous telecommunication or in the immediate telecommunication, that the caller not make a telecommunication to the recipient or to the premises to which the telecommunication is made;

(3) During the telecommunication, violates Ohio R.C. 2903.21;

(4) Knowingly states to the recipient of the telecommunication that the caller intends to cause damage to or destroy public or private property, and the recipient, any member of the recipient's family, or any other person who resides at the premises to which the telecommunication is made owns, leases, resides, or works in, will at the time of the destruction or damaging be near or in, has the responsibility of protecting, or insures the property that will be destroyed or damaged;

(5) Knowingly makes the telecommunication to the recipient of the telecommunication, to another person at the premises to which the telecommunication is made, or to those premises, and the recipient or another person at those premises previously has told the caller not to make a telecommunication to those premises or to any person at those premises.

(b) No person shall make or cause to be made a telecommunication, or permit a telecommunication to be made from a telecommunications device under the person's control, with purpose to abuse, threaten, or harass another person.

(c) (1) Whoever violates this section is guilty of telecommunication harassment.

(2) A violation of subsections (a)(1), (2), (3) or (5) or (b) hereof is a misdemeanor of the first degree on a first offense. Each subsequent offense is a felony and shall be prosecuted under appropriate State law.

(3) Whoever violates subsection (a)(4) hereof is guilty of a misdemeanor of the first degree for a first offense. For each subsequent offense or if a violation of subsection (a)(4) hereof results in economic harm of one thousand dollars ($1,000) or more, a violation of subsection (a)(4) hereof is a felony and shall be prosecuted under appropriate State law.

(d) No cause of action may be asserted in any court of this State against any provider of a telecommunications service or information service, or against any officer, employee, or agent of a telecommunication service or information service, for any injury, death, or loss to person or property that allegedly arises out of the provider's, officer's, employee's, or agent's provision of information, facilities, or assistance in accordance with the terms of a court order that is issued in relation to the investigation or prosecution of an alleged violation of this section. A provider of a telecommunications service or information service, or an officer, employee, or agent of a telecommunications service or information service, is immune from any civil or criminal liability for injury, death, or loss to person or property that allegedly arises out of the provider's, officer's, employee's, or agent's provision of information, facilities or assistance in accordance with the terms of a court order that is issued in relation to the investigation or prosecution of an alleged violation of this section.

(e) As used in this section:

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

A. All wages, salaries, or other compensation lost as a result of the criminal conduct;

B. The cost of all wages, salaries or other compensation paid to employees for time those employees are prevented from working as a result of the criminal conduct;

C. The overhead costs incurred for the time that a business is shut down as a result of the criminal conduct;

D. The loss of value to tangible or intangible property that was damaged as a result of the criminal conduct.

(2) "Caller" means the person described in subsection (a) hereof who makes or causes to be made a telecommunication or who permits a telecommunication to be made from a telecommunications device under that person's control.

(3) "Telecommunication" and "telecommunications device" have the same meanings as in Ohio R.C. 2913.01.

(4) "Sexual activity" has the same meaning as in Ohio R.C. 2907.01.

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

537.11 THREATENING OR HARASSING TELEPHONE CALLS.

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

537.12 MISUSE OF 9-1-1 SYSTEM.

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

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

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

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

(1) For the purpose of the 9-1-1 system;

(2) For the purpose of responding to an emergency call to an emergency service provider;

(3) In the circumstance of the inadvertent disclosure of such information due solely to technology of the wireline telephone network portion of the 9-1-1 system not allowing access to the data base to be restricted to 9-1-1 specific answering lines at a public safety answering point;

(4) In the circumstance of access to a data base being given by a telephone company that is a wireline service provider to a public utility or municipal utility in handling customer calls in times of public emergency or service outages. The charge, terms, and conditions for the disclosure or use of such information for the purpose of such access to a data base shall be subject to the jurisdiction of the steering committee.

(5) In the circumstance of access to a data base given by a telephone company that is a wireline service provider to a state and local government in warning of a public emergency, as determined by the steering committee. The charge, terms, and conditions for the disclosure or use of that information for the purpose of access to a data base is subject to the jurisdiction of the steering committee.
(ORC 128.32)

(e) (1) Whoever violates subsection (b) hereof is guilty of a misdemeanor of the fourth degree.

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

537.13 ADULTERATING OF OR FURNISHING ADULTERATED FOOD OR CONFECTION.

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

(1) Place a pin, needle, razor blade, glass, laxative, drug of abuse, or other harmful or hazardous object or substance in any food or confection;

(2) Furnish to any person any food or confection which has been adulterated in violation of subsection (a)(1) hereof. (ORC 3716.11)

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

537.14 DOMESTIC VIOLENCE.

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

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

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

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

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

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

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

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

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

(f) As used in this section:

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

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

1. A spouse, a person living as a spouse or a former spouse of the offender;

2. A parent, a foster parent or a child of the offender, or another person related by consanguinity or affinity to the offender;

3. A parent, or a child of a spouse, person living as a spouse, or former spouse of the offender; or another person related by consanguinity or affinity to a spouse, person living as a spouse or former spouse of the offender.

B. The natural parent of any child of whom the offender is the other natural parent or is the putative other natural parent.

(2) "Person living as a spouse" means a person who is living or has lived with the offender in a common law marital relationship, who otherwise is cohabiting with the offender, or who otherwise has cohabited with the offender within five years prior to the date of the alleged commission of the act in question. (ORC 2919.25)

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

537.15 TEMPORARY PROTECTION ORDER.

(a) No person shall recklessly violate the terms of any of the following:

(1) A protection order issued or consent agreement approved pursuant to Ohio R.C. 2919.26 or 3113.31;

(2) A protection order issued pursuant to Ohio R.C. 2151.34, 2903.213 or 2903.214;

(3) A protection order issued by a court of another state.

(b) (1) Whoever violates this section is guilty of violating a protection order.

(2) Except as otherwise provided in subsection (b)(3) of this section, violating a protection order is a misdemeanor of the first degree.

(3) If the offender previously has been convicted of, pleaded guilty to or been adjudicated a delinquent child for a violation of a protection order issued pursuant to Ohio R.C. 2151.34, 2903.213 or 2903.214, two or more violations of Ohio R.C. 2903.21, 2903.211, 2903.22, or 2911.211 that involved the same person who is the subject of the protection order or consent agreement, or one or more violations of this section, violating a protection order is a felony and shall be prosecuted under appropriate state law.

(4) If the offender violates a protection order or consent agreement while committing a felony offense, violating a protection order is a felony and shall be prosecuted under appropriate state law.

(5) If the protection order violated by the offender was an order issued pursuant to Ohio R.C. 2151.34 or 2903.214 that required electronic monitoring of the offender pursuant to that section, the court may require in addition to any other sentence imposed upon the offender that the offender be electronically monitored for a period not exceeding five years by a law enforcement agency designated by the court. If the court requires under this subsection that the offender be electronically monitored, unless the court determines that the offender is indigent, the court shall order that the offender pay the costs of the installation of the electronic monitoring device and the cost of monitoring the electronic monitoring device. If the court determines that the offender is indigent and subject to the maximum amount allowable and the rules promulgated by the Attorney General under Ohio R.C. 2903.214, the costs of the installation of the electronic monitoring device and the cost of monitoring the electronic monitoring device may be paid out of funds from the reparations fund created pursuant to Ohio R.C. 2743.191. The total amount paid from the reparations fund created pursuant to Ohio R.C. 2743.191 for electronic monitoring under this section and Ohio R.C. 2151.34 and 2903.214 shall not exceed three hundred thousand dollars per year.

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

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

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

(a) As used in this section:

(1) "Age verification" means a service provided by an independent third party (other than a manufacturer, producer, distributor, wholesaler, or retailer of cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes) that compares information available from a commercially available database, or aggregate of databases, that regularly are used by government and businesses for the purpose of age and identity verification to personal information provided during an internet sale or other remote method of sale to establish that the purchaser is eighteen years of age or older.

(2) A. "Alternative nicotine product" means, subject to subsection (a)(2)B. of this section, an electronic cigarette or any other product or device that consists of or contains nicotine that can be ingested into the body by any means, including, but not limited to, chewing, smoking, absorbing, dissolving or inhaling.

B. "Alternative nicotine product" does not include any of the following:

1. Any cigarette or other tobacco product;
2. Any product that is a "drug" as that term is defined in 21 U.S.C. 321(g)(1);
3. Any product that is a "device" as that term is defined in 21 U.S.C. 321(h);
4. Any product that is a "combination product" as described in 21 U.S.C. 353(g).

(3) "Child" has the same meaning as in Ohio R.C. 2151.011.

(4) "Cigarette" includes clove cigarettes and hand-rolled cigarettes.

(5) "Distribute" means to furnish, give, or provide cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes to the ultimate consumer of the cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes.

(6) A. "Electronic cigarette" means, subject to subsection (a)(6)B. of this section, any electronic product or device that produces a vapor that delivers nicotine or any other substance to the person inhaling from the device to simulate smoking and that is likely to be offered to or purchased by consumers as an electronic cigarette, electronic cigar, electronic cigarillo or electronic pipe.

B. "Electronic cigarette" does not include any item, product or device described in subsections (a)(2)B.1. to 4. of this section.

(7) "Proof of age" means a driver's license, a commercial driver's license, a military identification card, a passport, or an identification card issued under Ohio R.C. 4507.50 to 4507.52 that shows that a person is eighteen years of age or older.

(8) "Tobacco product" means any product that is made from tobacco, including, but not limited to, a cigarette, a cigar, pipe tobacco, chewing tobacco or snuff.

(9) "Vending machine" has the same meaning as "coin machine" in Ohio R.C. 2913.01.

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

(1) Give, sell or otherwise distribute cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes to any child;

(2) Give away, sell or distribute cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes in any place that does not have posted in a conspicuous place a sign stating that giving, selling or otherwise distributing cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes to a person under eighteen years of age is prohibited by law;

(3) Knowingly furnish any false information regarding the name, age or other identification of any child with purpose to obtain cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes for that child;

(4) Manufacture, sell or distribute in this state any pack or other container of cigarettes containing fewer than twenty cigarettes or any package of roll-your-own tobacco containing less than six-tenths of one ounce of tobacco;

(5) Sell cigarettes or alternative nicotine products in a smaller quantity than that placed in the pack or other container by the manufacturer;

(6) Give, sell or otherwise distribute alternative nicotine products, papers used to roll cigarettes, or tobacco products other than cigarettes over the internet or through another remote method without age verification.

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

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

(2) An area to which children are not generally permitted access;

(3) Any other place not identified in subsection (c)(1) or (2) of this section, upon all of the following conditions:

A. The vending machine is located within the immediate vicinity, plain view, and control of the person who owns or operates the place, or an employee of that person, so that all cigarettes, other tobacco product and alternative nicotine product purchases from the vending machine will be readily observed by the person who owns or operates the place or an employee of that person. For the purpose of this section, a vending machine located in any unmonitored area, including an unmonitored coatroom, restroom, hallway or outer-waiting area, shall not be considered located within the immediate vicinity, plain view, and control of the person who owns or operates the place, or an employee of that person.

B. The vending machine is inaccessible to the public when the place is closed.

(d) The following are affirmative defenses to a charge under subsection (b)(1) of this section:

(1) The child was accompanied by a parent, spouse who is eighteen years of age or older, or legal guardian of the child.

(2) The person who gave, sold or distributed cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes to a child under subsection (b)(1) of this section is a parent, spouse who is eighteen years of age or older, or legal guardian of the child.

(e) It is not a violation of subsection (b)(1) or (2) of this section for a person to give or otherwise distribute to a child cigarettes, other tobacco products, alternative nicotine products or papers used to roll cigarettes while the child is participating in a research protocol if all of the following apply:

(1) The parent, guardian or legal custodian of the child has consented in writing to the child participating in the research protocol;

(2) An institutional human subjects protection review board, or an equivalent entity, has approved the research protocol;

(3) The child is participating in the research protocol at the facility or location specified in the research protocol.

(f) (1) Whoever violates subsection (b)(1), (2), (4), (5) or (6) or (c) of this section is guilty of illegal distribution of cigarettes, other tobacco products, or alternative nicotine products. Except as otherwise provided in this subsection, illegal distribution of cigarettes, other tobacco products, or alternative nicotine products is a misdemeanor of the fourth degree. If the offender previously has been convicted of a violation of subsection (b)(1), (2), (4), (5) or (6) or (c) of this section, illegal distribution of cigarettes, other tobacco products, or alternative nicotine products is a misdemeanor of the third degree.

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

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

537.17 CRIMINAL CHILD ENTICEMENT.

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

(1) The actor does not have the express or implied permission of the parent, guardian or other legal custodian of the child in undertaking the activity;

(2) The actor is not a law enforcement officer, medic, firefighter, or other person who regularly provides emergency services, and is not an employee or agent of, or a volunteer acting under the direction of any Board of Education, or the actor is any of such persons, but, at the time the actor undertakes the activity, the actor is not acting within the scope of the actor's lawful duties in that capacity.

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

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

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

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

(f) As used in this section:

(1) "Sexual motivation" has the same meaning as in Ohio R.C. 2971.01.

(2) "Vehicle" has the same meaning as in Ohio R.C. 4501.01.

(3) "Vessel" has the same meaning as in Ohio R.C. 1547.01.

(ORC 2905.05)

537.18 CONTRIBUTING TO UNRULINESS OR DELINQUENCY OF A CHILD.

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

(1) Aid, abet, induce, cause, encourage or contribute to a child or a ward of the juvenile court becoming an unruly child as defined in Ohio R.C. 2151.022, or a delinquent child as defined in Ohio R.C. 2152.02.

(2) Act in a way tending to cause a child or a ward of the juvenile court to become an unruly child as defined in Ohio R.C. 2151.022 or a delinquent child as defined in Ohio R.C. 2152.02.

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

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

537.99 PENALTY.

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

CHAPTER 541
Property Offenses

541.01 Determining property value in arson.
541.02 Arson.
541.03 Criminal damaging or endangering.
541.04 Criminal mischief.
541.05 Criminal trespass.
541.051 Aggravated trespass.
541.06 Destruction of shrubs, trees or crops.
541.07 Desecration.
541.08 Ethnic intimidation.
541.09 Vehicular vandalism.
541.10 Trespass on a place of public amusement.
541.11 Prohibiting operation of a snowmobile, ice boat or SUV upon the frozen surface of Lake Roaming Rock.
541.12 Prohibiting depositing snow on roads.
541.99 Penalty.

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

541.01 DETERMINING PROPERTY VALUE IN ARSON.

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

(1) If the property is an heirloom, memento, collector's item, antique, museum piece, manuscript, document, record or other thing that is either irreplaceable or is replaceable only on the expenditure of substantial time, effort or money, the value of the property or the amount of physical harm involved is the amount that would compensate the owner for its loss.

(2) If the property is not covered under subsection (a)(1) hereof, and the physical harm is such that the property can be restored substantially to its former condition, the amount of physical harm involved is the reasonable cost of restoring the property.

(3) If the property is not covered under subsection (a)(1) hereof, and the physical harm is such that the property cannot be restored substantially to its former condition, the value of the property, in the case of personal property, is the cost of replacing the property with new property of like kind and quality, and in the case of real property or real property fixtures, is the difference in the fair market value of the property immediately before and immediately after the offense.

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

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

541.02 ARSON.

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

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

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

541.03 CRIMINAL DAMAGING OR ENDANGERING.

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

(1) Knowingly, by any means;

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

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

541.04 CRIMINAL MISCHIEF.

(a) No person shall:

(1) Without privilege to do so, knowingly move, deface, damage, destroy or otherwise improperly tamper with the property of another;

(2) With purpose to interfere with the use or enjoyment of property of another employ a tear gas device, stink bomb, smoke generator or other device releasing a substance that is harmful or offensive to persons exposed, or that tends to cause public alarm;

(3) Without privilege to do so, knowingly move, deface, damage, destroy or otherwise improperly tamper with a bench mark, triangulation station, boundary marker or other survey station, monument or marker.

(4) Without privilege to do so, knowingly move, deface, damage, destroy or otherwise improperly tamper with any safety device, the property of another or the property of the offender when required or placed for the safety of others, so as to destroy or diminish its effectiveness or availability for its intended purpose;

(5) With purpose to interfere with the use or enjoyment of the property of another, set a fire on the land of another or place personal property that has been set on fire on the land of another, which fire or personal property is outside and apart from any building, other structure or personal property that is on that land.

(6) Without privilege to do so, and with intent to impair the functioning of any computer, computer system, computer network, computer software, or computer program, all as defined in Ohio R.C. 2909.01, knowingly do any of the following:

A. In any manner or by any means, including, but not limited to, computer hacking, alter, damage, destroy, or modify a computer, computer system, computer network, computer software, or computer program or data contained in a computer, computer system, computer network, computer software, or computer program;

B. Introduce a computer contaminant into a computer, computer system, computer network, computer software or computer program.

(b) As used in this section, "safety device" means any fire extinguisher, fire hose or fire axe, or any fire escape, emergency exit or emergency escape equipment, or any life line, life-saving ring, life preserver or life boat or raft, or any alarm, light, flare, signal, sign or notice intended to warn of danger, or emergency, or intended for other safety purposes, or any guard railing or safety barricade, or any traffic sign or signal, or any railroad grade crossing sign, signal or gate, or any first aid or survival equipment, or any other device, apparatus, or equipment intended for protecting or preserving the safety of persons or property.

(c) (1) Whoever violates this section is guilty of criminal mischief, and shall be punished as provided in subsection (c)(2) or (3) of this section.

(2) Except as otherwise provided in this subsection, criminal mischief committed in violation of subsection (a)(1), (2), (3), (4) or (5) of this section is a misdemeanor of the third degree. Except as otherwise provided in this subsection, if the violation of subsection (a)(1), (2), (3), (4) or (5) of this section creates a risk of physical harm to any person, criminal mischief committed in violation of subsection (a)(1), (2), (3), (4) or (5) of this section is a misdemeanor of the first degree. If the property involved in the violation of subsection (a)(1), (2), (3), (4) or (5) of this section is an aircraft, an aircraft engine, propeller, appliance, spare part, fuel, lubricant, hydraulic fluid, any other equipment, implement, or material used or intended to be used in the operation of an aircraft, or any cargo carried or intended to be carried in an aircraft, criminal mischief committed in violation of subsection (a)(1), (2), (3), (4) or (5) of this section is a felony and shall be prosecuted under appropriate State law.

(3) Except as otherwise provided in this subsection, criminal mischief committed in violation of subsection (a)(6) of this section is a misdemeanor of the first degree. If the value of the computer, computer system, computer network, computer software, computer program or data involved in the violation of subsection (a)(6) of this section or the loss to the victim resulting from the violation is one thousand dollars or more, or if the computer, computer system, computer network, computer software, computer program or data involved in the violation of subsection (a)(6) of this section is used or intended to be used in the operation of an aircraft and the violation creates a risk of physical harm to any person, criminal mischief committed in violation of subsection (a)(6) of this section is a felony and shall be prosecuted under appropriate State law.
(ORC 2909.07)

541.05 CRIMINAL TRESPASS.

(a) No person, without privilege to do so, shall do any of the following:

(1) Knowingly enter or remain on the land or premises of another;

(2) Knowingly enter or remain on the land or premises of another, the use of which is lawfully restricted to certain persons, purposes, modes or hours, when the offender knows the offender is in violation of any such restriction or is reckless in that regard;

(3) Recklessly enter or remain on the land or premises of another, as to which notice against unauthorized access or presence is given by actual communication to the offender, or in a manner prescribed by law, or by posting in a manner reasonably calculated to come to the attention of potential intruders, or by fencing or other enclosure manifestly designed to restrict access;

(4) Being on the land or premises of another, negligently fail or refuse to leave upon being notified by signage posted in a conspicuous place or otherwise being notified to do so by the owner or occupant, or the agent or servant of either.

(b) It is no defense to a charge under this section that the land or premises involved was owned, controlled or in custody of a public agency.

(c) It is no defense to a charge under this section that the offender was authorized to enter or remain on the land or premises involved when such authorization was secured by deception.

(d) (1) Whoever violates this section is guilty of criminal trespass, a misdemeanor of the fourth degree.

(2) Notwithstanding Section 501.99, if the person, in committing the violation of this section, used a snowmobile, off-highway motorcycle, or all-purpose vehicle, the court shall impose a fine of two times the usual amount imposed for the violation.

(3) If an offender previously has been convicted of or pleaded guilty to two or more violations of this section or a substantially equivalent municipal ordinance, or state law, and the offender, in committing each violation, used a snowmobile, off-highway motorcycle, or all-purpose vehicle, the court, in addition to or independent of all other penalties imposed for the violation, may impound the certificate of registration of that snowmobile or off-highway motorcycle or the certificate of registration and license plate of that all-purpose vehicle for not less than sixty days. In such a case, Ohio R.C. 4519.47 applies.

(e) As used in this section:

(1) "All-purpose vehicle," "off-highway motorcycle" and "snowmobile" have the same meaning as in Section 375.01 of the Traffic Code.

(2) "Land or premises" includes any land, building, structure, or place belonging to, controlled by, or in custody of another, and any separate enclosure or room, or portion thereof.

(ORC 2911.21)

541.051 AGGRAVATED TRESPASS.

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

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

541.06 DESTRUCTION OF SHRUBS, TREES OR CROPS.

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

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

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

541.07 DESECRATION.

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

(1) The flag of the United States or of this State;

(2) Any public monument;

(3) Any historical or commemorative marker, or any structure, Indian mound or earthwork, cemetery, thing or site of great historical or archeological interest;

(4) A work of art or museum piece;

(5) Any other object of reverence or sacred devotion.

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

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

541.08 ETHNIC INTIMIDATION.

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

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

541.09 VEHICULAR VANDALISM.

(a) As used in this section:

(1) "Highway" means any highway as defined in Section 301.42 of the Traffic Code or any lane, road, street, alley, bridge, or overpass.

(2) "Alley", "street", and "vehicle" have the same meanings as in Chapter 301 of the Traffic Code.

(3) "Vessel" and "waters in this State" have the same meanings as in Ohio R.C. 1547.01.

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

(1) Any vehicle on a highway;

(2) Any boat or vessel on any of the waters in this State that are located in the Municipality.

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

541.10 TRESPASS ON A PLACE OF PUBLIC AMUSEMENT.

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

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

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

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

A. By notifying the person personally, either orally or in writing, that access to that portion of the place of public amusement is restricted;

B. By broadcasting over the public address system of the place of public amusement an oral warning that access to that portion of the public place of amusement is restricted.

(2) If notice that the general public is restricted from access to a portion of a place of public amusement is provided by the posting or exhibition of a printed written notice as described in subsection (d)(1) of this section, the Municipality, in a criminal prosecution for a violation of subsection (b) of this section, is not required to prove that the defendant received actual notice that the general public is restricted from access to a portion of a place of public amusement.

(e) (1) Whoever violates subsection (b) of this section is guilty of criminal trespass on a place of public amusement, a misdemeanor of the first degree.

(2) In addition to any jail term, fine or other sentence, penalty, or sanction it imposes upon the offender pursuant to subsection (e)(1) of this section, a court may require an offender who violates this section to perform not less than thirty and not more than one hundred twenty hours of supervised community service work. (ORC 2911.23)

541.11 PROHIBITING OPERATION OF A SNOWMOBILE, ICE BOAT OR SUV UPON THE FROZEN SURFACE OF LAKE ROAMING ROCK.

(a) No person shall operate a snowmobile, ice boat, or sports/utility vehicle (SUV) upon the frozen surface of Lake Roaming Rock, withing the Village of Roaming Shores.

(b) Whoever violates any provision of this section is guilty of a minor misdemeanor on a first offense and a one thousand five hundred dollar ($1,500) fine will be accessed if it is necessary to enter the waters of Lake Roaming Rock to retrieve a snowmobile that has broken through the ice; on each subsequent offense within one year after the first offense, the person is guilty of a third degree misdemeanor.
(Ord. 507-02-11. Passed 2-15-11.)

541.12 PROHIBITING DEPOSITING SNOW ON ROADS.

(a) Discharging or depositing of snow by truck, plow, blower or other snow removal equipment onto any roadway is prohibited except for accumulations which are necessary residuals of roadway cleaning operations by the Village or Association authority.

(b) Any person being the operator or the owner or in charge of any vehicle or equipment from which such substance has fallen, sifted, been pushed or deposited upon the surface of any roadway within the Village of Roaming Shores, is in violation of this section and shall, at the direction of any member of the Police, or Village official, immediately remove such substance from the roadway.

(c) Any person, being the operator or the owner or in charge of any vehicle or equipment removing snow from private property, shall not deposit the snow upon any property except that from which the snow is removed.

(d) Whoever violates any provision of this section is guilty of a minor misdemeanor. (Ord. 464-11-08. Passed 11-18-08.)

541.99 PENALTY.

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

CHAPTER 545
Theft and Fraud

545.01 Definitions.
545.02 Determining property value in theft offense.
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545.05 Petty theft.
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CROSS REFERENCES
See sectional histories for similar State law
Property defined - see GEN. OFF. 501.01(j)
Cheating - see GEN. OFF. 517.05
Falsification - see GEN. OFF. 525.02
Impersonating a public servant - see GEN. OFF. 525.03

545.01 DEFINITIONS.

As used in this chapter, unless the context requires that a term be given a different meaning:

(a) "Deception" means knowingly deceiving another or causing another to be deceived, by any false or misleading representation, by withholding information, by preventing another from acquiring information, or by any other conduct, act or omission that creates, confirms or perpetuates a false impression in another, including a false impression as to law, value, state of mind, or other objective or subjective fact.

(b) "Defraud" means to knowingly obtain, by deception, some benefit for oneself or another, or to knowingly cause, by deception, some detriment to another.

(c) "Deprive" means to do any of the following:

(1) Withhold property of another permanently, or for such period that appropriates a substantial portion of its value or use, or with purpose to restore it only upon payment of a reward or other consideration;

(2) Dispose of property so as to make it unlikely that the owner will recover it;

(3) Accept, use or appropriate money, property or services, with purpose not to give proper consideration in return for the money, property or services, and without reasonable justification or excuse for not giving proper consideration.

(d) "Owner" means, unless the context requires a different meaning, any person, other than the actor, who is the owner of, who has possession or control of, or who has any license or interest in property or services, even though the ownership, possession, control, license or interest is unlawful.

(e) "Services" include labor, personal services, professional services, rental services, public utility services, including wireless service as defined in Ohio R.C. 5507.01(F)(1), common carrier services, and food, drink, transportation, entertainment and cable television services.

(f) "Writing" means any computer software, document, letter, memorandum, note, paper, plate, data, film or other thing having in or upon it any written, typewritten or printed matter, and any token, stamp, seal, credit card, badge, trademark, label or other symbol of value, right, privilege, license or identification.

(g) "Forge" means to fabricate or create, in whole or in part and by any means any spurious writing, or to make, execute, alter, complete, reproduce or otherwise purport to authenticate any writing, when the writing in fact is not authenticated by that conduct.

(h) "Utter" means to issue, publish, transfer, use, put or send into circulation, deliver or display.

(i) "Coin machine" means any mechanical or electronic device designed to do both of the following:

(1) Receive a coin, bill, or token made for that purpose;

(2) In return for the insertion or deposit of a coin, bill or token, automatically dispense property, provide a service or grant a license.

(j) "Slug" means an object that, by virtue of its size, shape, composition or other quality, is capable of being inserted or deposited in a coin machine as an improper substitute for a genuine coin, bill or token made for that purpose.

(k) "Theft offense" means any of the following:

(1) A violation of Ohio R.C. 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2911.31, 2911.32, 2913.02, 2913.03, 2913.04, 2913.041, 2913.11, 2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.42 to 2913.45, 2913.47, 2913.48, 2913.51, 2915.05, 2915.06, or 2921.41.

(2) A violation of an existing or former municipal ordinance or law of this or any other state or the United States substantially equivalent to any section listed in subsection (k)(1) hereof or a violation of Ohio R.C. 2913.41, 2913.81 or 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 the United States involving robbery, burglary, breaking and entering, theft, embezzlement, wrongful conversion, forgery, counterfeiting, deceit or fraud;

(4) A conspiracy or attempt to commit, or complicity in committing any offense under subsection (k)(1), (2) or (3) hereof.

(l) "Computer services" includes, but is not limited to, the use of a computer system, computer network, computer program, data that is prepared for computer use or data that is contained within a computer system or computer network.

(m) "Computer" means an electronic device that performs logical, arithmetic and memory functions by the manipulation of electronic or magnetic impulses. "Computer" includes, but is not limited to, all input, output, processing, storage, computer program or communication facilities that are connected or related, in a computer system or network to an electronic device of that nature.

(n) "Computer system" means a computer and related devices, whether connected or unconnected, including, but not limited to, data input, output and storage devices, data communications links, and computer programs and data that make the system capable of performing specified special purpose data processing tasks.

(o) "Computer network" means a set of related and remotely connected computers and communication facilities that includes more than one computer system that has the capability to transmit among the connected computers and communication facilities through the use of computer facilities.

(p) "Computer program" means an ordered set of data representing coded instructions or statements that when executed by a computer cause the computer to process data.

(q) "Computer software" means computer programs, procedures and other documentation associated with the operation of a computer system.

(r) "Data" means a representation of information, knowledge, facts, concepts or instructions that are being or have been prepared in a formalized manner and that are intended for use in a computer, computer system or computer network. For purposes of Section 545.07, "data" has the additional meaning set forth in subsection (a) of that section.

(s) "Cable television service" means any services provided by or through the facilities of any cable television system or other similar closed circuit coaxial cable communications system, or any microwave or similar transmission service used in connection with any cable television system or other similar closed circuit coaxial cable communications system.

(t) "Gain access" means to approach, instruct, communicate with, store data in, retrieve data from or otherwise make use of any resources of a computer, computer system or computer network.

(u) "Credit card" includes, but is not limited to, a card, code, device or other means of access to a customer's account for the purpose of obtaining money, property, labor or services on credit, or for initiating an electronic fund transfer at a point-of-sale terminal, an automated teller machine or a cash dispensing machine.

(v) "Electronic fund transfer" has the same meaning as in 92 Stat. 3728, 15 U.S.C.A. 1693a, as amended.

(w) "Rented property" means personal property in which the right of possession and use of the property is for a short and possibly indeterminate term in return for consideration; the rentee generally controls the duration of possession of the property, within any applicable minimum or maximum term; and the amount of consideration generally is determined by the duration of possession of the property.

(x) "Telecommunication" means the origination, emission, dissemination, transmission, or reception of data, images, signals, sounds, or other intelligence or equivalence of intelligence or any nature over any communications system by any method, including, but not limited to, a fiber optic, electronic, magnetic, optical, digital, or analog method.

(y) "Telecommunications device" means any instrument, equipment, machine, or other device that facilitates telecommunication, including, but not limited to, a computer, computer network, computer chip, computer circuit, scanner, telephone, cellular telephone, pager, personal communications device, transponder, receiver, radio, modem, or device that enables the use of a modem.

(z) "Telecommunications service" means the providing, allowing, facilitating, or generating of any form of telecommunication through the use of a telecommunications device over a telecommunications system.

(aa) "Counterfeit telecommunications device" means a telecommunications device that, alone or with another telecommunications device, has been altered, constructed, manufactured, or programmed to acquire, intercept, receive, or otherwise facilitate the use of a telecommunications service or information service without the authority or consent of the provider of the telecommunications service or information service. "Counterfeit telecommunications device" includes, but is not limited to, a clone telephone, clone microchip, tumbler telephone, or tumbler microchip; a wireless scanning device capable of acquiring, intercepting, receiving, or otherwise facilitating the use of telecommunications service or information service without immediate detection; or a device, equipment, hardware, or software designed for, or capable of, altering or changing the electronic serial number in a wireless telephone.

(bb) (1) "Information service" means, subject to subsection (bb)(2) hereof, the offering of a capability for generating, acquiring, storing, transforming, processing, retrieving, utilizing, or making available information via telecommunications, including, but not limited to, electronic publishing.

(2) "Information service" does not include any use of a capability of a type described in subsection (bb)(1) hereof for the management, control, or operation of a telecommunications system or the management of a telecommunications service.

(cc) "Elderly person" means a person who is sixty-five years of age or older.

(dd) "Disabled adult" means a person who is eighteen years of age or older and has some impairment of body or mind that makes the person unfit to work at any substantially remunerative employment that the person otherwise would be able to perform and that will, with reasonable probability, continue for a period of at least twelve months without any present indication of recovery from the impairment, or who is eighteen years of age or older and has been certified as permanently and totally disabled by an agency of this State or the United States that has the function of so classifying persons.

(ee) "Firearm" and "dangerous ordnance" have the same meanings as in Ohio R.C. 2923.11.

(ff) "Motor vehicle" has the same meaning as in Ohio R.C. 4501.01.

(gg) "Dangerous drug" has the same meaning as in Ohio R.C. 4729.01.

(hh) "Drug abuse offense" has the same meaning as in Ohio R.C. 2925.01.

(ii) "Police dog or horse" has the same meaning as in Ohio R.C. 2921.321.

(jj) "Anhydrous ammonia" is a compound formed by the combination of two gaseous elements, nitrogen and hydrogen, in the manner described in this subsection. Anhydrous ammonia is one part nitrogen to three parts hydrogen (NH3). Anhydrous ammonia by weight is fourteen parts nitrogen to three parts hydrogen, which is approximately eighty-two per cent nitrogen to eighteen per cent hydrogen.

(kk) "Assistance dog" has the same meaning as in Ohio R.C. 955.011.

(ll) "Active duty service member" means any member of the armed forces of the United States performing active duty under Title 10 of the United States Code. (ORC 2913.01)

545.02 DETERMINING PROPERTY VALUE IN THEFT OFFENSE.

(a) If more than one item of property or service is involved in a theft offense, the value of the property or services involved for the purpose of determining the value is the aggregate value of all property or services involved in the offense.

(b) (1) When a series of offenses under Section 545.05, or a series of violations of, attempts to commit a violation of, conspiracies to violate, or complicity in violations of Section 545.05, 545.06, or 545.08, 545.10(b)(1) or (2), or Section 545.15 or 545.20 involving a victim who is an elderly person or disabled adult, is committed by the offender in the offender's same employment, capacity, or relationship to another, all of those offenses shall be tried as a single offense. When a series of offenses under Section 545.05, or a series of violations of, attempts to commit a violation of, conspiracies to violate, or complicity in violations of Sections 545.05 or 545.15 involving a victim who is an active duty service member or spouse of an active duty service member is committed by the offender in the offender's same employment, capacity or relationship to another, all of those offenses shall be tried as a single offense. The value of the property or services involved in the series of offenses for the purpose of determining the value is the aggregate value of all property and services involved in all offenses in the series.

(2) If an offender commits a series of offenses under Section 545.05 that involves a common course of conduct to defraud multiple victims, all of the offenses may be tried as a single offense. If an offender is being tried for the commission of a series of violations of, attempts to commit a violation of, conspiracies to violate, or complicity in violations of Section 545.05, 545.06 or 545.08, Section 545.10(b)(1) or (2), or Section 545.15 or 545.20, whether committed against one victim or more than one victim, involving a victim who is an elderly person or disabled adult, pursuant to a scheme or course of conduct, all of those offenses may be tried as a single offense. If the offender is being tried for the commission of a series of violations of, attempts to commit a violation of, conspiracies to violate, or complicity in violations of Section 545.05 or 545.15, whether committed against one victim or more than one victim, involving a victim who is an active duty service member or spouse of an active duty service member pursuant to a scheme or course of conduct, all of those offenses may be tried as a single offense. If the offenses are tried as a single offense, the value of the property or services involved for the purpose of determining the value is the aggregate value of all property and services involved in all of the offenses in the course of conduct.

(3) In prosecuting a single offense under subsection (b)(1) or (2), it is not necessary to separately allege and prove each offense in the series. Rather, it is sufficient to allege and prove that the offender, within a given span of time, committed one or more theft offenses in the offender's same employment, capacity, or relationship to another as described in subsection (b)(1) of this section or that involve a common course of conduct to defraud multiple victims or a scheme or course of conduct as described in subsection (b)(2) of this section. While it is not necessary to separately allege and prove each offense in the series in order to prosecute a single offense under subsection (b)(1) or (2) hereof, it remains necessary in prosecuting them as a single offense to prove the aggregate value of the property or services in order to meet the requisite statutory offense level sought by the prosecution.

(c) The following criteria shall be used in determining the value of property or services involved in a theft offense:

(1) The value of an heirloom, memento, collector's item, antique, museum piece, manuscript, document, record or other thing that has intrinsic worth to its owner and that is either irreplaceable or is replaceable only on the expenditure of substantial time, effort or money, is the amount that would compensate the owner for its loss.

(2) The value of personal effects and household goods, and of materials, supplies, equipment and fixtures used in the profession, business, trade, occupation or avocation of its owner, which property is not covered under subsection (c)(1) hereof, and which retains substantial utility for its purpose regardless of its age or condition, is the cost of replacing the property with new property of like kind and quality.

(3) The value of any real or personal property that is not covered under subsections (c)(1) or (2) hereof, and the value of services, is the fair market value of the property or services. As used in this section, "fair market value" is the money consideration that a buyer would give and a seller would accept for property or services, assuming that the buyer is willing to buy and the seller is willing to sell, that both are fully informed as to all facts material to the transaction, and that neither is under any compulsion to act.

(d) Without limitation on the evidence that may be used to establish the value of property or services involved in a theft offense:

(1) When the property involved is personal property held for sale at wholesale or retail, the price at which the property was held for sale is prima-facie evidence of its value.

(2) When the property involved is a security or commodity traded on an exchange, the closing price or, if there is no closing price, the asked price, given in the latest market quotation prior to the offense, is prima-facie evidence of the value of the security or commodity.

(3) When the property involved is livestock, poultry or raw agricultural products for which a local market price is available, the latest local market price prior to the offense is prima-facie evidence of the value of the livestock, poultry or products.

(4) When the property involved is a negotiable instrument, the face value is prima-facie evidence of the value of the instrument.

(5) When the property involved is a warehouse receipt, bill of lading, pawn ticket, claim check or other instrument entitling the holder or bearer to receive property, the face value or, if there is no face value, the value of the property covered by the instrument less any payment necessary to receive the property, is prima-facie evidence of the value of the instrument.

(6) When the property involved is a ticket of admission, ticket for transportation, coupon, token or other instrument entitling the holder or bearer to receive property or services, the face value or, if there is no face value, the value of the property or services that may be received by the instrument, is prima-facie evidence of the value of the instrument.

(7) When the services involved are gas, electricity, water, telephone, transportation, shipping or other services for which the rate is established by law, the duly established rate is prima-facie evidence of the value of the services.

(8) When the services involved are services for which the rate is not established by law, and the offender has been notified prior to the offense of the rate for the services, either in writing or orally, or by posting in a manner reasonably calculated to come to the attention of potential offenders, the rate contained in the notice is prima-facie evidence of the value of the services. (ORC 2913.61)

545.03 PROPERTY EXCEPTIONS AS FELONY OFFENSE.

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

(a) A credit card;

(b) A printed form for a check or other negotiable instrument, that on its face identifies the drawer or maker for whose use it is designed or identifies the account on which it is to be drawn, and that has not been executed by the drawer or maker or on which the amount is blank;

(c) A firearm or dangerous ordnance as defined in Ohio R.C. 2923.11;

(d) A motor vehicle identification license plate as prescribed by Ohio R.C. 4503.22, a temporary license placard or windshield sticker as prescribed by Ohio R.C. 4503.182, or any comparable license plate, placard or sticker as prescribed by the applicable law of another state or the United States;

(e) A blank form for a certificate of title or a manufacturer's or importer's certificate to a motor vehicle, as prescribed by Ohio R.C. 4505.07;

(f) A blank form for any license listed in Ohio R.C. 4507.01(A).

(ORC 2913.71)

545.04 DETENTION OF SHOPLIFTERS; RIGHTS OF MUSEUMS AND LIBRARIES.

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

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

(1) Without privilege to do so, knowingly moved, defaced, damaged, destroyed or otherwise improperly tampered with property owned by or in the custody of the library, museum or archival institution; or

(2) With purpose to deprive the library, museum or archival institution of property owned by it or in its custody, knowingly obtained or exerted control over the property without the consent of the owner or person authorized to give consent, beyond the scope of the express or implied consent of the owner or person authorized to give consent, by deception, or by threat.

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

(1) To recover the property that is the subject of the unlawful taking, criminal mischief or theft;

(2) To cause an arrest to be made by a peace officer;

(3) To obtain a warrant of arrest.

(4) To offer the person, if the person is suspected of the unlawful taking, criminal mischief, or theft and notwithstanding any other provision of this General Offenses or the Ohio Revised Code, an opportunity to complete a pretrial diversion program and to inform the person of the other legal remedies available to the library, museum, archival institution or merchant.

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

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

(f) As used in this section:

(1) "Archival institution" means any public or private building, structure or shelter in which are stored historical documents, devices, records, manuscripts or items of public interest, which historical materials are stored to preserve the materials or the information in the materials, to disseminate the information contained in the materials, or to make the materials available for public inspection or for inspection by certain persons who have a particular interest in, use for or knowledge concerning the materials.

(2) "Museum" means any public or private nonprofit institution that is permanently organized for primarily educational or aesthetic purposes, owns or borrows objects or items of public interest, and cares for and exhibits to the public the objects or items.

(3) “Pretrial diversion program” means a rehabilitative, educational program designed to reduce recidivism and promote personal responsibility that is at least four hours in length and that has been approved by any court in this State. (ORC 2935.041)

545.05 PETTY THEFT.

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

(1) Without the consent of the owner or person authorized to give consent;
(2) Beyond the scope of the express or implied consent of the owner or person authorized to give consent;
(3) By deception;
(4) By threat;
(5) By intimidation.

(b) Whoever violates this section is guilty of petty theft, a misdemeanor of the first degree. Petty theft is a felony and shall be prosecuted under appropriate State law if:

(1) The value of the property or services stolen is one thousand dollars ($1,000) or more; or
(2) The victim of the offense is an elderly person, disabled adult, active duty service member, or spouse of an active duty service member, or
(3) The property stolen is a firearm or dangerous ordnance, or
(4) The property stolen is a motor vehicle, or
(5) The property stolen is any dangerous drug, or
(6) The property stolen is a police dog or horse or an assistance dog and the offender knows or should know that the property stolen is a police dog or horse or an assistance dog, or
(7) The property stolen is anhydrous ammonia, or
(8) The property stolen is a special purpose article as defined in Ohio R.C. 4737.04 or a bulk merchandise container as defined in Ohio R.C. 4737.012.

(c) In addition to the penalties described in subsection (b) of this section, if the offender committed the violation by causing a motor vehicle to leave the premises of an establishment at which gasoline is offered for retail sale without the offender making full payment for gasoline that was dispensed into the fuel tank of the motor vehicle or into another container, the court may do one of the following:

(1) Unless subsection (c)(2) of this section applies, suspend for not more than six months the offender's driver's license, probationary driver's license, commercial driver's license, temporary instruction permit, or nonresident operating privilege;
(2) If the offender's driver's license, probationary driver's license, commercial driver's license, temporary instruction permit, or nonresident operating privilege has previously been suspended pursuant to subsection (c)(1) of this section, impose a class seven suspension of the offender's license, permit, or privilege from the range specified in Ohio R.C. 4510.02(A)(7), provided that the suspension shall be for at least six months.
(3) The court, in lieu of suspending the offender's driver's or commercial driver's license, probationary driver's license, temporary instruction permit, or nonresident operating privilege pursuant to subsections (c)(1) or (2) of this section, instead may require the offender to perform community service for a number of hours determined by the court.

(d) In addition to the penalties described in subsection (b) hereof, if the offender committed the violation by stealing rented property or rental services, the court may order that the offender make restitution pursuant to Ohio R.C. 2929.18 or 2929.28. Restitution may include, but is not limited to, the cost of repairing or replacing the stolen property, or the cost of repairing the stolen property and any loss of revenue resulting from deprivation of the property due to theft of rental services that is less than or equal to the actual value of the property at the time it was rented. Evidence of intent to commit theft of rented property or rental services shall be determined pursuant to the provisions of Ohio R.C. 2913.72.

(e) The sentencing court that suspends an offender's license, permit, or nonresident operating privilege under subsection (c) of this section may grant the offender limited driving privileges during the period of the suspension in accordance with Ohio R.C. Chapter 4510. (ORC 2913.02)

545.06 UNAUTHORIZED USE OF A VEHICLE; VEHICLE TRESPASS.

(a) No person shall knowingly use or operate an aircraft, motor vehicle, motorcycle, motorboat or other motor-propelled vehicle without the consent of the owner or person authorized to give consent.

(b) This section does not apply to property removed from the State or if possession is kept for more than forty-eight hours.

(c) The following are affirmative defenses to a charge under this section:

(1) At the time of the alleged offense, the actor, though mistaken, reasonably believed that the actor was authorized to use or operate the property.

(2) At the time of the alleged offense, the actor reasonably believed that the owner or person empowered to give consent would authorize the actor to use or operate the property.

(d) No person shall knowingly enter into or upon a motor vehicle, motorcycle or other motor-propelled vehicle without the consent of the owner or person authorized to give consent.

(e) Whoever violates subsection (a) hereof is guilty of unauthorized use of a vehicle, a misdemeanor of the first degree. If the victim of the offense is an elderly person or disabled adult and if the victim incurs a loss as a result of the violation, a violation of subsection (a) hereof is a felony and shall be prosecuted under appropriate State law. (ORC 2913.03)

(f) Whoever violates subsection (d) hereof is guilty of vehicle trespass, a misdemeanor of the fourth degree.

545.07 INSURANCE FRAUD.

(a) As used in this section:

(1) "Data" has the same meaning as in Section 545.01 and additionally includes any other representation of information, knowledge, facts, concepts or instructions that are being or have been prepared in a formalized manner.

(2) "Deceptive" means that a statement, in whole or in part, would cause another to be deceived because it contains a misleading representation, withholds information, prevents the acquisition of information or by any other conduct, act or omission creates, confirms or perpetuates a false impression, including, but not limited to, a false impression as to law, value, state of mind or other objective or subjective fact.

(3) "Insurer" means any person that is authorized to engage in the business of insurance in this State under Title XXXIX of the Ohio Revised Code; The Ohio Fair Plan Underwriting Association created under Ohio R.C. 3929.43; any health insuring corporation; and any legal entity that is self-insured and provides benefits to its employees or members.

(4) "Policy" means a policy, certificate, contract or plan that is issued by an insurer.

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

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

(1) Present to, or cause to be presented to, an insurer any written or oral statement that is part of, or in support of, an application for insurance, a claim for payment pursuant to a policy or a claim for any other benefit pursuant to a policy, knowing that the statement, or any part of the statement, is false or deceptive;

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

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

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

545.08 UNAUTHORIZED USE OF PROPERTY.

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

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

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

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

(1) Unauthorized use of property is committed for the purpose of devising or executing a scheme to defraud or to obtain property or services, and if the value of the property is one thousand dollars ($1,000) or more; or

(2) If the victim of the offense is an elderly person or disabled adult. (ORC 2913.04)

545.09 PASSING BAD CHECKS.

(a) As used in this section:

(1) "Check" includes any form of debit from a demand deposit account, including, but not limited to any of the following:

A. A check, bill of exchange, draft, order of withdrawal, or similar negotiable or nonnegotiable instrument;

B. An electronic check, electronic transaction, debit card transaction, check card transaction, substitute check, web check, or any form of automated clearing house transaction.

(2) "Issue a check" means causing any form of debit from a demand deposit account.

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

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

(1) The drawer had no account with the drawee at the time of issue or the stated date, whichever is later.

(2) The check or other negotiable instrument was properly refused payment for insufficient funds upon presentment within thirty days after issue or the stated date, whichever is later, and the liability of the drawer, indorser or any party who may be liable thereon is not discharged by payment or satisfaction within ten days after receiving notice of dishonor.

(d) For purposes of this section, a person who issues or transfers a check, bill of exchange or other draft is presumed to have the purpose to defraud if the drawer fails to comply with Ohio R.C. 1349.16 by doing any of the following when opening a checking account intended for personal, family or household purposes at a financial institution:

(1) Falsely stating that the drawer has not been issued a valid driver's or commercial driver's license or identification card issued under Ohio R.C. 4507.50;

(2) Furnishing such license or card, or another identification document that contains false information;

(3) Making a false statement with respect to the drawer's current address or any additional relevant information reasonably required by the financial institution.

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

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

545.10 MISUSE OF CREDIT CARDS.

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

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

(2) Knowingly buy or sell a credit card from or to a person other than the issuer.

(b) No person, with purpose to defraud, shall do any of the following:

(1) Obtain control over a credit card as security for a debt;

(2) Obtain property or services by the use of a credit card, in one or more transactions, knowing or having reasonable cause to believe that the card has expired or been revoked, or was obtained, is retained or is being used in violation of law;

(3) Furnish property or services upon presentation of a credit card, knowing that the card is being used in violation of law;

(4) Represent or cause to be represented to the issuer of a credit card that property or services have been furnished, knowing that the representation is false.

(c) No person, with purpose to violate this section, shall receive, possess, control or dispose of a credit card.

(d) Whoever violates this section is guilty of misuse of credit cards, a misdemeanor of the first degree. Misuse of credit cards is a felony and shall be prosecuted under appropriate State law if:

(1) The cumulative retail value of the property and services involved in one or more violations of subsection (b)(2), (3) or (4) hereof, which violations involve one or more credit card accounts and occur within a period of ninety consecutive days commencing on the date of the first violation, is one thousand dollars ($1,000) or more; or

(2) The victim of the offense is an elderly person or disabled adult and the offense involves a violation of subsection (b)(1) or (2) hereof. (ORC 2913.21)

545.11 MAKING OR USING SLUGS.

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

(1) Insert or deposit a slug in a coin machine, with purpose to defraud;

(2) Make, possess or dispose of a slug, with purpose of enabling another to defraud by inserting or depositing it in a coin machine.

(b) Whoever violates this section is guilty of making or using slugs, a misdemeanor of the second degree. (ORC 2913.33)

545.12 TAMPERING WITH COIN MACHINES.

(a) No person, with purpose to commit theft or to defraud, shall knowingly enter, force an entrance into, tamper with or insert any part of an instrument into any coin machine.

(b) Whoever violates this section is guilty of tampering with coin machines, a misdemeanor of the first degree. If the offender has previously been convicted of a violation of Ohio R.C. 2911.32 or of any theft offense, tampering with coin machines is a felony and shall be prosecuted under appropriate State law. (ORC 2911.32)

545.13 CRIMINAL SIMULATION.

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

(1) Make or alter any object so that it appears to have value because of antiquity, rarity, curiosity, source, or authorship, which it does not in fact possess;

(2) Practice deception in making, retouching, editing, or reproducing any photograph, movie film, video tape, phonograph record, or recording tape;

(3) Falsely or fraudulently make, simulate, forge, alter, or counterfeit any wrapper, label, stamp, cork, or cap prescribed by the Liquor Control Commission under Ohio R.C. Chapters 4301 and 4303, falsely or fraudulently cause to be made, simulated, forged, altered, or counterfeited any wrapper, label, stamp, cork, or cap prescribed by the Liquor Control Commission under Ohio R.C. Chapters 4301 and 4303, or use more than once any wrapper, label, stamp, cork, or cap prescribed by the Liquor Control Commission under Ohio R.C. Chapters 4301 and 4303.

(4) Utter, or possess with purpose to utter, any object that the person knows to have been simulated as provided in subsection (a)(1), (2) or (3) of this section.

(b) Whoever violates this section is guilty of criminal simulation, a misdemeanor of the first degree. If the loss to the victim is one thousand dollars ($1,000) or more, criminal simulation is a felony and shall be prosecuted under appropriate State law.
(ORC 2913.32)

545.14 TAMPERING WITH RECORDS.

(a) No person, knowing the person has no privilege to do so, and with purpose to defraud or knowing that the person is facilitating a fraud, shall do any of the following:

(1) Falsify, destroy, remove, conceal, alter, deface or mutilate any writing, computer software, data, or record;

(2) Utter any writing or record, knowing it to have been tampered with as provided in subsection (a)(1) hereof.

(b) Whoever violates this section is guilty of tampering with records, a misdemeanor of the first degree. If the violation involves data or computer software the value of which or loss to the victim is one thousand dollars ($1,000) or more, or if the writing or record is a will unrevoked at the time of the offense, tampering with records is a felony and shall be prosecuted under appropriate State law. (ORC 2913.42)

545.15 SECURING WRITINGS BY DECEPTION.

(a) No person, by deception, shall cause another to execute any writing that disposes of or encumbers property, or by which a pecuniary obligation is incurred.

(b) Whoever violates this section is guilty of securing writings by deception, a misdemeanor of the first degree. Securing writings by deception is a felony and shall be prosecuted under appropriate State law if:

(1) The value of the property or obligation involved is one thousand dollars ($1,000) or more; or

(2) The victim of the offense is an elderly person, disabled adult, active duty service member or spouse of an active duty service member. (ORC 2913.43)

545.16 PERSONATING AN OFFICER.

(a) No person, with purpose to defraud or knowing that he is facilitating a fraud, or with purpose to induce another to purchase property or services, shall personate a law enforcement officer, or an inspector, investigator or agent of any governmental agency.

(b) Whoever violates this section is guilty of personating an officer, a misdemeanor of the first degree. (ORC 2913.44)

545.17 DEFRAUDING CREDITORS.

(a) No person, with purpose to defraud one or more of the person's creditors, shall do any of the following:

(1) Remove, conceal, destroy, encumber, convey or otherwise deal with any of the person's property.

(2) Misrepresent or refuse to disclose to a fiduciary appointed to administer or manage the person's affairs or estate, the existence, amount or location of any of the person's property, or any other information regarding such property that the person is legally required to furnish to the fiduciary.

(b) Whoever violates this section is guilty of defrauding creditors, a misdemeanor of the first degree. If the value of the property involved is one thousand dollars ($1,000) or more, defrauding creditors is a felony and shall be prosecuted under appropriate State law. (ORC 2913.45)

545.18 RECEIVING STOLEN PROPERTY.

(a) No person shall receive, retain or dispose of property of another, knowing or having reasonable cause to believe that the property has been obtained through commission of a theft offense.

(b) It is not a defense to a charge of receiving stolen property in violation of this section that the property was obtained by means other than through the commission of a theft offense if the property was explicitly represented to the accused person as being obtained through the commission of a theft offense.

(c) Whoever violates this section is guilty of receiving stolen property, a misdemeanor of the first degree. Receiving stolen property is a felony and shall be prosecuted under appropriate State law if:

(1) The value of the property involved is one thousand dollars ($1,000) or more; or

(2) The property involved is:

A. Listed in Section 545.03; or

B. A motor vehicle as defined in Ohio R.C. 4501.01; or

C. A dangerous drug as defined in Ohio R.C. 4729.01.

D. A special purchase article as defined in Ohio R.C. 4737.04 or a bulk merchandise container as defined in Ohio R.C. 4737.012. (ORC 2913.51)

545.19 POSSESSION OF CRIMINAL TOOLS.

(a) No person shall possess or have under the person's control any substance, device, instrument, or article, with purpose to use it criminally.

(b) Each of the following constitutes prima-facie evidence of criminal purpose:

(1) Possession or control of any dangerous ordnance, or the materials or parts for making dangerous ordnance, in the absence of circumstances indicating the dangerous ordnance, materials, or parts are intended for legitimate use;

(2) Possession or control of any substance, device, instrument, or article designed or specially adapted for criminal use;

(3) Possession or control of any substance, device, instrument, or article commonly used for criminal purposes, under circumstances indicating the item is intended for criminal use.

(c) Whoever violates this section is guilty of possessing criminal tools, a misdemeanor of the first degree. If the circumstances indicate that the substance, device, instrument, or article involved in the offense was intended for use in the commission of a felony, possessing criminal tools is a felony and shall be prosecuted under appropriate State law. (ORC 2923.24)

545.20 FORGERY OF IDENTIFICATION CARDS.

(a) No person shall knowingly do either of the following:

(1) Forge an identification card;

(2) Sell or otherwise distribute a card that purports to be an identification card, knowing it to have been forged.

(3) As used in this section, "identification card" means a card that includes personal information or characteristics of an individual, a purpose of which is to establish the identity of the bearer described on the card, whether the words "identity," "identification," "identification card" or other similar words appear on the card.

(b) Whoever violates subsection (a) hereof is guilty of forging identification cards or selling or distributing forged identification cards. Except as otherwise provided in this subsection, forging or selling or distributing forged identification cards is a misdemeanor of the first degree. If the offender previously has been convicted of a violation of this section or Ohio R.C. 2913.31 (B), forging identification cards or selling or distributing forged identification cards is a misdemeanor of the first degree and, in addition, the court shall impose upon the offender a fine of not less than two hundred fifty dollars ($250.00). (ORC 2913.31)

545.99 PENALTY.

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

CHAPTER 549
Weapons and Explosives

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CROSS REFERENCES
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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) (1) "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.

(e) "Automatic firearm" means any firearm designed or specially adapted to fire a succession of cartridges with a single function of the trigger.

(f) "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.

(g) "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.

(h) "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.

(i) "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.

(j) "Ballistic knife" means a knife with a detachable blade that is propelled by a spring-operated mechanism.

(k) "Dangerous ordnance" means any of the following, except as provided in subsection (l) 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, pecretol, 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 ordnance.

(l) "Dangerous ordnance" 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;

(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 (l)(3) hereof during displays, celebrations, organized matches or shoots, and target practice, and smokeless 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.

(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 detonant 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 licence 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 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".

(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 ordnance;

(3) A dangerous ordnance.

(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, fail to promptly inform any law enforcement officer who approaches the person after the person has been stopped that the person has been issued a concealed handgun license and that the person then is carrying a concealed handgun;

(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.

(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 ordnance, 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 ordnance 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, at the time of the alleged carrying or possession of a handgun, is carrying a valid concealed handgun license, unless the person knowingly is in a place described in division (B) of Ohio R.C. 2923.126.

(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 ordnance, 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) 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.

(f) (1) Whoever violates this section is guilty of carrying concealed weapons. Except as otherwise provided in this subsection or subsection (f)(2) 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 subsection (f)(2) 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 ordnance, 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 subsection (f)(2) 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) If a person being arrested for a violation of subsection (a)(2) of this section promptly produces a valid concealed handgun license, 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 subsection. If the person is not able to promptly produce any concealed handgun license and if the person is not in a place described in that section, the officer may arrest the person for a violation of that subsection, and 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 neither subsection (f)(2)A. nor B. of this section applies, the offender shall be punished under subsection (f)(1) of this section.

(3) Except as otherwise provided in this subsection, carrying concealed weapons in violation of subsection (b)(1) hereof is a misdemeanor of the first degree, and, in addition to any other penalty or sanction imposed for a violation of subsection (b)(1) hereof, the offender's concealed handgun license shall be suspended pursuant to Ohio R.C. 2923.128(A)(2).
If, at the time of the stop of the offender for a law enforcement purpose that was the basis of the violation, any law enforcement officer involved with the stop had actual knowledge that the offender has been issued a concealed handgun license, carrying concealed weapons in violation of division (b)(1) of this section is a minor misdemeanor, and the offender's concealed handgun license shall not be suspended pursuant to division (A)(2) of Ohio R.C. 2923.128.

(4) Except as otherwise provided herein, carrying concealed weapons in violation of subsection (b)(2) or (b)(3) hereof is a misdemeanor of the first degree. If the offender has previously been convicted or pleaded guilty to a violation of Ohio R.C. 2923.12(B)(2) or (B)(4) or a substantially equivalent municipal ordinance, carrying concealed weapons is a felony and shall be prosecuted under appropriate state law. In addition to any other penalty or sanction imposed for a violation of subsection (b)(2) or (b)(3) hereof, the offender's concealed handgun license shall be suspended pursuant to Ohio R.C. 2923.128(A)(2).

(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. (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.

(b) No person who has been issued a concealed handgun license, 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) Fail to promptly inform any law enforcement officer who approaches the vehicle while stopped that the person has been issued a concealed handgun license and that the person then possesses or has a loaded handgun in the motor vehicle;

(2) Fail to promptly inform the employee of the unit who approaches the vehicle while stopped that the person has been issued a concealed handgun license and that the person then possesses or has a loaded handgun in the commercial motor vehicle.

(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 is carrying a valid concealed handgun license.

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 electric-powered 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 electric-powered all-purpose vehicle as defined in Ohio R.C. 1531.01 or a motor vehicle during the open hunting season for a wild quadruped or game bird.

C. The person is on or in an electric-powered all-purpose vehicle as defined in Ohio R.C. 1531.01 or a motor vehicle that is parked on a road that is owned or administered by the Division of Wildlife, provided that the road is identified by an electric-powered all-purpose vehicle sign.

(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 if 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, the person may file an application under Ohio R.C. 2953.37 requesting the expungement of the record of conviction.

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 September 30, 2011, and if the conduct that was the basis of the violation no longer would be a violation of subsection (a) of this section on or after September 30, 2011, due to the application of subsection (b)(4) of this section as it exists on and after September 30, 2011, 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. Except as otherwise provided in this subsection, a violation of subsection (b)(1) or (b)(2) of this section is a misdemeanor of the first degree, and, in addition to any other penalty or sanction imposed for the violation, the offender's concealed handgun license shall be suspended pursuant to Ohio R.C. 2923.128(A)(2). If at the time of the stop of the offender for a traffic stop, for another law enforcement purpose, or for a purpose defined in Ohio R.C. 5503.34 that was the basis of the violation any law enforcement officer involved with the stop or the employee of the motor carrier enforcement unit who made the stop had actual knowledge of the offender's status as a licensee, a violation of subsection (b)(1) or (b)(2) of this section is a minor misdemeanor, and the offender's concealed handgun license shall not be suspended pursuant to division (A)(2) of Ohio R.C. 2923.128. 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) "Motor vehicle", "street" and "highway" have the same meanings as in Ohio R.C. 4511.01.

(2) A. "Unloaded" means:

1. With respect to a firearm other than a firearm described in subsection (h)(2)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)(2)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)(2)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.

(3) "Commercial motor vehicle" has the same meaning as in Ohio R.C. 4506.25(A).

(4) "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.

(i) Subsection (h)(2) of this section does not affect the authority of a person who is carrying a valid concealed handgun license to have one or more magazines or speed loaders containing ammunition anywhere in a vehicle, without being transported as described in that subsection, as 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 or Ohio R.C. Chapter 2923. A person who is carrying a valid concealed handgun license 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 or Ohio R.C. Chapter 2923. (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:

(1) Manufacture, possess for sale, sell or furnish to any person other than a law enforcement agency for authorized use in police work, any brass knuckles, cestus, billy, blackjack, sandbag, switchblade knife, springblade knife, gravity knife or similar weapon;

(2) When transferring any dangerous ordnance to another, negligently fail to require the transferee to exhibit such identification, license or permit showing him 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;

(3) 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. Violation of subsections (a)(1) or (2) hereof is a misdemeanor of the second degree. Violation of subsection (a)(3) 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) Live ammunition shall not be discharged from any firearm within the Village from the date of the enactment of this section.

(b) "Firearm" as referenced in this section means any deadly weapon capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant.

(c) This section does not apply to law enforcement officers of the State of Ohio or the United States.

(d) A violation of this section shall constitute a fourth degree misdemeanor as defined by Ohio R.C. 2929.21.
(Ord. 126-07-90. Passed 9-18-90.)

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 POSSESSING REPLICA FIREARM IN SCHOOL.

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

(1) The object is indistinguishable from a firearm, whether or not the object is capable of being fired.

(2) The person indicates that the person possesses the object and that it is a firearm, or the person knowingly displays or brandishes the object and indicates that it is a firearm.

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

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

(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, the court shall impose upon the offender a class four suspension of the offender's probationary driver's license, restricted license, driver's license, commercial driver's license, temporary instruction permit, or probationary commercial driver's license that then is in effect from the range specified in division (A)(4) of Ohio R.C. 4510.02 and shall deny the offender the issuance of any permit or license of that type during the period 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 division (A)(4) of Ohio R.C. 4510.02.

(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 that subsection, the court in its discretion may choose not to impose the suspension, revocation, or denial required in that subsection, 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)

549.11 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.

(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)

549.99 PENALTY.

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

CHAPTER 553
Railroads

553.01 Obstructing streets by railroad companies.
553.011 Obstructing streets by abandoning the locomotive.
553.02 Climbing upon railroad cars.
553.03 Duties of locomotive engineer.
553.04 Railroad vandalism.
553.05 Grade crossing device vandalism.
553.99 Penalty.

CROSS REFERENCES
See sectional histories for similar State law
Lighting railroads - see Ohio R.C. 723.33 et seq.
Power to regulate train speed - see Ohio R.C. 723.48
Vehicular homicide - see GEN. OFF. 537.02
Criminal mischief - see GEN. OFF. 541.04

553.01 OBSTRUCTING STREETS BY RAILROAD COMPANIES.

(a) (1) No railroad company shall obstruct or permit or cause to be obstructed a public street, road or highway by permitting a railroad car, locomotive or other obstruction to remain upon or across it for longer than five minutes to the hindrance or inconvenience of travelers or a person passing along or upon such street, road or highway.

(2) At the end of each five minute period of obstruction of a public street, road or highway, each railroad company shall cause such railroad car, locomotive or other obstruction to be removed for sufficient time, not less than three minutes, to allow the passage of persons and vehicles waiting to cross.

(3) This section does not apply to obstruction of a public street, road or highway by a continuously moving through train or caused by circumstances wholly beyond the control of the railroad company, but does apply to other obstructions, including without limitation those caused by stopped trains and trains engaged in switching, loading or unloading operations.

(4) If a railroad car, locomotive, or other obstruction is obstructing a public street, road, or highway in violation of subsection (a)(1) hereof and the violation occurs in the unincorporated area of one or more counties, or in one or more municipal corporations, the officers and employees of each affected county or municipal corporation may charge the railroad company with only one violation of the law arising from the same facts and circumstances and the same act.

(5) Upon the filing of an affidavit or complaint for violation of this subsection (a)(1) hereof, summons shall be issued to the railroad company pursuant to Ohio R.C. 2935.10(B), which summons shall be served on the regular ticket or freight agent of the company in the county where the offense occurred. (ORC 5589.21)

(b) For purposes of this section, "railroad company" includes the officers, employees and agents of such company.

(c) Whoever violates this section is guilty of a misdemeanor of the first degree and shall be fined one thousand dollars ($1,000).

553.011 OBSTRUCTING STREETS BY ABANDONING THE LOCOMOTIVE.

(a) No railroad company shall obstruct, or permit or cause to be obstructed, a public street, road, or highway, by permitting any part of a train whose crew has abandoned the locomotive to remain across it for longer than five minutes to the hindrance or inconvenience of travelers or a person passing along or upon the street, road, or highway, unless the safety of the train crew requires them to abandon the locomotive.

(b) Upon the filing of an affidavit or complaint for violation of this section, summons shall be issued to the railroad company pursuant to Ohio R.C. 2935.10(B), which summons shall be served on the regular ticket or freight agent of the company in the county where the offense occurred. (ORC 5589.211)

(c) Whoever violates this section is guilty of a misdemeanor of the first degree and shall be fined five thousand dollars ($5,000).
(ORC 5589.99)

553.02 CLIMBING UPON RAILROAD CARS.

(a) No person shall climb, jump, step or stand upon or cling or attach himself to a locomotive, engine or car upon the track of a railroad, unless in compliance with law or by permission under the rules of the corporation managing such railroad.

(b) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4999.02)

553.03 DUTIES OF LOCOMOTIVE ENGINEER.

(a) No person in charge of a locomotive shall fail to bring the locomotive to a full stop at least 200 feet before arriving at a crossing with another track, or proceed through the crossing before signaled to do so or before the way is clear.

(b) Whoever violates this section is guilty of a misdemeanor of the fourth degree. If violation of this misdemeanor causes physical harm to any person, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4999.04)

553.04 RAILROAD VANDALISM.

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

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

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

(d) No person, without privilege to do so, shall knowingly enter or remain on the land or premises of a railroad company.

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

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

(f) Whoever violates subsection (d) of this section is guilty of criminal trespass on the land or premises of a railroad company, a misdemeanor of the fourth degree.
(ORC 2909.10)

553.05 GRADE CROSSING DEVICE VANDALISM.

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

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

553.99 PENALTY.

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

CODIFIED ORDINANCES OF ROAMING SHORES

PART SEVEN - BUSINESS REGULATION CODE

Chap. 751. Peddlers, Solicitors and Canvassers.

CODIFIED ORDINANCES OF ROAMING SHORES

PART SEVEN - BUSINESS REGULATION CODE

CHAPTER 751
Peddlers, Solicitors and Canvassers

751.01 Definitions.
751.02 Sales of public property prohibited.
751.03 Sales on private property.
751.04 Organizational liability.
751.05 Display of license card.
751.99 Penalty.

CROSS REFERENCES
Power to inspect food products - see Ohio R.C. 715.46
Power to regulate peddlers - see Ohio R.C. 715.61 et seq.
Charitable solicitations - see Ohio R.C. Ch. 1716

751.01 DEFINITIONS.

(a) "Peddler" means any person who travels door to door either by foot, automobile, truck or any other type of conveyance and calls upon private residences, including any house, apartment or other dwelling within the Village, taking or attempting to take orders for profit for the sale of goods, wares, and merchandise or personal property of any nature whatsoever for immediate or future delivery or for services to be furnished or performed immediately or in the future.

(b) "Solicitor" means any person who seeks to obtain funds for any cause whatsoever by traveling door to door either by foot, automobile, truck or any type of conveyance and calling upon private residences including any house, apartment or other dwelling within the Village.

(c) "Canvasser" means any person who obtains or influences the opinion of the residents of the Village by traveling door to door either by foot, automobile, truck or other type of conveyance and calling upon private residences including any house, apartment or other dwelling in the Village, but does not seek to obtain funds for any cause whatsoever.

751.02 SALES ON PUBLIC PROPERTY PROHIBITED.

No person shall on any public street, alley, drive, lane, thoroughfare, right-of-way, court, highway, boulevard, or on the sidewalks thereof, solicit the sale of any merchandise, wares, goods, foods, periodicals or other articles of value for present or future delivery.

751.03 SALES ON PRIVATE PROPERTY.

(a) License or Registration Required. No peddler or solicitor shall peddle or solicit within the Village, unless he or she is the holder of a valid license issued pursuant to this chapter.

(b) Application; Fee; License; Registration.

(1) Any person seeking a license in conformity with this chapter shall obtain an application for same from the Chief of Police and shall submit the completed application, along with the appropriate fee, to such office, on a form supplied by the Chief which shall contain the following information:

A. Full name of the applicant;

B. Date of birth of the applicant;

C. Local address, if any;

D. Permanent home address;

E. A physical description of the applicant, setting forth age, height, weight, color of hair and eyes, and sex;

F. Social security number;

G. A description of the nature of the business and the goods, wares, merchandise, property and/or services to be sold;

H. Telephone number of the applicant;

I. Name and address of organization the peddler or solicitor represents;

J. Whether the applicant has ever been convicted of a crime and, if so, where and the nature of the offense and the punishment or penalty imposed therefor, if any;

K. Such other information as the Chief may require in order to protect the public health, safety and/or general welfare.

(2) All license applications shall be referred to the Chief who shall, within five (5) days after receipt of the completed application, issue a license unless he finds that:

A. The applicant has provided false, misleading or deceptive information in his application; and/or

B. The applicant or any solicitor or peddler named on the license application has been convicted of a felony violation or misdemeanor violating involving weapons, theft, moral turpitude or violence within the past five (5) years.

All licenses issued under this chapter shall be valid for not more than one hundred eighty (180) days. A separate license shall be required for each individual solicitor or peddler even though there may be a single employer.

(3) Each applicant shall pay a nonrefundable license application fee of fifteen dollars ($15.00), which fee shall be paid at the time the application is submitted.

(4) Once issued, a license may be used only in conformity with the laws of the Village and the State of Ohio; may not be assigned or transferred; must be carried by the licensee at all times; and may be revoked or suspended by the Chief of Police for any of the following causes:

A. The licensee or person preparing the application on behalf of the licensee provided false, misleading or deceptive information in the license application;

B. The licensee is convicted of a felony or of a misdemeanor involving fraud or moral turpitude; or

C. The licensee violates any provision of this chapter or peddles or solicits in an unlawful manner.

D. Upon written complaint being filed with the Police Department, that the licensee has made himself obnoxious to the public by the use of indecent, profane or insulating language or has made or perpetrated any misstatement, deception or fraud in connection with any solicitation or sale, and if said complaint is found to be true, the license of such solicitor or peddler shall be revoked.

(c) Individuals or corporations soliciting or peddling on behalf of an educational, religious, civic or charitable organization shall not be required to pay license fees.

(d) Restrictions; Hours; Conduct. Every person to whom a license to peddle or solicit is issued and every canvasser shall be governed by the following rules and regulations:

(1) No person subject to the provisions of this chapter shall peddle, solicit or canvass except between the hours of 9:00 a.m. and 8:00 p.m. or one-half hour after sunset whichever is later.

(2) No peddler, solicitor or canvasser shall enter or attempt to enter a residence, house, apartment or other dwelling in the Village without an express invitation from an adult occupant of the residence, house, apartment or other dwelling.

(3) No peddler or solicitor shall engage in any peddling or solicitation other than that specified in the license application.

(4) No peddler, solicitor or canvasser shall by any device make unlawful noises, nor shall any peddler, solicitor or canvasser remain at the residence, house, apartment or other dwelling in the Village without the consent of any adult occupant of the residence, house, apartment or other dwelling in the Village.

(e) Resident Prohibition by Notice. Notwithstanding any other provision of this chapter, no peddler, solicitor or canvasser, while peddling, soliciting or canvassing, shall call upon, knock at the door or ring the door bell of any residence, house, apartment or other dwelling in the Village upon which there is posted at the entrance a notice which reads "No Peddlers, Solicitors or Canvassers Allowed" or words of similar import, which clearly prohibit peddlers, solicitors and canvassers on the premises, unless such peddler, solicitor or canvasser has previously been invited upon the premises by the owner, lessee or an adult occupant thereof.

751.04 ORGANIZATIONAL LIABILITY.

The organization sponsoring or employing individuals violating any of the provisions of Chapter 751 may be prosecuted and held liable for the criminal penalties contained herein.

751.05 DISPLAY OF LICENSE CARD.

Any peddler or solicitor shall, at all times while soliciting or peddling, display said license or registration card on the outside of their person in such a manner as to be clearly visible to residents. Upon request by any resident, police officer or Village official, a solicitor, or peddler shall present said license or registration card for further inspection.

751.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a minor misdemeanor and, in addition, may have his license revoked by the Mayor or the Chief of Police.

CODIFIED ORDINANCES OF ROAMING SHORES

PART NINE - STREETS, UTILITIES AND PUBLIC SERVICES CODE

Chap. 905. Water and Sewer Charges.

Chap. 919. Backflow Prevention.

CODIFIED ORDINANCES OF ROAMING SHORES

PART NINE - STREETS, UTILITIES AND PUBLIC SERVICES CODE

CHAPTER 905
Water and Sewer Charges

905.01 Definitions.
905.02 Rates and charges; effective date.
905.03 Levy of debt service and water and sewer user charges.
905.04 Payment; lien.
905.05 Right of appeal.
905.06 Sewer surcharges.
905.07 Facility impact fee.
905.08 Available for use (AFU) charges.
905.09 Annual review of charges.
905.10 Credit for contiguous lots.
905.11 Water leaks in buildings serviced by Village utility system.
905.12 Use of wells and cisterns restricted.

CROSS REFERENCES

905.01 DEFINITIONS.
As used in this chapter, the following terms shall have the following meanings:

(a) "User charge" means the charge assessed users of the water and sewage system to recover the cost of OM&R of the water distribution, sewage collection and sewage treatment system, and the cost of rendering bills and collecting water and sewer service charges.

(b) "Operation and Maintenance Costs" means the cost incurred and the act of keeping all facilities for pumping, storing and treating of water and the collecting, pumping, treating and disposing of sewage in the good state of repair and functioning properly including the replacement of said facilities when necessary.

(c) "Replacement" means expenditures for obtaining and installing equipment, accessories, and appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.

(d) "Debt service" means the funds used for the retirement of, and interest on, bonds and/or notes authorized and issued by the Village to construct sewage system facilities.

(e) "Water service charge" means the total charge levied against users of the water system for water services. The charge shall include user charges plus the cost of the debt service.

(f) "Sewer service charge" means the total charge levied against users of the sewage system for sewer services. The charge shall include user charges plus the cost of debt service.

(g) "Normal domestic sewage" means sewage which when analyzed shows by weight a daily average of not more than 250 parts per million (ppm) of suspended solids and not more than 200 ppm of biochemical oxygen demand (BOD).

(h) "Suspended solids" means solids that either float on the surface of, or are in suspension in water, sewage, or other liquids and which are removable by laboratory filtering.

(i) "BOD" (denoting biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter, under standard laboratory procedure, in five days at twenty degrees Celsius (C), expressed in ppm by weight.

(j) "User classes" means the user charge system consists of the following user classes as defined below.

(1) "Water residential user" means a principal family residence or habitation classified as a single family dwelling that obtains water service from the Village.

(2) "Sewer residential user" means a principal family residence or habitation classified as a single family dwelling that discharges domestic sanitary wastewater having characteristics of 250 milligrams per liter biochemical oxygen demand and 200 milligrams per liter suspended solids into the public wastewater treatment system, works, and facility.

(3) "Commercial user" means retail or wholesale business establishments that obtain water services from a connection greater than one inch or discharge primarily normal strength wastewater into the public wastewater treatment system, works and facility.

(4) "Institutional/governmental user" means hospitals, nursing homes, schools, City, county, state or federal buildings or facilities that obtain water services from a connection greater than one inch or discharge wastewater into the public wastewater treatment system, works, and facility.

(5) "Industrial user" shall include users discharging waste resulting from manufacturing activities involving the mechanical or chemical transformation of materials or substance into other products. These activities occur in establishments usually described as plants, factories or mills and characteristically use power-driven machines and material handling equipment.

(Ord. 388-08-03. Passed 10-21-03.)

905.02 RATES AND CHARGES; EFFECTIVE DATE.

From and after the effective date of this section, rates and charges for use and availability of the Water System and Wastewater System are amended and shall be set forth in this chapter. (Ord. 473-02-09. Passed 4-21-09.)

905.03 LEVY OF DEBT SERVICE AND WATER AND SEWER USER CHARGES.

For the purpose of paying principal and interest on bonds or notes for new construction or improvements to the water distribution system or the wastewater treatment system, and for the purpose of paying costs for the operation, repair and maintenance of the same, there is hereby levied a bimonthly user-service charge on premises connected to the same based on the number of gallons consumption in such bimonthly period.

I. WATER SERVICE

A. PREMISES LOCATED WITHIN THE CORPORATE LIMITS OF THE VILLAGE OF ROAMING SHORES:

. Regular Meter Water Service
(5/8" X ¾" - 1" meters)

1.	Base charge (for 0 usage)	$30.00 bi-monthly
2.	Additional rate charged per 1000 gallons	$ 6.50

B. PREMISES LOCATED OUTSIDE THE CORPORATE LIMITS OF THE VILLAGE OF ROAMING SHORES WATER USER CHARGES (reflects a 40% surcharge)

1.	Base charge (for 0 usage)	$ 37.50
2.	Additional rate charged per 1000 gal	$ 6.85

II. SEWER SERVICE

A. PREMISES LOCATED WITHIN THE CORPORATE LIMITS OF THE VILLAGE OF ROAMING SHORES:

. SEWER SERVICE where water is metered

1.	Base charge (0 usage)	$42.00
2.	Additional charge based per 1000 gal usage	$11.00

B. PREMISES LOCATED OUTSIDE THE CORPORATE LIMITS OF THE VILLAGE OF ROAMING SHORES WATER USER CHARGES (reflects a 40% surcharge)

1.	Base charge (0 usage)	$52.50
2.	Additional charge based per 1000 gal. usage	$13.75

(Ord. 613-02-2015. Passed 4-21-15.)

III. AVAILABLE FOR USE (AFU) CHARGES - DEFERRAL - ADMINISTRATION

A. This charge applies to all non-metered lots within the incorporated areas of the Village of Roaming Shores. This charge was set up to help with the original development of the complete Water Treatment, Water Distribution, Wastewater Treatment Plant and Wastewater Collection System. These charges are to be paid in accordance with Section IV of this section.

1.	Sewer Available-for-use charge (non-metered lot)	$16.00 per bi-monthly billing
2.	Water Available-for-use charge (non-metered lot)	10.66 per bi-monthly billing

B. This deferment of AFU charges may apply to two (2) non-metered lots contiguous to a metered residence within the incorporated areas of the Village of Roaming Shores. This deferral may only be applied for when a lot has a metered residence and the lot(s) are filed with the Village as contiguous. This agreement allows a deferral of the available-for-use charges only.

IV. PAYMENT - LIEN

A. All water charges and sanitary rental charges shall be due immediately upon issuance. All water charges and sanitary sewer charges rendered by the Billing Clerk shall be paid within 21 days from billing date to the Billing Clerk. Any water charges or sanitary sewer charges not paid within 30 days from the billing date shall be considered delinquent and a charge of 1.5% each month shall be assessed against any outstanding delinquent water and sanitary sewer bill; however, no more than 1.5% delinquent charge shall be assessed each month against the given account when both water and sewer bills are delinquent and unpaid.

Should any sewer bill remain unpaid for a period of 35 days from the billing date, the water and sewer service are subjected to disconnection by means of shutting off the water supply, and an additional $10.00 ($5.00 water - $5.00 sewer) notice fee is charged to the account balance.

The water and sanitary sewer services shall be resumed only upon payment of the delinquent charges together with any delinquent fees, and a turn-off/turn-on charge of $50.00 during business hours or $80.00 during non-business hours. In no event shall more than $80.00 be charged for a turn-off/turn-on fee when both water and sewer charges are past due.

B. Each charge or rental levied by or pursuant to this section is hereby made a lien upon the corresponding building, lot or premises serviced by such connection, and if not paid within thirty (30) days, after written notice to the property owner requesting payment, then the delinquent amount due shall be certified to the Ashtabula County Auditor and collected in the same manner as Village taxes.

V. DISCONTINUANCE OF OCCUPANCY

In case of discontinuance of actual occupancy and use of the building or premises for any period of time during a bi-monthly period, the final bill shall be based on the measured service, except in no case shall the final bill be less than the minimum bi-monthly rate.
(Ord. 473-02-09. Passed 4-21-09.)

905.04 PAYMENT; LIEN.

(a) All water charges and sanitary sewer rental charges shall be due immediately upon issuance. All water charges and sanitary sewer charges rendered by the Billing Clerk shall be paid within twenty-one days from billing date to the Billing Clerk. Any water charges or sanitary sewer charges not paid within thirty days from the billing date shall be considered delinquent and a charge of one and one-half percent (1.5%) each month shall be assessed against any outstanding delinquent water and sanitary sewer bill; however, no more than one and one-half percent (1.5%) delinquent charge shall be assessed each month against the given account when both water and sewer bills are delinquent and unpaid.

Should any sewer bill remain unpaid for a period of thirty-five days from the billing date, the water and sewer services are subjected to disconnection by means of shutting off the water supply, and an additional ten dollar ($10.00) ($5.00 water - $5.00 sewer) notice fee is charged to the account balance.

The water and sanitary sewer services shall be resumed only upon payment of the delinquent charges together with any delinquent fees, and a turn off/turn on charge of fifty dollars ($50.00) during business hours or eighty dollars ($80.00) during non-business hours.

In no event shall more than eighty dollars ($80.00) be charged for a turn off/turn on fee when both water and sewer charges are past due.

(b) Each charge or rental levied by or pursuant to this chapter is hereby made a lien upon the corresponding building, lot or premises serviced by such connection, and if not paid within thirty days after written notice to the property owner requesting payment, then the delinquent amount due shall be certified to the Ashtabula County Auditor and collected in the same manner as Village taxes. (Ord. 388-08-03. Passed 10-21-03.)

905.05 RIGHT OF APPEAL.

All customers shall have the right to appeal a bill rendered for water and sewer service charges. In the event that a billing dispute cannot be resolved by the utility billing department that initially rendered the bill, it shall become the responsibility of the Village Administrator to resolve such dispute. If the customer is still unsatisfied, the Village Administrator will send a certified letter to the customer asking them to attend a hearing with the Utility Study Committee. The appeal letter must allow the customer to accept or deny a hearing; customer refusal to a hearing waives their right to settle their claim.
(Ord. 388-08-03. Passed 10-21-03.)

905.06 SEWER SURCHARGES.

(a) Sewage or industrial wastes that are above normal sewage strength, but acceptable for discharge into the wastewater collection system shall be subjected to a surcharge. The surcharge shall be determined on the basis of either or both constituents of water or wastes:

(1) Total suspended solids, and/or
(2) Five-day BOD at twenty degrees C. and as herein provided.

(b) When either or both the total suspended solids and the BOD of a water or waste accepted for admission to the system exceeds the values of their constituents for normal sewage, the excess concentration in either or both, as the case may be, shall be subject to a surcharge as follows:

(1) Pounds of excess suspended solids per day x .32/lb. = SS Surcharge.
(2) Pounds of excess BOD per day x .37/lb. = BOD Surcharge.

(c) In addition to the surcharge, the user will pay the use charges as defined in Section 905.03.

(d) The pounds of BOD per day and/or pounds of SS per day above the concentrations previously described for normal strength sewage that are discharged to the sewerage system, shall be determined by the Village or their authorized representative. In addition to a surcharge on BOD and SS, the Village shall have the right to surcharge any user for the discharge of any other pollutant into the sewage system.
(Ord. 388-08-03. Passed 10-21-03.)

905.07 FACILITY IMPACT FEE.

(a) Residential. This fee applies to each single family dwelling and each residential unit of any multifamily development upon construction that directly or indirectly connects to the water and or sewage service. The fee will be assessed and collected at time of application for water and or sewer service. These charges include only the cost of administration and inspection. The customer must have a valid building and zoning permit prior to the issue of the sewer permit.

(b) Water Impact Fees.

(1)	Facility impact fees (outside village only)	$2,500.00
(2)	Water meter installation (all users)	300.00
(3)	Water impact fee (all users)	200.00
(4)	Road bore and permit fee	750.00

(c)	Wastewater Impact Fees:	(inside village)	$3,300.00
		(outside village)	$4,125.00

(Ord. 613-02-2015. Passed 4-21-15.)

(d) Commercial - Industrial Facility Impact Fee.
(1) Inside Village limits - $3,300.00.
(2) Outside Village limits - $4,125.00.

(e) Commercial - Industrial - Flow Unit Impact Fee. This fee applies to all construction that directly or indirectly connects to the sewage system. This fee shall consist of the Impact Fee in subsection (b) hereof, plus a per unit charge for the appropriate classification of service as shown in Table A. These rates are set by guidelines published by the Ohio EPA for design flows for wastewater treatment plants. If your classification is not listed, we will make arrangements for a discussion of the charges based on EPA flow guidelines and our needs. Terms and conditions for approval are the same as residential.

TABLE A: SEWAGE FLOW GUIDE

Type of Facility/Classification	Cost/Unit Charge	Flow Unit Rating
Factories	$1.50/gpd	35 gallons/day/employee
Nursing Homes	$1.50/gpd	200 gallons/day/person
Office Buildings	$1.50/gpd	200 gallons/day/1000 sq. ft.
Restaurants	$1.50/gpd	35 gallons/day/seat

(Ord. 388-08-03. Passed 10-21-03.)

905.08 AVAILABLE FOR USE (AFU) CHARGES.

(a) This charge applies to all non-metered lots within the incorporated areas of the Village of Roaming Shores. This charge was set up to help with the original development of the complete Water Treatment, Water Distribution, Wastewater Treatment Plan and Wastewater Collection System. These charges are to be paid bi-annually on May 15 and November 15 of each year.

(1) Sewer Available-for-use charge (non-metered lot) $ 48.00
(2) Water Available-for-use charge (non-metered lot) $ 33.00

(b) This deferment of AFU charges may apply to two non-metered lots contiguous to a metered residence within the incorporated areas of the Village of Roaming Shores. This deferral may only be applied for when a lot has a metered residence and the lot(s) are filed with the Village as contiguous. This agreement allows a deferral of the available-for-use charges only. (Ord. 613-02-2015. Passed 4-21-15.)

905.09 ANNUAL REVIEW OF CHARGES.

The water service charge and user charges and/or sewer service charge and user charges shall be reviewed annually by the Village, in order to determine whether or not they are sufficient to defray the fixed charges, amortization costs, and annual cost of OM&R of the water and sewerage system. If the difference between the total annual revenue derived and the total annual cost is sufficient to justify an increase or decrease in the water service charges or user charges and/or sewer service charge or user charges, the Village will adjust the rates as required. The purpose of the annual review is also to maintain a proportional user charge.

Each user to be notified at least annually, in conjunction with a regular bill, of the rate and that portion of the sewer service charge, which is attributable to OM&R costs of wastewater treatment services.

(Ord. 388-08-03. Passed 10-21-03.)

905.10 CREDIT FOR CONTIGUOUS LOTS.

(a) A credit will be given for utilities services to metered customers on their combined metered and available for use charges for the amount of the available for use charges on any lot or lots owned by the customer contiguous to the metered premises, to a maximum of two such lots contiguous to the metered premises.

(b) Eligibility for said credit will be premised upon written agreement between the Village and the landowner seeking credit that the contiguous lot will remain undeveloped and titled in the said lot owner's name, with all credited charges back to the effective date of this section to be assessed to and paid by the said landowner in the event the undeveloped contiguous lot is sold separately from the metered lot or developed by placement therein of a residence; and

(c) Upon change of ownership of any metered residence receiving credits for a contiguous lot or lots as herein provided, credited charges are to be paid in full unless the subsequent owner agrees to be bound by the terms of the original credit agreement.
(Ord. 70-01-85. Passed 3-25-85.)

(d) An administrative charge of ten dollars ($10.00) per quarter per contiguous lot credit claimed shall be imposed and collected by the Village Utility in conjunction with billing and collection of regular utility service and available for use charges.

The aforesaid administrative charge, having been determined by this Council to reflect costs of administration of the contiguous lot credit program, shall not be refundable nor shall said charge serve as a credit upon repayment of contiguous lot credits in the event said contiguous lots are divided in the future. (Ord. 151-07-91. Passed 9-17-91.)

(e) Contiguous lot credits granted by subsection (a) hereof shall be rescinded to those metered customers failing to pay administrative charges established by subsection (d) hereof within twenty days of the billing date thereof.

The Village Clerk is directed to certify for collection to the County Auditor unpaid contiguous lot credits which become payable as a result of the failure to pay administrative charges as herein referenced. (Ord. 356-11-01. Passed 1-15-01.)

905.11 WATER LEAKS IN BUILDINGS SERVICED BY VILLAGE UTILITY SYSTEM.

Customers experience leaks due to defects in the condition of plumbing and water lines in buildings and other facilities serviced by the Village Utility System:

(a) Shall pay for all water usage pursuant to the established Village schedule of rates prevailing at the time of said water usage.

(b) Shall pay a reduced charge for sewer use in the amount of half of the prevailing sewer rate per thousand gallons for all sewer use associated with the system rate per thousand gallons from said leak, subject to the condition that the leak is of such extent that the customer's usage for a billing period is not less than double that of the customer's average billing period use.
(Ord. 198-07-94. Passed 9-20-94.)

905.12 USE OF WELLS AND CISTERNS RESTRICTED.

(a) The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes situated within the Village and abutting on any street, alley or right of way in which there is now located or may in the future be located a public water line of the Village, is hereby required at his expense to connect such building or property to the public water line, provided that such public water line is within 100 feet of the property line.

(b) No person, firm or corporation shall use any private water supply, including but not limited to a well, cistern or spring, to supply water for human consumption and human use inside a dwelling, building or structure. Water from a private water supply shall be used only for a geothermal heating system, outside a building, dwelling or structure or such other use approved by the authority having jurisdiction which shall not drain into the sanitary sewer system.

(c) The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes situated within the Village and abutting on any street, alley or right of way in which there is now located or may in the future be located a public sanitary sewer of the Village, is hereby required at his expense to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter within ninety days after the date of official notice to do so, provided that such public sewer is within 100 feet of the property line.

(d) Any person or company that violates subsections (a) to (c) hereof, or which after having had their service disconnected for non-payment and still continues to use, or allow the use of such building for human occupancy, is guilty of a first degree misdemeanor punishable by no more than six months in jail or a $1,000 fine.

(e) Any building used for the purpose of human habitation, which is found to violate subsections (a) to (c) hereof shall be deemed a public nuisance.
(Ord. 617-03-15. Passed 5-19-15.)

CHAPTER 919
Backflow Prevention

919.01 Installation.
919.02 Connection to private, auxiliary or emergency water supply.
919.03 Surveys and investigations of properties served.
919.04 Right of entry.
919.05 Discontinuance of service.
919.06 Water and sewer line connections.

CROSS REFERENCES

919.01 INSTALLATION.

If, in the judgment of the Village Administrator, an approved backflow prevention device is necessary for the safety of the public water system, they will give notice to the water consumer to install such an approved device immediately. The water consumer shall, at his own expense, install such an approved device at a location and in a manner approved by the Village Administrator and shall have inspections and tests made of such approved devices as required by the Village Administrator.
(Ord. 217-07-95. Passed 7-18-95.)

919.02 CONNECTION TO PRIVATE, AUXILIARY OR EMERGENCY WATER SUPPLY.

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 the Village may enter the supply or distributing system of said Village, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the Village and by the Ohio Environmental Protection Agency.
(Ord. 217-07-95. Passed 7-18-95.)

919.03 SURVEYS AND INVESTIGATIONS OF PROPERTIES SERVED.

It shall be the duty of the Village Administrator 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 Village Administrator shall deem necessary. (Ord. 217-07-95. Passed 7-18-95.)

919.04 RIGHT OF ENTRY.

The Village Administrator or his duly authorized representative shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system of the Village for the purpose of inspecting the piping system or systems thereof. On demand the owner, lessees or occupants of any property so served shall furnish to the Village Administrator any information that 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 Village Administrator, be deemed evidence of the presence of improper connections as provided in this chapter.
(Ord. 217-07-95. Passed 7-18-95.)

919.05 DISCONTINUANCE OF SERVICE.

The Village Administrator 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 or 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 provisions of this chapter. (Ord. 217-07-95. Passed 7-18-95.)

919.06 WATER AND SEWER LINE CONNECTIONS.

(a) No person shall connect to a Village water line or sewer line, including replacement connections without the following:

(1) Payment of the appropriate tap-in fee for water or sewer as set forth by ordinance.
(2) Payment of a $50 inspection fee
(3) Inspection by a representative of the Village Sewer or Water Department prior to filling in the lateral running from the home to the mainline. The inspection shall determine compliance with the standards set forth in this section.
(4) If a connection to a sanitary sewer line, installation of a backflow preventer which meets the specifications set forth in Exhibit A attached to original Ordinance 588-09-13.
(5) If a connection to a sanitary sewer line, installation of a guide wire running the length of the lateral from the home to the main line and consisting of a 12 gauge insulated grey wire.
(6) If a connection to a water line, installation of a guide wire running the length of the lateral from the home to the main line and consisting of a 12 gauge blue wire.
(7) Under no circumstances shall any storm water discharge be connected to the Village sanitary sewer lines.

(b) Any person found to have connected to the Village sanitary or water lines in violation of this section shall be subject to a fine of $100 per day for each day of violation.
(Ord. 588-09-13. Passed 11-19-13.)

CODIFIED ORDINANCES OF ROAMING SHORES

PART ELEVEN - PLANNING AND ZONING CODE

TITLE ONE - Zoning Ordinance

Chap. 1105. Title, Interpretation and Enactment.
Chap. 1109. Definitions.
Chap. 1113. Nonconformities.
Chap. 1117. Appeals and Variances.
Chap. 1121. Conditional Use Permits; Substantially Similar Uses; Accessory Uses.
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CODIFIED ORDINANCES OF ROAMING SHORES

PART ELEVEN - PLANNING AND ZONING CODE

TITLE ONE - Zoning Ordinance

Chap. 1105. Title, Interpretation and Enactment.
Chap. 1109. Definitions.
Chap. 1113. Nonconformities.
Chap. 1117. Appeals and Variances.
Chap. 1121. Conditional Use Permits; Substantially Similar Uses; Accessory Uses.
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CHAPTER 1105
Title, Interpretation and Enactment

1105.01 Title.
1105.02 Land use policy statements.
1105.03 Purpose.
1105.04 Provisions of Ordinance declared to be minimum requirements.
1105.05 Separability clause.
1105.06 Repeal of conflicting ordinances.
1105.07 Effective date.

1105.01 TITLE.

This Ordinance shall be known and may be cited to as the "Zoning Ordinance of the Village of Roaming Shores" (hereinafter referred to as the "Village").
(Ord. 381-02-03. Passed 5-20-03.)

1105.02 LAND USE POLICY STATEMENTS.

OVERALL GOAL: To promote a community that is residential in character with a rural and historical identity balanced by a strong local economy that supports essential services.

I. SUBGOAL: To maintain residential character by:
   A. Promoting the safe and orderly continuation of residential development and recreational activity within Roaming Rock Shores Subdivision.
   B. Promoting an adequate supply of quality housing units for all families and individuals within an adequate range of geographic locations, price levels, and basic community services, facilities and amenities.
   C. Establishing distinct light commercial and light industrial zones that will not encroach physically or visually on the rural economic base, rural beauty, identity, and aesthetic qualities of the Village.

II. SUBGOAL: To preserve the natural character of the Village by:
   A. Discouraging premature; scattered development into agricultural areas.
   B. Encouraging innovation in neighborhood development which will result in an improved living environment, i.e. neighborhood parks, recreation and open space.
   C. Protecting unique natural areas from development, particularly where they have been identified by the Department of Natural Resources or other professional organizations.

III. SUBGOAL: To allow for residential and compatible non-residential uses outside Roaming Rock Shores Subdivision that may:
   A. Make the Village more "self sufficient" by providing light industrial employment and light commercial services in close proximity to residences.
   B. Foster more rapid growth and an increase in property values within the Village by this increased self sufficiency.
   C. Add to the tax base of the Village directly, by multiplier effects, stemming from the creation of jobs nearby.

IV. SUBGOAL: To allow only uses that are compatible with contiguous and nearby residential areas by:
   A. Providing for single family residential, recreational, marina, and restaurant uses within Roaming Rock Shores Subdivision.
   B. Providing for single family residential, multi family residential, agricultural, and light commercial and light industrial uses outside Roaming Rock Shores Subdivision but within the Village.
   C. Allowing only those types of light industrial uses that are as quiet, non-polluting, and innocuous as possible.
   D. Scrutinizing industrial land uses that may interfere with the residential/recreational character of Roaming Rock Shores Subdivision and are not permitted.

(Ord. 381-02-03. Passed 5-20-03.)

1105.03 PURPOSE.

This Ordinance is enacted for the general purpose of promoting the public health, safety, and welfare of the residents of the Village; to protect the property rights of all individuals by assuring the compatibility of uses and practices within districts; to facilitate the provision of public utilities and public services; to lessen congestion on public streets, roads, and highways; to provide for the administration and enforcement of this Ordinance, including the provision of penalties for its violation; and for any other purpose provided in this Ordinance, the Ohio Revised Code, or under common law rulings.
(Ord. 381-02-03. Passed 5-20-03.)

1105.04 PROVISIONS OF ORDINANCE DECLARED TO BE MINIMUM REQUIREMENTS.

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and the general welfare. Whenever the requirements of this Ordinance conflict with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards shall govern. Covenants and Restrictions of the Roaming Rock Shores Subdivision relating to zoning and/or land use, shall be sustained and enforced by the Village in those areas that are within the boundaries of both the Roaming Rock Shores Subdivision and the Village.
(Ord. 381-02-03. Passed 5-20-03.)

1105.05 SEPARABILITY CLAUSE.

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part of declared to be unconstitutional or invalid.
(Ord. 381-02-03. Passed 5-20-03.)

1105.06 REPEAL OF CONFLICTING ORDINANCES.

All ordinances or parts of ordinances in conflict with this Ordinance or inconsistent with the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.
(Ord. 381-02-03. Passed 5-20-03.)

1105.07 EFFECTIVE DATE.

This Ordinance shall become effective from and after the date of its approval and adoption, as provided by law.
(Ord. 381-02-03. Passed 5-20-03.)

CHAPTER 1109
Definitions

1109.01 Interpretation of terms or words.

1109.02 Definitions.

1109.01 INTERPRETATION OF TERMS OR WORDS.

For the purpose of this Ordinance, certain terms or words used herein shall be interpreted as follows:

1. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
2. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
3. The word "shall" is a mandatory requirement, and word "may" is a permissive requirement, and the word "should" is a preferred requirement.
4. The words “used” or "occupied" include the words "intended, designed, or arranged to be used or occupied".
5. The word "lot" includes the words "plot" or "parcel".

(Ord. 381-02-03. Passed 5-20-03.)

1109.02 DEFINITIONS.

ACCESSORY USE OR STRUCTURE: Accessory Use means a use, object, or structure constructed or installed on, above, or below the surface of a parcel, which is located on the same lot as a principal use, object, or structure, and which is subordinate to or serves the principal use, object, or structure, is subordinate in area to the principal use, object, or structure, and is customarily incidental to the principal use, object, or structure. Among other things, "Accessory Use" includes anything of a subordinate nature attached to or disattached from a principal structure or use, such as fences, walls, sheds, garages, parking places, decks, poles, poster panels, billboards, docks, dockboxes, sea walls, gazebos, pavilions, tennis courts, and boat houses. Except as otherwise required in this Ordinance, an accessory use shall be a permitted use.

ADULT BOOKSTORE: An establishment which utilizes 15 percent or more of its retail selling area for the purpose of retail sale or rental, or for the purpose of display by coin or slug-operated, or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices, or both, books, magazines, other periodicals, films, tapes and cassettes which are distinguished by their emphasis on adult materials as defined in this section.

ADULT ENTERTAINMENT BUSINESS: An adult book store, adult motion picture theater, adult drive-in motion picture theater, or an adult only entertainment establishment as further defined in this section.

ADULT MATERIAL: Any book, magazine, newspaper, pamphlet, poster, print, picture, slide, transparency, figure, image, description, motion picture film, phonographic record or tape, other tangible thing, or any service capable of arousing interest through sight, sound, or touch, and:

A. Which material is distinguished or characterized by an emphasis on matter displaying, describing, or representing sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination; or

B. Which service is distinguished or characterized by an emphasis on sexual activity, masturbation, sexual excitement, nudity, bestiality, or human functions of elimination.

ADULT MOTION PICTURE THEATER. An enclosed motion picture theater which is regularly used or utilizes 15 percent or more of its total viewing time, for presenting material distinguished or characterized by an emphasis on matter depicting, describing or related to adult material as defined in this section.

ADULT MOTION PICTURE DRIVE-IN THEATER: An open air drive-in theater which is regularly used or utilizes 15 percent or more of its total viewing time, for presenting material distinguished or characterized by an emphasis on matter depicting, describing or related to adult material as defined in this section.

ADULT ONLY ENTERTAINMENT ESTABLISHMENT: An establishment where the patron directly or indirectly is charged a fee where the establishment features entertainment or services which constitute adult material as defined in this section, or which features exhibitions, dance routines, or gyrational choreography of persons totally nude, topless, bottomless, or strippers, male or female impersonators or similar entertainment or services which constitute adult material.

AGRICULTURE: The use of land for farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce, provided, however that:

1. The operation of any such accessory uses shall be secondary to that of normal agricultural activities; and
2. The above uses shall not include the feeding or sheltering of animals or poultry in penned enclosures within one hundred (100) feet of any residential zoning district.

Agriculture does not include the feeding of garbage to animals or the operation or maintenance of a commercial stockyard or feedyard.

AIRPORT: Any runway, land area or other facility designed or used either publicly or privately by any person for the landing and taking-off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangars and other necessary buildings, and open spaces.

ALLEY: See Thoroughfare.

ALTERATIONS, STRUCTURAL: Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.

AMUSEMENT ARCADE: A place of business within a building or any part of a building having more than five (5) mechanical or electronically operated amusement devices which are used for the purpose of public entertainment through the operation, use, or play of any table game or device commonly known as an electronic game which is operated by placing therein any coin, plate, disc, slug, key, or token of value by payment of a fee.

ANTENNA: A system of electrical conductors that emit or receive radio waves.

ASSEMBLY HALL: A public or quasi-public meeting place associated with a community center, church (temple) or school.

AUTOMOTIVE REPAIR: The repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, painting, and steam cleaning of vehicles.

AUTOMOTIVE, MANUFACTURED HOME, RECREATIONAL VEHICLE AND FARM IMPLEMENT SALES: The sale or rental of new and used motor vehicles, manufactured homes, recreational vehicles, or farm implements, but not including repair work except incidental warranty repair of the same, to be displayed and sold on the premises.

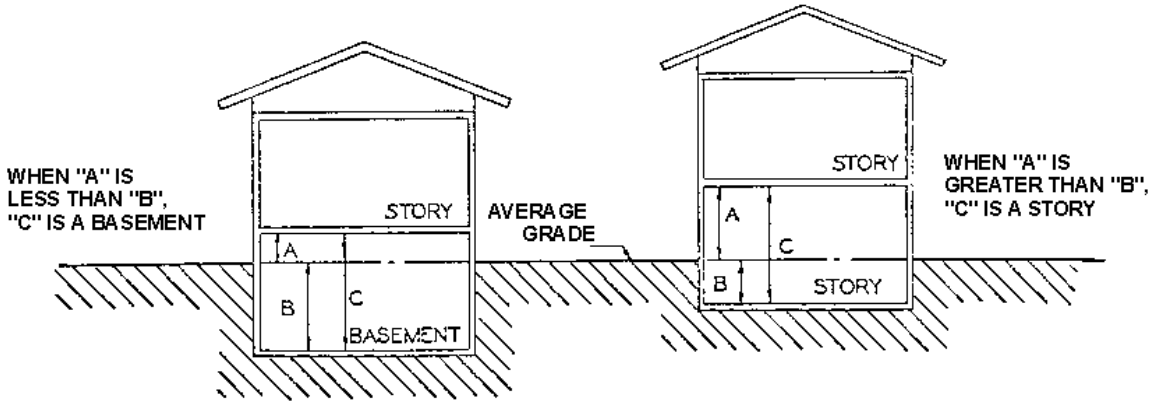
AUTOMOTIVE WRECKING: The dismantling or wrecking of used motor vehicles, manufactured homes, recreational vehicles, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

AUTOMOBILE GRAVEYARD: Means any establishment or place of business which is maintained, used or operated for storing, keeping, buying, or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts.

BANNER: Any sign of lightweight fabric or similar material that is mounted to a pole or building at one or more edges (Flags excluded).

BARN: A structure used for agricultural purposes that is exempt from local zoning as described in the Ohio Revised Code.

BASEMENT: A story all or partly underground but having at least one-half or its height below the average level of the adjoining ground.

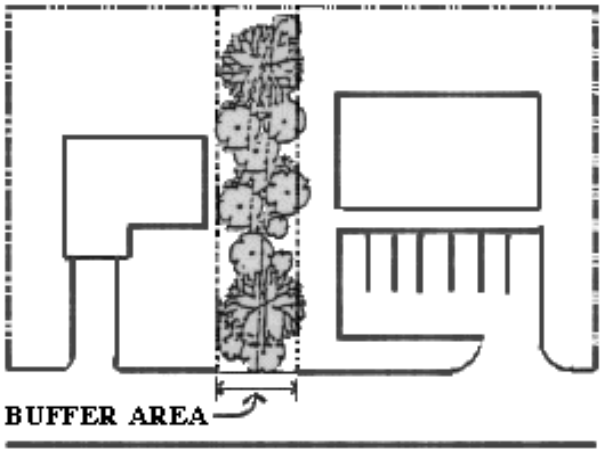


BASEMENT & STORY

BED AND BREAKFAST: A house, or portion thereof, where short-term lodging rooms and meals are provided. The operator of the bed and breakfast shall live on the premises or in adjacent premises.

BOTTOMLESS: Less than full opaque covering of male or female genitals, pubic area or buttocks.

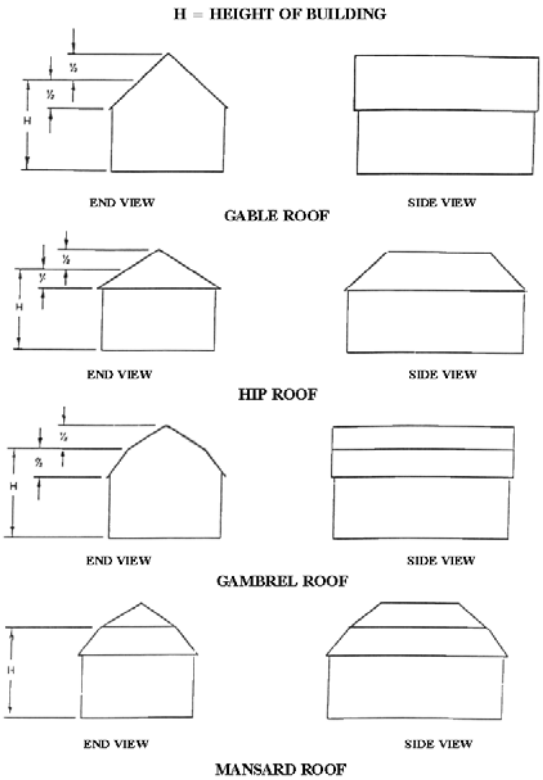
BUFFER AREA: A landscaped area intended to separate and partially obstruct the view of two adjacent land uses or properties from one another.



BUILDING: Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattels, or property.

BUILDING, ACCESSORY: A building detached from, but located on the same lot as the principal building, the use of which is incidental and accessory to that of the main building or use.

BUILDING, HEIGHT: The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest points of the roof for flat roofs, to the deck line of mansard roofs, and the mean height between eaves and ridge for gable, hip and gambrel roofs.



ROOF TYPES AND BUILDING HEIGHT

BUILDING LINE: See Setback Line.

BUILDING. PRINCIPAL: A building in which is conducted the main or principal use of the lot on which said building is situated.

BUSINESS GENERAL: Commercial uses which generally require locations on or near arterial streets or other major thoroughfares and/or their intersections, and which tend in addition to serving day to day needs of the community, also supply the more durable and permanent needs of the whole community. General business uses include, but need not be limited to, such activities as supermarkets; stores that sell hardware, apparel, footwear, appliances, and furniture, department stores; and discount stores.

CAMPGROUND: See Recreation Camp.

CAPTIVE DISPOSAL FACILITY: A facility owned and operated by a specific party, accepting only waste(s) generated by that party. Waste(s) are restricted to a specific waste or set of waste authorized by the Ohio EPA as contained in the PTI (Permit-To-Install).

CELLAR: That portion of the building wholly below, or with less than half of its ceiling height above the average finished grade of the ground adjoining the building.

CEMETERY: Land used or intended to be used for the burial of the human or animal dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries if operated in connection with and within the boundaries of such cemetery.

CHANNEL: A natural or artificial watercourse of perceptible extent, with bed and banks to confine and conduct continuously or periodically flowing water.

CHILD DAY-CARE: Administering to the needs of infants, toddlers, pre-school children, and school children outside of school hours by persons other than their parents or guardians, custodians, or relatives by blood, marriage, or adoption for any part of the twenty-four hour day in a place or residence other than the child's own home. The following are child day-care facilities:

Child Day Care Center - Any place in which child day-care is provided, with or without compensation, for thirteen (13) or more children at any one time, or any place that is not the permanent residence of the licensee or administrator in which child day-care is provided, with or without compensation, for seven (7) to twelve (12) children at any one time. In counting children for the purposes of this definition, any children under six (6) years of age who are related to a licensee, administrator, or employee and who are on the premises shall be counted.

Type A Family Day-Care Home: A permanent residence of the administrator in which child day-care is provided for four (4) to twelve (12) children at any one time, if four (4) or more children are under two (2) years of age. In counting children for the purposes of this definition, any children under six (6) years of age who are related to a licensee, administrator, or employee and who are on the premises of the Type A home shall be counted. The term "Type A family day-care home" does not include a residence in which the needs of children are administered to, if all such children are siblings of the same immediate family and the residence is their home.

Type B Family Day-Care Home: A permanent residence of the provider in which child day-care or child day-care services are provided for one (1) to six (6) children at one time and in which no more than three (3) children may be under two (2) years of age at any one time. In counting children for the purposes of this definition, any children under six (6) years of age who are related to the provider and are on the premises of the Type B home shall be counted. The term "Type B family day-care home" does not include a residence in which the needs of children are administered to, if all such children are siblings of the same immediate family and the residence is their home.

CHURCH (TEMPLE): A building designated as a place of worship by one or more religious denominations. The acreage involved may include one parsonage and/or a church school. All churches shall be located on a major highway.

CLINIC: A place used for the care, diagnosis and treatment of sick, ailing, infirm, or injured persons, and those who are in need of medical and surgical attention, but who are not provided with board or room or kept overnight on the premises.

CLUB: A building or portion thereof or premises owned or operated by a person for social, literary, political, educational, or recreational purpose primarily for the exclusive use of members and their guests.

COMMERCIAL: See Business, General.

COMMERCIAL ENTERTAINMENT FACILITIES: Any profit making activity which is generally related to the entertainment field, such as motion picture theaters, carnivals, nightclubs, cocktail lounges, and similar entertainment activities.

COMMUNITY CENTER (NEIGHBORHOOD): A structure in a neighborhood and designated as a meeting place or adult recreation parlor. This structure can be part of a picnic area. The center shall be administered by a unit of local government or by a responsible home owners association for the neighborhood or subdivision in which it is located.

COMPREHENSIVE DEVELOPMENT PLAN: A plan, or any portion thereof, adopted by the Village showing the general location and extent of present and proposed physical facilities including housing, industrial and commercial uses, major thoroughfare, parks, schools, and other community facilities. This plan establishes the goals, objectives, and policies of the Village.

COMPREHENSIVE LAND USE DEVELOPMENT PLAN: A plan, or any portion thereof, adopted by the Village, showing the general location and extent of present and proposed physical facilities, including housing, industrial and commercial uses, major thoroughfares, parks, schools, and other community facilities. This plan establishes the goals, objectives and policies of the community.

CONDITIONAL USE: A non-transferable use permitted within a district other than a principally permitted use, requiring a conditional use permit and approval of the Board of Zoning Appeals. Conditional uses permitted in each district are listed in the officia1 Schedule of Conditional Uses (see Chapter 1121).

CONDITIONAL USE PERMIT: A permit issued by the Zoning Inspector upon approval by the Board of Zoning Appeals to allow a use other than a principally permitted use to be established within the district.

CONDOMINIUM: A building or group of buildings in which units are individually owned but the structure, common areas and facilities are owned on a proportional, undivided basis by all of the owners.

CONVENIENCE STORE: Any retail establishment offering for sale prepackaged food products, household items, and other goods commonly associated with the same and having a gross floor area of less than 5,000 square feet.

CORNER LOT : See Lot Types.

CUL-DE-SAC: See Thoroughfare.

DEAD-END STREET: See Thoroughfare.

DENSITY: A unit of measurement expressing the number of dwelling units per acre of land.

1. Gross Density - the number of dwelling units per acre of the total land to be developed.
2. Net Density - the number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses.

DISABLED VEHICLE, RECREATIONAL VEHICLE, TRAILER, MOBILE HOME: Any type of motor vehicle, recreational vehicle, mobile home that meets any one (1) of the following criteria as observed by the Zoning Inspector:

1. Does not have a valid license and does not display a current license;
2. Is apparently mechanically inoperable;
3. Is extensively damaged (i.e. missing wheels, motor, tires or transmission);
4. Is in a dilapidated or broken down state.

DISTRICT: A part, zone, or geographic area within the Village within which certain zoning or development regulations apply.

DWELLING: Any building or structure (except a recreational vehicle or mobile home as defined by Ohio Revised Code 4501.01) which is wholly or partly used or intended to be used for living or sleeping by one or more human occupants.

DWELLING UNIT: Space, within a dwelling, comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing, and toilet facilities, all used by only one family and its household employees.

DWELLING, SINGLE FAMILY: A dwelling consisting of a single dwelling unit only, separated from other dwelling units by open space.

DWELLING, TWO FAMILY: A dwelling consisting of two dwelling units which may be either attached side by side or one above the other, and each unit having a separate or combined entrance or entrances.

DWELLING, MULTI-FAMILY: A dwelling consisting of three or more dwelling units including condominiums with varying arrangements of entrances and party walls. Multi-family housing may include public housing and industrialized units.

DWELLING, INDUSTRIALIZED UNIT: An assembly of materials or products comprising all or part of a total structure which, when constructed, is self-sufficient or substantially self-sufficient and when installed, constitutes a dwelling unit, except for necessary preparations for its placement, and including a modular or sectional unit but not a manufactured home as defined by Ohio Revised Code 4501.01.

EASEMENT: Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

ELDERLY HOUSEHOLD: Not more than three (3) persons, related or unrelated, who occupy a single dwelling unit, of whom one person is elderly.

ELDERLY HOUSING FACILITY: A building or buildings containing twelve (12) or more dwelling units where occupancy is restricted to elderly persons or households. Such facilities may include emergency first aid care, day care, therapy, personal care, nursing facilities, recreational facilities, and provide for independent or semi-independent living. For the purpose of this definition, "elderly housing facility" shall not include convalescent homes, nursing homes, group residential facilities, or homes for the aged.

ELDERLY PERSON: Any person who is sixty-two (62) years of age, or older, or any person under sixty-two (62) years of age who is handicapped such that his physical impairments are of a long-term duration and impede his ability to live independently without a suitable housing environment.

ELECTROMAGNETIC SPECTRUM: The range of all electromagnetic energy.

Ionizing Electromagnetic Energy (IER): The upper portion of the electromagnetic spectrum; includes cosmic, atomic, and X-rays; alters molecular structure of living tissue through which it passes.

Nonionizing Electromagnetic Radiation (NIER): The lower portion of the electromagnetic spectrum; includes household electrical current, radio, television, and microwave communication, radar, and visible light. It is insufficient to ionize living tissue; causes thermal effects; may cause nonthermal effects.

ESSENTIAL SERVICES: The erection, construction, alteration, or maintenance, by public utilities or other government agencies, of underground gas, electrical, steam or water transmission, or distribution systems, collection, communication, supply or disposal systems or sites, including poles, wires, mains, drains, sewers, pipes, traffic signals, hydrants, or other similar equipment and accessories in connection therewith which are reasonably necessary for the furnishing of adequate services by such public utilities or other governmental agencies or for the public health or safety or general welfare, but not including buildings.

EXHIBITOR: Any person owning and exhibiting or contracting or permitting any mechanical or electrically operated amusement device to be installed, used and exhibited in his own place of business, irrespective of the ownership of such device.

FAMILY: A person living alone, or two (2) or more persons living together as a single housekeeping unit in a dwelling unit, as distinguished from a group occupying a rooming house, motel or hotel, dormitory, fraternity or sorority house, provided, however, that "family" shall not include more than four (4) persons unrelated to each other by blood, marriage or legal adoption, except for Class I Type B group residential facilities.

FARM VACATION ENTERPRISES (PROFIT OR NON-PROFIT): Farms adapted for the use as vacation farms, picnicking and sport areas, fishing waters, camping, scenery, and nature recreation areas; hunting areas; hunting preserves and watershed projects.

FEEDLOT: A relatively small, confined land area for fattening or temporarily holding cattle for shipment.

FENCE: A structure erected around or by the side of any open space to restrict passage in or out; especially a structure enclosing or separating yards, fields, etc.

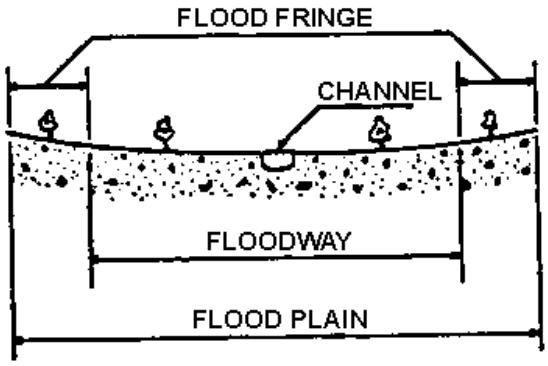
FENCE, BARRIER: A structure at least six (6) feet in height, constructed of non-transparent material, and maintained so as to obscure the junk from the ordinary view of persons passing upon roads covered by sections of the Ohio Revised Code.

FIREARM RANGES AND/OR TARGET SHOOTING BUILDINGS: A facility for the enjoyment of hand gun, rifle or shotgun shooting.

FLAG: Flags of the United States, the State, the Village, foreign nations having diplomatic relations with the United States, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction, provided that such flag shall not exceed sixty (60) square feet in area and shall not be flown from a pole the top of which is more than forty (40) feet in height. These flags must be flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes. Any flag not meeting any one or more of these conditions shall be considered a banner sign and shall be regulated as such.

FLOOD PLAIN: That land, including the flood fringe and the floodway, subject to inundation by the regional flood.

FLOOD REGIONAL: Large floods which have previously occurred or which may be expected to occur on a particular stream because of like physical characteristics. The regional flood generally has an average frequency of the one hundred (100) year recurrence interval flood.



FLOOD PLAIN TERMS

FLOODWAY: That portion of the flood plain, including the channel, which is reasonably required to convey the regional flood waters. Floods of less frequent recurrence are usually contained completely within the floodway.

FLOODWAY FRINGE: That portion of the flood plain, excluding the floodway, where development may be allowed under certain restrictions.

FLOOR AREA OF A RESIDENTIAL BUILDING: The sum of the gross horizontal area of the several floors of a residential building, excluding basement floor areas not devoted to residential use, but including the area of enclosed roofed porches and enclosed roofed terraces. All dimensions shall be measured between interior faces of walls.

FLOOR AREA OF A NON-RESIDENTIAL BUILDING (TO BE USED IN CALCULATING PARKING REQUIREMENTS): The floor area of the specified use excluding stairs, wash rooms, elevator shafts, maintenance shafts and rooms, storage spaces, display windows, and fitting rooms, and similar areas.

FLOOR AREA. USABLE: Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

FOOD PROCESSING: The preparation, storage, or processing of food products. Examples of these activities include bakeries, dairies, canneries, and other similar businesses.

FREQUENCY: The number of cycles completed each second by a sound wave; measured in hertz (Hz). 1 Hz = 1 cycle per second; 1 kilohertz (kHz) = 1,000 Hz; and 1 megahertz (MHz) = 1,000 kHz or 1,000,000 Hz.

GARAGE, PRIVATE: A detached or attached accessory building or portion of a principal building for the parking or temporary storage of automobiles, recreational vehicles, and/or boats of the occupants of the premises.

GARAGE SALE: See Yard Sale.

GARAGE SERVICE STATION: Buildings and premises where gasoline, oil, grease, batteries, tires and motor vehicle accessories may be supplied and dispensed at retail, and where in addition, the following services may be rendered and sales made:

1. Sales and service of spark plugs, batteries and distributors parts;
2. Tire servicing and repair, but not recapping or regrooving;
3. Replacement of mufflers and tail pipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and blades, grease retainers, wheel bearings, mirrors, and the like;
4. Radiator cleaning and flushing;
5. Washing, polishing, and sale of washing and polishing materials;
6. Greasing and lubrication;
7. Providing and repairing fuel pumps, oil pumps, and lines;
8. Minor servicing and repair of carburetors;
9. Adjusting and repairing brakes;

10. Minor motor adjustment not involving removal of the head or crankcase or racing the motor;
11. Sales of cold drinks, packaged food, tobacco, and similar convenience goods for service station customers, as accessory and incidental to principal operations;
12. Provisions of road maps and other informational material to customers, provision of restroom facilities;
13. Warranty maintenance and safety inspections;
14. Major mechanical repairs.

GO CART TRACK: A black-topped area laid out for the riding of go-carts usually rented by the hour.

GOLF COURSE: An area designated as and arranged for the playing of golf. Conventional golf courses consist of a series of fairways and greens with holes numbering one (1) through nine (9) or multiples of nine (9). Par 3 and miniature golf (such as putt-putt) are considered golf courses.

GROUP RESIDENTIAL FACILITY: A group residential facility is a community residential facility, licensed and/or approved and regulated by the State of Ohio, which provides rehabilitative or habilitative services. There are two classes of group residential facilities:

CLASS I: Any state, federal, or locally approved dwelling or place used as a foster home for children or adults (not including nursing homes) or as a home for the care or rehabilitation of dependent or predelinquent children, for the physically handicapped or disabled, or for those with mental illness or development disabilities. A Class I Type A group residential facility contains six (6) or more residents, exclusive of staff. A Class I Type B group residential facility contains five (5) or less residents, exclusive of staff.

CLASS II: Any state, federal, or locally approved dwelling or place used as a home for juvenile offenders; or place used as a home for residential care or rehabilitation for adult offenders in lieu of institutional sentencing; a halfway house providing residence for persons leaving correctional institutions; and residential rehabilitation centers for alcohol and drug abusers, provided that detoxification is expressly prohibited on such premises. A Class II Type A group residential facility contains six (6) or more residents, exclusive of staff. A Class II Type B group residential facility contains five (5) or less residents, exclusive of staff.

HISTORIC AREA: A district or zone designated by a local authority, state or federal government within which the buildings, structures, appurtenances and places are of basic and vital importance because of their association with history, or because of their unique architectural style and scale, including materials, proportion, form and architectural detail, or because of their being a part of or related to a square, park, or area the design or general arrangement of which should be preserved and/or developed according to a fixed plan based on cultural, historical or architectural motives or purposes.

HOME OCCUPATION: Home Occupation means an accessory use which is an activity, profession, occupation, service, craft or revenue-enhancing hobby which is clearly incidental and subordinate to the use of the premises as a dwelling and is without any significant adverse effect upon the surrounding neighborhood. Activities such as teaching, tutoring, babysitting, tax consulting and the like shall involve not more than three receivers of such services at any one time, with the exception of certified or uncertified Type B Family Day-Care Homes, which constitute a residential use and not an accessory use. Chapter 1155 shall apply.

HORSE RIDING CLUB: Persons joined together for the enjoyment of horses and horse riding. Horse riding clubs usually have a show ring, bleachers, and a parking area for contestants and on-lookers of scheduled horse shows.

HOTEL OR MOTEL AND APARTMENT HOTEL AND LODGE: A building in which lodging or boarding and lodging are provided and offered to the public for compensation. As such it is open to the public in contradistinction to a boarding house, rooming house, lodging house, or dormitory which is herein separately defined.

INDUSTRIAL, HEAVY: Manufacturing, processing, assembling, storing, testing, and similar industrial uses which are generally major operations and extensive in character require large sites, open storage and service areas; extensive service and facilities, ready access to regional transportation; and normally generate some nuisances such as smoke, noise, vibration, dust, glare, air pollution, and water pollution, but not beyond the district boundary.

INDUSTRIAL, LIGHT: Manufacturing, or other industrial uses which are usually controlled operations; relatively clean, quiet, and free of objectionable or hazardous elements such as smoke, glare, noise, odor, or dust, operating and storing within enclosed structures; and generating little industrial traffic and no nuisances.

INSTITUTION: Building and/or land designed to aid individuals in need of mental, therapeutic, rehabilitative counseling, or other correctional services.
(Ord. 381-02-03. Passed 5-20-03.)

JUNK: Discarded or inoperative appliances designed for indoor use (refrigerators, freezers, stoves, washers, dishwashers, bar equipment, pool/billiard tables, etc.); construction equipment and material left after a permit expires; trash, garbage, waste and rubbish; unused materials such as windows, screens, lumber, doors, fencing, scrap copper, brass, rope, rags, batteries, rubber, iron, steel and other ferrous/non-ferrous materials; dilapidated or dismantled automobiles (and parts thereof); and yard debris including tree trunks, branches, shrubbery and grasses.
(Ord. 506-01-11. Passed 5-17-11.)

JUNK BUILDINGS, JUNK SHOPS, JUNK YARDS: Any land, property, structure, building, or combination of the same, on which junk is stored or processed.

KENNEL: Any lot or premises on which four (4) or more dogs and/or cats more than four (4) months of age are housed, groomed, bred, boarded, trained, or sold and which offers provisions for minor medical treatment.

LANDFILL: A system of trash and garbage disposal in which the waste is buried between layers of earth.

LOADING SPACE, OFF-STREET: Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking spaces. All off-street loading spaces shall be located totally outside of any street or alley right-of-way.

LOCATION MAP: See Vicinity Map.

LOT: For the purposes of this Ordinance, a lot is a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

1. A single lot of record;
2. A portion of a lot of record;
3. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record.

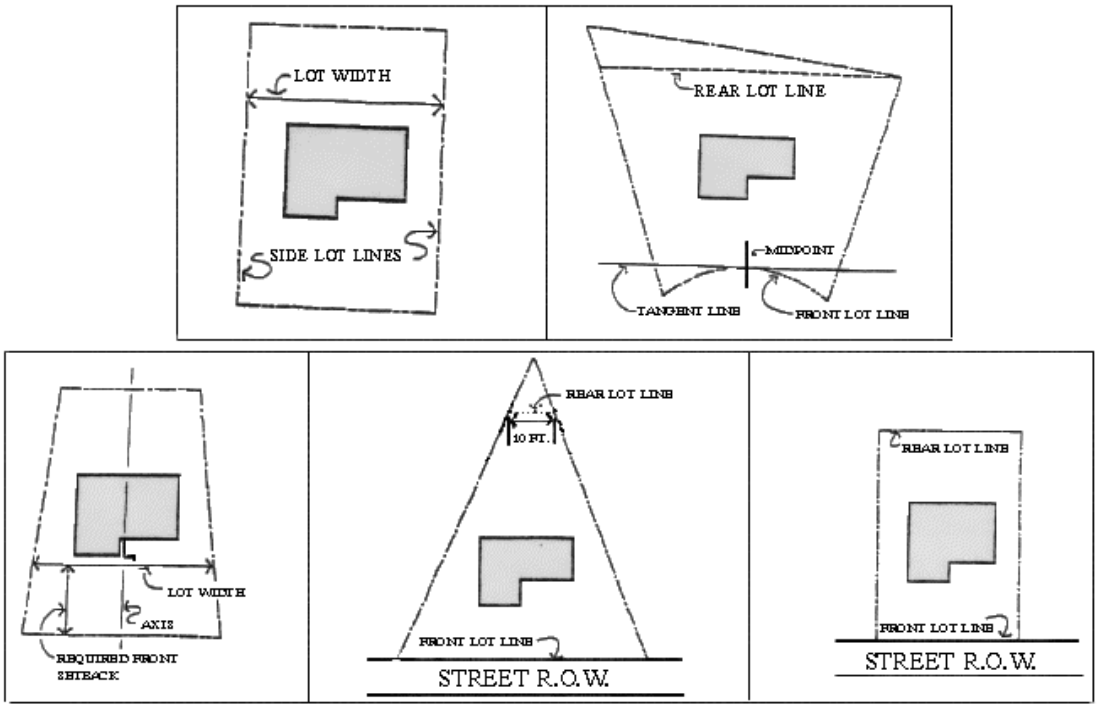
LOT COVERAGE: The ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.

LOT FRONTAGE: The front of a lot shall be construed to be the portion nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under "Yard" in this Section.

LOT, MINIMUM AREA OF: The area of a lot is computed exclusive of any portion of the right-of-way of any public or private street.

LOT MEASUREMENTS: A lot shall be measured as follows:

1. Depth: The distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
2. Width: The distance between straight lines connecting from and rear lot lines at each side of the lot, measured at the building setback line.
3. On cul-de-sacs and curvilinear roads, the minimum frontage will be measured at the setback line.
4. Frontage: Frontage measurements must be continuous, not separated by other parcels.



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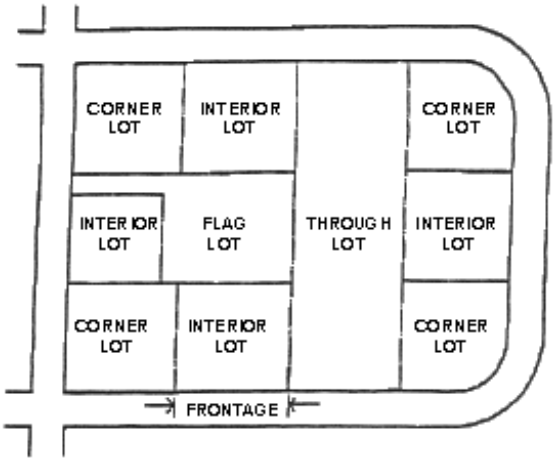
LOT OF RECORD: A lot which is part of a subdivision recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

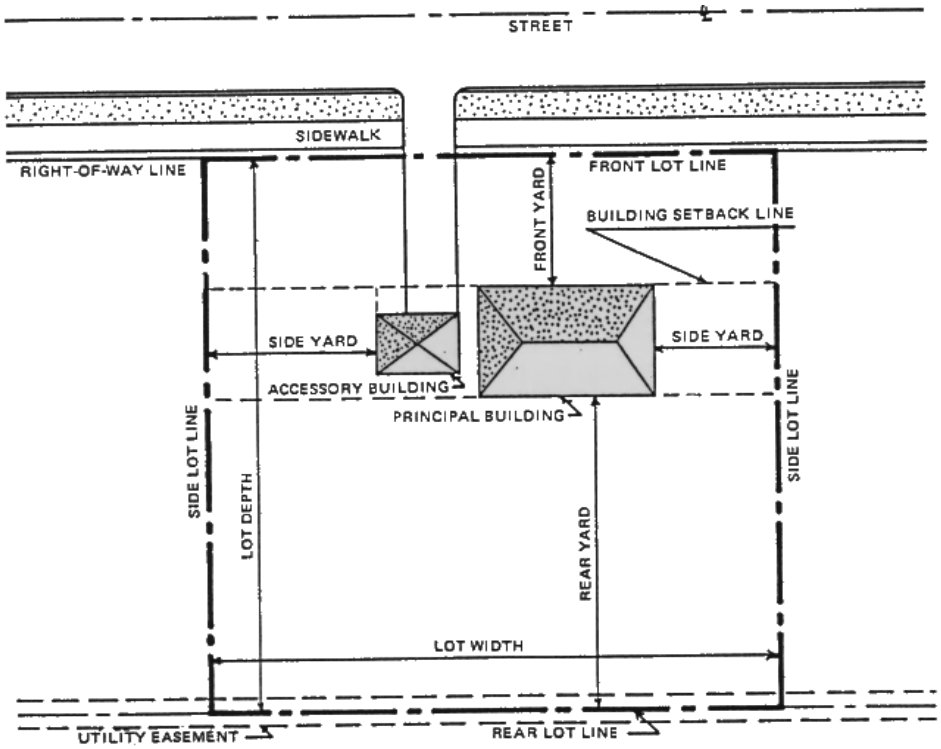
LOT TYPES: Terminology used in this Ordinance with reference to corner lots, interior lots and through lots is as follows:



1. **Corner Lot**: A lot located at the intersection of two (2) or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.
2. **Interior Lot**: A lot with frontage on only one (1) street.
3. **Through Lots**: A lot other than a corner lot with frontage on more than one (1) street. Through lots abutting two streets may be referred to as double frontage lots (see Subdivision Regulations).
4. **Reverse Frontage Lot**: A lot on which frontage is at right angles to the general pattern in the area. A reverse frontage lot may also be a corner lot. (Ord. 381-02-03. Passed 5-20-03.)

LOT TERMS:

Lot area = total horizontal area



Lot coverage = per cent of lot covered by buildings and impervious material (paving).

NOTE: This change now applies the same percent coverage for buildings and impervious material as was applied to only buildings in the previous definitions.

NOTE: The restrictions on percent lot coverage are an effort to limit storm water damage as an increasing percent of the Village land has houses and other buildings constructed on it. (Ord. 381-02-03. Passed 3-20-03; Ord. 470-12-08. Passed 4-21-09.)

MAJOR THOROUGHFARE PLAN: The portion of the comprehensive plan adopted by the Village indicating the general location recommended for arterial, collector, and local thoroughfares within the appropriate jurisdiction.

MAINTENANCE AND STORAGE FACILITIES: Land, buildings, and structures devoted primarily to the maintenance and storage of construction equipment or material.

MANUFACTURED HOME: Any non-self-propelled vehicle transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or forty body feet or more in length or, when erected on site, is three hundred twenty or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. Any such structure as defined in the preceding sentence shall be a Manufactured Home for purposes of this Ordinance whether or not such structure is subject to taxation under Section 4503.06 of the Ohio Revised Code or its successor provisions as a manufactured home, and whether or not such structure is permanently attached to a site and no longer has the potential for mobility, by reason of, but not limited to, lack or surrender of any manufactured home title, physical alteration such as removal of towing tongue, and/or situation on property owned by the owner of such structure. Calculations used to determine the number of square feet in a structure are based on the structure's exterior dimensions measured at the largest horizontal projections when erected on site. These dimensions include all expandable rooms, cabinets, and other projections containing interior space, but do not include bay windows. This dwelling unit shall bear a label certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards (see 24 CFR 3280 for legal definition).

MANUFACTURED HOME PARK: Any site, or tract or land under single ownership, upon which three or more manufactured homes used for habitation are parked, either free of charge or for revenue purposes; including any roadway, building, structure, vehicle, or enclosure used or intended for use as part of the facilities of such park.

MANUFACTURING, HEAVY: See Industrial, Heavy.

MANUFACTURING, LIGHT: See Industrial, Light.

MANUFACTURING, EXTRACTIVE: Any mining, quarrying, excavating processing, storing, separating, cleaning, or marketing or any mineral natural resource.

MARQUEE: Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

MATERIAL RECOVERY FACILITY (WASTE REDUCTION): A centralized facility that receives, separates, processes, and markets recyclable materials. A Material Recovery Facility can be operated in conjunction with both drop off and curbside programs, and can be designed to process separated materials or co-mingled recyclables.

MECHANICAL OR ELECTRONICALLY OPERATED AMUSEMENT DEVICE: Any machine, device or instrument which, by the payment of a fee or other things of value, or by the insertion of a coin, plate, disc, slug, key or token, operates or may be operated as a game, contest or amusement, and which contains no automatic pay-off device for the return of money, coins, tokens, or merchandise or check redeemable in money or anything of value. Mechanical or electronically operated amusement device includes, but is not limited to, devices such as mechanical baseball, mechanical football, pinball machines, any table game or device commonly known as an electronic game, and other similar types of devices, provided, however, that this definition is not intended to, nor shall it be construed to, include merchandise vending machines or coin operated mechanical or electrical musical instruments or devices.

MICROWAVE: Electromagnetic radiation with frequencies higher than 1,000 MHz; highly directional when used for radio frequency transmissions; transmitted from point to point at relatively low power levels compared to other forms of transmission.

MOBILE HOME : See Manufactured Home.

MOBILE HOME PARK: See Manufactured Home Park.

MODULAR HOMES: Factory-built housing certified as meeting the Ohio Building Code as applicable to modular housing. Once certified by the Ashtabula County Department of Building Regulations, modular homes shall be subject to the same standards as site-built homes.

NONCONFORMITIES: Lots, uses of land, structures, and uses of structures and land in combination lawfully existing at the time of enactment of this Ordinance or its amendments which do not conform to the regulations of the district or zone in which they are situated, and are therefore incompatible.

NUDE OR NUDITY: The showing, representation, or depiction of human male or female genitals, pubic area, or buttocks with less than full opaque covering of any portion thereof, or female breast(s) with less than a full opaque covering of any portion thereof below the top of the nipple, or of covered male genitals in a discernibly turgid state.

NURSERY, NURSING HOME: A home or facility for the care and treatment of babies, children, pensioners, or elderly people.

NURSERY, PLANT MATERIALS: Land, building, structure, or combination thereof for the storage, cultivation, transplanting of live trees, shrubs, or plants offered for retail sale on the premises including products used for gardening or landscaping.

OCCUPANCY PERMIT: When a building is being altered, enlarged, constructed, or reconstructed, its owner or agent shall apply to the Zoning Inspector for a Certificate of Occupancy before the intended occupant resumes use of or moves into the designated structure. If the structure has occupants while being altered or enlarged, only the new sections will be involved in the occupancy permit. A new certificate of occupancy shall be required if there are substantial variations from the operations referred to in the building permit or previous certificate of occupancy permitting such use.

OPEN SPACE: An area substantially open to the sky which may be on the same lot with a building. The area may include, along with the natural environmental features, water areas, swimming pools, and tennis courts, any other recreational facilities that the Planning Commission deems permissive. Streets, parking areas, structures for habitation, and the like shall not be included.

OVERLAY DISTRICT: A district described by the zoning map within which, through superimposition of a special designation, furthermore regulations and requirements apply in addition to those of the underlying districts to which such designation is added.

PARK TRAILER: A recreational vehicle that meets the following criteria:

1. Built on a single chassis mounted on wheels.
2. Primarily designed as temporary living quarters for seasonal or destination camping which may be connected to utilities necessary for operation of installed fixtures and appliances.
3. Having a gross trailer area not exceeding 400 square feet in the set-up mode.
4. Having a gross trailer area not less than 240 square feet and certified by the manufacturer as complying with ANSI A119.5.

PARKING SPACE, OFF-STREET: For the purpose of this Ordinance, an off-street parking space shall consist of an area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, but shall be located totally outside of any street or alley right-of-way.

PENNANT: Any lightweight plastic, fabric, or other material, not containing a message of any kind, suspended from a rope or wire, or string, always in series designed to move in the wind.

PERFORMANCE BOND OR SURETY BOND: An agreement by a subdivider or developer with the Village for the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the subdividers agreement.

PERSONAL SERVICES: Any enterprise conducted for gain which primarily offers services to the general public such as shoe repair, watch repair, barber shops, beauty parlors, and similar activities.

PICNIC GROUNDS: An area either public or private designated as a site for picnic table, pavilions, rest rooms and necessary accessories. Picnic grounds are sometimes associated with Play Grounds and/or Swimming Pool areas.

PLANNED UNIT DEVELOPMENT: An area of land in which a variety of housing types and subordinate commercial and industrial facilities are accommodated in a pre-planned environment under more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations. The procedure for approval of such development contains requirements in addition to those of the standard subdivision, such as building design principles, and landscaping plans.

PREMISES: A lot together with all buildings and structures thereon.

PRINCIPAL USE: The main or primary use. There can be only one principal use per zone lot. See also Building, Principal.

PROFESSIONAL ACTIVITIES: The use of offices and related spaces for such professional services as are provided by medical practitioners, lawyers, architects, and engineers, and similar professions.

PLAYGROUND, TOT LOT: An area either public or private designed as a site for swings, slides, and other playground facilities. Playgrounds are common accessory uses for a picnic ground or swimming pool area.

PUBLIC SERVICE FACILITY: The erection, construction, alteration, operation, or maintenance of buildings, power plants, or substations, water treatment plants or pumping stations, sewage disposal or pumping plants and other similar public service structures by a public utility, by a railroad, whether publicly or privately owned, or by another governmental agency, including the furnishing of electrical, gas, rail transport, communication, public water and sewage services.

PUBLIC USES: Public parks, schools, administrative and cultural buildings and structures, not including public land or buildings devoted solely to the storage and maintenance of equipment and materials and public service facilities.

PUBLIC WAY: An alley, avenue, boulevard, bridge channel, ditch, easement, expressway, freeway, highway, land, parkway, right-of-way, road, sidewalk, street, subway, tunnel, viaduct, walk, bicycle path; or other ways in which the general public or a public entity have a right, or which are dedicated, whether improved or not.

QUASIPUBLIC USE: Churches, Sunday Schools, parochial schools, colleges, hospitals, and other facilities of an educational, religious, charitable, philanthropic, or non-profit nature.

RADIO: A generic term referring to communication of impulses, sounds, and pictures through space by means of an electromagnetic wave; specifically, refers to transmission of sound within short-wave, FM, AM, and land-mobile radio frequencies.

RECREATION CAMP: An area of land on which two or more recreational vehicles, tents, or other similar temporary recreational structures are regularly accommodated with or without charge, including any building, structure, or fixture of equipment that is used or intended to be used in connection with providing such accommodations.

RECREATION FACILITIES: Public or private facilities that may be classified as either "extensive" or "intensive" depending upon the scope of services offered and the extent of use. Extensive facilities generally require and utilize considerable areas of land and include, but need not be limited to hunting, fishing, and riding clubs and parks. Intensive facilities generally require less land (used more intensively) and include, but need not be limited to, miniature golf courses, amusement parks, stadiums, and bowling alleys.

RECREATIONAL VEHICLE: A vehicular, portable structure built on or carried on a chassis, designed to be used as a temporary dwelling for travel and recreational purposes, having a body width not exceeding eight (8) feet and a length not exceeding thirty-five (35) feet. Representative of this type or unit is:

1. **Travel Trailer** (including Fifth Wheel Trailer): A nonself-propelled recreational vehicle not exceeding an overall length of thirty-five (35) feet, exclusive of bumper and tongue or coupling, and includes a tent type fold-out camping trailer as defined in division S of section 4517.01 of the Ohio Revised Code.
2. **Motor Home**: A self-propelled recreational vehicle constructed with permanently installed facilities for cold storage, cooking and consuming of food and for sleeping.
3. **Truck Camper**: A nonself-propelled recreational vehicle, without wheels for road use, and designed to be placed upon and attached to a motor vehicle. Truck camper does not include truck covers which consist of walls and roof but do not have floors and facilities for using same as a dwelling.
4. **Van Camper**: Converted school and commercial passenger buses are sometimes used as recreational vehicles but do not carry the seal of the RECREATIONAL VEHICLE organization. In some instances, a simple tent is also considered a Recreational Vehicle.
5. **Park Trailer**: A recreational vehicle that meets the following criteria:
   a. Built on a single chassis mounted on wheels.
   b. Primarily designed as temporary living quarters for seasonal or destination camping which may be connected to utilities necessary for operation of installed fixtures and appliances.
   c. Having a gross trailer area not exceeding 400 square feet in the set-up mode.
   d. Having a gross trailer area not less than 240 square feet and certified by the manufacturer as complying with ANSI A119.5.

RECYCLING: The process of collecting, sorting, cleansing, treating, and reconstituting waste or other discarded material for the purpose of recovering and reusing the materials.

RESEARCH ACTIVITIES: Research, development, and testing related to such fields as chemical, pharmaceutical, medical, electrical, transportation, and engineering. All research, testing, and development shall be carried on within entirely enclosed buildings, and no noise, smoke, glare, vibration, or odor shall be detected outside of said building.

RIGHT-OF-WAY: A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities and may include special features (required by the topography or treatment) such as grade separation, landscape areas, viaducts, and bridges.

ROADSIDE STAND: A temporary structure designed or used for the display or sale of agricultural and related products.

ROMEROCK ASSOCIATION: The property owners' association established pursuant to the covenants and restrictions of the Roaming Rock Shores Subdivision.

SANITARY LANDFILL: Land waste disposal site that is located to minimize water pollution from runoff and leaching. Waste is spread in thin layers, compacted, and covered with a fresh layer of soil each day to minimize pest, aesthetic, disease, air pollution, and water pollution problems.

SATELLITE SIGNAL RECEIVER: A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. "Dish-type Satellite Signal-Receiving Antennas", "earth stations" or "ground stations", whether functioning as part of a basic service system, direct broadcast satellite system, or multi-point distribution service system, shall mean one, or a combination of two or more of the following:

1. A signal-receiving device such as a dish antenna whose purpose is to receive communications or signals from earth-orbiting satellites or similar sources.
2. A low-noise amplifier (LNA) whose purpose is to boost, magnify, store, transfer or transmit signals.
3. A coaxial cable whose purpose is to convey or transmit signals to a receiver.

SCRAP METAL PROCESSING FACILITY: An establishment having facilities for processing iron, steel, or non-ferrous scrap and whose principal product is scrap iron and steel or non-ferrous scrap for sale for remelting purposes.

SEAT: For the purpose of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated, or each twenty-four (24) lineal inches of benches, pews, or space for loose chairs.

SETBACK LINE: A line established by this Ordinance, generally parallel with and measured from the lot line, defining the limits of a yard in which no building, other than accessory building, or structure may be located above ground, except as may be provided in said code.

SEWERS, CENTRAL OR GROUP: An approved sewage disposal system which provides a collection network and disposal system and central sewage treatment facility for a single development, community, or region.

SEWERS, ON-SITE: A septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.

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

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

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

SIDEWALK: That portion of the road right-of-way outside the roadway, which is improved for the use of pedestrian traffic.

SIGN: Any visual communication display, object, device, graphic, structure, or part, situated indoors or outdoors, or attached to, painted on, or displayed from a building or structure, in order to direct or attract attention to, or to announce or promote, an object, person, service, product, event, location, organization or the like, by means of letters, words, designs, colors, symbols, fixtures, images or illuminations.

1. **Sign, on-premises**: Any sign related to a business or profession conducted, or a commodity or service sold or offered upon the premises where such sign is located.
2. **Sign, off-premises**: Any sign unrelated to a business or profession conducted, or to a commodity or service sold or offered upon the premises where such sign is located. All billboards shall be considered off-premise signs.
3. **Sign, Canopy**: Any sign that is part of or attached to an awning, canopy or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.
4. **Sign, Illuminated**: Any sign illuminated by electricity, gas, or other artificial light including reflecting or phosphorescent light.
5. **Sign, Incidental**: A sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as "no parking", "entrance", "loading only", "Telephone", and other similar directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental.
6. **Sign, Lighting Device**: Any light, string of lights, or group of lights located or arranged so as to cast illumination on a sign.
7. **Sign, Portable**: Any sign not permanently affixed to the ground or to a building, including any sign attached to or displayed on a vehicle that is used for the expressed purpose of advertising a business establishment, product, service, or entertainment, when that vehicle is so parked as to attract the attention of the motoring or pedestrian traffic.
8. **Sign, Projecting**: Any sign which projects from the exterior of a building.
9. **Sign, Residential**: Any sign located in a district zoned for residential uses that contains no commercial message.
10. **Sign, Roof**: Any sign placed on the roof of any building where the supporting structure is not screened so the sign appears to be a continuation of the face of the building.
11. **Sign, Temporary**: Any sign that is used only temporarily and is not permanently mounted.
12. **Sign, Wall**: Any sign attached parallel to, but within six inches of a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.
13. **Sign, Window**. Any sign, pictures, symbol or combination thereof, designed to communicate information about an activity, business or commodity, event, sale, or service that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

SIGN TYPES:

SITE-BUILT HOMES: Dwelling unit constructed on the lot in accordance to the Ohio Building Code and inspected/approved by the Ashtabula County Department of Building Regulations.

SOLID WASTE: Unwanted residual solid or semisolid material as results from residential, industrial, commercial, agricultural, and community mining, or demolition operations, or other waste material of the type that would normally be included in demolition debris, nontoxic fly ash, spent nontoxic foundry sand, and slag and other substances that are not harmful or contrary to public health, and non-combustible material, street dirt, and debris. Solid Waste does not include any material that is an infectious waste or hazardous waste.

SOLID WASTE COMPOST FACILITY: A compost facility for the controlled degradation of municipal solid waste. Included in this process is the removal of non-compostible inorganic materials.

STABLE: A land use usually found in an agricultural area and consisting of breeding, training, housing, and rental of saddle horses.

STORY: That part of a building between the surface of a floor and the ceiling immediately above. (Ord. 381-02-03. Passed 5-20-03.)

STRUCTURE: That which is constructed having a location on or in the ground or attached to that having location on or in the ground including, but not limited to buildings, outdoor seating facilities, outdoor theaters, swimming pools, platforms, tents, towers, bridges, fences, barriers, poles, roadside signs and earthen mounds higher than two feet (excluding vegetation).
(Ord. 518-06-11. Passed 9-20-11.)

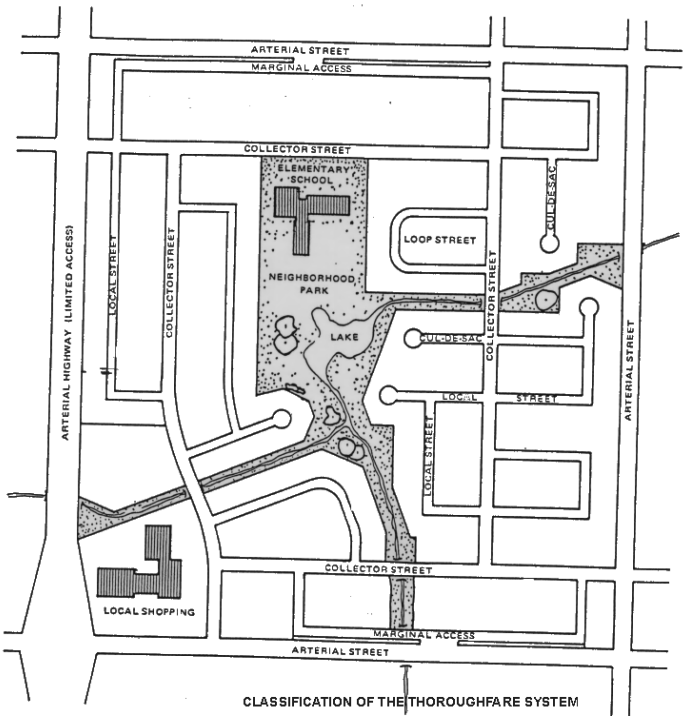
SUBDIVISION: The division of a lot, tract, or parcel into two or more lots, tracts, or parcels or other divisions of land for sale, development, or lease (see Ohio Revised Code 711.001).

SWIMMING POOL: A structure intended primarily for swimming or wading containing at least one and one-half (1-1/2) feet of water at any point and maintained by the owner or manager.

1. Private: Exclusively used without paying an additional charge for admission by the residents and guests of a single household, a multi-family development, or a community, the members and guests of a club, or the patrons of a motel or hotel; an accessory use.
2. Community: Operated with a charge for admission; a primary use.

THOROUGHFARE, STREET OR ROAD: The full width between property lines bounding every public way of whatever nature, with a part thereof to be used or vehicular traffic and designated as follows:

1. **Alley**: A minor street used primarily for vehicular service access to the back or side of properties abutting on another street.
2. **Arterial Street**: A general term denoting a highway primarily for through traffic, carrying heavy loads and large volume of traffic, usually on a continuous route.
3. **Collector Street**: A thoroughfare, whether within a residential, industrial, commercial, or other type of development, which primarily carries traffic from local streets to arterial streets, including the principal entrance and circulation routes within residential subdivisions.
4. **Cul-de-Sac**: A local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turnaround.
5. **Dead-End Street**: A street temporarily having only one outlet for vehicular traffic and intended to be extended or continued in the future.
6. **Local Street**: A street primarily for providing access to residential or other abutting property.
7. **Loop Street**: A type of local street, each end of which terminates at an intersection with the same arterial or collector street, and whose principal radius points of the one hundred and eighty (180) degree system of turns are not more than one thousand (1,000) feet from said arterial or collector street, nor normally more than six hundred (600) feet from each other.
8. **Marginal Access Street**: A local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets. (Also called Frontage Streets.)



THROUGH LOT: See Lot Types.

TIME SHARING: A land use concept which involves the transfer of ownership by deed of an undivided fee interest (share) in property to an individual or group of individuals for the use, occupancy, or possession of which circulates among owners according to a fixed or floating time basis.

TRAILER: Any vehicle without motive power designed or used for carrying property or persons wholly on its own structure and for being drawn by a motor vehicle, and includes any such vehicle when formed by or operated as a combination of a semitrailer and a vehicle of the dolly type such as that commonly known as a trailer dolly, and a vehicle used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm when drawn or towed on a public road or highway at a speed greater then twenty-five (25) miles per hour.
See also "Recreational Vehicle".

TRANSFER STATION: A facility where the solid waste from several relatively small vehicles is placed into one relatively large vehicle before being hauled to a disposal site.

TRANSMISSION TOWER: The structure on which transmitting and/or receiving antennas are located. An AM radio tower is its own transmitting antenna.

TRANSMITTER: Equipment that generates radio signals for transmission via antenna.

TRANSPORTATION, DIRECTOR OF: The Director of the Ohio Department of Transportation.

USE: The specific purpose for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.

VARIANCE: A variance is a modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

VETERINARY ANIMAL HOSPITAL OR CLINIC: A place used for the care, grooming, diagnosis, and treatment of sick, ailing, infirm, or injured animals, and those who are in need of medical or surgical attention, and may include overnight accommodations on the premises for the treatment, observation and/or recuperation. It may also include boarding that is incidental to the primary activity.

VICINITY MAP: A drawing located on the plat which sets forth by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and services within the general area in order to better locate and orient the area in question.

WALKWAY: A public way, not less that four (4) feet wide, either along a seawall or the side of the road for pedestrian use only.

WASTE RECYCLING CENTER: A center which accepts solid waste that is otherwise destined for disposal although not necessarily on that location. The materials are collected, reprocessed or remanufactured, and ultimately reused.

WATER SLIDE: A recreational land use which utilizes a number of downhill slides along with water to propel the slider down the course.

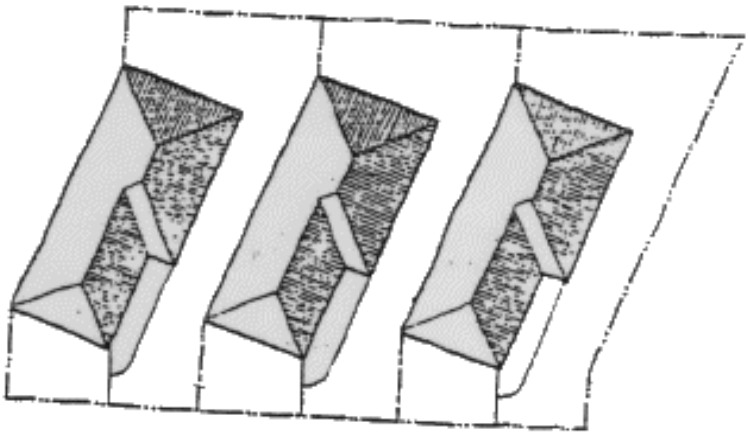
YARD: A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from three (3) feet above the general ground level of the graded lot upward; provided, accessories, ornaments, and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.

1. **Yard, Front**: A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the princica1 building.
2. **Yard, Rear**: A yard extending between the side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.
3. **Yard, Side**: A yard extending from the principal building to the side lot line on both sides of the principa1 building between the lines establishing the front and rear yards.

YARD SALE: Also known as Porch, Lawn, Basement, Barn, Garage, House, Flea Market, etc. (sales). The sale of varied used household items but not to include food or agricultural products. This sale is by and for the residents or family of a household or residential dwelling unit.

YARD WASTE COMPOST FACILITY: The controlled biological decomposition of leaves, grass clippings, prunings, and other natural organic solid waste under aerobic conditions.

ZERO LOT LINE DEVELOPMENT: An arrangement of housing on adjoining lots in which the required side yard is reduced on one (1) side and increased on the other so that the sum of the offsets on any lot is no less than the sum of the required offsets. No building or structure shall be closer to a lot line than five (5) feet unless it abuts the lot line and is provided with an access easement of five (5) feet on the adjoining lot or abuts a building or structure on the adjoining lot. The offset adjacent to property not included in the zero lot line development or a street shall not be less than that required in the zoning district.



ZERO LOT LINE

ZONE LOT: A parcel of land in single ownership that is of sufficient size to meet minimum zoning requirements for area, coverage, and use, and that can provide such yards and other open spaces as required by the zoning regulations.

ZONING INSPECTOR: The Zoning Inspector is the person designated by the Village to administer and enforce zoning regulations and related ordinances.

ZONING PERMIT: A document issued by the Zoning Inspector authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses.

ADDITIONAL DEFINITIONS

BOAT LIFT: A structure that raises a watercraft out of the water.

CHANNELING: To form a channel, groove or furrow for the purpose of guiding or directing water entering or exiting Lake Roaming Rock or Flame Lake in a particular course or direction.

DECK: A structure for outdoor usage that is built above grade and constructed of wood or other material.

DOCK: A structure used for mooring a watercraft(s) that extends into the lake beyond the seawall.

DOCK BOX: Any container placed on a dock for storage.

EROSION CONTROL DEVICE: A device installed to prevent soil from being washed into surrounding waterways.

GAZEBO: A roofed structure with open or lattice work sides that may be screened.

LANDSCAPE WALL: A decorative wall that outlines a landscaped area.

PATIO: A structure for outdoor usage that is on the ground and constructed of various materials.

RETAINING WALL: A wall built to hold back earth to control erosion.

RIP RAP: A stone or stone like material used to prevent waterline erosion.

UNDEVELOPED LOT: Any lot which does not contain a principal structure.

WET SLIP BOATHOUSE: A boathouse constructed by recessing into the landward side of a seawall.

WET SLIP DOCK: A boat dock constructed by recessing into the land ward side of a seawall. (Ord. 381-02-03. Passed 5-20-03.)

CHAPTER 1113
Nonconformities

1113.01 Purpose.
1113.02 Uses under conditional use provisions not nonconforming uses.
1113.03 Incompatibility of nonconformities.
1113.04 Avoidance of undue hardship.
1113.05 Certificates for nonconforming uses.
1113.06 Substitution of nonconforming uses.
1113.07 Single nonconforming lots of record.
1113.08 Nonconforming lots of record in combination.
1113.09 Nonconforming uses of land.
1113.10 Nonconforming structures.
1113.11 Nonconforming uses of structures or of structures and land in combination.
1113.12 Termination of use through discontinuance.
1113.13 Termination of use by damage or destruction.
1113.14 Repairs and maintenance.

1113.01 PURPOSE.

Within the districts established by this Ordinance, or by amendments thereto which may later be adopted, lots, uses of land, structures, and uses of structures and land in combination exist which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Ordinance. The legitimate interest of those who lawfully established these nonconformities is herein recognized by providing for their continuance, subject to regulations limiting their completion, restoration, reconstruction, extension, and substitution. Furthermore, nothing contained in this Ordinance shall be construed to require any change in the layout, plans, construction, size or use of any lot, structure, or structure and land in combination, for which a zoning permit became effective prior to the effective date of this Ordinance, or any amendment thereto. Nevertheless, while it is the intent of this Ordinance that such nonconformities be allowed to continue until removed, they should not be encouraged to survive. Therefore, no nonconformity may be moved, extended, altered, expanded, or used as grounds for any other use(s) or structure(s) prohibited elsewhere in the district without the approval of the Board of Zoning Appeals, except as otherwise specifically provided for in this Ordinance.
(Ord. 381-02-03. Passed 5-20-03.)

1113.02 USES UNDER CONDITIONAL USE PROVISIONS NOT NONCONFORMING USES.

Any use which is permitted as a conditional use in a district under the terms of this Ordinance shall not be deemed a non-conforming use in such district, but shall without further action be considered a conforming use.
(Ord. 381-02-03. Passed 5-20-03.)

1113.03 INCOMPATIBILITY OF NONCONFORMITIES.

Nonconformities are declared by this Ordinance to be incompatible with permitted uses in the districts in which such uses are located. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land in combination shall not be extended or enlarged after passage of this Ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be generally prohibited in the district in which such use is located.
(Ord. 381-02-03. Passed 5-20-03.)

1113.04 AVOIDANCE OF UNDUE HARDSHIP.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that the work shall be carried out diligently.
(Ord. 381-02-03. Passed 5-20-03.)

1113.05 CERTIFICATES FOR NONCONFORMING USES.

The Zoning Inspector may upon his own initiative, or shall upon the request of any owner, issue a certificate for any lot, structure, use of land, use of structure, or use of land and structure in combination, that certifies that the lot, structure or use is a valid nonconforming use. The certificate shall specify the reason why the use is a nonconforming use, including a description of the extent and kind of use made of the property in question, the portion of the structure or land used for the nonconforming use, and the extent that dimensional requirements are nonconforming. The purpose of this section is to protect the owners of lands or structures that are or become nonconforming. No fee shall be charged for such a certificate. One copy of the certificate shall be returned to the owner and one copy shall be retained by the Zoning Inspector, who shall maintain as a public record a file of all such certificates.
(Ord. 381-02-03. Passed 5-20-03.)

1113.06 SUBSTITUTION OF NONCONFORMING USES.

So long as no structural alterations are made, except as required by enforcement of other codes or ordinances, any nonconforming use may, upon appeal to and approval by the Board of Zoning Appeals, be changed to another nonconforming use of the same classification or of a less intensive classification, or the Board shall find that the use proposed for substitution is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board may require that additional conditions and safeguards be met, which requirements shall pertain as stipulated conditions to the approval of such change, and failure to meet such conditions shall be considered a punishable violation of this Ordinance. Whenever a nonconforming use has been changed to a less intensive use or becomes a conforming use, such use shall not thereafter be changed to a more intensive use.
(Ord. 381-02-03. Passed 5-20-03.)

1113.07 SINGLE NONCONFORMING LOTS OF RECORD.

In any district in which single-family dwellings are permitted, a single family dwelling and customary accessory building as may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance, not withstanding limitations imposed by other provisions or this Ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variances of requirements listed in Chapter 1133 other than lot area or lot width shall be obtained only through action of the Board of Zoning Appeals as provided in Chapter 1117.
(Ord. 381-02-03. Passed 5-20-03.)

1113.08 NONCONFORMING LOTS OF RECORD IN COMBINATION.

If two or more lots or a combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots with no buildings do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Ordinance, nor shall any division of any parcel be made which creates a lot with a width or area below the requirements stated in this Ordinance.
(Ord. 381-02-03. Passed 5-20-03.)

1113.09 NONCONFORMING USES OF LAND.

Where, at the time of adoption of this Ordinance, lawful uses of land exist which would not be permitted by the regulations imposed by this Ordinance, the uses may be continued so long as they remain otherwise lawful, provided:

1. No such nonconforming uses shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance;
2. No such nonconforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of this Ordinance;

3. If any such nonconforming uses of land are discontinued or abandoned for more than one (1) year (except when government action impedes access to the premises), any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located;
4. No additional structure not conforming to the requirements of this Ordinance shall be erected in connection with such nonconforming use of land.
(Ord. 381-02-03. Passed 5-20-03.)

1113.10 NONCONFORMING STRUCTURES.

Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, its location on the lot, bulk, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity;
2. Should such nonconforming structure or nonconforming portion of a structure be destroyed by any means, it shall not be reconstructed except in conformity with the provisions of this Ordinance;
3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
4. Recreational vehicles, mobile homes and trailers as defined by Chapter 1109 (excepting manufactured homes as defined by this Ordinance) are not structures, and Sections 1113.10 and 1113.11 do not apply.
(Ord. 381-02-03. Passed 5-20-03.)

1113.11 NONCONFORMING USES OF STRUCTURES OR OF STRUCTURES AND LAND IN COMBINATION.

If a lawful use involving individual structures, or of a structure and land in combination, exists at the effective date of adoption or amendment of this Ordinance that would not be allowed in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;
2. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building;
3. If no structural alterations are made, any nonconforming use of a structure or structure and land in combination, may, upon appeal to the Board of Zoning Appeals, be changed to another nonconforming use provided that the Board of Zoning Appeals shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accord with other provisions of this Ordinance;

4. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed;
5. When a nonconforming use of a structure, or structure and land in combination, is discontinued or abandoned for more than one (1) year (except when government action impedes access to the premises), the structure, or structure and land in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located;
6. Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. (Ord. 381-02-03. Passed 5-20-03.)

1113.12 TERMINATION OF USE THROUGH DISCONTINUANCE.

When any nonconforming use is discontinued or abandoned for more than one (1) year, any new use shall not thereafter be used except in conformity with the regulations of the district in which it is located, and the nonconforming use may not thereafter be resumed. The intent to continue a nonconforming use shall not be evidence of its continuance.
(Ord. 381-02-03. Passed 5-20-03.)

1113.13 TERMINATION OF USE BY DAMAGE OR DESTRUCTION.

In the event that any nonconforming building or structure is destroyed by any means to the extent of more than fifty (50) percent of the cost of replacement of such structure, exclusive of foundation, it shall not be rebuilt, restored, or reoccupied for any use unless it conforms to all regulations of this Ordinance. When such a nonconforming structure is damaged or destroyed to the extent of fifty (50) percent or less of the replacement cost, no repairs or rebuilding shall be permitted except in conformity with all applicable regulations of this Ordinance and the following conditions:

1. A Zoning Certificate pertaining to such restoration shall be applied for and issued within one (1) year of such destruction, and rebuilding shall be diligently pursued to completion.
2. Such restoration shall not cause a new nonconformity, nor shall it increase the degree of nonconformance or noncompliance existing prior to such damage or destruction. (Ord. 381-02-03. Passed 5-20-03.)

1113.14 REPAIRS AND MAINTENANCE.

On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, provided that the cubic content existing when it became nonconforming shall not be increased. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official. Where appropriate, a building permit for such activities shall be required.
(Ord. 381-02-03. Passed 5-20-03.)

CHAPTER 1117
Appeals and Variances

1117.01 General.
1117.02 Appeals.
1117.03 Stay of proceedings.
1117.04 Variances.
1117.05 Standards for variances.
1117.06 Additional conditions and safeguards.
1117.07 Public hearing by the Board of Zoning Appeals.
1117.08 Notice of public hearing in newspaper.
1117.09 Notice to parties in interest.
1117.10 Action by Board of Zoning Appeals.
1117.11 Term of variance.
1117.12 Authorized variance.

1117.01 GENERAL.

Appeals and variances shall conform to the procedures and requirements of Sections 1117.02 to 1117.12 inclusive, of this Ordinance. As specified in Section 1165.09, the Board of Zoning Appeals has appellate jurisdiction relative to appeals and variances.
(Ord. 381-02-03. Passed 5-20-03.)

1117.02 APPEALS.

Appeals to the Board of Zoning Appeals concerning interpretation or administration of this Ordinance may be taken by any person aggrieved or by any officer or bureau of the legislative authority of the Village affected by any decision of the Zoning Inspector. Such appeal shall be taken within twenty (20) days after the decision by filing, with the Zoning Inspector and with the Board of Zoning Appeals, a notice of appeal specifying the grounds upon which the appeal is being taken. The Zoning Inspector shall transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed was taken.
(Ord. 381-02-03. Passed 5-20-03.)

1117.03 STAY OF PROCEEDINGS.

An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Inspector from whom the appeal is taken certifies to the Board of Zoning Appeals after the notice of appeal is filed with the Zoning Inspector, that by reason of facts stated in the application, a stay would, in the Zoning Inspector's opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Zoning Appeals or by a court of record on application, on notice to the Zoning Inspector from whom the appeal is taken on due cause shown.
(Ord. 381-02-03. Passed 5-20-03.)

1117.04 VARIANCES.

(a) The Board of Zoning Appeals may authorize upon appeal in specific cases such variance from the terms of this section pursuant to Section 1117.05 and Section 1117.12. No non-conforming use of neighboring lands, structures or buildings in the same district, and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be grounds for issuance of a variance.

(b) The Board of Zoning Appeals shall not consider any request for a variance unless the following have been submitted:

(1) Name, address and telephone number of the applicant.
(2) A copy of the deed with complete legal description.
(3) Description or nature of the variance requested, including a drawing of property lines, setbacks and structures where appropriate.
(4) A fee as provided by ordinance.
(5) A narrative considering the factors found in Section 1117.05.
(Ord. 569-10-12. Passed 6-18-13.)

1117.05 STANDARDS FOR VARIANCES.

(a) When considering a request for a variance the Board shall be subject to the powers and the limitation of powers set forth in the Zoning Code and further subject to the required findings set forth in subsection (b) or subsection (c) depending on the type of variance sought. The applicant for variance shall have the burden of proof in these proceedings.

(b) Lot Area or Setback Areas. No variance to the provisions or requirements of the Zoning Code, pertaining to the lot area or setback shall be granted by the Board unless the Board has determined that a practical difficulty does exist or will result from a literal enforcement of the Zoning Code. The factors to be considered and weighed by the Board in determining whether a property owner, seeking an area or setback variance, has proved practical difficulty, include:

(1) Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
(2) Whether the variance is substantial;
(3) Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;
(4) Whether the variance would adversely affect the delivery of government services (e.g., water, sewer, garbage, fire, police or other);
(5) Whether the property owner purchased the property with the knowledge of the zoning restriction;
(6) Whether the property owner's predicament can be obviated through some method other than a variance;

(7) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance;

(8) The granting of the variance will not be contrary to the general purpose, intent and objectives of this Zoning Code or other adopted plans of the Village of Roaming Shores.

(c) Variances Other than Area and Lot Setback. The Board may authorize a variance, other than for lot area and/or setback, in specific cases, from the strict application of the Zoning Code; provided that it has considered the factors enumerated in subsections (b)(1) to (8) above, and further provided that all conditions enumerated in subsections (c)(1) to (5) below have been met:

(1) That the variance requested rises from such a condition which is unique and which is not ordinarily found in the same zoning district; and is created by the Zoning Code and not be an action or actions of the property owner or the applicant;

(2) That the granting of the variance will not adversely affect the rights of adjacent property owners or residents.

(3) That the strict application of the Zoning Code of which variance is requested will constitute unnecessary hardship upon the property owner or the applicant;

(4) That the variance desired will not adversely affect the public health, safety, morals or general welfare; and

(5) That granting the variance desired will not be opposed to the general spirit and intent of the Zoning Code.

(Ord. 569-10-12. Passed 6-18-13.)

1117.06 ADDITIONAL CONDITIONS AND SAFEGUARDS.

The Board may further prescribe any conditions and safeguards that it deems necessary to insure that the objectives of the regulations or provisions to which the variance applies will be met. Any violation of such conditions and safeguards, when they have been made a part of the terms under which the variance has been granted, shall be deemed a punishable violation under this Ordinance. (Ord. 381-02-03. Passed 5-20-03.)

1117.07 PUBLIC HEARING BY THE BOARD OF ZONING APPEALS.

The Board of Zoning Appeals shall hold a public hearing within thirty (30) days after the receipt of an application for an appeal or variance from the Zoning Inspector or an applicant. (Ord. 381-02-03. Passed 5-20-03.)

1117.08 NOTICE OF PUBLIC HEARING IN NEWSPAPER.

Before conducting the public hearing required in Section 1117.07, notice of such hearing shall be given in one or more newspapers of general circulation in the Village at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed appeal or variance.
(Ord. 381-02-03. Passed 5-20-03.)

1117.09 NOTICE TO PARTIES IN INTEREST.

Before conducting the public hearing required in Section 1117.07, written notice of such hearing shall be mailed by the Chairman of the Board of Zoning Appeals, by first class mail, at least ten (10) days before the day of the hearing to all parties in interest. The notice shall contain the same information as required of notices published in newspapers as specified in Section 1117.08. (Ord. 381-02-03. Passed 5-20-03.)

1117.10 ACTION BY BOARD OF ZONING APPEALS.

Within thirty (30) days after the public hearing required in Section 1117.07, the Board of Zoning Appeals shall either approve, approve with supplementary conditions as specified in Section 1117.06, or disapprove the request for appeal or variance. The Board of Zoning Appeals shall further make a finding in writing that the reasons set forth in the application justify the granting of the variance that will make possible a reasonable use of the land, building or structure. Appeals from Board decision shall be made in the manner specified in Section 1165.10.
(Ord. 381-02-03. Passed 5-20-03.)

1117.11 TERM OF VARIANCE.

No order of the Zoning Board of Appeals granting a variance shall be valid for a period longer than twelve (12) months from the date of such order unless the building permit or zoning approval is obtained within such period, and the erection or alteration of a building is started or the use is commenced within such period.
(Ord. 381-02-03. Passed 5-20-03.)

1117.12 AUTHORIZED VARIANCE.

Variances from the regulations of this Ordinance shall not be granted unless the Board makes specific findings of fact, based directly on the particular evidence presented to it, which support conclusions that the standards and conditions imposed in Section 1117.05, and Section 1117.06, if applicable, have been met by the applicant. Variances may be granted as guided by the following:

- To permit any yard or setback less than the yard or setback required by the applicable regulations.
- To permit the use of a lot or lots for a use otherwise prohibited solely because of the insufficient area or width of the lot or lots, but generally the respective area and width of the lot or lots should not be less than eighty (80) percent of the required area and width.
- To permit the same off-street parking facility to qualify as required facilities for two or more uses, provided that substantial use of such facility by each user does not take place at approximately the same hours of the same days of the week.
- To reduce the applicable off-street parking or loading facilities required, but generally by not more than thirty (30) percent of the required facilities.
- To allow for the deferment of required parking facilities for a reasonable period of time, such period of time to be specified in the variance.
- To increase the maximum distance that required parking spaces are permitted to be located from the use served, but generally not more than forty (40) percent.
- To increase the maximum allowable size or area of signs on a lot, but generally by not more than twenty-five (25) percent.
- To increase the maximum gross floor area of any use so limited by the applicable regulations, but generally not more than twenty-five (25) percent.
  (Ord. 381-02-03. Passed 5-20-03.)

CHAPTER 1121
Conditional Use Permits; Substantially Similar Uses; Accessory Uses.

1121.01 Regulation of conditional uses.
1121.02 Purpose.
1121.03 Contents of conditional use permit application.
1121.04 General standards for all conditional uses.
1121.05 Specific criteria for conditional uses.
1121.06 Public hearing.
1121.07 Notice of public hearing.
1121.08 Notice to parties of interest.
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1121.10 Supplementary conditions and safeguards.
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1121.12 Procedure and requirements to determine that a use is substantially similar.
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1121.15 Effect of determination that a use is substantially similar.
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1121.18 Purpose.
1121.19 Definition.
1121.20 General requirements.
1121.21 Seawalls as accessory uses.
1121.22 Dwellings as accessory uses.
1121.23 Accessory elderly dwelling unit.
1121.24 Retail sales and services as accessory uses.

1121.01 REGULATION OF CONDITIONAL USES.

The provisions of Sections 1121.01 to 1121.11 inclusive of this Ordinance apply to the location and maintenance of any and all conditional uses.
(Ord. 381-02-03. Passed 5-20-03.)

1121.02 PURPOSE.

In recent years, the characteristics and impacts of an ever-increasing number of new and unique uses, together with the broadening of numerous conventional uses, have fostered the development of more flexible regulations designed to accommodate these activities in a reasonable and equitable manner, while safeguarding both the property rights of all individuals and the health, safety, and general welfare of the community. Toward these ends, it is recognized that this Ordinance should provide for more detailed evaluation of each use conditionally permissible in a specific district with respect to such considerations as location, design, size, method(s) of operation, intensity of use, public facilities requirements, and traffic generation. Accordingly, conditional use permits shall conform to the procedures and requirements of Sections 1121.03 to 1121.11 of this Ordinance.
(Ord. 381-02-03. Passed 5-20-03.)

1121.03 CONTENTS OF CONDITIONAL USE PERMIT APPLICATION.

Any owner, or agent thereof, of property for which a conditional use is proposed shall make an application for a conditional use permit by filing it with the Zoning Inspector, who shall within seven days transmit it to the Board of Zoning Appeals. Such application at a minimum shall contain the following information:

1. Name, address and phone number of the applicant;
2. Legal description of the property, proof of ownership, and, if property is located within the Roaming Rock Shores Subdivision, proof of membership in good standing in the RomeRock Association;
3. Zoning district;
4. Description of existing use;
5. Description of proposed conditional use;
6. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading areas, streets and traffic accesses, open spaces, refuse and service areas, utilities, signs, yards, landscaping features, and such other information as the Board may require;
7. A narrative statement discussing the compatibility of the proposed use with the existing uses of adjacent properties and with the comprehensive plan and/or this Ordinance to include an evaluation of the effects on adjoining properties of such elements as traffic circulation, noise, glare, odor, fumes, and vibration;
8. A list containing the names and mailing addresses of all owners of property within five hundred (500) feet of the property in question;
9. A fee as established by ordinance;
10. A narrative addressing each of the applicable criteria contained in Section 1121.04.
(Ord. 381-02-03. Passed 5-20-03.)

1121.04 GENERAL STANDARDS FOR ALL CONDITIONAL USES.

In addition to the specific requirements for conditionally permitted uses as specified in Section 1121.05, the Board shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

1. Is in fact a conditional use as established under the provisions of Chapter 1133 and appears on the Schedule of District Regulations adopted for the zoning district involved;

2. Will be in accordance with the general objectives, or with any specific objective, of the Comprehensive Plan and/or this Ordinance;
3. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;
4. Will not be hazardous or disturbing to existing or future neighboring uses; .
5. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
6. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
7. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odors, erosion, or contamination of water resources;
8. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares;
9. Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance;
10. Loud speakers which cause a hazard or annoyance shall not be permitted;
11. No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway, and no lighting shall shine directly on adjacent properties;
12. All permitted installations shall be kept in a neat and orderly condition so as to prevent injury to any single property, any individual, or to the community in general;
13. Will provide parking spaces as required in this Ordinance, provided that the Board of Zoning Appeals may increase the number of required spaces on the basis of the nature of the establishment and on the basis of generally known parking conditions in the neighborhood;
14. Will have the design, location, and surface of the parking area subjected to approval of the Board of Zoning Appeals so as to reduce congestion, promote safety, and to reduce the impact on the surrounding neighborhood; .
15. Will have all permanent buildings constructed and designed so as to conform with the setback and building design of existing uses in the district.

(Ord. 381-02-03. Passed 5-20-03.)

1121.05 SPECIFIC CRITERIA FOR CONDITIONAL USES.

The following are specific conditional use criteria and requirements for those uses conditionally permitted in this Ordinance as provided for in the Conditional Uses Schedule of District Regulations. Nothing in this Section shall prohibit the Board of Zoning Appeals from prescribing supplementary conditions and safeguards in addition to these requirements in accordance with this chapter.

1. Day Care Center / (R-1, R-F, IND/C Districts).
   a. Outdoor playgrounds, tot lots, exercise areas, etc. shall be fully enclosed by a fence, the height and design which shall be approved by the Board of Zoning Appeals.
   b. The applicant shall submit a parking and traffic circulation plan to the Board of Zoning Appeals for approval. The design, location, and surface of the parking areas and vehicular approaches shall be subject to approval by the Board of Zoning Appeals so as to reduce congestion, promote safety, and reduce the impact on the residential character of the neighborhood. The plan shall provide for the separation of incoming and outgoing vehicles during high volume periods and shall provide a safe drop off point for children that will not impede other traffic.
2. Funeral Home / (IND/C Districts).
   a. The applicant shall submit a parking and traffic circulation plan to the Board of Zoning Appeals for approval. The design, location, and surface of the parking areas and vehicular approaches shall be subject to approval by the Board of Zoning Appeals so as to reduce congestion, promote safety, and reduce the impact on the residential character of the neighborhood. The plan shall provide for the separation of incoming and outgoing vehicles during high volume periods and shall provide a safe drop off point for visitors that will not impede other traffic.
3. Recreation and Community Center Building / (R-1, R-F, REC Districts).
   a. Screenings and plantings to buffer any structures other than buildings from adjacent residential uses are required.
   b. Outdoor playgrounds, tot lots, exercise areas, etc. shall be fully enclosed by a fence, the height and design which shall be approved by the Board of Zoning Appeals.
   c. The applicant shall submit a parking and traffic circulation plan to the Board of Zoning Appeals for approval. The design, location, and surface of the parking areas and vehicular approaches shall be subject to approval by the Board of Zoning Appeals so as to reduce congestion, promote safety, and reduce the impact on the residential character of the neighborhood. The plan shall provide for the separation of incoming and outgoing vehicles during high volume periods and shall provide a safe drop off point for persons that will not impede other traffic.
4. Amusement Enterprises (excluding theater / IND/C Districts).
   a. Structures shall have primary access to a major state, major local, or miner collector thoroughfare as defined by The County Major Thoroughfare Plan;
   b. Such structures should be located adjacent to parks and other non-residential uses such as schools and shopping facilities where use could be made of joint parking facilities;
   c. Truck parking areas, maneuvering lanes, and accessways to public thoroughfares shall be designed to cause no interference with the safe and convenient movement of automobile and pedestrian traffic on and adjacent to the site. The site shall not be used for the storage of trucks, and truck parking shall be limited to a time not to exceed twenty-four (24) hours;

d. The establishment shall not operate between the hours of midnight and 7:30 a.m.

5. Convalescent/Nursing Homes / (R-1, IND/C Districts).
   a. Screenings and plantings to buffer any structures other than buildings from adjacent residential uses are required;
   b. The applicant shall submit a parking and traffic circulation plan to the Board of Zoning Appeals for approval. The design, location, and surface of the parking areas and vehicular approaches shall be subject to approval by the Board of Zoning Appeals so as to reduce congestion, promote safety, and reduce the impact on the residential character of the neighborhood. The plan shall provide for the separation of incoming and outgoing vehicles during high volume periods and shall provide a safe drop off point for persons that will not impede other traffic.
6. Home Occupations / (R-1, R-A, R-B, R-C, R-M, R-F Districts). See Chapter 1155.
7. Barber/Beauty Shops / (IND/C Districts) See Chapter 1155.
8. Antique Sales / (IND/C Districts).
   a. See Section 1155.03.
   b. Truck parking areas, maneuvering lanes, and accessways to public thoroughfares shall be designed to cause no interference with the safe and convenient movement of automobile and pedestrian traffic on and adjacent to the site. The site shall not be used for the storage of trucks, and truck parking shall be limited to a time not to exceed twenty-four (24) hours.
9. Heliport / (IND/C Districts).
   a. Site locations should be preferred that offer natural or manmade barriers that would lessen the effect of intrusion into a residential area.
   b. Such uses shall not be conducted closer than five hundred (500) feet from any residential district, nor closer than two hundred (200) feet from any structure used for human occupancy in any other district.
10. Pet Shops, Bird Stores, Taxidermist / (IND/C District).
   a. Outdoor pens and exercise runs shall be kept in a clean and sanitary condition and shall be screened from public view. A screening plan shall be submitted to the Board of Zoning Appeals for approval.
   b. Sanitation practices shall be adequate to assure that objectionable odors shall not be noticeable on or off the lot considering various wind conditions.
   c. The applicant shall submit a written statement showing the measures and practices he will use to reduce the noise level in the design of the building and the management or rotation of animals in outdoor exercise runs.
   d. No dead animals shall be buried on the premises and incineration of dead animals shall not create odors or smoke.
   e. Screenings and plantings to buffer any structures other than buildings from adjacent residential uses are required.

11. Retail Stores Conducting Incidental Light Manufacturing or Processing of Goods Above the First Floor or in the Basement to be Sold Exclusively on the Premises and Employing Not More Than Ten (10) operatives / (IND/C District).
    a. Truck parking areas, maneuvering lanes, and accessways to public thoroughfares shall be designed to cause no interference with the safe and convenient movement of automobile and pedestrian traffic on and adjacent to the site. The site shall not be used for the storage of trucks, and truck parking shall be limited to a time not to exceed twenty-four (24) hours;
    b. The establishment shall not operate between the hours of midnight and 7:30 a.m.
12. Storage Warehouse and Yards / (IND/C Districts).
    a. Structures shall have primary access to a major state, major local, or minor collector thoroughfare as defined by the Major Thoroughfare Plan.
    b. Truck parking areas, maneuvering lanes, and accessways to public thoroughfares shall be designed to cause no interference with the safe and convenient movement of automobile and pedestrian traffic on and adjacent to the site. The site shall not be used for the storage of trucks, and truck parking shall be limited to a time not to exceed twenty-four (24) hours;
13. Residential Care Facilities (Group Homes) / (R-1, R-A, R-B, R-C, R-M, R-F Districts).
    a. See Chapter 1157.
14. Adult Entertainment / (IND/C District).
    a. See Chapter 1147.
    (Ord. 381-02-03. Passed 5-20-03.)
15. Lawn Equipment Sales, Service and Repair, Commercial.
    a. Those areas involving outdoor storage of lawn equipment and inventory must comply with all setback requirements;
    b. Those areas shall be completely enclosed by a five and one half (5½) foot fence, appropriately screened as specified in Section 1137.22 and landscaped to be harmonious with surrounding properties;
    c. Truck parking areas, maneuvering lanes, and access ways to public thoroughfares shall be designed to cause no interference with the safe and convenient movement of automobile and pedestrian traffic on and adjacent to the site. The site shall not be used for the storage of trucks, and truck parking shall be limited to a time not to exceed twenty-four (24) hours;
    d. The establishment shall not operate between the hours of 9:00PM and 7:30AM.
16. Lawn Supplies, Sales.
    a. Those areas involving outdoor storage of lawn supplies, such as fertilizer, mulch or landscaping material, and inventory must comply with all setback requirements;
    b. Those areas shall be completely enclosed by a five and one half (5½) foot fence, appropriately screened as specified in Section 1137.22 and landscaped to be harmonious with surrounding properties;
    c. Truck parking areas, maneuvering lanes, and access ways to public thoroughfares shall be designed to cause no interference with the safe and convenient movement of automobile and pedestrian traffic on and adjacent to the site. The site shall not be used for the storage of trucks, and truck parking shall be limited to a time not to exceed twenty-four (24) hours;
    d. The establishment shall not operate between the hours of 9:00PM and 7:30AM.

17. Light Construction Materials.
    a. Those areas involving outdoor storage of construction materials, such as lumber, plywood or stone, shall comply with all setback requirements;
    b. Those areas shall be completely enclosed by a five and one half (5½) foot fence, appropriately screened as specified in Section 1137.22 and landscaped to be harmonious with surrounding properties;
    c. Truck parking areas, maneuvering lanes, and access ways to public thoroughfares shall be designed to cause no interference with the safe and convenient movement of automobile and pedestrian traffic on and adjacent to the site. The site shall not be used for the storage of trucks, and truck parking shall be limited to a time not to exceed twenty-four (24) hours;
    d. The establishment shall not operate between the hours of 9:00PM and 7:30AM.
18. Local Small Business Office Building, including;
        1. Post Office
        2. Medical Office
        3. Government or Association Office
    a. The applicant shall submit a parking and traffic circulation plan to the Roaming Shores Zoning Appeals Board for approval. The design, location, and surface of the parking areas and vehicular approaches shall be subject to approval of the board of appeals to reduce the impact of the residential character of the neighborhood. The plan shall provide for the separation of incoming and outgoing vehicles during high volume periods.
19. Motorcycle, Sales, Financing and Service, Commercial.
    a. Those areas involving outdoor storage of inventory must comply with all setback requirements;
    b. Those areas shall be completely enclosed by a five and one half (5½) foot fence, appropriately screened as specified in Section 1137.22 and landscaped to be harmonious with surrounding properties;
    c. Repair and maintenance facilities shall be completely enclosed, and shall not produce excessive noise or otherwise objectionable activities;
    d. Truck parking areas, maneuvering lanes, and access ways to public thoroughfares shall be designed to cause no interference with the safe and convenient movement of automobile and pedestrian traffic on and adjacent to the site. The site shall not be used for the storage of trucks, and truck parking shall be limited to a time not to exceed twenty-four (24) hours;
    e. The establishment shall not operate between the hours of 9:00PM and 7:30AM.
20. ATV, Snowmobile, Sales, Financing and Service, Commercial.
    a. Those areas involving outdoor storage of inventory must comply with all setback requirements;
    b. Those areas shall be completely enclosed by a five and one half (5½) foot fence, appropriately screened as specified in Section 1137.22 and landscaped to be harmonious with surrounding properties;
    c. Repair and maintenance facilities shall be completely enclosed, and shall not produce excessive noise or otherwise objectionable activities;

d. Truck parking areas, maneuvering lanes, and access ways to public thoroughfares shall be designed to cause no interference with the safe and convenient movement of automobile and pedestrian traffic on and adjacent to the site. The site shall not be used for the storage of trucks, and truck parking shall be limited to a time not to exceed twenty-four (24) hours;

e. The establishment shall not operate between the hours of 9:00PM and 7:30AM.

21. Automobile Repair.

a. Those areas involving outdoor storage of automobiles waiting repair must comply with all setback requirements;

b. Those areas shall be completely enclosed by a five and one half (5½) foot fence, appropriately screened as specified in Section 1137.22 and landscaped to be harmonious with surrounding properties;

c. Repair and maintenance facilities shall be completely enclosed, and shall not produce excessive noise or otherwise objectionable activities;

d. The establishment shall not operate between the hours of 9:00PM and 7:30AM. (Ord. 441-12-06. Passed 4-17-07.)

22. Trailer and Truck Rental, commercial.

a. No trucks or trailer exceeding 26 feet in length.

b. A maximum of one box truck not longer than 26 feet and a maximum of four trailers not larger than 6 x 12 feet may be permanently stored, for rental, in an approved storage area as defined in subsections 22.d. and e. hereof.

c. Additional box trucks, brought to the site for customer pickup, may be stored for a maximum of 24 hours in an approved storage area as defined in subsections 22.d. and e. hereof.

d. Additional box trucks, upon return by customers, may be stored for a maximum of 24 hours in an approved storage area as defined in subsections 22.d. and e. hereof.

e. Those areas involving outdoor storage of rental trucks must comply with all setback requirements.

f. Those areas shall be in a remote area and screened by trees or shrubs or in an area surrounded by slatted chain link or privacy fence, harmonious with neighboring properties.

g. Truck parking areas, maneuvering lanes, and accessways to public thoroughfares shall be designed to cause no interference with the safe and convenient movement of automobile and pedestrian traffic on and adjacent to the site.

h. Rental of trailers and trucks shall not operate between the hours of 9:00 p.m. and 7:30 a.m. (Ord. 521-06-11. Passed 9-20-11.)

1121.06 PUBLIC HEARING.

The Board of Zoning Appeals shall hold a public hearing within thirty (30) days after it receives an application for a conditional use permit, submitted by an applicant through the Zoning Inspector. (Ord. 381-02-03. Passed 5-20-03.)

1121.07 NOTICE OF PUBLIC HEARING.

Before conducting the public hearing required in Section 1121.06, notice of such hearing shall be given in one or more newspapers of general circulation in the Village at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the hearing, and shall provide a summary explanation of the conditional use proposed.
(Ord. 381-02-03. Passed 5-20-03.)

1121.08 NOTICE TO PARTIES OF INTEREST.

Prior to conducting the public hearing required in Section 1121.06, written notice of such hearing shall be mailed by the Chairman of the Board of Zoning Appeals, by first class mail, at least ten (10) days before the date of the hearing to all parties of interest, to include all property owners listed in the application. The notice shall contain the same information as required in Section 1121.07 for notices published in newspapers.
(Ord. 381-02-03. Passed 5-20-03.)

1121.09 ACTION BY THE BOARD OF ZONING APPEALS.

Within thirty (30) days after the date of the public hearing required in Section 1121.06, the Board shall take one or the following actions:

1. Approve issuance of the conditional use permit by making an affirmative finding in writing that the proposed conditional use is to be located in a district wherein such use may be conditionally permitted, that all conditions for approval of such use in such district have been met, and that such use will neither result in significant negative impacts upon nor conflict with surrounding uses. Such written finding may also prescribe supplementary conditions and safeguards as specified in Section 1121.10. Upon making an affirmative finding, the Board shall direct the Zoning Inspector to issue a conditional use permit for such use which shall list all conditions and safeguards specified by the Board for approval.
2. Make a written finding that the application is deficient in information or is in need of modification and is being returned to the applicant. Such finding shall specify the information and/or modifications which are deemed necessary.
3. Make a written finding that the application is denied, such finding specifying the reason(s) for disapproval. If an application is disapproved by the Board, the applicant may seek relief through the Court of Common Pleas. Appeals from Board decisions shall be made in the manner specified in Section 1165.10.
(Ord. 381-02-03. Passed 5-20-03.)

1121.10 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS.

In granting approval for any conditional use, the Board may prescribe appropriate conditions and safeguards in conformance with this Ordinance. Any violation of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a punishable violation of this Ordinance.
(Ord. 381-02-03. Passed 5-20-03.)

1121.11 EXPIRATION OF CONDITIONAL USE PERMIT.

A conditional use permit shall be deemed to authorize only one particular conditional use, and said permit shall automatically expire if such conditionally permitted use has not been instituted or utilized within one (1) year of the date on which the permit was issued, or if for any reason such use shall cease for more than one (1) year. All permits are nontransferable from one owner to another. (Ord. 381-02-03. Passed 5-20-03.)

1121.12 PROCEDURE AND REQUIREMENTS TO DETERMINE THAT A USE IS SUBSTANTIALLY SIMILAR.

Where a specific use is proposed that is not listed or provided for in this Ordinance, the Board of Zoning Appeals may make a determination, upon appeal, that the proposed use is substantially similar to a specific use that is listed or provided for in this Ordinance. If the Board finds that a use is substantially similar to a specific use listed in this Ordinance, the substantially similar use is deemed to be a substantially similar permitted use in those districts where the specific use is a permitted use, and a substantially similar conditional use in those districts where the specific use is a conditionally permitted use. In formulating a determination that a proposed

use is a substantially similar use, the Board shall follow the procedures relating to appeals and variances as specified in Chapter 1117. Upon making a determination that a proposed use is substantially similar, the Board shall notify the Council of its decision and shall include in its written findings the reasoning upon which the decision is based. Unless the decision is rejected within sixty (60) days of its receipt by the Council, such substantially similar use determination by the Board shall become effective. (Ord. 381-02-03. Passed 5-20-03.)

1121.13 REMEDY BY APPLICATION FOR AMENDMENT.

If the Board determines that a proposed use is not substantially similar, such determination shall not be appealed to the Council, but remedy may be sought by the appellant through the submission of an application for amendment as prescribed in Chapter 1125.
(Ord. 381-02-03. Passed 5-20-03.)

1121.14 STANDARDS FOR CONSIDERATION OF SUBSTANTIALLY SIMILAR USES.

The following standards shall be considered by the Board when making a determination that a use is substantially similar to a permitted or a conditional use within a specific district:

1. The compatibility of the proposed use with the general use classification system as specified in this Ordinance.
2. The nature, predominant characteristics, and intensity of the proposed use in relation to those uses specified by this Ordinance as being permitted, or in the case of a conditional use, conditionally permitted, in that district.
3. The size, dimensional requirements, parking requirements, traffic generation potential, and other regulatory considerations normally associated with uses as specified in this Ordinance. (Ord. 381-02-03. Passed 5-20-03.)

1121.15 EFFECT OF DETERMINATION THAT A USE IS SUBSTANTIALLY SIMILAR.

Should a use be determined to be substantially similar to a specific permitted or conditionally permitted use provided for in this Ordinance, it shall then be permitted in the same manner and under the same conditions and procedures as the use is permitted to which it has been found to be substantially similar. (Ord. 381-02-03. Passed 5-20-03.)

1121.16 RECORD OF SUBSTANTIALLY SIMILAR USES.

The Zoning Inspector shall maintain as a public record a listing of all uses which have been determined to be substantially similar. For each such use the record shall include the use as listed in the Ordinance, the use as listed in the Ordinance about which the determination of substantial similarity was made, and the dates of any actions thereupon by the Board of Zoning Appeals or the Council. This record shall also contain the same information for all uses which have been determined not to be substantially similar. The Zoning Inspector shall consult this record in the process of issuing future permits. (Ord. 381-02-03. Passed 5-20-03.)

1121.17 REGULATION OF ACCESSORY USES.

The provisions of Sections 1121.17 to 1121.22 inclusive of this Ordinance shall apply to the location and maintenance of accessory uses as herein defined.
(Ord. 381-02-03. Passed 5-20-03.)

1121.18 PURPOSE.

It is the purpose of Sections 1121.17 to 1121.22 inclusive of this Ordinance to regulate accessory uses in order to promote the public health, safety, and welfare. It is the intent of these Sections to permit such uses to be established and maintained in a manner which makes them compatible with principal uses and harmonious with uses upon adjacent properties.
(Ord. 381-02-03. Passed 5-20-03.)

1121.19 DEFINITION.

"Accessory Use" means a use, object, or structure constructed or installed on, above, or below the surface of a parcel, which is located on the same lot as a principal use, object, or structure, and which is subordinate to or serves the principal use, object, or structure, is subordinate in area to the principal use, object, or structure, and is customarily incidental to the principal use, object, or structure. Among other things, "Accessory Use" includes anything of a subordinate nature attached to or disattached from a principal structure or use, such as fences, walls, sheds, garages, parking places, decks, poles, poster panels, billboards, docks, seawalls, gazebos, pavilions, tennis courts, and boat houses. Except as otherwise required in this Ordinance, an accessory use shall be a permitted use.
(Ord. 381-02-03. Passed 5-20-03.)

1121.20 GENERAL REQUIREMENTS.

Except as otherwise provided in this Ordinance, an accessory use or structure shall be permitted in association with a principal use or structure provided that:

1. It shall be no greater than 900 square feet in all residential districts of the Roaming Shores Subdivision. In all other districts it shall be fifty (50) percent or less of the gross floor area of the principal use or structure, except where additional space is needed to comply with off-street parking requirements.
2. It shall not contain or be used as a dwelling unit.
3. It shall not exceed thirty-five (35) feet in height.
4. It shall meet all yard requirements of the principal use unless otherwise specified in this Ordinance. Docks, seawalls, and structures required for environmental or safety purposes shall be exempt from the yard requirements specified in this Ordinance. Uncovered decks shall be exempt from the rear yard requirements in this ordinance. Walkways extending from the seawall no greater than eight (8) feet are exempt from side yard set back requirements.
   (Ord. 381-02-03. Passed 5-20-03.)
5. Light poles supported by pressure treated wood posts or other similar type posts may be placed in the setback lines of residential properties (except rear setback lines of lake front property) without a variance.
   (Ord. 601-05-14. Passed 5-20-14.)
6. The only acceptable structure that is allowed in the roadside utility easement is a light pole.
7. Notification of all utilities is required before digging holes for any structure.
8. No permanent toilets are permitted to be constructed outside of the principal structure (house).
9. Docks or any other structure shall extend no farther than 20 feet into the lake from the existing seawall or 20 feet into the lake from the approved overhang.
10. No permanent driveway on RES (Residential) zoned property, allowing access for boats to be launched or retrieved, shall be constructed to the lake.
    (Ord. 381-02-03. Passed 5-20-03.)

1121.21 SEAWALLS AS ACCESSORY USES.

Seawalls shall be installed on all lake front lots. They shall be installed prior to the erection of a principal structure or boathouse.
(Ord. 381-02-03. Passed 5-20-03.)

1121.22 DWELLINGS AS ACCESSORY USES.

Dwellings may be accessory uses in residential districts if located inside the principal home, only if used as a residence by relatives or household servants and no rent is charged. Mobile home trailers shall not be permitted as accessory uses in any district.
(Ord. 381-02-03. Passed 5-20-03.)

1121.23 ACCESSORY ELDERLY DWELLING UNIT.

Notwithstanding the provisions of Subsection 2 of Section 1137.02 of this Ordinance, an owner-occupied single-family dwelling unit may be converted to allow the incorporation of one additional dwelling unit for the exclusive occupancy of an elderly household, a member of which shall be an elderly person related to the owner of the single-family dwelling unit. Such accessory elderly dwelling unit shall be wholly contained within the existing principal building or shall be attached to it by a common wall, floor or ceiling. The application for the zoning permit for such conversion shall be accompanied by an affidavit attesting to the owner's present occupancy of the dwelling unit and to the age and relationship of the elderly person.
(Ord. 381-02-03. Passed 5-20-03.)

1121.24 RETAIL SALES AND SERVICES AS ACCESSORY USES.

Retail sales and services are permitted as accessory uses when clearly incidental to the principal use. With the exception of restaurants in conjunction with a lodge, such uses shall be conducted wholly within the principal building, and without exterior advertising or display. These activities shall be conducted solely for the convenience of the employees, patients, patrons, students, or visitors and not for the general retail public. In hospitals and clinics these accessory uses may include drugstores, florists, gift and book shops, and cafeterias; in institutional settings, office buildings, hotels, country club houses; and in airports, such activities may include gift and book shops, restaurants, cafeterias and coffee shops, lounges, pro shops, and beauty and barber shops. (Ord. 381-02-03. Passed 5-20-03.)

CHAPTER 1125
Amendments

1125.01 Procedure for amendment or district changes.
1125.02 General.
1125.03 Initiation of zoning amendments.
1125.04 Contents of application for Zoning Map amendment.
1125.05 Contents of application for zoning text amendment.
1125.06 Transmittal to Planning Commission.
1125.07 Submission to Director of Transportation.
1125.08 Public hearing by Planning Commission.
1125.09 Notice of public hearing in newspaper.
1125.10 Notice to property owners by Planning Commission.
1125.11 Recommendation by Planning Commission.
1125.12 Public hearing by Council.
1125.13 Action by Council.
1125.14 Effective date and referendum.

1125.01 PROCEDURE FOR AMENDMENT OR DISTRICT CHANGES.

This Ordinance may be amended utilizing the procedures specified in Sections 1125.02 to 1125.14, inclusive, of this Ordinance.
(Ord. 381-02-03. Passed 5-20-03.)

1125.02 GENERAL.

Whenever the public necessity, convenience, general welfare, or good zoning practices require, Council may by ordinance, after receipt of recommendation thereon from the Planning Commission, and subject to procedures provided by law, amend, supplement, change or repeal the regulations, restrictions, boundaries, and/or classification of property.
(Ord. 381-02-03. Passed 5-20-03.)

1125.03 INITIATION OF ZONING AMENDMENTS.

Amendments to this Ordinance may be initiated in one of the following ways:

1. By the adoption of a motion by the Planning Commission;
2. By the introduction of an ordinance by the Council;
3. By the filing of an application by at least one (l) owner or lessee of property within the area proposed to be changed or affected by said amendment.
(Ord. 381-02-03. Passed 5-20-03.)

1125.04 CONTENTS OF APPLICATION FOR ZONING MAP AMENDMENT.

Applications for amendments to the Official Zoning Map adopted as part of this Ordinance by Chapter 1129 shall contain at least the following information:

1. The name, address, and telephone number of the applicant;
2. The proposed amending resolution, approved as to form by the County Prosecutor;
3. A statement of the reason(s) for the proposed amendment;
4. Present use;
5. Present zoning district;
6. Proposed use;
7. Proposed zoning district;
8. A vicinity map at a scale approved by the Zoning Inspector showing property lines, thoroughfares, existing and proposed zoning, and such other items as the Zoning Inspector may require;
9. A list of all property owners and their mailing addresses who are within, contiguous to, or directly across the street from the parcel(s) proposed to be rezoned and others that may have a substantial interest in the case, except that addresses need not be included where more than ten (10) parcels are to be rezoned;
10. A statement on the ways in which the proposed amendment relates to the Comprehensive Plan;
11. A fee as established by ordinance;
12. Legal description of property, proof of ownership and, if property is located within the Roaming Rock Shores Subdivision, proof of membership in good standing in the RomeRock Association.

(Ord. 381-02-03. Passed 5-20-03.)

1125.05 CONTENTS OF APPLICATION FOR ZONING TEXT AMENDMENT.

Applications for amendments proposing to change, supplement, amend, or repeal and portion(s) of this Ordinance, other than the Official Zoning Map, shall contain at least the following information:

1. The name, address, and telephone number of the applicant;
2. The proposed amending Ordinance, approved as to form;
3. A statement of the reason(s) for the proposed amendment;
4. A statement explaining the ways in which the proposed amendment relates to the Comprehensive Plan;
5. A fee as established by ordinance.

(Ord. 381-02-03. Passed 5-20-03.)

1125.06 TRANSMITTAL TO PLANNING COMMISSION.

Upon the adoption of a motion by the Planning Commission or the filing of an application by at least one (1) owner or lessee of property, the Council shall cause to be prepared an ordinance outlining the proposed amendment. Immediately after the introduction of said ordinance before the Council, said ordinance shall be transmitted to the Planning Commission.
(Ord. 381-02-03. Passed 5-20-03.)

1125.07 SUBMISSION TO DIRECTOR OF TRANSPORTATION.

Before any zoning amendment is approved affecting any land within three hundred (300) feet of the centerline of a proposed new highway or highway for which changes are proposed as described in the certification to local officials by the Director of Transportation, or within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Planning Commission shall give notice, by registered or certified mail, to the Director of Transportation. The Planning Commission may proceed as required by law, however, the Council shall not approve the amendment for one hundred twenty (120) days from the date the notice is received by the Director of Transportation. If the Director of Transportation notifies the Council that he shall proceed to acquire the land needed, then the Council shall refuse to approve the rezoning. If the Director of Transportation notifies the Council that acquisition at this time is not in the public interest, or upon the expiration of the one hundred twenty (120) day period or any extension thereof agreed upon by the Director of Transportation and the property owner, the Council shall proceed as required by law.
(Ord. 381-02-03. Passed 5-20-03.)

1125.08 PUBLIC HEARING BY PLANNING COMMISSION.

The Clerk/Treasurer shall transmit a copy of any proposed ordinance modifying the Zoning Code to each member of the Planning Commission within ten (10) days after such ordinance has been introduced. The Planning Commission may in its discretion schedule a public hearing.
(Ord. 553-04-12. Passed 11-20-12.)

1125.09 NOTICE OF PUBLIC HEARING IN NEWSPAPER.

Before holding the public hearing pursuant to Section 1125.08, notice of such hearing shall be given by the Planning Commission by at least one publication in one or more newspapers of general circulation in the Village at least fifteen (15) days before the date of such hearing. Such notice shall set forth the time and place of the public hearing, the nature of the proposed amendment, a statement that the full text of the ordinance is available at Village Hall or the website, and a statement that after the conclusion of such public hearing the matter will be referred to the Council for further determination. At least fifteen (15) days before the hearing, the full text of the proposed ordinance shall be posted at Village Hall and shall be posted on the Village website. (Ord. 553-04-12. Passed 11-20-12.)

1125.10 NOTICE TO PROPERTY OWNERS BY PLANNING COMMISSION.

If the proposed amendment intends to rezone or redistrict ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Planning Commission, by first class mail, at least twenty (20) days before the day of the public hearing to all owners of property within, contiguous to, and directly across the street from such area proposed to be rezoned or redistricted to the addresses of such owners appearing on the County Auditor's current tax list or the County Treasurer's mailing list, and to such other list or lists that may be specified by the Council. The failure to deliver the notification as provided in this section shall not invalidate any such amendment. The notice shall contain the same information as required of notices published in newspapers as specified in Section 1125.09.
(Ord. 381-02-03. Passed 5-20-03.)

1125.11 RECOMMENDATION BY PLANNING COMMISSION.

Within thirty (30) days after the public hearing required by Section 1125.08, the Planning Commission shall recommend to the Council that the amendment be granted as requested, or it may recommend a modification of the amendment requested, or it may recommend that the amendment be not granted. The written decision of the Zoning Commission shall indicate the specific reason(s) upon which the recommendation is based, to include the basis for the determination that the proposed amendment is or is not consistent with the Comprehensive Plan.
(Ord. 381-02-03. Passed 5-20-03.)

1125.12 PUBLIC HEARING BY COUNCIL.

Within thirty (30) days from the receipt of the recommendation of the Planning Commission, the Council shall hold a public hearing. Notice of such public hearing in a newspaper of general circulation shall be given by the Council as specified in Section 1125.09.
(Ord. 381-02-03. Passed 5-20-03.)

1125.13 ACTION BY COUNCIL.

Within thirty (30) days after the public hearing required by Section 1125.12, the Council shall adopt, deny or modify the recommendation of the Planning Commission. No such ordinance, measure, or regulation which violates, differs from, or departs from the plan or report submitted by the Commission shall take effect unless passed or approved by not less than three-fourths of those members elected to Council. No ordinance, measure or regulation which is in accordance with the recommendations, plan or report submitted by the Commission shall be deemed to pass or take effect without the concurrence of at least a majority of the members elected to the legislative authority. (Ord. 513-04-11. Passed 3-21-12.)

1125.14 EFFECTIVE DATE AND REFERENDUM.

Such amendment adopted by the Council shall become effective thirty (30) days after the date of such adoption unless within thirty (30) days after the adoption of the amendment there is presented to the Council a petition, signed by a number of qualified voters residing in the Village or part thereof included in the zoning plan equal to not less than eight percent (8%) of the total vote cast for all candidates for Governor in such area at the last preceding general election at which a Governor was elected, requesting the Council to submit the zoning amendment to the electors of such area, for approval or rejection, at the next primary or general election.

No amendment for which such referendum vote has been requested shall be put into effect unless a majority of the votes cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters, it shall take immediate effect.
(Ord. 381-02-03. Passed 5-20-03.)

CHAPTER 1129
Establishment of Districts

1129.01 Purpose.
1129.02 Establishment of districts.
1129.03 Zoning District Map.
1129.04 Zoning Map legend.
1129.05 Identification of Official Zoning Map.
1129.06 Interpretation of district boundaries.
1129.07 District boundary descriptions.
1129.08 Zoning Map amendments.

1129.01 PURPOSE.

The purpose of this chapter is to establish zoning districts in order to realize the general purposes set forth in the preamble of this Ordinance, to provide for orderly growth and development, and to protect the property rights of all individuals by assuring the compatibility of uses and practices within districts.
(Ord. 381-02-03. Passed 5-20-03.)

1129.02 ESTABLISHMENT OF DISTRICTS.

The following zoning districts are hereby established for the Village:

R-l	Single Family Residential
R-A	Single Family Residential
R-B	Single Family Residential
R-C	Single Family Residential
R-M	Multi-Family Residential
R-F	Single-Family Residential Farm
RST	Restaurant
MAR	Marina
IND/C	Light Industrial /Commercial
REC	Recreational
GOV	Governmental

Nothing in this chapter shall be construed to require the actual location of any district on the Official Zoning Map, as it is the intent of this Ordinance to provide the flexibility in its administration to allow future expansion and emendation.
(Ord. 381-02-03. Passed 5-20-03.)

1129.03 ZONING DISTRICT MAP.

The districts established in Section 1129.02, as shown on the officia1 Zoning Map, which, together with all data, references, explanatory material and notations thereon, are hereby officially adopted as part of this Ordinance and hereby incorporated by reference herein, thereby having the same force and effect as if herein fully described in writing.
(Ord. 381-02-03. Passed 5-20-03.)

1129.04 ZONING MAP LEGEND.

There shall be provided on the Official Zoning Map a legend which shall list the name of each zoning district and indicate the symbol for that district. A color, combination of colors, or black and white patterns may be used in place of symbols to identify the respective zoning districts in such legend. In addition to such legend, the Official Zoning Map shall provide sufficient space for compliance with Section 1129.08.
(Ord. 381-02-03. Passed 5-20-03.)

1129.05 IDENTIFICATION OF OFFICIAL ZONING MAP.

The Official Zoning Map shall be properly identified by the signature of the Mayor, as attested by the Clerk-Treasurer, and bearing the official seal. The Map shall be maintained by the Zoning Inspector, and shall remain on file in the office of the Clerk-Treasurer. The Official Zoning Map shall control whenever there is an apparent conflict between the district boundaries as shown on the Map and the description(s) as found in the text of this Ordinance or any other resolution. The official Zoning Map shall be a reproducible document, and copies shall be made available to the public upon request and upon payment of a fee as established by resolution. Not later than January 30 of each year, the Map shall be recertified by the Mayor and the Clerk-Treasurer. (Ord. 381-02-03. Passed 5-20-03.)

1129.06 INTERPRETATION OF DISTRICT BOUNDARIES.

The following rules shall be used to determine the precise location of any zoning district boundary unless such boundary is specifically indicated on the official Zoning Map:

1. Where district boundaries are so indicated as approximately following the center lines of thoroughfares or highways, street lines, or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be said boundaries;
2. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries;
3. Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Official Zoning Map.

   If no distance is given, such dimensions shall be determined by the use of the scale shown on the Official Zoning Map;
4. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line;
5. Where the boundary of a district follows a stream, lake, or other body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the Village unless otherwise indicated;

6. Where district boundaries are so indicated that they follow or approximately follow the limits of any municipal corporation, such boundaries shall be construed as following such limits;
7. Whenever any street, alley, or other public way is vacated by official Council action, the zoning district adjoining each side of such street, alley, or public way shall automatically be extended to the center of such vacation, and all areas within that vacation shall thenceforth be subject to all regulations appropriate to the respective extended districts.

All questions and disputes concerning the exact location of zoning district boundaries shall be resolved by the Board of Zoning Appeals.
(Ord. 381-02-03. Passed 5-20-03.)

1129.07 DISTRICT BOUNDARY DESCRIPTIONS.

The following descriptions shall define the boundaries of zoning districts within the Village:

1. The R-1 District (Single Family Residential) shall include the following tracts:
   a. Tract 1 - Beginning at a point in the south line of Hayford Road 2,394.74 feet N 89° 45' E from an angle in said road, at Forman Road, thence S 00° 15' E 370 feet to a point, thence N 89° 45' E 381.15 feet, thence N 00° 15' W 370 feet to a point in the south line of Hayford Road, thence S 89° 45' W along the south line of Hayford Road to the place of beginning;
   b. Tract 2 - Bounded on the north and west by Roaming Rock Shores Subdivision and Morning Star Drive, on the east by Knowlton Road (Crosby Cook Road) and extending southerly to the contiguous limit of the Village, but not including any areas within Roaming Rock Shores Subdivision;
   c. Tract 3 - Bounded on the north by 22.6 acres now or formerly owned by Alma Brockway, on the south by 83 acres now or formerly owned by Walter B. Summers, on the west by Roaming Rock Shores Subdivision (adjacent to Sublots 1780, 1781, and 1784 through 1790 inclusive) and on the east by the New Lyme Township line; and
   d. Tract 4 - Bounded on the north by Roaming Rock Shores Subdivision and lands now or formerly owned by Carl and Ruth Weston, on the south and west by Roaming Rock Shores Subdivision (adjacent to Sublots 1405, 1406, and part of 1404), and on the east by lands now or formerly owned by Walter and Lois Brzyscz.
2. The R-A District (Single Family Residential) shall include all "A" sublots within Roaming Rock Shores Subdivision.
3. The R-B District (Single Family Residential) shall include all “B” sublots within Roaming Rock Shores Subdivision.
4. The R-C District (Single Family Residential) shall include all "C" sublots within Roaming Rock Shores Subdivision, as well as all sublots within the Browning Subdivision.
5. The R-M District (Multi-family Residential) shall include the following tract: Bounded on the south by the north line of U S 6, on the north by Roaming Rock Shores Subdivision Plat XIX, on the west by Evening Star Drive and Roaming Rock Shores Subdivision, and on the east by Lake Roaming Rock.

6. The R-F District (Single Family Residential Farm) shall include the following tract: Beginning on the north by the 87 acres now or formerly owned by Walter B. Summers, on the south by Ketchum Road, on the west by Roaming Rock Shores Subdivision, and on the east by the Village corporation line.
7. The RST District (Restaurant) shall include the following tract: Being Sublots 414, 415, 416, and 417 of Roaming Rock Shores Subdivision Plat II.
8. The MAR District (Marina) shall include the following tract: Being Sublots 445, 446, 462, 463, 464, 465, 466, and RL 9 of Roaming Rock Shores Subdivision Plat III.
9. The IND/C District (Light Industrial/Commercial) shall include the following tract: Bounded on the north by Roaming Rock Shores Subdivision Plat XV and Rome-Rock Creek Road, on the south by a 50.5 acre parcel now or formerly owned by Dorothy Mazza, on the west by the Village corporation line (where coinciding with the now or
10. The REC District (Recreational) shall include all "RL" sublots within Roaming Rock Shores Subdivision except for Sublot RL 9 of Roaming Rock Shares Subdivision Plat III.

(Ord. 381-02-03. Passed 5-20-03.)

1129.08 ZONING MAP AMENDMENTS.

Within fifteen (15) days of the effective date of any change of a zoning district classification or boundary, the Zoning Inspector shall amend the Official Zoning Map to reflect such change, and shall note the effective date of such change, together with appropriate reference to the resolution authorizing such change. The officia1 Zoning Map shall then be signed by the Mayor and attested to by the Clerk-Treasurer.
(Ord. 381-02-03. Passed 5-20-03.)

CHAPTER 1133
District Regulations

1133.01 Compliance with regulations.
1133.02 Official schedule of permitted uses and dimensional requirements.

1133.01 COMPLIANCE WITH REGULATIONS.

The regulations for each district set forth by this Ordinance shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided:

1. No building, structure, or land shall be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located;
2. No building or other structure shall be erected or altered:
   a. To provide for greater height or bulk;
   b. To accommodate or house a greater number of families;
   c. To occupy a greater percentage of lot area;
   d. To have narrower or smaller rear yards, front yards, side yards, or other open space;

   than herein required, or in any other manner be contrary to the provisions of this Ordinance;
3. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements ser forth herein.
4. The purpose of the Official Schedule of Permitted Uses and Dimensional Requirements is to list different land uses and specify what districts within the community allow those uses. Any uses not listed in the Schedule are prohibited. (Ord. 381-02-03. Passed 5-20-03.)

1133.02 OFFICIAL SCHEDULE OF PERMITTED USES AND DIMENSIONAL REQUIREMENTS.

District regulations shall be as set forth in the Official Schedule of Permitted Uses and Dimensional Requirements hereby adopted and declared to be a part of this Ordinance and in Chapters 1137 and 1141 of this Ordinance, “Supplementary District Regulations” and “Special Regulations”.

VILLAGE OF ROAMING SHORES

OFFICIAL SCHEDULE OF PERMITTED USES AND DIMENSIONAL REQUIREMENTS

Zoning District: R-l

Purpose: The purpose of the R-l (Single Family District) is to permit development of rural and near rural areas which may not have public facilities in the near future. This district allows single family dwelling units which may be site built, modular, or manufactured housing conforming to Chapter 1159.

PUD's allowed as an overlay district.

Permitted Uses

1. Accessory uses and structures.
2. Church and other places of worship.
3. Custodial and diagnostic centers.
4. Dental laboratory.
5. Dwellings, detached single-family (Chap. 1159).
6. Golf courses.
7. Government buildings: Buildings used exclusively by the Federal, State, County, Township or Village government for public purposes except for garages, repair or storage yards, warehouses, and buildings used or intended to be used as correctional or penal institutions.
8. Group homes, Class I, Type B (Sec. 1157.01 - 1157.04).
9. Home occupation (Sec. 1155.02).
10. Hospitals and sanitariums located on a major street or secondary street.
11. Libraries.
12. Medical clinic/dental labs.
13. Museums and art galleries.
14. Parks.

Permitted Uses (Cont.)

15. Playground (principal use).
16. Playground (tot lot).
17. Satellite dish (Chap. 1143).
18. Schools, public and private.
19. Swimming pools, accessory use (priv. res. only, Sec. 1151.02).
20. Swimming pools, public or private as primary use (Sec. 1151.03).
21. Tennis courts, private.

Conditional Uses

1. Convalescent and nursing homes.
2. Day care center (Type A).
3. Grounds and facilities for recreational and community center buildings, country clubs, lakes, and other similar facilities operated on a non-profit basis.
4. Home occupation (Sec. 1155.03).

Principal Structure
Use
1 family
Minimum Lot Area
No Sewer
1 acre
W/Sewer
½ acre
Minimum Lot Width
No Sewer
200'
W/Sewer
100'

Min. Principal Bldg. Setbacks
Front: 40'
Each Side: 10'
Rear: 30'
Min. Accessory Bldg. Setbacks
Front: 40'
Each Side: 10'
Rear: 30'

Max. % Lot Coverage
No Sewer
12%
W/Sewer
30%
Max. Bldg. Ht.
Principal Bldg.
35'
Accessory Bldg.
35'
Minimum Floor Area
Per D.U. Sq. Ft.
1,200'

D.U. = Dwelling Unit

VILLAGE OF ROAMING SHORES

OFFICIAL SCHEDULE OF PERMITTED USES AND DIMENSIONAL REQUIREMENTS

Zoning District: R-A

Purpose: The purpose of the R-A (Single Family District) is to permit development of existing "A" sublots within the Roaming Rock Shores Subdivision, and to encourage development of compatible areas elsewhere in the Village. This district allows single family dwelling units which may be site built, modular or manufactured housing conforming to Chapter 1159.

PUD's allowed as an overlay district.

Permitted Uses

1. Accessory uses and structures.
2. Dwellings, detached single-family (Chap. 1159).
3. Group home, Class I, Type B (Sec. 1157.01 - 1157.04).
4. Home occupation (Sec. 1155.02).
5. Satellite dish (Chap. 1143).
6. Tennis courts, private.

Conditional Uses

1. Home occupation (Sec. 1155.03).

Principal Structure
Use
1 family
Minimum Lot Area
No Sewer
As platted
W/Sewer
As platted
Minimum Lot Width
No Sewer
As platted
W/Sewer
As platted

Min. Principal Bldg. Setbacks
Front: 25'
Each Side: 10'
Rear: 20'
Min. Accessory Bldg. Setbacks
Front: 25'
Each Side: 10'
Rear: 20'

Max. % Lot Coverage
No Sewer
12%
W/Sewer
30%
Max. Bldg. Ht.
Principal Bldg.
35'
Accessory Bldg.
20'
Minimum Floor Area
Per D.U. Sq. Ft.
880' grd. floor
1200' total

D.U. = Dwelling Unit

Unit

VILLAGE OF ROAMING SHORES

OFFICIAL SCHEDULE OF PERMITTED USES AND DIMENSIONAL REQUIREMENTS

Zoning District: R-B

Purpose: The purpose of the R-B (Single Family District) is to permit development of existing "B" sublots within the Roaming Rock Shores Subdivision, and to encourage development of compatible areas elsewhere in the Village. This district allows single family dwelling units which may be site built, modular or manufactured housing conforming to Chapter 1159.

PUD's allowed as an overlay district.

Permitted Uses

1. Accessory uses and structures.
2. Dwellings, detached single-family (Chap. 1159).
3. Group home, Class I, Type B (Sec. 1157-01 - 1157.04).
4. Home occupation (Sec. 1155.02).
5. Satellite dish (Chap. 1143).
6. Tennis courts, private.

Conditional Uses

1. Home occupation (Sec. 1155.03).

Principal Structure
Use
1 family
Minimum Lot Area
No Sewer
As platted
W/Sewer
As platted
Minimum Lot Width
No Sewer
As platted
W/Sewer
As platted

Min. Principal Bldg. Setbacks
Front: 25'
Each Side: 10'
Rear: 20'
Min. Accessory Bldg. Setbacks
Front: 25'
Each Side: 10'
Rear: 20'

Max. % Lot Coverage
No Sewer
12%
W/Sewer
30%
Max. Bldg. Ht.
Principal Bldg.
35'
Accessory Bldg.
20'
Minimum Floor Area Per D.U. Sq. Ft.
1040' grd. floor
1400' total

D.U. = Dwelling Unit

VILLAGE OF ROAMING SHORES

OFFICIAL SCHEDULE OF PERMITTED USES AND DIMENSIONAL REQUIREMENTS

Zoning District: R-C

Purpose: The purpose of the R-C (Single Family District) is to permit development of existing "C" sublots within the Roaming Rock Shores Subdivision, and to encourage development of compatible areas elsewhere in the Village. This district allows single family dwelling units which may be site built, modular or manufactured housing conforming to Chapter 1159.

PUD's allowed as an overlay district.

Permitted Uses

1. Accessory uses and structures.
2. Boat House.
3. Boat Dock.
4. Dwellings, detached single-family (Chap. 1159).
5. Group home, Class I, Type B (Sec. 1157.01 - 1157.04).
6. Home occupation (Sec. 1155.02).
7. Satellite dish (Chap. 1143).
8. Tennis courts, private.

Conditional Uses

1. Home occupation (Sec. 1155.03).

Principal Structure
Use
1 family
Minimum Lot Area
No Sewer
As platted
W/Sewer
As platted
Minimum Lot Width
No Sewer
As platted
W/Sewer
As platted

Min. Principal Bldg. Setbacks
Front: 25'
Each Side: 10'
Rear: 20'
(or 50' from lake)
Min. Accessory Bldg. Setbacks
Front: 25'
Each Side: 10'
Rear: 20'
(or 50' from lake)

Max. % Lot Coverage
No Sewer
12%
W/Sewer
30%
Max. Bldg. Ht.
Principal Bldg.
35'
Accessory Bldg.
20'
Minimum Floor Area Per D.U. Sq. Ft.
1200' grd. floor
1600' total

D.U. = Dwelling Unit

VILLAGE OF ROAMING SHORES

OFFICIAL SCHEDULE OF PERMITTED USES AND DIMENSIONAL REQUIREMENTS

Zoning District: R-M

Purpose: The purpose of the R-M (Multi-Family District) is to permit development of two-family and multi-family residential uses on land within the Village. This district does not permit detached single family dwelling units.

PUD's allowed as an overlay district.

Permitted Uses

1. Accessory uses and structures.
2. Dwellings, attached single-family such as apartment buildings, row or town houses in groups of not less than three (3) nor more than twelve (12) units.
3. Dwellings, multi-family with not less than three (3) units.
4. Dwellings, two-family.
5. Group home, Class I, Type B (Sec. 1157.01 - 1157.04),
6. Home occupation (Sec. 1155.02).
7. Parks.
8. Playground (principal use).

Permitted Uses (Cont.)

9. Playground, tot-lot.
10. Satellite dish (Chap. 1143).
11. Swimming pools, public or private as primary use (Sec. 1151.03).
12. Tennis courts, private.

Conditional Uses

1. Group home, Class I, Type A (Sec. 1157.01 - 1157.04).
2. Group home, Class II, Type A (Sec. 1157.01 - 1157.04).
3. Group home, Class II, Type B (Sec. 1157.01 - 1157.04).
4. Home occupation (Sec. 1155.03).

Principal Structure
Use
2 family
Minimum Lot Area
No Sewer
2 acres
W/Sewer
1 acre
Minimum Lot Width
No Sewer
400'
W/Sewer
200'

Min. Principal Bldg. Setbacks
Front: 40'
Each Side: 10'
Rear: 30'
(or 50' from lake)
Min. Accessory Bldg. Setbacks
Front: 40'
Each Side: 10'
Rear: 30'

Max. % Lot Coverage
No Sewer
12%
W/Sewer
30%
Max. Bldg. Ht.
Principal Bldg.
35'
Accessory Bldg.
35'
Minimum Floor Area Per D.U. Sq. Ft.
1200'

Principal Structure
Use
Multi-family
Max. Bldg. Density
8 units net acre
Minimum Lot Area
No Sewer
N/A
W/Sewer
1 acre
Minimum Lot Width
No Sewer
N/A
W/Sewer
200'

Min. Principal Bldg. Setbacks
Front: 30'
Each Side: 30'
Rear: 30'
(or 50' from lake)
Min. Accessory Bldg. Setbacks
Front: 30'
Each Side: 30'
Rear: 30'
Max. % Lot Coverage
No Sewer
N/A
W/Sewer
30%
Max. Bldg. Ht.
Principal Bldg.
35'
Accessory Bldg.
35'
Minimum Floor Area Per D.U. Sq. Ft.
900' (3B)
800' (2B)
700' (1B)

VILLAGE OF ROAMING SHORES

OFFICIAL SCHEDULE OF PERMITTED USES AND DIMENSIONAL REQUIREMENTS

Zoning District: R-F

Purpose: The purpose of the R-F (Single Family District) is to permit development of rural and near rural areas which may not have public facilities in the near future. This district allows single family dwelling units which may be site built, modular or manufactured housing conforming to Chapter 1159.

PUD's allowed as an overlay district.

Permitted Uses

1. Accessory uses and structures.
2. Church and other places of worship.
3. Dwellings, detached single-family (Chap. 1159).
4. Farm animals, domestic, keeping and raising.
5. Group home, Class I, Type B (Sec. 1157.01 - 1157.04).
6. Home occupation (Sec. 1155.02).
7. Parks.
8. Playground, tot-lot.
9. Satellite dish (Chap. 1143).
10. Swimming pools, accessory use (priv. res. only, Sec. 1151.02).
11. Tennis courts, private.

Conditional Uses

1. Day care center (Type A).
2. Grounds and facilities for recreational and community center buildings, country clubs, lakes, and other similar facilities operated on a non-profit basis.
3. Home occupation (Sec. 1155.03).

Principal Structure Use
1 family

Minimum Lot Area
No Sewer
1 acre
W/Sewer
½ acre

Minimum Lot Width
No Sewer
200'
W/Sewer
100'

Min. Principal Bldg. Setbacks
Front: 40'
Each Side: 10'
Rear: 30'

Min. Accessory Bldg. Setbacks
Front: 40'
Each Side: 10'
Rear: 30'

Max. % Lot Coverage
No Sewer
12%
W/Sewer
30%

Max. Bldg. Ht.
Principal Bldg.
35'
Accessory Bldg.
35'

Minimum Floor Area Per D.U. Sq. Ft.
1,200'

D.U. = Dwelling Unit

VILLAGE OF ROAMING SHORES

OFFICIAL SCHEDULE OF PERMITTED USES AND DIMENSIONAL REQUIREMENTS

Zoning District: RST

Purpose: The purpose of the RST District (Restaurant) is to encourage the establishment and continued operation of restaurants and related uses on existing designated restaurant parcels within the Roaming Rock Shores Subdivision.

Permitted Uses

1. Alcoholic beverage packaged retail sales.
2. Candy products retail sales.
3. Catering establishments.
4. Alcoholic beverage package retail sales.
5. Eating and drinking establishments.
6. Restaurants, including places where meals can be bought and eaten on the premises.
7. Taverns, bars, and night clubs.

Principal Structure
Use
Restaurant
Minimum Lot Area
No Sewer
As platted
W/Sewer
As platted
Minimum Lot Width
No Sewer
As platted
W/Sewer
As platted

Min. Principal Bldg. Setbacks
Front: 25' (a)
Each Side: 25' (b)
Rear: 30' (b)
Min. Accessory Bldg. Setbacks
Front: 25' (a)
Each Side: 25' (b)
Rear: 30' (b)

Max. % Lot Coverage
No Sewer
N/A
W/Sewer
50%
Max. Bldg. Ht.
Principal Bldg.
35'
Accessory Bldg.
35'
Minimum Floor Area Per D.U., Prin. Bldg. Sq. Ft.
1,200'

D.U. = Dwelling Unit
Prin. Bldg. = Principal Building

(a) No parking, loading or maneuvering area less than 15 feet from the road right-of-way line.
(b) No parking, loading or maneuvering area less than 5 feet from any lot line.

VILLAGE OF ROAMING SHORES

OFFICIAL SCHEDULE OF PERMITTED USES AND DIMENSIONAL REQUIREMENTS

Zoning District: IND/C

Purpose: The purpose of the IND/C District (Light Industrial/Light Commercial) is to permit the controlled development of limited areas within the Village for limited light industrial and/or light commercial uses

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Permitted Uses

1. Agencies and offices rendering specialized services in the professions, real estate and brokerage, including service agencies not involving on-premises retail trade nor wholesale trade on-premises, nor maintenance of a stock of goods for sale to the general public.
2. Alcoholic beverage packaged retail sales.
3. Antiques and gift retail sales.
4. Appliance distributors for wholesale.
5. Art supply retail sales.
6. Assembly halls, gymnasiums and similar structures.
7. Assembly of machines and appliances from previously prepared parts.
8. Automobile (new and used) and accessory sales.
9. Automobile repair shop mechanical.
10. Bakeries or baking plants.
11. Bakery shops and confectionaries operating both wholesale and retail business provided such operations are limited to one thousand five hundred (1,500) square feet of manufacturing area and to the use of non-smoke producing types of furnaces.
12. Banks.
13. Barber, beauty and other personal services.
14. Barber, beauty equipment sales and supply.
15. Bicycle sale and repair.
16. Blueprinting and photostatic establishments.
17. Boat storage commercial.
18. Bookbindery.
19. Book and stationery stores.
20. Camera sales, supplies, service.
21. Candy products manufacture.
22. Candy products retail.
23. Canvas and burlap products, sale and storage.
24. Catering establishments.
25. Clothing manufacture.
26. Clothing sales.
27. Cold storage plants, food.
28. Construction materials, enclosed storage and sales.
29. Cooperage works.
30. Cosmetics and perfume manufacture.
31. Crude oil storage (well site).
32. Custodial and diagnostic centers.
33. Dairy products processing, bottling, and distribution, cream manufacture, all on a wholesale basis.
34. Dairy bars for retail sale on the premises only.
35. Department and variety stores.
36. Dental laboratory.
37. Drug stores.
38. Dry cleaning, pressing plants operated in conjunction with retail service counter provided that not more than two thousand (2,000) square feet is devoted to these processes.
39. Eating and drinking establishments.
40. Electrical supplies, retail.
41. Electrical repair.
42. Electronic assembly plant.
43. Farm machinery assembly, repair and sales.
44. Fertilizer retail sales.
45. Finance and loan companies.
46. Florist, including warehousing for wholesale and related retail trade.
47. Food processing, including products for sale at retail on the premises, but excluding the killing of any flesh or fowl.
48. Food stores (retail only), including grocery, delicatessen, meat and fish but excluding the killing of any flesh or fowl.
49. Footware, retail.
50. Frozen food lockers.
51. Furniture retail sales and floor covering retail sales.
52. Furriers, retail sales.
53. Fur storage.
54. Gas extraction.

Permitted Uses (Cont.)

55. Gift shop, cards.
56. Government buildings, including buildings used exclusively by the Federal, State, County, Township, or Village government for public purposes except for garages, repair or storage yard, warehouses, and buildings used or intended to be used as correctional or penal institutions
57. Hardware, appliances, and electrical items, retail sale.
58. Hat cleaning and blocking.
59. Ice manufacture, storage and sales.
60. Jewelry and watch sale and repair.
61. Laboratories for research and testing.
62. Launderette service, including where individual, family-sized laundry equipment is rented for use by the customer.
63. Laundry pick-up stations.
64. Leather goods, manufacture.
65. Lock and gunsmiths.
66. Lodges, fraternal, and social organizations.
67. Lumber yards, building materials storage and sale.
68. Machine shops.
69. Machine tool manufacture.
70. Machinery manufacture.
71. Medical clinic/dental labs.
72. Motorcycle sales and repair.
73. Motor vehicle equipment manufacture.
74. Museums and art galleries.
75. Music stores.
76. Musical instrument store, sale of and instruction.
77. Office equipment and supplies, sales, and service.
78. Office and secretarial service establishments.
79. Oil extraction.
80. Oil storage and supply.
81. Optical and scientific instrument, jewelry, and clock, musical instrument manufacture.
82. Optical supplies sales.
83. Orphanages and/or rehabilitation centers.
84. Paint, retail sales.
85. Parks.
86. Pawn shops or second-hand stores.
87. Petroleum extracting.
88. Pharmaceutical products manufacture.
89. Photographic studios and camera supply stores.
90. Physica1 culture establishments.
91. Playground (principal use).
92. Playground, Tot-Lot.
93. Plumbing shop and yard.
94. Posta1 facilities privately or publicly owned.
95. Poultry dressing but only for sale at retail on the premises.
96. Prefabricating buildings and structural members.
97. Printing, publishing, and reproduction establishments.
98. Radio and television studios.
99. Repair and servicing of office and household equipment.
100. Repair and servicing of industrial equipment, machinery.
101. Retai1 stores similar to those otherwise named on this list.
102. Satellite Dish (Chap. 1143).
103. Schools, public and private.
104. Sheet metal shops.
105. Shoe repair.
106. Sign manufacture and painting.
107. Sign painting, exclusive of manufacture.
108. Sporting goods sales.
109. Stadiums, commercial.
110. Stonecutting, monument manufacture and sales.
111. Storage, under cover, of goods intended for retail sale on the premises but not including combustibles.
112. Swimming pools and bathing areas, public or private as primary uses (Sec. 1151.03).
113. Tailors, dressmakers, milliners.
114. Taverns, bars, and nightclubs.
115. Tennis courts.
116. Theaters, housed in a permanent indoor structure, exhibition halls and other similar structures.
117. Tractor or trailer sales or leasing areas.
118. Upholstery, paper hanging, and decorator shops.
119. Variety stores.
120. Wholesale and jobbing establishments, including incidental retail outlets for only such merchandise as is handled at wholesale.
121. Woodworking shops, mill work.

Conditional Uses

1. Adult Entertainment (Chap. 1147).
2. Amusement businesses, such as billiards, pool, bowling, skating rinks, dance halls, and similar activities when housed in a permanent structure but not including theater.
3. Hospitals/sanitariums; convalescent/nursing homes; convalescent and nursing homes.
4. Day care center (Type A).
5. Funeral homes, undertaking establishments, embalming.
6. Heliport.
7. Pet shops, bird stores, taxidermists, animal hospital.
8. Rentals, storage and servicing of trailers and trucks.
9. Retail stores not otherwise listed, including those conducting incidental light manufacturing or processing of goods above the first floor or in the basement to be sold exclusively on the premises and employing not more than 10 operatives.
10. Storage warehouses.

Zoning District IND/C (Cont.)

Principal Structure
Use
Mixed LI/LC
Minimum Lot Area
No Sewer
1 acre
W/Sewer
½ acre
Minimum Lot Width
No Sewer
200'
W/Sewer
100'

Min. Principal Bldg. Setbacks
Front: 30' (a)
Each Side: 30' (b)
Rear: 60' (b), (c)
Min. Accessory Bldg.
Setbacks
Front: 30' (a)
Each Side: 30' (b)
Rear: 60' (b), (c)

Max. % Lot Coverage
No Sewer
N/A
W/Sewer
50%
Max. Bldg. Ht.
Principal Bldg.
35'
Accessory Bldg.
35'
Minimum Floor Area
Per D.U. Prin. Bldg.
Sq. Ft.
1,200'

D.U. = Dwelling Unit
Prin. Bldg. = Principal Building

(a) No parking, loading or maneuvering area less than 15 feet from the road right-of-way line.
(b) No parking, loading or maneuvering area less than 5 feet from any lot line.
(c) Where adjacent to residential area. Variance may be granted where adjacent to railroad right-of-way.

(Ord. 381-02-03. Passed 5-20-03; 519-06-11. Passed 9-20-11.)

VILLAGE OF ROAMING SHORES

OFFICIAL SCHEDULE OF PERMITTED USES AND DIMENSIONAL REQUIREMENTS

Zoning District: REC

Purpose: The purpose of the REC District (Recreational) is to encourage the establishment and continued operation of limited recreational uses on existing designated recreational parcels within the Roaming Rock Shores Subdivision.

Permitted Uses

1. Alcoholic beverage on-premise retail sales and consumption.
2. Boat dock.
3. Clubs.
4. Parks.
5. Playground (principal use).
6. Playground, tot lot.
7. Swimming pools and bathing areas, public or private as primary uses (Sec. 1151.03).
8. Tennis courts.
9. Basketball/volleyball courts, baseball fields and similar sports oriented uses.
10. Erosion and runoff controls, lake water quality controls. Note: A zoning permit is required for construction of erosion or runoff controls. In order to obtain a zoning permit from the Village of Roaming Shores, the RRA must demonstrate that they have fulfilled all other government requirements (ODNR, Army Corps of Engineers, etc.)

Conditional Uses

1. Grounds and facilities for recreational and community center buildings, country clubs, lakes, and other similar facilities operated on a non-profit basis.

Principal Structure
Use
Recreation
Minimum Lot Area
No Sewer
1 acre
W/Sewer
½ acre
Minimum Lot Width
No Sewer
200'
W/Sewer
100'

Min. Principal Bldg. Setbacks
Front: 30' (a)
Each Side: 30' (b)
Rear: 60' (b)
Min. Accessory Bldg. Setbacks
Front: 30' (a)
Each Side: 30' (b)
Rear: 60' (b)

Max. % Lot Coverage
No Sewer
N/A
W/Sewer
50%
Max. Bldg. Ht.
Principal Bldg.
35'
Accessory Bldg.
35'
Minimum Floor Area
Per D.U. Prin. Bldg.
Sq. Ft.
N/A

D.U. = Dwelling Unit
Prin. Bldg. = Principal Building

(a) No parking, loading or maneuvering area less than 15 feet from the road right-of-way line.
(b) No parking, loading or maneuvering area less than 5 feet from any lot line.
(Ord. 381-02-03. Passed 5-20-03; Ord. 459-04-08. Passed 7-15-08.)

VILLAGE OF ROAMING SHORES

OFFICIAL SCHEDULE OF PERMITTED USES AND DIMENSIONAL REQUIREMENTS

Zoning District: MAR

Purpose: : The purpose of the MAR District (Marina) is to encourage the establishment and continued year-round operation of marinas and related local retail or service businesses on existing designated marina parcels within the Roaming Rock Shores Subdivision.

Permitted Uses

1. Boat dock.
2. Boat gasoline and fuel sales ***
3. Boat supplies and marine accessories, sales.
4. Boat storage, sales, financing and repair,** (including upholstery), commercial.
5. Candy products retail sales.
6. Canvas and burlap products, sale and storage.
7. Bicycle sales, service and repair
8. Convenience store (with ATM) retail sales including:
   Confectionaries and bakery shop
   Carry out or delivery foods, prepared or packaged
   Alcoholic beverages packaged retail sales
   Dairy and ice cream for retail sale on the premises only
   Fountain and packaged beverages
   Ice sales
9. Hardware retail sales including:
   Small appliances
   Electrical supplies and repair
   Paint retail sales
   Tools retail sales
10. Sporting goods sales including:
    Clothing and footware sales
11. Variety and gift store retail sales including:
    Antiques, flowers and gifts retail sales
    Books, stationery, and card sales
    Camera sales, supplies and service
    Music sales
    Jewelry and watch sales

Conditional Uses

1. Lawn equipment sales, service and repair, commercial
2. Lawn supplies, sales
3. Light construction materials
4. Local small business office including:
   Post office
   Doctor and dental office
   Association or government office
5. Motorcycle sales, financing, service and repair**, commercial
6. Snowmobile, ATV sales, financing, service and repair**, commercial
7. Automobile repair**

** Repair Facilities shall comply with Ohio Fire Code Rule 22 Section 2211.

*** Fuel shall be dispersed only by marina employees trained in safety practice.

No fuel shall be dispensed at gas docks while the motor is running or persons are smoking on board, or while any other flame is permitted.
Notice shall be posted at fueling area.
Fuel Dispensing Facilities shall comply with Ohio Fire Code Rule 22 Section 2210

Principal Structure
Use
Marina
Minimum Lot Area
W/ Sewer
As platted
No Sewer
As platted
Minimum Lot Width
W/ Sewer
As platted
No Sewer
As platted

Min. Principal Bldg. Setbacks
Front: 30' #
Sides: 30' *
Rear: 60' *
Min. Accessory Bldg. Setbacks
Front: 30' #
Sides: 30' *
Rear: 60' *
Max. % Lot Coverage
No Sewer
N/A
W/Sewer
50%

Max. Bldg. Ht.
Principal Bldg.
35'
Accessory Bldg.
35'
Minimum Floor Area
Per D.U. Prin. Bldg.
Sq. Ft.
N/A

D.U. = Dwelling Unit
Prin. Bldg. = Principal Building

No parking, loading or maneuvering area less than 15 feet from the road right-of-way line
* No parking, loading or maneuvering area less than 5 feet from any lot line.

(Ord. 441-12-06. Passed 4-17-07.)

VILLAGE OF ROAMING SHORES

OFFICIAL SCHEDULE OF PERMITTED USES AND DIMENSIONAL REQUIREMENTS

Zoning District: GOV

Purpose: The purpose of the GOV District (Government) is to encourage and facilitate the continual operation of the Village of Roaming Shores and the Rome Rock Association.

Permitted Uses

1. Office buildings.
2. Buildings and structures to store equipment, materials, vehicles used for governmental purposes.
3. Buildings and structures for utility purposes.

Conditional Uses

1. None permitted.

Principal Structure Use
GOV Bldgs./structures

Minimum Lot Area
No Sewer
1 acre
W/Sewer
½ acre

Minimum Lot Width
No Sewer
200'
W/Sewer
100'

Min. Principal Bldg. Setbacks
Front: 30' (a)
Each Side: 30' (b)
Rear: 60' (b)

Min. Accessory Bldg. Setbacks
Front: 30' (a)
Each Side: 30' (b)
Rear: 50' (b), (c)

Max. % Lot Coverage
No Sewer
N/A
W/Sewer
50%

Max. Bldg. Ht.
Principal Bldg.
35'
Accessory Bldg.
35'

Minimum Floor Area Per D.U. Prin. Bldg. Sq. Ft.
N/A

D.U. = Dwelling Unit
Prin. Bldg. = Principal Building

(a) No parking, loading or maneuvering area less than 15 feet from the road right-of-way line.
(b) No parking, loading or maneuvering area less than 5 feet from any lot line.
(c) Where adjacent to residential area 60 feet required. Variance may be granted where adjacent to railroad right of way.

(Ord. 381-02-03. Passed 5-20-03.)

CHAPTER 1137
Supplementary District Regulations

1137.01 General.
1137.02 Conversions of dwellings to more than one unit.
1137.03 Principal building per lot.
1137.04 Reduction of area or space.
1137.05 Construction in easements.
1137.06 Parking and storage of vehicles and trailers.
1137.07 Required refuse collection areas.
1137.08 Junk.
1137.09 Outside storage and refuse collection.
1137.10 Supplemental yard and height regulations.
1137.11 Setback requirements for buildings on corner lots.
1137.12 Fences.
1137.13 Yard requirements for multi-family dwellings.
1137.14 Side and rear yard requirements for nonresidential uses abutting residential districts.
1137.15 Exceptions to height regulations.
1137.16 Architectural projections.
1137.17 Visibility at intersections.
1137.18 Objectionable, noxious or dangerous uses, practices or conditions.
1137.19 Assurance requirements and plans.
1137.20 Enforcement provisions.
1137.21 Temporary uses.
1137.22 Screening.
1137.23 Earthen mounds.

1137.01 GENERAL.

The purpose of supplementary district regulations is to set specific conditions for various uses, classifications of uses, or areas wherein problems may occur, in order to alleviate or preclude such problems, and to promote the harmonious exercise of property rights without conflict. (Ord. 381-02-03. Passed 5-20-03.)

1137.02 CONVERSIONS OF DWELLINGS TO MORE THAN ONE UNIT.

A residence may not be converted to accommodate an increased number of dwelling units unless all of the following conditions are met:

1. The conversion is in compliance with all other local codes and ordinances, and any applicable State or Federal regulations;
2. The district within which the residence is located is so regulated as to allow such an increase in dwelling units;

3. The yard dimensions still meet the yard dimensions required by the zoning regulations for new structures in that district;
4. The lot area per family equals the lot area requirements for new structures in that district;
5. The floor area per dwelling unit is not reduced to less than that which is required for new construction in that district;
6. The conversion is in compliance with all other relevant codes and ordinances.
(Ord. 381-02-03. Passed 5-20-03.)

1137.03 PRINCIPAL BUILDING PER LOT.

No more than one principal building or structure may be constructed upon any one lot, except in District GOV, for purposes of this Ordinance. Rear dwellings shall be prohibited and shall be considered non-conforming uses subject to the requirements of Chapter 1113.
(Ord. 485-10-09. Passed 12-15-09.)

1137.04 REDUCTION OF AREA OR SPACE.

No lot, yard, parking area, or other space shall be reduced in area or dimension if such reduction has the effect of making the lot, yard, parking area, or other space less than the minimum required by this Ordinance. Furthermore, any lot, yard, parking area, or other space which is already less than the required minimum shall not be reduced further. However, nothing in this section shall be interpreted to limit the power of the Board of Zoning Appeals in the granting of variances under this Ordinance.
(Ord. 381-02-03. Passed 5-20-03.)

1137.05 CONSTRUCTION IN EASEMENTS.

Easements for installation, operation and maintenance of utilities and drainage facilities are reserved as shown on each plat when recorded or otherwise established. Within these easements, no permanent building or structure shall be placed or permitted which may damage or which may interfere with the installation, operation, and maintenance of such utilities or which may change the normal direction of flow of drainage channels within the easement. The easement area of each lot, and any improvements within it, shall be maintained continuously by the owner of the lot, except for those improvements for which a public authority or a utility is responsible.
(Ord. 381-02-03. Passed 5-20-03.)

1137.06 PARKING AND STORAGE OF VEHICLES AND TRAILERS.

1. As used in this section, the following terms will have the meanings indicated herein:
   a. "All-terrain vehicle" (ATV) means any motor vehicle which is designed for or capable of travel over unimproved terrain with a seat designed to be straddled by the rider. This definition is specifically intended to include, but not be limited to, such common terms for all terrain vehicles such as "three-wheelers," "four wheelers," "dune buggies," or "ATVs." This definition is specifically intended to exclude passenger vehicles, motorcycles, or motorized bicycles.
   b. "Boat" means any floatable device exceeding five feet in length capable of propelling by motor or non-motor, including but not limited to sailboards, rowboats, paddle boats, powerboats, sailboats and canoes.
   c. "Camper" means a non self-propelled recreational vehicle that is mainly used for camping out while traveling and is designed to be placed upon and/or attached to a motor vehicle.
   d. "Personal watercraft" means a vessel, less than sixteen (16) feet in length, that is propelled by machinery and designed to be operated by an individual sitting, standing, or kneeling on the vessel rather than by an individual sitting or standing inside the vessel.

e. "Recreational vehicle" (RV's) means a vehicle for non-commercial, recreational use that is often equipped with temporary living facilities, which either has its own mode of power or is mounted on or drawn by another vehicle; including a motor home, travel trailer, truck camper, fifth wheel trailer, and park trailer.

f. "Residential Lot" means a single parcel identified either by a numbered lot in a platted allotment or a single parcel identified by a county designated parcel number, either of which includes a residence. A residential lot shall also include any vacant lot adjacent to a lot with a residence, titled to the same owner.

g "Stored" means to put away, accumulate, reserve, place, or leave in the same location for preservation, future use, or disposal for a period more than fourteen (14) continuous days.

h. "Tractor" means every motor vehicle having motive power designed or used for cutting grass.

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

j. "Utility trailer" means an unpowered vehicle, not defined as a recreational vehicle, that has an axle and a frame that can be used to haul any type of material or equipment and is no longer than sixteen (16) feet.

2. Boats, tractors, airplanes, motorcycles, golf carts, trucks exceeding one (1) ton payload, trailers, snowmobiles, ATV's, campers, personal watercraft and other lawn care equipment and supplies shall not be permitted to be stored on residential lots, unless they are stored in a fully enclosed structure except as follows:

a. Recreational vehicles (RV'S), and utility trailers up to twenty-eight (28) feet in length or designed to haul a boat no longer than that allowed on Lake Roaming Shores by rule (no more than one (1) of each), may be stored outside an enclosed structure on a residential lot provided they are properly licensed and in good order, repair, and in operable condition; and provided that they are located within all setback requirements for structures in the Zoning Code.

Any previously granted setback exceptions shall remain effective, provided that the resident continues to store his or her boat, RV, and/or recreational utility trailer in compliance with the law that existed at the time when he or she first stored the boat, RV, and/or recreational utility trailer.

b. One boat exceeding twenty feet in length, but not to exceed twenty-eight feet in length, may be stored outside an enclosed structure on a residential lot provided they are titled and licensed to the owner, spouse or child of the real estate upon which it is located.

c. Up to one additional boat nqt less than ten feet but less than twenty feet in length, may be stored outside an enclosed structure on a residential lot provided they are titled and licensed to the owner, spouse or child of the real estate upon which it is located.

d. Up to four additional boats not more than ten feet in length, may be stored outside an enclosed structure on a residential lot provided they are titled and licensed to the owner, spouse or child of the real estate upon which it is located.

e. Up to four canoes, rowboats, paddleboats or other nonpowered boats no longer than eighteen feet, may be stored outside an enclosed structure on a residential lot provided they are titled and licensed to the owner, spouse or child of the real estate upon which it is located.

f. Under no circumstances shall more than six (6) boats described in subsections 2.b. to e. hereof be stored outside an enclosed structure on a residential lot and under no circumstances shall such boats be rented, leased or used for any commercial purpose.

g. Golf carts, snowmobiles, and A TV's (no more than two each), may be stored outside an enclosed structure on a residential lot provided they are properly licensed and titled to the owner of the land upon which they are located, and are in good order, repair, and in operable condition; and provided that they are located within all setback requirements for structures in the Zoning Code.

h. One tractor or lawnmower may be stored outside an enclosed structure provided it is in good order, repair, and in operable condition; and provided it is located within setback requirements for structures in the Zoning Code.

i. Under no circumstance shall more than a combined total of four vehicles described in subsections 2.g. through i. hereof be stored outside on any premises.

3. Unless located on a residential lot, as defined herein, or otherwise allowed by the Zoning Code, no person shall store equipment listed above in subsection 2. hereof on a lot that is not a residential lot as defined herein.

4. The parking of a disabled vehicle as defined in Chapter 1109 for a period of more than two (2) weeks shall be prohibited in all districts, unless such a vehicle is stored in an enclosed garage or accessory building.

5. No commercial vehicles , to include commercial tractors, automobiles, vans, trucks, buses, house trailers, semi-trailers, shall be parked or stored on property within a residential zoned district other than,.in a completely enclosed building, except,

a. Those commercial vehicles conveying the necessary tools, materials and equipment to a premises where labor using such tools, materials and equipment is to be performed during the actual time of parking,

b. One (1) commercial vehicle with a current license owned or used by a resident of such property, not to exceed two (2) tons capacity.

6. Anyone found violating any provision found in Section 1137.06 shall be fined $50.00 per day for as long as the violation continues; the Village reserves the right to seek injunctive relief in addition to such fine. (Ord. 559-6-12. Passed 3-18-14.)

1137.07 REQUIRED REFUSE COLLECTION AREAS.

The refuse collection areas provided by all commercial, industrial, governmental and multifamily residential uses for the collection of trash, garbage, and other refuse shall be enclosed on three sides by a solid wall or fence of at least four (4) feet in height, unless within an enclosed building or structure. Provisions shall be made for regular and adequate vehicular access to such areas for collection purposes, as determined necessary by the Zoning Inspector. In addition, the following requirements shall be met:

1. The storage of hazardous or toxic materials or wastes shall not be permitted without documented approval of the Ohio Environmental Protection Agency;
2. Materials or wastes which might cause fumes or dust or otherwise constitute a fire hazard, or which may attract rodents or insects, shall be stored only in closed containers constructed of impervious materials;
3. Storage areas in residential districts shall utilize such additional screening as required in this Ordinance.

(Ord. 381-02-03. Passed 5-20-03.)

1137.08 JUNK.

The accumulation or storage of junk, junk vehicles, disabled or inoperative machinery or equipment, vehicles or machinery parts, rags, or any other discarded objects or debris defined as junk in the Ohio Revised Code shall be prohibited, outside of an approved junk yard, in order to protect residents from conditions conducive to the infestation and breeding of vermin, insects, and rodents, and to preserve property values.

(Ord. 381-02-03. Passed 5-20-03.)

1137.09 OUTSIDE STORAGE AND REFUSE COLLECTION.

1. MAR (Marina) and RES (Restaurant) Districts.
   a. The refuse collection areas provided by all non-residential uses in the MAR and RES Districts to temporarily store trash, garbage, scrap or other refuse shall be enclosed on three sides by a solid wall or fence of at least four (4) feet in height unless the storage area is within an enclosed building or structure. Provisions shall be made for regular and adequate vehicular access to such areas for collection purposes, as determined necessary by the Zoning Inspector.
   b. All inventory, materials, equipment and machinery must be kept within buildings with the exceptions, in MAR district only, of such machinery and equipment as are ancillary to and necessary for the day to day operation of the marina and consistent with the MAR zoning classification of the specific property.

2. IND/C (Light Industrial/Commercial) District; GOV (Governmental) District.
   a. The refuse collection areas provided by all uses in this zone to temporarily store trash, garbage, scrap or other refuse shall be enclosed on three sides by a solid wall or fence of at least four (4) feet in height unless the storage area is within an enclosed building or structure. Provisions shall be made for regular and adequate vehicular access to such areas for collection purposes, as determined necessary by the Zoning Inspector;

b. All permitted uses and accessory activities shall be confined within completely enclosed buildings with the exception of off-street parking spaces, off-street loading areas, accessory fuel storage, attached storage tanks, HVAC units and employee recreational facilities. In addition, the temporary outdoor storage of materials, equipment or vehicles in an orderly manner is permitted in any areas other than in required front, rear or side yards, provided such outdoor storage does not exceed 15 feet in height or occupy more than ten percent of the area of the lot, and is effectively screened from residential uses, as in the case of parking areas.
(Ord. 381-02-03. Passed 5-20-03.)

1137.10 SUPPLEMENTAL YARD AND HEIGHT REGULATIONS.

In addition to the regulations specified in Chapter 1133 and in other chapters of this Ordinance, Sections 1137.11 through 1137.16 inclusive shall be used for clarification and interpretation.
(Ord. 381-02-03. Passed 5-20-03.)

1137.11 SETBACK REQUIREMENTS FOR BUILDINGS ON CORNER LOTS.

The principal building and its accessory structures located on any corner lot shall be required to have the same setback distance from all street right-of-way lines as required for the front yard in the district in which such structures are located.
(Ord. 381-02-03. Passed 5-20-03.)

1137.12 FENCES.

A. Fences and walls may be erected as permitted accessory uses in residential or non-residential districts as follows, except as limited by the provisions of subsection B. hereof:

1. General: Fences shall be designed to be aesthetically attractive and shall present a finished side to the adjoining property, which side shall not be adorned with signs, graphics or paintings of any kind. Fences shall be maintained in good repair and appearance.
2. Placement: Fences shall be confined to the area within the lot line of the fence owner's property. Except as provided in subsection B. hereof, fences may be constructed not less than one (1) foot from the property line, except that no front yard fence shall be placed less than ten (10) feet from the edge of the public right of way. It is the responsibility of the property owner to locate the property line. An owner who places any structure within an easement may be compelled by the owner of that easement to remove the structure at the owner's cost. To maintain clear and unobstructed vision, an opaque fence shall not be permitted within ten feet, in any direction, of the following points:
   a. The intersection of a driveway and sidewalk or front property line if there is no sidewalk;
   b. The intersection of a driveway and public right of way;
3. Materials and construction: No fence or wall shall be constructed from material other than stone, brick, finished or treated lumber, wrought iron or split rail or synthetic products which appear to be stone, brick, etc. as set forth above.

a. Chain link fencing may be used only in the rear or side yard and shall not exceed a height of four (4) feet or three (3) feet if along a street on a corner lot. When chain link fencing in a rear or side yard is adjacent to a street, such as on the street side of a corner lot, the fencing shall be screened from public view by a landscape screen which hides at least 50% of every ten feet of fence and which is approved by the Zoning Inspector. All chain link fences shall be painted on both sides black or green, or shall be vinyl coated black or green.

b. Electrified, razor wire and barbed wire fencing in whole or in part are prohibited except for underground (invisible) fences.

4. Height: Except as provided in subsection B. hereof, no fence or wall shall exceed six and one-half feet in height in any rear yard, or side yard. No fence or wall shall exceed three feet in height in a yard fronting on a street. Except as provided herein, the height of any fence or wall shall be measured from the ground level to the uppermost part of the top of the fence or wall. Fence posts, including decorative features, shall not extend higher than six inches from uppermost part of the top of the fence or wall.

5. Gate or openings: At least one unlocked gate or fence opening of a minimum of three (3) feet in width shall be provided in each yard to permit emergency access.

B. Lake Front Lots. It is the intent and policy of the Village of Roaming Shores that lots bordering Lake Roaming Rock or Flame Lake, ("lake front lots"), remain as open as possible to view the Lake from the street and adjacent lots while protecting the rights of such lot owners to privacy and the enjoyment of their land.

1. On all lots bordered by Lake Roaming Rock or Flame Lake, no fence or wall shall be allowed within fifty feet of the edge of the lake water, and no fence or wall shall exceed the height of six and one-half feet. This does not apply to approved sea walls. Shrubbery, plants and trees shall be spaced appropriately so as not to entirely block the view from the street or adjoining properties. (Ord. 601-05-14. Passed 5-20-14.)

1137.13 YARD REQUIREMENTS FOR MULTI-FAMILY DWELLINGS.

Multi-family dwellings shall be considered as one (1) building for the purpose of determining front, side, and rear yard requirements. The entire group as a unit shall require one (1) front, one (1) rear, and two (2) side yards as specified for dwellings in the appropriate district. Each individual building shall meet all yard requirements for the appropriate district as though it were on an individual lot. (Ord. 381-02-03. Passed 5-20-03.)

1137.14 SIDE AND REAR YARD REQUIREMENTS FOR NONRESIDENTIAL USES ABUTTING RESIDENTIAL DISTRICTS.

Nonresidential buildings or uses shall not be located nor conducted closer than sixty (60) feet to any lot line of a residential district, except that the minimum yard requirements may be reduced to fifty (50) percent of the requirement if acceptable landscaping or screening approved by the Zoning Inspector is provided. Such screening shall be a masonry wall or solid fence between four (4) and eight (8) feet in height maintained in good condition and free of all advertising or other signs. Landscaping provided in lieu of such wall or fence shall consist of a strip of land not less than twenty (20) feet in width planted with an evergreen hedge or dense plantings of evergreen shrubs not less than four (4) feet in height at the time of planting. Neither type of screening shall obscure traffic visibility as required by Section 1137.17.
(Ord. 381-02-03. Passed 5-20-03.)

1137.15 EXCEPTIONS TO HEIGHT REGULATIONS.

The height limitations contained in the Official Schedule of District Regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy except where the height of such structures will constitute a hazard to the safe landing and take-off of aircraft at an established airport.
(Ord. 381-02-03. Passed 5-20-03.)

1137.16 ARCHITECTURAL PROJECTIONS.

Roofed or open structures such as porches, canopies, balconies, platforms, carports, covered patios, decks and similar architectural projections shall be considered part of the building to which attached and shall not project into the required minimum front, side, or rear yard setback requirements. Uncovered decks/patios attached to the building shall be exempt from the rear yard setback requirements. (Ref. Section 1121.20, #4)
(Ord. 381-02-03. Passed 5-20-03.)

1137.17 VISIBILITY AT INTERSECTIONS.

On a corner lot at the intersection of two streets in any district, nothing shall be installed, erected, placed, planted, or allowed to grow in such manner as to impede vision materially between a height of two and one-half (2 ½) feet and ten (10) feet above the center line grades of the intersecting streets in the area bounded by the right-of-way lines of such corner lot and a line joining points along said street lines fifty (50) feet from the point of intersection. On a corner lot at the intersection of two alleys, or at the intersection of an alley and a street within any district, nothing shall be installed, erected, placed, planted, or allowed to grow in such manner as to impede vision materially between a height of two and one-half (2-1/2) feet and ten (10) feet above the center line grades of the intersecting alleys, or of the intersecting alley and street, in the area bounded by the right-of-way lines of such corner lot and a line joining points along said alley lines, or alley and street lines, twenty-five (25) feet from the point of intersection.
(Ord. 381-02-03. Passed 5-20-03.)

1137.18 OBJECTIONABLE, NOXIOUS, OR DANGEROUS USES, PRACTICES, OR CONDITIONS.

No land or building in any district shall be occupied or used in any manner which creates or contributes to the existence of conditions which are dangerous, injurious, harmful, noxious, or objectionable, or which may otherwise adversely affect surrounding areas or adjoining premises, except that any use permitted by this Ordinance may be undertaken or maintained if acceptable measures and safeguards to reduce any dangerous or objectionable conditions to acceptable limits, as established in this Section, are properly exercised. Specifically, the occupation or use of any land or building in any district shall be in violation of this Ordinance if one or more of the following conditions is found to exist at any time:

1. The use or storage of flammable or explosive materials is not adequately protected by fire-fighting and fire-protection equipment or by such safety devices as are normally required for such activities;
2. Activities involving the use and storage of flammable and explosive materials are not removed from adjacent facilities or activities to a distance compatible with the potential danger involved;

3. Radioactivity or air pollution is present in violation of the regulations of the Ohio Environmental Protection Agency;
4. Hazardous wastes are present in violation of the regulations of the Ohio Environmental Protection Agency;
5. Objectionable noise as determined by the Zoning Inspector due to volume, frequency or beat is present;
6. Vibration discernible by the Zoning Inspector without instruments is present on an adjoining lot or property;
7. Direct or reflected glare is present which is visible from any street or from any property not within a manufacturing district;
8. Erosion caused by wind or water is carrying objectionable substances onto any adjacent lot, property, or lake;
9. Water pollution or contamination is present in violation of the regulations of the Ohio Environmental Protection Agency;
10. Conditions or operations which result in the creation of odors of such intensity and character as to be detrimental to the health and welfare of the public or which interfere unreasonably with the comfort of the public. If the odors start after operations, the activity shall be removed or modified to remove the odor;
11. Any planned or intentional source of electromagnetic radiation for such purposes as communication, experimentation, entertainment, broadcasting, heating, navigation, therapy, vehicle velocity measurement, weather survey, aircraft detection, topographic survey, personal pleasure or associated uses which do not conform with the current Federal Communications Commission's regulations;
12. Discharge at any point into any public or private sewage disposal system or stream, or into the ground, of any liquid or solid materials except in accordance with OEPA's, the local sewer authority's, and the County Health Department's regulations; and
13. Adverse influences, including but not limited to structural or other damage, to the dam is present in violation of the regulations of the Ohio Department of Natural Resources.
14. The installation and or use of outdoor furnaces utilizing as a fuel source wood, coal, oil, propane, LP, natural gas or other fuels is strictly prohibited.

(Ord. 381-02-03. Passed 5-20-03.)

1137.19 ASSURANCE REQUIREMENTS AND PLANS.

Prior to the issuance of a zoning permit, the Zoning Inspector may require the submission of written assurances and plans indicating the manner in which dangerous and objectionable aspects or elements of processes or operations entailed in certain uses or occupations are to be eliminated or reduced to acceptable limits and tolerances.
(Ord. 381-02-03. Passed 5-20-03.)

1137.20 ENFORCEMENT PROVISIONS.

Any occupancy, use, conditions, or circumstances existing in violation of Section 1137.18 and 1137.19 shall constitute a violation of this Ordinance and be subject to the enforcement procedures contained in Sections 1167.18 - 1167.20.
(Ord. 381-02-03. Passed 5-20-03.)

1137.21 TEMPORARY USES.

The following regulations are necessary to govern certain uses which are of a non-permanent nature. For such uses requiring temporary zoning permits, at least seven (7) days before the installation of such use an application for a zoning permit shall be made to the Zoning Inspector, which shall contain a graphic description of the property to be used, a description of the proposed use, and a site plan, with sufficient information to determine the yard, setback, parking, and sanitary facility requirements for the proposed temporary use.

The following uses are deemed to be temporary uses and shall be subject to the specified regulations and time limits which follow, as well as the regulations of any district in which they are located:

1. Real estate sales offices, which shall contain no living accommodations, shall be permitted within any district for any new subdivision for a period of one year, except that two (2) six-month extensions may be granted if conditions warrant. Such offices shall be removed upon the completion of the sales of the lots therein, or upon the expiration of the zoning permit, whichever occurs first.
2. Temporary buildings, offices, and equipment and storage facilities required in conjunction with construction activities may be permitted within any district for a period of one year, except that six-month extensions may be granted if construction is substantially underway. Such uses shall be removed immediately upon completion of the construction, or upon expiration of the zoning permit, whichever occurs first.
3. Temporary retail sales of plants, flowers, and other farm produce, on lots or parking lots, including any lot on which an existing business is operating or on which a business is vacated, may be permitted for any individuals or organizations in any commercial district. A zoning permit valid for a period not to exceed two (2) consecutive weeks shall only be issued three (3) separate times for any particular lot within any twelve-month period, and not more than one permit may be issued at the same time for any lot. This section shall not be interpreted to prohibit any such use in any case where a valid covenant or deed restriction specifically authorizes such use. In any case, the zoning permit shall be prominently displayed at the site. Temporary permits are not required for sales of agricultural produce on the zone lot on which said produce is grown.
4. Garage sales, which for the purpose of this section shall include yard sales, barn sales, and similar activities, may be permitted within any district in which dwellings are permitted. Any individual, organization or family may conduct, without a permit, one (1) such sale within any twelve-month period upon the property at which he or they reside for a period not to exceed three (3) consecutive days, so long as the provisions of this Ordinance pertaining to signs and parking are observed. (Ord. 381-02-03. Passed 5-20-03.)

1137.22 SCREENING.

Screening or buffering in compliance with the provisions of this Section shall be provided for any permitted or conditionally permitted nonresidential uses which abuts any residential district, in addition to setback and yard requirements provided elsewhere in this Ordinance. Applicants for a zoning permit may request a variance from yard or setback requirements in conjunction with a plan for screening, which the Board of Zoning Appeals may consider by weighing the relationship of the proposed screening plan and the requested dimensional variance with respect to their joint impact upon neighboring properties. Such requested variance for a conditionally permitted use shall be incorporated in the conditional use procedure specified in Chapter 1121. The following provisions shall apply with respect to screening.

1. Screening shall be provided for one or more of the following purposes:
   a. A visual barrier to partially or completely obstruct the view of structures or activities;
   b. An acoustic screen to aid in absorbing or deflecting noise;
   c. A physical barrier to contain debris and litter.
2. Screening may consist of one of the following, or a combination of two or more, as determined by the Zoning Inspector or Board of Zoning Appeals, in the event of an appeal, variance, or conditional use:
   a. A solid masonry wall;
   b. A solidly constructed decorative fence;
   c. A louvered fence;
   d. A dense vegetative plantings; and/or
   e. A landscaped mounding.
3. Height of screening shall be in accordance with the following:
   a. Visual screening walls, fences, plantings, or mounds shall be a minimum of five and one-half (5-1/2) feet high in order to accomplish the desired screening effect, except in required front yards where maximum height shall be not greater than two and one-half (2-1/2) feet. Plantings shall be a minimum of four (4) feet in height at the time of planting;
   b. A dense vegetative planting with a minimum height of four (4) feet at planting and a mature height of at least five and one-half (5-1/2) feet or greater, or a solidly constructed decorative fence, shall be permanently maintained along the mutual boundary of an accessory parking area and adjacent land zoned for residential uses, except for the portion of such boundary located within a required front yard.
4. Screening for purposes of absorbing or deflecting noise shall have a depth of at least fifteen (15) feet of dense planting or a solid masonry wall in combination with decorative plantings. The height shall be adequate to absorb noise as determined by the Zoning Inspector in relation to the nature of the use.
5. Whenever required screening is adjacent to parking areas or driveways, such screening shall be protected by bumper blocks, posts, or curbing to avoid damage by vehicles.
6. All screening shall be trimmed, maintained in good condition, and free of advertising or other signs, except for directional signs and other signs for the efficient flow of vehicles.

(Ord. 381-02-03. Passed 5-20-03.)

1137.23 EARTHEN MOUNDS.

1. In residential districts, a landowner may create an earthen mound for landscaping or screening purposes. Landscaping mounds shall meet all of the following requirements:
   a. The mound shall not exceed a height of more than two feet, excluding vegetation.
   b. The maximum side slope shall be three feet horizontal to one foot vertical. The Zoning Inspector shall determine that the mound has proper erosion prevention and control, and that the landowner has adequate means to insure plants have sufficient moisture for survival.
   c. The base of the mound shall be located at least five feet from the edge of any right of way or property line unless drainage issues require a greater distance of separation.
   d. The mound shall not obstruct or interfere with a line of vision on corners and driveways or otherwise create a safety hazard.

2. A zoning application for such an earthen mound shall include a landscaping plan which shall satisfy the requirements found in subsection 1. hereof.

3. The property owner shall be responsible for the maintenance and appearance of the landscaping mound including, but not limited to, appropriate and adequate ground cover, weeding, pruning and removal of dead or diseased plants.
(Ord. 518-06-11. Passed 9-20-11.)

CHAPTER 1141
Special Regulations

1141.01 General.

1141.01 GENERAL.

It is the purpose of these special regulations to promote the public health, safety, and welfare and to establish regulations affecting uses and practices which, were they to be established and maintained without any guidance or restriction or control, tend to result in dangerous situations threatening the safety of citizens, to contribute to circumstances undermining the morals of the youth of the community, or to generate conflicts in uses or practices upsetting the harmony of the community and impinging upon the property rights of others.
(Ord. 381-02-03. Passed 5-20-03.)

CHAPTER 1143
Satellite Dish Antennas

1143.01 Purpose.
1143.02 Zoning permit required.
1143.03 Satellite dishes less than 40 inches.
1143.04 Satellite dishes over 40 inches.
1143.05 Variances on locational characteristics for dishes over 40 inches.

1143.01 PURPOSE.

It is the purpose of this chapter to regulate the location and construction of dish-type satellite signal-receiving antennas within the Village in order to protect the public health, safety, and welfare of the residents, particularly with respect to the maintenance of utility easements and fire safety accesses, the prevention of the accumulation of noxious weeds and debris, the safety considerations associated with windloads, and the reasonable accommodation of the aesthetic concerns of neighboring property owners.
(Ord. 381-02-03. Passed 5-20-03.)

1143.02 ZONING PERMIT REQUIRED.

No person, firm or corporation shall undertake the construction, erection or installation of any satellite dish without a zoning permit issued in accordance with the provisions of this Ordinance. In addition to the requirements of Chapter 1167, the application for such permit shall include the following:

1. A description of the type of earth station proposed;
2. A plot plan of the lot, premises, or parcel of land showing the location of the proposed earth station and all other buildings thereon;
3. Plans depicting the specifications and elevations of the proposed location, to include satisfactory screening and landscaping for ground-mounted structures;
4. Details of the method of assembly and construction of the proposed earth station;
5. A fee as required according to Section 1165.12 for the review of plans and specifications and the inspection of construction.

(Ord. 381-02-03. Passed 5-20-03.)

1143.03 SATELLITE DISHES LESS THAN 40 INCHES.

Satellite dishes less than 40 inches in diameter or diagonal measurement are permitted in all districts and do not require a permit unless the following applies;

1. Dishes where an acceptable signal can be received only within the setback requirements as established in each district in the Zoning Ordinance;
2. Dishes that have to be erected on a mast higher than twelve (12) feet above the roofline.

In the cases of installation of dishes in the above categories, the permit application will include the submission of proof that it is necessary to erect under these conditions in order to get the only acceptable signal on the property.

1. Safety regulation for all satellite dishes:
   a. The apparatus shall be constructed such that it will withstand wind forces of up to seventy-five (75) miles per hour;
   b. If ground mounted all wiring between the apparatus and any other structure shall be placed underground in approved, grounded, outdoor antenna cable;
   c. If ground mounted it shall not be placed within twelve and one-half (12-1/2) vertical feet of any power line over 240 volts, and five (5) vertical feet from power lines under 240 volts, or if the apparatus is higher than the power line it shall not be closer than seven and one-half (7-1/2) horizontal feet from the power line;
   d. If mounted on the house the apparatus shall not be closer than three and one-half (3-1/2) horizontal feet from the power line going into the house;
   e. No dish shall be placed within the front yard (street side) utility easement, the road right of way, or any side or rear yard utility easement known to have existing utility lines;
   f. All wiring and grounding of the apparatus shall be in accordance with BOCA.
2. Prioritized list of placement preferences:
   a. Roof or other parts of the house;
   b. Non-lake front homes:
      i. Back yards (not within the setback requirements);
      ii. Side yards (not within the setback requirements);
      iii. Front yards (not within the road right of way, utility easement and set back requirements);
   c. Lake front homes:
      i. Side yards (not within the setback requirements);
      ii. Front yards (not within the road right of way, utility easement and setback requirements);
      iii. Back yards (not within the set back requirements);
3. Screening. Screening of ground-mounted satellite dishes with shrubbery and/or flowers is recommended in order to maintain the esthetic beauty of the community. (Ord. 381-02-03. Passed 5-20-03.)

1143.04 SATELLITE DISHES OVER 40 INCHES.

Satellite dishes more that 40 inches in diameter or diagonal measurement are considered as accessory structures and are permitted as accessory uses in all districts. In addition to the provisions of this Ordinance pertaining to accessory structures, the following provisions shall apply:

1. No satellite dish over 40 inches may be mounted on the house or roof;
2. The maximum height of any ground-mounted satellite dish shall not exceed twelve (12) feet;
3. The maximum height of any ground-mounted satellite dish shall not exceed fifteen (15) feet above the finished grade;
4. The dish portion of the apparatus shall have a surface of open mesh construction and shall be painted a color which complements its environment and shall bear no advertisement, lettering, picture, or visual image;
5. The apparatus shall not be located in a side yard or front yard (street side) on off lake lots and back yards (lake side) or side yards on lakefront lots;
6. The site of the apparatus shall be screened with shrubbery and/or flowers;
7. The apparatus shall be mounted upon a solid concrete slab or other suitable structure, and shall be constructed such that it will withstand wind forces of up to seventy-five (75) miles per hour;
8. Only metal supports of galvanized construction shall be used;
9. Any guy wires attached to a satellite dish apparatus shall be enclosed by an approved fence;
10. Any driving motor shall be limited to one hundred and ten (110) volt maximum power and shall be encased in a protective guard;
11. All wiring between the apparatus and any other structure shall be placed underground and in accordance with BOCA regulations;
12. The apparatus shall be bonded to an approved eight (8) foot grounding rod;
13. The apparatus shall not be placed within twelve and one-half (12-1/2) vertical feet from any power line over 240 volts and five (5) vertical feet from power line under 240 volts. (Ord. 381-02-03. Passed 5-20-03.)

1143.05 VARIANCES ON LOCATIONAL CHARACTERISTICS FOR DISHES OVER 40 INCHES.

An applicant may request a variance from the accessory building requirements and the required height restrictions in compliance with the procedures of Chapter 1117. In addition to all requirements of these sections, the applicant shall submit clear and convincing evidence that the requested variance is necessary in order for the satellite dish antenna to have a direct line of sight or unobstructed view to the satellite. In any case where this provision applies, the variance granted by the Board of Zoning Appeals shall be the minimum variance required to achieve the necessary direct line of sight to assure that the antenna can properly function.
(Ord. 381-02-03. Passed 5-20-03.)

CHAPTER 1145
Amusement Arcades

1145.01 Purpose.
1145.02 Conditional use permit required.
1145.03 Zoning of amusement arcades.
1145.04 Maintenance of a nuisance prohibited.
1145.05 Restricted access to certain minors.
1145.06 Complaints regarding amusement arcades.
1145.07 Revocation of conditional use permit.
1145.08 Procedure for revocation.

1145.01 PURPOSE.

The purpose of this chapter is to promote the public health, safety, and welfare by regulating amusement arcades where mechanically or electronically operated amusement devices are kept, operated, or maintained.
(Ord. 381-02-03. Passed 5-20-03.)

1145.02 CONDITIONAL USE PERMIT REQUIRED.

No amusement arcade shall be established, operated or maintained in any place of business or on any premises unless authorized by the issuance of a conditional use permit in accordance with the provisions of Chapter 1121. In addition to said provisions, amusement arcades shall comply with the following conditional use criteria:

1. Amusement arcades shall comply with the district regulations applicable to all properties in any zoning district in which they are located;
2. Amusement arcades shall have an adult who is eighteen (18) years of age or over on the premises and supervising the amusement arcade at all times during its hours of operation;
3. Amusement arcades shall have necessary security personnel as required by the appropriate law enforcement agency to police the interior and exterior of the premises;
4. The interior of the amusement arcades shall provide a minimum area per coin-operated amusement device equal to the size of the device plus two (2) feet of area on each side plus an area of four (4) feet in front of the device;

5. Prior to the issuance of a conditional use permit the applicant shall provide evidence that the structure meets the minimum requirements of the appropriate electrical and fire codes;
6. If the place of business or premises for which an amusement arcade is proposed is a free standing building, the application for the conditional use permit shall include an approvable exterior lighting plan;
7. In establishments which serve alcoholic beverages, any area containing amusement devices shall be visually separated from that portion or portions of the establishment wherein alcoholic beverages are served or sold for carrying out of the premises;
8. No amusement arcade may be established, operated or maintained in any place of business or on any premises which is within five hundred (500) feet of any adult entertainment business.
9. The application for the conditional use permit shall be accompanied by a copy of the applicant's license to operate and exhibit amusement devices, and a notarized statement that the applicant shall not permit any person fourteen (14) years of age or younger to operate any devices on the premises before 4:00 p.m. on days when school is in session.

(Ord. 381-02-03. Passed 5-20-03.)

1145.03 ZONING OF AMUSEMENT ARCADES.

Amusement arcades shall be conditionally permitted uses only in IND/C Districts.
(Ord. 381-02-03. Passed 5-20-03.)

1145.04 MAINTENANCE OF A NUISANCE PROHIBITED.

It shall be the obligation of the exhibitor of an amusement arcade to maintain peace and quiet and order in and about the premises. Failure to do so shall constitute a nuisance, which shall be a minor misdemeanor.
(Ord. 381-02-03. Passed 5-20-03.)

1145.05 RESTRICTED ACCESS TO CERTAIN MINORS.

No amusement arcade exhibitor shall permit, on days when school is in session, any person fourteen (14) years cf age or younger to operate any mechanical or electrically operated amusement device or to be or remain in an amusement arcade before 4:00 p.m. This provision does not apply to juke boxes, mechanical musical instruments, or other mechanical amusement devices designed to be ridden, such as mechanical horses, automobiles, and carrousels. Violation of this provision shall be a minor misdemeanor.
(Ord. 381-02-03. Passed 5-20-03.)

1145.06 COMPLAINTS REGARDING AMUSEMENT ARCADES.

Any resident of the Village may submit a written notice of complaint regarding the operation of any amusement arcade to the Zoning Inspector. The notice of complaint shall include the name and address of the complainant, the address of the location cf the amusement arcade, and the specific reasons why the individual is complaining.

If the Zoning Inspector determines, after interviewing both the complainant and the amusement arcade exhibitor, that the specific reasons in the complaint appear to be proper grounds for suspension or revocation cf the conditional use permit, the Zoning Inspector shall refer the matter to the Board of Zoning Appeals.
(Ord. 381-02-03. Passed 5-20-03.)

1145.07 REVOCATION OF CONDITIONAL USE PERMIT.

The Zoning Inspector shall revoke the conditional use permit for any amusement arcade in the event that the license to operate such amusement arcade is revoked. In addition, the Zoning Inspector shall revoke the conditional use permit for any amusement arcade if so determined pursuant to the action of the Board of Zoning Appeals, or to the final decision from appeal to the Council according to the provisions of Section 1145.08.
(Ord. 381-02-03. Passed 5-20-03.)

1145.08 PROCEDURE FOR REVOCATION.

The Zoning Inspector shall notify in writing the Board of Zoning Appeals whenever the Zoning Inspector has reason to believe that the operation of an amusement arcade has resulted in a violation of any provision of this Ordinance. Within ten (10) days from said notification the Board of Zoning Appeals shall hold a public hearing to determine whether the conditional use permit should be revoked. Notice of this hearing shall be served on the amusement arcade exhibitor and, if the Zoning Inspector referral to the Board of Zoning Appeals originated from a complaint by any resident, similar notice shall be served on the complainant at least five (5) days before the hearing. The Board of Zoning Appeals may also give such other notice as it deems appropriate, including notice to property owners and notice in a newspaper of general circulation. The Board of Zoning Appeals shall make a decision within five (5) days after the hearing and shall notify the amusement arcade exhibitor and, if applicable, the complainant. The decision of the Board of Zoning Appeals may be appealed to the Council within ten (10) days of its issuance of said decision. The Council shall hold a public hearing within twenty (20) days of its receipt of such appeal, after giving public notice of such hearing in a newspaper of general circulation at least five (5) days prior to the date of the hearing, and shall make a final determination on the revocation of the conditional use permit within a reasonable time.
(Ord. 381-02-03. Passed 5-20-03.)

CHAPTER 1147
Adult Entertainment Businesses

1147.01 Purpose.
1147.02 Conditional use permit required.
1147.03 Zoning of adult entertainment businesses.
1147.04 Maintenance of a nuisance prohibited.
1147.05 Complaints regarding adult entertainment businesses.
1147.06 Revocation of conditional use permit.
1147.07 Procedure for revocation.

1147.01 PURPOSE.

The purpose of this chapter is to promote the public health, safety and welfare through the regulation of adult entertainment businesses. It is the intent of these sections to regulate entertainment businesses, as defined in Chapter 1109, in such a manner as to prevent the erosion of the character of the surrounding neighborhoods and to prohibit the establishment of such businesses within close proximity to existing adult entertainment businesses, residentially zoned areas, schools, churches, parks and playgrounds within the Village.
(Ord. 381-02-03. Passed 5-20-03.)

1147.02 CONDITIONAL USE PERMIT REQUIRED.

No building shall be erected, constructed, or developed, and no building or premises shall be reconstructed, remodeled, arranged for use or used for any adult entertainment business unless authorized by the issuance of a conditional use permit in accordance with the provisions of Chapter 1121. In addition to said provisions, an adult entertainment business shall comply with the following conditional use criteria:

1. Adult entertainment businesses shall comply with the district regulations applicable to all properties in any district in which they are located;
2. No adult entertainment business shall be permitted in a location which is within one thousand five hundred (1,500) feet of another adult entertainment business;
3. No adult entertainment business shall be permitted in a location which is within one thousand (1,000) feet of any church, any public or private school, any park, any playground, or any social services facility or neighborhood center;
4. No adult entertainment business shall be permitted in a location which is within five hundred (500) feet of any residence or boundary of any residential district;
5. No adult entertainment business shall be permitted in a location which is within two hundred (200) feet of any boundary of any residential district in a local unit of government abutting the Village.

(Ord. 381-02-03. Passed 5-20-03.)

1147.03 ZONING OF ADULT ENTERTAINMENT BUSINESSES.

Adult entertainment businesses shall be conditionally permitted in accordance with the following schedule:

Conditionally Permitted Use	Districts Wherein Permitted
Adult Book Store	INC/C
Adult Motion Picture Theater	INC/C
Adult Motion Picture Drive-In Theater	INC/C
Adult Only Entertainment Establishment	IND/C

(Ord. 381-02-03. Passed 5-20-03.)

1147.04 MAINTENANCE OF A NUISANCE PROHIBITED.

It shall be the obligation of the adult entertainment business to maintain peace and quiet and order in and about the premises. Failure to do so shall constitute a nuisance, which shall be a minor misdemeanor.

(Ord. 381-02-03. Passed 5-20-03.)

1147.05 COMPLAINTS REGARDING ADULT ENTERTAINMENT BUSINESSES.

Any resident of the Village may submit a written notice of complaint regarding the operation of any adult entertainment business to the Zoning Inspector. The notice of complaint shall include the name and address of the complainant, the address of the location of the adult entertainment business, and the specific reasons why the individual is complaining.

If the Zoning Inspector determines, after interviewing both the complainant and the adult entertainment business, that the specific reasons in the complaint appear to be proper grounds for suspension or revocation of the conditional use permit, the Zoning Inspector shall refer the matter to the Board of Zoning Appeals.

(Ord. 381-02-03. Passed 5-20-03.)

1147.06 REVOCATION OF CONDITIONAL USE PERMIT.

The Zoning Inspector shall revoke the conditional use permit for any adult entertainment business in the event that the license to operate such adult entertainment business is revoked. In addition, the Zoning Inspector shall revoke the conditional use permit for any adult entertainment business if so determined pursuant to the action of the Board of Zoning Appeals, or to the final decision from appeal to the Council according to the provisions of Section 1147.07.

(Ord. 381-02-03. Passed 5-20-03.)

1147.07 PROCEDURE FOR REVOCATION.

The Zoning Inspector shall notify in writing the Board of Zoning Appeals whenever the Zoning Inspector has reason to believe that the operation of an adult entertainment business has resulted in a violation of any provision of this Ordinance. Within ten (10) days from said notification the Board of Zoning Appeals shall hold a public hearing to determine whether the conditional use permit should be revoked. Notice of this hearing shall be served on the adult entertainment business and, if the Zoning Inspector referral to the Board of Zoning Appeals originated from a complaint by any resident, similar notice shall be served on the complainant at least five (5) days before the hearing. The Board of Zoning Appeals may also give such other notice as it deems appropriate, including notice to property owners and notice in a newspaper of general circulation. The Board of Zoning Appeals shall make a decision within five (5) days after the hearing and shall notify the adult entertainment business and, if applicable, the complainant. The decision of the Board of Zoning Appeals may be appealed to the Council within ten (10) days of its issuance of said decision. The Council shall hold a public hearing within twenty (20) days of its receipt of such appeal, after giving public notice of such hearing in a newspaper of general circulation at least five (5) days prior to the date of the hearing, and shall make a final determination on the revocation of the conditional use permit within a reasonable time.
(Ord. 381-02-03. Passed 5-20-03.)

CHAPTER 1149
Television, Radio and Microwave Tower and Telecommunications Equipment Siting

1149.01 Purpose.
1149.02 Zoning permit required.
1149.03 Approval standards for a new transmission facility.
1149.04 Zoning permit required.
1149.05 Zoning permit not required.

1149.01 PURPOSE.

The purpose of this chapter is:

1. To minimize adverse visual effects of towers through careful design, siting, and vegetative screening;
2. To avoid potential damage to adjacent properties from tower failure and falling ice through engineering and careful siting of tower structures;
3. To lessen traffic impacts on surrounding residential areas;
4. To limit radiation emitted by telecommunications equipment so that it will not adversely affect human health; and
5. To maximize use of any new transmission tower to reduce the number of towers needed. (Ord. 381-02-03. Passed 5-20-03.)

1149.02 ZONING PERMIT REQUIRED.

No person, firm or corporation shall undertake the construction, erection or installation of the following without a permit:

1. VHF and UHF television towers and transmission facilities;
2. FM and AM radio towers and accessory facilities;
3. Two-way radio towers;
4. Common carriers;
5. Cellular telephone, and
6. Fixed-point microwave.

(Ord. 381-02-03. Passed 5-20-03.)

1149.03 APPROVAL STANDARDS FOR A NEW TRANSMISSION FACILITY.

All uses listed in Section 1149.02 must meet all of the following standards:

1. Existing or approved towers cannot accommodate the telecommunications equipment for the proposed tower.
2. The site of existing and approved towers cannot practicably accommodate the proposed tower.
3. Structures will be set back from abutting residential district parcels, public property, or road rights-of-way a sufficient distance to accomplish the following:
   a. Contain on-site substantially all ice-fall or debris from tower failure;
   b. Protect the general public from nonionizing electromagnetic radiation (NIER) at levels generally found to be dangerous;
   c. Preserve the privacy of adjoining residential property by assuring that accessory structures comply with the district regulations and that sufficient vegetative screening is planted (with earthen mounds if necessary) to screen structures to a height of eight (8) feet;
   d. Maintaining a setback of tower bases from abutting residential parcels, public property or road rights-of-way by a distance of twenty percent (20%) of the tower height or the distance between the tower base and guy wire anchors, whichever is greater;
   e. Maintain tower setbacks from abutting land in other districts by the rear and side yard setback required in that district, and
   f. Restrict placement of guy wire anchors to set back twenty five (25) feet from abutting residential district property lines, public property or road rights-of-way and the rear yard setback from abutting land in other districts.
4. The tower is set back from other on-and off-site towers and supporting structures far enough so one tower will not strike another tower or support structure if a tower or support structure fails.
5. At least two (2) off-street parking spaces must be provided.
6. Existing on-site vegetation shall be preserved to the maximum extent practicable.
7. Fencing necessary for safety or security shall be developed in conjunction with the landscaping and screening and shall be constructed to be unobtrusive in color and design.
8. Accessory facilities in a residential district may not include offices, long term vehicle storage, other outdoor storage, or broadcast studios, except for emergency purposes, or other uses that are not needed to send or receive transmissions, and in no event may exceed twenty-five percent (25%) of the floor area used for transmission equipment and functions.

(Ord. 381-02-03. Passed 5-20-03.)

1149.04 ZONING PERMIT REQUIRED.

An antenna, tower and supporting structure for the following uses are permitted in any district if accessory to a permitted use and if they comply with applicable regulations of the district in which situated:

1. Ham radio;
2. Citizens band radio;
3. A telecommunication device that only receives a Radio Frequency (RF) signal; and
4. A sole-source emitter with more than one kilowatt average output.

(Ord. 381-02-03. Passed 5-20-03.)

1149.05 ZONING PERMIT NOT REQUIRED.

The following uses are exempt from this Ordinance:

1. Portable, handheld, and vehicular transmissions; .
2. Industrial, scientific, and medical equipment operating at frequencies designated for that purpose by the FCC;
3. A source of nonionizing electromagnetic radiation with an effective radiated power of seven watts or less;
4. A sole-source emitter with an average output of one kilowatt or less if used for amateur purposes;
5. Marketed consumer products, such as microwave ovens, citizen band radios, and remote control toys; and
6. Goods in storage or shipment or on display for sale, provided the goods are not operated, except for occasional testing or demonstration.

(Ord. 381-02-03. Passed 5-20-03.)

CHAPTER 1151
Swimming Pools as Accessory Uses

1151.01 Purpose.
1151.02 Private swimming pools.
1151.03 Community or club swimming pools.

1151.01 PURPOSE.

It is the purpose of Chapter 1151 to promote the public health, safety, and welfare through the regulation of swimming pool facilities which are constructed, operated or maintained as an accessory use.
(Ord. 381-02-03. Passed 5-20-03.)

1151.02 PRIVATE SWIMMING POOLS.

No private swimming pool, exclusive of portable swimming pools with a diameter of less than twelve (12) feet or with an area of less than one hundred (100) square feet, or of a farm pond, shall be allowed in any residential district or commercial district except as an accessory use, and shall comply with the following requirements:

1. The pool is intended to be used and is used solely for the enjoyment of the occupants of the property on which it is located and their guests;
2. The pool may be located anywhere on the premises except in required front yards, provided that it shall not be located closer than twelve (12) feet to any property line or easement;
3. The swimming pool, or the entire property upon which it is located, shall be walled or fenced in such a manner as to prevent uncontrolled access by children from the street and from adjacent properties. Such fence shall be four (4) feet in height and it shall be maintained in good condition with a four (4) foot gate and a lock.
(Ord. 381-02-03. Passed 5-20-03.)

1151.03 COMMUNITY OR CLUB SWIMMING POOLS.

A community or club swimming pool shall be any pool constructed by an association of property owners, or by a private club or association, for use and enjoyment by members and their families. Such swimming pools shall comply with the following requirements:

1. The pool is intended solely for and is used solely for the enjoyment of the members and families and guests of members of the association or club under whose ownership or jurisdiction the pool is operated;
2. The pool and accessory structures thereto, including the area used by the bathers, shall not be located closer than seventy-five (75) feet to any property line or easement;
3. The swimming pool, its accessory facilities, and all of the area used by the bathers shall be so walled or fenced as to prevent uncontrolled access by children from the street or adjacent properties. Such fence shall be four (4) feet in height, and it shall be maintained in good condition with a gate and lock. The area surrounding the enclosure, except for the parking spaces, shall be suitably landscaped with grass, hardy shrubs, and trees and maintained in good condition;
4. Exterior lighting, if present, shall be so shaded or directed that it does not cast light directly upon adjacent properties.

(Ord. 381-02-03. Passed 5-20-03.)

CHAPTER 1153
Long-Term Parking Facilities

1153.01 Purpose.
1153.02 Conditional use permit required.
1153.03 Permit requirements.

1153.01 PURPOSE.

It is the purpose of Chapter 1153 to regulate long-term parking facilities constructed, operated, or maintained in order to promote the public health, safety, and welfare.
(Ord. 381-02-03. Passed 5-20-03.)

1153.02 CONDITIONAL USE PERMIT REQUIRED.

No person shall establish, operate or maintain on any premises as a principal or an accessory use a parking facility where any vehicles, to include tractors, trailers, boats, campers, recreational vehicles, buses, trucks, or automobiles, are to be parked for a continuous period exceeding six (6) days without obtaining a conditional use permit for such use.
(Ord. 381-02-03. Passed 5-20-03.)

1153.03 PERMIT REQUIREMENTS.

In addition to complying with all other provisions of this Ordinance, particularly the requirements of Chapters 1121 and 1161, the applicant for the conditional use permit shall give evidence that the premises proposed for such use complies with the following conditions:

1. That no boundary of the proposed parking area is within fifty (50) feet of a residential district boundary;
2. That the proposed parking area will not prevent access to adjacent properties by fire safety equipment;
3. That the proposed parking area will be screened in such a manner that the vehicles thereon parked will not be visible from the ground level of any adjacent residential properties;
4. That fencing and lighting of the facility will be sufficient to provide for its reasonable security;
5. That no service work, maintenance work, repair work, painting work, or other vehicular work shall take place on the premises.

(Ord. 381-02-03. Passed 5-20-03.)

CHAPTER 1155
Home Occupations

1155.01 Purpose.
1155.02 Home occupation as a permitted use.
1155.03 Home occupation as a conditionally permitted use.
1155.04 Invalidation of home occupation conditional use permit.

1155.01 PURPOSE.

It is the purpose of Chapter 1155 to promote the public health, safety, anc welfare through the regulation of home occupations. It is further the intent of this chapter to allow limited non-residential uses in residential structures which are compatible with the residential character of their surroundings.
(Ord. 381-02-03. Passed 5-20-03.)

1155.02 HOME OCCUPATION AS A PERMITTED USE.

A home occupation shall be a permitted use if it complies with the following requirements:

1. The external appearance of the structure in which the use is conducted shall not be altered, with no exterior signage permitted;
2. No internal or external alterations, construction, or reconstruction of the premises to accommodate the use shall be permitted;
3. There shall be no outside storage of any kind, including vehicles, related to the use, and only commodities produced on the premises may be sold on the premises; no display of products may be visible from the street;
4. Not more than twenty-five percent (25%) of the gross floor area of the dwelling shall be devoted to the use;
5. No equipment, process, materials or chemicals shall be used which create offensive noise, vibrations, smoke, dust, odor, heat, glare, x-rays, radiation, or electrical disturbances;
6. No additional parking demand shall be created;
7. No person who is not a resident of the premises may participate in the home occupation as an employee or volunteer.

(Ord. 381-02-03. Passed 5-20-03.)

1155.03 HOME OCCUPATION AS A CONDITIONALLY PERMITTED USE.

A person may apply for a conditional use permit for a home occupation which does not comply with the requirements of Section 1155.02. The criteria for the issuance of such a permit for a home occupation are as follows:

1. There shall be no more than two (2) non-residential employees or volunteers to be engaged in the proposed use;
2. Sales of commodities not produced on the premises may be permitted, provided that the commodities are specified in the application and are reasonably related to the home occupation;
3. The home occupation may be permitted to be conducted in a structure accessory to the residence, provided the application so specifies;
4. There shall be no outside storage of any kind related to the use;
5. Not more than thirty percent (30%) of the gross floor area of any residence shall be devoted to the proposed home occupation;
6. The external appearance of the structure in which the use is to be conducted shall not be altered, with no exterior signage permitted;
7. Minor or moderate alterations in accordance with Ashtabula County Building Department regulations may be permitted to accommodate the proposed use, but there shall be no substantial construction or reconstruction;
8. No equipment, process, materials or chemicals shall be used which create offensive noise, vibration, smoke, dust, odor, heat, glare, x-rays, radiation, or electrical disturbances;
9. No more than two (2) additional parking places may be proposed in conjunction with the home occupation, which shall not be located in a required front yard;
10. No traffic shall be generated by a home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this Ordinance and shall not be located in a required front yard. (Ord. 381-02-03. Passed 5-20-03.)

1155.04 VALIDATION OF HOME OCCUPATION CONDITIONAL USE PERMIT.

For the purposes of this Ordinance, a conditional use permit issued for a home occupation shall cease to be valid at such time as the premises for which it was issued is no longer occupied by the holder of said permit. Such conditional use permit shall also be immediately invalidated upon the conduct of the home occupation in any manner not approved by the Board of Zoning Appeals. (Ord. 381-02-03. Passed 5-20-03.)

CHAPTER 1157
Group Residential Facilities

1157.01 Purpose.
1157.02 Conditional use permit required.
1157.03 Zoning of group residential facilities.
1157.04 Variance to distancing requirement.
1157.05 Uniformity with respect to granting of conditional use permits.

1157.01 PURPOSE.

It is the purpose of Chapter 1157 to regulate the location, operation, and maintenance of group residential facilities in order to promote the public health, safety, and welfare. It is the intent of this chapter to provide for the assimilation of these facilities in stable and suitable neighborhoods so that the living environments of their residents are conducive to their rehabilitation.
(Ord. 381-02-03. Passed 5-20-03.)

1157.02 CONDITIONAL USE PERMIT REQUIRED.

A Class I Type B group residential facility is permitted by right in any residential district. No other group residential facility shall be established, operated or maintained on any premises unless authorized by the issuance of a conditional use permit in accordance with the provisions of Chapter 1121. In addition to said provisions, such group residential facilities shall comply with the following conditional use criteria:

1. Evidence is presented that the proposed facility meets the certification, licensing, or approval requirements of the appropriate state agency;
2. Evidence is presented that the proposed facility meets local fire safety requirements for the proposed use and level of occupancy;
3. Evidence is presented that the proposed facility will not generate an unreasonable increase in traffic volume or require special off-street parking;
4. Such facilities shall comply with the district regulations applicable to other properties in the zoning district in which they are located;
5. No such facility may be located within six hundred (600) feet of another such facility;

6. The exterior of all such facilities shall not be altered in character but shall be compatible with other residential dwellings. However, any improvement required by code or necessitated by licensing requirements shall not be deemed incompatible;
7. Such facility shall be reasonably accessible, by virtue of its location or transportation provided by the applicant, to medical, recreational, and retail services required by its residents, and to employment opportunities, if applicable, and shall be in a relatively safe and stable neighborhood;
8. The applicant shall provide a plan indicating the manner in which the facility will maintain contact with neighborhood residents, to include a structured procedure whereby their grievances may be filed and resolved;
9. The applicant shall provide documentation indicating the need for the facility, the specific clientele it will serve, and the location and type of similar facilities operated by the applicant.

(Ord. 381-02-03. Passed 5-20-03.)

1157.03 ZONING OF GROUP RESIDENTIAL FACILITIES.

A Class I Type B group residential facility is permitted by right in any residential district. Group residential facilities shall be conditionally permitted uses as follows:

Class I Type A	R-M
Class II Type A	R-M
Class II Type B	R-M

(Ord. 381-02-03. Passed 5-20-03.)

1157.04 VARIANCE TO DISTANCING REQUIREMENT.

The Board of Zoning Appeals may grant a variance with respect to the distancing requirement contained in Section 1157.02-5 if the applicant clearly demonstrates that the proposed location has unique advantages with respect to proximity to employment opportunities, social services, public transportation, or similar amenities.
(Ord. 381-02-03. Passed 5-20-03.)

1157.05 UNIFORMITY WITH RESPECT TO GRANTING OF CONDITIONAL USE PERMITS.

The granting of conditional use permits for the establishment of Group Residential Facilities shall be uniformly and equitably done, irrespective of considerations beyond the scope of these regulations.
(Ord. 381-02-03. Passed 5-20-03.)

CHAPTER 1159
Appearance and Design Standards for Single Family Housing

1159.01 Purpose.
1159.02 Standards.
1159.03 Uniformity with respect to granting of variances.

1159.01 PURPOSE.

These standards are created to ensure the health, safety, and general welfare of the Village. They will further the equitable treatment of all housing construction types and provide affordable housing for a larger segment of the Village population. Additionally, these regulations will improve the overall appearance of the housing stock and ensure more durable and safer homes for all residents. (Ord. 381-02-03. Passed 5-20-03.)

1159.02 STANDARDS.

These regulations apply to all single family housing units in all districts including Manufactured Homes, Modular Homes and Site Built Homes.

1. The minimum floor area of the single family dwelling unit shall be as required in Chapter 1133. The garage portion of the structure is not included in the living area total calculation.
2. The minimum width of all single family dwelling units shall be at least twenty (20) feet.
3. All dwelling units shall have a minimum roof overhang of at least twelve (12) inches on the roof edge that would hold the gutters.
4. All dwelling units shall be double pitched and have a pitch of at least five (5) in twelve (12).
5. All dwelling units shall have roof material that is generally used in residential construction including: approved wood, clay, slate, asphalt composition shingles, and fiberglass compositions shingles. Materials excluded are corrugated aluminum, corrugated fiberglass and metal roof materials. The materials are applicable to all primary buildings, accessory buildings, garages and carports.

6. Exterior siding of all dwelling units cannot have a high-gloss finish (such as polished metal but not semi-gloss paint) and must be residential in appearance including but not limited to, clapboards, simulated clapboards such as conventional vinyl or metal siding, wood shingles, shakes, or similar material, but excluding smooth, ribbed or corrugated metal or plastic panels.
7. The home must be placed on a permanent foundation that complies with the Ohio Residential Building Code and be inspected by the Ashtabula County Department of Building Regulations.
8. The hitch, axles and wheels of any manufactured home must be removed.
9. The dwelling unit must be oriented on the lot so that its long axis is parallel with the road right-of-way. A perpendicular or diagonal placement may be permitted if there is a building addition or substantial landscaping so that the narrow dimension of the unit, as so modified and facing the street, is no less than fifty percent (50%) of the unit's long dimension.
10. The lot must be landscaped to ensure compatibility with the surrounding properties.
11. Open foundations shall not be permitted.
12. All principal structures within the Roaming Shores Subdivision are required to be connected to the Village utilities (water and sewer).

(Ord. 381-02-03. Passed 5-20-03.)

1159.03 UNIFORMITY WITH RESPECT TO GRANTING OF VARIANCES.

The granting of variances from the requirements of this Ordinance with respect to the siting of single-family housing, their design or appearance, shall be uniformly and equitably done, irrespective of the fact that the structure proposed for such siting is a site-built structure, modular or manufactured home, and shall be guided by the provisions of Chapter 1117.
(Ord. 381-02-03. Passed 5-20-03.)

CHAPTER 1161
Off-Street Parking and Loading Facilities

1161.01 General parking requirements.
1161.02 Off-street parking design standards.
1161.03 Determination of required spaces.
1161.04 Joint or collective parking facilities.
1161.05 Off-street storage areas for drive-in services.
1161.06 Parking of disabled vehicles.
1161.07 Parking in the road right of way.
1161.08 Parking space requirements.
1161.09 Handicapped parking.
1161.10 Off-street loading space requirements.
1161.11 Off-street loading design standards.

1161.01 GENERAL PARKING REQUIREMENTS.

In all districts, at any time any building, structure or use of land is erected, enlarged, increased in capacity, or used, there shall be provided for every use off-street parking spaces for automobiles in accordance with the provisions of Sections 1161.01 to 1161.11 of this chapter. A parking plan shall be required for all uses except for single or two-family residential uses. The parking plan shall be submitted to the Zoning Inspector as a part of the application for a zoning permit. The plan shall show the boundaries of the property, parking spaces, access driveways, circulation patterns, drainage and construction plans, and boundary walls, fences and a screening plan, as appropriate.

Whenever a building or use constructed or established after the effective date of this Ordinance is changed in floor area, number of employees, number of dwelling units, seating capacity, or otherwise to create a need for an increase of ten percent (10%) or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use existing prior to the effective date of this Ordinance is enlarged to the extent of fifty percent (50%) or more in floor area or in the area used, such building or use shall then and thereafter comply with the parking requirements set forth herein. (Ord. 381-02-03. Passed 5-20-03.)

1161.02 OFF-STREET PARKING DESIGN STANDARDS.

All off-street parking facilities including entrances, exits, maneuvering areas, and parking spaces shall be in accordance with the following standards and specifications:

1. Parking Space Dimensions.
   a. Each off-street parking space shall have an area of no less than one hundred sixty-two (162) square feet exclusive of access drives or aisles, and shall be of usable shape and condition.
   b. Parking spaces shall not be located closer than five (5) feet to any lot line.
2. Access. There shall be adequate provision for ingress and egress to all parking spaces. Where the lot or parking spaces do not provide direct access to a public street or alley, an access drive shall be provided, with a dedicated easement of access, as follows:
   a. For one single or two-family residential dwelling, the access drive shall be a minimum of nine (9) feet in width.
   b. For all other residential uses and all other uses, the access drive shall be a minimum of ten (10) feet in width for one way traffic and sixteen (16) feet wide for two way traffic. For drives that will accommodate tractor trailers, the drive width minimum shall be twelve (12) feet for one way traffic and twenty (20) feet for two way traffic.
   c. All parking spaces, except those required for single family and two family dwellings, shall have access to a public street or alley in such a manner that any vehicle leaving or entering the parking area from or into a public street or alley shall be traveling in a forward motion.
3. Setbacks. The location of off-street parking facilities for more than five (5) vehicles may be located in required yards as specified elsewhere in this Ordinance notwithstanding the requirements specified in the officia1 and Supplementary Schedules of District Regulations and Dimensional Requirements. In no case, however, shall the parking area be located closer than three (3) feet to any street or alley.
4. Screening. In addition to the setback requirements specified in this Ordinance for off-street parking facilities for more than five (5) vehicles, screening shall be provided on each side of a parking area that abuts any Residential District. Screening shall comply with the requirements of Section 1137.22.
5. Paving. All required parking spaces, together with driveways, and other circulation areas, shall be improved with such material to provide a durable and dust free surface.
6. Drainage. All parking spaces, together with driveways, aisles, and other circulation areas shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area, and shall be designed to prevent the excess drainage of surface water onto adjacent properties, walkways, or onto the public streets. Adequate arrangements shall be made to insure acceptable diversion to an adequate storm water drainage system.
7. Barriers. Wherever a parking lot extends to a property line, fencing, wheel stops, curbs, or other suitable barriers shall be provided in order to prevent any part of a parked vehicle from extending beyond the property line.

8. Visibility. Access of driveways for parking areas shall be located in such a way that any vehicle entering or leaving such parking area shall be clearly visible for a reasonable distance by any pedestrian or motorist approaching the access or driveway from a public or private street or alley.
9. Marking. All parking areas for twenty (20) or more spaces shall be marked with paint lines, curb stones, or in some other manner approved by the Zoning Inspector, and shall be maintained in a clearly visible condition.
10. Maintenance. Any owner of property used for parking areas shall maintain such areas in good condition without holes and free of all dust, trash, or other debris.
11. Signs. Where necessary due to multiple curb cuts, the entrances, exits, and the intended circulation pattern of the parking area shall be clearly marked in compliance with Chapter 1163.
12. Lighting. Any lights used to illuminate a parking lot shall be so arranged as to direct the light away from the adjoining property in any residential district.

(Ord. 381-02-03. Passed 5-20-03.)

1161.03 DETERMINATION OF REQUIRED SPACES.

In computing the number of parking spaces required by this Ordinance, the following rules shall apply:

1. Where floor area is designated as the standard for determining parking space requirements, floor area shall be the sum of the gross horizontal area of all the floors of a non-residential building measured from the faces of the exterior walls, excluding only stairs, washrooms, elevator shafts, and similar nonusable areas.
2. Where seating capacity is the standard for determining parking space requirements, the capacity shall mean the number of seating units installed or indicated or each twenty-four (24) lineal inches of benches, or pews, except where occupancy standards are set by the Fire Marshal.
3. Fractional numbers shall be increased to the next whole number.

(Ord. 381-02-03. Passed 5-20-03.)

1161.04 JOINT OR COLLECTIVE PARKING FACILITIES.

The joint or collective provision of required off-street parking areas, where permitted, shall comply with the following standards and requirements:

1. All required parking spaces shall be located on the same lot with the building or use served, except that where an increase in the number of spaces is required by a change or enlargement of use, or where such spaces are provided collectively or used jointly by two (2) or more buildings or establishments, the required spaces may be located not farther than five hundred (500) feet from the building served.
2. Not more than fifty percent (50%) of the parking spaces required for theaters, bowling alleys, dance halls, night clubs, taverns and similar uses, and up to one hundred percent (100%) of the parking spaces required for churches, schools, auditoriums and similar uses may be provided and jointly used by banks, offices, retail stores, repair shops, service establishments and similar uses that are not normally open, used, or operated during the same hours as the uses with which such spaces are jointly or collectively used.

3. In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes shall be properly drawn and executed by the parties concerned, approved as to form by legal counsel, and filed with the application for a zoning permit.
(Ord. 381-02-03. Passed 5-20-03.)

1161.05 OFF-STREET STORAGE AREAS FOR DRIVE-IN SERVICES.

Establishments which by their nature create lines of customers waiting to be served within automobiles shall provide off-street storage areas in accordance with the following requirements:

1. Photo pickups, restaurants, drive-thru beverage docks, and other similar commercial establishments that can normally serve customers in three (3) minutes or less shall provide no less than five (5) storage spaces per window. Drive-in restaurants and other similar use which require an additional stopping point for ordering shall provide a minimum of three (3) additional storage spaces for each such stopping point.
2. Other commercial establishments such as banks, savings and loan offices, or other similar facilities with service or money windows shall provide no less than four (4) storage spaces per window.
3. Self-serve automobile washing facilities shall provide no less than three (3) storage spaces per stall. All other automobiles washing facilities shall provide a minimum of six (6) storage spaces per entrance.
4. Motor vehicle service stations shall provide no less than two (2) storage spaces for each accessible side of a gasoline pump island. Gasoline pumps shall not be located closer than fifteen (15) feet to any street right-of-way line.
(Ord. 381-02-03. Passed 5-20-03.)

1161.06 PARKING OF DISABLED VEHICLES.

The parking of a disabled vehicle as defined in Chapter 1109 for a period of more than two (2) weeks shall be prohibited in all districts, except that such vehicle may be stored in an enclosed garage or other accessory building, provided that no business shall be conducted in connection therewith while such vehicle is parked or stored.
(Ord. 381-02-03. Passed 5-20-03.)

1161.07 PARKING IN THE ROAD RIGHT OF WAY.

The parking of any vehicle in the road right of way is not permitted if determined to be a safety hazard by the Village police and/or a Village officer.
(Ord. 381-02-03. Passed 5-20-03.)

1161.08 PARKING SPACE REQUIREMENTS.

For the purposes of this Ordinance the following parking space requirements shall apply:

1. Residential Uses.
   a. Single family or two family dwellings -- Two (2) for each unit.
   b. Apartments, Townhouses or multi-family dwellings -- Two (2) for each unit.

2. Business Related Uses.
   a. Animal hospitals and kennels -- one (1) for each four hundred (400) square feet of floor area and one (1) for each two (2) employees.
   b. Motor Vehicle repair station -- one (1) for each four hundred (400) square feet of floor area and one (1) for each employee.
   c. Motor Vehicle salesroom -- one (1) for each four hundred (400) square feet of floor area and one (1) for each employee.
   d. Motor Vehicle service stations -- two (2) for each service bay and one (1) for every two (2) gasoline pumps.
   e. Car washing facilities -- one (1) for each employee.
   f. Banks, financial institutions, post offices, and similar uses -- one (1) for each two hundred fifty (250) square feet of floor area and one (1) for each employee.
   g. Barber and Beauty shops -- three (3) for each barber or beauty operator.
   h. Carry-out restaurants -- one (1) for each two hundred (200) square feet of floor area and one (1) for each two (2) employees.
   i. Drive-in restaurants -- one (1) for each one hundred (100) square feet of floor area and one (1) per each two (2) employees.
   j. Hotels, motels -- one (1) for each sleeping room plus one (1) space for each two (2) employees.
   k. Bed/Breakfast Home -- one (1) for each sleeping room.
   l. Furniture, appliance, hardware, machinery or equipment sales and service, and wholesale establishments -- Two (2) plus one (1) additional space for each two hundred (200) square feet of floor area over one thousand (1,000) square feet.
   m. Consumer and trade service uses not otherwise specified -- one (1) for each employee.
   n. Funeral homes, mortuaries and similar type uses -- one (1) for each fifty (50) square feet of floor area in slumber rooms, parlors, or service rooms.
   o. Laundromats -- one (1) for every two (2) washing machines.
   p. Administrative business and professional office uses -- one (1) for each two hundred (200) square feet of floor area.
   q. Sit-down restaurants, tavern, night clubs, and similar uses -- one (1) for each three (3) persons of capacity.
   r. Retail stores -- one (1) for each one hundred fifty (150) square feet of floor area.
   s. Marinas -- one (1) for each one hundred (100) square feet of display area and one (1) for each two (2) employees.
   t. All other types of business or commercial uses permitted in any business district -- One (1) for each one hundred fifty (150) square feet of floor area.
3. Recreational and Entertainment Uses.
   a. Bowling alleys -- four (4) for each alley or lane; one (1) for each three (3) persons of capacity of the area used for restaurant, cocktail lounge, or similar use; and one (1) for each three (3) employees.
   b. Dance halls, skating rinks -- one (1) for each one hundred (100) square feet of floor area used for the activity; one (1) for each three (3) persons of capacity in a restaurant, snack bar, or cocktail lounge; and one (1) for each three (3) employees.

c. Outdoor swimming pools: public, community or club -- one (1) for each ten (10) persons of capacity, and one (1) for each three (3) persons of capacity for a restaurant.
d. Auditoriums, sport arenas, theaters, and similar uses -- one (1) for each four (4) seats.
e. Miniature golf courses -- two (2) for each hole and one (1) for each employee.
f. Private clubs and lodges -- one (1) for each ten (10) members.
g. Tennis facilities, racquetball facilities or similar uses -- two (2) for each playing area; one (1) for each employee; and one (1) for each one hundred (100) square feet of other activity area.

4. Institutional Uses.
a. Churches and other places of religious assembly -- one (l) for each eight (8) seats in main assembly room, or one (1) for each classroom, whichever is greater.
b. Hospitals -- one (1) for each three (3) beds.
c. Sanitariums, homes for the aged, nursing homes, rest homes, similar uses -- one (1) for each three (3) beds.
d. Medical and dental clinics -- one (1) for every one hundred (100) square feet floor area.
e. Libraries, museums, and art galleries -- ten (10), and one (1) for each three hundred (300) square feet floor area in excess of two thousand (2,000) square feet.

5. Educational Institution (Public, Parochial, or Private) Uses.
a. Elementary schools, and kindergartens -- four (4) for each classroom; one (1) for every four (4) seats in auditoriums or assembly halls; and one (1) for each additional non-teaching employee.
b. High schools and middle schools -- one (1) for every ten (10) students, or one (1) for each teacher and employee, or one (1) for every four (4) seats in auditoriums, assembly areas or sports fields, whichever is greater.
c. Business, technical and trade schools -- one (1) for each two (2) students.
d. Child care centers, nursery schools, and similar uses -- four (4) for each classroom.

6. Manufacturing Uses.
a. All types of manufacturing, storage, and wholesale uses permitted in any manufacturing district -- one (l) for every employee (on the largest shift for which the building is designed), and one (1) for each motor vehicle used in the business.
b. Cartage, express, parcel delivery, and freight terminals -- one and one half (1-l/2) for every one (1) employee (on the largest shift for which the building is designed) and one (1) for each motor vehicle maintained on the premises. (Ord. 381-02-03. Passed 5-20-03.)

1161.09 HANDICAPPED PARKING.

Parking facilities serving buildings and facilities required to be accessible to the physical handicapped shall have conveniently located designated spaces provided as follows:

Total spaces in Lot/Structure	Number of Designated Accessible Spaces
Up to 100	One space per 25 parking spaces
101 to 200	4 spaces, plus one per 50 spaces over 100
201 to 500	6 spaces, plus one per 75 spaces over 200
Over 500	10 spaces, plus one per 100 spaces over 500.

(Ord. 381-02-03. Passed 5-20-03.)

1161.10 OFF-STREET LOADING SPACE REQUIREMENTS.

In any district, every building or part thereof hereafter erected and having a gross floor area of three thousand (3,000) square feet or more, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, hotel, hospital, mortuary, laundry, dry cleaning, or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained, on the same lot with the building, at least one (1) off-street loading space, and one (1) additional loading space for each ten thousand (10,000) square feet or fraction thereof of gross floor area so used in excess of three thousand (3,000) square feet.
(Ord. 381-02-03. Passed 5-20-03.)

1161.11 OFF-STREET LOADING DESIGN STANDARDS.

All off-street loading spaces shall be in accordance with the following standards and specifications:

1. Loading Space Dimensions. Each loading space shall have minimum dimensions not less than twelve (12) feet in width, sixty-five (65) feet in length, and a vertical clearance of not less than fourteen (14) feet.
2. Setbacks. Notwithstanding other provisions of this regulation and the officia1 and Supplementary Schedules of Permitted Uses and Dimensional Requirements, off-street loading spaces may be located in the required rear or side yard of any RST, MAR, IND/C, or REC district provided that not more than ninety percent (90%) of the required rear or side yard is occupied, and no part of any 1oading space shall be permitted closer than fifty (50) feet to any Residential District nor closer than five (5) feet from any street, alley or lot line.
3. Screening. In addition to the setback requirements specified above, screening shall be provided on each side of an off-street loading space that abuts any Residential District. Screening shall comply with the requirements of Section 1137.22.
4. Access. All required off-street loading spaces shall have access from a public street or alley in such a manner that any vehicle leaving the premises shall be traveling in a forward motion.
5. Paving: All required off-street loading spaces, together with driveways, aisles, and other circulation areas, shall be improved with such material to provide a durable and dust free surface.
6. Drainage. All loading spaces, together with driveways, aisles, and other circulation areas, shall be designed to prevent the excess drainage of surface water onto adjacent properties, walkways or onto the public streets. Arrangements shall be made to insure acceptable diversion to an adequate storm water drainage system.
7. Lighting. Any lights used to illuminate a loading area shall be so arranged as to reflect the light away from adjoining property.
   (Ord. 381-02-03. Passed 5-20-03.)

CHAPTER 1163
Signs

1163.01 General.
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1163.19 Abandoned signs and advertising structures prohibited.
1163.20 Nonconforming signs and structures.
1163.21 Loss of legal nonconforming status.
1163.22 Violations.

1163.01 GENERAL.

The purpose of this chapter is to promote and protect the public health, welfare, and safety by regulating existing and proposed outdoor advertising, outdoor advertising signs, and outdoor signs of all types. It is intended to protect property values, create a more visually attractive economic and business climate, enhance and protect the physical appearance of the community, and preserve the scenic and natural beauty of designated areas. It is further intended to reduce sign or advertising clutter, distraction, and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, provide more open space, curb the deterioration of the natural environment. It is further intended to enhance community development by permitting signs which are compatible with their surroundings, and by providing for the uniform and eventual elimination of all signs not in conformance with this Ordinance or a variance thereof.
(Ord. 381-02-03. Passed 5-20-03.)

1163.02 GOVERNMENTAL SIGNS EXCLUDED.

For the purpose of this Ordinance, "sign" does not include signs erected and maintained pursuant to and in discharge of any governmental function, or required by any law, ordinance, or governmental regulation.

(Ord. 381-02-03. Passed 5-20-03.)

1163.03 GENERAL REQUIREMENTS FOR ALL SIGNS AND DISTRICTS.

The regulations contained in this section shall apply to all signs and all use districts.

1. Any illuminated sign or lighting device shall employ only light emitting a light of constant intensity, and no sign shall be illuminated by or contain flashing, intermittent, rotating, or moving light or lights. In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination therefrom to be directed or beamed upon a public thoroughfare, highway, sidewalk, or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance;
2. No sign shall employ any parts or elements which revolve, rotate, whirl, spin or otherwise make use of motion to attract attention. Subsections (1) and (2) of this section shall not apply to any sign performing a public service function indicating time, temperature, stock market quotations or similar services;
3. All wiring, fittings, and materials used in the construction, connection, and operation of electrically illuminated signs shall be in accordance with the provisions of the local electric code in effect, if any;
4. No projecting sign shall be erected or maintained from the front or face of a building a distance of more than two (2) feet, including those projecting from the face of any theater, hotel, or motel marquee;
5. No sign shall be placed on the roof of any building, except those signs whose supporting structure is screened so the sign appears to be a continuation of the face of the building;
6. No portable or temporary sign shall be placed on the front or face of a building or on any premises, except as provided in Section 1163.12;
7. No sign or part thereof shall contain or consist of banners, posters, ribbons, streamers, spinners, or other similar moving devices. Such devices, as well as strings of lights, shall not be used for the purpose of advertising or attracting attention when not part of a sign;
8. No sign erected or maintained in the window of a building, visible from any public or private street or highway, shall occupy more than twenty percent (20%) of the window surface;
9. No sign of any classification shall be installed, erected, or attached in any form, shape, or manner to a fire escape or any door or window giving access to any fire escape;
10. All signs hung and erected shall be plainly marked with the name and telephone number of the person, firm, or corporation responsible for maintaining the sign;
11. Should any sign be or become unsafe or be in danger of falling, the owner thereof or the person maintaining the same shall, upon receipt of written notice from the Zoning Inspector, proceed at once to put such sign in a safe and secure condition or remove the sign;

12. No sign shall be placed in any public right-of-way except publicly owned signs, such as traffic control signs and directional signs.
    Signs directing and guiding traffic and parking on private property but bearing no advertising matter shall be permitted on any property;
13. All signs shall be so designed and supported as to carry the weight of the sign, and shall comply with the local building code in effect;
14. All signs shall be secured in such a manner as to prevent significant movement due to wind;
15. No advertising signs shall be attached to or supported by a fence, tree, utility pole, trash receptacle, bench, vending machine, or public shelter;
16. No sign shall contain words, images, or graphic illustrations of an obscene or indecent nature;
17 . No sign shall be attached in such manner that it may interfere with any required ventilation openings;
18. No sign shall be located on a vacant lot except for the purpose of notification of present danger or the prohibition of trespassing; or the temporary placement of political or real estate signs. (#323-03-00; 5-16-00)
19. No sign shall be located nearer than eight (8) feet vertically or four (4) feet horizontally from any overhead electrical wires, conductors, or guy wires;
20. No vehicle or trailer may be parked on a business premises or a lot for the purpose of advertising a business, product, service, event, object, location, organization, or the like;
21. From any public or private driveway exiting onto a dedicated road, no sign shall be placed as to materially impede vision across such driveway or road between the height of two and one-half (2-1/2) and ten (10) feet.
    (Ord. 381-02-03. Passed 5-20-03.)

1163.04 MEASUREMENT OF SIGN AREA AND SIGN HEIGHT.

(Flags as defined in Article 2 excepted).

1. Computation of Area of Individual Signs. The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets Zoning Ordinance regulations and is clearly incidental to the display itself.

2. Computation of Area of Multifaced Signs. The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one (1) point. When two (2) identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than forty-two (42) inches apart, the sign area shall be computed by the measurement of one (1) of the faces.

3. Computation of Height. The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of:

a. Existing grade prior to construction or,

b. The newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.

In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the zone lot, whichever is lower.
(Ord. 381-02-03. Passed 5-20-03.)

1163.05 PERMIT REQUIRED.

1. No person shall locate or maintain any sign, or cause a sign to be located or maintained, unless all provisions of this chapter have been met. To assure compliance with these regulations, a sign permit issued pursuant to this Ordinance shall be required for each sign unless specifically exempted in this chapter.

2. A sign initially approved for which a permit has been issued shall not be modified, altered or replaced, nor shall design elements of any building or lot upon which such sign is maintained be modified, altered or replaced if any such design element constituted a basis for approval of such sign unless a new or amended permit is obtained consistent with these regulations.

3. The repainting, changing of parts and preventive maintenance of signs shall not be deemed alterations requiring a sign permit.
(Ord. 381-02-03. Passed 5-20-03.)

1163.06 SIGNS PERMITTED IN ALL DISTRICTS NOT REQUIRING A PERMIT.

No permit shall be required for any signs which meet any of the criteria listed below:

1. Signs advertising the sale, lease or rental of the premises upon which the sign is located numbering not more than one (1) sign per lot per street, plus one (1) lakefront sign per lot for lakefront lots. Such signs shall not exceed thirty-two (32) square feet in area, except in residential districts where the sign shall not exceed 7.85 square feet. In such residential areas, such signs may include smaller signs (riders) which hang from the larger sign, provided that such riders do not exceed 8 inches by 24 inches. If there are any contiguous lots for sale by the same owner, in lieu of one sign with a maximum of two riders per lot, there may be placed on one lot only one sign with the addition of a third rider.
(Ord. 555-04-12. Passed 10-16-12.)

2. Signs denoting the name and address of the occupants of the premises, not to exceed four (4) square feet in area;

3. Commemorative plaques placed by historical agencies recognized by the Village, County of Ashtabula, or State of Ohio not to exceed two (2) square feet in area;

4. Membership signs for agencies recognized by the Village, County of Ashtabula, or State of Ohio including but not limited to Farm Bureau, 4-H Club, Soil and Water Conservation District, not to exceed two (2) square feet in area;

5. Incidental signs as defined in Chapter 1109, freestanding signs not to exceed eight (8) square feet in area and wall signs not to exceed four (4) square feet in area;

6. One (1) wall sign on one (1) barn (as defined in Chapter 1109) per zone lot not to exceed sixty four (64) square feet in area.

7. Flags as defined in Chapter 1109;

8. Political Signs, Section 1163.13 to apply;

9. Off-site directional signs to an event not longer than three (3) days in duration, to be removed within twenty-four (24) hours after conclusion of event.
(Ord. 381-02-03. Passed 5-20-03.)

1163.07 SIGNS PERMITTED IN ANY DISTRICT REQUIRING A PERMIT.

1. Public, quasi-public service signs and notice boards customarily incidental to places of worship, libraries, museums, social clubs, or societies, which signs or bulletin boards shall not exceed twelve (12) square feet in area and which shall be located on the premises of such institution.

2. Signs advertising a commercial enterprise, including real estate developers, or subdividers, in a district zoned residential shall not exceed twelve (12) square feet in area and shall advertise only the names of the owners, trade names, products sold and/or the business activity conducted on the premises where such sign is located.
(Ord. 381-02-03. Passed 5-20-03.)

1163.08 SIGNS PERMITTED IN THE R-1, R-A, R-B, R-C, R-F AND GOV DISTRICTS.

1. No on-premise sign shall exceed ten (10) feet in height. No off-premise sign shall exceed ten (10) feet in height.

2. Signs not requiring a permit:
One (1) freestanding Residential Sign as defined in Chapter 1109 not to exceed six (6) square feet in area;

3. Signs requiring a permit:
One (1) freestanding sign not to exceed thirty-two (32) square feet in area per exclusive entrance to a subdivision or tract, such signs restricted to the subdivision or tract name.
(Ord. 381-02-03. Passed 5-20-03.)

1163.09 SIGNS PERMITTED IN THE R-M DISTRICT.

1. No sign shall exceed twenty-five (25) feet in height.

2. Signs not requiring a permit:
One freestanding Residential Sign not to exceed six (6) square feet in area;

3. Signs requiring a permit:
One (1) freestanding sign not to exceed thirty-two (32) square feet in area per exclusive entrance to a subdivision, tract, or multi-family housing complex, such signs restricted to the subdivision, tract, or complex name. (Ord. 381-02-03. Passed 5-20-03.)

1163.10 SIGNS PERMITTED IN THE RST, MAR, AND REC DISTRICTS.

1. No sign shall exceed twenty-five (25) feet in height.

2. Signs requiring a permit:
   a. One (1) freestanding on-premise sign not over sixty-four (64) square feet;
   b. Temporary signs according to Section 1163.12;
   c. Banner according to Section 1163.12;
   d. One (1) wall sign not to exceed thirty-two (32) square feet.
   (Ord. 381-02-03. Passed 5-20-03.)

1163.11 SIGNS PERMITTED IN THE IND/C DISTRICT.

1. No on-premises sign shall exceed twenty-five (25) feet in height. No off-premise sign shall exceed thirty-five (35) feet in height.

2. The total square footage of all wall and window signs shall not exceed one hundred (100) square feet.

3. Signs not requiring a permit:
   a. One (1) Wall Residential Sign not to exceed four (4) square feet;
   b. Pennants not less than ten (10) feet from road right-of-way;
   c. Window signs (included in total square footage, see this section, number 2).

4. Signs requiring a permit:
   a. One (1) freestanding on-premise sign not to exceed one hundred (100) square feet. There shall be only one (1) freestanding on-premises sign per zone lot regardless of the number of businesses conducted on said zone lot;
   b. Two (2) off-premise signs not to exceed fifty (50) square feet each in a single location, Sections 1163.14 - 1163.17 to apply;
   c. Temporary sign, Section 1163.12 to apply;
   d. Banner, Section 1163.12 to apply;
   e. One (1) wall sign for each business not to exceed an area equivalent to one and one-half (1-1/2) square feet of sign area for each lineal foot of building width, or part of building, occupied by said business but shall not exceed a maximum area of fifty (50) square feet
   (Ord. 381-02-03. Passed 5-20-03.)

1163.12 TEMPORARY SIGNS AND BANNERS.

1. All temporary signs shall conform to the general requirements listed in Section 1163.03, the setback requirements in Sections 1163.14 - 1163.16, and in addition such other standards deemed necessary to accomplish the intent of this chapter as stated in Section 1163.01.

2. Signs permitted in any district not requiring a permit:
   a. Temporary signs not exceeding fifty (50) square feet in area announcing the erection of a building, the architect, the builders, or contractors may be erected for a period of sixty (60) days plus the construction period.
   b. Temporary off-premise signs not exceeding six (6) feet in area advertising services rendered in residential districts may be posted thirty (30) days prior to the beginning of the service and remain in place thirty days after the completion of the service. They shall not be posted more than a total of sixty (60) days. They must follow setback requirements described in Section 1163.15. (Ord. 381-02-03. Passed 5-20-03.)

1163.13 POLITICAL SIGNS.

No political sign shall be posted in any place or in any manner that is destructive to public property upon posting or removal. No political sign shall exceed four (4) square feet in area. No political sign shall be posted in a public right-of-way nor shall any such sign be posted on a utility pole. (Ord. 381-02-03. Passed 5-20-03.)

1163.14 SIGN SETBACK REQUIREMENTS.

Except as modified in Sections 1163.15 and 1163.16, on-premise signs where permitted shall be set back from the established right-of-way line of any thoroughfare. No off-premises sign shall be erected in the established front setback line of the appropriate zoning district.
(Ord. 381-02-03. Passed 5-20-03.)

1163.15 SETBACKS FOR PUBLIC, QUASIPUBLIC AND TEMPORARY OFF-PREMISE SIGNS.

Real estate signs, off-premise temporary signs/banners and bulletin boards for a church, school, or any other public, religious or educational institution may be erected not less than five (5) feet from the established right-of-way line of any street or highway provided such sign or bulletin board does not obstruct traffic visibility at street or highway intersections or driveways.
(Ord. 381-02-03. Passed 5-20-03.)

1163.16 SPECIAL YARD PROVISIONS.

1. On-premise signs where permitted shall be erected or placed in conformity with the side and rear yard requirements of the district in which located, except that in any residential district, on premise signs shall not be erected or placed within twelve (12) feet of a side or rear lot line. If the requirement for a single side yard in the appropriate zoning district is more than twelve (12) feet, the latter shall apply.

2. Off-premise signs where permitted shall be erected or placed in conformity with the side and rear yard requirements of the district in which located, except that in any residential district, off premise signs shall not be erected or placed within twenty (20) feet of a side or rear lot line. If the requirement for a single side yard in the appropriate zoning district is more than twenty (20) feet, the latter shall apply.
(Ord. 381-02-03. Passed 5-20-03.)

1163.17 LIMITATION.

For the purpose of this chapter, outdoor advertising off-premises signs shall be classified as a business use and be conditionally permitted in all districts zoned for manufacturing or business or lands used for agricultural purposes. In addition, regulation of signs along interstate and primary highways shall conform to the requirements of the Ohio Revised Code Chapter 5516 and the regulations adopted pursuant thereto.
(Ord. 381-02-03. Passed 5-20-03.)

1163.18 MAINTENANCE.

1. All signs shall be maintained in safe and sound structural condition at all times and shall be presentable.

2. No person shall maintain or permit to be maintained on any premises owned or controlled by him any sign which is in a dangerous or defective condition. Any such sign shall be removed or repaired by the owner of the sign, or, if the owner of the sign cannot reasonably be determined or located, by the owner of the premises.

3. The Zoning Inspector shall remove any off-premise advertising sign or structure found to be unsafe or structurally unsound within thirty (30) days of issuing a written notification to the owner of the sign or the property owner.

4. The Zoning Inspector shall remove any on-premise sign which is determined to be unsafe or structurally unsound within ten (10) days of issuance of written notification to the property owner.
(Ord. 381-02-03. Passed 5-20-03.)

1163.19 ABANDONED SIGNS AND ADVERTISING STRUCTURES PROHIBITED.

An abandoned sign is declared to be a nuisance, is prohibited, and shall be removed by the owner of the sign, or, if the owner of the sign cannot be reasonably determined, by the owner of the property.

1. Any on-premise sign which is located on property which becomes vacant or unoccupied for a period of one (1) year or more, or any on-premise sign which pertains to a time, event, or purpose which no longer applies, shall be deemed to be abandoned. On-premise signs applicable to a business temporarily suspended because of a change of ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of one (1) year or more.
2. Any off-premise sign which pertains to a time, event, or purpose which no longer applies; or which no longer and for a period of one (1) year advertises goods, products, services, or facilities available to the public; or which directs persons to a different location where such goods, products, services, or facilities are not for a period of one (1) year available; shall be deemed to be abandoned.
(Ord. 381-02-03. Passed 5-20-03.)

1163.20 NONCONFORMING SIGNS AND STRUCTURES.

Advertising signs and structures in existence prior to the effective date of this Ordinance and for which a permit or variance has been granted which violate or are otherwise not in conformance with the provisions of this chapter shall be deemed nonconforming. All such legal nonconforming signs and structures shall be maintained in accordance with this chapter. The burden of establishing the legal nonconforming status of any advertising sign or structure shall be upon the owner of the sign or structure.
(Ord. 381-02-03. Passed 5-20-03.)

1163.21 LOSS OF LEGAL NONCONFORMING STATUS.

A legal non-conforming sign shall immediately lose its legal nonconforming status, and therefore must be brought into compliance with this chapter or removed if it meets any one of the following criteria:

1. It is altered in copy (except changeable copy signs);
2. It is altered in structure;
3. It is enlarged;
4. It is relocated or replaced;
5. It is structurally damaged to an extent greater than one-half (½) of its estimated replacement value;
6. It is abandoned as defined in Section 1163.19;
7. It is in violation of Section 1163.03.

(Ord. 381-02-03. Passed 5-20-03.)

1163.22 VIOLATIONS.

In case any sign shall be installed, erected, constructed, or maintained in violation of any of the terms of this Ordinance, the Zoning Inspector shall notify in writing the owner or lessee thereof to alter such sign so as to comply with this Ordinance. Failure to comply with any of the provisions of this chapter shall be deemed a violation and shall be punishable under Chapter 1167. Political signs posted in violation of Section 1163.13 are subject to removal by the Zoning Inspector, Village Administrator and sworn members of the Village Police Department five (5) days after written notice of violations of Section 1163.13 has been given.

Off premise and real estate signs posted in violation of this ordinance are subject to removal without written notification by the Zoning Inspector, Village Administrator and sworn members of the Village Police Department. Off premise signs in violation of this Ordinance are subject to a violation fee as established by Council. (Ref. Section 1165.13 -Zoning Fees)
(Ord. 381-02-03. Passed 5-20-03.)

CHAPTER 1165
Administration

1165.01 Purpose.
1165.02 General provisions.
1165.03 Zoning Inspector.
1165.04 Responsibilities of Zoning Inspector.
1165.05 Proceedings of Planning Commission.
1165.06 Duties of Planning Commission.
1165.07 Board of Zoning Appeals.
1165.08 Proceedings of the Board of Zoning Appeals.
1165.09 Duties of the Board of Zoning Appeals.
1165.10 Duties of Zoning Inspector, Board of Zoning Appeals, legislative authority and courts on matters of appeal.
1165.11 Council.
1165.12 Schedule of fees.
1165.13 Zoning fees.

1165.01 PURPOSE.

This chapter sets forth the powers and duties of the Planning Commission, the Board of Zoning Appeals, the Council, and the Zoning Inspector with respect to the administration of the provisions of this Ordinance.
(Ord. 381-02-03. Passed 5-20-03.)

1165.02 GENERAL PROVISIONS.

The formulation, administration and enforcement of this Ordinance is hereby vested in the following offices and bodies within the local government:

1. Zoning Inspector;
2. Planning Commission;
3. Board of Zoning Appeals;
4. Council;
5. Solicitor.

(Ord. 381-02-03. Passed 5-20-03.)

1165.03 ZONING INSPECTOR.

A Zoning Inspector designated by the Mayor and approved by the Council shall administer and enforce this Ordinance. The Zoning Inspector shall report to and be accountable to the Mayor. The Zoning Inspector may be provided with the assistance of such other persons as the Mayor may direct.

(Ord. 381-02-03. Passed 5-20-03.)

1165.04 RESPONSIBILITIES OF ZONING INSPECTOR.

For the purpose of this Ordinance, the Zoning Inspector shall have the following duties:

1. Enforce the provisions of this Ordinance and interpret the meaning and application of its provisions.
2. Respond to questions concerning applications for amendments to this Ordinance and the Official Zoning District Map.
3. Issue zoning permits and certificates of occupancy as provided by this Ordinance, and keep a record of same with a notification of any special conditions involved.
4. Act on all applications upon which the Zoning Inspector is authorized to act by the provisions of this Ordinance within the specified time or notify the applicant in writing of the refusal or disapproval of such application and the reasons therefor. Failure to notify the applicant in case of such refusal or disapproval within the specified time shall entitle the applicant to submit such application to the Board of Zoning Appeals.
5. Conduct inspections of buildings and uses of land to determine compliance with this Ordinance, and, in case of any violation, notify in writing the person(s) responsible, specifying the nature of the violation and specific regulation being violated and ordering corrective action.
6. Maintain in current status the Official Zoning District Map, which shall be kept on permanent display in Municipal offices.
7. Maintain permanent and current records required by this Ordinance, including but not limited to zoning permits, zoning certificates, inspection documents, violations, and records of all variances, amendments, and special uses.
8. Make such records available for the use of the Council, the Planning Commission, the Board of Zoning Appeals, and the public.
9. Review and approve site plans pursuant to this Ordinance.
10. Determine the existence of any violations of this Ordinance, and cause such notifications, revocation notices, stop orders, or tickets to be issued, or initiate such other administrative or legal action as needed, to address such violations.
11. Prepare and submit an annual report to the Council and Planning Commission on the administration of this Ordinance, setting forth such information as may be of interest and value in advancing and furthering the purpose of this Ordinance. Such report shall include recommendations concerning the schedule of fees.

(Ord. 381-02-03. Passed 5-20-03.)

1165.05 PROCEEDINGS OF PLANNING COMMISSION.

The Planning Commission shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this Ordinance. An annual organizational meeting shall be held each year in the month of January. Planning Commission meetings shall be held at the call of the chair and at such other times as the Planning Commission may determine. All meetings shall be open to the public. The Planning Commission shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the Planning Commission and Council.
(Ord. 381-02-03. Passed 5-20-03.)

1165.06 DUTIES OF PLANNING COMMISSION.

For the purpose of this Ordinance, the Planning Commission shall have the following duties:

1. Recommend the proposed Zoning Ordinance and the official Zoning District Map to the Council for formal adoption.
2. Initiate advisable Official Zoning District Map changes or changes in the text of this Ordinance, where same will promote the best interest of the public in general through recommendation to the Council.
3. Review all proposed amendments to this Ordinance and the official Zoning District Map and make recommendations to the Council as specified in Chapter 1125.
4. Review all Planned Unit Development and Subdivision Applications and make recommendations to the Council as provided in this Ordinance.
5. Carry on a continuous review of the effectiveness and appropriateness of this Ordinance and recommend such changes or amendments as it feels would be appropriate. (Ord. 381-02-03. Passed 5-20-03.)

1165.07 BOARD OF ZONING APPEALS.

A Board of Zoning Appeals is hereby created, which shall consist of five (5) members to be appointed by the Mayor and approved by the Council each for a term of five (5) years, except that the initial appointments shall be one (1) member each for one (1), two (2), three (3), four (4) and five (5) year terms. Each member shall be a resident of the Municipality. Members of the Board of Zoning Appeals may be removed from office by the Council for cause upon written charges and after public hearing. Vacancies shall be filled by appointment by the Council for the unexpired term of the member affected.
(Ord. 381-02-03. Passed 5-20-03.)

1165.08 PROCEEDINGS OF THE BOARD OF ZONING APPEALS.

The Board of Zoning Appeals shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this Ordinance. An annual organizational meeting will be held each year in the month of January. Meetings shall be held at the call of the chair and at such times as the Board of Zoning Appeals may determine. The chair, or in the chair's absence the acting chair, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Board of Zoning Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the Board of Zoning Appeals and Council.
(Ord. 381-02-03. Passed 5-20-03.)

1165.09 DUTIES OF THE BOARD OF ZONING APPEALS.

For the purpose of this Ordinance, the Board of Zoning Appeals shall have the following duties:

1. Hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation or determination made by the Zoning Inspector;
2. Authorize, upon appeal, in specific cases, such variances from the terms of this Ordinance as will not be contrary to the public interest, where, owing to the special conditions, a literal enforcement of this Ordinance will result in unnecessary hardship, and so that the spirit of this Ordinance shall be observed and substantial justice done;
3. Grant conditional zoning certificates for the use of land, buildings, or other structures if such certificates for specific uses are provided for in this Ordinance;
4. Revoke an authorized variance or conditional zoning certificate granted for the extraction of minerals, if any condition of the variance or certificate is violated.

The Board of Zoning Appeals shall notify the holder of the variance or certificate by certified mail of its intent to revoke the variance or certificate under item 4 of this section and of the right to a hearing before the Board of Zoning Appeals, within thirty (30) days of the mailing of the notice, if the holder of such variance or certificate so requests. If the holder of such variance or certificate requests a hearing, the Board of Zoning Appeals shall set a time and place for the hearing, and notify the holder of such variance or certificate. At the hearing, the holder of such variance or certificate may appear in person, by attorney, or may submit position(s) in writing. The holder of such variance or certificate may present evidence and examine witnesses appearing for or against the holder of such variance or certificate. If no hearing is requested, the Board of Zoning Appeals may revoke the variance or certificate without a hearing. The authority to revoke a variance or certificate is in addition to any other means of zoning enforcement provided by law.

In exercising the abovementioned powers, such Board of Zoning Appeals may, in conformity with such sections, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision, or determination as ought to be made, and to that end has all powers of the officer from whom the appeal is taken.

(Ord. 381-02-03. Passed 5-20-03.)

1165.10 DUTIES OF ZONING INSPECTOR, BOARD OF ZONING APPEALS, LEGISLATIVE AUTHORITY AND COURTS ON MATTERS OF APPEAL.

It is the intent of this Ordinance that all questions of interpretation and enforcement shall be first presented to the Zoning Inspector, and that such questions shall be presented to the Board of Zoning Appeals only on appeal from the decision of the Zoning Inspector, and that recourse from the decisions of the Board of Zoning Appeals shall be to the courts as provided by law. It is further the intent of this Ordinance that the duties of the Council in connection with this Ordinance shall not include hearing and deciding questions if interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this Ordinance. Under this Ordinance the Council shall have only the duties of considering and adopting or rejecting proposed amendments or the repeal of this Ordinance as provided by law, and of establishing a schedule of fees and charges as stated in Section 1165.12. Nothing in this Ordinance shall be interpreted to prevent any official of the Municipality from appealing a decision of the Board of Zoning Appeals to the courts as provided in Chapters 2505 and 2506 of the Ohio Revised Code. Any such appeal shall be made within ten (10) days of the written decision of the Board of Zoning Appeals.

(Ord. 381-02-03. Passed 5-20-03.)

1165.11 COUNCIL.

For the purpose of this Ordinance, the Council shall have the following duties:

1. Approve the Mayor's appointment of a Zoning Inspector.
2. Approve the Mayor's appointments of members to the Planning Commission.
3. Approve the Mayor's appointments of members to the Board of Zoning Appeals.
4. Initiate or act upon suggested amendments to this Ordinance or the Official Zoning District Map. Final action upon a suggested zoning amendment shall be undertaken at a public hearing.
5. Override a written recommendation of the Planning Commission on a text or map amendment, provided that such legislative action is passed by a three-fourths (3/4) vote of the Council.

(Ord. 381-02-03. Passed 5-20-03.)

1165.12 SCHEDULE OF FEES.

The Council shall by ordinance establish a schedule of fees for zoning permits, amendments, appeals, variances, conditional use permits, plan approvals, and other procedures and services pertaining to the administration and enforcement of this Ordinance, after considering the recommendations of the Zoning Inspector with respect to actual administrative costs, both direct and indirect. The schedule of fees shall be posted in the office of the Zoning Inspector and may be altered or amended only by the Council. Until all such appropriate fees, charges, and expenses have been paid in full, no action shall be taken on any application, appeal, or administrative procedure.

(Ord. 381-02-03. Passed 5-20-03.)

1165.13 ZONING FEES.

Single Family Dwelling/Garage	$350.00
House Additions	$ 0.25 per sq ft. (not exceed $350.)
Accessory Structure	$ 0.25 per sq ft. (not to exceed $175.)
Seawalls (not RipRap)	$ 25.00
Roof over existing deck/patio	$ 0.15 per sq ft. (not to exceed $350.)
Roofed deck/patio	$ 0.15 per sq ft. (not to exceed $350.)
All weather enclosure on existing roofed deck/patio	$ 0.15 per sq. ft. (not to exceed $350.)
All weather enclosure on existing deck/patio	$ 0.25 per sq. ft. (not to exceed $350.)
Wet and Dry Slip Boat House	$175.00
Other residential structures not listed	$ 5.00
Light Industrial/Commercial Building	$500.00 + .045/sq. ft.
Light Industrial/Commercial Addition	$200.00 + .045/sq. ft.
Sign Permit	$10.00
Zoning Text Amendment (Map or Text)	$150.00
Conditional Use Permit	$150.00
Variance Request	$150.00
Satellite Dish Variance Request	$50.00
Temporary Off-Premise Sign Violation Fee	$25.00

No fee required for culverts

(Ord. 381-02-03. Passed 5-20-03.)

CHAPTER 1167
Enforcement

1167.01 General.
1167.02 Zoning permits required.
1167.03 Contents of application for zoning permit.
1167.04 Approval of zoning permit.
1167.05 Submission to Director of Transportation.
1167.06 Expiration of zoning permit.
1167.07 Site improvement plans survey methods.
1167.08 Certificate of occupancy.
1167.09 Temporary certificate of occupancy.
1167.10 Record of zoning permits and certificates of occupancy.
1167.11 Notification requirements.
1167.12 Failure to obtain a zoning permit or certificate of occupancy.
1167.13 Construction and use to be as provided in applications, plans, permits and certificates.
1167.14 Complaints regarding violations.
1167.15 Entry and inspection of property.
1167.16 Stop work order.
1167.17 Zoning permit revocation.
1167.18 Notice of violation.
1167.19 Penalties and fines.
1167.20 Additional remedies.

1167.01 GENERAL.

This chapter stipulates the procedures to be followed in obtaining permits, certifications, and other legal or administrative approvals under this Ordinance.
(Ord. 381-02-03. Passed 5-20-03.)

1167.02 ZONING PERMITS REQUIRED.

No building or other structure shall be erected, moved, or changed in size or shape, nor shall any building, structure, or land be established or changed in use without a permit therefor, issued by the Zoning Inspector. Zoning permits shall be issued only in conformity with the provision of this Ordinance, unless the Zoning Inspector receives a written order from the Board of Zoning Appeals deciding an appeal, conditional use, or variance, or from Council approving a Planned Unit Development District, as provided by this Ordinance.
(Ord. 381-02-03. Passed 5-20-03.)

1167.03 CONTENTS OF APPLICATION FOR ZONING PERMIT.

The application for zoning permit shall be made in writing and be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and may be revoked if work has not begun within one (1) year or has not been substantially completed within two (2) years. At a minimum, the application shall contain the following information and be accompanied by all required fees:

1. Name, address, and telephone number of applicant;
2. Address and legal description of property, zoning district and proof of ownership;
3. Existing structure(s) and proposed structure(s);
4. All site improvement plans must be in duplicate and include:
   a. Actual dimensions and shape of lot;
   b. Exact size and location of existing buildings on the lot;
   c. Location(s) and dimension(s) of proposed build(s), alteration(s) or structure(s). The outline must show all breaks in foundation walls and measurements of each break;
   d. The distance from each setback line to structure projection closest to the setback line on all sides of the structure;
   e. Typical wall section;
   f. Roof pitch and extent of roof overhang(s);
   g. Foundation construction; and
   h. Height(s) of structure(s) or building(s);
5. Number of off-street parking spaces or loading berths, and their layout;
6. Location and design of access drives;
7. Number of dwelling units;
8. If applicable, application for a sign permit or a conditional special, or temporary use permit, unless previously submitted; and
9. Such other documentation as may be necessary to determine conformance with, and to provide for the enforcement of, this Ordinance.

(Ord. 381-02-03. Passed 5-20-03.)

1167.04 APPROVAL OF ZONING PERMIT.

Within thirty (30) days after the receipt of an application, the Zoning Inspector shall either approve or disapprove the application in conformance with the provisions of this Ordinance. All zoning permits shall, however, be conditional upon the commencement of work within one (1) year. Two (2) copies of the plans shall be returned to the applicant by the Zoning Inspector, after the Zoning Inspector shall have marked such copy either as approved or disapproved and attested to same by the Zoning Inspector's signature on such copy. One (1) copy of plans, similarly marked, shall be retained by the Zoning Inspector. The Zoning Inspector shall issue a placard, to be posted in a conspicuous place on the property in question, attesting to the fact that the activity is in conformance with the provisions of this Ordinance.

(Ord. 381-02-03. Passed 5-20-03.)

1167.05 SUBMISSION TO DIRECTOR OF TRANSPORTATION.

Before any zoning permit is issued affecting any land within three hundred (300) feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the Director of Transportation, or any land within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Zoning Inspector shall give notice, by registered mail, to the Director of Transportation that the Zoning Inspector shall not issue a zoning permit for one hundred twenty (120) days from the date the notice is received by the Director of Transportation. If the Director of Transportation notifies the Zoning Inspector that Director of Transportation shall proceed to acquire the land needed, then the Zoning Inspector shall refuse to issue the zoning permit. If the Director of Transportation notifies the Zoning Inspector that acquisition at this time is not in the public interest, or upon the expiration of the one hundred twenty (120) day period or of any extension thereof agreed upon by the Director of Transportation and the property owner, the Zoning Inspector shall, if the application is in conformance with all provisions of this Ordinance, issue the zoning permit.
(Ord. 381-02-03. Passed 5-20-03.)

1167.06 EXPIRATION OF ZONING PERMIT.

If the work described in any zoning permit has not begun within one (1) year from the date of issuance thereof, said permit shall expire; it shall be revoked by the Zoning Inspector; and written notice thereof shall be given to the persons affected. If the work described in any zoning permit has not been completed within two (2) years of the date of issuance thereof, said permit shall expire and be revoked by the Zoning Inspector, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new zoning permit has been obtained or an extension granted.
(Ord. 381-02-03. Passed 5-20-03.)

1167.07 SITE IMPROVEMENT PLANS SURVEY METHODS.

1. Site Improvement Plan Using Survey Method #1. A site improvement plan for all structures not listed under Survey Method #2 does not require being drawn by a certified surveyor. They are to be drawn to a scale of 1" = 20' or 1/4" = 1'. Lot lines and the structure must be staked on the property and a cord strung from the official survey pins prior to the permit being issued. A certified surveyor must survey any lot line not identified by the official survey pins. All applicable information in Section 1167.03 must be included.

2. Site Improvement Plan Using Survey Method #2. A site improvement plan for the principal use (house), boat house and unattached garage shall be drawn by a certified surveyor to a minimum scale of 1" = 50'. Exceptions to this would be for an unattached garage, addition to an existing principal structure or an addition to an existing accessory structure if a certified survey has been previously done. This can be submitted in lieu of a new survey being done if the proposed structure(s) (unattached garage, addition to an existing structure) is drawn to the exact scale of the existing survey and includes all the applicable information required in Section 1167.03.
(Ord. 381-02-03. Passed 5-20-03.)

1167.08 CERTIFICATE OF OCCUPANCY.

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure, until a certificate of occupancy shall have been issued therefor by the Zoning Inspector stating that the proposed use of the building or land conforms to the requirements of this Ordinance. The issuance of a use certificate in no way relieves the recipient from compliance with all the requirements of this Ordinance and other regulations.
(Ord. 381-02-03. Passed 5-20-03.)

1167.09 TEMPORARY CERTIFICATE OF OCCUPANCY.

A temporary certificate of occupancy may be issued by the Zoning Inspector for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion. (Ord. 381-02-03. Passed 5-20-03.)

1167.10 RECORD OF ZONING PERMITS AND CERTIFICATES OF OCCUPANCY.

The Zoning Inspector shall maintain a record of all zoning permits and certificates of occupancy, and copies shall be furnished, upon request and upon payment of the established fee, to any person.
(Ord. 381-02-03. Passed 5-20-03.)

1167.11 NOTIFICATION REQUIREMENTS.

In all districts where a certified survey has been submitted, a foundation as-built survey, submitted by a registered surveyor, shall be required and forwarded to the Village zoning office at the time the footers are placed certifying that the footers comply with the permitted site improvement plan. In all other cases the homeowner/contractor must notify the Zoning Inspector when the footers are poured so an inspection can be made. Non-compliance regarding the timely submission of the foundation as-built survey or notification of the Zoning Inspector shall cause the issuance of a stop work order. Work shall not progress until compliance is achieved.
(Ord. 381-02-03. Passed 5-20-03.)

1167.12 FAILURE TO OBTAIN A ZONING PERMIT OR CERTIFICATE OF OCCUPANCY.

Failure to obtain a zoning permit or certificate of occupancy shall be a punishable violation of this Ordinance. (Ord. 381-02-03. Passed 5-20-03.)

1167.13 CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATIONS, PLANS, PERMITS, AND CERTIFICATES.

Zoning permits or certificates of occupancy issued on the basis of plans and applications approved by the Zoning Inspector authorize only the use, and arrangement, set forth in such approved plans and applications or amendments thereto, and any other use, arrangement, or construction contrary to that authorized shall be deemed a punishable violation of this Ordinance.
(Ord. 381-02-03. Passed 5-20-03.)

1167.14 COMPLAINTS REGARDING VIOLATIONS.

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Inspector. The Zoning Inspector shall record properly such complaint, immediately investigate it, and take action thereon as provided by this Ordinance.
(Ord. 381-02-03. Passed 5-20-03.)

1167.15 ENTRY AND INSPECTION OF PROPERTY.

The Zoning Inspector is authorized to make inspections of properties in order to examine and survey the same, at any reasonable hour, for the purpose of enforcing provisions of the Zoning Code. Prior to seeking entry to any property the Zoning Inspector shall attempt to obtain the permission of the owner or occupant of the property. In the event that the Zoning Inspector is denied access to the premises, the Inspector may issue a stop work order.
(Ord. 537-11-11. Passed 5-15-11.)

1167.16 STOP WORK ORDER.

Subsequent to the Zoning Inspector's determination that work is being done contrary to this Ordinance, the Zoning Inspector shall write a stop work order and post it on the premises involved. Continuing to work after a stop work order is posted or removal of a stop work order, except by order of the Zoning Inspector, shall constitute a punishable violation of this Ordinance.
(Ord. 381-02-03. Passed 5-20-03.)

1167.17 ZONING PERMIT REVOCATION.

The Zoning Inspector may issue a revocation notice to revoke a permit or administrative approval which was issued contrary to this Ordinance or based upon false information or misrepresentation in the application.
(Ord. 381-02-03. Passed 5-20-03.)

1167.18 NOTICE OF VIOLATION.

Whenever the Zoning Inspector or his agent determines that there is a violation of any provision of this Ordinance, a warning tag shall be issued and shall serve as a notice of violation. Such order shall:

1. Be in writing;
2. Identify the violation;
3. Include a statement of the reason or reasons why it is being issued and refer to the sections of this Ordinance being violated; and
4. State the time by which the violation shall be corrected.

Service of notice of violation shall be as follows:

1. By personal delivery to the person(s) responsible, or by leaving the notice at the usual place of residence by the owner with a person of suitable age and discretion; or
2. By certified mail deposited in the United States Post Office addressed to the person(s) responsible at a last known address. If a certified mail envelope is returned with endorsement showing that the envelope is unclaimed, then service shall be sent by ordinary mail, and the mailing shall be evidenced by a certificate of mailing which shall be filed by the Zoning Inspector. Service shall be deemed complete when the fact of mailing is entered of record, provided that the ordinary mail envelope is not returned by the postal authorities with an endorsement showing failure of delivery; or
3. By posting a copy of the notice form in a conspicuous place on the premises found in violation.

(Ord. 381-02-03. Passed 5-20-03.)

1167.19 PENALTIES AND FINES.

It shall be unlawful to erect, establish, locate, construct, reconstruct, enlarge, change, convert, move, repair, maintain, or structurally alter any building, structure or land in violation of any provision of this Ordinance or any amendment thereto. Any person, firm, or corporation who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than one hundred dollars ($100.00) and, in addition, shall pay all costs and expenses involved in the case. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs after the expiration of the time period detailed in the notice of violation. If the offender previously has been convicted of a violation of any of the provisions of this Ordinance, a violation of or failure to comply with any of the provisions of this ordinance is a 4th degree misdemeanor punishable by imprisonment for not more than 30 days and/or a fine of not more than two hundred fifty dollars ($250.00) and all costs and expenses involved in the case. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.
(Ord. 381-02-03. Passed 5-20-03.)

1167.20 ADDITIONAL REMEDIES.

Nothing in this Ordinance shall be deemed to abolish, impair, or prevent other additional remedies as provided by law. In the event of a violation of any provision or requirement of this Ordinance, or in the case of an imminent threat of such a violation, the Zoning Inspector, the Solicitor, or the owner of any neighboring property who would be especially damaged by such violation, may, in addition to other recourses provided by law, institute mandamus, injunction, abatement, or other appropriate actions to prevent, remove, abate, enjoin, or terminate such violation. (Ord. 381-02-03. Passed 5-20-03.)

CHAPTER 1169
Planned Unit Developments

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1169.23 Notice of public hearing by Council.
1169.24 Action by Council.
1169.25 Supplementary conditions and safeguards.
1169.26 Expiration and extension of approval period.

1169.01 PURPOSE.

It is the response of this chapter to promote the public health, safety, and welfare by providing for the regulation of Planned Unit Developments. It is the intent of these regulations to provide maximum opportunity for orderly large-scale developments, which benefit the community as a whole by offering a greater choice of living environments, a wider range of development plans featuring more complementary blending of land uses to include community facilities and open space, and a more unified approach with respect to the mixture of uses and their adaptation to topographical and geological features, recreational opportunities, and transportation needs. (Ord. 381-02-03. Passed 5-20-03.)

1169.02 INTERPRETATION.

Whenever the requirements of this chapter appear to be in conflict with other Sections of this Ordinance or with those of other existing codes, the provisions of this chapter shall prevail. (Ord. 381-02-03. Passed 5-20-03.)

1169.03 PLANNED UNIT DEVELOPMENT DISTRICT DESIGNATION.

Subsequent to the approval of the Planning Commission and the Council, the designation "Planned Unit Development District" may be applied to any district. Upon approval of the final development plan, the Official Zoning Map shall be so annotated for the land area affected, and the district name shall be appropriately amended.
(Ord. 381-02-03. Passed 5-20-03.)

1169.04 USES PERMITTED IN A PLANNED UNIT DEVELOPMENT DISTRICT.

Residential, Commercial, Public, and Industrial uses may be combined in Planned Unit Development Districts, provided that the proposed location of the commercial uses will not adversely impact upon adjacent property or the public health, safety, and general welfare, and that the locations of such uses are specified in the final development plan. Lot area and other yard requirements of the district shall apply except as modified in Section 1169.08. The amount of land devoted to non-residential use in a residential/non-residential development shall be determined by the Planning Commission and approved by the Council.
(Ord. 381-02-03. Passed 5-20-03.)

1169.05 MINIMUM PROJECT AREA REQUIREMENTS.

The gross area of a tract of land proposed to be developed in a Planned Unit Development district shall be a minimum of twenty (20) acres provided, however, that smaller parcels may be considered on the basis of their potential to satisfy the intent of these regulations. In any case wherein the Planned Unit Development proposed contains a mixture of residential uses with nonresidential uses, the Planning Commission may limit the development of not more than fifteen (15) percent of the tract to residential uses. A minimum of twenty (20) percent of the land developed in any Planned Unit Development project shall be reserved for common open space and recreational facilities. The open space shall be disposed of as required in Section 1169.06.
(Ord. 381-02-03. Passed 5-20-03.)

1169.06 DISPOSITION OF OPEN SPACE.

The required amount of common space land reserved under a Planned Unit Development shall either be held in corporate ownership by owners of the project area, for the use of each owner who buys property within the development, or be dedicated to a homeowners' association who shall have title to the land which shall be retained as common open space for parks, recreation, and related uses. The legal articles relating the organization of the homeowners' association are subject to review and approval by the Planning Commission and shall include adequate provisions for the perpetual care and maintenance of all common areas. Public utility and similar easements and rights-of-way for watercourses and other similar channels are not acceptable for common open space dedication, unless such land or right-of-way is usable as a trail or similar purpose and has been approved by the Planning Commission. The responsibility for the maintenance of all open spaces shall be specified by the developer before approval of the final development plan.
(Ord. 381-02-03. Passed 5-20-03.)

1169.07 UTILITY REQUIREMENTS.

Underground utilities, including telephone, cable television, and electrical systems, are required within the limits of all Planned Unit Developments. Appurtenances to these systems which can be effectively screened may be exempted from this requirement if the Planning Commission finds that such exemption will not violate the intent or character of the proposed Planned Unit Development.
(Ord. 381-02-03. Passed 5-20-03.)

1169.08 SPECIAL LOT REQUIREMENTS.

The lot requirements for Planned Unit Developments approved by the Planning Commission may vary from requirements previously prevailing for the district as follows:

1. Lot width, setback, and yard requirements may be varied to accommodate a variety of structural patterns, clustering designs, and housing types;
2. Lot area per dwelling unit requirements may be reduced by not more than twenty percent (20%); and
3. Each property in the Planned Unit Development should abut common open space or similar areas, provided, that any property not abutting such uses shall have well designed access to, and shall be no more than five hundred (500) feet from, such uses. (Ord. 381-02-03. Passed 5-20-03.)

1169.09 ARRANGEMENT OF NONRESIDENTIAL USES.

When Planned Unit Development districts include nonresidential uses, nonresidential buildings and establishments shall be planned as groups having common parking areas and common ingress and egress points, in order to reduce the number of potential accident locations at intersections with streets. Planting screens or fences shall be provided on the perimeter of the non-residential areas abutting residential areas. The plan of the project shall provide for the integrated and harmonious design of buildings, and for adequate and properly arranged facilities for internal traffic circulation, landscaping, and such other features and facilities as may be necessary to make the project attractive and efficient from the standpoint of the adjoining and surrounding areas. All areas designed for future expansion or not intended for immediate improvements or development shall be landscaped or otherwise maintained in a neat and orderly manner by the developer as specified by the Planning Commission.
(Ord. 381-02-03. Passed 5-20-03.)

1169.10 PROCEDURES FOR APPROVAL OF PLANNED UNIT DEVELOPMENT DISTRICTS.

Planned Unit Development Districts shall be approved in accordance with the procedure in Sections 1169.10 to 1169.25. It is the intent of these sections to incorporate the review and approval of development plans with the amendment process to remove the necessity, in many instances, to proceed under Chapter 1125 prior to the commencement of the Planned Unit Development plan review and approval process.
(Ord. 381-02-03. Passed 5-20-03.)

1169.11 PRE-APPLICATION MEETING.

The developer shall meet with the Zoning Inspector and Planning Commission prior to the submission of the preliminary development plan. The purpose of this meeting is to discuss early and informally the purpose and effect of this Ordinance and the criteria and standards contained herein, and to familiarize the developer with zoning and other applicable regulations.
(Ord. 381-02-03. Passed 5-20-03.)

1169.12 PRELIMINARY DEVELOPMENT PLAN APPLICATION REQUIREMENTS.

An application for preliminary Planned Unit Development approval shall be filed with the Zoning Inspector by at least one (1) owner of property for which the Planned Unit Development is proposed. At a minimum, the application shall contain the following information filed in triplicate:

1. Name, address, and phone number of applicant;
2. Name, address, and phone number of registered surveyor, registered engineer, and/or urban planner assisting in the preparation of the preliminary development;
3. Legal description of property;
4. Present use(s);
5. Present and proposed zoning district;
6. Proposed amending ordinance;
7. A vicinity map at a scale approved by the Zoning Inspector showing the property lines, streets, existing and the proposed zoning, and such other items as the Zoning Inspector may require;
8. A preliminary development plan at a scale approved by the Zoning Inspector showing topography at ten (10) foot intervals; location, and type of residential and non-residential land uses; layout; dimensions, and names of existing and proposed streets; rights-of- way, utility easements, parks, and community spaces; layout and dimensions of lots and building setback lines; preliminary improvement drawings showing water, sewer, drainage, electricity, telephone, and natural gas; and such other characteristics as the Planning Commission may deem necessary;
9. Proposed schedule for the development of the site;
10. Evidence that the applicant has sufficient control over the land in question to initiate the proposed development plan within two (2) years;
11. A fee as established by ordinance;
12. A list containing the names and mailing addresses of all owners of property within five hundred (500) feet of the property in question; and
13. Verification by at least one (1) owner of property that all information in the application is true and correct to the best of that person's knowledge.

The application for preliminary Planned Unit Development approval shall be accompanied by a written statement by the developer setting forth the reasons why, in the developer's opinion, the Planned Unit Development would be in the public interest and would be consistent with the stated intent of these Planned Unit Development requirements.
(Ord. 381-02-03. Passed 5-20-03.)

1169.13 PLANNING COMMISSION PUBLIC HEARING.

The Planning Commission shall schedule a public hearing on the application for approval of the preliminary development plan not less than twenty (20) or more than forty (40) days from the date of filing such an application.
(Ord. 381-02-03. Passed 5-20-03.)

1169.14 NOTICE OF PUBLIC HEARING.

Before holding the public hearing, notice of such Planning Commission hearing shall be given in one (1) or more newspapers of general circulation at least fifteen (15) days before the date of said hearing. The notice shall set forth the time and place of the public hearing, a general description of the Planned Unit Development, and a statement that, after the public hearing and submission of a final development plan, the matter will be referred to the Council for further determination. Also before holding the public hearing, written notice of such hearing shall be sent by the Planning Commission by first class mail, at least twenty (20) days before the hearing, to all owners of property within five hundred (500) feet of the property in question and to such others as the Planning Commission determines should receive notice. Notices to individual property owners shall contain the same information as required of notices published in the newspaper.
(Ord. 381-02-03. Passed 5-20-03.)

1169.15 PUBLIC ACCESS TO PROPOSED PUD DOCUMENTS.

For a period of at least twenty (20) days prior to the public hearing by the Planning Commission, all papers relating to the Planned Unit Development shall be available for public inspection in the office the Zoning Inspector.
(Ord. 381-02-03. Passed 5-20-03.)

1169.16 APPROVAL IN PRINCIPLE OF PRELIMINARY DEVELOPMENT PLAN.

Within sixty (60) days after the public hearing, the Planning Commission shall review the preliminary development plan to determine if it is consistent with the intent of this Ordinance; whether the proposed development advances the general welfare of the community and neighborhood; and whether the benefits, combination of various land uses, and the interrelationship with the land uses in the surrounding area justify the deviation from standard district regulations. The Planning Commission's approval in principle of the preliminary development plan shall be necessary before an applicant may submit a final development plan. Approval in principle shall not be construed to endorse a precise location of uses, configuration of parcels, or engineering feasibility.
(Ord. 381-02-03. Passed 5-20-03.)

1169.17 SUBMISSION OF FINAL DEVELOPMENT PLAN.

After approval in principle of the preliminary development plan, the developer shall submit a final development plan to the Zoning Inspector. The final development plan shall be in general conformance with the preliminary development plan approved in principle. For the purpose of this Ordinance, the submission of the final development plan is a formal request for rezoning of the property in question. Five (5) copies of the final development plan shall be submitted and may be endorsed by a qualified professional team, which should include an urban planner, licensed architect, registered landscape architect, or landscape horticulturist.
(Ord. 381-02-03. Passed 5-20-03.)

1169.18 FINAL DEVELOPMENT PLAN APPLICATION CONTENTS.

An application for approval of the final development plan shall be filed with the Zoning Inspector by at least one (1) owner of property for which the Planned Unit Development is proposed. Each application shall be signed by the owner, attesting to the truth and exactness of all information supplied on the application for the final development plan. Each application shall clearly state that the approval shall expire and may be revoked if construction on the project has not begun within two (2) years from the date of issuance of the approval. At a minimum, the application shall contain the following information:

1. A survey of the proposed development site, showing the dimensions and bearings of the property lines; area in acres; topography; and existing features of the development site, including major wooded areas, structures, streets, easements, utility lines, and land uses;
2. All the information required on the preliminary development plan; the location and sizes of lots, location and proposed density of dwelling units; non-residential building intensity; and land uses considered suitable for adjacent properties;
3. A schedule for the development of units to be constructed in progression, and a description of the design principles for buildings and streetscapes; a tabulation of the number of acres in the proposed project for various uses, the number of housing units proposed by type; estimated residential population by type of housing; estimated nonresidential population; anticipated construction timing for each unit; and standards for height, open space, building density, parking areas, population density, and public improvements, whenever the applicant proposes any exception from standard zoning districts requirements or other ordinances governing development;
4. Engineering feasibility studies and plans showing as necessary, water, sewer, drainage, electricity, telephone, and natural gas installations; waste disposal facilities; street improvements; and the nature and extent of earthwork required for site preparation and development;
5. Site plan, showing building(s), various functional use areas, circulation, and their relationship;
6. Preliminary building plans;
7. Landscaping plans;
8. Deed restrictions, protective covenants, and other legal statements or devices to be used to control the use, development, and maintenance of the land, and the improvements thereon, including those areas which are to be commonly owned and maintained; and
9. A fee as established by ordinance.

(Ord. 381-02-03. Passed 5-20-03.)

1169.19 PUBLIC HEARING BY PLANNING COMMISSION.

Within thirty (30) days after submission of the final development plan, the Planning Commission shall hold a public hearing. Notice and public inspection of the application shall be as specified in Sections 1169.14 and 1169.15.

(Ord. 381-02-03. Passed 5-20-03.)

1169.20 RECOMMENDATION BY PLANNING COMMISSION.

Within sixty (60) days after receipt of the final development plan, the Planning Commission shall recommend that the final development plan be approved as presented, approved with supplementary conditions, or disapproved, and shall transmit all papers constituting the record and the recommendations to the Council.
(Ord. 381-02-03. Passed 5-20-03.)

1169.21 CRITERIA FOR PLANNING COMMISSION RECOMMENDATION.

Before making its recommendation, the Planning Commission shall find that the facts submitted with application and presented at the public hearing establish that:

1. The proposed development can be initiated within two (2) years of the date of approval;
2. The streets proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the Planned Unit Development;
3. Any proposed non-residential development can be justified at the location proposed;
4. Any exception from standard district requirements is warranted by design and other amenities incorporated in the final development plan, in accordance with these Planned Unit Development requirements and the need to provide a variety of housing opportunities with regard to type and price;
5. The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development;
6. The existing and proposed utility services are adequate for the population densities and nonresidential uses proposed;
7. The proposed development will incorporate erosion control measures meeting the approval of the Village; and
8. The proposed development will incorporate measures necessary to cause no pollution of lake water as determined by the Village.
(Ord. 381-02-03. Passed 5-20-03.)

1169.22 PUBLIC HEARING BY COUNCIL.

After receiving the recommendation from the Planning Commission, the Council shall hold a public hearing on the Planned Unit Development final development plan within a reasonable time. (Ord. 381-02-03. Passed 5-20-03.)

1169.23 NOTICE OF PUBLIC HEARING BY COUNCIL.

Before holding its public hearing, notice of such hearing shall be given by at least one publication in one (1) or more newspapers of general circulation at least thirty (30) days before the hearing. The notice shall set forth the time and place of the public hearing, the nature and a general description and summary of the Planned Unit Development, and a statement that all papers relating to the Planned Unit Development are on file with the Clerk-Treasurer and open for public inspection. Also, written notice of the hearing on the Planned Unit Development shall be mailed by the Clerk-Treasurer by first class mail, at least twenty (20) days before the date of the public hearing, to all owners of property within five hundred (500) feet of the proposed Planned Unit Development and to such others as may be determined should receive such notice. Notices to individual property owners should contain the same information as required of notices published in the newspaper. (Ord. 381-02-03. Passed 5-20-03.)

1169.24 ACTION BY COUNCIL.

After the public hearing, the Council shall either approve, approve with supplementary conditions, or disapprove the application as submitted. If the application is approved as submitted or approved with conditions, the Council shall direct the Zoning Inspector to issue zoning permits in accordance with the approved plan and any conditions thereto attached. The final development plan shall further be considered as an integral part of the rezoning amendment, and no change from or substantive alteration in such Planned Unit Development shall be permitted without repetition of the procedures in this chapter. In the event that the Council denies or substantially modifies the final development plan as recommended by the Planning Commission, any resulting final development plan for said Planned Unit Development shall not be effective unless passed or approved by a three-fourths (3/4) votes of the Council.
(Ord. 381-02-03. Passed 5-20-03.)

1169.25 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS.

In approving any Planned Unit Development application, both the Planning Commission and the Council may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Any violation of such conditions or safeguards, which have been made a part of the terms under which the final development plan has been approved, shall constitute a violation of this Ordinance and be punishable as such.
(Ord. 381-02-03. Passed 5-20-03.)

1169.26 EXPIRATION AND EXTENSION OF APPROVAL PERIOD.

The approval of a final development plan for a Planned Unit Development district shall be for a period not to exceed five (5) years to allow for preparation and recording of the required subdivision plat and development of the project. If no construction has begun within two (2) years after approval is granted, the approved final development plan shall be voided, and the land shall revert to the district regulations of the district in which it is located. An extension of the time limit or modification of the approved final development plan may be approved if the Board of Zoning Appeals finds that such extension is not in conflict with the public interest. No zoning amendment passed during the time plan shall in any way affect the terms under which approval of the Planned Unit Development was granted.
(Ord. 381-02-03. Passed 5-20-03.)

CHAPTER 1171
Gas and Oil Wells

1171.01 Purpose.
1171.02 Requirement for zoning certificate.
1171.03 Exemption from acreage and distance requirements.
1171.04 Health and safety standards.
1171.05 Notification of commencement of operation.
1171.06 Distance of wells from dwellings and public buildings.
1171.07 Distance of storage tanks from dwellings and public buildings and roads.
1171.08 Diking.
1171.09 Oil and gas lines.
1171.10 Fencing.
1171.11 Identification.
1171.12 Maintenance.
1171.13 Access drives and culverts.
1171.14 Drilling, production and waste removal.
1171.15 Equipment transport; security bond for road damage remediation.

1171.01 PURPOSE.

This chapter sets forth the requirements to ensure that any operation incidental to and including the exploration, production, or storage of gas and oil takes place in a manner not endangering public health, safety, and welfare. In event of conflict between these regulations and state law, adopted pursuant to the Ohio Revised Code Chapter 1509, The Ohio Administrative Code, and applicable regulations, the most stringent regulations shall apply.
(Ord. 381-02-03. Passed 5-20-03.)

1171.02 REQUIREMENT FOR ZONING CERTIFICATE.

A zoning certificate shall be required by this Ordinance for the drilling, operation, production, plugging, or abandonment of any oil, gas, or disposal well. The Zoning Inspector may inspect oil, gas, and disposal wells and storage facilities at any time to insure compliance with local regulations. (Ord. 381-02-03. Passed 5-20-03.)

1171.03 EXEMPTION FROM ACREAGE AND DISTANCE REQUIREMENTS.

No minimum acreage requirements for drilling units, and minimum distances from which a new well may be drilled or an existing well deepened, plugged back, or reopened to a source of supply different from the existing pool from boundaries of tracts, drilling units, other wells and from streets, roads, highways, railroad tracks, or the restoration or plugging of an oil and gas well, shall be required by this Ordinance.
(Ord. 381-02-03. Passed 5-20-03.)

1171.04 HEALTH AND SAFETY STANDARDS.

The health and safety standards for the exploration, drilling, production, and abandonment of oil, gas, and disposal wells as provided under Chapter 1509 of The Ohio Revised Code and Chapter 1501 of The Administrative Code (Rules of Division of Oil and Gas of the Ohio Department of Natural Resources) are hereby incorporated into and made part of this Ordinance and shall be enforced by the Zoning Inspector.
(Ord. 381-02-03. Passed 5-20-03.)

1171.05 NOTIFICATION OF COMMENCEMENT OF OPERATION.

At least seven (7) days prior to the commencement of any operation to drill a new well, drill an existing well deeper, re-open a plugged well, convert a well to any use other than its original purpose, or plug back a well to a different source of supply, the owner shall provide a copy of the information required by Section 1509.06 of The Ohio Revised Code to the Zoning Inspector. The driller or operator shall file with the Zoning Inspector the following:

1. A plat, drawn to scale showing:
   a. Ingress and egress points;
   b. The well location;
   c. The location of all known gas and oil wells, storage tanks, and separators within one thousand five hundred (1,500) feet;
   d. Proposed transmission lines, power shut-offs, oil and gas flow shut-offs;
   e. Access roads;
   f. Proposed storage tanks and separators;
   g. All dikes and swales for erosion control and spill prevention; and
   h. Proposed temporary pits.
2. The owner shall also provide the Zoning Inspector with the name(s) and telephone number(s) of such person(s) authorized to act on behalf of the owner in the event of an emergency, including but not limited to fire, oil, or brine spills, and damage to persons or property;
3. A copy of the State Permits;
4. A copy of the brine and waste disposal plat (to include handling of brine, frac water, sludge, and other oil field wastes);
5. A statement schedule of the coverage for all operation related to drilling; and
6. A statement of liability coverage for all operations related to drilling, production, storage, and transmission of all products and wastes.

Copies of the information required by this Section shall be distributed by the Zoning Inspector to the Council and to the Chiefs of all fire departments serving the Municipality.
(Ord. 381-02-03. Passed 5-20-03.)

1171.06 DISTANCE OF WELLS FROM DWELLINGS AND PUBLIC BUILDINGS.

The following distances from oil, gas, and disposal wells shall apply:

1. No oil, gas, or disposal well shall be drilled nearer than two hundred (200) feet to any building;
2. No dwelling shall be erected nearer than two hundred (200) feet to any active well;
3. No well shall be drilled nearer than two hundred (200) feet to any building or structure which may be used as a place of resort, assembly, education, entertainment, lodging, trade, manufacture, repair, storage, traffic, or occupancy by the public; and
4. No building or structure which may be used as a place of resort, assembly, education, entertainment, lodging, trade, manufacture, repair, storage, traffic, or occupancy by the public shall be erected nearer than two hundred (200) feet to any active well. (Ord. 381-02-03. Passed 5-20-03.)

1171.07 DISTANCE OF STORAGE TANKS FROM DWELLINGS AND PUBLIC BUILDINGS AND ROADS.

The following distance requirements for storage tanks shall apply:

1. No permanent storage tanks or separator units shall be located nearer than two hundred fifty (250) feet to any dwelling;
2. No dwelling shall be erected nearer than two hundred fifty (250) feet to any permanent storage tanks or separator units;
3. No permanent storage tanks or separator units to any building or structure which may used as a place of resort, assembly, education, entertainment, lodging, trade, manufacturing, repair, storage, traffic, or occupancy by the public;
4. No building or structure which may used as a place of resort, assembly, education, entertainment, lodging, trade, manufacturing, repair, storage, traffic, or occupancy by the public shall be located nearer than two hundred fifty (250) feet to any permanent storage tanks or separator units; and
5. No permanent storage tanks or separator units shall be located nearer than eighty (80) feet to the centerline of any public or private road.
(Ord. 381-02-03. Passed 5-20-03.)

1171.08 DIKING.

Prior to production, any vessel, including tanks utilized for the accumulation or storage of oil or waste products at the well site, production, or storage areas shall be surrounded by an earthen dike with a capacity of two (2) times that of the storage container. The dike shall be constructed and compacted in such a manner as to contain any spillage. The Zoning Inspector shall require two (2) layers of lining, with the second layer being lain in opposite direction to the first. The lining shall have a minimum thickness of six (6) mils and both layers shall be backed by sufficient earthen aggregate material to withstand one and one half (1-1/2) times the pressure of the liquids within the dike. To ensure vessel integrity and prevent leakage, the Zoning Inspector shall require the creating of ditches or swales to divert or control storm water runoff.
(Ord. 381-02-03. Passed 5-20-03.)

1171.09 OIL AND GAS LINES.

All gas and oil lines located outside of fenced-in areas shall be buried and at a minimum depth of thirty-six (36) inches. All shut-off valves shall be painted a conspicuous color for ease of identification in emergencies. The owner and/or operator of all transmission lines shall provide the Zoning Inspector with a plat drawn to scale of all transmission lines within one thousand (1,000) feet of the well. All transmission lines shall be marked with permanent markers at each side of any right-of-way.
(Ord. 381-02-03. Passed 5-20-03.)

1171.10 FENCING.

Prior to the initiation of production, all permanent production and storage facilities shall be entirely enclosed by a chain link fence not less than six (6) feet in height. All gates shall be padlocked at all times. All storage tank manholes, discharge valves, fill valves and shutoff valves shall be included within the fenced area.
(Ord. 381-02-03. Passed 5-20-03.)

1171.11 IDENTIFICATION.

At all times, a sign shall be posted on storage tanks in no less than three (3) inch letters showing:

1. Owner;
2. Well Permit;
3. Permit Number; and
4. Emergency Phone Number.

(Ord. 381-02-03. Passed 5-20-03.)

1171.12 MAINTENANCE.

All production sites and equipment shall be painted and kept in a clean, neat, and orderly condition. The name and telephone number of the waste hauler, the method and location of disposal and statement of liability from the hauler shall be provided to the Zoning Inspector.
(Ord. 381-02-03. Passed 5-20-03.)

1171.13 ACCESS DRIVES AND CULVERTS.

The minimum width of all entrances to access drives to any well or permit or permanent production and storage facilities shall be forty (40) feet and require a culvert of sixty (60) feet minimum length and a minimum inside diameter of twelve (12) inches. Such access drives shall be properly graded and constructed with a gravel base and shall be maintained so as to be dust free and passable in all seasons and weather conditions. All truck loading and parking areas shall be located outside of any road right-of-way. Any mud, debris, or trash tracked or deposited on public roads or property shall be immediately removed and properly disposed of by the well owner or operator. (Ord. 381-02-03. Passed 5-20-03.)

1171.14 DRILLING, PRODUCTION, AND WASTE REMOVAL.

No person shall conduct any well drilling, production, or transmission operation that contaminates or pollutes the land or any surface or ground water. All waste substances shall be held in completely enclosed, aboveground steel, fiberglass re-enforced plastic, or below ground concrete holding tanks. All temporary pits are to used only during drilling operations and shall be filled and leveled prior to well production and/or sixty (60) days after drilling operations have ceased. No saltwater, brine, sludge, frac water, or other oil field wastes shall be deposited or discharged in the Municipality for any purpose, except into an authorized injection well in accordance with Chapter 1509 of The Ohio Revised Code and Chapter 1501 of The Ohio Administrative Code (Rules of the Division of Oil and Gas of the Ohio Department of Natural Resources). (Ord. 381-02-03. Passed 5-20-03.)

1171.15 EQUIPMENT TRANSPORT; SECURITY BOND FOR ROAD DAMAGE REMEDIATION.

Any individual, company or other entity seeking to transport machinery and equipment within the Village for oil and gas well drilling or production shall file an application for such operations with the Village Zoning Inspector prior to the commencement of operations, which application shall be accompanied by cash or a corporate surety bond in the amount of not less than $20,000, as an indemnity for remediation of road damages which may occur as a consequence of said drilling or production, which bond shall remain in full force and effect until the conclusion of all drilling and production activities. (Ord. 447-07-07. Passed 7-17-07.)

TITLE THREE - Subdivision Regulations

Chap. 1177. General Provisions.
Chap. 1181. Definitions.
Chap. 1185. Procedures.
Chap. 1189. Improvements.

CHAPTER 1177
General Provisions

1177.01 General.
1177.02 Limitations.
1177.03 Interpretation.
1177.04 Variances.
1177.05 Enforcement.

1177.01 GENERAL.

(a) Title. The official title of these regulations shall be General Rules and Regulations for Plats and Subdivisions in the Village of Roaming Shores, Ohio, and shall be referred to herein as these "Regulations", or "Subdivision Regulations".

(b) Policy. The following are hereby adopted as policies of the Village with regard to administration, interpretation, and enforcement of these Regulations:

(1) Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril for fire, flood, or other menace, and land shall be subdivided at such time as adequate public facilities and improvements exist and are available to said land, and proper provision has been made for storm water management, supply of water, treatment of sewerage, and other public improvements and services such as but not limited to schools, parks, recreation facilities, and transportation facilities;

(2) The subdivision of land in the Village and the subsequent development of said subdivided land shall be subject to the control of the Village pursuant to these Regulations to ensure the orderly, planned, efficient, and economical development of the Village; and

(3) Existing and proposed public improvements intended to serve land proposed to be subdivided shall conform to the provisions of the Comprehensive Plan and any other plan(s) adopted by the Village, and it is intended that these Regulations shall facilitate the implementation of both the goals and objectives contained in those plans, as well the standards and provisions contained in building and housing codes and zoning resolutions, where applicable.

(c) Purpose. These Regulations are adopted to secure and provide for the Village the following objectives:

(1) To protect and provide for the public health, safety, and general welfare of the Village;
(2) To guide the future growth and development of the Village, in accordance with the Comprehensive Plan and any other plan(s) adopted by the Village;
(3) To provide for adequate light, air, and privacy in the Village;
(4) To promote the security and safety of the Village from fire, flood, and other dangers;
(5) To prevent overcrowding of the land and undue congestion of population in the Village;
(6) To protect the character and the social and economic stability of the Village;
(7) To encourage orderly and beneficial development of the Village;
(8) To protect, conserve and enhance the value of land in the Village and the value of buildings and other improvements upon land in the Village;
(9) To minimize conflicts among uses of land and buildings in the Village;
(10) To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation and other public improvements and services;
(11) To provide a relationship between uses of land and buildings and circulation of traffic in the Village, including avoidance of congestion in streets and highways;
(12) To establish reasonable standards of design and procedures for the subdivision of land in the Village that further the orderly layout and use of land;
(13) To require accurate surveying, legal descriptions, preparation and recording of plats, monumentation of and engineering design and construction of improvements on land in the Village proposed to be subdivided;
(14) To ensure that appropriate public facilities are available and will have sufficient capacity to serve land in the Village proposed to be subdivided;
(15) To prevent the pollution of air, streams, ponds, lakes, and other watercourses in the Village;
(16) To assure the adequacy of stormwater management facilities in the Village;
(17) To promote safety of the water table in the Village;
(18) To encourage the wise use and management of cultural, historical and/or natural resources in the Village;
(19) To preserve the integrity, stability, beauty and value of the land;
(20) To preserve the topography and other natural features of the Village; and
(21) To provide for significant areas and/or open space through an efficient design and layout of land in the Village.

(d) Authority. By authority of ordinance of the Village Council of Roaming Shores, adopted pursuant to powers and jurisdictions vested through Chapters 711 and 713 of the Ohio Revised Code and other applicable laws, statutes, resolutions, and regulations of the State of Ohio, as now existing or hereafter amended, the Planning and Zoning Commission does hereby exercise the power and authority within the Village to review, approve and disapprove plats for subdivision of land, which show lots, blocks and/or sites with or without new streets or highways, or which are otherwise defined as a subdivision in the Ohio Revised Code, as now existing or hereafter amended.

(e) Adoption. In order that land may be subdivided and developed in accordance with the purpose and policies enumerated in these Regulations, these Regulations are hereby adopted.

(f) Amendments and Supplements. For the purpose of providing for the public health, safety, and general welfare, the Planning and Zoning Commission may from time to time recommend, and the Village Council may from time to time adopt, amendments and supplements to these Regulations. Public hearing on any proposed amendments and supplements shall be held by the Planning and Zoning Commission and the Village Council in the appropriate manner as prescribed by law. (Ord. 384-04-03. Passed 6-17-03.)

1177.02 LIMITATIONS.

(a) Applicability. These Regulations shall apply to all residential, commercial, and industrial subdivisions of land, and other development projects as defined in these Regulations, located within the Village of Roaming Shores.

(b) Sale and Lease. No land shall be subdivided, developed or offered for sale in the Village, nor shall any building or other structure or land be leased or offered for lease in the Village if the lease provides for multiple tenants to have rights of access to common open spaces for parking or roads, and/or easements for the extension and maintenance of public or private improvements or facilities, until such time as the subdivider has fulfilled all of the following conditions:

(1) The subdivider shall obtain approval of the Planning and Zoning Commission for the preliminary plan and final plat, and site plan where applicable, of the proposed subdivision or development, including, where applicable, any condition(s) attached by the Planning and Zoning Commission to its approval and pertaining to design, dedication, improvement and/or land use;

(2) The subdivider shall, prior to construction of any public or private improvements, obtain approval of an Engineer, designated by Council, for construction plans of the proposed subdivision or development;

(3) The subdivider shall, prior to construction of any public or private improvements, obtain approval of the County Soil and Water Conservation District (SWCD) for an erosion and sediment control plan of the proposed subdivision or development; and

(4) The subdivider shall present to the County Auditor and the County Recorder the approved final plat, and site plan where applicable, of the proposed subdivision or development.

(c) Permits. No zoning certificate, building permit, or certificate of occupancy shall be issued for any parcel or plat of land which was created by subdivision after the effective date of these Regulations, and no excavation of land or construction of any public or private improvements or facilities shall take place or be commenced except in accordance with these Regulations.

(d) Transfer and Recording. The Planning and Zoning Commission hereby recognizes the authority of the County Auditor to refuse to transfer, and the authority of the County Recorder to refuse to record property, deeds, agreements, contracts, leases, covenants or restriction, easements, or other instruments which would subdivide and/or convey, wholly or partially, property contrary to the provisions of these Regulations.
(Ord. 384-04-03. Passed 6-17-03.)

1177.03 INTERPRETATION.

(a) Application. These Regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare in the Village.

(b) Conditions. Regulation of subdivision of land and the attachment of reasonable conditions to land subdivision is an exercise of valid police power delegated by the State to this Village. The subdivider shall have the duty of compliance with reasonable conditions laid down by the Planning and Zoning Commission for design, dedication, improvement, and restrictive use of the land so as to conform to the physical and economical development of the Village and to the safety and general welfare of the future property owners in a subdivision and of the community at large.

(c) Conflict with Public Provisions. These Regulations are not intended to interfere with, abrogate, or annul any other resolution, rule, regulation, statute, or other provision of law. Where any provision of these Regulations imposes restrictions different from those imposed by any other provision of these Regulations or any other resolution, rule, regulation, statute or other provision of law, whichever provision is more restrictive or imposes higher standards shall govern.

(d) Conflict with Private Provisions. These Regulations are not intended to interfere with, abrogate, or annul any easement, covenant, agreement, or other restriction, provided that where any provision of these Regulations is more restrictive or imposes higher standards or regulations than such a private provision, these Regulations shall govern. Where a private provision imposes higher standards than any provision of these Regulations, and such private provision is not inconsistent with these Regulations, then such private provision shall be operative and supplemental to these Regulations, but only to the extent that such private provision is enforced by those who are party to such private provision.

(e) Severability. If any part or provision of these Regulations, or any application thereof to any person(s) or circumstances, is adjudged invalid by any court of competent jurisdiction, such judgement shall be confined in its operation to the part, provision, or application of these Regulations directly involved in all controversy in which such judgement shall have been rendered, and shall not affect or impair the validity of the remainder of these Regulations or the application thereof to other person(s) or circumstance(s). The Village Council and the Planning and Zoning Commission hereby declares that it would have enacted the remainder of these Regulations even without any such part, provision, or application.

(f) Saving Provision. These Regulations shall not be construed as abating any action now pending under or as discontinuing, abating, modifying, or altering any penalty accrued, accruing, or about to accrue, or as affecting the liability of any person or other entity, or as waiving any right of the Village under any section or provision existing at the time of adoption of these Regulations, or as vacating or annulling any rights obtained by any person or other entity by lawful action, except as provided for these Regulations.
(Ord. 384-04-03. Passed 6-17-03.)

1177.04 VARIANCES.

(a) General. Where the Planning and Zoning Commission concludes upon the merits of a petition for a variance, or variances, from these Regulations that practical difficulty or hardship may result from strict compliance with any provision(s) of these Regulations, and that policies and/or purposes of these Regulations can be better served by an alternative proposal, it may approve a variance from these regulations so that both substantial justice may be done and the public interest may be secured, provided that such variance shall not hove the effect of nullifying the policies or intent of these Regulations. Based upon evidence presented to the Planning and Zoning Commission by the subdivider in each specific case, the Planning and Zoning Commission shall consider the applicability of all of the following to a proposed variance, shall incorporate such consideration into its decision to approve or disapprove such proposed variance, and shall render such decision upon the merits of the proposed variance, or variances, not less than thirty (30) days after such evidence is presented to the Planning and Zoning Commission by the subdivider:

(1) The variance will or will not allow for a better solution than would be achieved by strict compliance with these Regulations;
(2) The variance will or will not be detrimental to the public health, safety, or general welfare, or injurious to other land located in the general area;
(3) The conditions upon which the variance request is based are or are not unique to the land for which the variance is sought and are or are not generally applicable to other land in the Village;
(4) Because of the particular physical surroundings, shape, and/or topographical conditions of the specific land for which the variance is sought, practical difficulty to the subdivider would or would not result from strict compliance with these Regulations;
(5) The essential character of the neighborhood would or would not be substantially altered, or adjoining properties would or would not suffer a substantial detriment, as a result of the variance;
(6) The subdivider's predicament can or can not feasibly be resolved through some method other than a variance;
(7) The spirit and intent behind the requirement would or would not be observed by granting the variance; and
(8) The variance is or is not the minimum which will afford relief to the subdivider.

(b) Conditions. In approving a proposed variance, the Planning and Zoning Commission may require such conditions of the subdivider as will, in its judgement, serve to secure substantially the policies and intent of these Regulations.

(c) Procedures. A petition for a variance, or variances, shall be submitted in writing by the subdivider or his or her authorized agent, not later than the established submission deadline of each regular Planning and Zoning Commission meeting. The request shall state fully the grounds for the variance and all of the facts relied upon by the subdivider.
(Ord. 384-04-03. Passed 6-17-03.)

1177.05 ENFORCEMENT.

(a) General. The Planning and Zoning Commission shall refer to the Village Solicitor any alleged violation of or lack of compliance with any provision of these Regulations.

(b) Violation and Penalty. Whoever willfully violates any provision of these Regulations or fails to comply with any order issued pursuant thereto, shall forfeit and pay to the Village a penalty of not less than one hundred dollars ($100.00) and not more than five hundred dollars ($500.00) for each such violation. Each day a violation occurs or continues shall be treated as a separate violation. Such sum may be recovered with costs in civil action brought in the Western County Court of Ashtabula County, with such action being brought by the Village Solicitor and in the name of the Village, and with such sum and costs being for the use of the Village.

(c) Civil Enforcement. Appropriate actions and proceedings may be taken by law or in equity by the Village to prevent a violation of these Regulations, to restrain or abate a violation of these Regulations, to prevent unlawful construction or occupancy of a building or other structure or land associated with violation of these Regulations, and/or to recover damages incurred by the Village as a result of a violation of these Regulations. These remedies shall be in addition to the specific penalties described above.
(Ord. 384-04-03. Passed 6-17-03.)

CHAPTER 1181
Definitions

1181.01 Intent.
1181.02 General terms.
1181.03 Specific terms.

1181.01 INTENT.

Except where otherwise provided for in these Regulations, the following terms shall, throughout these Regulations, have the meaning indicated herein.
(Ord. 384-04-03. Passed 6-17-03.)

1181.02 GENERAL TERMS.

For the purpose of these Regulations, certain general terms used herein shall be interpreted as follows:

(a) Words used in the present tense shall include the future tense;
(b) Words used in the singular shall include the plural, and words used in the plural shall include the singular;
(c) The word "lot" may include the words "sublot", "permanent parcel", "zoning lot", "parcel", or "lot of record", and specifically, a "permanent parcel" and a "lot of record" shall be considered one in the same type of lot;
(d) The word "person" shall include a firm, association, organization, partnership, trust, company, or corporation as well as an individual;
(e) The word "shall" shall be a mandatory requirement, the word "may" shall be a permissive requirement, and the word "should", or the phrase “strongly advised” shall be a preferred admonition; and
(f) The words "used" or "occupied" shall include the words "intended, designed, or arranged to be used or occupied".
(Ord. 384-04-03. Passed 6-17-03.)

1181.03 SPECIFIC TERMS.

For the purpose of these Regulations, certain specific terms used herein shall be interpreted as follows:

Acceptance (of Public Roads): Acceptance by the Village of Roaming Shores, upon certification by the Village Engineer, that a roadway is dedicated as a public thoroughfare, and that responsibility for maintenance and preserving the public health, safety, and welfare are assigned to the Village of Roaming Shores having jurisdiction over such roadway.

Acreage, Gross: The total area of a subdivision, including rights-of-way, significant areas and/or common open spaces, and that portion of land that may be deemed unsuitable for building due to physical or regulatory restrictions.

Acreage, Net: The area of a subdivision devoted exclusively to building sites, excluding rights-of-way, significant areas and/or common open spaces, and that portion of land that may be deemed unsuitable for building due to physical or regulatory restrictions.

Adequate Public Facilities: Facilities determined to be capable of supporting and servicing the physical area and designated intensity of a proposed subdivision as determined by applicable regulatory authorities based upon specific levels of service.

Applicant: A person, corporation, or other legal entity submitting an application for legislative or administrative review and approval, involving any plan, document, or submission requiring an action by Planning and Zoning Commission pursuant to its authority under these Regulations. An applicant shall have legal interest in the property for which action is being sought, pursuant to the authority vested in Planning and Zoning Commission, the Zoning Inspector, or other duly authorized representative of the Village as set forth in these Regulations. Further pursuant to these Regulations, the term "applicant" shall be synonymous with developer, subdivider, allotter, property owner, homeowner or any similar name as is commonly used in the field of land development.

Block: A piece or parcel of land entirely surrounded by highways, streets, railroad rights-of-way, streams, lakes, or bodies of water, or a combination of aforesaid bounds.

Building: Any structure having a roof supported by columns or by walls and intended for the shelter, housing, or enclosure of persons, animals, and/or personal property.

Building Line: A line established by these Regulations or zoning requirements, where applicable, generally parallel to and measured from the lot line for side and rear yards and the right-of-way line for front yards, defining the limits of an area in which no building or other structure may be located above ground, except as otherwise provided for in these Regulations or zoning requirements, where applicable. The building line is considered equivalent to the "setback", or "yard line".

Comprehensive Plan: A plan, or any portion thereof, adopted by the Village of Roaming Shores, which shows the general location and extent of present and proposed physical facilities, including but not limited to land uses, major thoroughfares, parks, schools, and other community facilities, and which establishes the goals, objectives, and policies of the Village.

Condominium Property: Property which is ultimately to be jointly owned, partially or wholly, under the provision(s) of a condominium declaration, recorded pursuant to Chapter 5311 of the Ohio Revised Code, as now existing or herein after amended.

Conservation of Land: The preservation of land, including but not limited to land maintained or left in a natural condition.

Construction Plans: A drawing or set of drawings and specifications, prepared by an Engineer as defined in these Regulations, describing in detail the location and design of all improvements proposed to serve a proposed major subdivision, as presented to the Village Engineer for approval, and which meets all the requirements of these Regulations.

Conveyance Standards: The Minimum Requirements for All Instruments of Conveyance in Ashtabula County, Ohio, adopted and agreed to by the County Auditor and the County Engineer pursuant to Sections 319.203 and 315.251 of the Ohio Revised
Code, as now existing or hereinafter amended.

County: The County of Ashtabula, Ohio.

County Auditor: The Auditor of the County of Ashtabula.

County Board of Health: The Board of Health of the Ashtabula County General Health District.

County Department of Environmental Services: The Department of Environmental Services of the County of Ashtabula.

County Department of Environmental Services Inspector: An employee of the County Department of Environmental Services.

County Department of Planning and Community Services: The Department of Planning and Community Services of the County of Ashtabula. As used in these Regulations, the Department of Planning and Community Services is equivalent to the Director of Planning and Community Services, or the Staff. This County department is not the Planning and Zoning Commission, however, it is responsible for the processing of applications for Planning and Zoning Commission review and approval as authorized under these Regulations.

County Engineer: The Engineer of the County of Ashtabula.

County Engineer's Instructor: An employee of the County Engineer.

County Prosecutor: The Prosecuting Attorney of the County of Ashtabula.

County Recorder: The Recorder of the County of Ashtabula.

Covenant: A written promise or pledge.

Culvert: A transverse drain that channels water under a bridge, street, or driveway.

Dedication (of Public Rights-of-Way): The transference of ownership of land devoted to right-of-ways from private to public ownership to the Village for public use through platting, or other procedures as required by law.

Density: A measurement of the number of dwelling units, including public housing and industrialized units, per acre of land.

Density, Gross: The density as measured over the total land to be developed.

Density, Net: The density as measured over only the land devoted to residential uses.

Density, Residential: Gross density, measured in dwelling units per acre, and classified as follows:

(a) "Low Residential Density" is gross density not exceeding two (2) dwelling units per acre;

(b) "Medium-Low Residential Density" is gross density greater than two (2) and not exceeding four (4) dwelling units per acre which, for the purposes, of street design requirements, shall be considered as medium residential density:

(c) "Medium Residential Density" is gross density greater than four (4) and not exceeding eight (8) dwelling units per acre;

(d) “Medium-High Residential Density” is gross density greater than eight (8) and not exceeding sixteen (16) dwelling units per acre which, for the purposes of street design requirements, shall be considered as high residential density; and

(e) “High Residential Density” is gross density greater than thirty-two (32) dwelling units per acre.

Drainage Wax: The land required for construction of storm water sewers or drainage ditches, or required along a natural stream or watercourse.

Dwelling Unit: Space, within a building, comprising living, dining, and/or sleeping rooms, as well as space and equipment for cooking, bathing, and toilet facilities, all used by not more than one (1) family, as defined by zoning requirements, where applicable, and its household employees.

Easement : Authorization by a property owner for use by another, and for a specified purpose, of one (1) or more basic property rights.

Engineer: Any person registered to practice professional engineering by the State Board of Registration pursuant to Section 4733-9-01 of the Ohio Administrative Code, as now existing or hereafter amended.

Erosion: The wearing away of land by wind or water.

Erosion and Sediment Control Plan: A drawing or set of drawings and specifications describing in detail appropriate conservation practices, including a schedule of installation and location, proposed to minimize soil erosion and off-site sediment yield, to be employed during and after construction of a subdivision, as presented to the Soil and Water Conservation District for approval, and which meets all the requirements of these Regulations.

Final Plat : A drawing or set of drawings, prepared by a Surveyor and Engineer as defined in these Regulations, describing in detail the final plan and layout of a proposed major subdivision, as presented to the Planning and Zoning Commission for approval and subsequent recording by the County Recorder, and which meets all the requirements of these Regulations.

Floodplain: Lowland area that borders a stream or other watercourse and is subject to flooding, as identified by the United States Department of Housing and Urban Development, Federal Insurance Administration, on Flood Insurance Rate Maps (FIRM) as part of the National Flood Insurance Program, as now existing or hereafter amended.

Highway Director: The Director of the Ohio Department of Transportation.

Improvements: Street pavement or surfacing, grading, curbs, gutters, ditches, sanitary and storm sewers, water mains, sidewalks, street lights, street signs, utility lines, landscaping, parks, monuments, and other appurtenances required to render land suitable for the use(s) proposed.

Lot: A parcel of land of sufficient size to meet current zoning requirements, where applicable, for use, coverage, and/or area, to provide such yards and other open spaces as are required, and which shall consist of one (1) or more of the following:

(a) A single lot of record, also known as a permanent parcel as such parcel is recorded and as appears on the current tax roll as maintained by the County Auditor;
(b) A portion of a lot of record: and/or
(c) A combination of complete lots of record, of complete and portions of lots of record, or of portions of lots of record.

Lot of Record: A parcel of kind also known as a permanent parcel, or if within a platted and recorded subdivision recorded in the office of the County Recorder, also known as a sublot, or a parcel not within a platted and recorded subdivision (sometimes known as “open land”) which is described by metes and bounds, the description of which has been recorded in the office of the County Recorder.

Lot Terms: Lot terms are defined as follows:

(a) "Lot Area" is the area of a lot exclusive of the area of any portion of any abutting road right-of-way;
(b) "Lot Depth" is the average distance between front and rear lot lines;
(c) "Lot Frontage" is that portion of a lot or lots which abuts a public right-of-way, whether constructed and improved to any extent, or totally unconstructed. As measured for zoning consistency or buildable lot purposes, frontage shall be measured in a continuous, unbroken line. For a corner lot, all sides of the lot abutting a public right-of-way shall be considered lot frontage for determining setback requirements at the building line.
(d) "Lot Lines" are the boundaries of a lot exclusive of the area of any portion of any abutting road right-of-way, regardless of whether ownership includes any portion of any abutting road right-of-way; and
(e) "Lot Width" is the mean horizontal distance between the side lot property lines of a lot measured at right angles to the depth; or the same distance measured at a point midway between the front lot property line and the rear lot property line; or at the rear property line of the required front yard (also known as the "building line"), especially on irregularly shaped lots.

Lot Types: Lot types are defined as follows:

(a) "Corner Lot" is a lot located at the point of intersection of and with frontage on two (2) or more intersecting streets;

(b) "Double Frontage Lot" also known as a "through lot" is a lot, other than a corner lot, with frontage on two (2) or more streets:

(c) "Interior Lot" is a lot with frontage on only one (1) street; and

(d) "Reverse Frontage Lot" is a lot, which may be a corner lot, with frontage contrary to the general pattern in the area.

Maintenance Guarantee (Agreement): A cash deposit, surety bond without expiration date, irrevocable letter of credit, or other surety instrument acceptable to the Village Solicitor, to guarantee the maintenance of all satisfactorily installed improvements as approved by the Village Engineer in the Construction Plans for a subdivision, extending for a period of no more than one year after release of a performance guarantee for that subdivision. (See Section 1189.08(f)).

Monument: A permanent, material object placed on or near a boundary line to preserve and identify the location of the boundary line on the ground. Where it is impractical to establish the location of the boundary line, the position of the boundary line on the ground may be preserved by reference markers, as set forth and regulated in Section 1189.06(c).

Navigable Waters: Pursuant to the Rivers and Harbors act of 1899 (33 U.S.C. 403), as now existing or hereafter amended, the waters that were used in the past, are used now, or could be used in the future, to transport interstate, intrastate, and/or foreign commerce, with Lake Erie qualifying as navigable waters in the Buffalo District of the United States Army Corps of Engineers.

Neighborhood: An area containing buildings or other structures and/or uses which have similar physical or other characteristics and which is bounded by recognized natural or man-made features.

Official Filing: The acceptance by the Staff of an application, which meets all the requirements of these Regulations, for a proposed minor subdivision, or a preliminary plan or final plat, or site plan where applicable, of a proposed major subdivision.

Original Tract: A contiguous quantity of land held in common ownership, which has not been previously subdivided.

Outlot: Land within a subdivision outside of the boundaries of land to be developed, and which is to be excluded from development.

Owner: An individual, firm, association, syndicate, partnership, corporation, trust, or other legal entity having sufficient proprietary interest in land proposed to be subdivided to commence and carry out proceedings to subdivide said land pursuant to these Regulations.

Park Land: Land used for passive leisure activity including but not limited to picnicking, walking, and resting.

Parking Space, Off-Street: An area adequate for parking one (1) automobile, with room for opening doors on both sides; together with related maneuvering room and access to a public street or alley, and which shall be located totally outside of any street or alley right-of-way.

Pedestrian Way: A dedicated public right-of-way limited to pedestrian traffic.

Performance Guarantee (Agreement): A cash deposit, surety bond without expiration date, irrevocable letter of credit, or other surety instrument acceptable to the Village Solicitor, to guarantee and warrant that the satisfactory installation of improvements as built according to the Construction Plans approved by the Village Engineer are fit for their particular purposes. The cash deposit or other surety instrument shall be held by the Village as a guarantee that the developer shall replace or repair, within a reasonable period of time and upon written notification from the Village, any defective improvements or portions thereof, which may occur during a period not to exceed one year following the date of approval of the final plat.

Planned Unit Development: An area of land, in which these Regulations or zoning requirements, where applicable, permit a variety of residential, commercial, and/or industrial facilities and/or uses in an environment planned using standards including but not limited to lot area, width, and/or yard requirements, which are more flexible than those restrictions that would normally apply under these Regulations or zoning requirements, where applicable.

Planning and Zoning Commission: The Planning and Zoning Commission of the Village of Roaming Shores, a legally constituted body established by the Village Council on May 27, 1980, pursuant to Chapter 713 of the Ohio Revised Code.

Preliminary Plan: A drawing or set of drawings, prepared by a Surveyor as defined in these Regulations, describing in detail the plan and layout of a proposed major subdivision for the purpose of study, as presented to the Planning and Zoning Commission for approval and, if approved, authorization to proceed with preparation of construction plans and a final plat, and which meets all the requirements of these Regulations.

Public Utility: Any individual, firm, association, syndicate, partnership, corporation, trust, or other legal entity having a permit from the Public Utilities Commission of Ohio (PUCO) or other applicable regulatory body to furnish to the public electricity, gas, sanitary sewer, water, telephone, and/or other similar public services.

Public Way: An alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway, right-of-way, road, sidewalk, street, subway, tunnel, viaduct, walk, or other way in which the general public or a public entity has a right, or which are dedicated, whether improved or not.

Recreation Land: Land used for active leisure activity including but not limited to ball playing, tennis, and other games.

Right-of-Way: A strip of land taken or dedicated for use as a public way, which, in addition to roadway surface, normally incorporates curbs, lawn strips, sidewalks, lighting, water and sewer lines, drainage facilities, and other appurtenances, and which may include special features required by topography or other conditions such as grade separation, landscaped areas, viaducts, and bridges.

Sale or Exchange of Parcels Between Adjoining Landowners: The division or partition of land not involving any new streets or easements of access, referred to as "additions to property", where such sale or exchange does not create additional building sites. See "Subdivision".

Sedimentation: The process of accumulating and/or depositing sediment, or earth material moved or deposited by water or wind.

Setback: The required horizontal distance as measured from a right-of-way line which shall determine the minimum placement of houses, buildings of any type, and other structures permanently affixed to real property.

Sewage Collection System Central (Central Sewer System): A wastewater disposal system which provides a collection network, disposal system, and central wastewater treatment facility for a single development, community, or region, and subject to approval of the Ohio Environmental Protection Agency (OEPA).

Sewage Disposal System, Commercial (Commercial Septic System): A sewage disposal or treatment system or part thereof for other than a one-family, two-family, or three-family structure not connected to a central sewage collection system and subject to approval of the Ohio Environmental Protection Agency (OEPA).

Sewage Disposal System, Household (Household Septic System): A sewage disposal or treatment system or part thereof for a one-family, two-family, or three-family structure not connected to a central sewage collection system and subject to the approval of the County Board of Health and/or the Ohio Environmental Protection Agency pursuant to Chapter 3701-29 of the Ohio Administrative Code, as now existing or hereafter amended.

Significant areas: The portion of land within a subdivision devoted and dedicated to public recreation facilities and/or uses deemed significant in terms of attractive, valuable, and unique natural features to be preserved and remain undeveloped for the general welfare of the public and the Village; this area will be calculated exclusive of parking areas, streets, and not more than twenty (20) percent of the land which is covered by water.

Sidewalks: A portion of right-of-way outside the roadway surface, which is improved for the use of pedestrian traffic.

Site Plan: A diagram of a plan, drawn to scale, which explains by lines, words, and other symbols, the relationships between the existing site and those changes which are proposed. The plan shall show both natural and man-made elements of the site. It may be supplemented by sketches, text, maps, drawings, photographs, or other items for the purpose of representing and explaining the overall objectives and features of the plan.

Soil and Water Conservation District: The Soil and Water Conservation District of the County.

Staff: The Village Zoning Inspector, or a designee(s) of the Zoning Inspector.

Storm Sewer: A system of pipes, tiles, tubes, mains, underground conduit, and/or other passages, and all appurtenances thereto, constructed for the purpose of removal, diversion, collection, and dispersal of excess surface water runoff.

Stormwater Management: The control and regulation of the rate of dispersal of surface water runoff from a subdivision, to minimize erosion and flooding of a site, as well as of upstream and downstream properties.

Subdivider: Any individual, developer, allotter, firm, association, syndicate, partnership, corporation, trust, or other legal entity authorized to commence and carry out proceedings to subdivide land pursuant to these Regulations, whether an owner or a duly authorized agent thereof, of the land proposed to be subdivided (see "Applicant").

Subdivision: Pursuant to Section 711.001 of the Ohio Revised Code, as now existing or hereafter amended, the division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into two (2) or more parcels, sites, or lots, any one (1) of which is less than five (5) acres for the purpose, whether immediate or future, of transfer of ownership, provided, however, that the division or partition of land into parcels of more than five (5) acres, gross acreage, not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites, shall be exempted as provided in these Regulations; or the improvement of one (1) or more parcels of land for residential, commercial, or industrial structures or groups of structures involving the division or allocation of land for the opening, widening, or extension of any street or streets except private streets serving industrial structures; or the division or allocation of land as open spaces for common use by owners, occupants, or lease holders, or as easements for the extension and maintenance of public sewer, water, storm drainage or other public facilities. See "Sale or Exchange of Parcels Between Adjoining Land Owners".

Subdivision, Major: A subdivision that does not meet the requirements of a minor subdivision.

Subdivision, Minor (Lot Split): Pursuant to Section 711.131 of the Ohio Revised Code, as now existing or hereafter amended, a division of a parcel of land along an existing public street or road, not involving the opening, widening, or extension of any street or road, and involving not more than five (5) lots, any one (1) of which is less than five (5) acres, gross acreage, after the original tract has been completely subdivided. Also accurately and legally known as lot split.

Submission Requirements: The detailed list of documents, drawings, written correspondence, surveys, maps, photographs, application forms, and other technical and non-technical specifications, compiled and maintained by the Zoning Department, in consultation with the Village and/or County Engineer, County Auditor, and any other authorized Village and/or County representatives, within their respective areas of expertise. Submission requirements contain those requirements listed under specific chapters of these Regulations, and shall be supplied by the applicant in order to make such application for subdivision or other approvals set forth in these Regulations.

Survey: A drawing or set of drawings describing information necessary or incidental to the transfer of one (1) or more existing or proposed lots, prepared by a Surveyor, as defined in these Regulations, in accordance with Minimum Standards for Boundary Surveys in the State of Ohio, pursuant to Chapter 4733-37 of the Ohio Administrative Code, as now existing or hereafter amended, conforming to Section 1189.06(c). In addition to the definition herein defined and applicability to these Regulations, surveys may also be of various types, including, but not limited to aerial, boundary, construction, engineering, exploratory, geodetic, hydrographic, photogrammetric, soil, topographic, and wetland surveys.

Surveyor: Any person registered to practice professional surveying by the State Board of Registration for Professional Engineers and Surveyors, pursuant to Section 4733-37 of the Ohio Administrative Code, as now existing or hereafter amended.

Terrain Classification: A method of describing the topography patterns of land for street design purposes, and classified as follows:

(a) "Level" land shall have a cross slope range not exceeding four percent (4%);
(b) "Rolling" land shall have a cross slope range not less than four percent (4%) and not exceeding eight percent (8%);
(c) "Hilly" land shall have a cross slope range not less than eight percent (8%) and not exceeding fifteen percent (15%) ; and
(d) "Hillside" land shall have a cross slope range not less than fifteen percent (15%).

Thoroughfare (Street or Road): The full width between lot lines bounding every public way of whatever nature, with a part thereof to be used for vehicular traffic, and classified as follows:

(a) "Alley" is a thoroughfare used primarily for vehicular service access to the back or side of one (1) or more lots abutting another street;
(b) "Arterial Street" is a thoroughfare used to bring traffic to and from limited access highways and other arterial streets, and to serve major movements of traffic through the Village/County not served by limited access highways, to interconnect the principal traffic generators and high traffic volume corridors within the Village/County, and to connect rural areas for long and/or through trips;
(c) "Collector Street" is a thoroughfare used to serve the internal traffic movement within a specific area of the Village and to bring traffic between such area and proximate arterial streets, but which is not used to handle long and/or through trips and which are not, by necessity, continuous for any great length;
(d) "Cul-de-Sac Street" is a thoroughfare with one (1) end open to traffic and the other end terminating in a vehicular turnaround;
(e) "Dead End Street" is a thoroughfare temporarily having only one (1) outlet for vehicular traffic, but intended to be extended or continued in the future and provided with a fully improved vehicular turnaround on a temporary easement;
(f) “Limited Access Highway” is a thoroughfare devoted to movement of traffic and not providing access to abutting properties.
(g) "Local Street" is a thoroughfare whose sole function is to provide access to land immediately adjacent;
(h) "Loop Street" is a type of local street, each end of which terminates at an intersection with the same arterial or collector street;
(i) "Marginal Access Street" is a thoroughfare that is parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets; and
(j) "Parkway" is a thoroughfare that runs through a strip of public park land, to which access may or may not be permitted.

Tree Lawn: The portion of a right-of-way between a curb or pavement edge and a public sidewalk or lot line.

Unusable Land: Land with a cross slope range exceeding sixty percent (60%), and/or having characteristics such as rockiness, swampiness, or other features which can lead to difficulties for construction, active recreation, or other uses.

Variance: A modification of a provision of these Regulations, as determined by the Planning and Zoning Commission pursuant to these Regulations.

Vicinity Map: A drawing located on a preliminary plan and/or final plat, and/or site plan where applicable, which sets forth the relationship of a proposed subdivision to other nearby developments, landmarks, and other community facilities and services in the Village, so as to orient and locate more easily the subdivision in question.

Village Solicitor: The legal representative for the Village.

Walkway: A dedicated public way, not less than four (4) feet in width, for pedestrian use only, which may or may not be located in a right-of-way or along the side of a road.

Waters of the State: All streams, lakes, ponds, wetlands, watercourses, waterways, wells, springs, irrigation systems, drainage systems, wetlands, and all other bodies or accumulations of water, surface and underground, natural or artificial, regardless of the depth of the strata in which underground water is located, which are situated wholly or partly within, or border upon, this State, or are within its jurisdiction, except those private waters which do not combine or affect a junction with natural surface or underground waters.

Watershed: The drainage area in which a subdivision drains, as well as that land whose drainage is affected by a subdivision.

Wetland: Pursuant to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, as now existing or hereafter amended, areas inundated or saturated by surface or ground water at a frequency or duration sufficient under normal circumstances to support a prevalence of vegetation adapted for life in saturated soil conditions.

Yard: A required open space other than a court unoccupied and unobstructed by any structure or portion thereof from a point three (3) feet above average finished grade upward, provided accessories, ornaments, and furniture shall be permitted in any yard, subject to zoning and other requirements affecting height and visibility, where applicable.

Yard Types: Yard types are defined as follows:

(a) "Front Yard" is a yard extending between side lot lines across the front of a lot and from the front property line to the front setback line;

(b) "Rear Yard" is a yard extending between side lot lines across the rear of a lot and from the rear property line to the rear setback line for principal and/or accessory buildings; and

(c) "Side Yard" is a yard extending from the side yard setback line to the side lot line on both sides of the principal building and between the lines establishing the front and rear yards per setback requirements.

Zoning Inspector: The person, designated by the Village, to administer and enforce zoning and other related regulations where applicable.
(Ord. 384-04-03. Passed 6-17-03.)

CHAPTER 1185
Procedures

1185.01 Sale or exchange of parcels between adjoining land owners.
1185.02 Minor subdivisions (lot splits).
1185.03 Major subdivisions; preliminary plan.
1185.04 Major subdivisions; final plat.
1185.05 Major subdivisions; replat.

1185.01 SALE OR EXCHANGE OF PARCELS BETWEEN ADJOINING LAND OWNERS.

(a) Meeting. To expedite a determination whether a proposed sale or exchange of parcels between adjoining land owners (also known as "additions to property") is exempt from these Subdivision Regulations, and verify if the proposal is so exempt by virtue of the proposed land conveyance being not a subdivision by definition, pursuant to Section 711.001(B)(1) of the Ohio Revised Code, the applicant shall meet with the Staff prior to submission of documents. The purpose of such meeting is to familiarize the applicant with these Regulations, provide the applicant with submission requirements to enable Staff to make a valid determination hereunder, advise the applicant concerning the Village Comprehensive Plan, and inform the applicant of other relevant and applicable rules and regulations, if any. The applicant is strongly advised to consult with the Village/County Engineer, the Soil and Water Conservation District, the County Auditor, and the County Recorder, as well as, where applicable, the County Board of Health, the County Department of Environmental Services, and the Village Zoning Inspector. Review of documents shall constitute neither a determination nor acceptance for official filing of a proposed sale or exchange of parcels between adjoining land owners.

(b) Submission Requirements. The applicant for a proposed sale or exchange of parcels between adjoining land owners shall submit to the Staff the following documents, the submission of which shall constitute neither a determination nor acceptance for official filing of a proposed sale or exchange of parcels between adjoining land owners.

(1) Application. A completed application for a sale or exchange of parcels between adjoining land owners, in a form as provided by the Staff, and signed and dated by the applicant;

(2) Fee. No fee shall be required for application for a sale or exchange of parcels between adjoining land owners;

(3) Deeds. Instruments of conveyance (deeds), as noted below, containing accurate and current legal descriptions, with separate paragraphs for each course in the descriptions, running clockwise from places of beginning, noting all monuments, and with written certification that any legal descriptions have been reviewed within the last one hundred eighty (180) days by the Village Engineer, as follows:

For each proposed addition to real property of a parcel between adjoining land owners where such sale or exchange does not create an additional building site, one (1) deed for the parcel to be sold or exchanged, and one (1) deed for the total combined area of contiguous parcels to be owned by the purchaser, grantee, or transferee as a result of the proposed sale or exchange.

(c) Survey. A survey map and legal descriptions derived from the survey of lands of a proposed sale or exchange of parcels between adjoining land owners, conforming to any and all applicable regulations governing its representation, as now existing or hereafter amended.

(d) Recommendations. The Staff is hereby authorized under these Regulations and may require the applicant for a proposed sale or exchange of parcels between adjoining land owners to obtain a Sewage Certification and a Zoning Permit, where applicable, which may provide additional information regarding the proposed sale or exchange of parcels between adjoining land owners.

(e) Official Filing. Within ten (10) working days of the date of submission, the Staff shall review the documents submitted for a proposed sale or exchange of parcels between adjoining landowners. A proposed sale or exchange of parcels between adjoining land owners shall be accepted as being officially filed if and only if the Staff determines that the documents submitted meet all the requirements of these Regulations for a sale or exchange of parcels between adjoining land owners. If the Staff determines that a proposed sale or exchange of parcels between adjoining land owners does not meet all the requirements of these Regulations, the proposed sale or exchange of parcels between adjoining land owners shall not be accepted as being officially filed, and the Staff shall notify the applicant of the specific requirement(s) not met. Acceptance of any documents by the Staff as being officially filed shall not constitute a determination as to whether the proposed sale or exchange of parcels between adjoining land owners is transferable or recordable under law.

(f) Determination. Within ten (10) working days of the date of official filing, the Staff shall render a determination as to whether the proposed sale or exchange of parcels between adjoining land owners is exempt or not exempt from filing as a subdivision under these Regulations or other applicable law, as follows:

(1) Not exempt. If the proposed sale or exchange of parcels between adjoining land owners is determined to not be exempt, the Staff shall notify the applicant in writing of said determination and the specific reason(s) for the determination, and the applicant may make the necessary correction(s) and resubmit the proposed sale or exchange of parcels between adjoining land owners for another determination by the Staff, or submit a proposed minor or major subdivision application for approval, as advised by the Staff; or

(2) Exempt. If the proposed sale or exchange of parcels between adjoining land owners is determined to be exempt, the Staff shall stamp the deeds with accompanying officially authorized signature and date, and the Staff shall notify the applicant of said determination and shall return the deeds to the applicant; or

(3) No determination. If no determination is rendered within twelve (12) working days of the date of official filing, or within a time extension mutually agreed upon between the applicant and the Staff, the proposed sale or exchange of parcels between adjoining land owners shall be deemed to have been determined to be exempt.

(g) Expiration. A determination that a proposed sale or exchange of parcels between adjoining land owners is exempt shall automatically expire one (1) year from the date of the determination, unless the deeds associated therewith are recorded in the office of the County Recorder during said period. It shall be the applicant's responsibility for recording these associated and required deeds.
(Ord. 384-04-03. Passed 6-17-03.)

1185.02 MINOR SUBDIVISIONS (LOT SPLITS).

(a) Meeting. To expedite the formal approval procedure for a proposed minor subdivision (also known as lot split), the applicant shall meet with the Staff prior to submission of documents. The purpose of such meeting is to familiarize the applicant with these Regulations, provide the applicant with submission requirements, advise the applicant concerning the Village Comprehensive Plan, and with other relevant and applicable rules and regulations. The applicant is strongly advised to consult with the County Engineer, the Soil and Water Conservation District, the County Auditor, and the County Recorder, as well as, where applicable, the County Board of Health, the County Department of Environmental Services, and the Village Zoning Inspector. Review of documents by the Staff, or any County or other agency shall constitute neither approval, disapproval, nor acceptance for official filing of a proposed minor subdivision.

(b) Submission Requirements. The applicant seeking review of a proposed minor subdivision shall submit the items specified in the submission requirements, as maintained by the Staff, and including the items listed in 1 through 6 inclusive.

(1) Application. A completed application for a minor subdivision, in a form as provided by the Staff, signed and dated by the subdivider;

(2) Fee. The fee required for application for a minor subdivision, as may be determined from time to time by the Village Council;

(3) Deeds. Instruments of conveyance (deeds) containing accurate and current legal descriptions, with separate paragraphs for each course in the descriptions, running clockwise from places of beginning, noting all monuments, and with written certification that any legal descriptions have been reviewed within the last one hundred eighty (180) days by the County Engineer, of each proposed new parcel created by, or as a result of the proposed minor subdivision;

(4) Survey. One (1) clean, clear copy of a survey, as defined in these Regulations, which has not been reduced or enlarged, of each proposed new and remaining parcel less than exactly five (5.0) acres created by or as a result of the proposed minor subdivision, as well as estimated frontage and estimated area of each proposed new and remaining parcel more than exactly five (5.0) acres, gross acreage, created by or as a result of the proposed minor subdivision, on a sheet not greater than eighteen (18) inches by twenty-four (24) inches in size, and at a scale not less than one (1) inch equals one hundred (100) feet, with broken lines permitted, or at another scale to fully utilize the survey map sheet.

(5) Sewage certification. Certification that each proposed new and remaining parcel created by or as a result of the proposed minor subdivision conforms to current requirements for suitable disposal of sanitary waste by the County Health Department, County Department of Environmental Services, and/or the Ohio Environmental Protection Agency, where applicable; and

(6) Zoning certification. Certification that each proposed new and remaining parcel created by or as a result of the proposed minor subdivision conforms to current Village zoning requirements, where applicable.

(c) Official Filing. Within twelve (12) working days of the date of submission, the Staff shall review the documents submitted for a proposed minor subdivision. A proposed minor subdivision shall be accepted as being officially filed if and only if the Staff determines that the documents submitted meet all submission requirements of these Regulations for a minor subdivision. If the Staff determines that a proposed minor subdivision does not meet all submission requirements of these Regulations for a minor subdivision, the proposed minor subdivision shall not be accepted as being officially filed, and the Staff shall notify the subdivider of the specific submission requirement(s) not met. Acceptance of any documents by the Staff as being officially filed shall constitute neither approval nor disapproval of a proposed minor subdivision.

(d) Action. Within twelve (12) working days of the date of official filing, the Staff shall approve or disapprove the proposed minor subdivision as follows:

(1) Disapproval. If the proposed minor subdivision is disapproved, the Staff shall notify the subdivider in writing of said action and the specific reasons for disapproval, and the subdivider may make the necessary correction(s) and resubmit the proposed minor subdivision for approval or submit a proposed major subdivision for approval, as advised by the Staff; or

(2) Approval. If the proposed minor subdivision is approved, the Staff shall stamp the approved and required deeds with accompanying officially authorized signature and date, and the Staff shall notify the subdivider of said action and shall return the deeds to the subdivider; or

(3) No action. If no action is taken within twelve (12) working days of the date of official filing, or within a time extension mutually agreed upon between the subdivider and the Staff, the proposed minor subdivision shall be deemed approved.

(e) Expiration. Approval of a proposed minor subdivision shall automatically expire six (6) months from the date of approval, unless the deeds associated therewith are recorded in the office of the County Recorder during said period.

(Ord. 384-04-03. Passed 6-17-03.)

1185.03 MAJOR SUBDIVISIONS; PRELIMINARY PLAN.

(a) Preliminary Plan; Meeting. To expedite the formal approval procedure for a preliminary plan of a proposed major subdivision, the applicant shall meet with the Staff prior to submission of documents. The purpose of such meeting is to familiarize the applicant with these Regulations, provide the applicant with submission requirements, advise the applicant concerning the Village Comprehensive Plan, and with other relevant and applicable rules and regulations. The applicant is strongly advised to consult with the County Engineer, the Soil and Water Conservation District, the County Board of Health, the County Department of Environmental Services; and the Village Zoning Inspector, where applicable. Review of documents by the Staff or any County or other agency shall constitute neither approval, disapproval, nor acceptance for official filing of a preliminary plan of a proposed major subdivision.

(b) Submission Requirements. The subdivider of a proposed major subdivision shall submit to the Staff the following documents, the submission of which shall constitute neither approval, disapproval, nor acceptance for official filing of a preliminary plan of a proposed major subdivision:

(1) Application. A completed application for a preliminary plan of a major subdivision, in a form as provided by the Staff, and signed and dated by the subdivider;

(2) Fee. The fee required for application for a preliminary plan of a major subdivision, as may be determined from time to time by the Village Council;

(3) Preliminary plan. The applicant shall submit to the Staff fourteen (14) clean, clear copies of a survey, as defined in these Regulations and in a form as provided by the Staff, of all contiguous parcels to be included in the proposed major subdivision, on one (1) or more sheets at least twenty-four (24) inches by thirty six (36) inches in size and at a scale not less than one (1) inch equals one hundred (100) feet, with broken lines permitted, and specifying the following information:

A. Name. proposed major subdivision name, which shall not duplicate or closely approximate the name of any other subdivision in the county, as well as other information including but not limited to township(s), section(s), and original lot(s);

B. Vicinity Map. A vicinity map, as defined in these Regulations, of the proposed major subdivision at scale not less than one (1) inch equals four thousand (4,000) feet;

C. Existing Conditions. Identification by name, location, and size, of existing streets, railroad rights-of-way, bridges, culverts, storm sewer lines, sanitary sewer lines, water lines, power transmission and other pole and underground lines, oil and natural gas transmission and sales or service lines, active and plugged or capped well heads, tank batteries, easements, parks, corporation lines, and any other public improvements, including highways and other major improvements planned by public authorities for future construction, in the proposed major subdivision, including estimated similar information within two hundred (200) feet of the proposed major subdivision, and any change(s) thereto and/or relocation(s) thereof;

D. Land, Soils, Wetlands, Floodplain. and Coastal Zone. Identification by location and characteristics of existing rocky outcroppings, wooded areas, other significant environmental features, existing soils, potential wetlands, potential floodplain areas, existing buildings and other structures including but not limited to sewage disposal systems, topography at intervals not exceeding two (2) feet, and any change(s) thereto, relocation(s) thereof, and/or proposed method(s) of conservation and/or preservation thereof, in the proposed major subdivision, including estimated similar information within two hundred (200) feet of the proposed major subdivision, as well as demonstration of conformance to the requirements of Section 1189.01;

E. Lots and Blocks. Identification by layout, number, dimensions, and area in acres, of proposed lots and blocks in the proposed major subdivision, and demonstration of conformance to the requirements of Section 1189.02(a) and (b);

F. Significant Areas. Identification by proposed use, location, dimensions, and area in acres of parcels of land to be reserved for public use or to be reserved for use by residents of the proposed major subdivision, and demonstration of conformance to the requirements of Section 1189.02(c);

G. Restrictions. Covenant(s), condition(s), or other restriction(s) to be placed upon the proposed major subdivision, and demonstration of conformance to the requirements of Section 1189.02(d);

H. Traffic. Demonstration of conformance to the requirements of Section 1189.03(a);

I. Streets. Identification by name, location, size, and preliminary proposals for design, of proposed streets in the proposed major subdivision, including connections to existing streets in the proposed major subdivision, including estimated similar information within two hundred (200) feet of the proposed major subdivision, and any change(s) thereto and/or relocation(s) thereof, and demonstration of conformance to the requirements of Section 1189.03(b);

J. Lighting. Demonstration of conformance to the requirements of Section 1189.03(c);

K. Trees. Demonstration of conformance to the requirements of Section 1189.03(d);

L. Stormwater Management. Identification of preliminary proposals for management of storm water and drainage, during and after construction, in the proposed major subdivision, including estimated similar information within two hundred (200) feet of the proposed major subdivision, and demonstration of conformance to the requirements of Section 1189.04(a);

M. Erosion and Sediment Control. Identification of preliminary proposals for control of erosion and sediment, during and after construction, in the proposed major subdivision, including estimated similar information within two hundred (200) feet of the proposed major subdivision, and demonstration of conformance to the requirement of Section 1189.04(b);

N. Water Supply. A statement as to the availability and type of water supply system proposed to serve each lot as shown on the preliminary plan of the proposed major subdivision, including approximate locations of proposed lines or other equipment, where applicable, and demonstration of conformance to the requirements of Section 1189.05(a);

O. Sanitary Waste. A statement as to the availability and type of sewage disposal system proposed to serve each lot as shown on the preliminary plan of the proposed major subdivision, including approximate locations of proposed lines or other equipment, where applicable, and demonstration of conformance to the requirements of Section 1189.05(b);

P. Other Utilities. Identification by name and location of all other utilities and other public services to serve the proposed major subdivision, and demonstration of conformance to the requirements of Section 1189.05(c);

Q. Zoning Certification that each lot as shown on the preliminary plan of the proposed major subdivision conforms to current Village zoning requirements, where applicable, and demonstration of conformance to the requirements of Section 1189.06(a);

R. Easements. Identification by name, location, and size, of easement(s) required in the proposed major subdivision, and demonstration of conformance to the requirements of Section 1189.06(b);

S. Surveying and Monumentation. Demonstration of conformance to the requirements of Section 1189.06(c);

T. Existing Streets. Boundaries, Off-Site Conditions and Over-Sizing. Demonstration of conformance to the requirements of Section 1189.07; and,

U. Summary Table. Identification of total site acreage, total right-of way acreage, total right-of-way mileage, total Significant Areas and other public use acreage, total lot acreage, and typical lot acreage, in the proposed major subdivision; and

(4) Other. Such additional information as deemed necessary by the Staff.

(c) Preliminary Plan; Official Filing. Within twelve (12) working days of the date of submission, the Staff shall review the documents submitted for a preliminary plan of a proposed major subdivision. A preliminary plan of a proposed major subdivision shall be accepted as being officially filed if and only if the Staff determines that the documents submitted meet all the requirements of these Regulations for a preliminary plan of a major subdivision. If the Staff determines that a preliminary plan of a proposed major subdivision does not meet all the requirements of these Regulations for a preliminary plan of a proposed major subdivision, the preliminary plan of the proposed major subdivision shall not be accepted as being officially filed, and the Staff shall notify the subdivider of the specific requirement(s) not met. Acceptance of any documents required for a preliminary plan of a proposed major subdivision by the Staff as being officially filed shall take place not less than fifteen (15) days prior to the next regularly scheduled Planning and Zoning Commission meeting. Items for which documents have not been accepted by the Staff as being officially filed by such date shall not be acted upon by the Planning and Zoning Commission at the next regularly scheduled Planning and Zoning Commission meeting. Acceptance of any documents by the Staff as being officially filed shall constitute neither approval nor conditional approval nor disapproval of a preliminary plan of a proposed major subdivision.

(d) Preliminary Plan; Transmission. Within seven (7) working days of the date of official filing, the Staff shall transmit at least one (1) copy of the preliminary plan of the proposed major subdivision to each of the following officials and agencies for review and recommendation, with said reviews and recommendations to be received by the Staff not less than twelve (12) working days prior to the next regularly scheduled Planning and Zoning Commission meeting, with Planning and Zoning Commission to assume no relevant comment if no response is received by such time.

(1) County Engineer and Village Engineer;
(2) Soil and Water Conservation District;
(3) Nearest water provider or other applicable authority;
(4) County Department of Environmental Services;
(5) County Board of Health;
(6) Local office of the Ohio Environmental Protection Agency;
(7) Local office of the U S. Army Corps of Engineers;
(8) Township Trustees;
(9) Township Zoning Inspector, where applicable;
(10) Planning Commission of the political subdivision(s) adjacent to the proposed major subdivision, where applicable; and
(11) Such other officials, agencies, and/or consultants as deemed necessary by the Staff, including but not limited to school districts, fire districts, ambulance districts, and utility companies, as well as traffic, environmental, and other planning consultants, with the cost of any such review(s) to be borne by the subdivider.

(e) Preliminary Plan; Action. Within thirty (30) days of the date of official filing, upon review of all documents accepted as being officially filed, as well as all official and agency comments received in response to requests solicited above, the Planning and Zoning Commission shall approve, conditionally approve, or disapprove the preliminary plan of the proposed major subdivision as follows:

(1) Disapproval. If the preliminary plan of the proposed major subdivision is disapproved, the Staff shall notify the subdivider in writing of said action and the specific reason(s) for disapproval, and the subdivider may make the necessary correction(s) and resubmit the preliminary plan for approval; or

(2) Conditional approval. If the preliminary plan of the proposed major subdivision is conditionally approved, the Staff shall notify the subdivider in writing of said action and the specific condition(s) required; or

(3) Approval. If the preliminary plan of the proposed major subdivision is approved, the Staff shall stamp the preliminary plan, shall affix accompanying officially authorized signature and date, and shall notify the subdivider in writing of said action. If all conditions required as part of conditional approval of the preliminary plan of the proposed major subdivision have been satisfied as determined by the Staff, the Staff shall stamp the preliminary plan, shall affix accompanying officially authorized signature and date, and shall notify the subdivider and the Planning and Zoning Commission in writing of said action; or

(4) No action. If no action is taken within forty-five (45) days of the date of official filing, or within a time extension mutually agreed upon between the subdivider and the Planning and Zoning Commission, the preliminary plan of the proposed major subdivision shall be deemed approved.

(f) Preliminary Plan; Expiration. Approval and conditional approval of a preliminary plan of a proposed major subdivision shall expire as follows:

(1) Approval. Following Staff notification to the subdivider and the Planning and Zoning Commission, approval of a preliminary plan of a proposed major subdivision shall automatically expire two (2) years from the date of approval, or on the date on which all conditions required as part of a conditional approval of the preliminary plan of the proposed major subdivision have been satisfied as determined by the Staff, unless a final plat conforming to the approved preliminary plan is approved by the Planning Commission during said period; and

(2) Conditional approval. Following Staff notification to the subdivider and the Planning and Zoning Commission, conditional approval of a preliminary plan of a proposed major subdivision shall automatically expire six (6) months from the date of conditional approval, unless all conditions required as part of conditional approval have been satisfied as determined by the Staff during said period.

(Ord. 384-04-03. Passed 6-17-03.)

1185.04 MAJOR SUBDIVISIONS; FINAL PLAT.

(a) Final Plat; Meeting. To expedite the formal approval procedure for a final plat of a proposed major subdivision, the applicant shall meet with the Staff prior to submission of documents. The purpose of such meeting is to ensure that the applicant understands all applicable rules and regulations and is progressing toward preparation of all necessary documents, provide the applicant with submission requirements, and advise the applicant of the Village Comprehensive Plan. The applicant is strongly advised to consult with the Village/County Engineer, the Soil and Water Conservation District, the County Board of Health, the County Department of Environmental Services, and the Township Zoning Inspector, where applicable. Review of documents by the Staff or any County or other agency shall constitute neither approval, disapproval, nor acceptance for official filing of a final plat of a proposed major subdivision.

(b) Submission Requirements. The subdivider of a proposed major subdivision shall submit to the Staff the following documents, the submission of which shall constitute neither approval, disapproval, nor acceptance for official filing of a final plat of a proposed major subdivision. Those items listed below under subsection (b)(3)A. - Y. shall be addressed by the applicant prior to approval of a final plat. Those submission requirements listed in this section which are appropriately and commonly addressed by indication on the final plat shall be so indicated thereon. Those submission requirements listed in this section which are appropriately and adequately addressed by some other documentation, as determined by the Staff, shall be so documented.

(1) Application. A completed application for a final plat of a major subdivision, in a form as provided by the Staff, and signed and dated by the subdivider;

(2) Fee. The fee required for application for a final plat of a major subdivision, as may be determined from time to time by the Village Council;

(3) Final plat. The applicant shall submit the original drawing and fourteen (14) clean, clear copies of a survey, as defined in these Regulations and in a form as provided by the Staff, of all contiguous parcels to be included in and created by or as a result of the proposed major subdivision, on one (1) or more sheets not greater than twenty-four (24) inches by thirty-six (36) inches in size and at a scale not less than one (1) inch equals fifty (50) feet, unless if a sheet of a different size and/or scale is superior for production and compilation of the final plat shall be approved by the Staff, with broken lines permitted, and specifying the following information:

A. Name. Proposed major subdivision name, per the approved preliminary plan;

B. Vicinity Map. A vicinity map, per the approved preliminary plan;

C. Existing Conditions. Identification by graphic notation of all existing conditions, per the approved preliminary plan;

D. Land, Soils, Wetlands, Floodplain, and Coastal Zone. Demonstration of conformance to the requirements of Section 1189.01, per the approved preliminary plan;

E. Lots and Blocks. Demonstration of conformance to the requirements of Section 1189.02(a) and (b), per the approved preliminary plan;

F. Significant Areas. Demonstration of conformance to the requirements of Section 1189.02(c), per the approved preliminary plan;

G. Restrictions. Demonstration of conformance to the requirements of Section 1189.02(d), per the approved preliminary plan;

H. Traffic. Demonstration of conformance to the requirements of Section 1189.03(a), per the approved preliminary plan;

I. Streets. Demonstration of conformance to the requirements of Section 1189.03(b), per the approved preliminary plan;

J. Lighting. Demonstration of conformance to the requirements of Section 1189.03(c), per the approved preliminary plan;

K. Trees. Demonstration of conformance to the requirements of Section 1189.03(d), per the approved preliminary plan;

L. Storm Water Management. Demonstration of conformance to the requirements of Section 1189.04(a), per the approved preliminary plan;

M. Erosion and Sediment Control. Demonstration of conformance to the requirements of Section 1189.04(b), per the approved preliminary plan;

N. Water Supply. Demonstration of conformance to the requirements of Section 1189.05(a), per the approved preliminary plan;

O. Sanitary Waste. Demonstration of conformance to the requirements of Section 1189.05(b), per the approved preliminary plan;

P. Other Utilities. Demonstration of conformance to the requirements of Section 1189.05(c), per the approved preliminary plan;

Q. Zoning. Demonstration of conformance to the requirements of Section 1189.06(a), per the approved preliminary plan;

R. Easements. Demonstration of conformance to the requirements of Section 1189.06(b), per the approved preliminary plan;

S. Surveying and Monumentation. Demonstration of conformance to the requirements of Section 1189.06(c), per the approved preliminary plan;

T. Existing Streets, Boundaries, Off-Site Conditions and Over-Sizing. Demonstration of conformance to the requirements of Section 1189.07, per the approved preliminary plan;

U. Plan Approval, Cost Estimate and Performance Guarantee. Demonstration of conformance to the requirements of Section 1189.08(a) to (c);

V. Title Insurance. Title insurance in a form meeting the approval of the Village Solicitor, covering the lands to be dedicated and showing the title to such dedicated streets or other land good in the name of the Village;

W. Liability Insurance. A Certificate of Insurance, listing the Village as a certificate holder, with coverage limits not less than one million dollars ($1,000,000) general aggregate limit, one million dollars ($1,000,000) products and completed operations aggregate limit, five hundred thousand dollars ($500,000) personal and advertising limit per person or organization, and five hundred thousand dollars ($500,000) each occurrence limit, which shall indemnify and save harmless the Village from any and all liability which may arise or grow out of the construction or installation of public improvements when undertaken, and which shall expire not earlier than the effective period of the Subdivision Maintenance Agreement;

X. Dedication Language. Dedication language in a form as provided by the Staff; and

Y. Summary Table. Identification of total site acreage, total right-of-way acreage, total right-of-way mileage, total Significant Areas and other public use acreage, total lot acreage, and typical lot acreage, in the proposed major subdivision, per the approved preliminary plan; and

(4) Such additional information as deemed necessary by the Staff.

(c) Final Plat; Official Filing. Within twelve (12) working days of the date of submission, the Staff shall review the documents submitted for a final plat of a proposed major subdivision. A final plat of a proposed major subdivision shall be accepted as being officially filed if and only if the Staff determines that the documents submitted meet all the requirements of these Regulations for a final plat of a major subdivision. If the Staff determines that a final plat of a proposed major subdivision does not meet all the requirements of these Regulations for a final plat of a major subdivision, the final plat of the proposed major subdivision shall not be accepted as being officially filed, and the Staff shall notify the subdivider of the specific requirement(s) not met. Acceptance of any documents required for a final plat of a proposed major subdivision by the Staff as being officially filed shall take place not less than fifteen (15) days prior to the next regularly scheduled Planning and Zoning Commission meeting. Items for which documents have not been accepted by the Staff as being officially filed by such date shall not be acted upon by the Planning and Zoning Commission at the next regularly scheduled Planning and Zoning Commission meeting. Acceptance of any documents by the Staff as being officially filed shall constitute neither approval nor conditional approval nor disapproval of a final plat of a proposed major subdivision.

(d) Final Plat; Transmission. Within seven (7) working days of the date of official filing, the Staff shall transmit at least one (1) copy of the final plat of the proposed major subdivision to each of the following officials and agencies for review and recommendation, with said reviews and recommendations to be received by the Staff not less than seven (7) working days prior to the next regularly scheduled Planning and Zoning Commission meeting, with the Planning and Zoning Commission to assume no relevant comment if no response is received by such time.

(1) Village/County Engineer;
(2) Soil and Water Conservation District;
(3) Nearest water provider or other applicable authority;
(4) County Department of Environmental Services;

(5) County Health Department;
(6) Local office of the Ohio Environmental Protection Agency;
(7) Local office of the U. S. Army Corps of Engineers;
(8) Township Trustees;
(9) Village Zoning Inspector;
(10) Planning Commission of the political subdivision(s) adjacent to the proposed major subdivision, where applicable; and
(11) Such other officials, agencies, and/or consultants as deemed necessary by the Staff, including but not limited to school districts, fire districts, ambulance districts, and utility companies, as well as traffic, environmental, and other planning consultants, with the cost of any such review(s) to be borne by the subdivider.

(e) Final Plat; Action. Within thirty (30) days of the date of official filing, upon review of all documents accepted as being officially filed, as well as all official and agency comments received in response to requests solicited above, the Planning and Zoning Commission shall approve, conditionally approve, or disapprove the final plat of the proposed major subdivision as follows:

(1) Disapproval. If the final plat of the proposed major subdivision is disapproved, the Staff shall notify the subdivider in writing of said action and the specific reason(s) for disapproval, and the subdivider may make the necessary correction(s) and resubmit the final plat for approval: or
(2) Conditional approval. If the final plat of the proposed major subdivision is conditionally approved, the Staff shall notify the subdivider in writing of said action and the specific condition(s) required; or
(3) Approval. If the final plat of the proposed major subdivision is approved, the Staff shall stamp the final plat, shall acquire all necessary officially authorized signatures and dates, except for the County Auditor and County Recorder, and shall notify the subdivider in writing of said action, and the subdivider shall submit the final plat to the County Auditor and County Recorder for transfer and recording, respectively. If all conditions required as part of conditional approval of the final plat of the proposed major subdivision have been satisfied as determined by the Staff, the Staff shall stamp the final plat, shall acquire all necessary officially authorized signatures and dates, except for the County Auditor and County Recorder, and shall notify the subdivider and the Planning and Zoning Commission in writing of said action, and the subdivider shall submit the final plat to the County Auditor and County Recorder for transfer and recording, respectively; or
(4) No action. If no action is taken within thirty (30) working days of the date of official filing, or within a time extension mutually agreed upon between the subdivider and the Planning and Zoning Commission, the final plat of the proposed major subdivision shall be deemed approved.

(f) Final Plat; Expiration. Approval and conditional approval of a final plat of a proposed major subdivision shall expire as follows:

(1) Approval. Following Staff notification to the subdivider and the Planning Commission, approval of a final plat of a proposed major subdivision shall automatically expire one (1) year from the date of approval, or of the date on which all conditions required as part of a conditional approval of the final plat of the proposed major subdivision have been satisfied as determined by the Staff, unless the approved final plat is recorded in the office of the County Recorder and the recorded original (mylar) is submitted to the office of the County Engineer during said period; and

(2) Conditional approval. Following Staff notification to the subdivider and the Planning Commission, conditional approval of a final plat of a proposed major subdivision shall automatically expire four (4) months from the date of conditional approval, unless all conditions required as part of conditional approval have been satisfied as determined by the Staff during said period. (Ord. 384-04-03. Passed 6-17-03.)

1185.05 MAJOR SUBDIVISIONS; REPLAT.

(a) Replat; Meeting. To expedite the formal approval procedure for a proposed re-subdivision or other alteration to an existing major subdivision or any portion(s) thereof, hereafter referred to as "re-plat", the applicant shall meet with the Staff prior to submission of documents. The purpose of such a meeting is to ensure that the applicant understands all applicable rules and regulations and is progressing toward preparation of all necessary documents. The applicant is strongly advised to consult with the County Engineer, the Soil and Water Conservation District, the County Board of Health, the County Department of Environmental Services, and the Village Zoning Inspector, where applicable. Review of documents by the Staff or any Village, County or other agency shall constitute neither approval, disapproval, nor acceptance for official filing of a proposed re-plat.

(b) Submission Requirements. The subdivider of a proposed re-plat shall submit to the Staff the following documents, the submission of which shall constitute neither approval, disapproval, nor acceptance for official filing of a proposed re-plat:

(1) Application. A completed application for a proposed re-plat, in a form as provided by the Staff, and/or scale is superior for production and compilation of the replat document shall be approved and signed and dated by the subdivider;

(2) Fee. The fee required for application for a proposed replat, as may be determined from time to time by the Village Council;

(3) Replat. Original and fourteen (14) clean, clear copies of a survey, as defined in these Regulations, of all contiguous parcels to be included in and created by, or as a result of the proposed re-plat, on one (1) or more sheets not greater than twenty-four (24) inches by thirty-six (36) inches in size, and at a scale not less than one (1) inch equals fifty (50) feet, unless if a sheet of a different size and/or scale is superior for production and compilation of the replat document shall be approved by the Staff, with broken lines permitted, and specifying all information that would otherwise be required for a final plat of a proposed major subdivision, as defined in Section 1185.04; and,

(4) Other. Such additional information as deemed necessary by the Staff.

(c) Replat; Official Filing. Within seven (7) working days of the date of submission, the Staff shall review the documents submitted for a proposed replat. A proposed replat shall be accepted as being officially filed if and only if the Staff determines that the documents submitted meet all the requirements of these Regulations for a replat. If the Staff determines that a proposed replat does not meet all the requirements of these Regulations for a replat, the proposed replat shall not be accepted as being officially filed, and the Staff shall notify the subdivider of the specific requirement(s) not met. Acceptance of any documents required for a proposed replat by the Staff as being officially filed shall take place not less than ten (10) working days prior to the next regularly scheduled Planning and Zoning Commission meeting. Items for which documents have not been accepted by the Staff as being officially filed by such date shall not be acted upon by the Planning and Zoning Commission at the next regularly scheduled Planning and Zoning Commission meeting. Acceptance of any documents by the Staff as being officially filed shall constitute neither approval nor conditional approval nor disapproval of a proposed replat.

(d) Replat; Transmission. Within three (3) working days of the date of official filing, the Staff shall transmit at least one (1) copy of the proposed replat to each of the following officials and agencies for review and recommendation, with said reviews and recommendations to be received by the Staff not less than seven (7) working days prior to the next regularly scheduled Planning Commission meeting, and with the Planning Commission to assume an official or agency recommends approval if no response is received by such date:

(1) County Engineer;
(2) Soil and Water Conservation District;
(3) Nearest water provider or other applicable authority;
(4) County Department of Environmental Services;
(5) County Health Department;
(6) Local office of the Ohio Environmental Protection Agency;
(7) Local office of the U. S. Army Corps of Engineers;
(8) Township Trustees;
(9) Township Zoning Inspector, where applicable;
(10) Planning Commission of the political subdivision(s) adjacent to or affected by the proposed re-plat, where applicable; and
(11) Such other officials, agencies, and/or consultants as deemed necessary by the Staff, including but not limited to school districts, fire districts, ambulance districts, and utility companies, as well as traffic, environmental, and other planning consultants, with the cost of any such review(s) to be borne by the subdivider.

(e) Replat; Action. Within thirty (30) days of the date of official filing, upon review of all documents accepted as being officially filed, as well as all official and agency comments received in response to requests solicited above, the Planning and Zoning Commission shall approve, conditionally approve, or disapprove the proposed re-plat as follows:

(1) Disapproval. If the proposed replat is disapproved, the Staff shall notify the subdivider in writing of said action and the specific reason(s) for disapproval, and the subdivider may make the necessary correction(s) and resubmit the replat for approval; or
(2) Conditional approval. If the proposed replat is conditionally approved, the Staff shall notify the subdivider in writing of said action and the specific condition(s) required; or

(3) Approval. If the proposed replat is approved, the Staff shall sign the replat, shall acquire all necessary officially authorized signatures and dates, except for the County Auditor and County Recorder, and shall notify the subdivider in writing of said action, and the subdivider shall submit the replat to the County Auditor and County Recorder for transfer and recording, respectively. If all conditions required as part of conditional approval of the proposed replat have been satisfied as determined by the Staff, the Staff shall sign the replat, shall acquire all necessary officially authorized signatures and dates, except for the County Auditor and County Recorder, and shall notify the subdivider and the Planning and Zoning Commission in writing of said action, and the subdivider shall submit the replat to the County Auditor and County Recorder for transfer and recording, respectively; or

(4) No action. If no action is taken within thirty (30) working days of the date of official filing, or within a time extension mutually agreed upon between the subdivider and the Planning and Zoning Commission, the proposed replat shall be deemed approved.

(f) Replat; Expiration. Approval and conditional approval of a proposed replat shall expire as follows:

(1) Approval. Following Staff notification to the subdivider and the Planning and Zoning Commission, approval of a proposed replat shall automatically expire six (6) months from the date of approval, or on the date on which all conditions required as part of a conditional approval of the proposed replat have been satisfied as determined by the Staff, unless the approved replat is recorded in the office of the County Recorder and the recorded original (mylar) is submitted to the office of the County Engineer during said period; and

(2) Conditional approval. Following Staff notification to the subdivider and the Planning and Zoning Commission, conditional approval of a proposed replat shall automatically expire two (2) months from the date of conditional approval, unless all conditions required as part of conditional approval have been satisfied as determined by the Staff during said period.

(Ord. 384-04-03. Passed 6-17-03.)

CHAPTER 1189
Improvements

1189.01 Environmental and site design features.
1189.02 Subdivision design features.
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1189.01 ENVIRONMENTAL AND SITE DESIGN FEATURES.

(a) Land. Review of general subdivision and site design falls under the jurisdiction of the Planning and Zoning Commission. The purpose of good subdivision and site design is to protect the public health, safety and general welfare of the Village and to create a functional and attractive development, to minimize adverse impacts, and to ensure that a project will be an asset to the Village. To promote this purpose, these Regulations shall set forth requirements for the manner in which streets, lots, and other elements of a proposed subdivision shall be arranged on the land. Improvements required by these Regulations shall help to facilitate convenient and safe streets and usable lots, and shall help to reserve adequate space for public utilities, as well as recreational, institutional, and other public uses. The planning of attractive and functional neighborhoods shall be promoted, minimizing the undesirable features of unplanned and haphazard growth.

(1) Natural features. A proposed subdivision shall be planned to take advantage of the topography of the land, to economize on the construction of drainage facilities, to reduce the amount of grading, and to minimize the destruction of trees and topsoil. In sloping terrain, proposed streets shall generally run parallel to the contour of the land or preferably cross at a slight angle therewith, so as to avoid steep street grades, heavy concentrations of storm water building elevations on opposite sides of proposed streets, and excessive grading operations. Consideration shall be given to encourage the preservation of existing views, wooded areas, runoff, abnormal differential in creeks, and other attractive natural features of a proposed subdivision.

(2) Suitability. If the Planning and Zoning Commission finds that land proposed to be subdivided is unsuitable for development due to flooding, poor drainage, topography, inadequate water supply, transportation facilities, and/or other such conditions which may endanger the health, life, or property; and if from investigations conducted by the public agencies concerned, it is determined that in the best interest of the public the land should not be developed for the purpose proposed, the Planning and Zoning Commission shall not approve the proposed subdivision unless adequate methods, as determined by the applicable regulatory authority, are advanced by the subdivider to solve the problems that may be created by development of the land.

(3) Conformity. A proposed subdivision shall conform to any and all adopted and effective plans and regulations applicable to the land where the proposed subdivision is to be located, as follows:

A. County Major Thoroughfare Plan. The arrangement, character, width, and location of all arterial and collector thoroughfares or extensions thereof in a proposed subdivision shall conform to the County Major Thoroughfare Plan. Thoroughfares in a proposed subdivision not mentioned in the County Major Thoroughfare Plan shall conform to recommendation(s) of the Planning and Zoning Commission based upon the requirements set forth in these Regulations. Proposed thoroughfares and other public access to adjacent undeveloped land shall be designed so that a proposed subdivision and the County can be served by a coordinated thoroughfare system;

B. Village Comprehensive Plan. The general use of land, overall layout of lots and streets, and the reservation of space for public utilities, as well as recreational, institutional, and other public uses in a proposed subdivision shall conform to the Village Comprehensive Plan;

C. Village Zoning Ordinance. The general use of land and configuration of lots and blocks in a proposed subdivision shall, where applicable, conform to the Village Zoning ordinance; and

D. Other. Other aspects of a proposed subdivision shall conform to any other plan(s) and/or regulation(s) adopted by the County, Township, Village or other applicable regulatory authority.

(b) Soils. Review of soils falls under the jurisdiction of the Soil and Water Conservation District. The Planning and Zoning Commission shall consider but not be limited to consideration of the recommendation of the Soil and Water Conservation District on matters pertaining to soils. Any fees charged for reviews of a proposed subdivision by the Soil and Water Conservation District shall be borne by the subdivider.

(1) Information. A subdivider may call upon the Soil and Water Conservation District to provide information pertaining to general soil conditions in a proposed subdivision.

(2) Study. The Planning and Zoning Commission may require a subdivider to submit a soils study for a proposed subdivision where, as determined by the Soil and Water Conservation District, existing soil conditions in a proposed subdivision are below average and may require adjustments in design to compensate for existing conditions. Such study shall be conducted as follows:

A. Qualifications. Study shall be performed by a person qualified, as determined by the Soil and Water Conservation District, to gather such information;

B. Sampling. Study shall be based upon actual soil samples taken from the proposed subdivision not more than six (6) months prior to submission of the study;

C. Identification. Study shall identify existing soil types at various points in the proposed subdivision, as determined by the Soil and Water Conservation District; and

D. Corrective Measures. Study shall recommend corrective measures necessary to compensate for existing conditions in the proposed subdivision.

(c) Wetlands. Review of wetlands falls under the jurisdiction of the applicable district (Buffalo, NY, or Pittsburgh, PA) of the U. S. Army Corps of Engineers and/or the Ohio Environmental Protection Agency. The Planning and Zoning Commission shall consider but not be limited to consideration of the recommendation of the U. S. Army Corps of Engineers and/or the Ohio Environmental Protection Agency on matters pertaining to wetlands. Any fees charged for reviews of a proposed subdivision by the U. S. Army Corps of Engineers and/or the Ohio Environmental Protection Agency shall be borne by the subdivider.

(1) Information. A subdivider may call upon the U. S. Army Corps of Engineers and/or the Ohio Environmental Protection Agency to provide information pertaining to possible wetland areas in a proposed subdivision;

(2) Study. The Planning and Zoning Commission may require a subdivider to submit a wetlands study for a proposed subdivision where, as determined by the U. S. Army Corps of Engineers and/or the Ohio Environmental Protection Agency, existing conditions in a proposed subdivision suggest the likely presence of wetlands and may require adjustments in design to compensate for existing conditions. Such study shall be conducted as follows:

A. Qualifications. Study shall be performed by a person qualified, as determined by the U. S. Army Corps of Engineers and/or the Ohio Environmental Protection Agency, to gather such information;

B. Sampling. Study shall be based upon actual soil and vegetative samples taken from the proposed subdivision not more than six (6) months prior to submission of the study;

C. Identification. Study shall identify wetland areas in the proposed subdivision and shall utilize study techniques as required by the U.S. Army Corps of Engineers and/or the Ohio Environmental Protection Agency; and

D. Permits. Study shall identify any areas where permits or other approvals of activity will be sought from the U.S. Army Corps of Engineers and/or the Ohio Environmental Protection Agency, shall provide evidence of issuance of said permits or other approvals prior to approval of improvement plans by the County Engineer, and shall identify any such areas on the final plat by both graphic notation and inclusion of permit or other approval number(s).

(d) Floodplain. Review of floodplain areas falls under the jurisdiction of the Federal Emergency Management Agency and/or the County Floodplain Administrator. The Planning and Zoning Commission shall consider but not be limited to consideration of the recommendation of the Federal Emergency Management Agency and/or the County Floodplain Administrator on matters pertaining to floodplain areas. Any fees charged for reviews of a proposed subdivision by the Federal Emergency Management Agency and/or the County Floodplain Administrator shall be borne by the subdivider.

(1) Information. A subdivider may call upon the Federal Emergency Management Agency and/or the County Floodplain Administrator to provide information pertaining to possible floodplain areas in a proposed subdivision.

(2) Determination. The Planning and Zoning Commission may require a subdivider to obtain a Standard Flood Hazard Determination from the Federal Emergency Management Agency and/or the County Floodplain Administrator, if existing conditions in a proposed subdivision suggest the likely presence of floodplain areas and may require adjustments in design to compensate for existing conditions. Such determination shall be provided as follows:

A. Identification. Determination shall identify floodplain areas in the proposed subdivision, based upon data obtained from the Federal Emergency Management Agency and/or the County Floodplain Administrator; and

B. Permits. Determination shall identify any areas where permits or other approvals of activity will be sought from the Federal Emergency Management Agency and/or the County Floodplain Administrator, shall provide evidence of issuance of said permits or other approvals prior to approval of improvement plans by the Village Engineer (or designee) and shall identify any such areas on the final plat by both graphic notation and inclusion of permit or other approval number(s).

(e) Coastal Zone. Review of coastal zone areas falls under the jurisdiction of the Ohio Department of Natural Resources. The Planning and Zoning Commission shall consider but not be limited to consideration of the recommendation of the Ohio Department of Natural Resources on matters pertaining to coastal zone areas. Any fees charged for reviews of a proposed subdivision by the Ohio Department of Natural Resources shall be borne by the subdivider.

(1) Information. A subdivider may call upon the Ohio Department of Natural Resources to provide information pertaining to possible coastal zone areas in a proposed subdivision.

(2) Study. The Planning and Zoning Commission may require a subdivider to submit a coastal zone management study for a proposed subdivision where, as determined by the Ohio Department of Natural Resources, existing conditions may require adjustments in design to accommodate the proposed subdivision. Such study shall be conducted as follows:

A. Qualifications. Study shall be performed by a person qualified, as determined by the Ohio Department of Natural Resources, to gather such information;

B. Survey. Study shall be based upon actual survey, utilizing data taken from the proposed subdivision not more than six (6) months prior to submission of the study;

C. Identification. Study shall identify coastal zone areas in the proposed subdivision and shall utilize study techniques as required by the Ohio Department of Natural Resources; and

D. Permits. Study shall identify any areas where permits or other approvals of activity will be sought from the Ohio Department of Natural Resources, shall provide evidence of issuance of said permits or other approvals prior to approval of improvement plans by the Village Engineer (or designee), and shall identify any such areas on the final plat by both graphic notation and inclusion of permit or other approval number(s).

(Ord. 384-04-03. Passed 6-17-03.)

1189.02 SUBDIVISION DESIGN FEATURES.

(a) Lots. Review of lot design and layout falls under the jurisdiction of the Planning and Zoning Commission.

(1) Layout. The layout of lots in a proposed subdivision shall conform to the design requirements set forth in these Regulations, and shall be arranged to accommodate building sites of the size and character required for the district as set forth in Village zoning requirements and/or these Regulations, where applicable, and shall be arranged to provide for required significant areas and/or open space.

(2) Shape. A lot shall conform to minimum lot area, width, and yard requirements as defined in Village zoning requirements and these Regulations, where applicable. A lot fronting on a newly dedicated right-of-way shall not include any of the right-of-way within its legal description acreage. A corner lot shall normally be wider than an interior lot, to permit appropriate building setback from both rights-of-way.

(3) Double frontage lots. Double frontage lots (also known as "through lots") shall be prohibited, except where extreme conditions in elevation prevent access to the lot from one (1) of the rights-of-way, and/or where it is necessary to separate residential lots from one (1) or more major arterial thoroughfares. Where a double frontage lot is created adjacent to a collector or arterial street, the subdivider shall dedicate to the Village and note on the final plat a reservation strip, at least five (5) feet in depth, along the collector or arterial street, as approved by the Planning and Zoning Commission. The final plat shall state that there shall be no right of access to the collector or arterial street across such reservation strip.

(4) Access. A lot shall provide sufficient access for emergency vehicles, as well as for those needing access to the lot for its intended use.

(5) Frontage. A lot shall have not less than two hundred (200) feet of uninterrupted, continuous frontage, or other minimum width of frontage where so required under Village zoning regulations, wherever a lot adjoins a thoroughfare on a dedicated public right-of-way, except that a proposed lot fronting on a permanent cul-de-sac may have not less than fifty (50) feet of uninterrupted, continuous frontage on a dedicated public right-of-way, unless zoning requirements require a greater amount in either case, where applicable. A residential lot shall front on a local street, not on a collector or arterial street.

(6) Depth. A lot shall have an average depth not greater than four (4) times its average width and shall have a depth not less than one hundred forty (140) feet, except that a lot fronting on an exterior curved portion of a right-of-way, the centerline radius of which is one hundred (100) feet or less, may have a lot depth not less than one hundred twenty (120) feet.

(7) Side lot lines. Lot lines shall be at right angles or radial to street lines. All side lot lines shall be at right angles to right-of-way lines and radial to curved right-of-way lines. A lot fronting on a right-of-way, on which the majority of lots within sixteen hundred (1,600) feet of the proposed lot have side lot lines with some other uniform or established orientation, may have side lot lines conforming to said other uniform or established orientation, or except where natural or physical features suggest another suitable or appropriate orientation.

(8) Other lot lines. Lot lines shall follow State, County, municipal corporation, township, and taxing district boundary lines rather than cross them. If the Planning and Zoning Commission permits a variance from this Section pursuant to these Regulations, the following language shall be included on the final plat of a major subdivision, and on the deed or other instrument of conveyance of a minor subdivision:

"Although the land described herein shall be considered as two (2) or more separate and distinct tracts for taxation purposes, be it because taxing district, township, municipal corporation, County, and/or State lines run through the land, all land described herein shall be considered as one (1) parcel for subdivision purposes, and no part thereof shall be sold or transferred separately without approval of the Village of Roaming Shores or its successor, pursuant to the applicable Subdivision Regulations in effect at the time of the proposed sale or transfer."

(9) Non-residential uses. The depth and width of lots laid out or reserved for nonresidential purposes shall be adequate to provide for off-street parking and service facilities required by the type of use and development contemplated.

(10) Buffers. The Planning and Zoning Commission may require a subdivider to provide for and note on the final plat permanent reservation of suitable buffer and/or easement areas, which should usually have an average depth not less than one hundred (100) feet between the proposed non-residential uses and adjacent existing and/or proposed residential uses.

(11) Setback. All setbacks shall be measured from the right-of-way, including corner lots where applicable.

(b) Blocks. Review of block design and layout falls under the jurisdiction of the Planning and Zoning Commission.

(1) Layout. The layout of blocks in a proposed subdivision shall be such as to conform to the design requirements set forth in these Regulations, and shall be arranged to accommodate lots and building sites of the size and character required for the district as set forth in these Regulation and zoning requirements, where applicable, and to provide for required significant areas and/or open space.

(2) Shape. The Planning and Zoning Commission may consider for approval irregularly shaped blocks, blocks intended for cul-de-sacs or loop streets, and blocks containing interior parks or playgrounds, if properly designed and located, if ownership is not vested with the Village, or any other public entity for right-of-way purposes, and if maintenance is the responsibility of a person or entity established pursuant to subsection (d) hereof.

(3) Length. A block shall be not longer than one thousand five hundred (1,500) feet between non-cul-de-sac cross streets, and not longer than one thousand (1,000) feet between a non-cul-de-sac cross street and a dead end, whether a permanent or temporary cul-de-sac, loop, or other terminus.

(4) Width. A block width shall be wide enough to accommodate two (2) tiers of lots, except where unusual topography or other exceptional physical circumstances exist.

(5) Crosswalks. Blocks exceeding nine hundred (900) feet in length, shall provide for and note on the final plat, and shall clear and construct a crosswalk easement not less than ten (10) feet in width at or near the halfway point, to provide proper access within the proposed subdivision to schools, recreational areas, shopping centers, and other facilities. The Planning and Zoning Commission may require similar easements elsewhere in a proposed subdivision as it deems necessary and appropriate.

(6) Nonresidential uses. The depth and width of blocks laid out or reserved for nonresidential purposes shall be adequate to provide for off-street parking and service facilities required by the type of use and development contemplated.

(7) Buffers. The Planning and Zoning Commission may require a subdivider to provide for and note on the final plat permanent reservation of suitable buffer and/or easement areas, which should usually have an average depth not less than one hundred (100) feet between the proposed nonresidential uses and adjacent existing and/or proposed residential uses.

(c) Significant Areas. Review of significant areas design and layout falls under the jurisdiction of the Planning and Zoning Commission. For the purposes of these Regulations, significant areas can be considered to be an attractive and valuable feature in a proposed subdivision as well as a benefit to the general welfare of the public and the Village. In general, significant areas shall not be further subdivided in the future, shall be maintained for said use by the public in perpetuity, and shall not be turned into a commercial enterprise admitting the general public, at a fee.

(1) Land dedication. At the time of preliminary plan approval, a subdivider shall, as a condition of final plat approval, contribute and dedicate land suitable for significant areas as defined in these Regulations to public use. Such land shall be of direct or indirect benefit to the general area in which the proposed subdivision is located, and shall be in an amount not less than five percent (5%) of the total area of the proposed subdivision, exclusive of streets or alleys, sidewalks, and easements, all as determined by the Planning and Zoning Commission at the time of preliminary plan approval.

(2) Payment-in-lieu. When deemed appropriate by the Village Council at the time of preliminary plan approval, in lieu of meeting the requirements of subsection (c)(1) hereof (Land Dedication) of these Regulations, a subdivider shall, as a condition of final plat approval, deposit with the Village an amount representing five percent (5%) of the fair market value of the land being subdivided, such value to be determined as of the date of filing of the preliminary plan for the proposed subdivision with the Planning and Zoning Commission. The subdivider shall deposit the amount in accordance with a specified payment schedule, as determined by the Planning and Zoning Commission. This money shall be accounted for separately by the Village, and shall be reserved and used only for acquisition of areas for the purposes set forth herein, including, but not limited to, the development of the same. Such future acquisition(s) shall be of direct or indirect benefit to the general area in which the proposed subdivision is located.

(3) Ownership. The type of ownership of the area dedicated for significant areas' purposes shall be proposed by the subdivider and shall be subject to the approval of the Planning and Zoning Commission. Types of ownership include but are not limited to the following:

A. Village. The Village, subject to approval by the Village Council; and/or

B. Other Public. Another public jurisdiction or agency, subject to acceptance by the entity's governing body.

(4) Maintenance. The entity identified in subsection (c)(3) hereof (ownership) of these Regulations as having the right of ownership or control over significant areas as part of a proposed subdivision shall be responsible for continued upkeep and proper maintenance of said significant area.

(5) Eligible areas. The following specific areas shall, at a minimum, be considered for preservation as significant areas, to the extent consistent with the reasonable utilization of land, and in accordance with applicable Federal, State, County and/or Village regulations:

A. Wetlands. Wetlands, as defined in these Regulations;

B. Wildlife Habitat. Habitats of wildlife, including but not limited to endangered species, as defined and regulated by Federal and State authorities;

C. Historically Significant Areas. Historically significant structures and/or sites, including, but not limited to, those defined and regulated by Federal, state, and local authorities;

D. Trees. Significant trees or stands of trees, including but not limited to, species or groupings of trees that are rare to the area or that are of particular horticultural and/or landscape value;

E. Floodplain Areas. Floodplain areas as defined in these Regulations;

F. River Banks. Land areas within fifty (50) feet of the high bank, where applicable, of Lake Erie, any perennial or intermittent streams, and adjacent ravines deemed highly erosive; and,

G. Recreation. Lands for active or passive recreation activities.

(6) Appraisal. The Planning and Zoning Commission may require a subdivider to submit an appraisal relative to the value of the land to be subdivided as of the date of filing of the preliminary plan for the proposed subdivision with the Planning and Zoning Commission. Such appraisal shall be conducted by an independent, professional certified appraiser, who shall be selected and retained by the subdivider and whose certification and qualifications shall be verified by the Village Council or assignee. The appraisal shall be based upon comparable land values utilizing the most logical method to arrive at a fair value for the land involved. The prevailing market price method may be used for this purpose.

(7) Planned unit developments. If a subdivider proposes to establish a planned unit development pursuant to local zoning requirements, where applicable, the significant areas and/or open space provisions of the local zoning requirements shall supersede and replace the provisions of subsection (c)(1) and (2) hereof.

(d) Restrictions. Review of covenants, conditions, and restrictions falls under the jurisdiction of the Planning and Zoning Commission.

(1) Information. A subdivider may call upon private legal counsel to provide information pertaining to covenants, conditions, and restrictions in a proposed subdivision.

(2) Declaration required. If streets, utilities, and/or other improvements in a proposed subdivision are to be maintained in perpetuity by the subdivider, a Homeowners' Association, a Lot Owners' Association, or other private person or entity, the subdivider shall submit, for approval by the Village Solicitor (or assignee), and for recording by the County Recorder, a declaration of all proposed covenants, conditions, and restrictions, if any, that shall establish and govern such person or entity. In addition to general requirements of the Village Solicitor, the entity established by a declaration shall, at a minimum, meet the following requirements:

A. Timing. Recording of declaration shall precede sale or lease of sublots;

B. Membership. Membership shall be mandatory for each lot owner and any successive owner;

C. Duration. Restrictions may be permanent or for a period of years;

D. Responsibility. Entity established by declaration shall be responsible for liability insurance, local taxes, and maintenance of recreational and other facilities;

E. Recovery. Failure by entity to meet its responsibilities shall authorize recovery, by entity and/or other parties, of entity's debts directly from lot owner via assessments, liens, and/or other means available: and

F. Flexibility. The entity shall be able to adjust the assessment to meet changed needs.

(Ord. 384-04-03. Passed 6-17-03.)

1189.03 RIGHTS-OF-WAY.

(a) Traffic. Review of traffic layout and design falls under the jurisdiction of the Ohio Department of Transportation and/or the Village Engineer (or assignee). The Planning and Zoning Commission shall consider but not be limited to consideration of the recommendation of the Ohio Department of Transportation and/or the Village Engineer (or assignee), where applicable, on matters pertaining to traffic. For the purposes of these Regulations, the term "reasonable distance" shall be as determined by the Planning and Zoning Commission. In making its determination, the Planning and Zoning Commission shall consider factors including but not limited to development density, development size, existing on-site traffic needs, proximity to major thoroughfare(s), and/or cooperation of adjacent property owner(s). Any fees charged for reviews of a proposed subdivision by the Ohio Department of Transportation and/or the Village Engineer (or assignee) shall be borne by the subdivider.

(1) Information. A subdivider may call upon the Ohio Department of Transportation and/or the Village Engineer to provide information pertaining to traffic in a proposed subdivision.

(2) Traffic study. It is the intent of these Regulations to mitigate the detrimental effects of increased traffic due to construction activity and development. In all cases, the subdivider shall provide for a traffic circulation system in a proposed subdivision to ensure that the impacts of post-development traffic are minimized as much as possible. In all cases, the subdivider shall provide general information regarding the traffic circulation system proposed within and adjacent to a proposed subdivision. Such general information shall include but not be limited to current traffic information regarding existing rights-of-way and intersections thereof, as well as estimated impact thereupon by the proposed subdivision. In cases where estimated impact is deemed likely to be not insignificant, as determined by the Staff, the subdivider shall prepare and submit a Traffic Study to the Village Engineer (or assignee) for review and approval. The Staff determination shall be based upon current traffic counts, levels of service, load limits, and anticipated impact of the proposed subdivision thereon. The Traffic Study shall, at a minimum, address the impact of the proposed subdivision on traffic in the area studied and shall recommend improvements necessary to mitigate the impacts of post-development traffic. The area studied shall generally include the area within the proposed subdivision, as well as any and all major rights-of-way and intersections within a reasonable distance of the proposed subdivision. Any such improvements shall be included in the improvement plans for the proposed subdivision. In general, traffic improvements shall include but not be limited to placement of traffic signals and other intersection improvements,

through lanes, acceleration lanes, deceleration lanes, stacking lanes, turning lanes, marginal or limited access rights-of-way, and driveway access restrictions, as necessary to manage the amount and timing of traffic entering, exiting, and passing by the proposed subdivision. The Traffic Study shall conform to any and all requirements put forth by the Village Engineer (or assignee) and shall, at a minimum, meet the following requirements:

A. Qualifications. Study shall be prepared by a person qualified, as determined by the Village Engineer, to gather such information;

B. Identification. Study shall identify the limit lines of area(s) of proposed subdivision affected by construction and post-construction traffic; information regarding existing traffic counts, taken not longer than six (6) months prior to the date the Study is submitted, on all major rights-of-way and at all intersections within a reasonable distance of the proposed subdivision; nature and type of uses to occupy the proposed subdivision and estimates of how said uses will affect traffic levels.

C. Improvements. Study shall recommend improvements to control traffic associated with proposed uses and shall address such issues as amount and timing of traffic entering, exiting, and passing by the proposed subdivision. Improvements shall be required to enable traffic on new rights-of-way to function at Level of Service "A", and to enable traffic on existing rights-of-way and at existing intersections to function at the pre-development Level of Service, thus mitigating the impact of the proposed subdivision.

D. Maintenance. The subdivider shall be responsible for the initial design, approval, construction, and installation of traffic control devices. Thereafter, maintenance of such devices shall be the responsibility of the Village.

(3) Cost/Benefit Analysis. The Planning and Zoning Commission may require a subdivider to submit a cost/benefit analysis relative to improvements recommended to mitigate the traffic impact of a proposed subdivision where the subdivider disagrees with the determination of the Planning and Zoning Commission as to the term “reasonable distance”. Such analysis shall be conducted as follows:

A. Qualifications. Analysis shall be performed by a person qualified, as determined by the Village Engineer, to gather such information; and

B. Basis. Analysis shall be based upon factors including but not limited to the cost of improvements recommended to mitigate the traffic impact of the proposed subdivision, costs shared by other off-site parties that may benefit from said improvements, and the difference, with and without improvements, in expected sales prices of proposed sublots at market value.

(b) Streets. Review of street design and layout falls under the jurisdiction of the Ohio Department of Transportation and/or the Village Engineer (or assignee). The Planning and Zoning Commission shall consider but not be limited to consideration of the recommendation of the Ohio Department of Transportation and/or the Village Engineer, where applicable, on matters pertaining to streets. Any fees charged for reviews of a proposed subdivision by the Ohio Department of Transportation and/or the Village Engineer shall be borne by the subdivider.

(1) Information. A subdivider may call upon the Ohio Department of Transportation and/or the Village Engineer to provide information pertaining to streets in a proposed subdivision.

(2) Street design plans. A subdivider shall retain an engineer as defined in these Regulations, to prepare and submit Street Design Plans to the Village Engineer for review and approval. Street Design Plans shall be included in the improvement plans for a proposed subdivision. Street Design Plans shall conform to any and all requirements put forth by the Village Engineer and shall, at a minimum, meet the requirements listed in this subsection (b) (Streets).

(3) Layout. The arrangement, character, extent, width, grade, construction, and location of all streets shall conform to the design requirements set forth in these Regulations, and shall conform to the Major Thoroughfare Plan in relation to existing and planned streets, topographical conditions, and public convenience and safety; and in relation to proposed uses of land to be served by such streets. The street pattern in a proposed subdivision shall provide, within the boundaries of the proposed subdivision, necessary right-of-way for widening, continuance, or alignment of such streets in conformity with the Major Thoroughfare Plan.

(4) General design. General design of streets in a proposed subdivision shall conform to any and all requirements of the Village Engineer and shall, at a minimum, meet the following requirements:

A. Dead End Streets. A permanent dead end street which contains central water service and fire hydrants for its full length, may serve up to twenty-five (25) lots; otherwise a permanent dead end street shall be not longer than one thousand (1,000) feet;

B. Half Streets. Dedication of new half streets shall not be permitted. Where platted half street exists adjacent to a proposed subdivision, the subdivider shall dedicate the other half as part of the proposed subdivision;

C. Marginal Access Streets. Where a proposed subdivision adjoins an arterial street, the Planning and Zoning Commission may require a subdivider to design and install a marginal access street if the proposed subdivision design is such that sublots would require direct vehicular access onto the arterial street. Points of access to arterial streets shall be located not closer together than one thousand (1,000) feet. A buffer strip having a minimum width of twenty (20) feet shall be provided between the pavement of the arterial street and the pavement of the marginal access street. The minimum width of a marginal access street right-of-way shall be sixty (60) feet;

D. Alleys may be required in subdivisions if other provisions cannot be made for adequate service access to the proposed sublots. Minimum widths for alleys shall be twenty (20) feet for right-of-way and eighteen (18) feet for pavement; and

E. Intersections. Streets serving non-residential subdivisions and accessory parking areas shall be planned to connect with arterial streets, so as not to generate traffic on local streets. The intersections of driveways from parking areas with arterial and/or collector streets shall be located so as to cause the least possible interference with traffic movement on streets, and shall be located not closer than one hundred (100) feet to the intersection of an arterial or collector street with any other street, and shall be located not closer than two hundred (200) feet to each other.

(5) Street names. Street names in a proposed subdivision shall not duplicate any street names in the Village and applicable service areas and shall, at a minimum, meet the following requirements:

A. Suffixes. For the purpose of street naming, the following suffixes shall apply:

1. "Avenue" for streets that run in a generally north-south direction;
2. "Boulevard" or "Drive" for a meandering loop type street;
3. "Circle" or "Court" for cul-de-sac type streets that run in a generally east-west direction;
4. "Lane" or "Place" for cul-de-sac type streets that run in a generally north-direction:
5. "Road" for streets that run in a generally northwest-southeast or northeast southwest direction; and
6. "Street" for streets that run in a generally east-west direction.

B. Prohibited Names. The words "north", "south", "east", and "west" shall be prohibited as part of a street name;

C. Continuing Names. Whenever a new street is constructed along the approximate alignment or extension of an existing street, its name shall be the same as that of the existing one;

D. Changed Alignment. Whenever a street alignment changes direction more than seventy-five (75) degrees without a return to the original alignment within a distance of five hundred (500) feet, then the name of the street may be changed at the point of curvature;

E. Small Cul-de-Sacs. Whenever a cul-de-sac street serves not more than three (3) lots, the name of the intersecting street should apply to the cul-de-sac street; and

F. Approval Required. Street names in a proposed subdivision shall be approved by the Planning and Zoning Commission prior to such names being assigned or used.

(6) Plans and profiles. Plan information shall be determined by the Village Engineer and shall include but not be limited to centerline stations, names, sublot lines, right-of-way lines, pavement, curbs, gutters, storm and sanitary sewers and similar structures, bridges, culverts, underground utilities, guardrails, trees and other obstructions within the rights-of-way, points of curve, points of tangent, and points of intersection, curve data, and construction notes. Profile information shall be determined by the Village Engineer and shall include but not be limited to centerline stations, bench marks with descriptions and elevations, original ground profile on centerline and setback lines, proposed profile grade, vertical curve data, sight distance of not less than three hundred (300) feet from a height of four and one-half (4-1/2) feet, storm and sanitary sewers and structures, bridges, culverts, and construction notes.

(7) Sections. Sections shall be determined by the Village Engineer, shall be submitted with plan and profile information, and shall conform to one (1) of the typical sections shown in these regulations. Cross sections shall show cut and fill computations.

(8) Geometric design. Geometric design shall conform to the following requirements:

A. Right-of-Way Width. Right-of-way width shall be not less than sixty (60) feet for local residential light traffic rights-of-way. For all other road classifications, right-of-way width shall be as determined by the Village Engineer;

B. Pavement Width. Pavement width shall conform to Exhibit " A " of these Regulations;

C. Intersections. Not more than four (4) legs shall be permitted at any intersection. Intersections shall be at ninety (90) degrees where practical, but in no case less than seventy-five (75) degrees. Each intersecting right-of-way shall have a tangent distance of not less than eighty (80) feet for local roads and not less than one hundred thirty (130) feet for collector and marginal access roads as measured from the centerline intersections. A right-of-way intersecting another right-of-way shall have an offset of not less than one hundred twenty-five (125) feet. Rights-of-way intersecting an arterial roads from the same side shall be located not closer than one thousand (1000) feet to each other, as measured between centerlines;

D. Corner Radii. Property lines at intersections shall be rounded with radii of not less than thirteen (13) feet for residential intersections and not less than twenty-five (25) feet for non-residential and/or major intersections, and curbs or pavement edges shall be rounded with radii of not less than twenty-five (25) feet for residential intersections and fifty-two (52) feet for non-residential and for major intersections;

E. Alignment.

1. Horizontal alignment. Between reverse curves there shall be a tangent distance not less than one hundred (100) feet; and
2. Vertical alignment. Grades shall be not less than one-half (½) percent as measured over a one hundred (100) foot interval, not greater than six (6) percent as measured over a one hundred (100) foot interval for major streets nor ten (10) percent measured over a one hundred (100) foot interval for minor streets; and

F. Turn-arounds.

1. Permanent turn-arounds. A cul-de-sac street shall terminate in a permanent circular turn-around having an unobstructed right-of-way radius of sixty-five (65) feet, a pavement radius of fifty (50) feet, and a pavement width of not less than sixteen (16) feet. Islands or other ornamental construction proposed to be located within a permanent turn-around shall be located on outlots to be owned by an entity capable of maintaining the outlot in perpetuity, rather than within the right-of-way, shall be indicated on the improvement plans and final plat, and shall necessitate larger right-of-way radius, pavement radius, and pavement width, all as determined by the Village Engineer; and
2. Temporary turn-arounds. A temporary turn-around shall be designed and constructed to the same standards as allowed on all other portions of rights-of-way and shall be designed and constructed so as not to impede drainage. If a turn-around is of a temporary nature and a future extension into adjacent land is anticipated, then said turn-around beyond the normal right-of-way width shall be in the nature of an easement. Such easement shall be automatically vacated to adjacent property owners when the right-of-way is legally extended into adjacent land. If such right-of-way extends only the depth of the corner lot past a street intersection, no turn-around shall be required. A subdivider shall be required to provide a two (2) foot reservation strip in the name of the Village at the end of all temporary turn-around. This strip shall become public highway only upon extension of the right-of-way. The subdivider extending the street shall be responsible for removing the temporary portions of the cul-de-sac, regrading, and seeding, etc. No islands or other ornamental construction shall be permitted within a temporary turn-around.

(9) Sidewalks. The Planning and Zoning Commission, upon consultation with the Village Engineer, may require that the subdivider construct sidewalks on one (1) or both sides of streets, where deemed essential to pedestrian movement and safety, and/or where adjacent to other subdivisions or other areas with existing sidewalks. Where proposed or required, sidewalks shall be constructed one (1) foot inside the right-of-way, shall be not less than four (4) feet in width, shall be not less than four (4) inches in thickness, and, where crossing driveways, shall be not less than six (6) inches in thickness.

(10) Existing streets. Where widening, improving, and/or abandoning of existing streets is deemed necessary by the Village Engineer to accommodate the proposed subdivision, the subdivider shall design and construct such work as is necessary at his or her own expense.

(11) Ornamental construction. Islands or other ornamental construction proposed to be located within a proposed subdivision shall be located on outlots rather than within the right-of-way, shall be so indicated on the improvement plans and final plat and shall require review and approval by the Planning and Zoning Commission.

(12) Visibility.

A. Vertical Visibility. Minimum vertical visibility, as measured between a height of four and one-half (4-1/2) feet [eye level] and a height of eighteen (18) inches [taillight] shall be as follows:

1. Arterial streets. Arterial streets shall have a minimum vertical visibility of five hundred (500) feet;
2. Collector streets. Collector streets shall have a minimum vertical visibility of three hundred (300) feet;
3. Local streets. Local streets shall have a minimum vertical visibility of two hundred (200) feet; and
4. Cul-de-sac streets. Cul-de-sac streets shall have a minimum vertical visibility of one hundred (100) feet; and

B. Horizontal Visibility. Minimum horizontal visibility, as measured on centerlines, shall be as follows:

1. Arterial streets. Arterial streets shall have a minimum horizontal visibility of three hundred (300) feet;
2. Collector streets. Collector streets shall have a minimum horizontal visibility of two hundred (200) feet;
3. Local streets. Local streets shall have a minimum horizontal visibility of one hundred (100) feet; and
4. Cul-de-sac streets. Cul-de-sac streets shall have a minimum horizontal visibility of one hundred (100) feet.

(13) Street signs. Street signs of a type used throughout the Village shall be erected by the subdivider. The subdivider shall place on deposit or arrange as part of the performance guarantee, sufficient funds as determined by the Village to cover the cost of purchase, delivery, and installation of all required street signs. Such signs shall conform to any and all requirements of the Village.

(14) Construction design. Construction design shall conform to the following requirements:

A. Subgrade. The subgrade shall be graded and shaped as shown on the typical sections shown in these Regulations. Soft areas shall be removed and replaced with material suitable for compaction. Backfill over sewers, culverts, and underground utilities shall be compacted by vibratory tamping in layers of six (6) inches. When indicated by the Village Engineer, french drains shall be installed and led to side ditches or connected into storm sewers;

B. Pavement. Pavement material and thickness shall conform to Exhibit "A" of these Regulations;

C. Surface Course. Upon expiration of an agreed maintenance period for the base course, a surface course shall be constructed and shall conform to Exhibit "A" of these Regulations;

D. Curbs. Where required, curbs, inlet basins, and storm sewers shall conform to any and all requirements of the Village Engineer;

E. Shoulders. Shoulders shall have a width of not less than six (6) feet and shall conform to one (1) of the typical sections shown in these Regulations. Where curbs are used, shoulders shall be seeded and mulched. On local and cul-de-sac streets without curbs, shoulders shall be either seeded and mulched or stabilized with gravel, slag, or limestone as shown on typical sections shown in these Regulations. On arterial, collector, marginal access, and non-residential roads without curbs, shoulders shall be stabilized with limestone as shown on typical sections shown in these Regulations;

F. Ditches and Slopes. Ditches and slopes shall be shaped as shown on typical sections shown in these Regulations, except that the depth of ditches shall be increased where necessary, as determined by the Village Engineer, to obtain a minimum grade for drainage. All ditches and slopes shall be seeded and mulched as shown on typical sections shown in these Regulations. Grades shall be not less than one-half percent (.50%) as measured over a one hundred (100) foot interval;

G. Driveway Culverts. Driveway culverts shall be constructed of approved material, as determined by the Village Engineer, and shall measure not less than twelve (12) inches in diameter and not less than twenty (20) feet in length. The subdivider shall be responsible for all driveway culverts in the proposed subdivision to be in good condition for final acceptance of the improvements, even if one (1) or more driveway culverts were installed by sublot owners;

H. Driveweys. All driveways sloping toward a right-of-way shall be constructed so that surface water drains into ditches and not onto the traveled portion of the right-of-way;

I. Dams, Bridges, and Special Structures. Dams, bridges and special structures shall be constructed in accordance with improvement plans approved by the Village Engineer; and

J. Guardrail. Guardrail shall be required where the Village Engineer deems the height of roadway or slopes, or physical obstructions make the use a necessity. Guardrail shall be deep beam type. The subdivider shall submit details to the Village Engineer for approval. Bridge guardrail may be deep beam type guardrail built integral with the bridge.

(c) Lighting. Review of lighting falls under the jurisdiction of the Village and/or the local electric utility. The Planning and Zoning Commission shall consider but not be limited to consideration of the recommendation of the Village and/or the local electric utility, where applicable, on matters pertaining to lighting. Any fees charged for reviews of a proposed subdivision by the Village and/or the local electric utility shall be borne by the subdivider.

(1) Information. A subdivider may call upon the Village and/or the local electric utility to provide information pertaining to street lighting in a proposed subdivision.

(2) Street lighting district. The Planning and Zoning Commission may require the subdivider to cooperate with the Village and/or the local electric utility regarding establishment of a street lighting district. The street lighting district may include street lighting throughout the proposed subdivision and/or at selected points in the proposed subdivision as determined by the Planning and Zoning Commission.

(d) Trees. Review of trees falls under the jurisdiction of the Village. The Planning and Zoning Commission shall consider but not be limited to consideration of the recommendation of the Village on matters pertaining to trees. Any fees charged for reviews of a proposed subdivision by the Village shall be borne by the subdivider.

(1) Information. A subdivider may call upon the Village, a landscape architect, certified arborist, or other person with appropriate knowledge to provide information pertaining to street trees in a proposed subdivision.

(2) Tree planting plan. The Planning and Zoning Commission shall require the subdivider to cooperate with the Village regarding the installation of street trees in the proposed subdivision. If required by the Planning and Zoning Commission, the subdivider shall prepare and submit to the Village a Tree Planting Plan, which may include street trees throughout the proposed subdivision and/or at selected points in the proposed subdivision as determined by the Planning and Zoning Commission. Street trees shall, except where otherwise permitted by the Village Engineer, be located outside rights-of-way and easements.

(Ord. 384-04-03. Passed 6-17-03.)

1189.04 SITE MANAGEMENT.

(a) Storm Water Management. Review of storm water management falls under the jurisdiction of the Village Engineer (or assignee). The Planning and Zoning Commission shall consider but not be limited to consideration of the recommendation of the Village Engineer (or assignee) on matters pertaining to storm water management. For the purposes of these Regulations, the term "reasonable distance" shall be as determined by the Planning and Zoning Commission. In making its determination, the Planning and Zoning Commission shall consider factors including but not limited to system capacity, development density, development size, existing on-site storm water management needs, proximity to major thoroughfare(s), and/or cooperation of service provider(s). Any fees charged for reviews of a proposed subdivision by the Village Engineer shall be borne by the subdivider.

(1) Information. A subdivider may call upon the Village Engineer to provide information pertaining to storm water management in a proposed subdivision.

(2) Storm water management plan. It is the intent of these Regulations to mitigate the detrimental effects of accelerated storm water runoff due to construction activity and development. In all cases, the subdivider shall provide for a storm water management system in a proposed subdivision to ensure that post-development storm water runoff rates do not exceed pre-development storm water runoff rates. Where a proposed subdivision involves the removal or disturbance of natural topsoil, trees, and/or other vegetation, or where a proposed subdivision involves a change in the natural surface contour of land in the proposed subdivision, the subdivider shall prepare and submit a Storm Water Management Plan to the Village Engineer for review and approval. The Storm Water Management Plan shall be included in the improvement plans for the proposed subdivision. In general, storm water management practices shall include but not be limited to retention ponds, detention basins, underground storage tanks, rooftop storage areas, parking lot storage areas, infiltration/recharge ditches, swales, and buffer strips, as necessary to control the amount and timing of storm water released to land within and adjacent to the proposed subdivision. The Storm Water Management Plan shall conform to any and all requirements put forth by the Village Engineer and shall, at a minimum, meet the following requirements:

A. Qualifications. Plans shall be prepared by a person qualified, as determined by the Village Engineer, to gather such information;

B. Identification. Plan shall identify the limit lines of area(s) of proposed subdivision affected by construction and post-construction activity; information regarding existing soils; surface water locations including springs, wetlands, streams, lakes, etc. on and within two hundred (200) feet of area(s) affected by construction and post-construction activity; name and location of nearest receiving stream(s) and subsequent named receiving stream(s) of surface water; nature and type of construction and post-construction activity proposed; schedule of major construction and post-construction operations related to storm water management; existing and planned locations of buildings and other structures which may affect storm water management; and potential sources of pollution which may affect quality of storm water discharges associated with construction and post-construction activity;

C. Controls. Plan shall describe practices that are used to control storm water runoff associated with construction activities, including both road runoff and off-road runoff, and shall address such issues as volume, timing, and rate of runoff. In no case shall storm water runoff be permitted to be released into a central sanitary sewage collection system;

D. Maintenance. Plan shall provide a description of maintenance procedures needed to assure continued performance of control practices, and shall be designed to minimize maintenance requirements. All control practices, whether temporary or permanent, shall be maintained and repaired, during construction and the maintenance guarantee period, by the subdivider, as determined to be necessary by the Village Engineer, to assure continued performance of their intended function; and

E. Inspection. Plan shall provide that all storm water management controls on the site are inspected at least once every seven (7) calendar days and within twenty-four (24) hours after any storm event with greater than one-half (½) inch of rain in a twenty-four (24) hour period. The subdivider shall maintain and keep on site an inspection log, which shall note name of inspector, date and time of inspection, area(s) and control(s) inspected, description of area(s) requiring maintenance, description of actual maintenance performed, and date and time actual maintenance was performed.

(3) Central storm water collection system. Where a central storm water collection system exists within a reasonable distance of a proposed subdivision, the subdivider shall design and construct a system of mains, inlets, and other appurtenances as determined to be necessary by the Village Engineer to tie into said central storm water collection system, including a lateral connection for each proposed sublot or building site.

(4) Interim ground storm water management facility. Where a central storm water collection system does not exist within a reasonable distance of a proposed subdivision, but where the proposed subdivision is located within a storm water management district established pursuant to applicable provisions of the Ohio Revised Code, the Planning and Zoning Commission may do one (1) of the following:

A. Refuse to permit the area to be developed if it finds a proposed use to be detrimental to the public health, safety and/or welfare of the surrounding area, based upon receipt and consideration of a recommendation from the Village Engineer; or

B. Require the subdivider to design and construct a system of inlets, and other appurtenances as determined to be necessary by the Village Engineer to tie into a central storm water collection system in the future, including a lateral connection for each proposed sublot or building site, and require the subdivider to design, construct, and provide for the operation and maintenance of an interim group storm water management facility to serve the proposed subdivision until it is tied into a central storm water collection system. The Village Council may consider accepting such facility for operation and maintenance, provided the Planning and Zoning Commission finds that all of the following are true:

1. Facility, and the land on which it is located, is or is to be owned by the Village;
2. Said facility has been designed and constructed according to specifications of the Village Engineer, and
3. Said facility has been approved by the Village Engineer.

(5) Individual storm water management systems. Where a central storm water collection system does not exist within a reasonable distance of a proposed subdivision, and where the proposed subdivision is not located within a storm water management district, the subdivider may propose individual storm water management systems to serve the proposed subdivision and/or each proposed sublot. Such systems shall conform to the requirements of the Village Engineer.

(6) Cost/benefit analysis. The Planning and Zoning Commission may require a subdivider to submit a cost/benefit analysis relative to the extension of the nearest central storm water collection system to a proposed subdivision where the subdivider disagrees with the determination of the Planning and Zoning Commission as to the term "reasonable distance". Such analysis shall be conducted as follows:

A. Qualifications. Analysis shall be performed by a person qualified, as determined by the Village Engineer, to gather such information; and

B. Basis. Analysis shall be based upon factors including but not limited to the cost of extending the nearest central storm water collection system to and through the proposed subdivision, costs shared by other off-site parties that may benefit from said extension, and the difference, with and without central storm water collection, in expected sales prices of proposed sublots to market value.

(7) Ownership. The improvement plans and final plat for a proposed subdivision shall clearly delineate what entity shall own and maintain in perpetuity all storm water management improvements within and/or required for the proposed subdivision, with Village ownership and/or maintenance responsibility, subject to approval of the Village Engineer.

(8) Assessment. The Planning and Zoning Commission may require that a proposed subdivision, or any portion thereof, benefitting from storm water management facilities required to be constructed pursuant to these Regulations be subject to assessment for maintenance purposes by the Village Engineer pursuant to Section 6131.63 of the Ohio Revised Code, as now existing or hereafter amended.

(b) Erosion and Sediment. Review of erosion and sediment control falls under the jurisdiction of the Soil and Water Conservation District. The Planning and Zoning Commission shall consider but not be limited to consideration of the recommendation of the Soil and Water Conservation District, where applicable, on matters pertaining to erosion and sediment control. Any fees charged for reviews of a proposed subdivision by the Soil and Water Conservation District shall be borne by the subdivider.

(1) Information. A subdivider may call upon the Soil and Water Conservation District and/or the Ohio Environmental Protection Agency to provide information pertaining to erosion and sediment control in a proposed subdivision.

(2) Erosion and sediment control plan. Where a proposed subdivision involves the removal or disturbance of natural topsoil, trees, and/or other vegetation, or where a proposed subdivision involves a change in the natural surface contour of land in the proposed subdivision, the subdivider shall prepare and submit an Erosion and Sediment Control Plan to the Soil and Water Conservation District and the Ohio Environmental Protection Agency for review and approval. The Erosion and Sediment Control Plan shall be included in the improvement plans for the proposed subdivision and shall be amended whenever deemed necessary by the Soil and Water Conservation District or the Ohio Environmental Protection Agency. In general, erosion and sediment control practices shall include both vegetative and structural practices, as necessary to control potential sources of pollution which may affect quality of storm water discharges associated with construction activity. The Erosion and Sediment Control Plan shall conform to any and all requirements put forth by the Soil and Water Conservation District and the Ohio Environmental Protection Agency and shall, at a minimum, meet the following requirements:

A. Qualifications. Plan shall be prepared by a person qualified, as determined by the Soil and Water Conservation District and/or the Ohio Environmental Protection Agency, to gather such information;

B. Identification. Plan shall identify the limit lines of area(s) of proposed subdivision affected by construction activity; information regarding existing soils; surface water locations including springs, wetlands, streams, lakes, etc. on and within two hundred (200) feet of area(s) affected by construction activity; name and location of nearest receiving stream(s) and subsequent named receiving stream(s) of surface water; nature and type of construction activity proposed; schedule of major construction operations related to erosion and sediment control and storm water management; existing and planned locations of buildings and other structures which may affect erosion and sediment control to Waters of the State; and potential sources of pollution which may affect quality of storm water discharges associated with construction activity;

C. Controls. Plan shall describe practices which are used to control and reduce the pollutants in storm water discharges associated with construction activities, including both vegetative and structural practices;

D. Maintenance. Plan shall provide a description of maintenance procedures needed to assure continued performance of control practices, and shall be designed to minimize maintenance requirements. All control practices, whether temporary or permanent, shall be maintained and repaired by the subdivider, as determined to be necessary by the Soil and Water Conservation District and/or the Ohio Environmental Protection Agency, to assure continued performance of their intended function; and

E. Inspection. Plan shall provide that all erosion and sediment controls on the site are inspected at least once every seven (7) calendar days and within twenty-four (24) hours after any storm event with greater than one-half (½) inch of rain in a twenty-four (24) hour period. The subdivider shall maintain and keep on site an inspection log, which shall note name of inspector, date and time of inspection, area(s) and control(s) inspected, description of area(s) requiring maintenance, description of actual maintenance performed, and date and time actual maintenance was performed. (Ord. 384-04-03. Passed 6-17-03.)

1189.05 PUBLIC SERVICES.

(a) Water Supply. Review of water supply falls under the jurisdiction of the County Department of Environmental Services, the Ohio Environmental Protection Agency, the Ohio Board of Health, and/or the County Board of Health. The Planning and Zoning Commission shall consider but not be limited to consideration of the recommendation of the County Department of Environmental Services, the Ohio Environmental Protection Agency, the Ohio Board of Health, and/or the County Board of Health, where applicable, on matters pertaining to water supply. For the purposes of these Regulations, the term "reasonable distance" shall be as determined by the Planning and Zoning Commission. In making its determination, the Planning and Zoning Commission shall consider factors including but not limited to system capacity, pressure, and flow, development density, development size, existing on-site water supply needs, proximity to major thoroughfare(s), and/or cooperation of service provider(s). Any fees charged for reviews of a proposed subdivision by the County Department of Environmental Services, Ohio Environmental Protection Agency, the Ohio Board of Health, and/or the County Board of Health shall be borne by the subdivider.

(1) Information. A subdivider may call upon the County Department of Environmental Services, the Ohio Environmental Protection Agency, the Ohio Board of Health, and/or the County Board of Health, to provide information pertaining to water supply in a proposed subdivision.

(2) Central water supply system. Where a central water supply system exists within a reasonable distance of a proposed subdivision, the subdivider shall design and construct a system of mains, hydrants as defined in subsection (a)(5) hereof, and other appurtenances as determined to be necessary by the County Department of Environmental Services, the Ohio Environmental Protection Agency, the Ohio Board of Health, and/or the County Board of Health to tie into said central water supply system, including a lateral connection for each proposed sublot or building site.

(3) Interim group water supply facility. Where a central water supply system does not exist within a reasonable distance of a proposed subdivision, but where the proposed subdivision is located within a water district established pursuant to applicable provisions of the Ohio Revised Code, the Planning and Zoning Commission may do one (1) of the following

A. Refuse to permit the area to be developed if it finds a proposed use to be detrimental to the public health, safety, and/or welfare of the surrounding area, based upon receipt and consideration of recommendations from the County Department of Environmental Services, the Ohio Environmental Protection Agency, the Ohio Board of Health, and/or the County Board of Health; or

B. Require the subdivider to design and construct a system of mains, hydrants as defined in subsection (a)(5) hereof, and other appurtenances as determined to be necessary by the County Department of Environmental Services, the Ohio Environmental Protection Agency, the Ohio Board of Health, and/or the County Board of Health to tie into a central water supply system in the future, including a lateral connection for each proposed sublot or building site, and require the subdivider to design and construct, and provide for the operation and maintenance of an interim group water supply facility to serve the proposed subdivision until it is tied into a central water supply system. Such facility may be accepted for operation and maintenance by the Village, provided the Planning and Zoning Commission finds that all of the following are true:

1. Said facility, and the land on which it is located, is owned by the Village;
2. Said facility has been designed and constructed according to specifications of the County Department of Environmental Services, the Ohio Environmental Protection Agency, the Ohio Board of Health, and/or the County Board of Health: and
3. Said facility has been approved by the County Department of Environmental Services, the Ohio Environmental Protection Agency, the Ohio Board of Health, and/or the County Board of Health.

(4) Individual water wells. Where a central water supply system does not exist within a reasonable distance of a proposed subdivision, and where the proposed subdivision is not located within a water district, the subdivider may propose individual water wells to serve each proposed sublot, or hydrants as defined in subsection (a)(5) hereof. Such wells shall conform to the requirements of the County Department of Environmental Services, the Ohio Environmental Protection Agency, the Ohio Board of Health, and/or the County Board of Health, and shall, at a minimum, meet the following requirements:

A. The Planning and Zoning Commission may refuse to permit the area to be developed if it finds a proposed use to be detrimental to the public health, safety, and/or welfare of the surrounding area, based upon receipt and consideration of recommendations from the County Department of Environmental Services, the Ohio Environmental Protection Agency, the Ohio Board of Health, and/or the County Board of Health;

B. The subdivider shall drill one (1) test well in the proposed subdivision for each ten (10) sublots being proposed or ten (10) acres to be subdivided, whichever is less. Logs of existing wells in or within five hundred (500) feet of the proposed subdivision taken not more than six (6) months prior to submission may be submitted in lieu of drilling test wells. In any case, data shall be taken from a depth not less than twenty-five (25) feet;

C. Well logs submitted shall indicate safe and potable drinking water with flow and pressure adequate for domestic use as determined by the County Department of Environmental Services, the Ohio Environmental Protection Agency, the Ohio Board of Health, and/or the County Board of Health, as well as suburban and rural fire fighting use as determined by the Local Fire Department; and

D. Wells shall be located not less than ten (10) feet from central sanitary sewage collection system lines, not less than twenty-five (25) feet from sublot lines, not less than thirty (30) feet from septic tanks, not less than thirty (30) feet from vitrified sewer tile lines, approximately one hundred (100) feet from tile disposal fields and other sewage disposal facilities, and outside any flood plain area.

(5) Hydrants. Hydrants are deemed to be a beneficial improvement for fire suppression purposes, and to protect the public health, safety, and welfare. Where a proposed subdivision is to be tied into a central water supply system as defined in subsection (a)(2) hereof or served by a interim group water supply system as defined in subsection (a)(3) hereof, the subdivider shall design and construct hydrants as part of the improvements in the proposed subdivision. Where a proposed subdivision is to be served by individual water wells as defined in subsection (a)(4) hereof, unless the subdivider demonstrates that the soils within the proposed subdivision will not support a water source, the subdivider shall design and construct one (1) or more dry hydrants meeting the approval of the local Fire Department as part of the improvements in the proposed subdivision. All hydrants shall conform to the requirements of the County Department of Environmental Services, the Ohio Environmental Protection Agency, the Ohio Board of Health, and/or the County Board of Health, and shall, at a minimum, meet the following requirements:

A. Each proposed sublot shall be located not farther than one thousand (1,000) feet from a hydrant if a proposed subdivision is to be tied into a central water supply system or served by an interim group water supply system, or shall be in at least one (1) location within a proposed subdivision if served by individual wells and in an area requiring dry hydrants;

B. Hydrants shall be spaced and located to accommodate necessary fire flow as determined by the local Fire Department; and

C. Hydrants shall be located at all other points as determined by the County Department of Environmental Services, the Ohio Environmental Protection Agency, the Ohio Board of Health, and/or the County Board of Health.

(6) Cost/benefit analysis. The Planning and Zoning Commission may require a subdivider to submit a cost/benefit analysis relative to the extension of the nearest central water supply system to a proposed subdivision where the subdivider disagrees with the determination of the Planning and Zoning Commission as to the term “reasonable distance”. Such analysis shall be conducted as follows:

A. Qualifications. Analysis shall be performed by a person qualified, as determined by the County Department of Environmental Services, to gather such information; and

B. Basis. Analysis shall be based upon factors including but not limited to the cost of extending the nearest central water supply system to and through the proposed subdivision, costs shared by other off-site parties that may benefit from said extension, and the difference, with and without central water supply, in expected sales prices of proposed sublots at market value.

(b) Sanitary Waste. Review of disposal of sanitary waste falls under the jurisdiction of the County Department of Environmental Services, the Ohio Environmental Protection Agency, the Ohio Board of Health, and/or the County Board of Health. The Planning Commission shall consider but not be limited to consideration of the recommendation of the County Department of Environmental Services, the Ohio Environmental Protection Agency, the Ohio Board of Health and/or the County Board of Health, where applicable, on matters pertaining to disposal of sanitary waste. For the purposes of these Regulations, the term "reasonable distance" shall be as determined by the Planning and Zoning Commission. In making its determination, the Planning and Zoning Commission shall consider factors including but not limited to system capacity, development density, development, size, existing on-site sanitary waste disposal needs, proximity to major thoroughfare(s), and/or cooperation of service provider(s). Any fees charged for reviews of a proposed subdivision by the County Department of Environmental Services, the Ohio Environmental Protection Agency, the Ohio Board of Health, and/or the County Board of Health shall be borne by the subdivider.

(1) Information. A subdivider may call upon the County Department of Environmental Services, the Ohio Environmental Protection Agency, the Ohio Board of Health, and/or the County Board of Health, to provide information pertaining to the disposal of sanitary waste in a proposed subdivision.

(2) Central sewage collection system. Where a central sewage collection system exists within a reasonable distance of a proposed subdivision, the subdivider shall design and construct a system of mains, manholes, and other appurtenances as determined to be necessary by the County Department of Environmental Services, the Ohio Environmental Protection Agency, the Ohio Board of Health, and/or the County Board of Health to tie into said central sewer collection system, including a lateral connection for each proposed sub lot or building site.

(3) Interim group sewage disposal facility. Where a central sewage collection system does not exist within a reasonable distance of a proposed subdivision, but where the proposed subdivision is located within a sanitary sewer district established pursuant to applicable provisions of the Ohio Revised Code, the Planning and Zoning Commission may do one (1) of the following:

A. Refuse to permit the area to be developed if it finds a proposed use to be detrimental to the public health, safety, and/or welfare of the surrounding area, based upon receipt and consideration of recommendations from County Department of Environmental Services, the Ohio Environmental Protection Agency, the Ohio Board of Health, and/or the County Board of Health; or

B. Require the subdivider to design and construct a system of mains, manholes, and other appurtenances as determined to be necessary by the County Department of Environmental Services, the Ohio Environmental Protection Agency, the Ohio Board of Health, and/or the County Board of Health to tie into a central sewage collection system in the future, including a lateral connection for each proposed sublot or building site, and require the subdivider to design and construct, and provide for the operation and maintenance of an interim group sewage disposal facility to serve the proposed subdivision until it is tied into a central sewage collection system. The Village may consider accepting such facility for operation and maintenance, provided the Planning and Zoning Commission finds that all of the following am true:

1. Said facility, and the land on which it is located, is or is to be owned by the Village;
2. Said facility has been designed and constructed according to specifications of the County Department of Environmental Services, the Ohio Environmental Protection Agency, the Ohio Board of Health, and/or the County Board of Health; and
3. Said facility has been approved by the County Department of Environmental Services, the Ohio Environmental Protection Agency, the Ohio Board of Health, and/or the County Board of Health.

(4) Individual sewage disposal systems. Where a central sewage collection system does not exist within a reasonable distance of a proposed subdivision, and where the proposed subdivision is not located within a sanitary sewer district, the subdivider may propose individual septic systems to serve each proposed sublot. Such systems shall conform to the requirements of the County Department of Environmental Services, the Ohio Environmental Protection Agency, the Ohio Board of Health, and/or the County Board of Health. The Planning and Zoning Commission may refuse to permit the area to be developed if it finds a proposed use to be detrimental to the public health, safety, and/or welfare of the surrounding area, based upon receipt and consideration of recommendations from the County Department of Environmental Services, the Ohio Environmental Protection Agency, the Ohio Board of Health, and/or the County Board of Health.

(5) Cost/benefit analysis. The Planning and Zoning Commission may require a subdivider to submit a cost/benefit analysis relative to the extension of the nearest central sewage collection system to a proposed subdivision where the subdivider disagrees with the determination of the Planning and Zoning Commission as to the term reasonable distance. Such analysis shall be conducted as follows:

A. Qualifications. Analysis shall be performed by a person qualified, as determined by the County Department of Environmental Services, the Ohio Environmental Protection Agency, the Ohio Board of Health, and/or the County Board of Health, to gather such information; and,

B. Basis. Analysis shall be based upon factors including but not limited to the cost of extending the nearest central sewage collection system to and through the proposed subdivision, costs shared by other off-site parties that may benefit from said extension, and the difference, with and without central sanitary sewers, in expected sales prices of proposed sublots at market value.

(c) Other Utilities. Review of other utilities falls under the jurisdiction of local utility providers. The Planning and Zoning Commission shall consider but not be limited to consideration of the recommendation of local utility providers on matters pertaining to other utilities. For the purpose of these Regulations, other utilities shall include but not be limited to cable television, electric, street lighting, natural gas, and telephone wires, conduits, cables, and other lines. Any fees charged for reviews of a proposed subdivision by local utility providers shall be borne by the subdivider.

(1) Underground utilities required. All utilities shall be installed underground.

(2) Improvement plans to show all utilities. All utilities shall be identified on the improvement plans. The subdivider shall provide a draft copy of the improvement plans to each applicable utility, so that each may incorporate its design information into the improvement plans.

(3) Construction specifications. All utilities shall conform to the most recent Ohio Department of Transportation Construction and Material Specifications, the current regulations of the Public Utilities Commission of Ohio, and the requirements of the utilities themselves.

(Ord. 384-04-03. Passed 6-17-03.)

1189.06 LAND USE.

(a) Relationship of Land Use to Zoning. Zoning authority falls under the jurisdiction of the Village. Land use planning relates directly to zoning. Because subdivision regulations and zoning provisions are by necessity interrelated, it is necessary that these subdivision regulations support zoning. Any fees charged for reviews of a proposed subdivision by the Village shall be borne by the subdivider.

(1) Information. A subdivider may call upon the Village to provide information pertaining to the applicable zoning requirements in a proposed subdivision.

(2) Zoning consistency required. Approval of plans regulated under these Regulations shall not be approved by Planning and Zoning Commission if any element of the proposed development provides for development inconsistent or incompatible with such zoning regulations, unless a variance or other relief as regulated under these Regulations is approved by Planning and Zoning Commission as set forth herein.

(b) Easements. Review of easements falls under the jurisdiction of the Planning and Zoning Commission. The Planning and Zoning Commission shall seek the expertise of the Department of Planning and Community Services, County Engineer, or other County department or agency, concerning easements as related to these Regulations. Any fees charged for reviews of a proposed subdivision by the County Engineer and/or the County Department of Environmental Services shall be borne by the subdivider.

(1) Information. A subdivider may call upon the County Engineer and/or the County Department of Environmental Services, where applicable, to provide information pertaining to easements to be required in a proposed subdivision.

(2) Utilities. Easements to the Village, not less than ten (10) feet in width along all front lot lines and any other lot lines adjoining a public right of way in a proposed subdivision, shall be provided for water supply, sanitary sewer, and/or other public or private utility purposes.

(3) Stormwater management. Easements to the Village, not less than twenty (20) feet in width along every water course, storm sewer, drain channel, or stream in a proposed subdivision, shall be provided for stormwater management purposes.

(4) Easements used in place of access prohibited. Easements proposed to be used as physical access to a lot or site, in lieu of, or instead of, a publicly dedicated right-of-way to substitute for legal frontage, as required under Village zoning, Ashtabula County Health regulations, or under these Subdivision Regulations, shall be strictly prohibited.

(c) Surveying and Monumentation. Review of surveying and monumentation, in general, falls under the jurisdiction of the County Engineer and County Auditor. Review of surveying and monumentation for minor subdivision falls under the jurisdiction of the Planning and Zoning Commission, in consultation with the County Engineer and County Auditor, in order to facilitate transferability and recordation of deeds and other plans. Any fees charged for reviews of a proposed subdivision by the County Auditor and/or the County Engineer shall be borne by the subdivider.

(1) Information. A subdivider may call upon the County Auditor and/or the County Engineer, and may consult the Minimum Standards for Boundary Surveys in the State of Ohio, as defined in Section 4733-37 of the Ohio Administrative Code, and the County Conveyance Standards, to provide information pertaining to surveying and monumentation requirements in a proposed subdivision.

(2) Submission requirements. To process an application for review of plans as regulated under these Subdivision Regulations, the applicant shall submit those items listed in the submission requirements for the respective application types, as provided for and maintained by the Planning and Zoning Commission. The minimum survey and monumentation requirements shall include the following:

A. Roadway Points. Roadway points, also known as monuments, consisting of iron pins or pipes, as set forth in Section 4733-37-03 (C) of the OAC, shall be set in the proposed subdivision at street intersections, at points of change in alignment, and at the ends of streets. The top of the monument shall be set so that the top will be about ten (10) inches below the established grade of the street and covered with a cast iron "Monument Box", so marked, with removable cover, flush with pavement grade. In lieu of the placement of centerline monuments, the surveyor may monument the street lines along the right-of-way at all intersections and changes in alignment in the right-of-way;

B. Boundary Points. Boundary points, also known as monuments, shall also be established (either found or set) at all outside boundary lines of a proposed subdivision, and shall also be set at all sublot corners within the proposed subdivision as set forth in Section 4733-37 of the OAC;

C. Reference Points. All subdivisions shall be referenced to an established point of beginning. The following may be used as reference points: centerline intersections of streets or roads; established corners of recorded permanent parcels; original township sections or Great Lots, which are monumented and tied into road intersections; township boundary lines; and, corners or boundary lines of the original Connecticut Western Reserve. Reference points shall be monumented and tied to road stationing as filed in the Ashtabula County Engineer's Road Records. The point of beginning shall enable a surveyor to reconstruct the survey.

D. Obstructions. In the event that a permanent obstruction, incapable of being removed because of physical, legal, or property rights reasons, prevents a monument or marker from being set at the exact intersection of a boundary line of a proposed subdivision, whether on an outside or interior boundary line, the monument may be set as near to the exact intersection as is physically possible, or alternative monumentation may be placed in accordance with Section 4733-37-03 (D)) of the OAC, and such discrepancy shall be noted on the survey in an appropriate manner necessary to convey such information;

E. Dimensions. The survey shall call out area dimensions in acres, carried to four (4) decimal places, and linear dimensions called out in feet shall be carried to two (2) decimal places. Angles, bearings, or azimuths shall be expressed in degrees, minutes, and seconds;

F. Existing Structures. The surveyor shall identify, by location and distance from all existing and proposed lot lines, all existing buildings and other significant structures, on parcels being surveyed. The footprint of such structures may be approximated from survey or observation, or a site plan of the parcel being surveyed may be submitted showing existing structures and other information as required per the submission requirements on a separate drawing or map. Such supplemental information, whether shown on the survey or on a supplemental drawing, may be approximated by extrapolation or other method of approximation from aerial photographs, tax maps, and/or, other appropriate documentation;

G. Identification. The surveyor shall identify by name(s) of owner(s) of parcels being surveyed, and of all land abutting the parcels being surveyed, further indicated by deed or official record number and page number, except when abutting a recorded major subdivision, in which case the sublot number and the volume and page number shall be indicated;

H. Easements for Survey Monumentation. A perpetual easement for survey monuments shall be provided at each lot corner, at all points of curvature, and at all locations where a survey monument is established as found or set. The easement shall be one (1) foot radial about each such location, and shall terminate at the outer boundaries of the subdivision. Such easements are to protect the monument and ensure their permanence. No utility lines or other appurtenances, or fixtures to real property shall be located within such easements. Such easements shall extend from the surface into the ground for an indefinite depth. Right of entry over, across, and through such areas of the subdivision subject to easements for this purpose shall be reserved for access to monuments by surveyors, property owners, and relevant utility providers; and,

I. Certification. Monuments shall be set where shown on the approved survey map or final plat. The surveyor shall certify on the survey map or final plat that all required monumentation is in place or will be in place prior to release of the performance guarantee. It shall be the responsibility of the land owner to have any required monumentation or iron pins which were or will be moved during construction, replaced by a surveyor at the surveyed land.

(Ord. 384-04-03. Passed 6-17-03.)

1189.07 IMPROVEMENTS.

(a) Existing Streets. Review of existing streets falls under the jurisdiction of the Planning and Zoning Commission and Village Engineer or assignee.

(1) Information. A subdivider may consult the County Major Thoroughfare Plan and/or other elements of the Village Comprehensive Plan, as now existing or hereafter amended, to provide information pertaining to the intended relationships between existing streets and a proposed subdivision.

(2) Coordination required. A proposed subdivision shall provide for the continuation, connection, or projection of existing and proposed streets from and into surrounding areas, to provide for a coordinated thoroughfare system, and/or to conform to any plan for the surrounding area as may be adopted from time to time by the Planning and Zoning Commission, the Village and the Board of County Commissioners.

(3) Constructed and improved and unconstructed streets. Existing streets shall mean platted, but unimproved streets to any extent, or dedicated and accepted unimproved streets to any extent, or dedicated and accepted and fully constructed streets.

(b) Boundaries. Review of boundaries falls under the jurisdiction of the Planning and Zoning Commission.

(1) Information. A subdivider may consult the County Major Thoroughfare Plan and/or other elements of the Village Comprehensive Plan, as now existing or hereafter amended, to provide information pertaining to the potential development along the boundaries of a proposed subdivision.

(2) Extension required. A proposed subdivision shall provide for construction and installation of thoroughfares, utilities, and all other improvements to the boundaries of the proposed subdivision, to serve adjacent or nearby land, and/or to conform to any plan for the surrounding area as may be adopted from time to time by the Planning and Zoning Commission and the Village Council.

(c) Off-Site Conditions. Review of off-site conditions falls under the jurisdiction of the County Engineer and the County Department of Environmental Services. The Planning and Zoning Commission shall consider but not be limited to consideration of the recommendation of the County Engineer and/or the County Department of Environmental Services, where applicable, on matters pertaining to off-site conditions. Any fees charged for reviews of a proposed subdivision by the County Engineer and/or the County Department of Environmental Services shall be borne by the subdivider.

(1) Information. A subdivider may consult the County Major Thoroughfare Plan and/or other elements of the Village Comprehensive Plan, as now existing or hereafter amended, to provide information pertaining to the intended relationships between existing streets and a proposed subdivision.

(2) Extension required. If streets, utilities, and/or other improvements are not available at the boundary of a proposed subdivision, and the Planning and Zoning Commission finds extension across undeveloped areas would not warrant special assessment to intervening properties or public expense, a subdivider shall, prior to approval of the final plat, obtain necessary easements or rights-of-way and include such extensions among the proposed subdivision's required improvements. Such improvements shall be available for connections by subdividers of nearby land and with sharing of costs as determined by the Planning and Zoning Commission.

(3) Cost allocation analysis. The Planning and Zoning Commission may require a subdivider to submit a cost allocation analysis relative to the extension of off-site improvements to a proposed subdivision where the subdivider disagrees with the determination of the Planning and Zoning Commission as to whether or not such extensions warrant special assessment to intervening properties or public expense. Such analysis shall be conducted as follows:

A. Qualifications. Analysis shall be performed by a person qualified, as determined by the Village Engineer and/or the County Department of Environmental Services, where applicable, to gather such information; and

B. Basis. Analysis shall be based upon factors including but not limited to the cost of extending improvements to and through the proposed subdivision, costs shared by other off-site parties that may benefit from said extension, and the difference, with and without improvements, in expected sales prices of proposed sublots at market value.

(d) Over-Sizing. Review of over-sizing falls under the jurisdiction of the County Engineer and the County Department of Environmental Services. The Planning and Zoning Commission shall consider but not be limited to consideration of the recommendation of the County Engineer and the County Department of Environmental Services, where applicable, on matters pertaining to over-sizing. Any fees charged for reviews of a proposed subdivision by the County Engineer and/or the County Department of Environmental Services shall be borne by the subdivider.

(1) Information. A subdivider may consult the County Major Thoroughfare Plan and/or other elements of the Village Comprehensive Plan, as now existing or hereafter amended, as well as any master plan for improvements that may be adopted from time to time by the Village Council to provide information pertaining to the over-sizing of improvements in a proposed subdivision.

(2) Over-sizing required. If streets, utilities, and/or other improvements in a proposed subdivision are or will be required to serve adjacent or nearby land, and the Planning and Zoning Commission finds over-sizing of improvements in the proposed subdivision to serve undeveloped areas would not warrant special assessment to intervening properties or public expense, a subdivider shall, prior to approval of the final plat, obtain specifications for said over-sized improvements from the County Engineer and/or the County Department of Environmental Services, where applicable, and include such over-sized improvements among the proposed subdivision's required improvements. Such over-sized improvements shall be available for connections by subdividers of nearby land and with sharing of costs as determined by the Planning and Zoning Commission.

(3) Cost allocation analysis. The Planning and Zoning Commission may require a subdivider to submit a cost allocation analysis relative to the over-sizing of improvements in a proposed subdivision where the subdivider disagrees with the determination of the Planning and Zoning Commission as to whether or not such over-sized improvements warrant special assessment to intervening properties or public expense. Such analysis shall be conducted as follows.

A. Qualifications. Analysis shall be performed by a person qualified, as determined by the County Engineer and/or the County Department of Environmental Services, where applicable, to gather such information; and

B. Basis. Analysis shall be based upon factors including but not limited to the cost of over-sizing improvements in the proposed subdivision, costs shared by other off-site parties that may benefit from said over-sized improvements, and the difference, with and without over-sized improvements, in expected sales prices of proposed sublots at market value.

(Ord. 384-04-03. Passed 6-17-03.)

1189.08 IMPROVEMENT PLAN PROCEDURES.

(a) Plan Review and Approval.

(1) Subdivider's responsibility. A subdivider shall prepare and submit to the Village Engineer (or assignee) and, if needed, state and county engineers for review and approval, all plans, specifications, cost estimates, and other essential documents necessary for the construction and installation of all required improvements in a proposed subdivision. All plans, specifications, cost estimates, and other essential documents necessary for the construction and installation of all required improvements in a proposed subdivision shall be prepared by an licensed engineer as defined in these Regulations.

(2) Review. The Village Engineer shall act as agent for the Planning and Zoning Commission and shall certify to the Planning and Zoning Commission any action taken with respect to review of improvement plans for a proposed subdivision.

(3) Approval. All necessary improvement plans for proposed roads, storm sewers, and storm water management facilities shall be approved by the Village Engineer. All improvement plans for erosion and sediment control facilities shall be approved by the Soil and Water Conservation District prior to approval of the improvement plans by the Village Engineer. All improvement plans for sanitary sewer systems shall be approved by the Village Engineer, the Ohio Environmental Protection Agency and any other authority having jurisdiction. All water lines and water supply system shall be approved by the Village Engineer, the Ohio Environmental Protection Agency and any other authority having jurisdiction. All water and sewer projects will also be reviewed and approved by the Village Utility Study Commission.

(4) Fees. Any fees charged for reviews of a proposed subdivision by any outside agencies shall be borne by the subdivider.

(b) Cost Estimate.

(1) Subdivider's responsibility. Upon certification to the Planning and Zoning Commission of approval by the Village Engineer of the improvement plans, and prior to commencement of construction and installation of any required improvements in a proposed subdivision, the subdivider shall prepare and submit to the Village Engineer an independent estimate of construction costs by item for surveying, engineering, roads, storm and sanitary sewers, sanitary treatment plants, pumping stations and water supply systems, drainage structures, erosion and sediment control facilities, restoration of land and site clean-up, and other related items. The total estimated costs of all required improvements shall include the cost of preparing the estimate, and the estimate shall be stamped and signed by a professional civil engineer, retained and paid for by the subdivider.

(2) Approval. The Village Engineer may add to the developer's estimate an amount to cover contingencies, including inspection costs, to arrive at the total estimated cost and shall certify said cost to the Planning and Zoning Commission.

(c) Performance Guarantee.

(1) Subdivider's responsibility. A subdivider shall be responsible for completing construction and installation of all required improvements in a proposed subdivision within one (1) year, unless not more than one (1) extension of one (1) additional year has been approved by the Planning and Zoning Commission, after approval of the final plot by the Planning and Zoning Commission.

(2) Agreement required. Prior to commencement of construction and installation of required improvements for a proposed subdivision, a subdivider shall submit and enter into a Subdivision Construction Agreement, in a form as provided by the Staff, with the Village Council and a local lending institution acceptable to the Village Council, and shall submit a performance guarantee of a cash deposit, surety bond, letter of credit, or other instrument acceptable to the Village Solicitor, in an amount not less than one hundred ten percent (110%) of the cost, as determined by the Village Engineer, of construction and installation of all required improvements in the proposed subdivision, to guarantee completion of all such improvements, for a period of one (1) year after approval by the Planning and Zoning Commission of the final plat of the proposed subdivision. If at any time the Planning and Zoning Commission approves a completion of construction extension, the subdivider shall supplement the performance guarantee, and all parties shall amend the Subdivision Construction Agreement as already executed, incorporating additional costs as determined by the Village Engineer.

(3) Improvement authorization. When the Village Engineer has approved the improvement plans and certified the estimate of total construction costs, he or she shall submit written certification of such approval to the Planning and Zoning Commission within ten (10) days. Upon receipt of such certification from the Village Engineer, the Planning and Zoning Commission shall notify the subdivider in writing within five (5) days that the improvement plans and the estimate of required construction costs have been so approved and certified, and the subdivider may upon receipt of said notification commence construction and installation of any and all required improvements.

(4) Release of funds. A performance guarantee shall remain in effect until released by the Village Council. A subdivider's engineer shall verify all invoices and statements of expenditures and submit them to the Village Engineer for review and approval. The Village Engineer shall notify the Planning and Zoning Commission upon approval. Release of funds from a performance guarantee shall not exceed ninety percent (90%) of the total estimated costs until the entire performance guarantee is released and a maintenance guarantee is in effect. The Village Engineer may recommend release of a portion of a performance guarantee and acceptance of a maintenance guarantee prior to the completion of the improvements, should weather, time of year, and/or other conditions prevent immediate completion. In this case a performance guarantee shall be retained to cover the cost and guarantee the construction and installation of improvements not yet completed.

(5) Failure to perform. If a subdivider fails to proceed with construction and installation of required improvements within one (1) year of the date of commencement of a Subdivision Construction Agreement, unless the Planning and Zoning Commission at any time approves a completion of construction extension, the Village Engineer shall notify the Planning and Zoning Commission that the subdivider has failed to perform. The Planning and Zoning Commission shall notify the subdivider and the local lending institution in writing of such failure and of its intention to vacate the subdivision or complete the improvements within a specified period of time.

(d) Pre- Construction Meeting.

Subdivider's responsibility. Upon execution of a Subdivision Construction Agreement, and prior to commencement of construction and installation of required improvements in a proposed subdivision, a subdivider shall notify the Staff to arrange for a preconstruction meeting to be held, at which the owner, subdivider, subdivider's engineer, subdivider's contractor, Village Engineer, County Department of Environmental Services, where applicable, County Health Department, where applicable, Planning and Zoning Commission, Staff, and other agencies as required shall be in attendance. At this time, the proposed subdivision shall be discussed with regard to procedure, construction methods, plans, materials, inspections, stormwater management, erosion and sedimentation control, etc. Also at this time, the subdivider shall submit a construction schedule to the Village Engineer for approval. The construction schedule shall show commencement and completion dates for each phase of construction work, including dates for completion of all required improvements in the proposed subdivision.

(e) Construction Inspection and Approval.

(1) Subdivider's responsibility. A subdivider, and all agents thereof, shall have available at the proposed subdivision site at all times one (1) approved copy of the approved improvement plans. A subdivider, and all agents thereof, shall cooperate with the Village Engineer's Inspector and with other parties in every way possible. The subdivider, and all agents thereof, shall at all times have a competent representative acting as his or her agent available to be contacted by the Village Engineer at any time while construction and installation of improvements is occurring on the proposed subdivision site. The representative shall be capable of reading and thoroughly understanding the improvement plans and promptly supplying such materials, tools, plat equipment, and labor as may be required. A representative shall be furnished regardless of the amount of work sublet.

(2) Inspection. The Village Engineer shall act as agent for the Planning and Zoning Commission and shall certify to the Planning and Zoning Commission and, if applicable, the Department of Planning and Community Services any action taken with respect to inspection of construction and installation of required improvements in a proposed subdivision. The Village Engineer shall have the right to inspect, at any time, any and all required improvements in a proposed subdivision, and shall have the authority to require field changes to approved plans as deemed to be necessary. Improvements to be inspected include but are not limited to preliminary grading, back filling of all trenches and excavations in the rights-of-way, preparation of subgrade, setting forms, paving (rigid and flexible), inlet construction, curing of rigid pavement, removal of forms and berm compaction, sidewalk construction, sealing joints, storm sewer construction, any construction of utilities within rights-of-way, and any construction of structures within rights-of-way. Any of the above-listed construction operations that may be performed without advance notice to the Village Engineer may result in scoring of the pavement, subgrade boring, and/or non-acceptance of the improvement if it does not meet the specifications of the Village Engineer.

(3) Approval. Construction and installation of all required improvements for proposed roads, storm sewers, and storm water management facilities shall be approved by the Village Engineer. Construction and installation of required improvements for erosion and sedimentation control facilities shall be approved by the Soil and Water Conservation District prior to approval of all required improvements by the Village Engineer. Construction and installation of required improvements for sanitary sewer systems shall be approved by a Village Engineer, the Ohio Environmental Protection Agency and any other authority having jurisdiction in the subdivision construction area. All water lines and water supply systems shall be approved by the Village Engineer, the Ohio Environmental Protection Agency and any other authority having jurisdiction. All water and sewer projects will also be reviewed and approved by the Village Utility Study Commission.

(4) Acceptance (of public roads). After the Village Engineer has approved the improvement plans and certified that all improvements as required in the improvement plans have been satisfactorily constructed and installed, if the Village Engineer is satisfied that the roadway(s) have been satisfactorily constructed and installed to serve the public health, safety, and welfare, he or she stroll notify the Village Council in writing of such finding, certifying that the roadway(s) should be accepted by the Village as a dedicated public thoroughfare, and that the responsibility for maintenance of such roadway(s) should be assigned to the Village.

(5) Fees. Any fees charged for reviews of a proposed subdivision by any outside agencies shall be borne by the subdivider.

(f) Maintenance Guarantee.

(1) Subdivider's responsibility. Until such time as the Village has accepted the constructed roadway as herein defined, the subdivider shall be responsible for maintaining all required improvements in a proposed subdivision within one (1) year, unless not more than one (1) extension of one (1) additional year has been approved by the Planning and Zoning Commission, after completion of construction and installation of all required improvements in a proposed subdivision.

(2) Agreement required. Prior to acceptance of required improvements in a proposed subdivision, a subdivider shall submit and enter into a Subdivision Maintenance Agreement, in a form as provided by the Staff, with the Village Council and a local lending institution acceptable to the Village, and shall submit a maintenance guarantee of a cash deposit, surety bond without expiration date, irrevocable letter of credit, or other surety instrument acceptable to the Village Solicitor, to guarantee and warrant that the satisfactorily installed improvements as approved by the Village Engineer are fit for their particular purposes. The surety shall be in an amount not less than fifteen percent (15%) of the total cost, as determined by the Village Engineer, of construction and installation of all required improvements in the proposed subdivision, to guarantee maintenance of all such improvements, for a period of one (1) year after completion of construction and installation of required improvements in the proposed subdivision. If at any time the Planning and Zoning Commission approves a maintenance of construction extension, the subdivider shall supplement the maintenance guarantee, and all parties shall amend the Subdivision Maintenance Agreement as already executed, incorporating additional costs a determined by the Village Engineer.

(3) Release of funds. A maintenance guarantee shall remain in effect until released by Village Council, which upon the advisement of the Village Engineer, may be for a period of less than one (1) year, as is typical.

(4) Failure to perform. If a subdivider fails to proceed with maintenance of required improvements within one (1) year of the date of commencement of a Subdivision Maintenance Agreement, unless the Planning and Zoning Commission at any time approves a maintenance of construction extension, the Village Engineer shall notify the Planning and Zoning Commission and, if applicable, the Department of Planning and Community Services that the subdivider has failed to perform. The Planning and Zoning Commission shall notify the subdivider and the local lending institution in writing of such failure and of its intention to vacate the subdivision or maintain the improvements within a specified period of time.

(5) Snow and ice removal. Prior to release of the maintenance guarantee, the Village shall have maintenance responsibility for snow and ice removal on Village roads. The County Engineer shall have maintenance responsibility for snow and ice removal on County roads. The Board of Township Trustees shall have maintenance responsibility for snow and ice removal on township roads.

(g) Acceptance.

(1) Subdivider's responsibility. Upon completion of a Subdivision Maintenance Agreement, a subdivider shall request the Village Engineer conduct an inspection to ascertain whether the required roadways as constructed according to the approved improvement plans are satisfactorily installed as determined by the Village Engineer to warrant acceptance, as defined as set forth in Section 1181.03 - "Acceptance" of these Subdivision Regulations.

(2) Acceptance. After all required improvements as approved in the improvement plans have been satisfactorily constructed and installed as certified by the Village Engineer, the Village Engineer shall recommend in writing to the Village Council that all roads and related storm drainage systems and other appurtenances thereof be accepted into the public roadway system of the respective political subdivision for maintenance and public health, safety, and welfare where that improved subdivision is located.

(3) Punch list. After the inspection, for which the Village Engineer may call upon the Village Administrator for assistance and consultation, the Village Engineer shall do one of the following:

A. Notification to the Village Council. Issue a letter to the Village Council, with a copy to the subdivider, recommending acceptance of the improvements as defined and regulated as set forth in these Subdivision Regulations; or

B. Punch list. In the event of non-acceptance, the Village Engineer shall issue a letter to the subdivider, with a copy to the Village Council, listing items of work necessary to be accomplished before acceptance is authorized and certified to the Village.

(4) Notification to Planning and Zoning Commission and staff. The Village Engineer shall notify the Planning and Zoning Commission and, if applicable, Department of Planning and Community Services of acceptance.

(5) Action by Village Council. Upon receiving a recommendation from the Village Engineer for acceptance of required improvements in a proposed subdivision, the Village Council shall accept the required improvements in a proposed subdivision, at which time the Village shall commence maintenance of any and all roads in the proposed subdivision.

(Ord. 384-04-03. Passed 6-17-03.)

NOTE: These are minimum standards. The County Engineer may prescribe different standards where conditions warrant.									
ROAD CLASS *	Pavement Width		Minimum Base and Pavement Thickness **						
			Plain Portland Cement Concrete		Asphalt Concrete Aggregate Base			Deep Asphalt	
	Curbs	No Curbs	Agg.	P.C.C.	304 Agg.	301 or 402 Base	404 Surface	301 or 402 Base	404 Surface
1. Collector Road	28'	24'	5"	7"	6"	4"	2"	6"	2-1/2"
2. Marginal Access Rd.	28'	24'	5"	7"	6"	4"	2"	6"	2-1/2"
3. Local Road a. Residential: Light Traffic	22'	20'	4"	6"	6"	2-1/2"	1-1/2"	4-1/2"	1-1/2"
Medium Traffic	24'	20'	4"	7"	6"	4-1/2"	1-1/2"	7"	1-1/2"
b. Commercial and Industrial Park	28'	24'	6"	9"	6"	7"	2"	8"	3"

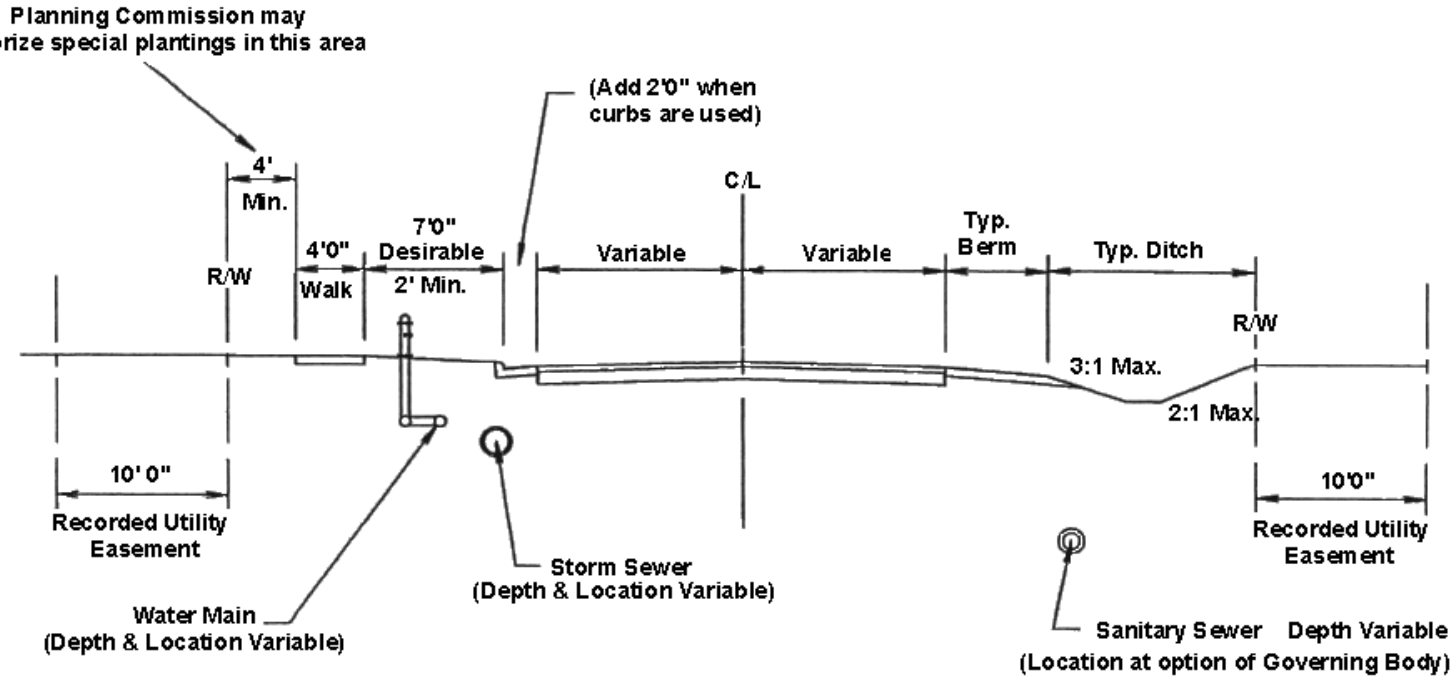
Collector Road - Connects local road and arterial roads.
Marginal Access Road - Is parallel to a freeway or arterial road and provides access to local roads.
Residential:
Light Traffic Road - A dead end road less than 3/4 mile in length including side streets.
Medium Traffic Road - A dead end road greater than 3/4 mile in length including side streets, or a road passing through a residential area but out of the line of through traffic.
Commercial and Industrial Park - Roads in subdivisions having commercial and/or industrial enterprises served by trucks.

* In case of question, the County Engineer shall decide the class for construction purposes.
** The developer's design engineer shall provide base and pavement calculations as per O.D.O.T. L & D Manual Vol. #1. Based on these calculations, base and pavement thicknesses may exceed the values shown on the above chart.

EXHIBIT A

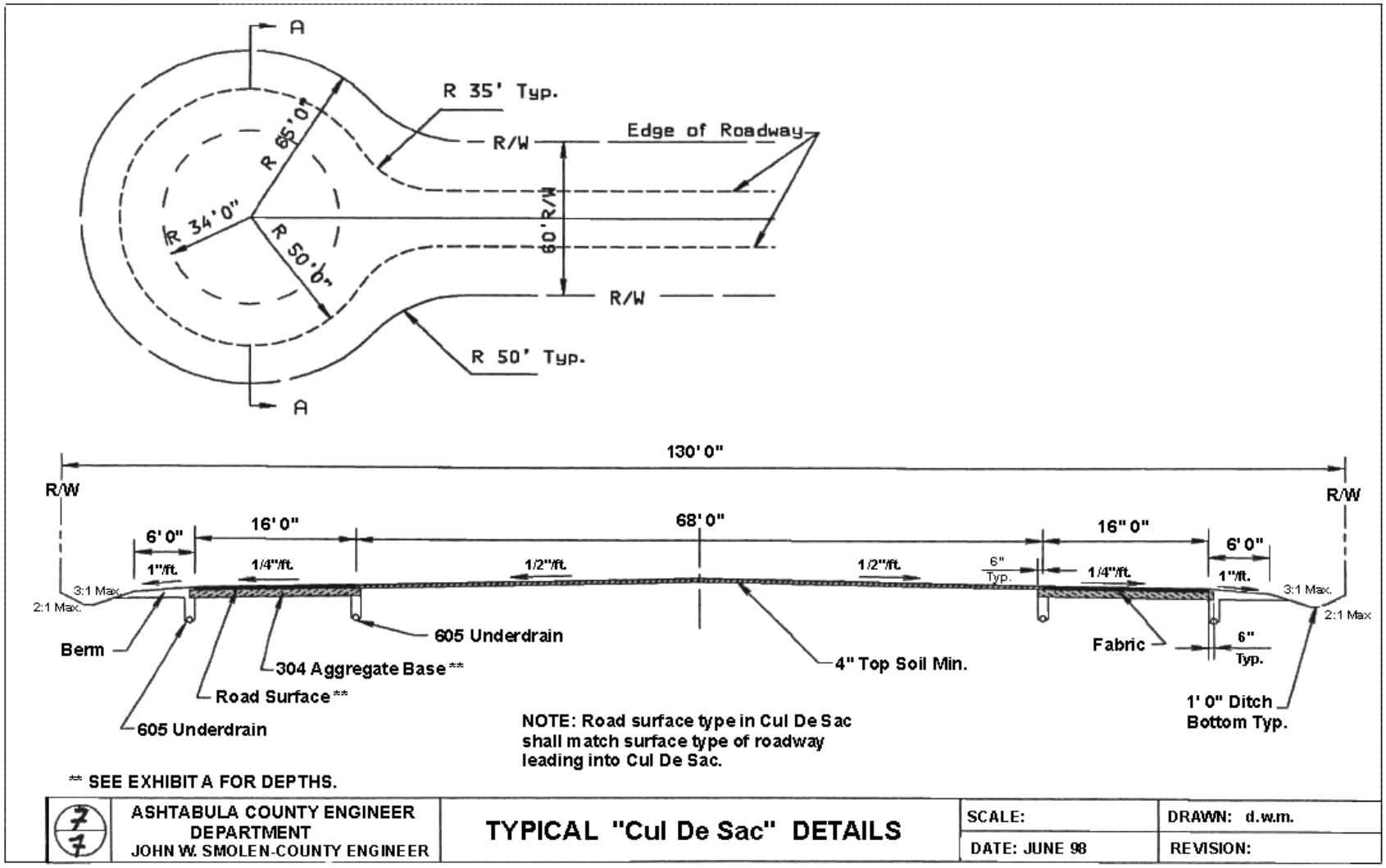
Ashtabula County Engineering
Department
John W. Smolen - County Engineer

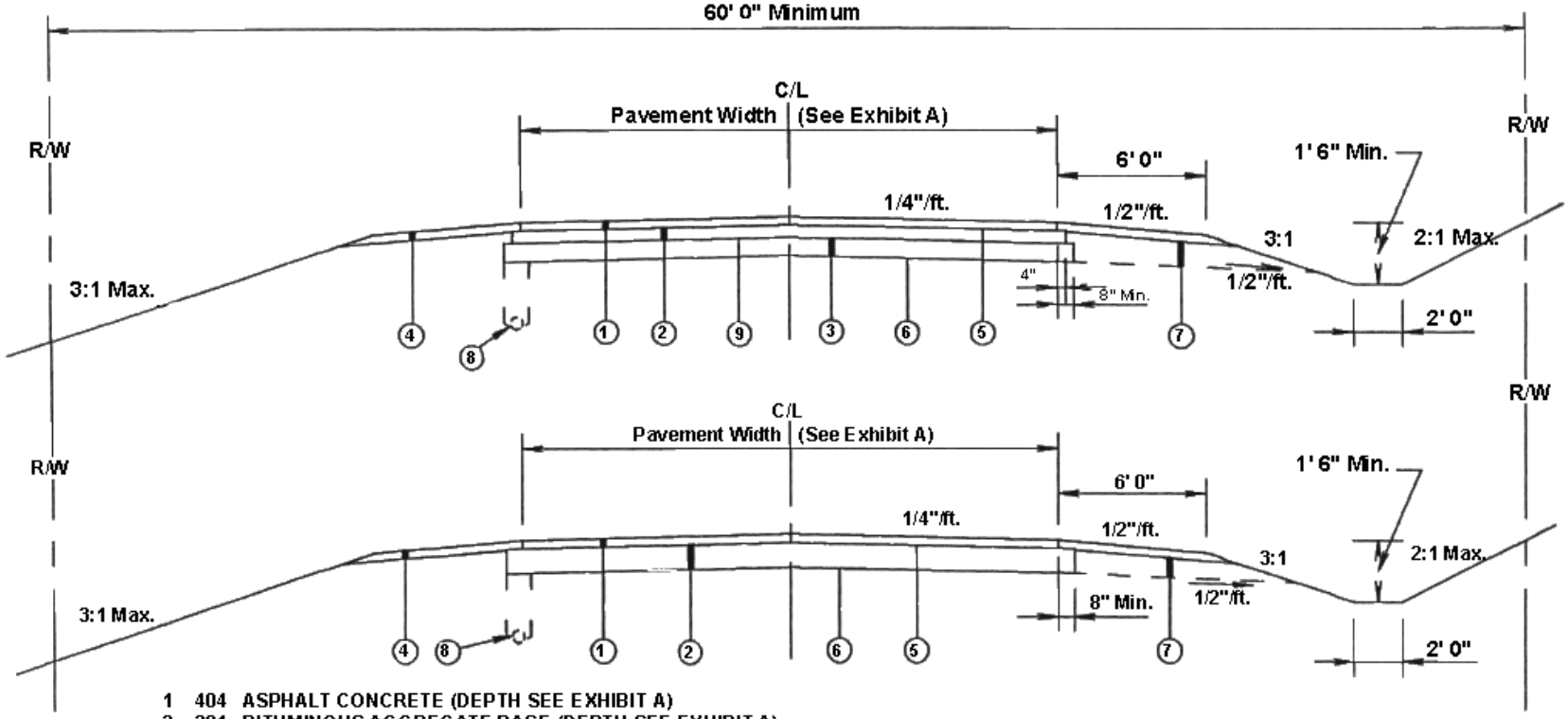
Date: June 98
Drawn: d.w.m.



NOTE: Gas, Electric, Telephone, Cable TV, Ect. Shall Be Installed Within The Utility Easements Provided. Depth and Location Will Be Determined From Current Standards and Regulations

2/7	ASHTABULA COUNTY ENGINEER DEPARTMENT JOHN W. SMOLEN-COUNTY ENGINEER	TYPICAL STREET OCCUPATION	SCALE:	DRAWN: d.w.m.
			DATE: JUNE 98	REVISION:


A
R 35' Typ.
R/W
Edge of Roadway
R 65'0"
R 34'0"
R 50'0"
60' R/W
R/W
R 50' Typ.
A
130'0"
R/W
R/W
6'0"
16'0"
68'0"
16'0"
6'0"
1"/ft.
1/4"/ft.
1/2"/ft.
1/2"/ft.
6" Typ.
1/4"/ft.
1"/ft.
3:1 Max.
2:1 Max.
3:1 Max.
2:1 Max
Berm
605 Underdrain
304 Aggregate Base**
Road Surface**
605 Underdrain
4" Top Soil Min.
Fabric
6" Typ.
1' 0" Ditch Bottom Typ.
NOTE: Road surface type in Cul De Sac shall match surface type of roadway leading into Cul De Sac.
** SEE EXHIBIT A FOR DEPTHS.
ASHTABULA COUNTY ENGINEER DEPARTMENT
JOHN W. SMOLEN-COUNTY ENGINEER
TYPICAL "Cul De Sac" DETAILS
SCALE:
DATE: JUNE 98
DRAWN: d.w.m.
REVISION:

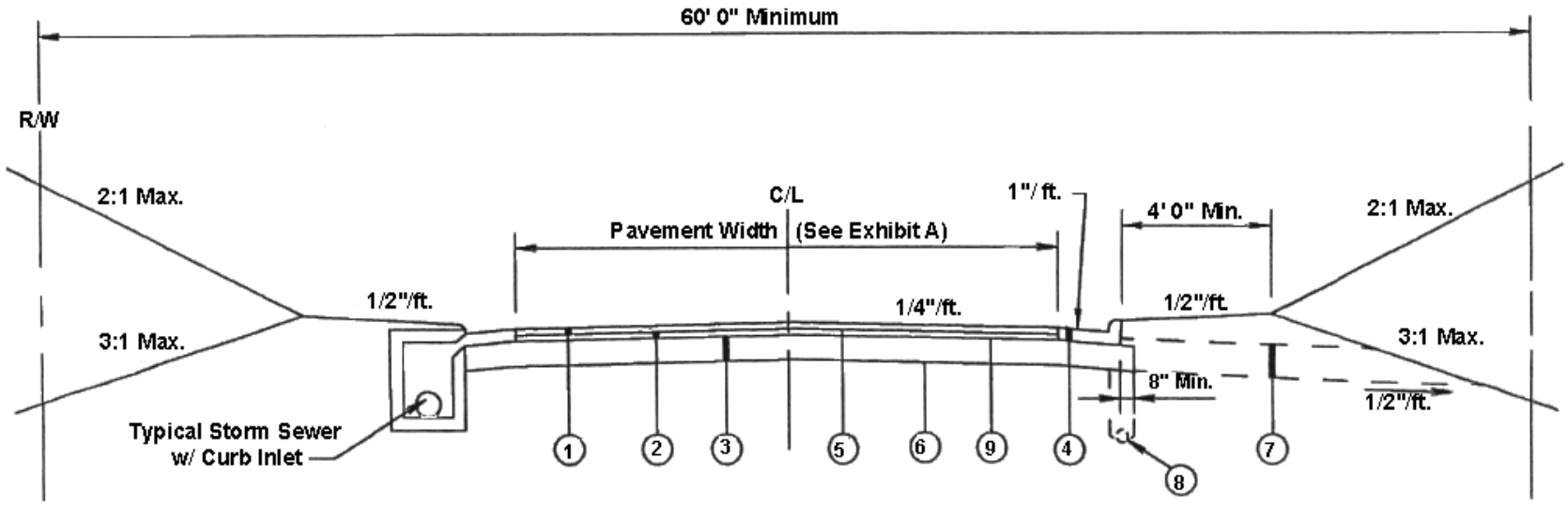


1 404 ASPHALT CONCRETE (DEPTH SEE EXHIBIT A)
2 301 BITUMINOUS AGGREGATE BASE (DEPTH SEE EXHIBIT A)
3 304 6" AGGREGATE BASE
4 617 4" COMPACTED AGGREGATE SHOULDER
5 407 TACK COAT
6 712 FILTER FABRIC
7 605 * AGGREGATE DRAINS (8")
8 605 4" SHALLOW PIPE UNDERDRAINS (30" depth max.)
9 408 PRIME COAT
* WHEN DIRECTED BY THE ENGINEER

ADDITIONAL R/W MAY BE NECESSARY TO MAINTAIN MAXIMUM SLOPES.

WHERE DIRECTED BY THE ENGINEER CURRENT O.D.O.T. L&D REQUIREMENTS WILL PREVAIL

3/7	ASHTABULA COUNTY ENGINEER DEPARTMENT JOHN W. SMOLEN-COUNTY ENGINEER	**TYPICAL SECTION** (Flexible Pvmt. Aggregate Base/Deep Asphalt)	SCALE: DATE: JUNE 98	DRAWN: d.w.m. REVISION:



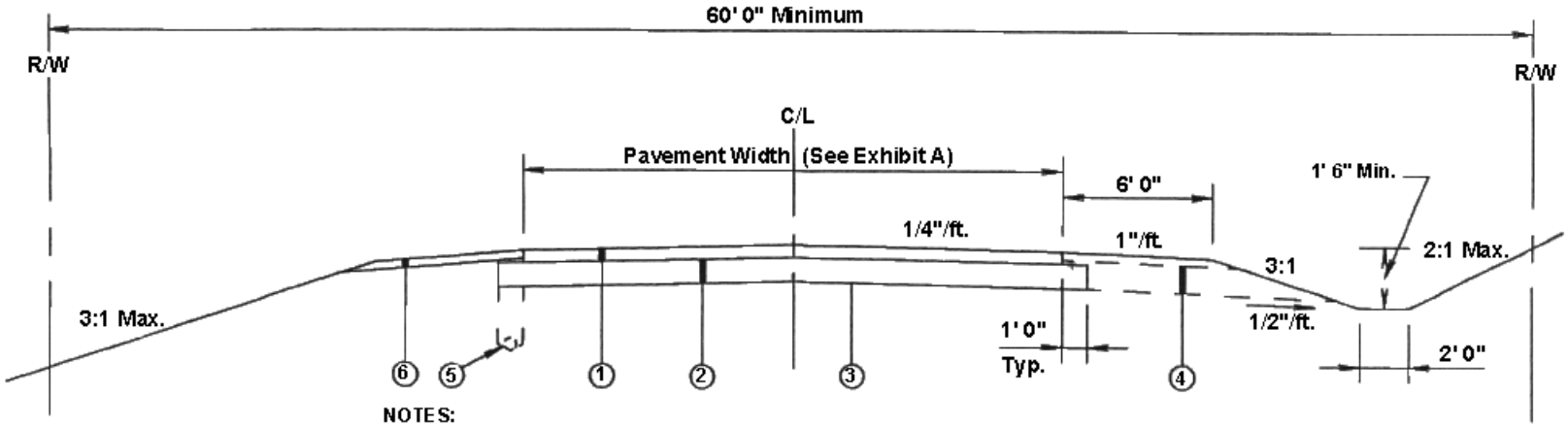
1 404 ASPHALT CONCRETE (DEPTH SEE EXHIBIT A)
2 301 BITUMINOUS AGGREGATE BASE (DEPTH SEE EXHIBIT A)
3 304 AGGREGATE BASE (6")
4 609 COMBINATION CURB AND GUTTER OR APPROVED
5 407 TACK COAT
6 712 FILTER FABRIC
7 605 * AGGREGATE DRAINS (8")
8 605 4" SHALLOW PIPE UNDERDRAIN (DEPTH 30")
9 408 PRIME COAT

CURBS AND CURB & GUTTER MAY BE USED WITH DEEP ASPHALT ALSO

WHERE DIRECTED BY THE ENGINEER CURRENT O.D.O.T. L&D REQUIREMENTS WILL PREVAIL

COMBINATION CURB & GUTTER SHALL BE USED IN COJUNCTION WITH STORM SEWERS AND CURB AND/OR PAVEMENT INLETS AS DIRECTED BY ENGINEER.

5/7	ASHTABULA COUNTY ENGINEER DEPARTMENT JOHN W. SMOLEN-COUNTY ENGINEER	TYPICAL SECTION FLEXIBLE PAVEMENT CURBED (Asphalt Base & Deep Asphalt)	SCALE: DATE: JUNE 98	DRAWN: d.w.m. REVISION:



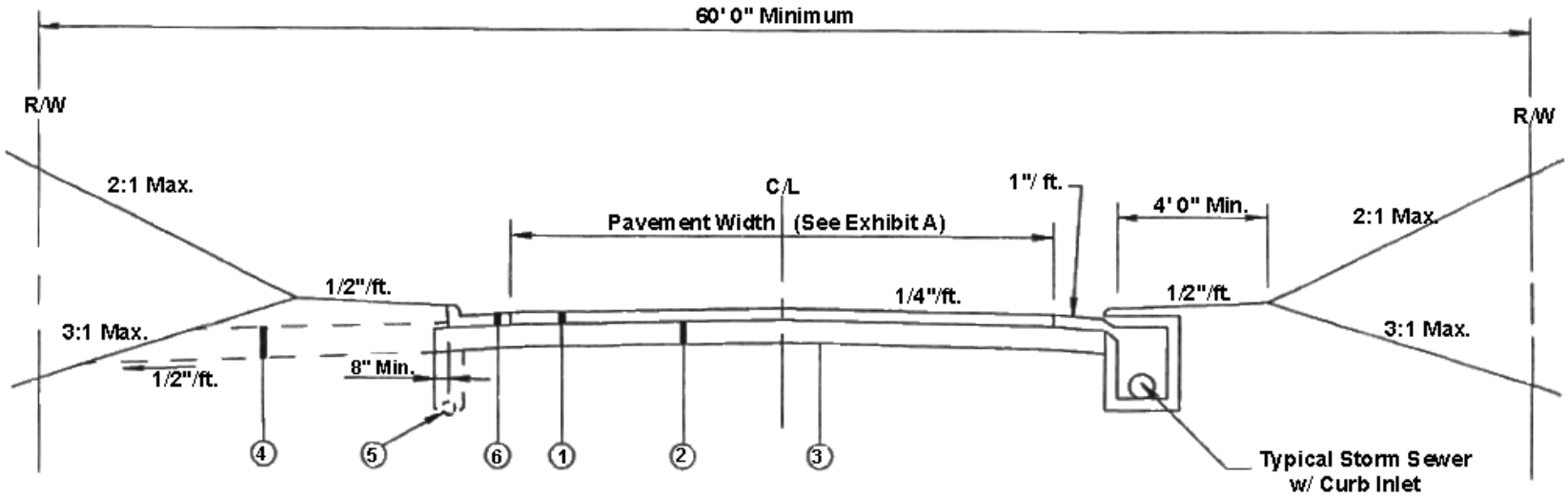
NOTES:

1) Construction joints shall be built at the end of each work day or when work is suspended for more than 30 minutes, but no closer than 10 feet to a parallel joint.
2) Cut and Fill sections are interchangeable.
3) Additional r/w may be required to maintain maximum slopes.
4) For longitudinal & transverse joint detail & specifications see County Engineer.

1 452 PLAIN PORTLAND CEMENT CONCRETE (DEPTH SEE EXHIBIT A)
2 ** AGGREGATE BASE (DEPTH SEE EXHIBIT A)
3 712 FILTER FABRIC
4 605 * AGGREGATE DRAINS (8")
5 605 4" SHALLOW PIPE UNDERDRAINS (30" depth max.)
6 617 4" COMPACTED AGGREGATE SHOULDER
* WHERE DIRECTED BY THE ENGINEER
** ENGINEER SHALL PROVIDE SPECIFICATIONS & APPROVAL FOR BASE MATERIAL

WHERE DIRECTED BY THE ENGINEER CURRENT O.D.O.T. L&D REQUIREMENTS WILL PREVAIL

4/7	ASHTABULA COUNTY ENGINEER DEPARTMENT JOHN W. SMOLEN-COUNTY ENGINEER	**TYPICAL SECTION** (Nonreinforced Concrete Pavement)	SCALE:	DRAWN: d.w.m.
			DATE: JUNE 98	REVISION:



1 452 PLAIN PORTLAND CEMENT CONCRETE (DEPTH SEE EXHIBIT A)
2 ** AGGREGATE BASE (DEPTH SEE EXHIBIT A)
3 712 FILTER FABRIC
4 605 * AGGREGATE DRAINS (8")
5 605 4" SHALLOW PIPE UNDERDRAINS (30" depth max.)
6 609 COMBINATION CURB AND GUTTER OR APPROVED

* WHERE DIRECTED BY ENGINEER
** ENGINEER SHALL PROVIDE SPECIFICATIONS AND APPROVAL OF BASE MATERIAL.
SEE NONREINFORCED CONCRETE SECTION FOR NOTES.

WHERE DIRECTED BY THE ENGINEER CURRENT O.D.O.T. L&D REQUIREMENTS WILL PREVAIL

COMBINATION CURB & GUTTER SHALL BE USED IN CONJUNCTION WITH STORM SEWERS AND CURB AND/OR PAVEMENT INLETS AS DIRECTED BY ENGINEER.

6/7	ASHTABULA COUNTY ENGINEER DEPARTMENT JOHN W. SMOLEN-COUNTY ENGINEER	**TYPICAL SECTION** (Nonreinforced Concrete Pvmt. With Curbs)	SCALE:	DRAWN: d.w.m.
			DATE: JUNE 98	REVISION:

CODIFIED ORDINANCES OF ROAMING SHORES

PART THIRTEEN - BUILDING CODE

TITLE ONE - Roaming Shores Building Code
Chap. 1307. Title, Purpose and Interpretation.
Chap. 1309. Standard Requirements.
Chap. 1311. Administration.
Chap. 1313. Enforcement.
Chap. 1315. Appeals and Variances.
Chap. 1317. Amendments.
Chap. 1319. General Requirements.
Chap. 1321. Structure Location Requirements.
Chap. 1323. Erosion Control, Seawalls and Docks.
Appendices

TITLE THREE - Other Building Standards
Chap. 1335. Registration of Contractors.
Chap. 1337. Flood Damage Prevention.
Chap. 1343. Public Right-of-Way.
Chap. 1347. Road Limitations and Bonds.
Chap. 1351. Property Maintenance.
Chap. 1355. Building Numbering.
Chap. 1359. Foreclosure of Residential Properties.
Chap. 1361. Vacant Buildings.
Chap. 1363. Property Maintenance Code.

CODIFIED ORDINANCES OF ROAMING SHORES

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Chap. 1313. Enforcement.
Chap. 1315. Appeals and Variances.
Chap. 1317. Amendments.
Chap. 1319. General Requirements.
Chap. 1321. Structure Location Requirements.
Chap. 1323. Erosion Control, Seawalls and Docks.
Appendices

CHAPTER 1307
Title, Purpose and Interpretation

1307.01 Title.
1307.02 Purpose.
1307.03 Provisions of chapter declared to be minimum requirements.

CROSS REFERENCES
Construction and interpretation - see ADM. 101.02

1307.01 TITLE.

This Ordinance shall be known and may be cited to as the "Building Ordinance of the Village of Roaming Shores" which is codified as Title One of the Building Code.
(Ord. 398-12-03. Passed 12-16-03.)

1307.02 PURPOSE.

This Ordinance is enacted for the general purpose of promoting the public health, safety, and welfare of the residents of the Village; to protect the property rights of all individuals by assuring the compatibility of uses and practices within districts; to facilitate the provision of public utilities and public services; to provide for the administration and enforcement of this Ordinance, including the provision of penalties for its violation; and for any other purpose provided in this Ordinance, the Ohio Revised Code, or under common law rulings.
(Ord. 398-12-03. Passed 12-16-03.)

1307.03 PROVISIONS OF CHAPTER DECLARED TO BE MINIMUM REQUIREMENTS.

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and the general welfare. Whenever the requirements of this Ordinance conflict with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards shall govern. Covenants and Restrictions of the Roaming Rock Shores Subdivision relating to building(s)/structure(s) shall be sustained and enforced by the Village in those areas that are within the boundaries of both the Roaming Rock Shores Subdivision and the Village.
(Ord. 398-12-03. Passed 12-16-03.)

CHAPTER 1309
Standard Requirements

1309.01 Standard Codes applicable.
1309.02 Building permit required.
1309.03 Display of permits.
1309.04 Display of lot numbers.

CROSS REFERENCES
Ohio Building Code - see OAC Ch. 4101:1-1 et seq.
Ohio Residential Code - see OAC Ch. 4101:8-1 et seq.

1309.01 STANDARD CODES APPLICABLE.

The following codes, as adopted by Ashtabula County, apply to this Ordinance in their entirety.

(a) Ohio Building Code.
(b) Ohio Plumbing Code.
(c) Ohio Residential Code.
(d) National Electrical Code.
(Ord. 398-12-03. Passed 12-16-03.)

1309.02 BUILDING PERMIT REQUIRED.

A building permit is required for all new construction, reconstruction, or alteration that changes the dimensions of any/all structure(s), for the clearing of lots or substantially disturbing the soil (see 1321.01.1.), and for paving for any purpose, including but not limited to driveways, sidewalks, patios and tennis courts. A permit for any paving or for clearing a lot shall cost $25.00. (Ord. 470-12-08. Passed 4-21-09.)

1309.03 DISPLAY OF PERMITS.

Permits shall be displayed at the building site in a prominent place visible from the road. (Ord. 398-12-03. Passed 12-16-03.)

1309.04 DISPLAY OF LOT NUMBERS.

Lot numbers shall be displayed in a prominent place visible from the road prior to the layout inspection by the building committee.
(Ord. 398-12-03. Passed 12-16-03.)

CHAPTER 1311
Administration

1311.01 Purpose.
1311.02 General provisions.
1311.03 Building Inspector designated; responsibilities.
1311.04 Building Committee.
1311.05 Duties of Building Inspector, Building Committee or legislative authority on matters of appeal.
1311.06 Council's duties.

CROSS REFERENCES
Zoning administration - see P. & Z. Ch. 1165

1311.01 PURPOSE.
This chapter sets forth the powers and duties of the Planning Commission, the Board of Zoning Appeals, the Council, and the Building Inspector with respect to the administration of the provisions of this Ordinance.
(Ord. 398-12-03. Passed 12-16-03.)

1311.02 GENERAL PROVISIONS.
The formulation, administration and enforcement of this Ordinance is hereby vested in the following offices and bodies within the local government:
(a) Building Inspector.
(b) Building Committee.
(c) Council.
(d) Solicitor.
(Ord. 398-12-03. Passed 12-16-03.)

1311.03 BUILDING INSPECTOR DESIGNATED; RESPONSIBILITIES.
(a) Designation. A Building Inspector designated by the Mayor and approved by the Council shall administer and enforce this Ordinance. The Building Inspector shall report to and be accountable to the Mayor. The Building Inspector may be provided with the assistance of such other persons as the Mayor may direct.

(b) Responsibilities. For the purpose of this Ordinance, the Building Inspector shall have the following duties:
(1) Enforce the provisions of this Ordinance and interpret the meaning and application of its provisions.

(2) Respond to questions concerning applications for amendments to this Ordinance.
(3) Issue Building Permits and Village Certificates of Occupancy as provided by this Ordinance, and keep a record of same with a notification of any special conditions involved.
(4) Act on all applications upon which the Building Inspector is authorized to act by the provisions of this Ordinance within the specified time or notify the applicant in writing of the refusal or disapproval of such application and the reasons therefor. Failure to notify the applicant in case of such refusal or disapproval within the specified time shall entitle the applicant to submit such application to the Building Inspector.
(5) Conduct inspections of buildings to determine compliance with this Ordinance, and, in case of any violation, notify in writing the person(s) responsible, specifying the nature of the violation and specific regulation being violated and ordering corrective action.
(6) Maintain permanent and current records required by this Ordinance, including but not limited to building permits, inspection documents, violations, and records of all variances, amendments, and special uses.
(7) Make such records available for the use of the Council, the Building Committee, and the public.
(8) Review and approve building(s) plans pursuant to this Ordinance.
(9) Determine the existence of any violations of this Ordinance, and cause such notifications, revocation notices, stop orders, or tickets to be issued, or initiate such other administrative or legal action as needed, to address such violations.
(10) Prepare and submit an annual report to the Council and Building Committee on the administration of this Ordinance, setting forth such information as may be of interest and value in advancing and furthering the purpose of this Ordinance. Such report shall include recommendations concerning the schedule of fees.
(Ord. 398-12-03. Passed 12-16-03.)

1311.04 BUILDING COMMITTEE.

A committee of five members designated by the Mayor and approved by the Village Council. (Ord. 398-12-03. Passed 12-16-03.)

1311.05 DUTIES OF BUILDING INSPECTOR, BUILDING COMMITTEE OR LEGISLATIVE AUTHORITY ON MATTERS OF APPEAL.

It is the intent of this Ordinance that all questions of interpretation and enforcement shall be first presented to the Building Inspector, and that such questions shall be presented to the Building Committee only on appeal from the decision of the Building Inspector. It is further the intent of this Ordinance that the duties of the Council in connection with this Ordinance shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this Ordinance. Under this Ordinance the Council shall have only the duties of considering and adopting or rejecting proposed amendments or the repeal of this Ordinance as provided by law, and of establishing a schedule of fees and charges.
(Ord. 398-12-03. Passed 12-16-03.)

1311.06 COUNCIL'S DUTIES.

For the purpose of this Ordinance, the Council shall have the following duties:

(a) Approve the Mayor's appointment of a Building Inspector.

(b) Approve the Mayor's appointments of members to the Building Committee.

(c) Initiate or act upon suggested amendments to this Ordinance. Final action upon a suggested Building amendment shall be undertaken at a public meeting.

(d) Override a written recommendation of the Building Committee on a text amendment.

(Ord. 398-12-03. Passed 12-16-03.)

CHAPTER 1313
Enforcement

1313.01 General provisions.
1313.02 Building permits required.
1313.03 No construction starts permitted between February 15 and April 15.
1313.04 Contents of application for building permit.
1313.05 Approval of building permit.
1313.06 Expiration of building permit.
1313.07 Certificate of occupancy.
1313.08 Temporary certificate of occupancy.
1313.09 Record of building permits and certificates of occupancy.
1313.10 "As built" survey.
1313.11 Failure to obtain a building permit or certificate of occupancy.
1313.12 Construction as provided in applications, plans and certificates.
1313.13 Complaints regarding violations.
1313.14 Entry and inspection of property.
1313.15 Stop work order.
1313.16 Building permit revocation.
1313.17 Notice of violation.
1313.18 Penalties and fines.
1313.19 Additional remedies.

CROSS REFERENCES
Enforcement of OBC - see Ohio R.C. 3781.03 et seq.
Grading, excavation and construction noise - see GEN. OFF. 513.02
Zoning enforcement - see P. & Z. Ch. 1167

1313.01 GENERAL PROVISIONS.

This chapter stipulates the procedures to be followed in obtaining permits, certifications, and other legal or administrative approvals under this Ordinance.
(Ord. 398-12-03. Passed 12-16-03.)

1313.02 BUILDING PERMITS REQUIRED.

No building or other structure shall be erected, moved, added to, structurally altered, nor shall any building or structure be established without a permit therefor, issued by the Building Inspector. Building Permits shall be issued only in conformity with the provisions of this Ordinance. (Ord. 398-12-03. Passed 12-16-03.)

1313.03 NO CONSTRUCTION STARTS PERMITTED BETWEEN FEBRUARY 15 AND APRIL 15.

(EDITOR'S NOTE: Seasonal limitations on construction starts is now codified in Section 1347.01 of this Building Code.)

1313.04 CONTENTS OF APPLICATION FOR BUILDING PERMIT.

The application for Building Permit shall be made in writing and be signed by the property owner attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and may be revoked if work has not begun within six months or has not been completed within two years.

(a) At a minimum, the application shall contain the following information and be accompanied by all required fees:

(1) Name, address, and telephone number of applicant;
(2) Legal description of property, proof of ownership;
(3) Existing structure;
(4) Proposed structure;
(5) Plans in triplicate drawn to scale (Min. ¼ inch equals one foot), showing the actual dimensions of the proposed building(s) or alteration(s). As a minimum these plans shall include the following:
  A. Name of property owner, lot number, plot plan.
  B. Front, rear, left and right elevations.
  C. Typical wall sections.
  D. Foundation.
  E. Roof pitch.
  F. Extent of roof overhang(s).
(6) Building height(s);
(7) If applicable, application for variance request(s) shall accompany the building permit application;
(8) Such other documentation as may be necessary to determine conformance with, and to provide for the enforcement of, this Ordinance.

(b) These requirements duplicate the requirements of the Zoning Permit request and if they are complete as a Zoning Permit request shall fulfill the requirements of this Ordinance. (Ord. 398-12-03. Passed 12-16-03.)

1313.05 APPROVAL OF BUILDING PERMIT.

(a) General Provisions. Within five working days after the receipt of an application, the Building Inspector shall either approve or disapprove the application in conformance with the provisions of this Ordinance. Two copies of the plans shall be returned to the applicant by the Building Inspector, after the Building Inspector shall have marked such copy either as approved or disapproved and attested to same by the Building Inspector's signature on such copy. One copy of plans, similarly marked, shall be retained by the Building Inspector. The Building Inspector shall issue a placard, to be posted in a conspicuous place on the property in question, attesting to the fact that the activity is in conformance with the provisions of this Ordinance.

(b) Plan Changes After Permit Approval. All changes made after first plan submission, or during construction, shall be submitted to the Building Inspector for review and approval prior to those changes being made.
(Ord. 398-12-03. Passed 12-16-03.)

1313.06 EXPIRATION OF BUILDING PERMIT.

If the work described in any Building Permit has not begun within six months from the date of issuance thereof, said permit shall expire; it shall be revoked by the Building Inspector; and written notice thereof shall be given to the persons affected. If the work described in any Building Permit has not been completed within two years of the date of issuance thereof, said permit shall expire and be revoked by the Building Inspector, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new Building Permit has been obtained or an extension granted.
(Ord. 398-12-03. Passed 12-16-03.)

1313.07 CERTIFICATE OF OCCUPANCY.

(a) It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged, until a certificate of occupancy from both the Ashtabula County Building Department as well as the Village shall have been issued therefor stating that the proposed use of the building conforms to the requirements of this Ordinance. The issuance of a Certificate of Occupancy in no way relieves the recipient from compliance with all the requirements of this Ordinance and other regulations.

(b) Failure to comply with the provisions of Section 1313.07 shall result in denial of service by Village Utilities.
(Ord. 398-12-03. Passed 12-16-03.)

1313.08 TEMPORARY CERTIFICATE OF OCCUPANCY.

A temporary certificate of occupancy may be issued by the Building Inspector for a period not exceeding six months during alterations or partial occupancy of a building pending its completion. (Ord. 398-12-03. Passed 12-16-03.)

1313.09 RECORD OF BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY.

The Building Inspector shall maintain a record of all Building Permits and certificates of occupancy. (Ord. 398-12-03. Passed 12-16-03.)

1313.10 "AS BUILT" SURVEY.

After completion of construction an "as built" survey shall be required prior to the issuance of a Certificate of Occupancy. It shall be the responsibility of the permit holder to request the "as built" survey. See Appendix A.
(Ord. 398-12-03. Passed 12-16-03.)

1313.11 FAILURE TO OBTAIN A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY.

Failure to obtain a Building Permit or Certificates of Occupancy shall be a punishable violation of this Ordinance.
(Ord. 398-12-03. Passed 12-16-03.)

1313.12 CONSTRUCTION AS PROVIDED IN APPLICATIONS, PLANS AND CERTIFICATES.

Building Permits or certificates of occupancy issued on the basis of plans and applications approved by the Building Inspector authorize only the construction set forth in such approved plans and applications or amendments thereto, or construction contrary to that authorized shall be deemed a punishable violation of this Ordinance.
(Ord. 398-12-03. Passed 12-16-03.)

1313.13 COMPLAINTS REGARDING VIOLATIONS.

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such written complaint stating fully the causes and basis thereof, name of complainant, date, and signature shall be filed with the Building Inspector. The Building Inspector shall record properly such complaint, investigate it, and take action thereon as provided by this Ordinance.
(Ord. 398-12-03. Passed 12-16-03.)

1313.14 ENTRY AND INSPECTION OF PROPERTY.

The Building Inspector is authorized to make inspections of properties and structures in order to examine and survey the same, at any reasonable hour, for the purpose of enforcing the provisions of this Ordinance. Prior to seeking entry to any property or structure for such examination or survey, the Building Inspector shall attempt to obtain the permission of the owner or occupant to inspect. Owners, occupant(s) or their agent shall cooperate to facilitate to promptly permit such inspections. If such permission is denied or cannot be obtained, the Building Inspector shall issue a stop work order stating that access is not reasonably available or request the assistance of the Solicitor in securing a valid search warrant prior to entry.
(Ord. 398-12-03. Passed 12-16-03.)

1313.15 STOP WORK ORDER.

Subsequent to the Building Inspector's determination that work is being done contrary to this Ordinance, the Building Inspector shall write a stop work order and post it on the premises involved. Continuing work after the posting of a stop order and/or removal of a stop work order, except by the order of the Building Inspector, shall constitute a punishable violation of this Ordinance. (Ord. 398-12-03. Passed 12-16-03.)

1313.16 BUILDING PERMIT REVOCATION.

The Building Inspector may issue a revocation notice to revoke a permit or administrative approval which was issued contrary to this Ordinance or based upon false information or misrepresentation in the application.
(Ord. 398-12-03. Passed 12-16-03.)

1313.17 NOTICE OF VIOLATION.

(a) Whenever the Building Inspector or their agent determines that there is a violation of any provision of this Ordinance, a warning tag shall be issued and shall serve as a notice of violation. Such order shall:

(1) Be in writing;
(2) Identify the violation;
(3) Include a statement of the reason or reasons why it is being issued and refer to the sections of this Ordinance being violated; and
(4) State the time by which the violation shall be corrected.

(b) Service of notice of violation shall be as follows:

(1) By personal delivery to the person(s) responsible, or by leaving the notice at the usual place of residence by the owner with a person of suitable age and discretion; or
(2) By certified mail deposited in the United States Post Office addressed to the person(s) responsible at a last known address. If a certified mail envelope is returned with endorsement showing that the envelope is unclaimed, then service shall be sent by ordinary mail, and the mailing shall be evidenced by a certificate of mailing which shall be filed by the Building Inspector. Service shall be deemed complete when the fact of mailing is entered of record, provided that the ordinary mail envelope is not returned by the postal authorities with an endorsement showing failure of delivery; or
(3) By posting a copy of the notice form in a conspicuous place on the premises found in violation.

(Ord. 398-12-03. Passed 12-16-03.)

1313.18 PENALTIES AND FINES.

It shall be unlawful to erect, establish, locate, construct, reconstruct, enlarge, change, convert, move, repair, maintain, or structurally alter any building or structure in violation of any provision of this Ordinance or any amendment thereto. Any person, firm, or corporation who violates this Ordinance or fails to comply with any of its requirements shall, be fined not more than one hundred dollars ($100.00) and, in addition, shall pay all costs and expenses involved in the case. Each day such violation continues after receipt of a violation notice shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person, who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. (Ord. 398-12-03. Passed 12-16-03.)

1313.19 ADDITIONAL REMEDIES.

Nothing in this Ordinance shall be deemed to abolish, impair, or prevent other additional remedies as provided by law. In the event of a violation of any provision or requirement of this Ordinance, or in the case of an imminent threat of such a violation, the Building Inspector or the Solicitor may, in addition to other recourses provided by law, institute mandamus, injunction, abatement, or other appropriate actions to prevent, remove, abate, enjoin, or terminate such violation. (Ord. 398-12-03. Passed 12-16-03.)

CHAPTER 1315
Appeals and Variances

1315.01 General provisions.
1315.02 Appeals.
1315.03 Stay of proceedings.
1315.04 Variances.
1315.05 Application and standards for variances.
1315.06 Additional conditions and safeguards.
1315.07 Action by Building Committee.
1315.08 Term of variance.
1315.09 Authorized variance.

CROSS REFERENCES
Zoning appeals and variances - see P. & Z. Ch. 1117

1315.01 GENERAL PROVISIONS.

Appeals and variances shall conform to the procedures and requirements of Sections 1315.02 to 1315.05 inclusive.
(Ord. 398-12-03. Passed 12-16-03.)

1315.02 APPEALS.

Appeals to the Building Committee concerning interpretation or administration of this Ordinance may be taken by any person aggrieved or by any officer or bureau of the legislative authority of the Village affected by any decision of the Building Inspector. Such appeal shall be taken within twenty days after the decision by filing, with the Building Inspector and with the Building Committee, a notice of appeal specifying the grounds upon which the appeal is being taken. The Building Inspector shall transmit to the Building Committee all the papers constituting the record upon which the action appealed was taken.
(Ord. 398-12-03. Passed 12-16-03.)

1315.03 STAY OF PROCEEDINGS.

An appeal stays all proceedings in furtherance of the action appealed from, unless the Building Inspector from whom the appeal is taken certifies to the Building Committee after the notice of appeal is filed with the Building Inspector, that by reason of facts stated in the application, a stay would, in the Building Inspector's opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Building Committee on notice to the Building Inspector from whom the appeal is taken on due cause shown.
(Ord. 398-12-03. Passed 12-16-03.)

1315.04 VARIANCES.

The Building Committee may authorize upon appeal in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship. No structures, or buildings in the same district, structures, or buildings in other districts shall be considered grounds for issuance of a variance. Variances shall not be granted on the grounds of convenience or profit, but only where strict application of the provisions of this Ordinance would result in unnecessary hardship.
(Ord. 398-12-03. Passed 12-16-03.)

1315.05 APPLICATION AND STANDARDS FOR VARIANCES.

Except as otherwise permitted in this Ordinance, no variance in the strict application of the provisions of this Ordinance shall be granted by the Building Committee. The written application for the requested variance shall contain all of the following requirements:

(a) Name, address, and telephone number of applicant(s);
(b) Legal description of property;
(c) Description or nature of variance requested;
(d) Narrative statements establishing and substantiating that the variance conforms to the following standards:
    (1) The granting of the variance shall be in accord with the general purpose and intent of the regulations imposed by this Ordinance on the district in which it is located, and shall not be injurious to the area or otherwise detrimental to the public welfare.
    (2) There must exist special circumstances or conditions, fully described in the findings, applicable to the buildings for which the variance is sought, which are peculiar to such buildings and do not apply generally to buildings in the area, and which are such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of such building(s)/structure(s). Mere loss in value shall not justify a variance; there must be deprivation of beneficial use of building/structure.
    (3) There must be proof of hardship created by the strict application of this Ordinance. It is not sufficient proof of hardship to show that greater profit would result if the variance were granted. Furthermore, the hardship complained of cannot be self-created; nor can it be established on this basis by one who purchases with or without knowledge of the restrictions; it must result from the application of this Ordinance; it must be suffered directly by the property in question; and evidence of variances granted under similar circumstances need not be considered.
    (4) The granting of the variance is necessary for the reasonable use of the building, and the variance as granted is the minimum variance that will accomplish this purpose.
    (5) The granting of the variance requested will not confer on the applicant any special privilege that is denied by this regulation to other structures, or buildings in the same district.
    (Ord. 398-12-03. Passed 12-16-03.)

1315.06 ADDITIONAL CONDITIONS AND SAFEGUARDS.

The Building Committee may further prescribe any conditions and safeguards that it deems necessary to insure that the objectives of the regulations or provisions to which the variance applies will be met. Any violation of such conditions and safeguards, when they have been made a part of the terms under which the variance has been granted, shall be deemed a punishable violation under this Ordinance.
(Ord. 398-12-03. Passed 12-16-03.)

1315.07 ACTION BY BUILDING COMMITTEE.

Within five working days the Building Committee shall either approve, approve with supplementary conditions as specified in Section 1315.06, or disapprove the request for appeal or variance. The Building Committee shall further make a finding in writing that the reasons set forth in the application justify the granting of the variance that will make possible a reasonable use of the building or structure.
(Ord. 398-12-03. Passed 12-16-03.)

1315.08 TERM OF VARIANCE.

No order of the Building Committee granting a variance shall be valid for a period longer than twelve months from the date of such order unless the building permit is obtained within such period, and the erection or alteration of a building is started or the use is commenced within such period. (Ord. 398-12-03. Passed 12-16-03.)

1315.09 AUTHORIZED VARIANCE.

Variances from the regulations of this Ordinance shall not be granted unless the Building Committee makes specific findings of fact, based directly on the particular evidence presented to it. (Ord. 398-12-03. Passed 12-16-03.)

CHAPTER 1317
Amendments

1317.01 Procedure.
1317.02 General provisions.
1317.03 Initiation of building regulation amendments.
1317.04 Transmittal to Building Committee.
1317.05 Action by Council.

CROSS REFERENCES
Zoning amendments - see P. & Z. Ch. 1125

1317.01 PROCEDURE.
This Ordinance may be amended utilizing the procedures specified in Sections 1317.02 to 1317.05 inclusive. (Ord. 398-12-03. Passed 12-16-03.)

1317.02 GENERAL PROVISIONS.
Whenever the public necessity, convenience, general welfare, or good building practices require, Council may by ordinance, after receipt of recommendation thereon from the Building Committee, and subject to procedures provided by law, amend, supplement, change or repeal the regulations, restrictions, boundaries.
(Ord. 398-12-03. Passed 12-16-03.)

1317.03 INITIATION OF BUILDING REGULATION AMENDMENTS.
Amendments to this Ordinance may be initiated in one of the following ways:
(a) By the adoption of a motion by the Building Committee;
(b) By the introduction of an ordinance by the Council.
(Ord. 398-12-03. Passed 12-16-03.)

1317.04 TRANSMITTAL TO BUILDING COMMITTEE.
Immediately after the introduction of an ordinance before the Council, said ordinance shall be transmitted to the Building Committee for its review before final passage by Council. Recommendations of the Building Committee need not be returned to said Committee.
(Ord. 398-12-03. Passed 12-16-03.)

1317.05 ACTION BY COUNCIL.
Within thirty days the Council shall either adopt or deny the recommendation of the Building Committee or adopt some modification thereof.
(Ord. 398-12-03. Passed 12-16-03.)

CHAPTER 1319
General Requirements

1319.01 Purpose.
1319.02 Point system.
1319.03 Assignment of point values.
1319.04 Houses, accessory structures and gutter downspouts.
1319.05 Fences. (Repealed)
1319.06 Construction driveways and culverts.
1319.07 Roadside culverts.
1319.08 Frontal requirement.
1319.09 Plumbing fixtures below first floor level.

CROSS REFERENCES

Fences and walls - see P. & Z. 1137.12
Area, height and yard requirements - see P. & Z. Ch. 1137

1319.01 PURPOSE.

The Building Committee shall regulate the external design, appearance and location in all new home construction in a manner as to promote those aesthetic qualities, which maintain the value of the properties foster attractiveness of the community as a place to live.

More specifically:

(a) To enhance property values, to protect the property rights of all property owners, to provide economic stability, and to increase the economic and financial benefits to the Village and its property owners.

(b) To promote and protect the welfare and convenience of the community by regulating the exterior design of buildings and structures.

(c) To prevent the harmful effects of inappropriate exterior designs of buildings and structures in relation to that prevailing in the Village.

(d) To encourage the development of vacant and incompatibility developed properties in accordance with the character of the area .

(e) To create greater desirability of the immediate surrounding area for residential development purposes.

(f) To maintain a proper relationship between the value of real property and the cost of services provided to the property owners of the Village.

(Ord. 398-12-03. Passed 12-16-03.)

1319.02 POINT SYSTEM.

Point System worksheet (See Section 1319.03) must accompany all Building Permit applications. The example book, available in the Village Office, may be used as an aid in assigning point values.

(a) The following shall be included in full detail on all plans required in Section 1313.04.
  (1) Driveway(s).
  (2) Siding material.
  (3) Roofing material.
  (4) Any other item for which points are given.

(b) No partial points will be considered.

(c) The Building Inspector will review all worksheets and plans for compliance. Any newly constructed dwelling must total at least sixty five points of value from the point list in Section 1319.03. Any worksheet not accepted by the Building Inspector will be returned to the applicant with a full explanation for non-acceptance and a Building Permit will not be issued.

(Ord. 398-12-03. Passed 12-16-03.)

1319.03 ASSIGNMENT OF POINT VALUES.

NEW HOME POINT SYSTEM WORKSHEET

Owner _____ Date _____ Permit # _____
(Please print) (office use only)

Construction address_____
(Please print)

A required 63 (RC district), 53 (RB) or 43 (RA) points for a new home shall be selected from the following items:

ITEM	REQUIREMENT	POINTS
Address	Displayed on street mailbox and on home & dock (if applicable) of 3" or higher reflective letters (2 pts) or same, but with illuminated letters on home (3 pts), custom concrete address plate (4 pts)	_____
Backflow	Installation of a sanitary sewer lateral backwater valve (2 pts)	_____
Basement	≤800 s/f surface area (2 pts), >800 s/f (3 pts) or 13 course block or equivalent with eng. trusses (4 pts)	_____
Ceilings	9 ft. plus (1 pt), and/or vaulted (2pts)	_____
Front Door	3' (36") wide x 6'8" height (2 pts), 3'6" (42") wide x 7'0" plus height (5 pts), side light (1 pt), transom (2 pts), door glass (1 pt), double doors (5 pts), raised panel (1 pt), arch/radius top (2 pts)	_____
Decks/Patio	≤96 s/f (3pts), or >97 s/f (4 pts), add roof (2 pt)	_____
Demolition	Replace an existing residence with a new home (3 pts)	_____
Driveways	12' wide min. paved from the garage to St. (2 pts), or w/brick or non-aggregate pervious surface (4 pts)	_____
Duplication	A custom designed home built from a one-of-a-kind set of plans (5 pts)	_____
Fire Place	Unvented (-5 pts), stone or brick chimney (2 pts) with vented gas (3 pts) or wood burning (4 pts)	_____
Floor Levels	The addition of a 2nd level above the foundation >400 s/f of living area (6 pts)	_____
Garage	Minimum 400 s/f with a min 9' W x 8' H overhead door (3 pts per door up to 9 pts); double garage with an 16' W x 8' H door (add 5 pts). Both require access door & side walls to be at least 3' from door jambs.	_____
"Green"	Need <u>three</u>: 2" x 6" construction, solar power, geo-thermal, radiant floor heating, windows w/≈0.30 U-Factor, skylights w/≈0.55 U–factor, R-13 basement, R-44 & R-22 blown-in attic & wall insulation (6 pts)	_____
Landscaping	Front and back yard to be completely seeded and covered with straw (2 pts)	_____
Living Area	300 (3 pts) or >600 (5 pts) s/f above the min. required living area on ground floor per zoning district	_____
Lot Usage	Built on one lot (0 pts) or contiguous lots (3 pts)	_____
Outdoor Lighting	White light metal halide or L.E.D. lighting with non-corrosive fixtures/poles (1 pts) or same, but with dark sky housings (2 pts)	_____
Roof Style	6' X 12' or steeper (3 pts); Hip, Dutch Hip, Mansard or Gambrel (3 pts)	_____
Roofing	Roof home with wood shake, concrete or clay tile, slate, copper, rubber, metal or steel (2 pts)	_____
Roof Lines	Six break(s) in roof line (1 pt each up to 6 pts)	_____
Set-back	The structure's location exceeds the minimum front yard set-back (2 pts)	_____
Service Supply	All electric/data connections shall be direct buried underground; meters on side yard wall (3 pts)	_____
Side Load	The overhead garage door(s) face a direction other than a street (2 pts)	_____
Upgraded Front--facing the street	Other styles not considered usual and customary; need <u>three</u> or more of the following: *Shaped, bow, bay windows, etched glass; leaded glass; brass accents; architectural moldings, window trim, decorative vents, shutters, columns, soffit returns, use of stone, wood or brick; covered porches, with railings or pillars, other* (8 pts)	_____
Whole House	Siding of wood shake, sawn wood, masonry, fiber cement, or .046 millimeter laminated foam back vinyl (2 pts)	_____
	TOTAL POINTS	_____

<u>PLEASE NOTE: Total point calculation must be verified at final inspection.</u>

Owner's Signature _____ Date _____

Zoning/Building Officer Approval_____ Date _____

(Ord. 614-02.)

DETACHED STRUCTURE POINT SYSTEM WORKSHEET

Owner _____ Date _____ Permit # _____
(Please print) (office use only)

Construction address _____
(Please print)

A required 60 (RC), 50 (RB), or 40 (RA) points for a new detached structure (i.e. a garage that can be used for automobile storage) shall be selected from the following items:

ITEM	REQUIREMENT	POINTS
Building Size	Does not exceed maximum of 900 s/f **(3 pts)**	_____
BZA	No variance required or requested for construction **(4 pts)**	_____
Demolition	Replace an existing garage or shed with a new structure **(2 pts)**	_____
Overhead Door	Minimum of 9' W x 8' H or 16' W x 8' H with outside walls at least 3' from door jambs **(5 pts)**	_____
Number of Doors	Same as above except for two or more 9' W x 8' H overhead doors **(3 pts per door up to 9 pts)**	_____
Driveways	12' wide min., paved from garage to St. **(3 pts)** and/or w/brick or non-aggregate pervious surface **(6 pts)**	_____
Duplication	A custom designed garage built from a one-of-a-kind set of plans **(7 pts)**	_____
Four or less	No more than four total roofed structures on the property **(7 pts)**	_____
Floor	4" concrete with premium backfill and fiber mesh **(5 pts)**	_____
Lot Usage	Built on one lot **(0 pts)** or consolidated lots **(4 pts)**	_____
Outdoor Lighting	White light metal halide or L.E.D. lighting with non-corrosive fixtures/poles **(3 pts)** or same, but with dark sky housings **(4 pts)**	_____
Roof Pitch	6" X 12" or steeper **(5 pts)**	_____
Roof Style	Hip, Dutch Hip, Mansard or Gambrel **(3 pts)**	_____
Roofing	Wood shake, tile, slate, copper or steel **(3 pts)**	_____
Roof Lines	Break(s) in roof line **(1 pt each up to 3 pts)**	_____
Service Supply	All electric/data connections shall be direct buried underground; meters on side yard wall **(6 pts)**	_____
Set-Back	The structure's location exceeds the minimum front, side and back yard set-back **(3 pts)**	_____
Side-Load	The overhead door(s) face a direction other than a street **(3 pts)**	_____
Siding Upgrade	Whole building wood shake, sawn wood, masonry, fiber cement, or .046 millimeter laminated foam back vinyl **(3 pts + **)**	_____
Storm Drain	Complete gutters, downspouts & French drains connected to a min. 4" tile directed to lake/road **(1 pts)**	_____
Upgraded Front	Other styles not considered usual and customary; this must include three or more of the following: *Architectural moldings; soffit returns, enhanced door & window trim, outside illumination; decorative vents, "real" shutters, garage door with windows, brass accents; use of stone, wood or brick* **(10 pts)**	_____
Whole Building**	Construction composition and color similar to existing home **(4 pts)**	_____
	TOTAL POINTS	_____

PLEASE NOTE: Total point calculation must be verified at final inspection.

Owner's Signature _____ Date _____

Zoning/Building Officer Approval _____ Date _____

(Ord. 505-01-11. Passed 3-15-11.)

NEW SHED POINT SYSTEM WORKSHEET

Owner _____ Date _____ Permit # _____
(Please print) (office use only)

Construction address _____
(Please print)

A required 60 points for a new shed (i.e. primary use is for storage of lawn care equipment) shall be selected from the following items:

ITEM	REQUIREMENT	POINTS
Building Size	Does not exceed maximum of 900 s/f **(5 pts)**	_____
BZA	No variance required or requested for construction **(9 pts)**	_____
Demolition	Replace an existing garage or shed with a new structure **(2 pts)**	_____
Door	Hinged access door at least 3' from outside walls **(7 pts)**	_____
Doors	Same as above, two or more doors **(3 pts per door up to 9 pts)**	_____
Four or less	No more than four total permanent roofed structures on the property **(7 pts)**	_____
Foundation	Poured concrete slab **(6 pts)**	_____
"Green"	Skylights or other **(5 pts)**	_____
Lot Usage	Built on one lot **(0 pts)** or consolidated lots **(4 pts)**	_____
Height	The peak is less than twenty five feet from the highest ground **(3 pts)**	_____
Outdoor Lighting	White light metal halide or L.E.D. lighting with non-corrosive fixtures/poles **(3 pts)** or same, but with dark sky housings **(4 pts)**	_____
Roof Pitch	Not greater than 5' X 12' **(5 pts)**	_____
Roofing	Wood shake, tile, slate, copper, rubber, metal or steel **(3 pts)**	_____
Set-Back	The structure's location exceeds the minimum front, side or back yard set-back **(4 pts)**	_____
Side-Load	The main door(s) face a direction other than a street **(7 pts)**	_____
Siding Upgrade	Whole building wood shake, sawn wood, masonry, fiber cement, or .046 millimeter laminated foam back vinyl **(4 pts)**	_____
Storm Drain	Complete gutters, downspouts & French drains connected to a min. 4" tile directed to lake/road **(1 pts)**	_____
Upgrades	Other styles not considered usual and customary; this must include three or more of the following: Architectural moldings; enhanced door & window trim; decorative vents, shutters, windows, door windows, brass accents; use of stone, and wood or brick **(8 pts)**	_____
Whole Building	Construction composition and color similar as existing home **(7 pts)**	_____

TOTAL POINTS _____

PLEASE NOTE: Total point calculation must be verified at final inspection.

Owner's Signature _____ Date _____

Zoning/Building Officer Approval _____ Date _____

(Ord. 505-01-11. Passed 3-15-11.)

STRUCTURE ADDITION & UPGRADE POINT SYSTEM WORKSHEET

Owner _____ Date _____ Permit # _____
(Please print) (office use only)

Construction address _____ Zoning District ____
(Please print)

A required 60 (RC), 50 (RB), or 40 (RA) points for a structure addition shall be selected from the following items (note: outstanding features of the existing primary structure may be scored as part of an overall project):

ITEM	REQUIREMENT	POINTS
Address	Displayed on street mailbox and on home & dock (if applicable) of 3" or higher reflective letters **(2 pts)** or same, but with illuminated letters on home **(3 pts)**	____
Backflow	Installation of a sanitary sewer lateral backwater valve **(2 pts)**	____
Ceiling	9 ft. plus **(1 pt)**, and/or vaulted **(2pts)**	____
Decks/Patio	≤96 s/f **(2pts)**, or >97 s/f **(3 pts)**, add roof **(1 pt)**	____
Demolition	Replacing architectural features of the existing structure with new construction **(3 pts)**	____
Driveways	12' wide min. paved from the garage to St. **(2 pts)**, or w/brick or non-aggregate pervious surface **(4 pts)**	____
Duplication	A custom design with a one-of-a-kind set of plans **(5 pts)**	____
Fire Place	Unvented **(-5 pts)**, stone or brick chimney **(2 pts)** with vented gas **(3 pts)** or wood burning **(4 pts)**	____
Floor Levels	The addition of a 2nd level above the foundation >400 s/f of living area **(5 pts)**	____
Four or less	No more than four total roofed structures on the property **(3 pts)**	____
Garage	Minimum 400 s/f with a min 9' W x 8' H overhead door **(3 pts per door up to 9 pts)**; double garage with a 16' W x 8' H door **(add 5 pts)**. Both require access door & side walls to be at least 3' from door jambs.	____
"Green"	2" x 6" construction, solar power, geo-thermal HVAC, radiant floor heating, R-13 basement, windows with a U-factor of ≈0.30, skylights with a U–factor of ≈0.55, or R-49 roof insulation **(4 pts)**	____
Landscaping	Front and back yard is landscaped or seeded and covered with straw **(3 pts)**	____
Living Area	300 **(3 pts)** or >600 **(5 pts)** s/f above the min. required living area on ground floor per zoning district	____
Lot Usage	Built on one lot **(0 pts)** or on consolidated lots **(3 pts)**	____
Outdoor Lighting	White light metal halide or L.E.D. lighting with non-corrosive fixtures/poles **(1 pts)** or same, but with dark sky housings **(2 pts)**	____
Roof Style	6' X 12' or steeper **(3 pts)**; Hip, Dutch Hip, Mansard or Gambrel **(3 pts)**	____
Roofing	Re-roof home with wood shake, concrete or clay tile, slate, copper, rubber, metal or steel **(2 pts)**	____
Roof Line (1)	Three break(s) in roof line **(2 pts)**, six breaks **(4 pts)**	____
Roof Line (2)	The roof ridge of the addition must be lower than the existing home, if the ridge must be higher, a lower connecting roof is to be inserted in the middle **(5 pts)**	____
Service Supply	All electric/data connections direct buried underground; meters on side yard wall **(3 pts)**	____
Set-Back	The location of the addition exceeds the minimum front yard set-back **(2 pts)**	____
Side load	The overhead garage door(s) face a direction other than a street **(2 pts)**	____
Storm Drain	Complete gutters, downspouts & French drains connected to a min. 4" tile directed to lake/road **(3 pts)**	____
Upgraded Front	Other styles not considered usual and customary; this must include three or more of the following: Shaped, bow, bay windows; 8' doors, doors with etched glass; leaded glass; side lights; double doors; brass accents; transoms; architectural moldings, enhanced door & window trim, decorative vents, "real" shutters, columns, soffit returns, use of stone, wood or brick; covered porches, with railings or pillars **(6 pts)**	____
Whole House	Siding of wood shake, sawn wood, masonry, fiber cement, or .046 millimeter laminated foam back vinyl **(2 pts)**	____

PLEASE NOTE: Total point calculation must be verified at final inspection. **TOTAL POINTS** _____

Owner's Signature _____ Date _____

Zoning/Building Officer Approval _____ Date _____

8/7/14

(Ord. 505-01-11. Passed 3-15-11.)

NEW BOAT HOUSE POINT SYSTEM WORKSHEET

Owner _____ Date_____ Permit # _____
(Please print) (office use only)

Construction address _____
(Please print)

The required 60 out of 100 eligible points for a new wet slip boat house shall be selected from the following items:

ITEM	REQUIREMENT		POINTS
Building Size	Structure built to a maximum of 20' x 30' with the maximum 15' x 28' water berth (4 pts)		_____
BZA	No variance required or requested for construction (4 pts)		_____
Demolition	Replace an existing boat house with a new structure (4 pts)		_____
Duplication	A custom designed boat house built from a one-of-a-kind set of plans (9 pts)	_____	
Exterior Upgrade	Other styles not considered usual and customary; this must include three or more of the following: Architectural moldings; enhanced door & window trim; decorative vents, door with windows, brass accents; use of stone, and wood or brick (12 pts)		_____
Skylight	One or more roof mounted skylights (5 pts)	_____	
Four or less	No more than four total roofed structures on the property (7 pts)		_____
Foundation	Treated timber with driven galvanized H beams or poured concrete (8 pts)		_____
Lot Usage	Built on one lot (0 pts) or part of consolidated lots (4 pts)		_____
Outdoor Lighting	White light metal halide or L.E.D. lighting with non-corrosive fixtures/poles (3 pts) or same, but with dark sky housings (4 pts)		_____
Overhead Door	9' W x 8' H or 16' W x 8' H with side walls at least 3' from door jambs (4 pts)		_____
Roof Pitch	May be flat or gabled with a 5' x 12' or LESS roof pitch (5 pts)		_____
Roofing	Wood shake, tile, slate, copper or steel (5 pts)		_____
Seamless*	Similar in appearance to the planned or existing primary structure (5 pts)		_____
Siding Upgrade	Whole building wood shake, sawn wood, masonry, fiber cement, or .046 millimeter laminated foam back vinyl (5 pts, plus *)		_____
Service Supply	All electric/data connections shall be direct buried underground (6 pts)		_____
Storm Drain	Complete gutters, downspouts & French drain system connected to a min. 4" tile directed to lake or road (6 pts)		_____
		TOTAL POINTS	_____

PLEASE NOTE: Total point calculation must be verified at final inspection.

Owner's Signature _____ Date _____

Zoning/Building Officer Approval _____ Date _____

(Ord. 505-01-11. Passed 3-15-11.)

1319.04 HOUSES, ACCESSORY STRUCTURES AND GUTTER DOWNSPOUTS.

(a) Houses.

(1) Similar exterior design of a dwelling unit shall not be constructed within five adjoining lots, and/or abutting lots.

(2) The roof pitch on all one-story homes shall be not less than five/twelve (5/12) and a minimum overhang of not less than twelve (12) inches around the entire perimeter.

(3) All homes must meet the requirements of Section 1319.03.

(b) Accessory Structures.

(1) Accessory buildings over 160 square feet (up to 900 square feet)will have only gable roofs with a pitch not greater than five/twelve (5/12).

(2) Accessory buildings shall be only one-story structures with a maximum vertical distance of ten feet to the eaves.

(3) No living facilities, including plumbing, sleeping quarters or other habitable use shall be permitted.

(4) The completed foundation must be checked and approved by the Building Committee for compliance with site plan prior to erection or placement of the structure.

(c) Gazebos and Pavilion Type Accessory Structures.

(1) The structure shall be an open or screened, square or multisided structure, not used for seasonal or other storage.

(2) Approval of the design, location, method of construction and type of materials used shall be approved by the Building Committee.

(d) Gutters and Downspouts.

(1) All structures, 400 sq. ft. or larger, in area shall have gutters and downspouts.

(2) All gutter downspouts shall be connected to Schedule 40 PVC drainpipe or solid Poly Drain flexible tubing and run under ground.

A. Off-lake lots shall empty into roadside ditches or connect to roadside culvert.

B. Lakefront lots shall empty into the lake, roadside ditch or connect to roadside culvert. (Ord. 398-12-03. Passed 12-16-03.)

(e) Sanitary Sewer Connections.

(1) Sanitary Sewer Back Flow preventors (check valves) are required for all new houses.

(2) All new homes shall have the sanitary sewer connection inspected by the Village Zoning and Building Inspector prior to covering with dirt.

(3) Smoke Testing ($75.00 fee) shall be conducted by the Village Utility at the time of any existing home transfer, to assure that storm water does not infiltrate the sanitary system.

(f) Model/Spec Homes.

(1) Require written permission of the Building Committee.

(2) A model home may not be on the same street for more than one year. (Ord. 398-12-03. Passed 12-16-03; Ord. 505-01-11. Passed 3-15-11.)

1319.05 FENCES. (REPEALED)

EDITOR'S NOTE: Former Section 1319.05 was repealed by Ordinance 601-05-14, passed May 20, 2014.

1319.06 CONSTRUCTION DRIVEWAYS AND CULVERTS.

(a) Construction driveways, according to subsection (b) hereof, shall be completed before a Building Permit will be issued.

(b) A construction driveway of a minimum of twenty-five feet in length and a minimum of ten feet in width shall be completed prior to any construction. The driveway cut shall be made to allow a minimum base of 8 inches of # 1 or #2 or larger limestone covered with a topping of one inch of #304 granular.

(c) All driveway culverts shall be installed under the supervision of the Village Administrator before submission of building plans. The cost of installation to be born by the property owner.

(d) Driveway culverts shall be a minimum of twelve inches by thirty feet long, of N-12 smooth interior PVC.

(e) Driveway culverts must be covered with the same materials as the driveway.
(Ord. 398-12-03. Passed 12-16-03.)

1319.07 ROADSIDE CULVERTS.

(a) All roadside culverts shall be installed under the supervision of the Village Administrator and shall require a permit. The cost of installation shall be borne by the property owner.

(b) Roadside culverts shall be a minimum twelve inch diameter N-12 smooth interior PVC.

(c) Roadside culverts shall have one or more clean out(s) and grate(s) per lot not greater than eighty feet apart and must accommodate road drainage.
(Ord. 398-12-03. Passed 12-16-03.)

1319.08 FRONTAL REQUIREMENT.

One story residential structures shall be placed upon the building site so that not less than forty feet of the structure is parallel to the road.
(Ord. 225-11-95. Passed 1-16-95.)

1319.09 PLUMBING FIXTURES BELOW FIRST FLOOR LEVEL.

There is hereby adopted the following standards for installation of plumbing fixtures and drains below first floor or grade level:

(a) No person or entity shall construct a structure and install therein plumbing fixtures and drains in any basement or living area built below grade unless accompanied by equipment referenced in subsection (b) below.

(b) Any structure in which there is to be installed a plumbing fixture or drain below grade shall be installed only in conjunction with a lift station of approved size and quality adequate to discharge sanitary waste from the structure to a gravity discharge installed not less than two feet below grade.

The Village Administrator may, based upon particular topographical features, grant variances from the requirements of this section.
(Ord. 262-02-97. Passed 2-18-97.)

CHAPTER 1321
Structure Location Requirements

1321.01 General requirements. **1321.02 Survey methods.**

1321.01 GENERAL REQUIREMENTS.

Survey method #2 is required for the principal building, boathouse or any structures deemed necessary by the Building Inspector.
(Ord. 398-12-03. Passed 12-16-03.)

1321.02 SURVEY METHODS.

(a) Method #1:
- (1) Lot lines and structure must be staked out and strung from survey pins prior to permit application.
- (2) Site improvement plans must be drawn to a scale of one inch per twenty feet. Location of the subject structure may be drawn on a reduced copy of the site plan providing the dimensions are clear and accurate.

(b) Method #2:
- (1) A site improvement plan prepared and certified by a registered surveyor, drawn to a scale of at least one inch equals fifty feet and showing the following:
  - A. All lot lines with dimensions.
  - B. All required building setbacks must be indicated with dashed lines.
  - C. An outline of proposed structure indicating its proposed location on the lot. The outline must show all breaks in the foundation walls and the measurements of each break.
  - D. The distance from each setback line to the structure projection closest to the setback line on every side of the structure.
- (2) The surveyor must certify from county records and indicate on the site plan whether the lot is an "A", "B", or "C" lot.

(3) The surveyor shall return to the building site at the time the footers are in place, and certify that the footers and/or walls comply with the site plan as approved by the Building Inspector. Any non-compliance with this provision shall cause an immediate stoppage of the job progress until compliance is achieved.

(4) The surveyor shall forward correspondence certifying that structure placement is as indicated on the site improvement plan to the Village office. (Ord. 398-12-03. Passed 12-16-03.)

CHAPTER 1323
Erosion Control, Seawalls and Docks

1323.01 Erosion control.
1323.01.1 Clearing of lots.
1323.01.2 Lawns required at completion of construction.
1323.02 Seawalls.
1323.03 Stairs.
1323.04 Docks.
1323.05 Removal of material from the lake bottom.

CROSS REFERENCES
New subdivisions - see P. & Z. Ch. 1189

1323.01 EROSION CONTROL.

(a) For the purpose of this chapter, "erosion control devices" shall mean silt fences and other such devices or controls designed to prevent soil carried by rainwater, residential hoses or melting snow to enter lakes and water courses, roads and adjacent land, and shall be approved by the Village Administrator. Silt fences shall be installed as shown in Appendix E.

(b) No person shall remove vegetation or disturb soil to the extent that it causes or is likely to cause soil or other debris to be carried by water runoff into lakes, streams, drainage ditches, roadways or onto the adjacent land of others without adequate erosion control devices.

(c) No person shall clear land for the purpose of constructing a home, structure or addition without first having obtained a building permit from the Ashtabula County Building Department and a Zoning Permit from the Village. When construction is not commenced within two weeks of clearing the land, the owner of the land shall plant temporary grass or ground cover.

(d) Any person found violating any provision fo this section shall be fined $100.00 for each day s/he is found violating this section.
(Ord. 539-11-11. Passed 6-19-11.)

1323.01.1 CLEARING OF LOTS.

A (building) permit shall be required for the clearing of a lot prior to building, or for substantially disturbing the soil for any other purpose.

A site plan, following the same requirements as Chapter 1321 shall be submitted with the permit application.

Complete erosion control (See Section 1323.01 and Appendix E) shall be required during clearing.

When construction is not planned within two weeks, temporary grass or ground cover shall be installed within two weeks of clearing. The erosion control shall remain in place until the temporary grass or ground cover is well established.

No clearing is permitted during the period from February 15 through April 15.

Failure to comply with Section 1323.01.1 shall be a minor misdemeanor.

(Ord. 458-04-08. Passed 6-17-08.)

1323.01.2 LAWNS REQUIRED AT COMPLETION OF CONSTRUCTION.

For any construction where the soil is substantially disturbed, a lawn shall be installed within 2 weeks of the completion of construction. All erosion control devices shall remain in place until the lawn is well established.

If it is impossible to install a lawn due to weather or other conditions, a conditional occupancy permit may be issued, and all erosion control devices must remain in place until the lawn is installed.

An unconditional occupancy permit shall not be issued until the lawn is installed.

(Ord. 458-04-08. Passed 6-17-08.)

1323.02 SEAWALLS.

1323.02.1 Definition of Seawall. A wall constructed along the shoreline of a lake front property for the purpose of preventing erosion of the shoreline.

1323.02.2 Requirements.

(a) Seawalls shall be installed on all lakefront lots. Construction of an entire seawall, from property line to property line, shall be completed prior to commencing construction of any structure being erected on the lot.

(b) Materials used must be effective and compatible in a residential recreational area. (See 1323.02.3.) No refuse materials are permitted.

1323.02.3 Permitted Seawalls.

(a) All Wood Construction. When a seawall is constructed entirely of wood, "dead-man" timbers must be placed, at a minimum, every 10 feet.

(b) Steel Piles with Wooden Wall. Piles must be placed a maximum of 10 feet apart and driven a minimum of 2 feet into the lake bed.

(c) Re-enforced, Poured Concrete Construction. Wire mesh and rebar re-enforcement shall be used.

(d) Interlocking metal, plastic or fiberglass pilings.

(e) Built Up Concrete Shapes or Flagstone. Interlocking concrete moldings designed for underwater walls or flagstones a minimum of 14 inches by 14 inches by 3 inches thick may be stacked to form a seawall.

1323.02.4 Fill Behind Seawalls.

For subsection 1323.02.3(a) to (e) hereof, fill consisting of a minimum of #3 or #4 limestone shall be placed within geofabric containment from 3 feet behind the seawall to the seawall and to a depth equal to the height of the seawall.

1323.02.5 Rip-Rap as a Substitute for Seawalls.

Only on slopes of 20 degrees or less as the shore enters the water, Rip-Rap may be substituted for the types of seawall shown above (subsection 1323.02.3(a) to (e)). Specially designed concrete shapes or a minimum of #1 or #2 limestone shall be used.

1323.02.6 No permanent roof structure, extending beyond the seawall, shall be built out over the lake. (Ord. 468-12-08. Passed 4-21-09.)

1323.03 STAIRS.

(a) Wooden stairs shall be constructed of pressure treated lumber.

(b) Landings incorporated in these stairs shall be a maximum size of six feet by six feet.

(c) Stairs, constructed on grade, in the fifty foot setback are acceptable.
(Ord. 398-12-03. Passed 12-16-03.)

1323.04 DOCKS.

WET SLIP DOCK/BOATHOUSE

(a) Wet Slip Dock.
- (1) A wet slip dock may be constructed prior to the erection of the principal building.
- (2) Size shall not be greater than fifteen feet in width and twenty-eight feet in length measured from the seawall.
- (3) Excavation shall not be deeper than the original lake bottom. See Section 1323.05.
- (4) A retaining wall is required along the excavated perimeter.

(b) Wet Slip Boathouse.

(1) A wet slip boathouse may be constructed prior to the erection of the principal building.

(2) The maximum size shall be twenty feet wide and thirty feet long with a maximum fifteen foot by twenty-eight foot water berth area.

(3) Height shall not exceed eight feet from the waterfront docking area to the eaves.

(4) Roof may be flat or gabled with a maximum pitch of five/twelve (5/12).

(5) No windows or doors, other than a service door, not to exceed three feet in width, and an overhead door for boat access from the water, shall be permitted.

(6) No living facilities including plumbing, sleeping quarters or other habitable uses shall be permitted.

(7) No uses other than those related to lake activities shall be permitted.

(c) Docks and Walkways.

(1) All floating docks shall be securely attached to the site and be no further than twenty feet beyond the seawall.

(2) A dock shall extend no further into the lake than twenty feet beyond the seawall and shall be no wider than eight feet.

(3) Permanent docks of wood construction shall have pilings driven to a depth to withstand heaving by ice. Standard construction methods shall be used for all wood construction. Another approved material is aluminum.

(4) Alternative materials require approval by the Building Inspector.

(5) Floating docks shall be wood or metal with flotation devices other than ferrous metal type. These flotation devices shall have specifications indicating material, strength, and durability.

(6) Walkways parallel with the seawall may extend inland from the seawall and at the same level as the seawall a distance not greater than eight feet. Walkways, with an extension greater than eight feet shall be considered decks.

(7) Walkways may extend over the seawall a distance not greater than two feet to provide parallel docking. Walkways extending more than two feet shall be considered docks.

(8) All free-floating platforms will be securely anchored and shall not extend beyond twenty feet from the seawall at its furthest edge.

(9) Not more than two docks may be installed on any single lot. (Ord. 398-12-03. Passed 12-16-03.)

(10) Docks may not be built within the 10 foot side yard setback. (Ord. 469-12-08. Passed 4-21-09.)

(d) Dock Boxes. Maximum size not to exceed three feet wide, three feet high and eight feet long. (Ord. 398-12-03. Passed 12-16-03.)

1323.05 REMOVAL OF MATERIAL FROM THE LAKE BOTTOM.

(a) An application, available at the Association office, must be submitted and approval obtained before any work is started. This application must include a detailed sketch of the area where work is planned, details of how and where spoils will be deposited and the planned depth of removal.

(b) Material may be removed only down to the original lake bottom.

(c) Removal may be performed in an area up to twenty feet into the lake from property owner's shoreline, within the side property lines.

(d) The material removed must be disposed of in such a manner that it does not reenter the lake. No material shall be placed on Rome Rock Association property without written permission of the General Manager and/or Board of Directors.

(e) No material shall be introduced into or allowed to reenter the lake including slurry or water contained in the substance being removed from the lake.
(Ord. 398-12-03. Passed 12-16-03.)

APPENDIX A

AS BUILT SURVEY

Lot Number _____Permit Date ___/___/___ Date ___/___/___

Name _____

Description _____

	YES	NO
Surveyors Certification	____	____
Erosion control in place	____	____
Seawall installed	____	____
Roads associated with property	____	____
Driveway	____	____
Driveway culvert	____	____
Downspouts installed and connected properly	____	____
Property cleared of debris and building litter	____	____
Satisfactorily rough graded	____	____
Structure exterior complete	____	____
Structure completed according to approved building plans	____	____
All items of approved 65 point plan completed	____	____

Inspected By:

_____ _____

_____ _____

_____

(Ord. 398-12-03. Passed 12-16-03.)

APPENDIX B

ROAMING SHORES POINT SYSTEM WORKSHEET

The 65 point requirement total shall be selected from the following items:

ITEM	REQUIREMENT	POINTS	TALLY
Driveways	Paved from the garage to street	10	_____
Garage	Attached, min of 300 Sq. Ft. with a min. 10 Ft. overhead door.	15	_____
Roof Pitch	6 X 12 or steeper	10	_____
Roofing	Wood shingles, tile, slate, copper, or upgraded shingles.	10	_____
Roof lines	Break or breaks in roof line. 5 points per break with a max. of three (3) breaks.	5	_____
Front of dwelling	Upgraded home fronts. This may include: Other styles not considered usual and customary; Bay windows; Doors with etched glass; Leaded glass; Side lights; Double doors; Brass accents; Use of stone, wood or brick; Design of the dwelling; Porches, with or without railings; The end result which will provide an architecturally pleasing result. (Examples are available at the Village Office.)	15	_____
Living area	At least three hundred (300) Sq. Ft. above the minimum required living area on the ground floor.	10	_____
Floor levels	The addition of a second level above the foundation exceeding four hundred (400) Sq. Ft. of living area.	10	_____
	TOTAL POINT VALUE		_____

(Ord. 398-12-03. Passed 12-16-03.)

APPENDIX C

ZONING/BUILDING PERMIT CHECK LIST

		Yes	No
1.	Application submitted?	____	____
2.	Is the approved seawall installed?	____	____
3.	Is the approved erosion control installed?	____	____
4.	Are the culvert(s) and construction driveway installed?	____	____
5.	3 sets of plans submitted?	____	____
6.	Site plan submitted(if not included on plans)?	____	____
7.	Point System Worksheet submitted?	____	____
8.	Final Inspection performed?	____	____

(Ord. 398-12-03. Passed 12-16-03.)

APPENDIX D

VILLAGE OF ROAMING SHORES, OHIO.
APPLICATION FOR BUILDING/ZONING PERMIT

Permit Number _____ Date __/__/__

Location – Lot Number & Street_____

Description of Construction: _____
_____

Owner _____
Address _____
_____
Phone (___) ____-_____
(___) ____-_____

Builder _____
Address _____
_____
Phone (___) ____-_____
(___)____-_____

Survey Method: #1 _____ (See Building Regulations Section 8)
#2 _____

AFFIDAVIT

Applicant, _____ , being first duly sworn according to law, deposes and says:

(1) That he/she is the owner of real estate within the Village of Roaming Shores and has applied for a Building and or Zoning permit(s) to effect changes upon said real estate.

(2) That he/she has reviewed the Deed and other evidence of title to the said real estate and affirms to the Village that the permit sought from the Village is in compliance with all covenants and restrictions associated with said real estate and, by his/her signature hereupon, authorizes representatives of the Village to confirm and verify such compliance with any regulatory authority associated with such covenants and restrictions.

_____
APPLICANT

STATE OF OHIO)
) SS:
COUNTY OF ASHTABULA)

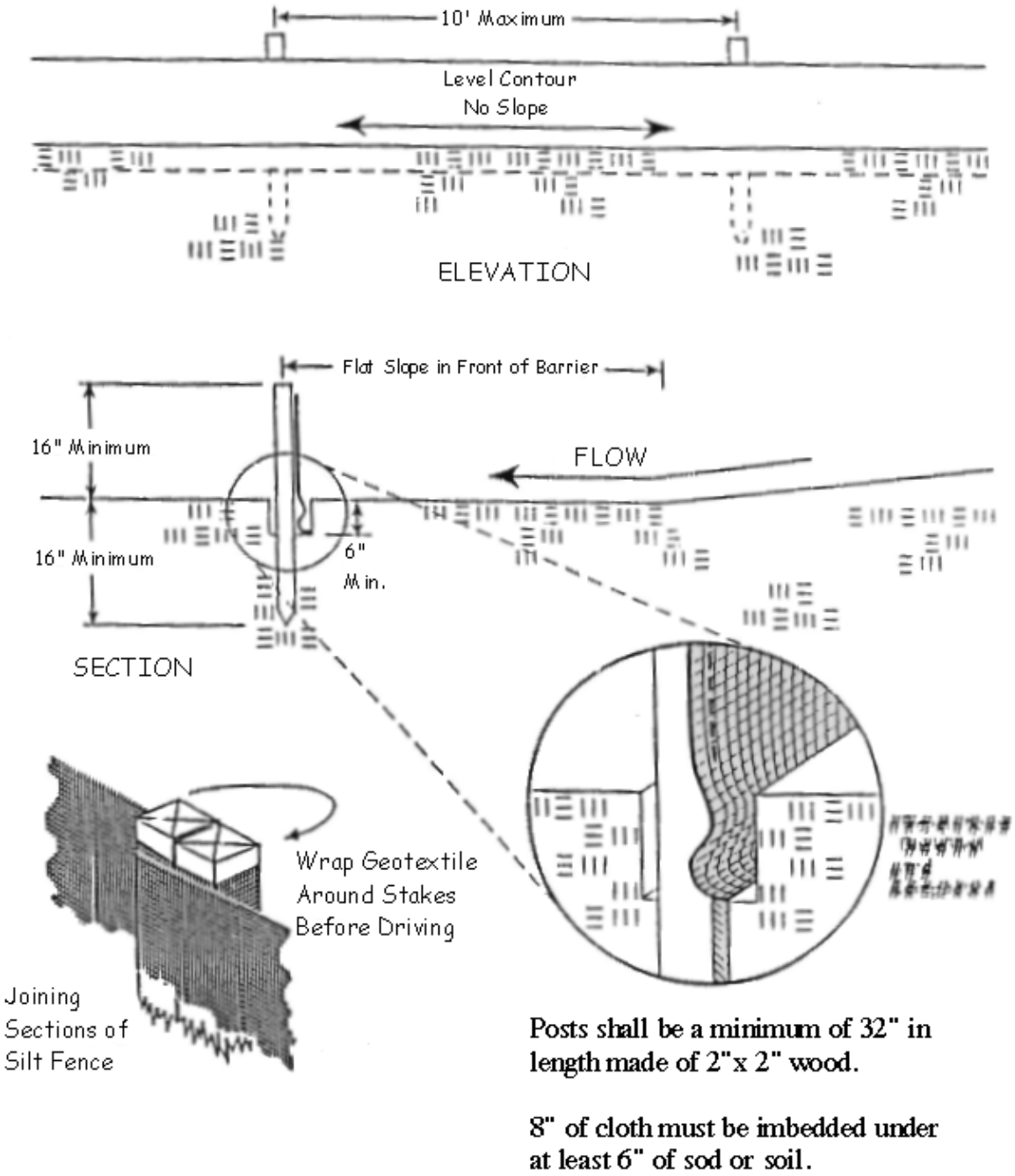
SUBSCRIBED TO AND SWORN TO before me on this_____day of _____,200__

_____
Notary Public

(Ord. 398-12-03. Passed 12-16-03.)

APPENDIX E

Attachment A



(Ord. 398-12-03. Passed 12-16-03.)

TITLE THREE - Other Building Standards

Chap. 1335. Registration of Contractors.
Chap. 1337. Flood Damage Prevention.
Chap. 1343. Public Right-of-Way.
Chap. 1347. Road Limitations and Bonds.
Chap. 1351. Property Maintenance.
Chap. 1355. Building Numbering.
Chap. 1359. Foreclosure of Residential Properties.
Chap. 1361. Vacant Buildings.
Chap. 1363. Property Maintenance Code.

CHAPTER 1335
Registration of Contractors

1335.01 Contractor registration required.
1335.02 Owner-occupant exemption.
1335.03 Public utilities exemption.
1335.04 Qualification of applicants.
1335.05 Application and letters of reference.
1335.06 Evidence of insurance required.
1335.07 Expiration and renewal of registration.
1335.08 Contractor registration nontransferable.
1335.09 Contractor registration issuance.
1335.10 Contractor registration suspension by Building Inspector.
1335.11 Suspension hearing; enforcement and appeal.
1335.12 Contractor registration revocation by Board of Zoning Appeals.
1335.13 Revocation hearing; enforcement and appeal.
1335.99 Penalty.

1335.01 CONTRACTOR REGISTRATION REQUIRED.

(a) No person shall engage in, advertise for, submit bids on, contract for or represent himself as being in the general building, electrical, heating, ventilating, air conditioning, plumbing, landscaping, or fire equipment business or trade within the Village of Roaming Shores without first obtaining a contractor registration herein.

(General building shall include, but not be limited to, concrete, masonry, excavator, lot clearing, trenching, carpentry, drywall, roofing, sewer and water excavation, siding and landscaping contractor registration.)

(b) No person shall commence, complete or substantially complete, the erection, construction, alteration or repair of a building or structure without first obtaining a contractor registration.

(c) Any contract made or bid submitted by any person not licensed as required herein shall be null and void, and no action may be maintained, and no compensation or other consideration shall be paid thereon.

(d) No person shall engage in the business or trade of servicing any fire protective equipment or other equipment pertaining to life or fire safety without first obtaining a contractor registration. "Other equipment" includes cooking exhaust systems.

(e) Fees shall be established to be $25.00 initial and $10.00 renewal for general contractors and $75.00 initial and $50.00 renewal for fire safety. Contractor registrations shall expire on December 31st of the year issued and shall be renewed in the following year.
(Ord. 457-04-08. Passed 6-17-08.)

1335.02 OWNER-OCCUPANT EXEMPTION.

(a) No license shall be required for a bona fide owner and occupant of a single-family dwelling who personally or with casual assistance performs work upon the premises occupied or to be occupied by the owner.

(b) The owner shall furnish a signed affidavit stating he is the owner and occupant of the single-family dwelling and shall personally perform the work upon the premises for which a permit is required.

(c) "Casual assistance", as used herein, means any work, aid or direction that is not of a technical nature.

(d) All work performed by an owner shall be done in compliance with the provisions of the Roaming Shores Building Code and the laws of the State of Ohio.

(e) All work performed by an owner shall be pursuant to a permit issued by the Village.
(Ord. 457-04-08. Passed 6-17-08.)

1335.03 PUBLIC UTILITIES EXEMPTION.

(a) No license shall be required for a public utilities company or its employees performing work on the installation, construction or repair of utility property within the right of way of any public street or alley or any right of way granted by lease, easement, license or permissive use.

(b) No license shall be required for a public utilities company or its employees installing conductors and equipment from the utility supply system to the service entrance conductors of premises served, provided such installations are outside the structure served or terminate immediately inside a building wall.

(c) "Public utility", as used herein, has the same meaning as defined in Ohio R.C. 4905.02. (Ord. 457-04-08. Passed 6-17-08.)

1335.04 QUALIFICATION OF APPLICANTS.

(a) Contractor registrations shall be provided only to applicants at least eighteen years of age.

(b) Applicants who wish to register as electrical, heating, ventilating and air conditioning and plumbing contractors shall submit a copy of a Certificate as issued by the State of Ohio, Department of Industrial Relations, Construction Industry Examining Board to perform work as an electrical, heating, ventilating and air conditioning and plumbing contractor. Applicants who wish to register as a fire suppression system or fire detection system contractor shall submit a copy of the Certificate as issued by the State of Ohio, Department of Commerce, Division of State Fire Marshal, to perform work as a fire suppression system or fire detection system contractor. If the following contractors are used as subcontractors, a list must be provided to the Village. No bond will be required if they are working for a registered and bonded general contractor or a registered home improvement contractor and provide the Village with proof of employment. If they are working for a homeowner, they shall comply with the following:

(1) Concrete footing contractor.
(2) Foundation excavation contractor.
(3) Masonry contractors.
(4) Framing contractor.
(5) Siding contractor.
(6) Roofing contractor.
(7) Insulation contractor.

(c) Applicants who wish to be registered as a general building contractor performing general building work shall submit a copy of a license from a City or County issuing such licenses.

(d) Applicants shall be of good moral character. Factors to be considered in determining good moral character are the history of compliance or violation of this or other building codes, criminal convictions, and dishonest practices in the conduct of a business, trade or profession. (Ord. 457-04-08. Passed 6-17-08.)

1335.05 APPLICATION AND LETTERS OF REFERENCE.

The Building Department shall prepare and furnish to an applicant forms on which the application shall be made. The application shall be accompanied by at least three letters of reference from persons who are acquainted with the applicant's experience or training in the business or trade in which he seeks to be registered. The letters shall be from contractors registered in the trade in which the application is being made, inspectors in the trade in which the application is being made or from registered architects or engineers in that field. All letters shall be on original letterhead. (Ord. 457-04-08. Passed 6-17-08.)

1335.06 EVIDENCE OF INSURANCE REQUIRED.

Each applicant for a contractor registration shall furnish a Certificate of Insurance for bodily injury in the amount of one hundred thousand dollars ($100,000), three hundred thousand ($300,000) and for property damage in the amount of fifty thousand dollars ($50,000). The Village of Roaming Shores shall be listed as an additionally Insured on the Certificate.
(Ord. 457-04-08. Passed 6-17-08.)

1335.07 EXPIRATION AND RENEWAL OF REGISTRATION.

All contractor registrations shall expire at 12:00 midnight, December 31 of each year, and no permits shall be granted until the license has been secured for the ensuing year. Renewals may be made for the ensuing year upon payment of a fee and completion of application and submission of Certificate of Insurance if not renewed on or before December 31 of each year.
(Ord. 457-04-08. Passed 6-17-08.)

1335.08 CONTRACTOR REGISTRATION NONTRANSFERABLE.

Contractor registrations are not transferable and may not be altered, erased, defaced or reproduced. (Ord. 457-04-08. Passed 6-17-08.)

1335.09 CONTRACTOR REGISTRATION ISSUANCE.

Contractor registrations shall be issued by the Building Inspector upon approval of the application and payment of all fees.
(Ord. 457-04-08. Passed 6-17-08.)

1335.10 CONTRACTOR REGISTRATION SUSPENSION BY BUILDING INSPECTOR.

The Building Inspector may suspend, for a specified period of time not to exceed six months, any license or the renewal of any license for good cause including, but not limited to, the following:

(a) Misrepresentation of a material fact in obtaining a license or the renewal thereof.
(b) Use of license in obtaining a permit for another.
(c) Failure to secure the permits or approval required by this Building Code.
(d) Workmanship or work not in conformity with the permit issued thereof.
(e) Conviction of a felony by the licensee, provided suspension is deemed necessary in the public interest.
(f) Violation of any provision of this Building Code.
(g) Dishonest or unfair practices in the conduct of a business or practice of a trade.
(h) Consumer fraud violations.

(Ord. 457-04-08. Passed 6-17-08.)

1335.11 SUSPENSION HEARING; ENFORCEMENT AND APPEAL.

(a) No license shall be suspended without notice and opportunity for a hearing by the registrant. The Building Inspector shall conduct the hearing.

(b) Whenever a license is suspended, the Building Inspector shall enforce suspension by notification by certified mail sent to the registrant who shall surrender the license to the Building Inspector for the duration of the suspension period.

(c) Whenever a license is suspended, no work shall be performed by the registrant authorized by the license except work necessary to correct a violation of the Building Code specified in the notice of suspension. Corrections shall be made within three working days of the effective date of suspension. Any suspension may be continued until all corrections have been made. (Ord. 457-04-08. Passed 6-17-08.)

1335.12 CONTRACTOR REGISTRATION REVOCATION BY BOARD OF ZONING APPEALS.

The Board of Zoning Appeals may revoke a license for good cause including but not limited to the following:

(a) Misrepresentation of a material fact in obtaining a license or the renewal thereof.
(b) Use of a license in obtaining a permit for another.
(c) Failure to secure the permits, inspections or approvals required by this Building Code.
(d) Workmanship or work not in conformity with the permit issued therefor.
(e) Conviction of a felony by licensee, provided revocation is deemed necessary in the public interest.
(f) Suspension of a license three times within a five-year period.
(g) Dishonest or unfair practices in the conduct of a business or practice of a trade.
(h) Consumer fraud violations.

(Ord. 457-04-08. Passed 6-17-08.)

1335.13 REVOCATION HEARING; ENFORCEMENT AND APPEAL.

(a) No contractor registration shall be revoked without notice and public hearing before the Board of Zoning Appeals. The licensee may appear with or without counsel. The Board of Zoning Appeals may revoke only for good cause upon a preponderance of the evidence.

(b) Whenever a contractor registration is revoked, the Building Inspector shall enforce the revocation by certified mail to the licensee who shall surrender the license to the Building Inspector immediately. Any person whose license has been revoked may not reapply for a contractor registration until one year for the first offense and three years for the second offense after the date of revocation.

(Ord. 457-04-08. Passed 6-17-08.)

1335.99 PENALTY.

Whoever violates any provision of the chapter is guilty of a misdemeanor of the first degree. Each day a violation continues or occurs shall constitute a separate offense.

(Ord. 457-04-08. Passed 6-17-08.)

CHAPTER 1337
Flood Damage Prevention

1337.01 Statutory authorization, findings of fact, purpose and objectives.
1337.02 Definitions.
1337.03 General provisions.
1337.04 Administration.
1337.05 Provisions for flood hazard reduction.

CROSS REFERENCES
County flood control aid to governmental units - see Ohio R.C. 307.77
Basis of zoning districts - see Ohio R.C. 713.10
Construction permits and prohibitions for dams, dikes or levees - see Ohio R.C. 1521.06
Flood hazards; marking flood areas - see Ohio R.C. 1521.14
Review of flood plain ordinances - see Ohio R.C. 1521.18

1337.01 STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES.

(a) Statutory Authorization. Article XVIII, Section 3, of the Ohio Constitution grants municipalities the legal authority to adopt land use and control measures for promoting the health, safety, and general welfare of its citizens. Therefore, the Council of Village of Roaming Shores, State of Ohio does ordain as follows:

(b) Findings of Fact.

(1) The flood hazard areas of Roaming Shore Village, Ohio are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

(2) These flood losses are caused by the cumulative effect of obstructions tn areas of special flood hazards which increase flood heights and velocities and, when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

(c) Statement of Purpose. It is the purpose of this chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

(1) Protect human life and health;
(2) Minimize expenditure of public money for costly flood control projects;
(3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
(4) Minimize prolonged business interruptions;
(5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
(6) Help maintain a stable tax base by providing for the proper use and development of areas of special flood hazard so as to minimize future flood blight areas;
(7) Ensure that potential buyers are aware that property is in an area of special flood hazard; and,
(8) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

(d) Methods of Reducing Flood Losses. In order to accomplish its purposes, this chapter includes methods and provisions for:

(1) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water hazards, or which result in damaging increases in flood heights or velocities;
(2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
(3) Controlling the alteration of natural flood plains, stream channels, and natural protective barriers which help accommodate or channel flood waters;
(4) Controlling filling, grading, dredging, and other development which may increase flood damage; and,
(5) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas. (Ord. 101-06-88. Passed 8-16-88.)

1337.02 DEFINITIONS.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

(a) "Accessory structure" means a structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.

(b) "Appeal" means a request for a review of the Mayor's interpretation of any provision of this chapter or a request for a variance.

(c) "Area of special flood hazard" means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year.

(d) "Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year. The base flood may also be referred to as the one-hundred (100) year flood.

(e) "Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

(f) “Federal Emergency Management Agency” (FEMA) means the agency with the overall responsibility for administering the National Flood Insurance Program.

(g) "Flood" or “flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from:

(1) The overflow of inland or tidal waters, and/or

(2) The unusual and rapid accumulation or runoff of surface waters from any source.

(h) "Flood Hazard Boundary Map (FHBM)" means the same as "Flood Insurance Rate Map." See below.

(i) "Flood Insurance Rate Map (FIRM)" means an official map on which the Federal Emergency Management Agency has delineated the areas of special flood hazard.

(j) "Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor.

(k) "Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. It includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

(l) "Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale. This definition shall exclude any manufactured home park as defined in Section 3733.01 of the Ohio Revised Code, over which the Public Health Council has exclusive rule making power.

(m) "New construction" means structures for which the "start of construction" commenced on or after the effective date of this section.

(n) "Start of construction" means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns. or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

(o) "Structure" means a walled and roofed building, manufactured home, or gas or liquid storage tank that is principally above ground.

(p) "Substantial Improvement" means:

(1) Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

A. Before the improvement or repair is started, or

B. If the structure has been damaged and is being restored, before the damage occurred.

For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

(2) The term does not, however, include either

A. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or

B. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

(q) "Variance" is a grant of relief to a person from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited this chapter. (Ord. 101-06-88. Passed 8-16-88.)

1337.03 GENERAL PROVISIONS.

(a) Lands to Which this Chapter Applies. This chapter shall apply to all areas of special flood hazard within the jurisdiction of the Village of Roaming Shores.

(b) Basis for Establishing the Areas of Special Flood Hazard. The areas of special flood hazard have been identified by the Federal Emergency Management Agency in its Flood Insurance Rate Map (or Flood Hazard Boundary Map), FIRM #390885 0001 A, dated September 16, 1988, and any revision thereto is adopted by reference and declared to be part of this chapter.

(c) Compliance. Unless specifically exempted from filing for a development permit as stated in Section 1337.04(b), no structure or land shall hereafter be located, erected, constructed, repaired, extended, converted, enlarged or altered without full compliance with the terms of this chapter and all other applicable regulations which apply to uses within the jurisdiction of this chapter.

(d) Abrogation and Greater Restrictions. This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(e) Interpretation. In the interpretation and application of this chapter, all provisions shall be:

(1) Considered as minimum requirements;

(2) Liberally construed in favor of the governing body; and,

(3) Deemed neither to limit nor repeal any other powers granted under State statutes. Where a provision of this chapter may be in conflict with a State law, such State law shall take precedence over the chapter.

(f) Warning and Disclaimer of Liability. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of Roaming Shores Village any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

(g) Violations and Penalties. Violation of the provisions of this chapter or failure to comply with any of its requirements shall constitute a misdemeanor of the 4th degree. Any person who violates this chapter or fails to comply with any of its requirements (including violations of conditions of and safeguards established in connection with conditions) shall upon conviction thereof be fined or imprisoned as provided by the laws of the Village of Roaming Shores . Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Village of Roaming Shores from taking such other lawful action as is necessary to prevent or remedy any violations.
(Ord. 101-06-88. Passed 8-16-88.)

1337.04 ADMINISTRATION.

(a) Establishment of Development Permit. A Development Permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 1337.03(b), Basis for Establishing the Areas of Special Flood Hazard. Application for a Development Permit shall be made on forms furnished by the Mayor and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing; and, a description of the extent to which any watercourse will be altered or relocated as a result of proposed development. If base flood elevation data are available, the following information is also required:

(1) Elevation in relation to mean sea level of the lowest floor, including basement, of all proposed structures;
(2) Elevation in relation to mean sea level to which any proposed structure will be floodproofed; and,
(3) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 1337.05(b)(2).

(b) Exemption from Filing a Development Permit. An application for a Development Permit shall not be required for maintenance work such as roofing, painting, and basement sealing, or for small development activities (except for filling and grading) valued at less than $1,000.

(c) Designation of the Flood Damage Prevention Ordinance Administrator. The Mayor is hereby appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions.

(d) Duties and Responsibilities of the Mayor shall include but are not limited to:

(1) Permit review.

A. Review all development permits to determine that the permit requirements of this chapter have been satisfied.

B. Review all development permits to assure that all necessary permits have been received from those federal, state or local governmental agencies from which prior approval is required. The applicant shall be responsible for obtaining such permits as required.

C. Review all development permits to determine if the proposed development is located within a designated floodway. Floodways may be delineated in other sources of flood information. If the proposed development is located within a designated floodway, assure that the encroachment provision of Section 1337.05(c)(1) is met.

(2) Use of other base flood elevation and floodway data. Areas of special flood hazard where base flood elevation data have not been provided by the Federal Emergency Management Agency are designated as Zone A on the community's Flood Insurance Rate Map (or Flood Hazard Boundary Map). Within these areas, the Mayor shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source in order to administer Section 1337.05(b)(1), Specific Standards, Residential Construction; 1337.05(b)(2), Specific Standards, Nonresidential Construction; and 1337.05(c), Floodways.

(3) Information to be obtained and maintained. Where base flood elevation data are utilized within areas of special flood hazard on a community's Flood Hazard Boundary Map or Flood Insurance Rate Map, regardless of the source of such data, the following provisions apply:

A. Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures, and whether or not such structures contain a basement.

B. For all new or substantially-improved floodproofed structures:

1. Verify and record the actual elevation (in relation to mean sea level) to which the structure was floodproofed; and,

2. Maintain the floodproofing certifications required in subsection (a)(3) hereof.

C. Maintain for public inspection all records pertaining to the provisions of this chapter.

(4) Alteration of watercourses.

A. Notify adjacent communities and the Ohio Department of Natural Resources, Division of Water, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

B. Require that necessary maintenance will be provided for by the applicant for the altered or relocated portion of said watercourse so that the flood carrying capacity will not be diminished.

(5) Interpretation of flood boundaries. Make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in subsection (e) hereof.

(e) Variance Procedure.

(1) Appeal Board.

A. The Village Council as established by Village of Roaming Shores shall hear and decide appeals and requests for variances from the requirements of this chapter.

B. The Village Council shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Mayor in the enforcement or administration of this chapter.

C. Those aggrieved by the decision of the Village Council or any taxpayer, may appeal such decision to the Ashtabula Court of Common Pleas, as provided in Chapter 2506 of the Ohio Revised Code.

D. In passing upon such applications, the Village Council shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:

1. The danger that materials may be swept onto other lands to the injury of others;
2. The danger to life and property due to flooding or erosion damage;
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
4. The importance of the services provided by the proposed facility to the community;
5. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
6. The necessity to the facility of a waterfront location, where applicable;
7. The compatibility of the proposed use with existing and anticipated development;
8. The relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
10. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site and,
11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

E. Upon consideration of the factors of subsection (e)(1)D. hereof and the purposes of this chapter, the Village Council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

F. The Mayor shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

(2) Conditions for variances.

A. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items 1. to 11. in subsection (e)(1)D. hereof have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

B. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.

C. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

D. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

E. Variances shall only be issued upon:

1. A showing of good and sufficient cause;

2. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and,

3. A determination that the granting of a variance will not result in increased flood heights beyond that which is allowed in this chapter, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in subsection (e)(1)D. hereof, or conflict with existing local laws or ordinances.

F. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(Ord. 101-06-88. Passed 8-16-88.)

1337.05 PROVISIONS FOR FLOOD HAZARD REDUCTION.

(a) General Standards. In all areas of special flood hazards the following standards are required:

(1) Anchoring

A. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

B. All manufactured homes not otherwise regulated by the Ohio Revised Code pertaining to manufactured home parks shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors.

(2) Construction materials and methods.

A. All new construction and substantial improvements shall be constructed with materials resistant to flood damage.

B. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

C. All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(3) Utilities.

A. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems;

B. New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,

C. Individual waste water treatment systems shall be located to avoid impairment to them or contamination from them during flooding.

(4) Subdivision proposals.

A. All subdivision proposals, including manufactured home subdivisions, shall be consistent with the need to minimize flood damage;

B. All subdivision proposals, including manufactured home subdivisions, shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

C. All subdivision proposals, including manufactured home subdivisions, shall have adequate drainage provided to reduce exposure to flood damage; and,

D. Base flood elevation data shall be provided for subdivision proposals, including manufactured home subdivisions, and other proposed developments which contain at least 50 lots or 5 acres (whichever is less).

(b) Specific Standards. In all areas of special flood hazards where base flood elevation data have been provided as set forth in Section 1337.04(d)(2), Use of Other Base Flood Elevation and Floodway Data, the following provisions are required:

(1) Residential construction. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above the base flood elevation.

(2) Nonresidential construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation or, together with attendant utility and sanitary facilities, shall:

A. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

B. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,

C. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the standards of this subsection. Such certification shall be provided to the official as set forth in Section 1337.04(a)(3).

(3) Accessory structures. An exemption to the elevation or dry floodproofing standards may be granted for accessory structures (e.g., sheds, detached garages) containing 576 square feet or less in gross floor area. Such structures must meet the encroachment provisions of subsection (c)(1) hereof and the following additional standards:

A. They shall not be used for human habitation;

B. They shall be designed to have low flood damage potential;

C. They shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of flood waters;

D. They shall be firmly anchored to prevent flotation; and,

E. Service facilities such as electrical and heating equipment shall be elevated or floodproofed.

(4) Manufactured homes. The following standards shall apply to all new and substantially improved manufactured homes not subject to the manufactured home requirements of Section 3733.01, Ohio Revised Code.

A. Manufactured homes shall be anchored in accordance with subsection (a)(1)B. hereof.

B. Manufactured homes shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation.

(5) Enclosures below base flood elevation. The following provisions apply to all new and substantially improved residential and nonresidential structures which are elevated to or above base flood elevation using pilings, columns, or posts or which contain a crawl space. These structures may enclose the area below the base flood elevation provided the following conditions are met:

A. Fully enclosed areas below the base flood elevation shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must:

1. Be certified by a registered professional engineer or architect; or,

2. Must meet or exceed the following criteria:

a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area shall be provided;

b. The bottom of all openings shall be no higher than one foot above grade; and,

c. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

B. Any enclosure which meets these criteria shall be considered as having met the requirements of subsection (a)(1), Anchoring.

(c) Floodways. A floodway is the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. The floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential. The Flood Insurance Rate Map (or Flood Hazard Boundary Map) does not designate a floodway. However, floodways may be delineated in other available sources of flood information as specified ln Section 1337.04(d)(2). The following provisions apply within all delineated floodway areas:

(1) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless a technical evaluation demonstrates that encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.

(2) If subsection (c)(1) hereof is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 1337.05, Provisions for Flood Hazard Reduction.

(Ord. 101-06-88. Passed 8-16-88.)

CHAPTER 1343
Public Right-of-Way

1343.01 Line marker height restrictions.

1343.01 LINE MARKER HEIGHT RESTRICTIONS.

(a) There is hereby adopted the following line marker height restrictions governing all line markers located within rights-of-way owned and regulated by the Village.

(1) In developed residential areas: not more than eighteen inches from ground level to the top of the line marker;

(2) In undeveloped residential areas: not more than forty-eight inches from ground level to the top of the line marker.

(b) Notice of this section is to be provided to all utilities, persons, governmental agencies, companies and/or other entities using or planning to use line markers within rights-of-way owned and regulated by the Village.

(Ord. 289-04-98. Passed 4-24-98.)

CHAPTER 1347
Road Limitations and Bonds

1347.01 Seasonal road limitations on general building activities.
1347.02 Road bonds.
1347.99 Penalty.

1347.01 SEASONAL ROAD LIMITATIONS ON GENERAL BUILDING ACTIVITIES.

During the period from February 15 through April 15 of each year, construction shall be limited to those activities that do not require heavy trucks or trailers on the Village roads. No delivery of material or equipment that requires trucks in excess of TRAA Class 2 shall be permitted. The vehicle classes permitted include: passenger vehicles, light trucks, minivans, full-sized pickups, sports utility and full size vans, having a GVW of 10,000 lbs. or less and trailers (class II hitch) having no more than two tires and a GVW of 3500 lbs. or less. No delivery, by trailer, of bulldozers, track hoes, or other heavy machinery shall be permitted. No concrete trucks shall be permitted.

General building activities, including carpentry, drywall, plumbing, electrical, roofing, siding and landscaping are permitted so long as they can be supported with materials and equipment already existing on site, or which can be delivered by a truck not exceeding TRAA Class 2.

It shall be the responsibility of the general contractor to prevent deliveries requiring heavy trucks during this time period. The penalties (see Section 1347.99) shall be assessed to the violating truck as well as the general contractor.

Rescinding of road limitations if weather permits. If weather and road conditions permit, the Village Administrator may, at his sole discretion, rescind the road limitations, notifying the (active) contractors of this action.

(Ord. 440-12-06. Passed 1-16-07.)

1347.02 ROAD BONDS.

(a) Prior to obtaining a building/zoning permit, and before proceeding with new construction within the Village a contractor, the owner of the property or his agent shall deposit with the Clerk-Treasurer of the Village, the sum of two thousand dollars ($2,000) for the construction of a house, structure or accessory building; the sum of five hundred dollars ($500.00) for the construction of an addition to a house; or the sum of three thousand dollars ($3,000) for the construction of a commercial building. The deposits shall serve as a guarantee that roadways within the Village will not be damaged during the course of work or construction and that all rubbish and material associated with said work or construction shall be removed.

(b) Should the Village Zoning/Building Inspector deem that damage did occur to the street, and/or rubbish and other material was allowed to remain on the site, he shall give written notice to the Village Administrator of such damage to the street, and/or the need to remove any rubbish or other material. The Village Administrator shall have the necessary repairs and/or cleanup made and direct the Village Clerk-Treasurer to pay the cost and expense thereof out of the deposited funds, and in the event the sum deposited shall not be sufficient to pay such costs and expense, the owner shall be liable to the Village of Roaming Shores for any balance.

(c) In the event that, in the course of such construction, mud, dirt, waste materials, rubbish or other debris are deposited on any dedicated or undedicated street or other public property and are not removed therefrom, within two hours after written notice to remove the same has been given by the Village Police Department to the permit holder, his contractor, agent or employee, then the Village may cause such substances to be removed, and the costs of such removal shall be deducted from the deposited funds.

(d) In the event that during the course of construction, the deductions made by the Village from the cash deposit, by reason of repairing any damage or removal of any substance, bring the amount of cash or deposit to less than the original deposit amount, then the Zoning/Building Inspector may demand that the permit holder replenish the deficiency in the amount of the cash deposit so that it shall again be in the original amount. Upon failure of the permit holder to replenish the funds within two days after such demand in writing by the Zoning/Building Inspector, the latter may revoke the permit and may stop construction until such time as the permit holder has complied with the demand.

(e) After completion of construction, an "as built" survey shall be requested by the owner or his agent. This "as built" survey will be performed by the Zoning/Building Inspector and is required prior to the issuance of a Certificate of Occupancy. After a Certificate of Occupancy has been issued, the Zoning/Building Inspector shall request that the Clerk-Treasurer refund the bond monies, less any proper deductions for any deficiencies upon written report or request of the Zoning/Building Inspector.
(Ord. 417-01-05. Passed 2-1-05.)

1347.99 PENALTY.

Whoever violates any provisions of this chapter shall be guilty of a minor misdemeanor and fined not more than one hundred and fifty dollars ($150.00). Each day a violation continues or occurs shall constitute a separate offense.
(Ord. 417-01-05. Passed 2-1-05.)

CHAPTER 1351
Property Maintenance

1351.01 Requirements and owner/ occupant responsibility for structures.
1351.02 Requirements and owner/ occupant responsibility for exterior property areas.
1351.03 Requirements and owner/ occupant responsibility for lawns, trees, weeds and other vegetation.
1351.04 Authority of Village officials.
1351.05 Compliance with official notices.
1351.99 Penalty.

CROSS REFERENCES
Removal of unsafe structures - see Ohio R.C. 715.261 et seq.
Refuse accumulation - see P. & Z. 1137.07 et seq.

1351.01 REQUIREMENTS AND OWNER/OCCUPANT RESPONSIBILITY FOR STRUCTURES.

Every owner, occupant or other person having charge of real estate within the Village shall be responsible for the safe, clean and orderly maintenance of all parts of any dwelling, building, structure and/or exterior premises located within the limits of the Village, which responsibility shall include the following minimum standards:

(a) All dilapidated structures or structures in serious disrepair shall be removed, repaired or rehabilitated.

(b) All building surfaces shall be maintained free of broken glass, loose shingles, crumbling stone or brick, peeling paint or other conditions reflective of deterioration or inadequate maintenance, to the end that the property may be preserved safely, fire hazards eliminated and adjoining properties and neighborhoods protected from blighting influences.

(c) Fences, docks, seawalls, exterior stairways and retaining walls or similar structures shall be anchored firmly in the ground, shall be constructed in a workmanlike manner, and maintained in the same manner so that such fences, docks, seawalls, exterior stairways and retaining walls or similar structures shall always be in a state of good structural repair, or in the alternative, such fences, docks, seawalls, exterior stairways and retaining walls or similar structures shall be removed or replaced. All fences and exterior stairways shall be treated periodically with chemicals or paint so as to retard deterioration, unless such deteriorating is superficial deterioration designed to enhance appearance.

(Ord. 406-05-04. Passed 7-20-04.)

1351.02 REQUIREMENTS AND OWNER/OCCUPANT RESPONSIBILITY FOR EXTERIOR PROPERTY AREAS.

No owner, occupant or other person having charge of real estate within the Village shall maintain or permit to be maintained at or on the exterior property areas of such real estate any condition which deteriorates or adversely alters the appearance of the neighborhood, reduces property values in the neighborhood, creates a fire, safety or health hazard or which is a public nuisance. Such conditions include but are not limited to the following:

(a) Storage or maintaining of out-of-use or nonusable appliances and dilapidated automobiles or automobile parts.

(b) Storage or maintaining of broken, dilapidated or unusable furniture, mattresses or other household furniture, plastic materials, paints, miscellaneous coverings, and/or any other unsightly materials placed at or on the premises in such a manner as to be unsightly or offensive.

(c) Permitting or failing to control conditions which unreasonably or offensively cause, promote or encourage the growth, proliferation or harboring of insects, rodents or other pests.

(d) Failure to keep the occupied area and premises and all plumbing equipment and facilities in a clean, safe and sanitary condition and in conformity with the terms of this chapter at all times.

(e) Failure to properly store and dispose of rubbish or garbage in a neat and sanitary manner.

(f) Storage, maintaining or parking of motor vehicles, utility trailers, motor homes, campers, boats lacking current state registration, on undeveloped lots. Undeveloped lots as herein referenced shall be defined to include any lot which does not contain a permitted residence and driveway.

(Ord. 406-05-04. Passed 7-20-04.)

1351.03 REQUIREMENTS AND OWNER/OCCUPANT RESPONSIBILITY FOR LAWNS, TREES, WEEDS AND OTHER VEGETATION.

Every owner, occupant or other person having charge of developed real estate within the Village shall be responsible for the clean and orderly maintenance of all exterior property areas of such real estate. "Developed real estate" as herein referenced, shall refer to all real estate upon which a dwelling or other building has been constructed, including lots contiguous thereto owned by the owner or occupant of such dwelling or other building. Such responsibility shall include the avoidance of all conditions which deteriorate or adversely affect the appearance of surrounding properties, reduces property values or creates a safety or health hazard. Such conditions include but are not limited to, the following minimum standards:

(a) All exterior premises shall be appropriately maintained, and lawns, hedges, bushes, trees, weeds, vines, grasses and other vegetation shall be kept trimmed and from becoming overgrown and unsightly, with cuttings properly disposed of, where exposed to public view or where such vegetation may constitute a blighting influence on adjoining properties. However, this provision shall not preclude the maintenance of undeveloped or underdeveloped land in its natural state. Lawns, hedges, bushes, trees, weeds, vines, grasses and other vegetation, as herein referenced, includes, but is not limited to, lawn, ragweed, grasses, daisies, goldenrod, burdock, yellow dock, dandelions, thistle, wild carrot, and any other vegetative growth, or other weed, vine or grass from which there may be carried by the wind any injurious, offensive, or annoying pollen, dust, down, seed or particles, or any vegetative growth which may emit said particles or conceal any filthy, noxious or prohibited deposits of any material whatsoever.

(b) All lawn, weeds, vines, grasses or other vegetative growth growing upon real property within the Village shall be periodically cut and properly disposed of so as to insure no weeds, vines, grasses or other vegetative growth exceeds eight inches. This section shall not apply to trees, shrubs, cultivated plants or growing crops.

(c) If any owner or occupant of any real property located within the corporate limits of the Village fails to cut lawn or cut and properly dispose of all weeds, vines, grasses or vegetation as defined herein between the 1st day of May and through the 1st day of November of each calendar year, the Village Mayor may cause such lawn, weeds, vines, grasses or vegetation to be cut and properly disposed of. Thereafter, the owner of the real property upon which the lawn, weeds, vines, grasses or vegetation were cut shall be indebted to the Village, in the amount of not less than one hundred dollars ($100.00) or for any actual expenses in excess thereof incurred by the Village, in cutting and disposing of the lawns, weeds, vines, grasses or vegetation.

(d) In the event the owner or occupant of any real property located within the corporate limits of the Village fails to reimburse the Village the cost of cutting and disposing of lawn, weeds, vines, grasses or vegetation, under the terms hereof, the Village Clerk Treasurer shall certify such costs along with a penalty of five percent (5%) to the Ashtabula County, Ohio, Auditor with a request that said amount should be assessed against the subject real property and entered upon the real property's tax duplicate for collection by the County Auditor. The amount so entered shall be a lien upon the subject real property and/or any premises located thereon from the date the same was entered; shall be collected as other real property taxes; and shall, upon collection by Ashtabula County, be returned to the Village for deposit into the General Fund of the Village.

(Ord. 406-05-04. Passed 7-20-04.)

1351.04 AUTHORITY OF VILLAGE OFFICIALS.

The Village Zoning Inspector shall have the authority to investigate suspected violations of this chapter in accordance herewith. The Village Zoning Inspector, upon reviewing any suspected violations of this chapter, shall, if a violation is discovered, serve written notice of such violation upon the property owner, occupant or other person having charge of the real estate, by directing handing such notice to such person, mailing a notice to such person or by posting such notice upon any entrance to any structure upon the real estate.
(Ord. 406-05-04. Passed 7-20-04.)

1351.05 COMPLIANCE WITH OFFICIAL NOTICES.

No person shall fail to comply with the directions set forth by the aforenamed Village officials in any written notice of violation.
(Ord. 406-05-04. Passed 7-20-04.)

1351.99 PENALTY.

In addition to any other remedy, charges or fees herein provided, whoever violates or fails to comply with any of the provisions of this chapter is guilty of a minor misdemeanor and shall be fined not more than one hundred and fifty dollars ($150.00) for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs after the expiration of the time period detailed in the notice of violation. If the offender previously has been convicted of a violation of any of the provisions of this chapter, a violation of or failure to comply with any of the provisions of this chapter is a fourth degree misdemeanor punishable by imprisonment for not more than thirty days and/or a fine of not more than two hundred fifty dollars ($250.00). (Ord. 406-05-04. Passed 7-20-04.)

CHAPTER 1355
Building Numbering

1355.01 Display of address.
1355.02 Specifications.
1355.03 Street addresses for lots adjoining Lake Roaming Shores.

CROSS REFERENCES
Building numbering - see Ohio R.C. 715.26
Lot numbers required - see BLDG. 1309.04

1355.01 DISPLAY OF ADDRESS.

Each building within the Village must display its assigned address number in a location visible from the street from which each such building has access to and from.
(Ord. 423-09-05. Passed 11-15-05.)

1355.02 SPECIFICATIONS.

The following specifications should apply to such address number displays:

(a) Definition. As used in this chapter, the following definition shall apply: "Building" means any dwelling, apartment or business building fronting upon any street or other roadway. (Ord. 423-09-05. Passed 11-15-05.)

(b) Placement of Numbers on Lots. In general, numbers shall be placed upon the street-side postal mailbox or on a post in a similar location, at roadside. Where this is impractical, the location shall be determined by the Village Building and Zoning Inspector. Lakefront lots shall place the lot number on or adjacent to their dock. Reflective numbers at least 3 inches high are encouraged for both locations. (Ord. 505-01-11. Passed 3-15-11.)

(c) Assignment of Numbers. Numbers shall be a minimum of three inches high. Numbers shall be assigned to each building by the subdivision real estate plats, by the U.S. Post Office or by the Village Building and Zoning Inspector at the time a building permit therefor is issued. It shall be the duty of the owner of the building to place the numbers thereon in accordance with the provisions of this chapter as soon as the building is ready for occupancy.

(d) Unlawful Acts. No owner or agent of any building shall permit or allow the same to remain unnumbered more than thirty days after its completion. No person shall take down or deface any number put up in accordance with the provisions of this chapter. No person shall retain any other number on their buildings than that assigned by the subdivision real estate plats, by the U.S. Post Office, or by the Village Building and Zoning Inspector. No owner, occupant or agent of property shall refuse to have his or her property numbered, or in any way obstruct or interfere with the employee charged with carrying out the foregoing provisions of this chapter in the performance of his duty.

(e) Penalty. The violation of this chapter shall constitute a minor misdemeanor for which a fine up to a maximum one hundred fifty dollars ($150.00) may be imposed. (Ord. 423-09-05. Passed 11-15-05.)

1355.03 STREET ADDRESSES FOR LOTS ADJOINING LAKE ROAMING SHORES.

Each titled owner of a lot adjoining Lake Roaming Shores shall, no later than January 1, 2015, place the street address for such lot on a dock or boathouse if the same is located on such lot.

(a) The lettering for such address shall be no less than five (5) inches tall.

(b) Any lot owner who does not have a dock or boathouse on their property shall be exempted from this requirement.

(c) Any person found violating any provision of this section shall be guilty of a minor misdemeanor punishable by no more than a $150.00 fine.

(Ord. 583-07-2013. Passed 9-18-13.)

CHAPTER 1359
Foreclosure of Residential Properties

1359.01 Plaintiff to register; fee; notice.

1359.01 PLAINTIFF TO REGISTER; FEE; NOTICE.

(a) Plaintiffs undertaking foreclosure actions of properties within the Village shall register with the Village, pay a fee of $100.00 and provide written notice of each of the following:

(1) Foreclosure filings in the Ashtabula County Court of Common Pleas at the time of filing.

(2) Results of inspections of said properties at any time after the filing of said foreclosure action upon receipt of the result of said inspections.

(3) Any communications from any source indicating that such property is abandoned or uninhabited.

(4) Name, address and telephone information of a representative of the Plaintiff.

(b) Said Plaintiffs shall either perform or secure performance of maintenance of landscaping and building conditions consistent with all Village ordinances.

(c) Violations of any of the provisions of this section shall be considered minor misdemeanors punishable by fines of not more than $150.00.
(Ord. 466-12-08. Passed 4-21-09.)

CHAPTER 1361
Vacant Buildings

1361.01 Purpose.
1361.02 Definitions.
1361.03 Vacant building registration.
1361.04 Escrow.
1361.05 Inspections.
1361.06 Vacant building fees.
1361.07 Exemptions.
1361.08 Appeals.
1361.99 Penalty.

CROSS REFERENCES
Property maintenance - see BLDG. Ch. 1351

1361.01 PURPOSE.

The purpose of this chapter is to establish a program for identifying and registering vacant residential and commercial buildings; to determine the responsibilities of owners of vacant buildings and structures; and to speed the rehabilitation of the vacant buildings. The goal of this chapter is to shift the cost of burden from the general citizenry to the owners of the blighted buildings. (Ord. 561-09-12. Passed 6-18-13.)

1361.02 DEFINITIONS.

Unless otherwise expressly stated, the following terms shall, for the purpose of this chapter, have the meanings indicated in this section.

(a) "Owner." For purposes of this chapter, owner means any person, in whose name the property is titled and any person, agent, servicing company, firm, third party, financial institution or bank that has an interest in the property as a result of an assignment, sale, mortgage, transfer of a mortgage, or similar instrument or having an agreement with any one of the above for the purpose of securing and/or managing the property.

(b) "Secured by other than normal means." A building secured by means other than those used in the design of the building; eg, boarded windows or doors, etc.

(c) "Unoccupied." A building which is not being used for the occupancy authorized by the owner for at least 6 consecutive months.

(d) "Unsecured." A building or portion of a building which is open to entry by unauthorized persons without the use of tools or ladders.

(e) "Vacant Building." A building (excluding government-owned buildings) which is:

(1) Unoccupied and unsecured; or

(2) Unoccupied and secured by other than normal means; or

(3) Unoccupied and an unsafe building as determined by the Zoning Inspector; or

(4) Unoccupied and having utilities disconnected; or

(5) Unoccupied and has Building Code violations; or

(6) Illegally occupied, which shall include loitering and vagrancy; or

(7) Unoccupied for a period of time over six (6) months and having an existing code violation issued by the Village Administrator, Police Officer, Zoning Inspector or county official; or

(8) Unoccupied with a mortgage status of abandonment (i.e. deceased or foreclosed); or

(9) Unoccupied and abandoned by the property owner.

(f) "Evidence of vacancy." Any condition that on its own or combined with other conditions present would lead a reasonable person to believe the property is vacant. Such conditions include, but are not limited to: significantly below standard utility usage, overgrown and/or dead vegetation, accumulation of newspapers, circulars, flyers and/or mail, accumulation of trash, junk, and/or debris, broken or boarded up windows, abandoned vehicles, auto parts or materials, the absence of window coverings, such as curtains, blinds, and/or shutters, the absence of furnishings and/or personal items consistent with habitation or occupation, statement(s) by governmental employee(s) that the property is vacant.

(Ord. 561-09-12. Passed 6-18-13.)

1361.03 VACANT BUILDING REGISTRATION.

(a) The owner shall register with the Zoning Inspector not later than ninety (90) days after any building located in an area within the Village limits becomes a vacant building or not later than thirty (30) days of being notified by the Zoning Inspector of the requirement to register based on evidence of vacancy, whichever event first occurs.

(b) The registration shall be submitted on forms provided by the Zoning Inspector and shall include the following information supplied by the owner:

(1) The name(s), address(es), phone number (s), email address (es), and cell phone number (s) of the owner or owners;

(2) If the owner does not reside in Ashtabula County, the name and address of any third party with whom the owner has entered into a contract or agreement for property management. By designating an authorized agent under the provisions of this section, the owner is consenting that the third party is authorized to receive any and all notices relating to the property and conformance of any and all ordinances;

(3) The names and addresses of all known lien holders and all other parties with an ownership interest in the building;

(4) A telephone number where a responsible party can be reached at all times during business and non-business hours; and

(5) A vacant building plan as described in division (c) of this section.

(c) The owner shall submit a vacant building plan which must meet the approval of the Zoning Inspector. The plan, at a minimum, must contain information from one of the following three choices;

(1) If the building is to be demolished, a demolition plan indicating the proposed time frame for demolition which includes starting within thirty (30) days of acceptance of the proposed demolition timeline and does not exceed ninety (90) days, or

(2) If the building is to remain vacant, a plan for insuring that the building is secured along with the procedure that will be used to maintain the property, and a statement of the reasons why the building will be left vacant (e.g., building is for sale, etc.); or

(3) If the building is to be returned to appropriate occupancy or use, a rehabilitation plan for the building and grounds. The rehabilitation plan shall not exceed twelve (12) months from the time they obtain permits, unless the Zoning Inspector grants an extension upon receipt of a written statement from the owner detailing the reasons for the extension. Any repairs, improvements or alterations to the property must comply with any applicable zoning, housing, historic preservation, or building codes, and the property must be secured during the rehabilitation.

(d) All applicable laws and codes shall be complied with by the owner. The owner shall notify the Zoning Inspector of any changes in information of their vacant building registration within fifteen (15) days of the change. If the plan or timetable for the vacant building is revised in any way, the revision(s) must be in writing and must meet the approval of the Zoning Inspector prior to making the changes.

(e) The owner and subsequent owners shall keep the building secured and safe and the building and grounds properly maintained in accordance with all applicable property maintenance codes.

(f) A new owner(s) shall register or re-register the vacant building with the Zoning Inspector within thirty (30) days of any transfer of an ownership interest in the vacant building if the building continues to remain vacant after transfer. The new owner(s) shall comply with the approved plan and timetable submitted by the previous owner until any proposed changes are submitted and meet the approval of the Inspector.

(g) The failure of the owner of the vacant building to obtain a deed for the property or to file the deed with the County Recorder shall not excuse the property owner from registering the property.

(h) Failure of the owner or any subsequent owners to maintain the building and premises that results in remedial action taken by the Village shall be grounds for revocation of the approved plan and shall be subject to any applicable penalties provided by the law.

(i) The Zoning Inspector shall include in the file any property specific written statements from community organizations, other interested parties, or citizens regarding the history, problems, status, or blighting influence of a vacant building.

(j) The registration and all associated processes must be completed in its entirety annually for as long as the property remains vacant.
(Ord. 561-09-12. Passed 6-18-13.)

1361.04 ESCROW.

Each demolition of a vacant building requires that the owner hold in escrow with the Village a deposit for a residential or commercial building in an amount to be established by ordinance and subsequently amended as deemed necessary. If the amount to be set up in escrow cannot be paid in full, the Village will place a lien on the property for the amount previously specified. The Village will use these funds to complete the plans submitted by the owner in the event that the owner does not comply with the deadlines as previously submitted in the owner's vacant building plan. Escrow funds will be released upon completion of the work or transfer of ownership, provided that all fees have been paid in full. New owners must sign a form accepting responsibility for completing the demolition.
(Ord. 561-09-12. Passed 6-18-13.)

1361.05 INSPECTIONS.

The Zoning Inspector shall inspect any premises in the Village for the purpose of enforcing and assuring compliance with the provisions of this chapter. Upon the request of the Zoning Inspector, an owner shall provide access to all interior portions of an unoccupied building in order to permit a complete inspection. Nothing contained herein, however, shall diminish the owner's right to insist upon the procurement of a search warrant from a court of competent jurisdiction. The Zoning Inspector shall be required to obtain a search warrant whenever an owner refuses to permit a warrantless inspection of the premises. The following shall apply:

(a) Vacant properties will be externally inspected by the Zoning Inspector as necessary to ensure the compliance of property maintenance codes;

(b) Vacant properties will be both internally and externally inspected at the start of each registration period (new and renewal) and when the registration is terminated by the property owner;

(c) Vacant properties will be both internally and externally inspected upon acquisition of the property by a new owner and, if said premises is to be utilized for rental purposes prior to occupancy.

(Ord. 561-09-12. Passed 6-18-13.)

1361.06 VACANT BUILDING FEES.

The fees shall be reasonably related to the administrative costs for registering and processing the vacant building owner registration form and for the costs incurred by the Village in monitoring the vacant building site. The annually increased fee amounts shall be reasonably related to the costs incurred by the Village for demolition and hazard abatement of or repairs to vacant buildings, as well as the continued normal administrative costs stated above.

(a) The owner of a vacant residential building shall pay an annual fee in an amount to be established by ordinance and amended as deemed necessary as long as the building remains vacant. For every consecutive year that the building remains vacant, the annual fee will be assessed at double the previous year's fee amount for a maximum annual fee equaling the five (5) year fee in an amount to be established by ordinance and amended as deemed necessary and to be used for the fifth and for all consecutive, subsequent years of vacancy.

(b) The owner of a vacant commercial building shall pay an annual fee in an amount to be established by ordinance and amended as deemed necessary for the first year the building remains vacant. For every consecutive year that the building remains vacant, the annual fee will be assessed at double the previous year's fee amount for a maximum annual fee in an amount to be established by ordinance and amended as deemed necessary and to be used for the fifth and for all consecutive, subsequent years of vacancy.

(c) The first annual fee shall be paid at the time the building is registered. If the fee is not paid, the owner shall be subject to prosecution and a lien may be assessed against the property.

(d) The fee shall be paid in full prior to the issuance of any building permits unless the property is granted an exemption. The fee shall be prorated and a refund may be issued if the building is no longer deemed vacant under the provisions of this chapter within one hundred eighty (180) days of its registry.

(e) All delinquent fees shall be paid by the owner prior to any transfer of an ownership interest in the vacant building. A lien may be placed on the property to collect delinquent fees.

(f) Late fees shall be paid in addition to the annual registration and will be equal to the annual fee or One Thousand Dollars ($1,000.00), whichever is less.

(Ord. 561-09-12. Passed 6-18-13.)

1361.07 EXEMPTIONS.

Any owner of a vacant building may request an exemption from the provisions of this chapter by filing a written application with the Zoning Inspector under any of the following conditions:

(a) A building under active construction/renovation and having a valid building permit(s) at the time of initial inspection shall be exempt from registration until the expiration of the longest running, currently active county building permit.

(b) A building which has suffered fire damage or damage caused by extreme weather conditions shall be exempt from the registration requirement for a period of ninety (90) days after the date of the fire or extreme weather event. This request shall include the names and addresses of the owner or owners, and a statement of intent to repair and reoccupy the building, or demolish the building, within a designated time period.

(c) A building that is for sale and listed with a licensed State of Ohio realtor shall be exempted for a period of twelve (12) months from the start of vacancy, provided that the owner submits proof to the Zoning Inspector of such listing and "for sale" status.

(d) Any other reason warranted by circumstances not caused by the landowner and which promotes the public interest and which does not extend beyond ninety (90) days. In determining whether a request for exemption should be granted, the Inspector shall consider the following: the applicant's prior record as it pertains to the Village Building Code, Zoning Code, or Village property maintenance codes violations; the extent to which the exemption would create an eyesore in the community, or otherwise diminish property values, the extent of the danger to the public resulting from the exemption, and the amount of vacant property the applicant currently has within the Village.

(Ord. 561-09-12. Passed 6-18-13.)

1361.08 APPEALS.

Any owner who is served a notice of vacant property or building registration may, within ten (10) calendar days of receipt of such notice, apply for an exemption or appeal the decision of the Zoning Inspector to the Board of Zoning Appeals.

(Ord. 561-09-12. Passed 6-18-13.)

1361.99 PENALTY.

Any owner violating any provision of the Vacant Building Registry shall be subject to a fine of $100.00 per day from the date of the initial notice provided by the Zoning Inspector. The Village may also seek injunctive and other relief against the offender in the Ashtabula County Court of Common Pleas.

(Ord. 561-09-12. Passed 6-18-13.)

CHAPTER 1363
Property Maintenance Code

1363.01 Definitions.
1363.02 General maintenance requirements.
1363.03 Authority of Village officials.
1363.04 Compliance with official notices.
1363.05 Chapter not exclusive.
1363.99 Penalty.

CROSS REFERENCES
Property maintenance - see BLDG. Ch. 1351

1363.01 DEFINITIONS.
As used in this chapter:

(a) "Dangerous building or structure" means any building, structure or manufactured or mobile home (with or without a foundation) which contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation that partial or complete collapse is possible.

(b) "Unsafe equipment" means any boiler, heating equipment, elevator, moving stairway, electrical wiring or device on the premises which is in such disrepair or condition that such equipment is a hazard to life, health, property, or safety to the public or its inhabitants.

(c) "Building or structure unfit for human occupancy" means any building, structure or manufactured or mobile home designed or used for human occupancy which is unsanitary, vermin or rat infested, contains filth or contamination, or lacks potable water, ventilation, illumination or sanitary facilities.

(d) "Blighted building" means any building, structure or manufactured or mobile home in a significant state of disrepair, including but not limited to, broken windows and doors, boarded windows or doors, crumbling foundations, missing siding or walls, etc.

(e) "Unsightly building" means any building, structure or manufactured or mobile home with missing shingles or peeling paint; or with broken or unsafe stairway, porches, fences or retaining walls.

(f) "Dangerous landscaping" means trees, shrubs or other plants which extend from adjacent lots out into sidewalks or the right of way in such a manner as to interfere with pedestrian or vehicular traffic. Dangerous landscaping further includes residual debris and holes in the ground, including uncovered basements, left after the passage of thirty days from the beginning of a demolition.

(Ord. 607-09-2014. Passed 1-20-15.)

1363.02 GENERAL MAINTENANCE REQUIREMENTS.

No owner or occupant of land or premises shall allow any of the following:

(a) A dangerous building or structure; or a building or structure unfit for human occupancy; or a blighted building; or an unsightly building.

(b) Accumulation of unusable appliances, furniture, mattresses, washers, dryers, televisions, or other unsightly material.

(c) Accumulations of garbage, rubbish and junk vehicles as defined in Section 303.10.

(d) Dangerous landscaping.

(Ord. 607-09-2014. Passed 1-20-15.)

1363.03 AUTHORITY OF VILLAGE OFFICIALS.

(a) The Police Chief or his/her designee shall be responsible for enforcing this chapter. Upon the determination that a landowner or occupant has violated the provisions of Section 1311.02, the Police Chief or his/her designee shall notify the owner of such property of the violation by written notice.

(b) Service of the Notice of Violation shall be made on the owner of the land delivered via regular U.S. Mail addressed to their last known address, residence, place of business or the tax mailing address as indicated in the records of the Ashtabula County Auditor/Treasurer, and by any one of the following means:

(1) By personal delivery; or

(2) By leaving the notice of violation at the person's last known residence or place of business in the presence of a family member or other responsible person of suitable age and discretion who shall be informed of the general nature of the contents thereof; or

(3) By posting the violation notice on the subject property in a conspicuous location visible to any owner, occupant or agent of said property;

(4) A notification of the existence of the notice of violation may be published at least once in a local newspaper of general circulation.

(c) In the event that an occupied dwelling exists on the premises, service shall also be made by serving the occupant of the house personally with a copy of such notice or by posting such notice on the front door.

(d) The Notice of Violation shall identify those areas in which the landowner and/or occupant have failed to comply, shall designee the remedial action required, and shall provide the following time periods for correcting the violations set forth in Section 1311.02.

(1) Ten days for removal of trash, rubbish, junk cars and other violations requiring the removal of personal property or remedial measures for dangerous landscaping.

(2) Thirty days for the removal, demolition or repair of buildings, structures or manufactured or mobile homes constituting a dangerous building or structure or those unfit for human occupation.

(3) Sixty days for the removal, repair or demolition of blighted buildings and unsightly buildings.

(e) Any person aggrieved by the determination of the Police Chief or his/her designee shall have a period of ten days from receipt of the notice to file a written appeal to the Village Planning Commission. Said appeal shall provide the name, address and phone number of the appealing party, the address of the violation, and the basis for disputing the Village determination that the property violates Chapter 1311. Said appeal shall be heard by the Village Planning Commission within 30 days, and the Administrator shall insure that the person filing the appeal hast at least 7 days notice of said hearing. The Commission shall take testimony from the party appealing and from the Village, shall make written findings and shall issue a written decision. Any party aggrieved by the Planning Commission shall have 28 days from receipt of the date of decision to appeal to the Ashtabula County Common Pleas Court.

(f) In instances where a dangerous building or dangerous landscape becomes an imminent threat and danger to the occupant or to the public, and, in the case of a dangerous building, the same is supported by an affidavit from a registered engineer, county health official, State Fire Marshal, or certified Building Official, the Police Chief and his/her designee may take immediate steps to eliminate the imminent threat to the public without waiting for the remedial period or an appeal, including demolition, removing occupants from the dwelling and any other measures necessary to protect the public.

(g) Upon failure of the owner to comply with the provisions of this chapter within the time limit following service of the "Notice of Violation", the Village may remediate dangerous landscaping, remove trash and rubbish, make repairs or demolish a building in order to abate the public nuisance.

(h) If the Village makes such remediation, repairs, removal or demolition pursuant to this section, the costs shall be borne by the owner, which shall include all costs incurred by the Village, including cost of performing the work, engineering or other experts and costs, if any, of borrowing funds to complete the work, together with an administrative fee of twenty percent (20%) of total costs.

(i) The expenses of the abatement shall be determined and billed to the property owner by regular mail. If the bill is not paid within ten days following the date of mailing, the Village Clerk shall certify to the County Auditor the action taken under this chapter, a statement of the charges for such action, and a proper description of the premises, for the purpose of making the same a lien upon such land to be collected as other taxes and returned to the Village General Fund in accordance with Ohio R.C. 731.54.
(Ord. 607-09-2014. Passed 1-20-15.)

1363.04 COMPLIANCE WITH OFFICIAL NOTICES.

No person shall fail to comply with the directions set forth by the aforementioned Village officials in any written notice of violation.
(Ord. 607-09-2014. Passed 1-20-15.)

1363.05 CHAPTER NOT EXCLUSIVE.

This chapter shall not be deemed to be a limitation or restriction on the authority of any department, division, official or employee of the Village, but shall be deemed as an enlargement of any authority existing by virtue of the statutes of the State of Ohio, or any ordinance heretofore enacted by Council. (Ord. 607-09-2014. Passed 1-20-15.)

1363.99 PENALTY.

Whoever violates or fails to comply with any of the provisions of this chapter is guilty of a minor misdemeanor for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs after the expiration of the time period detailed in the notice of violation.

(Ord. 607-09-2014. Passed 1-20-15.)

CODIFIED ORDINANCES OF ROAMING SHORES

PART FIFTEEN - FIRE PREVENTION CODE

Chap. 1501. Ohio Fire Code.

Chap. 1511. Open Burning.

Chap. 1519. Fireworks.

Chap. 1521. Fire Damaged Homes and Structures.

CODIFIED ORDINANCES OF ROAMING SHORES

PART FIFTEEN - FIRE PREVENTION CODE

CHAPTER 1501
Ohio Fire Code

1501.01 Adoption.
1501.02 Purpose.
1501.03 Application.
1501.04 Enforcement.
1501.05 Compliance.
1501.06 Posting arson laws.
1501.07 Setting fires which spread.
1501.08 Unfriendly fires in buildings; alarm duties.
1501.09 Disclosure of true Fire Safety Inspector status.
1501.10 Fire equipment sale or use; certification of installers.
1501.11 Copies.
1501.12 Conflict.
1501.99 Penalty.

CROSS REFERENCES

See sectional histories for similar State law
Appeals of orders - see Ohio R.C. 119.12
State certification of firefighters - see Ohio R.C. 737.08, 737.22, 3737.33
State certification of Fire Safety Inspectors - see Ohio R.C. 3737.01(D), 3737.34
Fire investigation - see Ohio R.C. 737.27, 3737.24 et seq.
Entry and Inspection - see Ohio R.C. 3737.14, 3737.41, 3737.42
Common Pleas Court jurisdiction - see Ohio R.C. 3737.44(A), 3737.51(H)
Ohio Fire Code - see Ohio R.C. 3737.82 et seq.; OAC Ch. 1301:7-1 et seq.
Fire extinguishing and alarm systems in rest and nursing homes - see Ohio R.C. 3721.071
Self-service filling stations - see Ohio R.C. 3741.14
Fireworks exhibitions - see Ohio R.C. 3743.50 et seq.

1501.01 ADOPTION.

There is hereby adopted by the Municipality, the 2005 Ohio Fire Code (OFC) as adopted by the Ohio Division of State Fire Marshal, Department of Commerce, effective September 1, 2005, and as published in Division 1301:7 of the Ohio Administrative Code (OAC).

1501.02 PURPOSE.

The purpose of this Code is to establish the minimum requirements consistent with nationally recognized good practice for providing a reasonable level of life safety and property protection from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures and premises and to provide safety to fire fighters and emergency responders during emergency operations.

1501.03 APPLICATION.

The Ohio Fire Code as adopted herein applies to the use of all lands and properties within the Municipality and such other lands or properties owned by the Municipality which are situated outside the corporate limits thereof.

1501.04 ENFORCEMENT.

(a) No person shall serve as Municipal Fire Safety Inspector unless he has received a certificate issued by the Ohio Superintendent of Public Instruction under former Ohio R.C. 3303.07 or 4765.55 evidencing his satisfactory completion of a fire safety inspection training program.
(ORC 3737.34)

(b) For Municipal criminal proceedings, the complaint, warrant or summons, or the issuance of a citation in minor misdemeanor cases shall be, as is prescribed in the Ohio Rules of Criminal Procedure, by referencing the numerical designation of the applicable Municipal ordinance, including the specific provision of the Ohio Fire Code, or any order issued pursuant thereto, provided such order fixes a reasonable time for abatement of the violation. State enforcement proceedings for violation of Ohio R.C. Chapter 3737 or the Ohio Fire Code shall be as is prescribed in Ohio R.C. 3737.41 to 3737.46.

(c) A copy of such complaint or citation shall be prominently posted at or near each place a violation referred to occurs.

(d) Upon request of the Municipal Fire Safety Inspector, the Municipal Legal Officer shall institute and prosecute any necessary action or proceeding to enforce this chapter or Ohio R.C. Chapter 3737.

1501.05 COMPLIANCE.

(a) No person shall knowingly violate any provision of the Ohio Fire Code as adopted herein or any order issued pursuant thereto.
(ORC 3737.51(A))

(b) No person shall fail to comply with the fire prevention measures or fire protection activities as prescribed in the Ohio Fire Code, or fail to obtain a permit or license for the various uses or activities as required by such Code, or fail to comply with the Municipal application and plan submission and processing requirements including payment of the fees designated therefor.

1501.06 POSTING ARSON LAWS.

The owner, operator or lessee of any transient residential building shall post the provisions of Ohio R.C. 2909.02 and 2909.03 in a conspicuous place in each room occupied by guests in such building. The owner, operator or lessee of any nontransient residential building, institution, school or place of assembly shall post the provisions of such sections in conspicuous places upon such premises. No person shall fail to comply with this section.
(ORC 3737.61)

1501.07 SETTING FIRES WHICH SPREAD.

No person shall set, kindle or cause to be set or kindled any fire, which through his negligence, spreads beyond its immediate confines to any structure, field or wood lot.
(ORC 3737.62)

1501.08 UNFRIENDLY FIRES IN BUILDING; ALARM DUTIES.

(a) The owner, operator or lessee, an employee of any owner, operator or lessee, an occupant, and any person in direct control of any building regulated under the Ohio Basic Building Code, upon the discovery of an unfriendly fire, or upon receiving information that there is an unfriendly fire on the premises, shall immediately, and with all reasonable dispatch and diligence, call or otherwise notify the Fire Department concerning the fire, and shall spread an alarm immediately to all occupants of the building.

(b) For the purposes of this section, "unfriendly fire" means a fire of a destructive nature as distinguished from a controlled fire intended for a beneficial purpose.

(c) No person shall fail to comply with this section.
(ORC 3737.63)

1501.09 DISCLOSURE OF TRUE FIRE SAFETY INSPECTOR STATUS.

No person who is not a certified Fire Safety Inspector shall act as such or hold himself out to be such, unless prior to commencing any inspection function, he discloses the purpose for which he is making such inspection and the fact that he is not employed by any state or local fire service or agency, and that he is not acting in an official capacity for any governmental subdivision or agency.
(ORC 3737.64)

1501.10 FIRE EQUIPMENT SALE OR USE; CERTIFICATION OF INSTALLERS.

(a) No person shall sell, offer for sale, or use any fire protection or fire fighting equipment that does not meet the minimum standards established by the Ohio Fire Marshal in the Ohio Fire Code.

(b) Except for public and private mobile fire trucks, no person shall service, test, repair or install for profit any fire protection or fire fighting equipment without a certificate or a provisional certificate issued by the Ohio Fire Marshal. (ORC 3737.65)

1501.11 COPIES.

Copies of Codes as adopted in this chapter are on file with the Council Clerk for inspection by the public, and also on file in the County Law Library, and the Clerk has copies available for distribution to the public at cost.

1501.12 CONFLICT.

(a) The provisions of the Ohio Fire Code shall not be deemed to nullify any provisions of state or federal law. Municipal corporations, under Ohio R.C. 3781.01, may make further and additional regulations, not in conflict with Ohio R.C. Chapters 3781 and 3791 or with the rules of the Ohio Board of Building Standards. However, under Ohio R.C. 3781.12, approval by the Board of Building Standards of any fixture, device, material, system, assembly or product of a manufacturing process, or method or manner of construction or installation shall constitute approval for their use anywhere in Ohio.

As provided in Ohio R.C. 3781.11(b), the rules of the Board of Building Standards shall supersede and govern any order, standard, or rule of the Division of Fire Marshal or Industrial Compliance in the Department of Commerce, and the Department of Health and of counties and townships, in all cases where such orders, standards or rules are in conflict with the rules of the Board of Building Standards, except that rules adopted and orders issued by the Fire Marshal pursuant to Ohio R.C. Chapter 3743 prevail in the event of a conflict.

The rules of the Board of Building Standards adopted pursuant to Ohio R.C. 3781.10 and known as the "Ohio Building Code" (OBC) shall govern any rule or standards adopted by the Board pursuant to Ohio R.C. 4104.02 and 4105.011.
(OAC 4101:1-1(102.2))

(b) In all other cases of conflict between the Ohio Fire Code and any other Municipal ordinance or technical code adopted thereby, the more restrictive provision shall govern.

1501.99 PENALTY.

(a) Criminal Penalties.

(1) Except as otherwise provided in Ohio R.C. Section 3737.99(B), whoever violates Section 1501.05(a) is guilty of a misdemeanor of the first degree. (ORC 3737.99(B))

(2) Whoever violates Sections 1501.05(b) or 1501.06 is guilty of a minor misdemeanor. (ORC 3737.99(C))

(3) Whoever violates Sections 1501.07 or 1501.09 is guilty of a misdemeanor of the fourth degree. (ORC 3737.99(D))

(4) Whoever violates Sections 1501.08 or 1501.10 is guilty of a misdemeanor of the third degree. (ORC 3737.99(E))

(b) Civil Penalties.

(1) Any person who has received a citation for a serious violation of the Ohio Fire Code or any order issued pursuant to it, shall be assessed a civil penalty of not more than one thousand dollars ($1,000) for each such violation.

(2) Any person who has received a citation for a violation of the Ohio Fire Code or any order issued pursuant to it, and such violation is specifically determined not to be of a serious nature, may be assessed a civil penalty of not more than one thousand dollars ($1,000) for each such violation.

(3) Any person who fails to correct a violation for which a citation has been issued within a period permitted for its correction, may be assessed a civil penalty of not more than one thousand dollars ($1,000) for each day during which such failure or violation continues.

(4) Any person who violates any of the posting requirements, as prescribed by Section 1501.04(c), shall be assessed a civil penalty of not more than one thousand dollars ($1,000) for each violation.

(5) Due consideration to the appropriateness of the penalty with respect to the gravity of the violation, the good faith of the person being charged, and the history of the previous violations shall be given whenever a penalty is assessed under this chapter.

(6) For purposes of this section, a serious violation shall be considered to exist if there is a substantial probability that an occurrence causing death or serious physical harm to persons could result from a condition which exists, or from one or more practices, means, methods, operations or processes which have been adopted or are in use, unless the person did not and could not with the exercise of reasonable diligence, know of the presence of the violation.

(7) Civil penalties imposed by this chapter shall be paid to the Municipal Chief Fiscal Officer for deposit into the General Revenue Fund. Such penalties may be recovered in a civil action in the name of the Municipality brought in the Court of Common Pleas.
(ORC 3737.51(B) to (H))

CHAPTER 1511
Open Burning

1511.01 Definitions.
1511.02 Relations to other prohibitions.
1511.03 Open burning in restricted areas.
1511.04 Permission and notice to open burn.
1511.05 Bonfires.
1511.99 Penalty.

CROSS REFERENCES

See sectional histories for similar State law
Air pollution control - see Ohio R.C. Ch. 3704
Permit to burn construction debris - see Ohio R.C. 3704.11(C)
Spreading fire through negligence - see Ohio R.C. 3737.62
Open burning - see OAC Ch. 3745

1511.01 DEFINITIONS.

As used in Chapter 3745-19 of the Ohio Administrative Code and this chapter:

(a) "Agricultural waste" means any matter generated by crop, horticultural, or livestock production practices, and includes such items as woody debris and plant matter from stream flooding, bags, cartons, structural materials, and landscape wastes that are generated in agricultural activities, but does not include land clearing waste; buildings; garbage; dead animals; motor vehicles and parts thereof; nor economic poisons and containers thereof, unless the manufacturer has identified open burning as a safe disposal procedure.

(b) "Economic poisons" include but are not restricted to pesticides such as insecticides, fungicides, rodenticides, miticides, nematocides and fumigants; herbicides; seed disinfectants; and defoliants.

(c) "Garbage" means any matter resulting from the handling, processing, preparation, cooking and consumption of food or food products.

(d) "Landscape waste" means any plant matter, except garbage, including trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery, yard trimmings and crop residues.

(e) "Land clearing waste" means plant matter which is removed from land, including plant matter removed from stream banks during projects involving more than one property owner, for the purpose of rendering the land useful for residential, commercial or industrial development.

(f) "Ohio EPA" means the Ohio Environmental Protection Agency Director or agencies delegated authority by such Director pursuant to Ohio R.C. 3704.03 or the Chief of any Ohio Environmental Protection Agency district office.

(g) "Open burning" means the burning of any materials wherein air contaminants resulting from combustion are emitted directly into the ambient air without passing through a stack or chimney. Open burning includes the burning of any refuse or salvageable material in any device not subject to or designed specifically to comply with the requirements of Ohio Administrative Code 3745-17-09 or 3745-17-10.

(h) "Residential waste" means any matter, including landscape wastes, generated on a one-, two- or three-family residence as a result of residential activities, but not including garbage.

(i) "Restricted area" means the area within the boundary of any municipal corporation established in accordance with the provisions of Title 7 of the Ohio Revised Code, plus a zone extending 1,000 feet beyond the boundaries of any such municipal corporation having a population of 1,000 to 10,000 persons and a zone extending one mile beyond any such municipal corporation having a population of 10,000 persons or more according to the latest federal census.

(j) "Unrestricted area" means all areas outside the boundaries of a restricted area as defined in subsection (i) hereof.
(OAC 3745-19-01)

(k) Bonfire means an outdoor fire utilized for ceremonial purposes.
(OAC 1301:7-7-04)

1511.02 RELATIONS TO OTHER PROHIBITIONS.

(a) Notwithstanding any provision in Ohio Administrative Code Chapter 3745-19, no open burning shall be conducted in an area where an air alert, warning or emergency under Ohio Administrative Code Chapter 3745-25 is in effect.

(b) No provisions of Ohio Administrative Code Chapter 3745-19, permitting open burning, and no permission to open burn granted by the Ohio EPA, shall exempt any person from compliance with any section of the Ohio Revised Code, or any regulation of any State department, or any local ordinance or regulation dealing with open burning.
(OAC 3745-19-02)

1511.03 OPEN BURNING IN RESTRICTED AREAS.

(a) No person or property owner shall cause or allow open burning in a restricted area except as provided in subsections (b) to (d) hereof or in Ohio R.C. 3704.11.

(b) Open burning shall be allowed for the following purposes without notification to or permission from the Ohio EPA:

(1) Cooking for human consumption;

(2) Heating tar, welding, acetylene torches, highway safety flares, heating for warmth of outdoor workers and strikers, smudge pots and similar occupational needs.

Fires allowed by subsections (b)(1) and (b)(2) hereof shall not be used for waste disposal purposes and shall be of minimum size sufficient for their intended purpose; the fuel shall be chosen to minimize the generation and emission of air contaminants.

(c) Open burning shall be allowed for the following purposes with prior notification to the Ohio EPA in accordance with Section 1511.04(b):

(1) Prevention or control of disease or pests, with written or verbal verification to the Ohio EPA from the local health department, cooperative extension service, Ohio Department of Agriculture, or U.S. Department of Agriculture, that open burning is the only appropriate disposal method.

(2) Ceremonial fires provided the following conditions are met:

A. The ceremonial fires shall be less than five feet by five feet in dimension and shall burn no longer than three hours;

B. The ceremonial fires shall not be used for waste disposal purposes; and

C. The fuel shall be chosen so as to minimize the generation and emission of air contaminants.

(3) Disposal of agricultural waste generated on the premises if the following conditions are observed:

A. The fire is set only when atmospheric conditions will readily dissipate contaminants;

B. The fire does not create a visibility hazard on the roadways, railroad tracks, or air fields;

C. The fire is located at a point on the premises no less than one thousand feet from any inhabited building not located on said premises;

D. The wastes are stacked and dried to provide the best practicable condition for efficient burning; and

E. No materials are burned which contain rubber, grease, asphalt or liquid petroleum products.

(d) Open burning shall be allowed for the following purposes upon receipt of written permission from the Ohio EPA in accordance with Section 1511.04(a) provided that any conditions specified in the permission are followed:

(1) Disposal of ignitable or explosive materials where the Ohio EPA determines that there is no practical alternate method of disposal;

(2) Instruction in methods of fire fighting or for research in the control of fires;

(3) In emergency or other extraordinary circumstances for any purpose determined to be necessary by the Ohio EPA; and

(4) Recognized horticultural, silvicultural, range or wildlife management practices.

(5) Fires and/or pyrotechnic effects, for purposes other than waste disposal, set as part of commercial film-making or video production activities for motion pictures and television.

(OAC 3745-19-03)

1511.04 PERMISSION AND NOTICE TO OPEN BURN.

(a) Permission.

(1) An application for permission to open burn shall be submitted in writing at least ten days before the fire is to be set. It shall be in such form and contain such information as required by the Ohio EPA.

(2) Except as provided in subsection (a)(6) hereof, such applications shall contain, as a minimum, information regarding:
   A. The purpose of the proposed burning;
   B. The nature of quantities of material to be burned;
   C. The date or dates when such burning will take place;
   D. The location of the burning site, including a map showing distances to residences, populated areas, roadways, air fields, and other pertinent landmarks; and
   E. The methods or actions which will be taken to reduce the emissions of air contaminants.

(3) Permission to open burn shall not be granted unless the applicant demonstrates to the satisfaction of the Ohio EPA that open burning is necessary to the public interest; will be conducted in a time, place, and manner as to minimize the emission of air contaminants; and will have no serious detrimental effect upon adjacent properties or the occupants thereof. The Ohio EPA may impose such conditions as may be necessary to accomplish the purpose of Chapter 3745-19 of the Administrative Code.

(4) Except as provided in subsection (a)(6) hereof, permission to open burn must be obtained for each specific project. In emergencies where public health or environmental quality will be seriously threatened by delay while written permission is sought, the fire may be set with oral permission of the Ohio EPA.

(5) Violations of any of the conditions set forth by the Ohio EPA in granting permission to open burn shall be grounds for revocation of such permission and refusal to grant future permission, as well as for the imposition of other sanctions provided by law.

(6) The Ohio Department of Commerce, Division of State Fire Marshal, may request permission to open burn on an annual basis for the purpose of training firefighters on pre-flashover conditions using the Ohio fire academy's mobile training laboratory at either the academy or at other training sites in Ohio. The annual application required pursuant to subsection (a)(1) hereof shall contain information as required in subsection (a)(2) hereof, except the information required in subsections (a)(2)C. and (a)(2)D. hereof need not be provided unless it is available at the time of submittal of the application. The academy shall contact the appropriate Ohio EPA district office or local air agency at least five days before each training session of the date or dates when the training session will take place and its location.

(b) Notification.

(1) Notification shall be submitted in writing at least ten days before the fire is to be set. It shall be in such form and contain such information as shall be required by the Ohio EPA.

(2) Such notification shall inform the Ohio EPA regarding:
   A. The purpose of the proposed burning;
   B. The nature and quantities of materials to be burned;
   C. The date or dates when such burning will take place; and
   D. The location of the burning site.

(3) The Ohio EPA, after receiving notification, may determine that the open burning is not allowed under Chapter 3745-19 of the Administrative Code and the Ohio EPA shall notify the applicant to this effect. (OAC 3745-19-05)

1511.05 BONFIRES.

(a) Approval Required. A bonfire shall be allowed after obtaining approval from the Fire Official.

An application for a bonfire shall be submitted in writing at least ten days before the fire is set and shall be in such form and contain such information as required by the Fire Official. All permits shall be requested by and issued to the owner of the land upon which the bonfire is to be kindled.

(b) Prohibition. The Fire Official shall prohibit a bonfire that will be offensive or objectionable due to smoke or odor emissions when atmospheric conditions or local circumstances make such fires hazardous. The Fire Official shall order the extinguishment, by the permit holder or the Fire Department, of any bonfire that creates or adds to a hazardous or objectionable situation.

(c) Location. The location for any bonfire shall not be less than 50 feet (15240 mm) from any structure, and provisions shall be made to prevent the fire from spreading to within 50 feet (15240 mm) of any structure. Fires in approved containers shall be permitted, provided that such fires are not less than 15 feet (4572 mm) from any structure.

(d) Attendance. Any bonfire shall be constantly attended until the fire is extinguished. At least one portable fire extinguisher with a minimum 4-A rating, two portable fire extinguishers with a minimum 2-A rating each, or other approved on-site fire extinguishing equipment, such as dirt, sand, water barrel, garden hose, or water truck, shall be available for immediate utilization.

(e) Bonfire Size and Duration. A bonfire shall not be more than 5 feet (1524 mm) by 5 feet (1524 mm) by 5 feet (1524 mm) in dimension and shall not burn longer than 3 hours. The maximum size and duration of a bonfire shall not be increased by the Fire Official unless it is determined that fire safety requirements of the situation and the desirable duration of burn warrant the increase.

(f) Material. Fuel for a bonfire shall consist only of seasoned dry firewood and shall be ignited with a small quantity of paper. The fire shall not be utilized for waste disposal purposes, and the fuel shall be chosen to minimize the generation of air contaminants. (OAC 1301:7-7-04)

1511.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a misdemeanor of the third degree and shall be fined not more than five hundred dollars ($500.00) or imprisoned not more than sixty days, or both.

CHAPTER 1519
Fireworks

1519.01 Definitions.
1519.02 Public exhibition permit required; fee; bond; records.
1519.03 Unlawful conduct by exhibitor.
1519.04 Possession, sale or discharge prohibited; exceptions.
1519.05 Application.
1519.99 Penalty.

CROSS REFERENCES

Manufacturers to comply with building and zoning ordinances - see Ohio R.C. 3743.06(F)
Wholesalers to comply with building and zoning ordinances - see Ohio R.C. 3743.19(G)
Arrests, seizure of fireworks by certified fire safety inspector - see Ohio R.C. 3743.68
Conflict of Fire Marshal's rules with rules of Ohio Board of Building Standards - see Ohio R.C. 3781.11(D)

1519.01 DEFINITIONS.

As used in this chapter:

(a) "Beer" and "intoxicating liquor" have the same meanings as in Ohio R.C. 4301.01.

(b) "Booby trap" means a small tube that has a string protruding from both ends, that has a friction-sensitive composition and that is ignited by pulling the ends of the string.

(c) "Cigarette load" means a small wooden peg that is coated with a small quantity of explosive composition and that is ignited in a cigarette.

(d) (1) “1.3 G fireworks” means display fireworks consistent with regulations of the United States Department of Transportation as expressed using the designation “Division 1.3" in Title 49, Code of Federal Regulations.

(2) “1.4 G fireworks” means consumer fireworks consistent with regulations of the United States Department of Transportation as expressed using the designation “Division 1.4" in Title 49, Code of Federal Regulations.

(e) "Controlled substance" has the same meaning as in Ohio R.C. 3719.01.

(f) "Fireworks" means any composition or device prepared for the purpose of producing a visible or an audible effect by combustion, deflagration or detonation, except ordinary matches and except as provided in Section 1519.05.

(g) "Licensed exhibitor of fireworks" or "licensed exhibitor" means a person licensed pursuant to Ohio R.C. 3743.50 to 3743.55.

(h) "Licensed manufacturer of fireworks" or "licensed manufacturer" means a person licensed pursuant to Ohio R.C. 3743.02 to 3743.08.

(i) "Licensed wholesaler of fireworks" or "licensed wholesaler" means a person licensed pursuant to Ohio R.C. 3743.15 to 3743.21.

(j) "Novelties and trick noisemakers" include the following items:

(1) Devices that produce a small report intended to surprise the user, including, but not limited to, booby traps, cigarette loads, party poppers and snappers;

(2) Snakes or glow worms;

(3) Smoke devices;

(4) Trick matches.

(k) "Party popper" means a small plastic or paper item that contains not more than sixteen milligrams of friction-sensitive explosive composition, that is ignited by pulling string protruding from the item, and from which paper streamers are expelled when the item is ignited.

(l) "Railroad" means any railway or railroad that carries freight or passengers for hire, but does not include auxiliary tracks, spurs and sidings installed and primarily used in serving a mine, quarry or plant.

(m) "Smoke device" means a tube or sphere that contains pyrotechnic composition that, upon ignition, produces white or colored smoke as the primary effect.

(n) "Snake or glow worm" means a device that consists of a pressed pellet of pyrotechnic composition that produces a large, snake-like ash upon burning, which ash expands in length as the pellet burns.

(o) "Snapper" means a small, paper-wrapped item that contains a minute quantity of explosive composition coated on small bits of sand, and that, when dropped, implodes.

(p) "Trick match" means a kitchen or book match that is coated with a small quantity of explosive composition and that, upon ignition, produces a small report or a shower of sparks.

(q) “Wire sparkler” means a sparkler consisting of a wire or stick coated with a non-explosive pyrotechnic mixture that produces a shower of sparks upon ignition and that contains no more than one hundred grams of this mixture.

(ORC 3743.01)

1519.02 PUBLIC EXHIBITION PERMIT REQUIRED; FEE; BOND; RECORDS.

(a) A licensed exhibitor of fireworks who wishes to conduct a public fireworks exhibition within the Municipality shall apply for approval to conduct the exhibition to the Fire Chief and from the Police Chief or other similar chief law enforcement officer, or the designee of the Police Chief or similar chief law enforcement officer.

The required approval shall be evidenced by the Fire Chief or Fire Prevention Officer and by the Police Chief or other similar chief law enforcement officer, or the designee of the Police Chief or similar chief law enforcement officer, signing a permit for the exhibition, the form for which shall be prescribed by the State Fire Marshal. Any exhibitor of fireworks who wishes to conduct a public fireworks exhibition may obtain a copy of the form from the Fire Marshal or, if it is available, from the Fire Chief, Fire Prevention Officer, Police Chief or other similar chief law enforcement officer, or the designee of the Police Chief or similar chief law enforcement officer.

(b) Before a permit is signed and issued to a licensed exhibitor of fireworks, the Fire Chief or Fire Prevention Officer in consultation with the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall inspect the premises on which the exhibition will take place and shall determine that, in fact, the applicant for the permit is a licensed exhibitor of fireworks. Each applicant shall show the applicant's license as an exhibitor of fireworks to the Fire Chief or Fire Prevention Officer.

The Fire Chief or Fire Prevention Officer and the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall give approval to conduct a public fireworks exhibition only if satisfied, based on the inspection, that the premises on which the exhibition will be conducted allow the exhibitor to comply with the rules adopted by the Fire Marshal pursuant to Ohio R.C. 3743.53(B) and (E) and that the applicant is, in fact, a licensed exhibitor of fireworks. The Fire Chief or Fire Prevention Officer in consultation with the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, may inspect the premises immediately prior to the exhibition to determine if the exhibitor has complied with the rules, and may revoke the permit for noncompliance with the rules.

(c) The Fire Chief or Fire Prevention Officer and the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall not issue a permit until the applicant pays a permit fee of twenty-five dollars ($25.00) plus any necessary costs of investigation of the applicant and of inspecting the premises on which the exhibition will be conducted.

Each exhibitor shall provide an indemnity bond in the amount of at least one million dollars ($1,000,000), with surety satisfactory to the Fire Chief or Fire Prevention Officer and to Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, conditioned for the payment of all final judgments that may be rendered against the exhibitor on account of injury, death or loss to persons or property emanating from the fireworks exhibition, or proof of insurance coverage of at least one million dollars ($1,000,000) for liability arising from injury, death or loss to persons or property emanating from the fireworks exhibition. The Legislative Authority may require the exhibitor to provide an indemnity bond or proof of insurance coverage in amounts greater than those required by this subsection. The Fire Chief or Fire Prevention Officer and Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall not issue a permit until the exhibitor provides the bond or proof of the insurance coverage required by this subsection.

(d) (1) Each permit for a fireworks exhibition issued by the Fire Chief or Fire Prevention Officer and by the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall contain a distinct number, designate the Municipality, and identify the certified Fire Safety Inspector, Fire Chief or Fire Prevention Officer who will be present before, during, and after the exhibition, where appropriate. A copy of each permit issued shall be forwarded by the Fire Chief or Fire Prevention Officer and by the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, issuing it to the Fire Marshal, who shall keep a record of the permits received. A permit is not transferable or assignable.

(2) The Fire Chief, Fire Prevention Officer and Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall keep a record of issued permits for fireworks exhibitions. In this list, the Fire Chief, Fire Prevention Officer, Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall list the name of the exhibitor, the exhibitor's license number, the premises on which the exhibition will be conducted, the date and time of the exhibition and the number of the permit issued to the exhibitor for the exhibition.

(e) The governing authority having jurisdiction in the location where an exhibition is to take place shall require that a certified Fire Safety Inspector, Fire Chief, or Fire Prevention Officer be present before, during, and after the exhibition, and shall require the certified Fire Safety Inspector, Fire Chief, or Fire Prevention Officer to inspect the premises where the exhibition is to take place and determine whether the exhibition is in compliance with this chapter and Ohio R.C. Chapter 3743. (ORC 3743.54)

1519.03 UNLAWFUL CONDUCT BY EXHIBITOR.

(a) No licensed exhibitor of fireworks shall fail to comply with the applicable requirements of the rules adopted by the Fire Marshal pursuant to Ohio R.C. 3743.53(B) and (E) or to comply with Divisions (C) and (D) of that section.

(b) No licensed exhibitor of fireworks shall conduct a fireworks exhibition unless a permit has been secured for the exhibition pursuant to Section 1519.02 or if a permit so secured is revoked by the Fire Chief or Fire Prevention Officer in consultation with the Police Chief or other similar chief law enforcement official or a designee of such Police Chief or other similar law enforcement official pursuant to that section.

(c) No licensed exhibitor of fireworks shall acquire fireworks for use at a fireworks exhibition other than in accordance with Ohio R.C. 3743.54 and 3743.55.

(d) No licensed exhibitor of fireworks or other person associated with the conduct of a fireworks exhibition shall have possession or control of, or be under the influence of, any intoxicating liquor, beer or controlled substance while on the premises on which the exhibition is being conducted.

(e) No licensed exhibitor of fireworks shall permit an employee to assist the licensed exhibitor in conducting fireworks exhibitions unless the employee is registered with the Fire Marshal under Ohio R.C. 3743.56. (ORC 3743.64)

1519.04 POSSESSION, SALE OR DISCHARGE PROHIBITED; EXCEPTIONS.

(a) No person shall possess fireworks in this Municipality or shall possess for sale or sell fireworks in this Municipality, except a licensed manufacturer of fireworks as authorized by Ohio R.C. 3743.02 to 3743.08, a licensed wholesaler of fireworks as authorized by Ohio R.C. 3743.15 to 3743.21, a shipping permit holder as authorized by Ohio R.C. 3743.40, an out-of-state resident as authorized by Ohio R.C. 3743.44, a resident of this State as authorized by Ohio R.C. 3743.45, or a licensed exhibitor of fireworks as authorized by Ohio R.C. 3743.50 to 3743.55 and Section 1519.02 and except as provided in Section 1519.05.

(b) Except as provided in Section 1519.05 and except for licensed exhibitors of fireworks authorized to conduct a fireworks exhibition pursuant to Ohio R.C. 3743.50 to 3743.55 and Section 1519.02, no person shall discharge, ignite or explode any fireworks in this Municipality.

(c) No person shall use in a theater or public hall, what is technically known as fireworks showers, or a mixture containing potassium chlorate and sulphur.

(d) No person shall sell fireworks of any kind to a person under eighteen years of age.

(e) No person shall advertise 1.4 G fireworks for sale. A sign located on a seller's premises identifying the seller as a seller of fireworks is not the advertising of fireworks for sale.

(f) No person, other than a licensed manufacturer, licensed wholesaler, licensed exhibitor, or shipping permit holder, shall possess 1.3 G fireworks.
(ORC 3743.65)

1519.05 APPLICATION.

This chapter does not prohibit or apply to the following:

(a) The manufacture, sale, possession, transportation, storage or use in emergency situations, of pyrotechnic signaling devices and distress signals for marine, aviation or highway use;

(b) The manufacture, sale, possession, transportation, storage or use of fusees, torpedoes or other signals necessary for the safe operation of railroads;

(c) The manufacture, sale, possession, transportation, storage or use of blank cartridges in connection with theaters or shows, or in connection with athletics as signals or for ceremonial purposes;

(d) The manufacture for, the transportation, storage, possession or use by, or sale to the Armed Forces of the United States and the militia of this State of pyrotechnic devices;

(e) The manufacture, sale, possession, transportation, storage or use of toy pistols, toy canes, toy guns or other devices in which paper or plastic caps containing twenty-five hundredths grains or less of explosive material are used, provided that they are constructed so that a hand cannot come into contact with a cap when it is in place for explosion, or apply to the manufacture, sale, possession, transportation, storage or use of those caps;

(f) The manufacture, sale, possession, transportation, storage or use of novelties and trick noisemakers, auto burglar alarms or model rockets and model rocket motors designed, sold and used for the purpose of propelling recoverable aero models;

(g) The manufacture, sale, possession, transportation, storage or use of wire sparklers.

(h) The conduct of radio-controlled special effect exhibitions that use an explosive black powder charge of not more than one-quarter pound per charge, and that are not connected in any manner to propellant charges, provided that the exhibition complies with all of following:

(1) No explosive aerial display is conducted in the exhibition;

(2) The exhibition is separated from spectators by not less than two hundred feet;

(3) The person conducting the exhibition complies with regulations of the Bureau of Alcohol, Tobacco and Firearms of the United States Department of the Treasury and the United States Department of Transportation with respect to the storage and transport of the explosive black powder used in the exhibition.
(ORC 3743.80)

1519.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a misdemeanor of the first degree for a first offense and shall be fined not more than one thousand dollars ($1,000) or imprisoned not more than six months or both. (ORC 3743.99(C))

CHAPTER 1521
Fire Damaged Homes and Structures

1521.01 Securing insurance proceeds. **1521.01 Procedure.**

CROSS REFERENCES
Ohio Fire Code - see FIRE PREV. Ch. 1501

1521.01 SECURING INSURANCE PROCEEDS.

This section hereby implements Ohio R.C. 3929.86(C) and (D) for securing a certain portion of insurance policy proceeds to secure the cost of removing, repairing or securing the building or fire damaged structures.
(Ord. 560-07-12. Passed 9-18-12.)

1521.02 PROCEDURE.

The Village is hereby authorized to utilize the procedure described in Ohio R.C. 3929.86(C) and (D), whereby no insurance company doing business in the State of Ohio shall pay a claim to a named insured for fire damage to a structure located within the Village where the amount recoverable for the fire loss to the structure under all policies exceeds five thousand dollars ($5,000), unless there is compliance with the following procedures:

(a) When the loss agreed to between the named insured or insureds and the company or companies equals or exceeds sixty percent (60%) of the aggregate limit of liability on all fire damage policies covering the building or structure, the insurance company or companies in accordance with Ohio R.C. 715.26(F) shall transfer from the insurance proceeds to the Mayor in the aggregate two thousand dollars ($2,000) for each fifteen thousand dollars ($15,000) and each fraction of that amount, of a claim, or, if at the time of a proof of loss agreed to between the named insured or insureds and the insurance company or companies, the named insured or insureds have submitted a contractor's signed estimate of the costs of removing, repairing or securing the fire damaged building or structure, shall transfer from the insurance policy proceeds the amount specified in the estimate.

(1) Such transfer of proceeds shall be on a pro rata basis by all companies insuring the building or other structure. Policy proceeds remaining after the transfer to the Village shall be disbursed in accordance with the policy terms.

(2) The named insured or insureds may submit a contractor's signed estimate of the costs of removing, repairing or securing the building or structure after the transfer and the Mayor shall return the amount of the fund in excess of the estimate to the named insured or insureds, provided that the Village has not commenced to remove, repair or secure the building or other structure.

(b) Upon receipt of the proceeds by the Village as authorized by this section, the Mayor shall place the proceeds in a separate fund to-wit: Fire Insurance Fund to be used solely as security against the total cost of removing, repairing or securing said fire damage structure incurred by the Village pursuant to Ohio R.C. 715.261:

(1) When transferring said funds pursuant to Ohio R.C. 3929.86(C), an insurance company shall provide the Village with the name and address of the named insured or insureds, whereupon the Village shall contact the named insured or insureds, certify that the proceeds have been received by the Village and notify them that the following procedures will be followed.

(2) The fire insurance proceeds deposited in said Fund shall be returned to the named insured or insureds when repairs, or removal, or securing of the building or other fire damaged structure have been completed and the required proof received by the Mayor, if the Village has not incurred any costs for such repairs, removal or securing said fire damage structure. If the Village has incurred any costs for repairs, removal or securing of the building or other fire damaged structure, such costs shall be paid from the fund and if excess funds remain, the Village shall transfer the remaining funds to the named insured or insureds. Nothing in this section shall be construed to limit the ability of the Village to recover any deficiency under Ohio R.C. 715.26 and 715.261.

(3) Nothing in this section shall be construed to prohibit the Village and the named insured or insureds from entering into an agreement that permits the transfer of funds to the named insured or insureds if some other reasonable disposition of the damaged property has been negotiated.

(c) The Mayor is hereby designated as the officer authorized to carry out the duties of this section.

(d) The Clerk is hereby directed to file a certified copy of this chapter with the Superintendent of Insurance of the State of Ohio.

(Ord. 560-07-12. Passed 9-18-12.)