

**CODIFIED
ORDINANCES
OF
GROVEPORT,
OHIO**



Local legislation current through January 1, 2026

State legislation current through December 31, 2025

CERTIFICATION

We, Lance Westcamp, Mayor, and Mindy Kay, Clerk of Council of Groveport, Ohio, pursuant to Ohio Revised Code 731.23 and 731.42, hereby certify that the general and permanent ordinances of the City of Groveport, 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 Groveport, Ohio, 1991, as amended to January 1, 2026.

/s/ Lance Westcamp
Mayor

/s/ Mindy Kay
Clerk of Council

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GROVEPORT, OHIO
 ROSTER OF OFFICIALS
 (2026)

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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 the chapter analysis.

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COMPARATIVE SECTION TABLE

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2025-005	3-24-25	143.23
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2025-029	8-25-25	1321.27
2025-037	12-15-25	921.03, 925.02 to 925.05, 933.03, 933.04, 933.06, 933.08, 933.13, 939.17, 1132.03, 1173.03, 1321.03, 1321.10, 1321.16, 1321.17, 1321.19 to 1321.23, 1321.25, 1321.27, 1322.02, 1331.03, 1381.07

TABLE H - ANNEXATION AND DETACHMENT OF TERRITORY (Cont.)

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>
14-023	6-23-14	Annexation of 9.6 acres, more or less, Parcel Numbers 180-001052, 180-001048, and 180-003042, located in Madison Township (Jackson B. Reynolds, III, agent for petitioners).
14-030	7-28-14	Repeals Ordinance No. 14-023, (passed June 23, 2014) and accepting the annexation of 9.6 acres, more or less, Parcel Numbers 180-001052, 180-001048, and 180-003042, located in Madison Township (Jackson B. Reynolds, III, agent for petitioner).
2021-037	8-9-21	Annexation of 48.94 acres, more or less, Parcel Numbers 180-005408, and 180-005409, located in Madison Township (David J. Robinson, agent for petitioners).
2024-024	6-10-24	Annexation of 1.94 acres, more or less, Parcel Number 180-000921, located in Madison Township.
2025-017	7-14-25	Annexation of 295.86 acres, more or less, Parcel Numbers 180-000212, 180-000326, 180-000329, 180-000437, 180-000959, and 180-001486 located in Madison Township.

hh

TABLE I - ZONING MAP CHANGES (Cont.)

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>
08-013	4-28-08	353.422 acres owned by Schottenstein Trustee GP et al from Rural to PR-6.
11-016	5-23-11	Approximately 2.4 acres, more or less, of the following tracts of land, Parcel Numbers 185-000118, 185-000355, 185-000289, 185-000255, 185-000171, 185-000420, 185-000403 and 185-000119, owned by the City of Groveport from CC (Community Commercial) to SCPD (Select Commercial Planned District).
11-027	7-25-11	Approximately 4.9137 acres, more or less, of the following tract of land, Parcel Number 185-002894, owned by Dalton Sealing & Paving from Rural (R) to Community Service (CS).
11-029	8-22-11	Approximately 1.62 acres, more or less, of the following tract of land, Parcel Number 185-002201, owned by Tamra D. White from Planned Industrial Park (PIP) to Community Commercial (CC).
12-053	11-26-12	Approximately 7.14 acres, more or less, of the following tract of land, Parcel Number 185-002762, owned by Valerie J. Sholtes, et al from Rural (Unzoned) to Planned High Density Residential (PR-18), (Applicant Community Investment Corporation).
14-038	9-22-14	Approximately 9.6 +/- acres, more or less, of the following tract of land, Parcel Numbers 180-001048, 180-003042, 180-001052 owned by Rohr One Development LLC, from Rural (unzoned) to Planned Industrial Park (PIP).
15-055	12-21-15	41.413 acres, more or less, of the following tract of land, located at 2850 Rohr Road, Parcel Numbers 185-001444 and 185-001445 owned by Vantrust Real Estate LLC from Exceptional Use (EU) to Planned Industrial Park (PIP).
15-060	10-26-15	7.4 acres, more or less, of the following tract of land, located at 5090 Hendron Road, Parcel Number 185-002762 owned by Valerie J. Sholtes et al from Rural (unzoned) to Planned High Density Residential (PR-18), applicant Todd D. Valentine.
16-034	7-25-16	Approximately 1.5 acres, more or less, located at 2690 London Groveport Road, from Rural (unzoned) to Community Service (CS).
19-022	9-23-19	Approximately 37.68 acres, more or less, located at 5770 Saltzgaber Road, Parcel Number 185-002541 owned by DMH Farms LLC from Rural (Unzoned) to Planned Industrial Park (PIP).
19-025	7-22-19	Approximately 24.03 acres, more or less, located west of South Hamilton Road, Parcel Number 185-001164 owned by Lowery Asset Management LP from Suburban Residential (R-4) to Select Commercial Planned District (SCPD).
2020-010	5-26-20	Approximately 9.158 acres, more or less, located west of Ebright Road, Parcel Number 185-001601 owned by, Maronda Homes Inc., of Ohio from Planned Low Density Residential (PR-6) to Suburban Residential (R-4).
2020-011	5-26-20	Approximately 23.235 acres, more or less, located east of Hendron Road, Parcel Numbers 185-002762 and 185-002763 owned by, Valerie J. Sholtes, James Seelig and Elissa A. Villiers from Rural (R) to Planned High Density Residential (PR-18).

TABLES OF SPECIAL ORDINANCES

TABLE I - ZONING MAP CHANGES (Cont.)

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>
2020-041	12-21-20	Approximately 0.69 acres, more or less, located west of College Street, Parcel Numbers 185-000224 and 185-000200 owned by the City, from Community Commercial (CC) to Select Commercial Planned District (SCPD).
2021-022	8-9-21	Approximately 47.429 acres, more or less, of the following tract of land, located southeast side of Hayes Road and Pontius Road, Parcel Numbers 180-005409 and 180-005408 owned by, Sunshine & Smooch, LLC and JCD Pickaway Farm LLC from Rural (R) to Planned Industrial Park (PIP).
2022-003	5-9-22	Approximately 1.19 acres, more or less, of the following tract of land, located south side of Main Street, Parcel Number 185-000443 owned by Aaron & Katherine Carroll from Urban Residential (R-6) to Select Commercial Planned District (SCPD).
2024-022	5-28-24	Approximately 18.64 acres, more or less, of the following tract of land, located north side of Groveport Road, Parcel Numbers 185-002772, 185-002773, 185-002774 and 180-000921 owned by David & Dawn Arlington and Roger J. Studley from Rural (R) to Planned Industrial Park (PIP).
2025-026	9-8-25	Approximately 295 acres, more or less, of the following tract of land, located east side of Ebright Road, Parcel Numbes 180-000959, 180-000326, 180-001486, 180-000437, 180-000212 and 180-000329, owned by Ebright Investment Co., LLC from Rural (R) to Planned High Density Residential (PR-18).

CHAPTER 143 Employees Generally

EDITOR'S NOTE: Pursuant to Ordinance 11-018, passed May 9, 2011, the City has adopted the City of Groveport Policy and Procedure Manual, amended by Ordinance 19-006. Copies are on file with the Clerk of Council.

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| <ul style="list-style-type: none"> 143.01 Sick leave. 143.02 Vacation leave. 143.03 Military leave. 143.04 Court leave. 143.05 Holidays. 143.06 Bi-weekly pay period. 143.07 Office employees work hours. 143.08 Funeral leave. 143.09 Standard work week; overtime. 143.10 Tuition reimbursement. 143.11 Full-time employee defined; benefits. | <ul style="list-style-type: none"> 143.12 Precinct election official leave. 143.13 Longevity pay full-time. 143.14 Life insurance. 143.15 Leave Donation Program. 143.16 Health insurance. 143.17 Wellness Program. 143.18 Golf as a fringe benefit. 143.19 Compensation for private golf instruction. 143.20 Compensation for swim instructors. 143.21 Personnel Board of Review. 143.22 Retirement and re-appointment to same position. 143.23 Paid parental leave. |
|--|---|

CROSS REFERENCES

Worker's compensation - see Ohio Const., Art. II, Sec.35;
Ohio R.C. Ch. 4123
Wages and hours on public works - see Ohio Const., Art. II,
Sec. 37; Ohio R.C. Ch. 4115
Deductions for dues and savings - see Ohio R.C. 9.41, 9.43
Vacation credit - see Ohio R.C. Ch. 102
Public Employees Retirement System - see Ohio R.C. Ch. 145
Strikes by public employees - see Ohio R.C. Ch. 4117
Conflict of interest, ethics - see CHTR. §11.02

143.01 SICK LEAVE.

(a) All full-time employees shall be entitled to sick leave of one and one-half days per month, up to eighteen days per year. Employees may elect at the time of retirement from active service and with ten or more years of service with the Municipality of Groveport, to be paid in cash for one-fourth the value of accrued but unused sick leave credit. The payment shall be based upon the employee's rate of pay at the time of retirement and eliminates all sick leave accrued, but unused by the employee at the time payment is made.

(b) Sick leave shall normally be charged in one-fourth (1/4) hour increments. An employee shall be charged for sick leave only for days upon which he would otherwise have been scheduled to work. Sick leave payment shall not exceed the normal scheduled work day or work week earnings.

In cases of an extended illness, sick leave accrued must be used on a continuing basis until exhausted and not a day or two each period. No authorized leave without pay shall be approved until all sick leave is exhausted.

(c) Sick leave shall be granted upon approval of the responsible manager for the following reasons:

- (1) Illness or injury of the employee. The exact nature of the illness or injury shall be explained by the employee.
- (2) Illness or injury of a member of the employee's immediate family.

When sick leave is requested to care for members of the immediate family, the manager may require a physician's certificate to the effect that the presence of the employee is necessary to care for the ill member.

- (3) Medical, dental or optical examination or treatment of an employee or a member of his/her immediate family, stating relationship if a member of the immediate family.
- (4) If a member of the immediate family is afflicted with a contagious disease and requires the care and attendance of the employee, or when through exposure to a contagious disease, the presence on the job would jeopardize the health of others, sick leave may be used.
- (5) Pre-induction medical examination required by the Armed Forces.
- (6) Pregnancy and/or childbirth and other conditions related thereto. This benefit is limited to employee and spouse or significant other.

(d) Immediate Family. For purposes of this policy, "immediate family" is defined as the employee's: spouse, child (including step-child or legal ward), parent, step-parent, mother-in-law, or father-in-law, brother, sister, grandparent, grandchild, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent-in-law, legal guardian or a person who stands in place of a parent of the employee or employee's spouse.

(e) An employee who transfers from one public agency to another, or who is reappointed or reinstated, shall be credited with the unused balance of accumulated sick leave, provided that the time between separation and reappointment does not exceed ten years.

- (1) "Public agency" includes the State, counties, municipalities and all Boards of Education within the State.
- (2) The employee shall be informed that sick leave absence cannot be charged against restorable sick leave credit until the claim has been authenticated by the former employer and certified by Human Resources.

(f) Sick Leave Incentive.

- (1) Twenty-five percent (25%) of unused sick leave may be converted to personal time after 480 hours have accrued to a maximum of four (4) additional personal days per year.
- (2) This benefit should not allow the employee's sick leave accrual to drop below 480 hours.
- (3) This benefit is eligible to those employees who achieve ten years of service with the Municipality of Groveport.

(g) Any employee who has medical documentation for a sick leave absence will be excused for said absence. There will be an allowance of three (3) unexcused sick leave absences per calendar year. An unexcused sick leave absence occurs when there is no medical documentation as required by the policy. Any unexcused sick leave taken after the third unexcused absence will be counted as an occurrence. An occurrence is one full or partial work day absent from work. ✓

(h) Disciplinary Actions. More than three (3) unexcused occurrences will result in the appropriate corrective action in accordance with Section 8 of the Code of Personnel Practices and Procedures, Group I Offenses. The fourth unexcused occurrence will result in a verbal reprimand, the fifth unexcused occurrence will result in a written reprimand, the sixth unexcused occurrence will result in a working suspension of one (1) to three (3) days; or a one (1) to three (3) days suspension without pay, a seventh unexcused occurrence will result in a ten (10) day suspension without pay; and, an eighth unexcused occurrence will result in removal from municipal employment.

✓ (i) Employee Notification. When an employee is unable to report to work due to illness or other acceptable sick leave reason, the employee shall notify his/her supervisor as instructed by the Personnel Director or designee. An employee must continue such notification each succeeding day of absence except in cases of prolonged illness or absence where the employee has been granted a set period of leave. Failure of an employee to make proper notification may result in denial of sick leave and/or appropriate disciplinary action.

(j) Sick Leave Abuse. Application by an employee for sick leave through fraud or dishonesty will result in denial of such leave together with disciplinary action up to and including dismissal. Patterns of sick leave usage immediately prior or subsequent to holidays, vacation, days off and/or weekends or excessive sick leave usage may result in sick leave denial and appropriate disciplinary action. The City reserves the right to investigate allegations of sick leave abuse. The City reserves the right to question employees concerning their sick leave use. Whenever an employee is on sick leave he/ she must be at home during his/her scheduled work hours or obtaining treatment or medication.
(Ord. 2025-003. Passed 3-10-25.) ✓

143.02 VACATION LEAVE.

(a) Vacations. Full-time Municipality employees shall be entitled to vacation as follows:

<u>Length of Service</u>	<u>Hours</u>
(1) after completion of 1 year of service	80 hours
(2) after completion of 5 years of service	120 hours
(3) after completion of 10 years of service	160 hours
(4) after completion of 15 years of service	184 hours
(5) after 21 + years of service	200 hours

(b) For the purpose of determining how many years of service an employee has, public service is defined as employment or service as an elected official or as an officer with any of the following and shall be counted as qualifying service:

- (1) State departments, bureaus, boards and commissions.
- (2) State supported universities, community colleges and technical institutions as academic or nonacademic personnel.
- (3) Boards of county commissioners or other county officer's departments, including county homes, county hospitals and county welfare departments.
- (4) Cities, villages and townships.
- (5) School districts.
- (6) Health districts.
- (7) Public libraries.
- (8) Special purpose districts established pursuant to the law, such as conservancy and park districts.
- (9) Special authorities established pursuant to State law; for example, housing transportation, port and airport authorities.
- (10) Retirement Systems, Bridge Commission, Ohio Turnpike Commission and Ohio Historical Society.
- (11) Ohio National Guard (Air and Army).

(NOTE: Time purchased in military service, Federal Government or other states does not count towards longevity or vacation credit.)

(c) Prior service credit shall be reported and documented in Human Resources and documentation shall be housed in the employee's personnel file upon verification to ensure proper credit. Each calendar day of employment is service credit.

- (1) The initial annual vacation allowance is contingent on the amount of accumulated qualifying service. Time spent in military service is counted provided the person in question was a City employee for at least ninety days before entering military service. Time spent on authorized leave of absence is counted. Part-time service is counted for longevity purposes, but an employee must be working on a full-time basis to actually earn vacation credit. (Ord. 2025-003. Passed 3-10-25.)

143.03 MILITARY LEAVE.

The Municipality will comply with all applicable federal and state laws regarding Military Leave. (Ord. 2025-003. Passed 3-10-25.)

143.04 COURT LEAVE.

(a) Court leave shall be granted with full pay when an employee is subpoenaed for court or summoned for jury duty by the United States, the State of Ohio or a political subdivision. Upon completion of such service, the employee must furnish a Certificate to Employer from the court showing dates served and amount of compensation paid.

- (1) Employees will honor any subpoena issued to them, including those for worker's compensation, unemployment compensation and Board of Review hearings.

- (2) It is not considered proper to pay employees when appearing in court for criminal or civil cases, when the case is being heard in connection with the employee's personal matters, such as traffic court, divorce proceedings, custody, appearing as directed with juvenile, etc. These absences would be considered leave without pay or some other form of accrued time off (except sick leave).

(b) All records pertaining to court leave shall become a part of the employee's personnel file. (Ord. 2025-003. Passed 3-10-25.)

143.05 HOLIDAYS.

(a) The following days shall be holidays:

- (1) The first day of January, known as New Year's Day;
- (2) The third Monday in January, known as Martin Luther King Day;
- (3) The last Monday in May, known as Memorial Day;
- (4) The nineteenth day of June, known as Juneteenth;
- (5) The fourth day of July, known as Independence Day;
- (6) The first Monday in September, known as Labor Day;
- (7) The eleventh day of November, known as Veteran's day;
- (8) The fourth Thursday in November, known as Thanksgiving Day;
- (9) The day after Thanksgiving;
- (10) Christmas Eve;
- (11) The twenty-fifth day of December, known as Christmas Day;
- (12) A personal day on the day of the employee's choice;
- (13) Any other subsequent holiday recognized and/or established by the Federal or State government;

(b) Should a holiday fall on Sunday, it will be observed by the Municipal employees on Monday. Should a holiday fall on Saturday, it will be observed by the Municipal employees on Friday. All full-time, non-exempt employees required to work on legal holidays will receive their holiday pay plus time at one and one-half times their hourly rate for all hours worked on said holiday.

(c) A part-time employee shall be given holiday pay for the portion of the observed holiday which the employee would normally have been scheduled to work or if the employee worked the observed holiday.

(Ord. 2025-003. Passed 3-10-25.)

143.06 BIWEEKLY PAY PERIOD.

The pay period for all employees of the Municipality is hereby set on a bi-weekly basis. (Ord. 2025-003. Passed 3-10-25.)

143.07 OFFICE EMPLOYEES WORK HOURS.

The Administrator shall set the office hours of each department, excluding the Department of Law, Police Department, and the Clerk of the Mayor's Court (which shall be set by the Mayor), depending upon the service needs of the Municipality. (Ord. 2025-003. Passed 3-10-25.)

143.08 FUNERAL LEAVE.

All employees shall be entitled to three days paid leave in the event of a death in the immediate family of the employee.
(Ord. 2025-003. Passed 3-10-25.)

143.09 STANDARD WORK WEEK; OVERTIME.

(a) Excluding non-exempt, sworn police personnel, forty hours per week shall be the standard work week for nonexempt employees of the Municipality. When any employee is required by an authorized person to work more than forty hours in any week, he/she shall be compensated for such time over forty hours at one and one-half times his/her regular rate of pay.

(b) Sick leave, holidays and vacation time are to be considered as time worked when calculating overtime pay.

(c) The standard work week and overtime policies for all non-exempt, sworn police personnel shall be governed by Section 129.02 of the administrative code (unless provided otherwise in a Collective Bargaining Agreement)
(Ord. 2025-003. Passed 3-10-25.)

143.10 TUITION REIMBURSEMENT.

(a) Employees must obtain approval from their Department Head and Administrator prior to any expenses being incurred.

(b) Employee is eligible for reimbursement of tuition, lab fees, and course fees at one hundred percent (100%) of the cost of job-related courses or courses required toward a job-related degree.

(c) No reimbursement for application fees, books, supplies, transportation, or any other expense related to any course.

(d) Any financial assistance from any governmental or private agency available to an employee, whether or not applied for and regardless of when such assistance may have been received, shall be deducted in the entire amount from the full tuition reimbursement the employee is eligible for with this Tuition Reimbursement Benefit. When an employee's tuition is fully covered by another governmental or private agency, the employee is not entitled to any reimbursement from the Municipality.

(e) Reimbursement for tuition shall be made upon satisfactory completion of approved course with a grade of "C" or better.

(f) Benefit shall be provided only for full-time employees in active pay status including active, vacation, sick and personal leave, but excluding disability leave, workers' compensation leave, occupational injury leave, administrative leave, or any other leave of absence.

(g) Benefit effective immediately upon full-time employment.

(h) Three thousand dollars (\$3,000) shall be the maximum reimbursement per calendar year from an accredited organization listed by the North Central Association of Colleges and Schools, The Higher Learning Commission (NCAHLC).
The website is: www.ncahlc.org.
(Ord. 2025-003. Passed 3-10-25.)

143.11 FULL-TIME EMPLOYEE DEFINED; BENEFITS.

(a) A full-time employee is hereby defined as a person who works thirty (30) or more hours per week on an average basis over a period of three successive calendar months.

(b) Full-time employees are entitled to all the fringe benefits of the Municipality, including vacation and sick pay as earned on an hourly basis.
(Ord. 2025-003. Passed 3-10-25.)

143.12 PRECINCT ELECTION OFFICIAL LEAVE.

Any employee who has been appointed to serve as a precinct election official pursuant to Section 3501.22 of the Ohio Revised Code may use accrued paid leave time, excluding sick leave, or may take unpaid leave to serve as a judge of elections on the day of an election.
(Ord. 2025-003. Passed 3-10-25.)

143.13 LONGEVITY PAY FULL-TIME.

(a) Employees shall receive longevity pay of seven hundred dollars (\$700.00) at the end of nine years of service with the Municipality.

(b) The longevity pay shall increase by twenty-five dollars (\$25.00) per year beginning at the end of ten years until it reaches a maximum of one thousand two hundred fifty dollars (\$1,250).

(c) Benefit to be paid annually and included in the employee's second (2nd) paycheck in November. (Ord. 2025-003. Passed 3-10-25.)

143.14 LIFE INSURANCE.

At no cost to the employees, all full-time employees shall receive life insurance at one times their salary. (Ord. 2025-003. Passed 3-10-25.)

143.15 LEAVE DONATION PROGRAM.

(a) Purpose. The intent of the leave donation policy is to allow employees of Municipality of Groveport to voluntarily provide assistance to their co-workers (other employees of the Municipality) who are in critical need of leave due to an extended illness or injury of the employee, and/or member of the employee's immediate family as defined in Section 143.01(d) above

(b) Definitions. For the purpose of this policy the following shall apply:

- (1) Recipient. The employee in need of and approved to receive donated leave.
- (2) Donor. The employee volunteering to donate leave.

- (3) Serious health condition. An illness, injury, impairment, or physical/mental condition that involves a period of incapacity or treatment that requires absence from employment and involves care by a health care provider. Serious health condition also includes continuing treatment of chronic or long-termed incurable conditions and prenatal care.

(c) Policy. Employees of the Municipality may donate sick leave to a fellow employee who is otherwise eligible to accrue and use paid leave. The intent of the leave donation program is to allow employees to voluntarily provide assistance to their co-workers who are in critical need of leave due to an extended serious health condition of the employee, and/or member of the employee's immediate family as defined in Section 143.01(d) above

(d) Hours Donated. Any hours donated shall be at a rate of pay equal to that of the donor.

(e) Receiving Leave. Any hours received shall be at a rate of pay equal to that of the recipient. An employee may receive donated leave up to the number of hours the employee is normally scheduled to work each pay period (the equivalent of the employee's normal biweekly earnings), if the employee to receive donated leave has a serious health condition and the employee:

- (1) Has no accrued paid leave, or an insufficient amount of paid leave; and
- (2) Has completed his or her new hire probationary period; and
- (3) Has already applied for any paid leave, Workers' Compensation, or other benefits program for which the employee is eligible; and
- (4) Has not been disciplined for the improper use of sick leave during the past twelve (12) month period; and
- (5) Has provided acceptable written verification that a serious health condition exists; and
- (6) Agrees to accept the leave under the terms of this policy and completes an "Application to Receive Donated Leave" form.

(f) Donating Leave. A donor may donate leave if he or she:

- (1) Voluntarily elects to donate leave and does so with the understanding that donated leave will not be returned; and
- (2) Donates a minimum of eight (8) hours; and
- (3) Donates up to a maximum of forty (40) hours; and
- (4) Carries a balance of at least 240 hours of accrued sick leave after the donation; and
- (5) Completes an "Application to Donate Leave" form.

(g) Administration. The leave donation program shall be administered on a pay period to pay period basis. The Employer shall review the Application to Receive Donated Leave and the Application to Donate Leave to assure compliance with subsections (e) and (f) of this policy. Donations of leave will be recorded in the order of their submission, and will not be considered actually donated nor be deducted from the donor's balance or credited to the recipient's balance until the pay period such leave is actually used. Employees using donated leave shall be considered in active pay status and shall accrue leave and be entitled to any benefits to which they would otherwise be entitled. Vacation, Compensatory time and sick leave accrued by an employee while using donated leave shall be used, if necessary, in the

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following pay period before additional donated leave may be received. Donated leave shall never be converted into a cash benefit. The Employer shall maintain records that are necessary for the administration of this program. The Employer reserves the right to decide all questions or issues related to the donation program. The Employer also reserves the right to discontinue the program at any time.

- (h) Certification. Employees who wish to donate leave shall certify:
- (1) The name of the employee for whom the donated leave is intended; and
 - (2) The number of hours to be donated; and
 - (3) That the leave is donated voluntarily and the employee understands that it will not be returned.

(i) Confidentiality. The Municipality shall ensure that no employees are forced to donate leave. The Municipality shall respect an employee's right to privacy; however, the Employer may, with the permission of the employee who is in need of leave, inform employees of their co-worker's critical need for leave donations from employees. The donation of leave shall occur on a strictly confidential and voluntary basis.

(j) Applications. An employee wishing to donate or receive donated leave should request the appropriate application from the Administrator or designee.
(Ord. 2025-003. Passed 3-10-25.)

143.16 HEALTH INSURANCE.

(a) Eligibility. All regular full-time employees are eligible for the Municipality's group health insurance.

(b) Coverage. Employees shall pay for a portion of their group health insurance coverage as determined by Council.
(Ord. 2025-003. Passed 3-10-25.)

143.17 WELLNESS PROGRAM.

In an effort to encourage health awareness in its employees as well as physical fitness, which will in turn promote a healthier work force, and potentially reduce absences due to illness, the Municipality of Groveport hereby establishes a Wellness Program. Accordingly, all employees are eligible to receive a free Recreation Center membership.
(Ord. 2025-003. Passed 3-10-25.)

143.18 GOLF AS A FRINGE BENEFIT.

(a) In an effort to address employee recruitment and retention issues in the Department of Golf and assist golf course personnel in evaluating and assessing the overall condition of the Municipality's golf course, free golf is hereby established as a fringe benefit for all full-time, part-time, and seasonal employees in the Department of Golf.

(b) Golf Department employees may play golf without charge on a "Space Available Basis". Space Available Basis is defined as the availability of consecutive tee times and/or available practice stations on the golf range. If the tee time before and after the time the employee seeks to play is filled and/or there is limited space available on the golf range, the employee must wait until there are consecutive tee times available, and/or multiple practice stations are available on the golf range. Under no circumstances is an employee permitted to schedule a tee time or reserve a practice station on the golf range when exercising this privilege. Golf Department employees may exercise this privilege on the following days and times:

- (1) Monday through Friday on a Space Available Basis
- (2) After 3 p.m. on Saturday, Sunday and Holidays on a Space Available Basis

(c) Full-time employees may play anytime within the above-stated guidelines. Seasonal and part-time employees may play anytime within the stated parameters provided they are scheduled during the week they are seeking to play.

(d) Patrons of the Links at Groveport shall always have priority and will bump any employee seeking to play free golf under these provisions. Any employee playing outside the above-established guidelines shall be charged resident rates. All golf must be played outside of scheduled work times.

(e) All employee golf is to be reported, documented and tracked as it occurs. Department of Golf employee golf activity shall be reported to the Director of Golf.

(f) Employees shall abide by all golf course rules, policies and generally accepted golf etiquette.

(g) Failure to conform to the foregoing employee golf program stipulations can result in loss of privileges or disciplinary action. All participating employees shall be advised that while free golf is available as a fringe benefit pursuant to this Section, it is nevertheless a privilege, and not a right. (Ord. 2025-003. Passed 3-10-25.)

143.19 COMPENSATION FOR PRIVATE GOLF INSTRUCTION.

(a) The Director of Golf and Assistant Golf Professionals may receive compensation for private golf instruction as independent contractors.

(b) The Director of Golf and Assistant Golf Professionals shall receive seventy-five percent (75%) of the paid fees for instruction. The Municipality of Groveport shall receive twenty-five percent (25%) of the paid fees to cover all administrative fees, maintenance of the practice range, and use of golf balls.

(c) The Director of Golf and Assistant Golf Professionals shall conduct private golf lessons at times which do not conflict with their scheduled work hours, and must further demonstrate that they are working sufficient hours to fully perform their duties as Director of Golf and Assistant Golf Professionals respectively before accepting private students for lessons.

(d) Failure to comply with the foregoing provisions of this section may result in disciplinary action including termination, and may also constitute a violation of the Ohio Ethics Laws. (Ord. 2025-003. Passed 3-10-25.)

143.20 COMPENSATION FOR SWIM INSTRUCTORS.

(a) Full-time Recreation Department Staff (who have appropriate swim instruction certification) may receive compensation for providing private/semi-private and group swim instruction as independent contractors.

(b) Staff shall receive the approved rate of pay for instruction per contract.

(c) Staff shall conduct swim instruction at times which do not conflict with their scheduled work hours. Staff must work sufficient hours to fully perform their normal full-time duties. All normal full-time work and swim instruction work will be documented in notes area of timesheet. Documentation of Swim instruction contractor work on timesheet will only be used for verification purposes.

(d) Failure to comply with the foregoing provisions of this section may result in disciplinary action including termination, and may also constitute a violation of the Ohio Ethics Laws. (Ord. 2025-003. Passed 3-10-25.)

143.21 PERSONNEL BOARD OF REVIEW.

In addition to those set forth in Section 8.01(C)(2), of the Groveport Charter, the Personnel Board of Review shall have the following powers and duties:

- (a) Hear appeals from administrative determinations made pursuant to the Code of Personnel Practices and Procedures, as may be authorized by the Code. For example, to hear appeals of employees in the classified service from final decisions of appointing authorities relative to a reduction in pay or position, job abolishment, layoff, suspension, discharge, reclassification or reassignment. The Board may affirm, disaffirm or modify the decision of the appointing authorities. Such decision of the Board is appealable through the court system pursuant to applicable law.
- (b) Exercise the powers and duties as may be given to the board by ordinance or resolution of Council.
- (c) To prescribe, amend and enforce rules consistent with the Charter of Groveport, Ohio, and ordinances of Council for the purpose effecting appointments and promotions in the classified service according to merit and fitness, for removals, transfers, layoffs, suspensions, reductions or reinstatements, therein.
- (d) To review and approve eligibility lists once they have been created and prior to the selection of the candidate for the classified position.
- (e) To, at the Board's discretion, terminate any eligibility list that has been in effect for more than six (6) months, or as requested by the appointing authority.
- (f) To subpoena and require the attendance and testimony of witnesses and the production of books, papers, public records and/or other documentary evidence pertinent to any matter which the Board has the authority to investigate regarding the enforcement of civil service and the enforcement of these Rules. (Ord. 2025-003. Passed 3-10-25.)

143.22 RETIREMENT AND RE-APPOINTMENT TO SAME POSITION.

Upon approval of the Mayor for all full-time police positions, the Administrator, Law Director and Finance Director, and approval of the Administrator for all other full-time City employees, a full-time employee may be re-appointed to his/her position, eligible for all fringe benefits offered by the City, after retirement therefrom, upon the following conditions:

- (a) Exemplary performance in current position as documented in annual employee reviews.
- (b) Upon retirement and prior to re-appointment, there shall be no vacation or sick leave payout to the employee; however, accrual balances at the time of retirement shall be carried over upon re-appointment.
- (c) Any Personal days utilized in the same calendar year that the employee retires shall be forfeited if the employee is re-appointed in said calendar year.

- (d) With respect to wages, upon re-appointment, the employee shall maintain the same annual wage earned at the time of retirement and is still capable of advancement pursuant to the City's merit evaluation system. Council's passage of this Section constitutes its approval of the employee's compensation above the midpoint range of the City's salary ordinance if applicable.
- (e) With respect to seniority, upon retirement, the employee forfeits all seniority attained and does not recover the same upon re-appointment in regards to shift bidding, vacation bidding, and/or bumping rights in the event of a layoff.
- (f) With respect to those fringe benefits related to retirement, the employee shall be entitled to those benefits that he or she is eligible to receive according to the Ohio Police and Fire Pension Fund and/or the Ohio Public Employees Retirement System.
- (g) Upon approval by the Mayor and/or Administrator for re-appointment, the employee shall formally acknowledge the foregoing conditions prior to the employee commencing employment.
(Ord. 2025-003. Passed 3-10-25.)

143.23 PAID PARENTAL LEAVE.

(a) Purpose/Objective. The City of Groveport will provide up to 8 weeks of paid parental leave, paid at seventy-five percent (75%) of the employee's regular hourly rate up to 40 hours per week, to employees following the birth of an employee's child or the placement of a child with an employee in connection with adoption or foster care. The purpose of paid parental leave is to enable the employee to care for and bond with a newborn or a newly adopted or newly placed child. This policy will run concurrently with the Family and Medical Leave Act (FMLA) leave, as applicable.

- (b) Eligibility. Eligible employees must meet the following criteria:
 - (1) Have been employed with the City of Groveport for at least twelve (12) months (the twelve (12) months need to be consecutive)
 - (2) Have worked at least 2,080 hours during the twelve (12) consecutive months immediately preceding the date the leave would begin.
 - (3) Be a full-time, regular employee (part-time, temporary employees and interns are not eligible for this benefit).
- (c) In addition, employees must meet one of the following criteria.
 - (1) Have given birth to a child.
 - (2) Be a spouse or committed partner of a woman who has given birth to a child.
 - (3) Have adopted a child or been placed with a foster child (in either case, the child must be age seventeen (17) or younger). The adoption of a new spouse's child is excluded from this policy.
- (d) Amount, Time Frame and Duration of Paid Parental Leave.
 - (1) Eligible employees will receive a maximum of eight (8) weeks of paid parental leave per birth, adoption or placement of a child/children. The fact that a multiple birth, adoption or placement occurs (e.g., the birth of twins or adoption of siblings) does not increase the eight (8)-week total amount of paid parental leave granted for that event.

- (2) Each week of paid parental leave is compensated at seventy-five percent (75%) of the employee's regular, hourly rate up to forty (40) hours per week. Paid parental leave will be paid on a biweekly basis on regularly scheduled pay dates.
- (3) Employees must take paid parental leave in one continuous period of leave and must use all paid parental leave during the eight (8)-week time frame indicated above. Any unused paid parental leave will be forfeited at the end of the eight (8)-week time frame.
- (4) Upon termination of the individual's employment at the City, he or she will not be paid for any unused paid parental leave for which he or she was eligible.

(e) Coordination with Other Policies.

- (1) Paid parental leave taken under this policy will run concurrently with leave under the FMLA; thus, any leave taken under this policy that falls under the definition of circumstances qualifying for leave due to the birth or placement of a child due to adoption or foster care, the leave will be counted toward the twelve (12) weeks of available FMLA leave per a twelve (12)-month period. All other requirements and provisions under the FMLA will apply. In no case will the total amount of leave—whether paid or unpaid—granted to the employee under the FMLA exceed twelve (12) weeks during the twelve (12)-month FMLA period. Please refer to the Family and Medical Leave Policy for further guidance on the FMLA.
- (2) After the paid parental leave is exhausted, the balance of FMLA leave (if applicable) will be compensated through employee's accrued sick, vacation and personal time. Upon exhaustion of accrued sick, vacation and personal time, any remaining leave will be unpaid leave. Please refer to the Family and Medical Leave Policy for further guidance on the FMLA.
- (3) The City will maintain all benefits for employees during the paid parental leave period just as if they were taking any other City paid leave such as paid vacation leave or paid sick leave.
- (4) If a City holiday occurs while the employee is on paid parental leave, such day will be charged to holiday pay; such holiday pay will extend the total paid parental leave entitlement.
- (5) Employees shall have the option to supplement the remaining twenty-five percent (25%) of unpaid parental leave with their own sick, vacation, personal, or compensatory time balances.

(f) Requests for Paid Parental Leave.

- (1) The employee will provide his or her supervisor and the human resource department with notice of the request for leave at least thirty (30) days prior to the proposed date of the leave (or if the leave was not foreseeable, as soon as possible). The employee must complete the Parental Leave Request Form and FMLA Forms and provide all documentation as required by the HR department to substantiate the request.
- (2) As is the case with all City Policies, the City Administrator has the exclusive right to interpret this policy or make changes at any time without notice.
(Ord. 2025-005. Passed 3-24-25.)

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CODIFIED ORDINANCES OF GROVEPORT

PART THREE - TRAFFIC CODE

TITLE ONE - Administration

Chap. 301. Definitions.

Chap. 303. Enforcement, Impounding and Penalty.

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CHAPTER 301

Definitions

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CROSS REFERENCES

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

301.01 MEANING OF WORDS AND PHRASES.

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

301.02 AGRICULTURAL TRACTOR AND TRACTION ENGINE.

"Agricultural tractor" and "traction engine" means every self-propelled 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 any street or highway that has been declared an "alley" by the Legislative Authority of the municipality in which the street or highway is located.
 (ORC 4511.01(XX))

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301.04 ARTERIAL STREET OR HIGHWAY.

“Arterial street or highway” means a street or highway primarily used by through traffic, usually on a continuous route or a street or highway designated as part of an arterial system. (ORC 4511.01(CCC))

301.05 AUTOCYCLE.

“Autocycle” has the same meaning as in Ohio R.C. 4501.01. (ORC 4511.01(LLLL))

301.06 BEACON.

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

301.07 BICYCLE.

“Bicycle” means a pedal-powered vehicle upon which a human operator sits, including an electric bicycle. (ORC 4511.01(G))

301.08 BICYCLE BOX.

“Bicycle box” means a designated area on the approach to a signalized intersection, between an advance motorist stop line and the crosswalk or intersection, that is intended to provide bicyclists a visible location to wait in front of stopped motorists during the red signal phase. (ORC 4511.01(BBBB))

301.09 BICYCLE LANE.

“Bicycle lane” means a portion of a roadway that has been designated for preferential or exclusive use by bicyclists and is often delineated from the adjacent general purpose lanes by longitudinal pavement markings and either a bicycle lane symbol, words, or signs. The term includes all of the following:

- (a) A buffer-separated bicycle lane, which is separated from the adjacent general-purpose lanes by a pattern of standard longitudinal pavement markings that are wider than a normal or wide-lane pavement marking;
 - (b) A counter-flow bicycle lane, which is a one directional bicycle lane that provides a lawful path of travel for bicycles in the opposite direction from the general traffic on a roadway that otherwise requires the general traffic to travel in only one direction. A counter-flow bicycle lane is designated by the traffic control devices used for other bicycle lanes;
 - (c) A separated bicycle lane, which is an exclusive facility for bicyclists that is located within or directly adjacent to the roadway and is physically separated from the motor vehicle traffic with a vertical element.
- (ORC 4511.01(DDDD))

301.10 BICYCLE SIGNAL FACE.

“Bicycle signal face” means a signal face that displays only bicycle symbol signal indications in accordance with Ohio R.C. 4511.15 that exclusively controls a bicyclist’s movement from a designated bicycle lane or from a separate facility, and that displays signal indications that are applicable only to a bicyclist’s movement. (ORC 4511.01(EEEE))

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301.11 BICYCLE SIGNAL SIGN.

"Bicycle signal sign" means a sign meant to inform road users that the signal indications in the bicycle signal face are intended only for bicyclists, and to inform bicyclists which bicyclist movements are controlled by that bicycle signal face.

(ORC 4511.01(FFFF))

301.12 BIKEWAY.

"Bikeway" means any road, street, path, or way that in some manner is specifically designated for bicycle travel, regardless of whether the facility is designated for the exclusive use of bicycles or if it is shared with other modes of transportation.

(ORC 4511.01(GGGG))

301.13 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, and every motor vehicle, automobile for hire, or funeral car, other than a taxicab or motor vehicle used in a ride-sharing arrangement, designed and used for the transportation of persons for compensation.

(ORC 4511.01(L))

301.14 BUSINESS DISTRICT.

"Business district" means the territory fronting upon a street or highway, including the street or highway, between successive intersections within the municipality, where fifty percent (50%) or more of the frontage between successive intersections is occupied by buildings in use for business, or within or outside the municipality where fifty percent (50%) 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 the territory is indicated by official traffic-control devices.

(ORC 4511.01(NN))

301.15 BUSWAY.

"Busway" means a traveled way that is used exclusively by buses.

(ORC 4511.01(HHHH))

301.16 CAB-ENCLOSED MOTORCYCLE.

"Cab-enclosed motorcycle" has the same meaning as in Ohio R.C. 4501.01.

301.17 CHAUFFEURED LIMOUSINE.

"Chauffeured limousine" means a motor vehicle that is designed to carry nine or fewer passengers and is operated for hire 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 agreement, made in advance of boarding, to provide transportation from a specific location in an chauffeured limousine. The term does not include any vehicle that is used exclusively in the business of funeral directing. (ORC 4511.01(LL))

301.18 CHILD CARE CENTER.

"Child care center" has the same meaning as set forth in Ohio R.C. 5104.01.

(ORC 4511.01(FFF))

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301.19 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 the other vehicles, or the load thereon, or both. (ORC 4511.01(I))

301.20 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 certain points only and in a manner as may be determined by the public authority having jurisdiction over the street or highway. (ORC 4511.01(CC))

301.21 CROSSWALK.

“Crosswalk” means:

- (a) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs, or, in the absence of curbs, from the edges of the traversable roadway, and in the absence of a sidewalk on one side of the roadway, the part of a roadway included within the extension of the lateral lines of the sidewalk at right angles to the center line;
- (b) Any portion of a roadway at an intersection or elsewhere, distinctly indicated for pedestrian crossing by lines or other markings on the surface, which might be supplemented by contrasting pavement texture, style, or color;
- (c) Notwithstanding subsections (a) and (b) of this definition, the term does not include an area where local authorities have placed signs indicating no crossing. (ORC 4511.01(LL))

301.22 DRIVER OR OPERATOR.

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

301.23 DRIVEWAY.

“Driveway” means an access from a roadway to a building, site, or abutting property. (ORC 4511.01(III))

301.24 ELECTRIC BICYCLE.

“Electric bicycle” means a “class 1 electric bicycle”, a “class 2 electric bicycle”, or a “class 3 electric bicycle” as defined below.

- (a) **CLASS 1 ELECTRIC BICYCLE.** Means a bicycle that is equipped with fully operable pedals and an electric motor of less than 750 watts that provides assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches the speed of twenty miles per hour.
- (b) **CLASS 2 ELECTRIC BICYCLE.** Means a bicycle that is equipped with fully operable pedals and an electric motor of less than 750 watts that may provide assistance regardless of whether the rider is pedaling and is not capable of providing assistance when the bicycle reaches the speed of twenty miles per hour.
- (c) **CLASS 3 ELECTRIC BICYCLE.** Means a bicycle that is equipped with fully operable pedals and an electric motor of less than 750 watts that provides assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches the speed of twenty-eight miles per hour. (ORC 4511.01(SSS) - (VVV))

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301.25 ELECTRONIC.

“Electronic” has the same meaning as in Ohio R.C. 4501.01.

301.26 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 Director of Public Safety, or local authorities, and motor vehicles when commandeered by a police officer. (ORC 4511.01(D))

301.27 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 a sudden generation of highly heated gases, such 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 limited quantities of such nature or in such packing that it is impossible to procure a simultaneous or a destructive explosion of the units, to the injury of life, limb, or property by fire, friction, concussion, percussion, or by a detonator, such as fixed ammunition for small arms, firecrackers, or safety fuse matches. (ORC 4511.01(T))

301.28 EXPRESSWAY.

“Expressway” means a divided arterial street or highway for through traffic with full or partial control of access with an excess of fifty percent (50%) of all crossroads separated in grade. (ORC 4511.01(ZZ))

301.29 FARM MACHINERY.

“Farm machinery” has the same meaning as in Ohio R.C. 4501.01.

301.30 FLAMMABLE LIQUID.

“Flammable liquid” means any liquid which has a flash point of 70°F or less, as determined by a tagliabue or equivalent closed cup test device. (ORC 4511.01(U))

301.31 FREEWAY.

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

301.32 FUNERAL ESCORT VEHICLE.

“Funeral escort vehicle” means any motor vehicle, including a funeral hearse, while used to facilitate the movement of a funeral procession. (ORC 4511.01(WW))

301.33 GROSS WEIGHT.

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

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301.34 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))

301.35 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. The term includes a beacon, an in-road warning light, a lane-use control signal, and a traffic control signal. The term does not include a power-operated sign, steadily illuminated pavement marker, gate, flashing light signal, warning light, or steady burning electric lamp.

(ORC 4511.01(MMM))

301.36 HYBRID BEACON.

"Hybrid beacon" means a special type of beacon that is intentionally placed in a dark mode where no indications are displayed between periods of operation and, when operated, displays both steady and flashing highway traffic signal indications. The term includes both of the following:

- (a) An emergency-vehicle hybrid beacon used to warn and control traffic at an otherwise unsignalized location to assist authorized emergency vehicles in entering or crossing a street or highway;
- (b) A pedestrian hybrid beacon used to warn and control traffic at an otherwise unsignalized location to assist pedestrians in crossing a street or highway at a marked crosswalk.

(ORC 4511.01(LLL))

301.37 IN-ROAD WARNING LIGHT.

"In-road warning light" means a special type of highway traffic signal that is installed in the roadway surface to warn road users that they are approaching a condition on or adjacent to the roadway that might not be readily apparent and might require the road users to reduce speed or come to a complete stop.

(ORC 4511.01(ZZZ))

301.38 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, driveway, or site roadway open to public travel with a public roadway or highway does not constitute an intersection, unless the public roadway or highway at the junction is controlled by a traffic control device.
- (b) If a highway includes two roadways separated by a median, then every crossing of each roadway of such divided highway by an intersecting highway constitutes a separate intersection if the opposing left-turn paths cross and there is sufficient interior storage for the design vehicle. As used in this division, "design vehicle" means the longest vehicle authorized under Ohio R.C. 5577.05 to operate on that roadway without a permit.

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

301.39 LANE-USE CONTROL SIGNAL.

"Lane-use control signal" means a signal face or comparable display on a full-matrix changeable message sign that displays indications to permit or prohibit the use of specific lanes of a roadway or a shoulder where driving is sometimes authorized or to indicate the impending prohibition of such use.
(ORC 4511.01(AAAA))

301.40 LANED HIGHWAY.

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

301.41 LIMITED DRIVING PRIVILEGES.

"Limited driving privileges" has the same meaning as in Ohio R.C. 4501.01.

301.42 LOCAL AUTHORITIES.

"Local authorities" means every county, municipal, and other local board or body having authority to adopt police regulations under the Constitution and laws of this state.
(ORC 4511.01(AA))

301.43 LOW-SPEED MICROMOBILITY DEVICE.

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

301.44 MEDIAN.

"Median" means the portion of a highway separating opposing directions of the traveled way or the area between two roadways of a divided highway, measured from edge of traveled way to edge of traveled way. The median excludes turn lanes. The width of a median may be different between intersections, interchanges, and at opposite approaches of the same intersection.
(ORC 4511.01(NNN))

301.45 MOTOR-DRIVEN CYCLE OR MOTOR SCOOTER.

"Motor-driven cycle or motor scooter" has the same meaning as in Ohio R.C. 4501.01.

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301.46 MOTOR VEHICLE.

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

(ORC 4511.01(B))

301.47 MOTORCYCLE.

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

301.48 MOTORIZED BICYCLE OR MOPED.

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

(ORC 4511.01(H))

301.49 MOTORIZED WHEELCHAIR.

"Motorized wheelchair" means any self-propelled vehicle designed for, and used by, a person with a disability and that is incapable of a speed in excess of eight miles per hour.

(ORC 4511.01(EEE))

301.50 MULTI-WHEEL AGRICULTURAL TRACTOR.

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

(ORC 4511.01(GGG))

301.51 NATURAL RESOURCES OFFICER.

"Natural resources officer" means an officer appointed pursuant to Ohio R.C. 1501.24.

(ORC 4511.01(XXX))

301.52 OPERATE.

"Operator" means to cause or have caused movement of a vehicle.

(ORC 4511.01(HHH))

301.53 PARKED OR PARKING.

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

301.54 PEDESTRIAN.

"Pedestrian" means any person on foot, in a motorized or non-motorized wheelchair, or using another equivalent device, such as skates or a skateboard. The term includes a personal delivery device as defined in Ohio R.C. 4511.513 unless the context clearly suggests otherwise. (ORC 4511.01(X))

301.55 PERSON.

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

301.56 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 connections. (ORC 4511.01(O))

301.57 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))

301.58 PREDICATE MOTOR VEHICLE OR TRAFFIC OFFENSE.

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

- (a) A violation of Ohio R.C. 4511.03, 4511.051, 4511.12, 4511.132, 4511.16, 4511.20, 4511.201, 4511.21, 4511.211, 4511.213, 4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 4511.29, 4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 4511.36, 4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 4511.43, 4511.431, 4511.432, 4511.44, 4511.441, 4511.451, 4511.452, 4511.46, 4511.47, 4511.48, 4511.481, 4511.49, 4511.50, 4511.511, 4511.522, 4511.53, 4511.54, 4511.55, 4511.56, 4511.57, 4511.58, 4511.59, 4511.60, 4511.61, 4511.64, 4511.66, 4511.661, 4511.68, 4511.70, 4511.701, 4511.71, 4511.711, 4511.712, 4511.713, 4511.72, 4511.73, 4511.763, 4511.771, 4511.78, or 4511.84;
- (b) A violation of Ohio R.C. 4511.17(A)(2), 4511.51(A) through (D), or 4511.74(A);
- (c) A violation of any provision of Ohio R.C. 4511.01 through 4511.76 for which no penalty otherwise is provided in the section that contains the provision violated;
- (d) A violation of Ohio R.C. 4511.214;
- (e) A violation of a municipal ordinance that is substantially equivalent to any section or provision set forth or described in subsection (a), (b), (c) or (d) of this definition.

(ORC 4511.01(III))

301.59 PRIVATE ROAD.

"Private road" 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))

301.60 PUBLIC SAFETY VEHICLE.

"Public safety vehicle" means any of the following:

- (a) Ambulances, including private ambulance companies under contract to a municipality, township, or county, and private ambulances and nontransport 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;
- (c) Any motor vehicle when properly identified as required by the Director of Public Safety, when used in response to fire emergency calls or to provide emergency medical service to ill or injured persons, and when operated by a duly qualified person who is a member of a volunteer rescue service or a volunteer fire department, and who is on duty pursuant to the rules or directives of that service. The State Fire Marshal shall be designated by the Director of Public Safety as the certifying agency for all public safety vehicles described herein;
- (d) Vehicles used by fire departments, including motor vehicles when used by volunteer firefighters responding to emergency calls in the fire department service when identified as required by the Director of Public Safety;
- (e) Any vehicle used to transport or provide emergency medical service to an ill or injured person, when certified as a public safety vehicle, shall be considered such a vehicle when transporting an ill or injured person to a hospital, regardless of whether such vehicle has already passed a hospital;
- (f) 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))

301.61 RAILROAD.

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

301.62 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 train.
(ORC 4511.01(SS))

301.63 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))

301.64 RIDESHARING ARRANGEMENT.

"Ridesharing arrangement" includes the transportation of persons in a motor vehicle where the transportation is incidental to another purpose of a volunteer driver, and includes arrangements known as carpools, vanpools, and buspools.
(ORC 4511.01(DDD))

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301.65 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, he or she is moving, in preference to another vehicle or pedestrian approaching from a different direction into its, his or her 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))

301.66 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))

301.67 ROADWAY.

"Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel and parking lanes, not including the berm, sidewalk, or shoulder, even if the berm, sidewalk, or shoulder is used by a person operating a bicycle or other human-powered vehicle. If a highway includes two or more separate roadways, the term means any such roadway separately but not all such roadways collectively.
(ORC 4511.01(EE))

301.68 ROUNDABOUT.

"Roundabout" means a circular intersection with a yield control at each entry, which permits a vehicle on the circulatory roadway to proceed, with deflection of the approaching vehicles counter-clockwise around a central island.
(ORC 4511.01(JJJJ))

301.69 RURAL MAIL DELIVERY VEHICLE.

"Rural mail delivery vehicle" means every vehicle used to deliver United States mail on a rural mail delivery route.
(ORC 4511.01(VV))

301.70 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 so as to be plainly visible at all times.
(ORC 4511.01(MM))

301.71 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. The term does not include any of the following:

- (a) A bus operated by a municipally owned transportation system, a mass transit company operating exclusively within the territorial limits of a municipal corporation, or within such limits and the territorial limits of municipal corporations immediately contiguous to such municipal corporation, 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;
- (b) A van or bus used by a licensed child care center or type A family child care home to transport children from the child care center or type A family child care home to a school if the van or bus does not have more than fifteen children in the van or bus at any time;
- (c) An alternative vehicle as defined in Ohio R.C. 4511.76.
(ORC 4511.01(F))

301.72 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))

301.73 SHARED-USE PATH.

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

301.74 SHOULDER.

"Shoulder" means a longitudinal area contiguous with the traveled way that is used for accommodating vehicles that are stopped for an emergency and for lateral support of base and surface courses; graded for emergency stopping; either paved or unpaved; and when paved, may be open for parttime travel by some or all vehicles or may also be available for use by pedestrians or bicycles in the absence of other pedestrian or bicycle facilities.
(ORC 4511.01(KKKK))

301.75 SIDEWALK.

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

301.76 SITE ROADWAY OPEN TO PUBLIC TRAVEL.

"Site roadway open to public travel" means a roadway or bikeway on site of a shopping center, office park, airport, school, university, sports arena, recreational park, or other similar business, government, or recreation facility that is publicly or privately owned but where the public is allowed to travel without full-time access restrictions. The term does not include a roadway where access is restricted at all times by gates or guards to residents, employees, or other specifically authorized persons; a parking area, a driving aisle within a parking area, or a private highway-rail grade crossing.
(ORC 4511.01(OOO))

301.77 STANDING.

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

301.78 STATE.

"State" has the same meaning as in Ohio R.C. 4501.01.

301.79 STATE HIGHWAY.

"State highway" means a highway under the jurisdiction of the Department of Transportation, outside the limits of municipalities, provided that the authority conferred upon the Director of Transportation in Ohio R.C. 5511.01 to erect state highway route markers and signs directing traffic shall not be modified by Ohio R.C. 4511.01 through 4511.79 and 4511.99. (ORC 4511.01(II))

301.80 STATE ROUTE.

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

301.81 STOP.

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

301.82 STOP INTERSECTION.

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

301.83 STOPPING.

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

301.84 STREET OR HIGHWAY.

"Street or highway" means a general term for denoting a public way for purposes of travel by vehicles and vulnerable road users, including the entire area within the right-of-way. (ORC 4511.01(BB))

301.85 THROUGH HIGHWAY.

"Through highway" means every street or highway as provided in Ohio R.C. 4511.65, or a substantially equivalent municipal ordinance. (ORC 4511.01(HH))

301.86 THRUWAY.

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

301.87 TRAFFIC.

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

301.88 TRAFFIC CONTROL DEVICE.

"Traffic control device" means a flagger, sign, signal, marking, channelization device, or other device that uses colors, shapes, symbols, words, sounds, or tactile information for the primary purpose of communicating a regulatory, warning, or guidance message to road users on a street, highway, site roadway open to public travel, pedestrian facility, bikeway, or pathway. (ORC 4511.01(QQ))

301.89 TRAFFIC CONTROL SIGNAL.

"Traffic control signal" means a highway traffic signal placed at an intersection, movable bridge, fire station, mid-block crosswalk, alternating one-way sections of a single lane road, private driveway, or other location that requires conflicting traffic to be directed to stop and permitted to proceed in an orderly manner. The term includes a vehicular signal indication, a pedestrian signal indication, and a bicycle symbol signal indication. The term does not include an emergency-vehicle hybrid beacon or a pedestrian hybrid beacon. (ORC 4511.01(RR))

301.90 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 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))

301.91 TRAIN.

"Train" means one or more locomotives coupled, with or without cars, that operates on rails or tracks and to which all other traffic is required by law to yield the right-of-way at highway-rail grade crossings. (ORC 4511.01(Q))

301.92 TRUCK.

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

301.93 TWO-STAGE BICYCLE TURN BOX.

"Two-stage bicycle turn box" means a designated area at an intersection that is intended to provide bicyclists a place to wait for traffic to clear before proceeding in a different direction of travel. (ORC 4511.01(CCCC))

301.94 TYPE A FAMILY CHILD CARE HOME.

"Type A family child care home" has the same meaning as set forth in Ohio R.C. 5104.01.

301.95 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 a distance of one-quarter of a mile or more, and the character of the territory is indicated by official traffic-control devices.

(ORC 4511.01(PP))

301.96 VEHICLE.

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

(ORC 4511.01(A))

301.97 WASTE COLLECTION VEHICLE.

"Waste collection vehicle" means a vehicle used in the collection of garbage, refuse, trash, or recyclable materials.

(ORC 4511.01(RRR))

301.98 WILDLIFE OFFICER.

"Wildlife officer" means an officer designated pursuant to Ohio R.C. 1531.13.

(ORC 4511.01(YYY))

(h) No person shall remove, or cause the removal of any vehicle from private property that is established as a private tow-away zone under this section, or 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) Whoever violates subsection (h) of this section is guilty of a minor misdemeanor.

(k) As used in this section, "owner of a private property" or "owner of the private property" includes, with respect to a private property, any of the following:

- (1) Any person who holds title to the property;
- (2) Any person who is a lessee or sublessee with respect to a lease or sublease agreement for the property;
- (3) A person who is authorized to manage the property;
- (4) A duly authorized agent of any person listed in subsections (k)(1) to (3) of this section. (ORC 4513.601)

303.083 IMPOUNDING VEHICLES ON PUBLIC PROPERTY.

(a) The chief of a law enforcement agency of the municipal corporation, within the chief's respective territorial jurisdiction, or a state highway patrol trooper, upon notification to the chief of such action and of the location of the place of storage, may order into storage any motor vehicle, including an abandoned junk motor vehicle as defined in Ohio R.C. 4513.63, that:

- (1) Has come into the possession of the chief, or state highway patrol trooper as a result of the performance of the chief's or trooper's duties; or
- (2) Has been left on a public street or other property open to the public for purposes of vehicular travel, or upon or within the right-of-way of any road or highway, for forty-eight hours or longer without notification to the chief of the reasons for leaving the motor vehicle in such place. However, when such a motor vehicle constitutes an obstruction to traffic it may be ordered into storage immediately unless either of the following applies:
 - A. The vehicle was involved in an accident and is subject to Ohio R.C. 4513.66, or any substantially equivalent municipal ordinance;
 - B. The vehicle is a commercial motor vehicle. If the vehicle is a commercial motor vehicle, the chief, or state highway patrol trooper shall allow the owner or operator of the vehicle the opportunity to arrange for the removal of the motor vehicle within a period of time specified by the chief, or state highway patrol trooper. If the chief, or state highway patrol trooper determines that the vehicle cannot be removed within the specified period of time, the chief, or state highway patrol trooper shall order the removal of the vehicle.
- (3) Subject to subsection (c) of this section, the chief shall designate the place of storage of any motor vehicle so ordered removed.

(b) If the chief, or a state highway patrol trooper issues an order under subsection (a) of this section and arranges for the removal of a motor vehicle by a towing service, the towing service shall deliver the motor vehicle to the location designated by the chief not more than two hours after the time it is removed.

- (c) (1) The chief shall cause a search to be made of the records of an applicable entity listed in Ohio R.C. 4513.601(F)(1) to ascertain the identity of the owner and any lienholder of a motor vehicle ordered into storage by the chief, or by a state highway patrol trooper within five business days of the removal of the vehicle. Upon obtaining such identity, the chief shall send or cause notice to be sent to the owner or lienholder at the owner's or lienholder's last known address by certified or express mail with return receipt requested, by certified mail with electronic tracking, or by a commercial carrier service utilizing any form of delivery requiring a signed receipt. The notice shall inform the owner or lienholder that the motor vehicle will be declared a nuisance and disposed of if not claimed within ten days of the date of the sending of the notice.
- (2) A. The owner or lienholder of the motor vehicle is responsible for payment of any expenses or charges incurred in its removal and storage and may reclaim the motor vehicle upon payment of those expenses or charges, and presentation of proof of ownership, which may be evidenced by a certificate of title or memorandum certificate of title to the motor vehicle, a certificate of registration for the motor vehicle, or a lease agreement. Upon presentation of proof of ownership evidenced as provided above, the owner of the motor vehicle also may retrieve any personal items from the vehicle without retrieving the vehicle and without paying any fee. However, a towing service or storage facility may charge an after-hours retrieval fee established by the Public Utilities Commission in rules adopted under Ohio R.C. 4921.25 if the owner retrieves the personal items after hours, unless the towing service or storage facility fails to provide the notice required under Ohio R.C. 4513.69(B)(3), if applicable. However, the owner shall not do either of the following:
1. Retrieve any personal item that has been determined by the chief, or a state highway patrol trooper, as applicable, to be necessary to a criminal investigation;
 2. Retrieve any personal item from a vehicle if it would endanger the safety of the owner, unless the owner agrees to sign a waiver of liability.
- B. For purposes of subsection (c)(2) of this section, "personal items" do not include any items that are attached to the vehicle.
- (3) If the owner or lienholder of the motor vehicle reclaims it after a search of the applicable records has been conducted and after notice has been sent to the owner and any lienholder as described in this section, and the search was conducted by the place of storage, and the notice was sent to the motor vehicle owner by the place of storage, the owner or lienholder shall pay to the place of storage a processing fee of twenty-five dollars (\$25.00), in addition to any expenses or charges incurred in the removal and storage of the vehicle.

(d) If the owner or lienholder makes no claim to the motor vehicle within ten days of the date of sending the notice, and if the vehicle is to be disposed of at a public auction as provided in Ohio R.C. 4513.62 or any substantially equivalent municipal ordinance, the chief, without charge to any party, shall file with the Clerk of Courts of the county in which the place of storage is located an affidavit showing compliance with the requirements of this section. Upon presentation of the affidavit, the Clerk, without charge, shall issue a salvage certificate of title, free and clear of all liens and encumbrances, to the chief. If the vehicle is to be disposed of to a

CHAPTER 305 Traffic Control

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| <p>305.01 Authority to regulate local traffic.</p> <p>305.02 Conformity with State manual.</p> <p>305.03 Permit required for traffic signal on State route.</p> | <p>305.04 Violations subject to misdemeanor classification.</p> <p>305.05 Owner may establish non-liability for local traffic offenses by proof of lease of vehicle.</p> <p>305.06 Traffic Control Map and File.</p> |
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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. 301.88

305.01 AUTHORITY TO REGULATE LOCAL TRAFFIC.

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:

- (a) Regulating the stopping, standing or parking of vehicles;
- (b) Regulating traffic by means of police officers or traffic control devices;
- (c) Regulating or prohibiting processions or assemblages on streets or highways;
- (d) Designating particular streets as one-way streets and requiring that all vehicles on the one-way streets be moved in one specific direction;
- (e) Regulating the speed of vehicles in public parks;
- (f) 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;

- (g) Regulating or prohibiting vehicles from passing to the left of safety zones;
- (h) Regulating the operation of bicycles and requiring the registration and licensing of bicycles, including the requirements of a registration fee.
- (i) Regulating the use of certain streets by vehicles.

No ordinance or regulation enacted under subsections (d), (e), (f), (g) or (i) 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.

Every ordinance, resolution or regulation enacted under subsection (a) 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 highway traffic 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 highway traffic signal that has been erected without the Director's 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) 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)

CHAPTER 313
Traffic Control Devices

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| 313.01 | Obedience to traffic control devices. | 313.08 | Alteration, injury, removal of traffic control devices. |
| 313.02 | Through highways; stop and yield right-of-way signs. | 313.09 | Driver's duties upon approaching ambiguous or non-working traffic signal. |
| 313.03 | Traffic signal indications. | 313.10 | Unlawful purchase, possession or sale. |
| 313.04 | Lane-use control signal indications. | 313.11 | Portable signal preemption devices prohibited. |
| 313.05 | Special pedestrian control signals. | 313.12 | Bicycle symbol signal indications. |
| 313.06 | Flashing traffic signals. (Repealed) | | |
| 313.07 | Unauthorized signs and signals, hiding from view, yield right-of-way signs. | | |

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. 301.88

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, if at the time of the offense the offender is either a pedestrian or a driver of a motor vehicle not exceeding the size as specified in Section 339.03 or exceeding a gross weight of five tons, the offender is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code.
(ORC 4511.12)

(c) If at the time of the offense the offender is operating a motor vehicle exceeding the size as specified in Section 339.03 or exceeding a gross weight of five tons, the offender 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 (\$1000); 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 the Ohio R.C. 2705.02.

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

(a) All State routes are hereby designated as through highways, provided that stop signs, yield signs or highway traffic signals shall be erected at all intersections with such through highways by the Department of Transportation as to highways under its jurisdiction and by local authorities as to highways under their jurisdiction, except as otherwise provided in this section. Where two or more State routes that are through highways intersect and no highway traffic 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 local authorities having jurisdiction, 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 the Director's jurisdiction. Before the Director either installs or removes a stop sign under this paragraph, the Director 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 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 highway traffic 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 the streets 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 highway traffic 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 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 highway.

(d) Council or the authorized local authority may designate additional through highways and shall erect stop signs, yield signs or highway traffic signals at all streets and highways intersecting such through 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 highway traffic 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 means that the lane over which the arrow signal indication is located is open to vehicle travel in that direction.
 - (2) A steady yellow "X" means that the lane over which the signal indication is located is about to be closed to vehicle traffic in that direction and will be followed by a steady red "X" signal indication, either within the same signal face or in a downstream signal face.
 - (3) A steady white two-way left-turn arrow means that the lane over which the signal indication is located is open to traffic making a left turn from either direction of travel, but not for through travel.
 - (4) A steady white one-way left-turn arrow means that the lane over which the signal indication is located is open to traffic making a left turn in that direction, without opposing turns in the same lane, but not for through travel.
 - (5) A steady red "X" means that the lane over which the signal indication is located is closed to vehicle traffic in the direction viewed by the road user. (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 in this 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 highway traffic signals shall do all of the following if the signal facing the driver exhibits no colored lights or colored lighted arrows, exhibits a combination of such lights or arrows that fails to clearly indicate the assignment of right of way, or, if the vehicle is a bicycle or an electric bicycle, the signals are otherwise malfunctioning due to the failure of a vehicle detector to detect the presence of the bicycle or electric bicycle.

- (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.

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

(ORC 4511.132)

313.10 UNLAWFUL PURCHASE, POSSESSION OR SALE.

(a) As used in this section, "traffic control device" means any sign, highway traffic 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) As used in this section:
- (1) **HIGHWAY MAINTENANCE VEHICLE.** A vehicle used in snow and ice removal, including a snow plow, when it is owned by a political subdivision and operated by an employee of that political subdivision.
 - (2) **PEACE OFFICER.** Has the same meaning as in Ohio R.C. 109.71(A)(1), (A)(12), (A)(14), and (A)(19).
 - (3) **PORTABLE SIGNAL PREEMPTION DEVICE.** A device that, if activated by a person, is capable of changing a highway traffic signal to green out of sequence.
 - (4) **PUBLIC SAFETY VEHICLE.** Has the same meaning as in Ohio R.C. 4511.01(E)(1), (E)(3), and (E)(4).
- (b) Except as provided in subsections (c) and (d) of this section:
- (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 the highway traffic signal.
- (c) Subsection (b)(1) of this section does not apply to any of the following persons:
- (1) A peace officer;
 - (2) A state highway patrol trooper;
 - (3) A person while occupying a public safety vehicle;
 - (4) The authorized employee operator of a highway maintenance vehicle.
- (d) Subsection (b)(2) of this section does not apply under either of the following circumstances:
- (1) When a person listed in subsections (c)(1) to (c)(3) of this section is responding to an emergency call;
 - (2) When a person listed in subsection (c)(4) of this section is responding to an emergency level two or level three weather event.
- (e) Whoever violates subsection (b)(1) of this section is guilty of a misdemeanor of the fourth degree. Whoever violates subsection (b)(2) of this section is guilty of a misdemeanor of the first degree. (ORC 4511.031)

313.12 BICYCLE SYMBOL SIGNAL INDICATIONS.

Bicycle symbol signal indications have the following meanings:

- (a) A steady green bicycle signal indication means that bicyclists are permitted to enter the intersection only to make the movement indicated by the lane-use arrow displayed on the bicycle signal sign that is located immediately adjacent to the bicycle signal face. Bicyclists proceeding into the intersection during the display of the indication 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) A steady yellow bicycle signal indication means that bicyclists are warned that the related green movement is being terminated and that a steady red bicycle signal indication will be displayed immediately thereafter when bicyclists shall not enter the intersection. The provisions governing bicyclist operations under the movement being terminated continue to apply while the steady yellow bicycle signal indication is displayed.

- (c) (1) A steady red bicycle signal indication means that bicyclists shall not enter the intersection to make the movement indicated by the lane-use arrow displayed on the bicycle signal sign that is located immediately adjacent to the bicycle signal face. Unless the bicyclist is entering the intersection to make another movement permitted by another bicycle symbol signal indication, the bicyclist shall stop at a clearly marked stop line; but if there is no stop line, shall stop before entering the crosswalk on the near side of the intersection; or if there is no crosswalk, shall stop before entering the intersection; and shall remain stopped until a green bicycle signal indication to proceed is displayed.
 - (2) Except when a traffic control device is in place prohibiting a turn on red, bicyclists facing a steady red bicycle signal indication are permitted to enter the intersection to turn right if there are no approach lanes for motor vehicle traffic to their right. The right to proceed with the turn is subject to the provisions that are applicable after making a stop at a stop sign.
- (d) A flashing green bicycle signal indication and a flashing yellow bicycle signal indication have no meaning and shall not be used.
- (e) A flashing red bicycle signal indication means that bicyclists shall stop at a clearly marked stop line; but if there is no stop line, shall stop before entering the crosswalk on the near side of the intersection; or if there is no crosswalk, shall stop at the point nearest the intersecting roadway where the bicyclists have a view of approaching traffic on that roadway before entering the intersection. The right to make the movement indicated by the lane-use arrow displayed on the bicycle signal sign that is located immediately adjacent to the bicycle signal face is subject to the provisions that are applicable after making a stop at a stop sign.
(ORC 4511.15)

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. | 331.23 | Driving onto roadway from place other than roadway; stopping at sidewalk. |
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| <p>331.38 Stopping for school bus; discharging children.</p> <p>331.381 School bus operator to report violations.</p> <p>331.39 Driving across grade crossing.</p> <p>331.40 Stopping at grade crossing.</p> <p>331.401 Slow-moving vehicles or equipment crossing railroad tracks.</p> <p>331.41 Shortcutting; avoiding traffic control devices.</p> | <p>331.42 Littering from motor vehicle.</p> <p>331.43 Wearing earplugs or earphones prohibited.</p> <p>331.44 Vehicular operation on street closed due to rise in water level.</p> <p>331.45 Restrictions on the operation of school buses.</p> |
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CROSS REFERENCES

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

331.01 DRIVING UPON RIGHT SIDE OF ROADWAY; EXCEPTIONS.

- (a) Upon all roadways of sufficient width, a vehicle shall be driven upon the right half of the roadway, except as follows:
- (1) When overtaking and passing another vehicle proceeding in the same direction, or when making a left turn under the rules governing such movements;
 - (2) When an obstruction exists making it necessary to drive to the left of the center of the highway; provided, any person so doing shall yield the right of way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard;
 - (3) When driving upon a roadway divided into three or more marked lanes for traffic under the rules applicable thereon;
 - (4) When driving upon a roadway designated and posted with signs for one-way traffic;
 - (5) When otherwise directed by a police officer or traffic control device.
- (b) (1) Upon all roadways any vehicle proceeding at less than the prevailing and lawful speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic, and far enough to the right to allow passing by faster vehicles if such passing is safe and reasonable, except under any of the following circumstances:
- A. When overtaking and passing another vehicle proceeding in the same direction;
 - B. When preparing for a left turn;
 - C. When the driver must necessarily drive in a lane other than the right-hand lane to continue on the driver's intended route.
- (2) Nothing in subsection (b)(1) of this section requires a driver of a slower vehicle to compromise the driver's safety to allow overtaking by a faster vehicle.

331.31 DRIVING UPON DIVIDED ROADWAYS.

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

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

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code.
(ORC 4511.35)

331.32 ENTERING AND EXITING CONTROLLED-ACCESS HIGHWAY.

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

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

331.33 OBSTRUCTING INTERSECTION, CROSSWALK OR GRADE CROSSING.

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

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

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code. (ORC 4511.712)

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

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

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(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 TRAVEL TRAILER, FIFTH WHEEL VEHICLE, OR
MANUFACTURED OR MOBILE HOME WHILE IN MOTION.**

(a) Except as provided in subsection (b) of this section, no person shall occupy any travel trailer, fifth wheel trailer, or manufactured or mobile home while it is being used as a conveyance upon a street or highway.

(b) (1) Subsection (a) of this section does not apply to a fifth wheel trailer when both of the following apply:

A. Any child riding in the fifth wheel trailer is properly secured in the manner provided in Ohio R.C. 4511.81.

B. The operator of the vehicle towing the fifth wheel trailer has some means of viable communication with the passengers riding in the trailer.

(2) As used in this section, "viable communication" includes a cellular or satellite telephone, a radio or any other similar electronic wireless communications device.

(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.

(d) The offense established under this section is a strict liability offense and Ohio R.C. 2901.20 does not apply. The designation of this offense as a strict liability offense shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is not a strict liability offense. (ORC 4511.701)

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

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

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

331.37 DRIVING UPON SIDEWALKS, STREET LAWNS OR CURBS.

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

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

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

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code. (ORC 4511.711)

331.38 STOPPING FOR SCHOOL BUS; DISCHARGING CHILDREN.

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

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

(b) Every school bus shall be equipped with amber and red visual signals meeting the requirements of Ohio R.C. 4511.771, or a substantially equivalent municipal ordinance, and an automatically extended stop warning sign of a type approved by the Ohio Department of Education and Workforce, 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 loading or unloading at curbside. The visual signals and stop warning sign shall be synchronized or otherwise operated as required by rule of the Ohio Administrative Code.

(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 Ohio Department of Education and Workforce, 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. 4511.77, 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, or a multifunction school activity bus.

- (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)

331.381 SCHOOL BUS OPERATOR TO REPORT VIOLATIONS.

(a) Definition. As used in this section, "license plate" includes, but is not limited to, any temporary motor vehicle license registration issued under Ohio R.C. 4503.182 or similar law of another jurisdiction.

(b) Report by School Bus Driver. When the operator of a school bus believes that a motorist has violated Section 331.38(a), the operator shall report the license plate number and a general description of the vehicle and of the operator of the vehicle to the law enforcement agency exercising jurisdiction over the area where the alleged violation occurred. The information contained in the report relating to the license plate number and to the general description of the vehicle and the operator of the vehicle at the time of the alleged violation may be supplied by any person with first-hand knowledge of the information. Information of which the operator of the school bus has first-hand knowledge also may be corroborated by any other person.

(c) Investigation. Upon receipt of the report of the alleged violation of Section 331.38(a), the law enforcement agency shall conduct an investigation to attempt to determine or confirm the identity of the operator of the vehicle at the time of the alleged violation. If the identity of the operator at the time of the alleged violation is established, the reporting of the license plate number of the vehicle shall establish probable cause for the law enforcement agency to issue a citation for the violation of Section 331.38(a). However, if the identity of the operator of the vehicle at the time of the alleged violation cannot be established, the law enforcement agency shall issue a warning to the owner of the vehicle at the time of the alleged violation, except in the case of a leased or rented vehicle when the warning shall be issued to the lessee at the time of the alleged violation. (ORC 4511.751)

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 or other on-track equipment.
 - B. A crossing gate is lowered.
 - C. A flagperson gives or continues to give a signal of the approach or passage of a train or other on-track equipment.
 - 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 trains, notwithstanding any highway traffic 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.
 - G. 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 on-track equipment.
 - H. Approaching on-track equipment is emitting an audible signal or is plainly visible and is in hazardous proximity to the crossing.
- (2) A. 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 subsections (a)(1)A. to F. of this section exist at the crossing.
- B. A person who is driving a vehicle and who approaches a railroad grade crossing shall not recklessly proceed as long as any of the circumstances described in subsections (a)(1)G. or H. 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) (1) Whoever violates this section is guilty of a misdemeanor of the fourth degree.
- (2) In lieu of a fine or jail term for a violation of this section, a court may instead order the offender to attend and successfully complete a remedial safety training or presentation regarding rail safety that is offered by an authorized and qualified organization that is selected by the court. The offender shall complete the presentation within a time frame determined by the court, not to exceed 180 days after the court issues the order. The offender shall notify the court of the successful completion of the presentation. When the offender notifies the court of the successful completion of the presentation, the court shall waive any fine or jail term that it otherwise would have imposed for a violation of this section. (ORC 4511.62)

331.40 STOPPING AT GRADE CROSSING.

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

- C. By order, the Commission may rescind any exempt crossing designation made under this section if the Commission finds that a condition at the exempt crossing has changed to such an extent that the continuation of the exempt crossing designation compromises public safety. The Commission may conduct a public hearing to investigate and determine whether to rescind the exempt crossing designation. If the Commission rescinds the designation, it shall order the removal of any exempt crossing signs and may make any other necessary order.
- (3) As used in this section:
 - A. "School vehicle" means any vehicle used for the transportation of pupils to and from a school or school-related function if the vehicle is owned or operated by, or operated under contract with, a public or nonpublic school.
 - B. "Bus" means any vehicle originally designed by its manufacturer to transport sixteen or more passengers, including the driver, or carries sixteen or more passengers, including the driver.
 - C. "Exempt crossing" means a highway rail grade crossing authorized and approved by the Public Utilities Commission under subsection (a)(2) hereof at which vehicles may cross without making the stop otherwise required by this section.
- (4) Except as otherwise provided in this subsection (a)(4), whoever violates subsection (a) hereof is guilty of a minor misdemeanor. If the offender previously has been convicted of or pleaded guilty to one or more violations of subsection (a) hereof or Ohio R.C. 4511.76, 4511.761, 4511.762, 4511.764, 4511.77 or 4511.79, or a municipal ordinance that is substantially similar to any of those sections, whoever violates subsection (a) hereof is guilty of a misdemeanor of the fourth degree. (ORC 4511.63)
- (b)
 - (1) When authorized stop signs are erected at railroad grade crossings, the operator of any vehicle shall stop within fifty but not less than fifteen feet from the nearest rail of the railroad tracks and shall exercise due care before proceeding across such grade crossing.
 - (2) Except as otherwise provided in this subsection, whoever violates this subsection (b)(1) hereof is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

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

331.401 SLOW-MOVING VEHICLES OR EQUIPMENT CROSSING RAILROAD TRACKS.

(a) No person shall operate or move any crawler-type tractor, steam shovel, derrick, roller, or any equipment or structure having a normal operating speed of six or less miles per hour or a vertical body or load clearance of less than nine inches above the level surface of a roadway, upon or across any tracks at a railroad grade crossing without first complying with subsections (a)(1) and (a)(2) of this section.

- (1) Before making any such crossing, the person operating or moving any such vehicle or equipment shall first stop the same, and while stopped the person shall listen and look in both directions along such track for any approaching train or other on-track equipment and for signals indicating the approach of a train or other on-track equipment, and shall proceed only upon exercising due care.
- (2) No such crossing shall be made when warning is given by automatic signal or crossing gates or a flagperson or otherwise of the immediate approach of a train or car or other on-track equipment.

(b) If the normal sustained speed of the vehicle, equipment, or structure is not more than three miles per hour, the person owning, operating, or moving the same shall also give notice of the intended crossing to a station agent or superintendent of the railroad, and a reasonable time shall be given to the railroad to provide proper protection for the crossing. Where the vehicles or equipment are being used in constructing or repairing a section of highway lying on both sides of a railroad grade crossing, and in this construction or repair it is necessary to repeatedly move the vehicles or equipment over the crossing, one daily notice specifying when the work will start and stating the hours during which it will be prosecuted is sufficient.

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

(d) If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991.
(ORC 4511.64)

331.41 SHORTCUTTING; AVOIDING TRAFFIC CONTROL DEVICES.

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

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

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

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

331.42 LITTERING FROM MOTOR VEHICLE.

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

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

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

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

331.43 WEARING EARPLUGS OR EARPHONES PROHIBITED.

(a) As used in this section:

(1) "Earphones" means any device that covers all or a portion of both ears and that does either of the following:

A. Through either a physical connection to another device or a wireless connection, provides the listener with radio programs, music, or other information;

B. Provides hearing protection.

"Earphones" does not include speakers or other listening devices that are built into protective headgear.

(2) "Earplugs" means any device that can be inserted into one or both ears and that does either of the following:

A. Through either a physical connection to another device or a wireless connection, provides the listener with radio programs, music, or other information;

B. Provides hearing protection.

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

(c) This section does not apply to:

(1) Any person wearing a hearing aid;

(2) Law enforcement personnel while on duty;

(3) Fire Department personnel and emergency medical service personnel while on duty;

(4) Any person engaged in the operation of equipment for use in the maintenance or repair of any highway;

(5) Any person engaged in the operation of refuse collection equipment;

(6) Any person wearing earphones or earplugs for hearing protection while operating a motorcycle.

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

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

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

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

- (c) (1) Whoever violates subsection (a) hereof is guilty of a minor misdemeanor.
(2) In addition to the financial sanctions authorized or required under Section 501.99 and to any costs otherwise authorized or required under any provision of law, the court imposing the sentence upon an offender who is convicted of or pleads guilty to a violation of subsection (a) hereof shall order the offender to reimburse one or more rescuers for the cost any such rescuer incurred in rescuing the person, excluding any cost of transporting the rescued person to a hospital or other facility for treatment of injuries, up to a cumulative maximum of two thousand dollars (\$2,000). If more than one rescuer was involved in the emergency response, the court shall allocate the reimbursement proportionately, according to the cost each rescuer incurred. A financial sanction imposed under this section is a judgment in favor of the rescuer and, subject to a determination of indigency under division (B) of Ohio R.C. 2929.28, a rescuer may collect the financial sanction in the same manner as provided in Ohio R.C. 2929.28.
- (d) As used in this section:
- (1) "Emergency medical service organization", "firefighting agency" and "private fire company" have the same meanings as in Ohio R.C. 9.60.
- (2) "Rescuer" means a state agency, political subdivision, firefighting service, private fire company, or emergency medical service organization.
(ORC 4511.714.)

331.45 RESTRICTIONS ON THE OPERATION OF SCHOOL BUSES.

(a) No person shall operate a vehicle used for pupil transportation within this Municipality in violation of the rules of the Ohio Department of Education and Workforce or the Ohio Department of Public Safety. No person, being the owner thereof, or having the supervisory responsibility therefor, shall permit the operation of a vehicle used for pupil transportation within this Municipality in violation of the rules of the Ohio Department of Education and Workforce or the Ohio Department of Public Safety.

(b) As used in this section, "vehicle used for pupil transportation" means any vehicle that is identified as such by the Ohio Department of Education and Workforce by rule and that is subject to O.A.C. Chapter 3301-83.

(c) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If the offender previously has been convicted of or pleaded guilty to one or more violations of this section or Ohio R.C. 4511.76, or Ohio R.C. 4511.63, 4511.761, 4511.762, 4511.764, 4511.77, or 4511.79 or a municipal ordinance that is substantially equivalent to any of those sections, whoever violates this section is guilty of a misdemeanor of the fourth degree. (ORC 4511.76(C), (I)(2), (J))

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 subsection (a)(1)A. of this section or for an equivalent offense that is vehicle-related, the result of any test of any blood, oral fluid, 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 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 presence and 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, oral fluid, 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 division 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 presence and concentration of alcohol, drugs of abuse, or a combination of them as described in this division when a person submits to a blood, breath, urine, oral fluid, or other bodily substance test at the request of a law enforcement officer under Ohio R.C. 4511.191 or a substantially equivalent municipal ordinance, or a blood or urine sample is

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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, oral fluid, or urine specimens. A person authorized to withdraw blood under this division may refuse to withdraw blood under this division, 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 this subsection (d)(1)B. 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) or (b) 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, oral fluid, or urine, if a law enforcement officer has administered a field sobriety test to the operator 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 provisions 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 division (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, except as otherwise authorized or required by subsections (h)(1)A. to E. of this section:
 - A. Except as otherwise provided in subsection (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 penalties and sanctions provided in Ohio R.C. § 4511.19(G)(1)(a)(i) through (G)(1)(a)(iv).
 - B. Except as otherwise provided in subsection (h)(1)E. of this section, an offender who, within ten years of the offense, previously has been convicted of or pleaded guilty to one violation of subsection (a) 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 penalties and sanctions provided in Ohio R.C. § 4511.19(G)(1)(b)(i) through (G)(1)(b)(v).
 - C. Except as otherwise provided in subsection (h)(1)E. of this section, an offender who, within ten years of the offense, previously has been convicted of or pleaded guilty to two violations of subsection (a) of this section or other equivalent offenses is guilty of a misdemeanor. The court shall sentence the offender to all of the penalties and sanctions provided in Ohio R.C. § 4511.19(G)(1)(c)(i) through (G)(1)(c)(vi).
 - D. Except as otherwise provided in subsection (h)(1)E. of this section, an offender who, within ten years of the offense, previously has been convicted of or pleaded guilty to three or four violations of subsection (a) 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, or an offender who previously has been convicted of or pleaded guilty to a specification of the type described in Ohio R.C. 2941.1413, is guilty of a felony to 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.

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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) A court may order an offender to reimburse a law enforcement agency for any costs incurred by the agency with respect to a chemical test or tests administered to the offender if all of the following apply:
 - A. The offender is convicted of or pleads guilty to a violation of subsection (a) of this section.
 - B. The test or tests were of the offender's whole blood, blood serum or plasma, oral fluid, or urine.
 - C. The test or tests indicated that the offender had one of the following at the time of the offense:
 - 1. A prohibited concentration of a controlled substance or a metabolite of a controlled substance in the offender's whole blood, blood serum or plasma, or urine;
 - 2. A drug of abuse or a metabolite of a drug of abuse in the offender's oral fluid.

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- (8) A court may warn any person who is convicted of or who pleads guilty to a violation of subsection (a) of this section or an equivalent offense that a subsequent violation of this section or an equivalent offense that results in the death of another or the unlawful termination of another's pregnancy may result in the person being guilty of aggravated vehicular homicide under Ohio R.C. 2903.06. The court may warn the person of the applicable penalties for that violation under Ohio R.C. 2903.06 and 2929.142.
- (9) 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. The court may grant limited driving privileges relative to the suspension under Ohio R.C. 4510.021 and 4510.13. The court may grant unlimited driving privileges with an ignition interlock device relative to the suspension and may reduce the period of suspension as authorized under Ohio R.C. 4510.022. If the court grants unlimited driving privileges under Ohio R.C. 4510.022, the court shall suspend any jail term imposed under subsection (i)(1) of this section as required under that section.
- (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) 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. The court may grant limited driving privileges relative to the suspension under Ohio R.C. 4510.021 and 4510.13.
- (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 violation of subsection (b) of this section.
(ORC 4511.19)

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- (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. (ORC 4511.201)

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

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

333.03 MAXIMUM SPEED LIMITS; ASSURED CLEAR DISTANCE AHEAD.

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

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

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

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

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

C. As used in this section, "school zone" means that portion of a street or highway passing a school fronting upon the street or highway that is encompassed by projecting the school property lines to the fronting street or highway. Upon request from the

Municipality for streets and highways under its jurisdiction, the Ohio Director of Transportation may extend the traditional school zone boundaries. The distances in subsections (b)(1)C.1. to 3. hereof shall not exceed 300 feet per approach per direction and are bounded by whichever of the following distances or combinations thereof the Director approves as most appropriate:

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

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

- D. As used in this subsection, "crosswalk" has the meaning given that term in Section 301.21. The Director may, upon request by resolution of Council, and upon submission by the Municipality of such engineering, traffic and other information as the Director considers necessary, designate a school zone on any portion of a State route lying within the Municipality that includes a crosswalk customarily used by children going to or leaving a school during recess and opening and closing hours, whenever the distance, as measured in a straight line, from the school property line nearest the crosswalk to the nearest point of the crosswalk is no more than 1,320 feet. Such a school zone shall include the distance encompassed by the crosswalk and extending 300 feet on each approach direction of the State route;
- (2) Twenty-five miles per hour in all other portions of the Municipality, except on State routes outside business districts, through highways outside business districts and alleys;
 - (3) Thirty-five miles per hour on all State routes or through highways within the Municipality outside business districts, except as provided in subsections (b)(4) and (5) hereof;
 - (4) Fifty miles per hour on controlled-access highways and expressways within the Municipality, except as provided in subsections (b)(8) to (b)(12) of this section;
 - (5) Fifty miles per hour on State routes within the Municipality outside urban districts unless a lower prima-facie speed is established as further provided in this section;
 - (6) Fifteen miles per hour on all alleys within the Municipality;
 - (7) Fifty-five miles per hour on freeways with paved shoulders inside the Municipality other than freeways as provided in subsection (b)(10) and (12);
 - (8) Sixty miles per hour on rural expressways with traffic control signals and on all portions of rural divided highways, except as provided in subsections (b)(9) and (10) of this section;
 - (9) Sixty-five miles per hour on all rural expressways without traffic control signals;
 - (10) Seventy miles per hour on all rural freeways;

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- (11) Fifty-five miles per hour on all portions of freeways or expressways in congested areas as determined by the Director and that are located within a municipal corporation or within an interstate freeway outerbelt, except as provided in subsection (b)(12) of this section;
- (12) Sixty-five miles per hour on all portions of freeways or expressways without traffic control signals in urbanized areas.
- (13) Twenty-five miles per hour for that portion of Hendron Road from Glendenning Drive to Main Street. (Ord. 23-83. Passed 8-22-83.)
- (14) Thirty-five miles per hour on Hendron Road from Glendenning Drive north to State Route 317, within the City corporation limits.
- (15) Twenty-five miles per hour on Madison Lane.
(Ord. 99-96. Passed 12-19-96.)
- (16) Thirty-five miles per hour on Old Hamilton Road between State Route 317 and Corbett Road. (Ord. 01-001. Passed 2-12-01.)
- (17) Twenty-five miles per hour on Saltzgaber Road between State Route 317 and Green Pointe Drive South. (Ord. 02-001. Passed 2-11-02.)
- (18) Forty-five miles per hour on Groveport Road from the former corporation line in front of St. Mary's Catholic Church west to the new corporation limit. (Ord. 2004-009. Passed 3-22-04.)
- (19) Forty-five miles per hour on Rohr Road for the boundaries of approximately 200 feet west of Commerce Center Drive to Alum Creek Drive. (Ord. 17-010. Passed 2-27-17.)
- (20) Fifty miles per hour on Hayes Road for that portion between a point approximately 322 feet east of Pontius Road and a point approximately 2512 feet east of Pontius Road.
(Ord. 2024-052. Passed 12-16-24.)

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

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

(e) In every charge of violation of this section the affidavit and warrant shall specify the time, place and speed at which the defendant is alleged to have driven, and in charges made in reliance upon subsection (c) hereof also the speed which subsections (b)(1)A. to (b)(6) hereof, or a limit declared or established pursuant to this section declares is prima-facie lawful at the time

- (3) **DRIFTING.** A maneuver performed while operating a vehicle whereby the vehicle is driven in a manner that causes a controlled, sideways skid during a turn, with the front wheels pointing in a direction that is the opposite of the direction of the turn.
- (4) **STREET RACING.** The operation of two or more vehicles from a point side by side at accelerating speeds in a competitive attempt to out-distance each other or the operation of one or more vehicles over a common selected course, from the same point to the same point, wherein timing is made of the participating vehicles involving competitive accelerations or speeds. The operation of two or more vehicles side by side either at speeds in excess of prima-facie lawful speeds established by Ohio R.C. 4511.21(B)(1)(a) to (B)(9) or rapidly accelerating from a common starting point to a speed in excess of such prima-facie lawful speeds shall be prima-facie evidence of street racing.
- (5) **STREET TAKEOVER.** Blocking or impeding the regular flow of vehicle or pedestrian traffic on a public road, street, or highway or on private property that is open to the general public for the purpose of street racing or stunt driving.
- (6) **STUNT DRIVING.** Performing or engaging in burnouts, doughnuts, drifting, or wheelies, or allowing a passenger to ride either partially or fully outside of the vehicle while operating that vehicle.
- (7) **WHEELIE.** A maneuver performed while operating a vehicle whereby the front wheel or wheels of the vehicle are raised off of the ground or whereby two wheels that are on the same side of the vehicle are raised off of the ground.

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

(c) Whoever violates this section is guilty of street racing, stunt driving, or street takeover, a misdemeanor of the first degree. In addition to any other sanctions, the court shall suspend the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege for not less than 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 division.

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

(e) This section does not apply to the competitive operation of vehicles on public or private property when the political subdivision with jurisdiction of the location or owner of the property knowingly permits such operation thereon. (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 ELECTRONIC WIRELESS COMMUNICATION DEVICE USE PROHIBITED WHILE DRIVING.

(a) No person shall operate a motor vehicle on any street, highway, or property open to the public for vehicular traffic while using, holding, or physically supporting with any part of the person's body an electronic wireless communications device.

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

- (1) A person using an electronic wireless communications device to make contact, for emergency purposes, 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 while using an electronic wireless communications device in the course of the person's duties.
- (3) A person using an electronic wireless communications device when the person's motor vehicle is in a stationary position and is outside a lane of travel, at a highway traffic signal that is currently directing traffic to stop, or parked on a road or highway due to an emergency or road closure;
- (4) A person using and holding an electronic wireless communications device directly near the person's ear for the purpose of making, receiving, or conducting a telephone call, provided that the person does not manually enter letters, numbers, or symbols into the device;

- (3) A person using a navigation device in a voice-operated or hands-free manner who does not manipulate the device while driving.
- (c)
 - (1) Except as provided in subsection (c)(2) of this section, whoever violates subsection (a) of this section shall be fined one hundred fifty dollars (\$150.00). In addition, the court shall impose a class seven suspension of the offender's driver's license or permit for a definite period of sixty days.
 - (2) If the person previously has been adjudicated a delinquent child or a juvenile traffic offender for a violation of this section, whoever violates this section shall be fined three hundred dollars (\$300.00). In addition, the court shall impose a class seven suspension of the person's driver's license or permit for a definite period of one year.
- (d) The filing of a sworn complaint against a person for a violation of Ohio R.C. 4511.205 does not preclude the filing of a sworn complaint for a violation of a substantially equivalent municipal ordinance for the same conduct. However, if a person is adjudicated a delinquent child or a juvenile traffic offender for a violation of Ohio R.C. 4511.205 and is also adjudicated a delinquent child or a juvenile traffic offender for a violation of a substantially equivalent municipal ordinance for the same conduct, the two offenses are allied offenses of similar import under Ohio R.C. 2941.25.
- (e) As used in this section, "electronic wireless communications device" includes any of the following:
 - (1) A wireless telephone;
 - (2) A personal digital assistant;
 - (3) A computer, including a laptop computer and a computer tablet;
 - (4) A text-messaging device;
 - (5) Any other substantially similar electronic wireless device that is designed or used to communicate via voice, image, or written word.(ORC 4511.205)

335.04 CERTAIN ACTS PROHIBITED.

- (a) No person shall do any of the following:
 - (1) Display, or cause or permit to be displayed, or possess any identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license temporary instruction permit knowing the same to be fictitious, or to have been canceled, suspended or altered;
 - (2) Lend to a person not entitled thereto, or knowingly permit a person not entitled thereto to use any identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license temporary instruction permit issued to the person so lending or permitting the use thereof;
 - (3) Display or represent as one's own, any identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license temporary instruction permit not issued to the person so displaying the same;
 - (4) Fail to surrender to the Registrar of Motor Vehicles, upon the Registrar's demand, any identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license temporary instruction permit that has been suspended or canceled;
 - (5) In any application for an identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license temporary instruction permit, or any renewal, reprint, or duplicate thereof, knowingly conceal a material fact, or present any 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,

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- 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.

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- (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)

(i) It is an affirmative defense to any prosecution brought under this section that the alleged offender drove under suspension, without a valid permit or driver's or commercial driver's license, or in violation of a restriction because of a substantial emergency, and because no other person was reasonably available to drive in response to the emergency.
(ORC 4510.04)

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

(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)(1) to (d)(3) 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)(1) to (d)(3) hereof.

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- (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)

(f) It is an affirmative defense to any prosecution brought under this section that the alleged offender drove under suspension, without a valid permit or driver's or commercial driver's license, or in violation of a restriction because of a substantial emergency, and because no other person was reasonably available to drive in response to the emergency. (ORC 4510.04)

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.

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(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)

(d) It is an affirmative defense to any prosecution brought under this section that the alleged offender drove under suspension, without a valid permit or driver's or commercial driver's license, or in violation of a restriction because of a substantial emergency, and because no other person was reasonably available to drive in response to the emergency. (ORC 4510.04)

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, 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)

(d) It is an affirmative defense to any prosecution brought under this section that the alleged offender drove under suspension, without a valid permit or driver's or commercial driver's license, or in violation of a restriction because of a substantial emergency, and because no other person was reasonably available to drive in response to the emergency. (ORC 4510.04)

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;

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- (6) Except as otherwise provided in Ohio R.C. Chapter 4505 and Chapter 4517, sell at wholesale a motor vehicle the ownership of which is not evidenced by an Ohio certificate of title, or the current certificate of title issued for the motor vehicle, or the manufacturer's certificate of origin, and all title assignments that evidence the seller's ownership of the motor vehicle, and an odometer disclosure statement that complies with Ohio R.C. 4505.06 and subchapter IV of the "Motor Vehicle Information and Cost Savings Act", 86 Stat. 961 (1972), 15 U.S.C. 1981;
- (7) Operate in this Municipality a motor vehicle knowing that the certificate of title to the vehicle or ownership of the vehicle as otherwise reflected in the automated title processing system has been canceled.

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

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

335.09 DISPLAY OF LICENSE PLATES OR VALIDATION STICKERS; REGISTRATION.

- (a)
 - (1) Subject to Ohio R.C. 4503.211, no person who is the owner or operator of a motor vehicle shall fail to display in plain view on the rear of the motor vehicle a license plate that displays the distinctive number and registration mark assigned to the motor vehicle by the Ohio Director of Public Safety, including any county identification sticker and any validation sticker when required by and issued under Ohio R.C. 4503.19 and 4503.191. However a commercial tractor shall display the license plate on the front of the commercial tractor.
 - (2) The license plate shall be securely fastened so as not to swing, and shall not be covered by any material that obstructs its visibility.
 - (3) Subject to Ohio R.C. 4503.211, no person to whom a temporary motor vehicle license registration has been issued for the use of a motor vehicle under Ohio R.C. 4503.182, and no operator of that motor vehicle, shall fail to display the temporary motor vehicle license registration in plain view from the rear of the vehicle either in the rear window or on an external rear surface of the motor vehicle.
 - (4) No person shall cover a temporary motor vehicle license registration by any material that obstructs its visibility. (ORC 4503.21(A))
- (b)
 - (1) Whoever violates subsection (a) of this section is guilty of a minor misdemeanor.
 - (2) The offenses established under subsection (a) of this section are strict liability offenses and Ohio R.C. 2901.20 does not apply. The designation of these offenses as strict liability offenses shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is not a strict liability offense. (ORC 4503.21(B), (C))

335.091 OPERATING WITHOUT DEALER OR MANUFACTURER LICENSE PLATES.

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

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- B. It does not restrict the vehicle operator's sight lines to the road and highway signs and signals, and 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 either of the following apply to the device:
 - A. It is a "vehicle safety technology" as defined in 49 C.F.R. §393.5 and complies with 49 C.F.R. §393.60(e)(1)(ii).
 - B. It does not restrict the vehicle operator's sight lines to the road and highway signs and signals, and it is mounted not more than eight and one-half inches below the upper edge of the windshield.
- (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) (1) 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.
- (2) 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.
- (3) 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.
- (4) A historical motor vehicle that was not originally manufactured with stop lights or a replica motor vehicle that replicates a motor vehicle that was not originally manufactured with stop lights is not subject to this section.
- (b) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4513.071)

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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 child 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 a clinical nurse specialist or certified nurse practitioner licensed to practice in this State under Ohio R.C. Chapter 4723, 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, nurse 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)
- (1) 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.
 - (2) 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.
 - (3) 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 the following:

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. "Federal Motor Vehicle Safety Standard Number 205" (FMVSS), Code of Federal Regulations, Title 49, Part 571, can be obtained online at web site <http://www.gpo.gov>.

- 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 per cent 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 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 per cent 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 per cent.
 - 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. "Federal Motor Vehicle Safety Standard Number 205" (FMVSS 205), Code of Federal Regulations, Title 49, Part 571, can be obtained online at web site <http://www.gpo.gov>. (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 301.46.
 - (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)

CHAPTER 341

Commercial Drivers

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|---------------|--|---------------|--|
| 341.01 | Definitions. | 341.04 | Prohibitions. |
| 341.02 | Exemptions. | 341.05 | Criminal offenses. |
| 341.03 | Prerequisites to operation of
a commercial motor vehicle. | 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 gross vehicle weight or combined gross vehicle weight rating of 26,001 pounds or more, provided the gross vehicle weight or 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 or gross vehicle weight rating of 26,001 pounds or more;
 - (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 or 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, harmful intoxicant as defined in Ohio R.C. 2925.01, 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.

TITLE SEVEN - Parking
Chap. 351. Parking Generally.

CHAPTER 351
Parking Generally

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| 351.01 | Police may remove unattended vehicle which obstructs traffic. | 351.13 | Parking on public and private property. |
| 351.02 | Registered owner prima-facie liable for unlawful parking. | 351.14 | Public use of parking lots. |
| 351.03 | Prohibited standing or parking places. | 351.15 | Operation and parking in parks. |
| 351.04 | Parking near curb; handi-capped locations on public and private lots and garages. | 351.16 | Truck parking in municipal parking lot. |
| 351.05 | Manner of angle parking. | 351.17 | Overnight parking of commercial vehicles. |
| 351.06 | Selling, washing or repairing vehicle upon roadway. | 351.18 | Parking in fire lanes prohibited. |
| 351.07 | Unattended vehicle: duty to stop engine, remove key, set brake and turn wheels. | 351.19 | Parking on posted private property. |
| 351.08 | Opening vehicle door on traffic side. | 351.20 | Snow streets. |
| 351.09 | Truck loading zones. | 351.21 | No parking on the fire hydrant side of certain streets. |
| 351.10 | Bus stops and taxicab stands. | 351.22 | Parking prohibited on streets in Planned Industrial Parks. |
| 351.11 | Parking in alleys and narrow streets; exceptions. | 351.23 | Parking of trailers and recreational equipment. |
| 351.12 | Prohibition against parking on streets or highways. | 351.24 | Groveport Senior Center permit parking. |
| | | 351.25 | Parking prohibited on Old Hamilton and Bixby Road. |
| | | 351.26 | Residential permit parking - Front Street. |

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

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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 yield sign, stop sign or highway traffic signal;
- (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. (A.O.)
- (17) Parking is prohibited on the hydrant side of streets in the following Subdivisions and/or streets, in the City of Groveport
 - Founders Bend, Section 1
 - Elmont Place, Section 1 Parts A and B
 - The Reserve at Walnut Woods

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

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| 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.
371.13 Operation of personal delivery device on sidewalks and crosswalks.
371.14 Low-speed micromobility devices. |
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CROSS REFERENCES

See sectional histories for similar State law
 Pedestrian defined - see TRAF. 301.54
 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 highway traffic 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.

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

371.02 RIGHT OF WAY OF BLIND PERSON.

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

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

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

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

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

371.03 CROSSING ROADWAY OUTSIDE CROSSWALK; DIAGONAL CROSSINGS AT INTERSECTIONS.

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

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

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

- (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.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code. (ORC 4511.441)

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.

(EDITOR'S NOTE: Former Ohio R.C. 4511.491, from which Section 371.11 was derived was repealed by Amended Substitute House Bill No. 54, effective June 30, 2025.)

371.12 ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES.

- (a) (1) Electric personal assistive mobility devices, as defined in Ohio R.C. 4501.01, 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;

CHAPTER 373 Bicycles and Motorcycles

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| <p>373.01 Code application to bicycles.</p> <p>373.02 Riding upon seats; handle bars; helmets and glasses.</p> <p>373.03 Attaching bicycle or sled to vehicle.</p> <p>373.04 Riding bicycles and motorcycles abreast.</p> <p>373.05 Signal device on bicycle.</p> <p>373.06 Lights and reflector on bicycle; brakes.</p> <p>373.07 Riding bicycle on right side of roadway; obedience to traffic rules; passing.</p> | <p>373.08 Reckless operation; control, course and speed.</p> <p>373.09 Parking of bicycles.</p> <p>373.10 Motorized bicycle operation, equipment and license.</p> <p>373.11 Impounding.</p> <p>373.12 Licensing requirements. (Repealed)</p> <p>373.13 Violations by minors; suspension of license.</p> <p>373.14 Removal of identifying marks.</p> <p>373.15 Paths exclusively for bicycles.</p> <p>373.16 Electric bicycles.</p> |
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CROSS REFERENCES

See sectional histories for similar State law

Motorcycle protective equipment - see OAC Ch. 4501-17

Motorized bicycle equipment - see OAC Ch. 4501-23

Bicycle defined - see TRAF. 301.07

Motorcycle defined - see TRAF. 301.47

Bicycles prohibited on freeways - see TRAF. 303.06

Hand and arm signals - see TRAF. 331.15

Motorcycle operator's license required - see TRAF. 335.01(a)

Motorcycle headlight - see TRAF. 337.03

Motorcycle brakes - see TRAF. 337.18(b)

373.01 CODE APPLICATION TO BICYCLES.

(a) The provisions of this Traffic Code that are applicable to bicycles and electric bicycles apply whenever a bicycle or electric 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 or electric bicycle operator who violates any section of this Traffic Code described in subsection (a) of this section that is applicable to bicycles or electric 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 or electric 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, electric bicycle operator, or motor vehicle operator when the trier of fact finds that the violation by the motor vehicle operator endangered the lives of bicycle riders or electric 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, electric 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 and electric 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 or electric bicycle shall ride other than upon or astride the permanent and regular seat attached thereto, or carry any other person upon such bicycle or electric bicycle other than upon a firmly attached and regular seat thereon, and no person shall ride upon a bicycle or electric 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 or electric bicycle shall carry any package, bundle or article that prevents the driver from keeping at least one hand upon the handlebars.

(g) No bicycle, electric 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.

CHAPTER 375 **Snowmobiles, Off-Highway Motorcycles and All Purpose Vehicles**

375.01	Definitions.	375.05	Licensing requirements of operator.
375.02	Equipment.	375.06	Registration of vehicles.
375.03	Code application; prohibited operation.	375.07	Accident reports.
375.04	Permitted operation.	375.08	Certificate of title.

CROSS REFERENCES

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. 301.84
 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 301.46 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)

CHAPTER 505
Animals and Fowl

505.001	Definitions.	505.11	Hunting restrictions; map.
505.01	Dogs and other animals running at large.	505.12	Coloring rabbits or baby poultry; sale or display of poultry.
505.02	Impounding and disposition; records.	505.13	Dangerous animals.
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505.09	Noisy animals or fowl.	505.21	Possession of certain dogs by convicted felons prohibited.
505.10	Animal bites; reports and quarantine.	505.99	Penalty.

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
Discharging firearms prohibited - see GEN. OFF. 549.10

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.

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- (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 harbinger 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 harbinger 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.
(Ord. 17-021. Passed 5-8-17.)

505.01 DOGS AND OTHER ANIMALS RUNNING AT LARGE.

(a) No person being the owner or having charge of cattle, horses, swine, sheep, geese, ducks, goats, turkeys, chickens or other fowl or animals shall permit them to run at large upon any public place, or upon any unenclosed lands or upon the premises of another.

(b) No owner, keeper or harbinger of any female dog shall permit it to go beyond the premises of the owner, keeper or harbinger at any time the dog is in heat, unless the dog is properly in leash.

E. Any school issued a certificate of registration by the state Board of Career Colleges and Schools.

- (6) "Person with a mobility impairment" means any person, regardless of age, who is subject to a physiological impairment regardless of its cause, nature or extent that renders the person unable to move about without the aid of crutches, a wheelchair, or any other form of support, or that limits the person's functional ability to ambulate, climb, descend, sit, rise, or perform any related function. The phrase includes a person with a neurological or psychological disability that limits the person's functional ability to ambulate, climb, descend, sit, rise or perform any related function. The phrase also includes a person with a seizure disorder and a person who is diagnosed with autism.
- (7) "Service dog" means a dog that has been trained or is in training to assist a person with a mobility impairment.
(ORC 955.011(B), 955.43(C))

(d) Whoever violates any provision of this section shall be guilty of a misdemeanor of the fourth degree. (ORC 955.99(D))

505.18 TRANSFER OF DOG OWNERSHIP.

(a) Upon the transfer of ownership of any dog, the seller of the dog shall give the buyer a transfer of ownership certificate that shall be signed by the seller. The certificate shall contain the registration number of the dog, the name of the seller, and a brief description of the dog. Blank forms of the certificate may be obtained from the County Auditor. A transfer of ownership shall be recorded by the County Auditor upon presentation of a transfer of ownership certificate that is signed by the former owner of a dog and that is accompanied by a fee of five dollars (\$5.00).

(b) Except as provided in subsection (c) of this section, prior to the transfer of ownership or possession of a dog, upon the buyer's or other transferee's request, the seller or other transferor of the dog shall give to the person a written notice relative to the behavior and propensities of the dog.

(c) Within ten days after the transfer of ownership or possession of any dog, if the seller or other transferor of the dog has knowledge that the dog is a dangerous dog or vicious dog, the seller or other transferor shall give to the buyer or other transferee, the board of health for the district in which the buyer or other transferee resides, and the dog warden of the county in which the buyer or other transferee resides, a completed copy of a written form on which the seller shall furnish the following information:

- (1) The name and address of the buyer or other transferee of the dog.
- (2) The age, sex, color, breed, and current registration number of the dog.
- (3) In addition, the seller shall answer the following questions, which shall be specifically stated on the form as follows:
 - A. "Has the dog ever chased or attempted to attack or bite a person? If yes, describe the incident(s) in which the behavior occurred."
 - B. "Has the dog ever bitten a person? If yes, describe the incident(s) in which the behavior occurred."
 - C. "Has the dog ever seriously injured or killed a person? If yes, describe the incident(s) in which the behavior occurred."

- D. "Has the dog previously been designated a nuisance, dangerous, or vicious dog? If yes, indicate the designation that was assigned, the date of designation, and in which county or city the designation was made."
- (4) The seller or other transferor shall obtain the signature of the buyer or other transferee after a statement on the form that the buyer or other transferee understands that such person is acquiring a dangerous or vicious dog.
- (5) The dog warden of the county in which the seller resides shall furnish the form to the seller at no cost.
- (d) (1) No seller or other transferor of a dog shall fail to comply with the requirements of subsection (a) of this section. A violation of this subsection is a strict liability offense and Ohio R.C. 2901.20 does not apply.
- (2) No seller or other transferor of a dog shall fail to comply with the requirements of subsection (b) or (c) of this section. A violation of this subsection is a strict liability offense and Ohio R.C. 2901.20 does not apply.
- (e) (1) Whoever violates subsection (d)(1) of this section is guilty of a minor misdemeanor.
- (2) Whoever violates subsection (d)(2) of this section is guilty of a minor misdemeanor on a first offense and of a misdemeanor of the fourth degree on each subsequent offense.
- (f) Subsection (c) of this section does not apply to an animal shelter for dogs with respect to a dog concerning which it transferred ownership or possession to another person if both of the following apply:
 - (1) The animal shelter for dogs did not have knowledge and could not have reasonably ascertained that the dog is a dangerous or vicious dog.
 - (2) Before the transfer of the dog, the animal shelter for dogs asked the following questions of the dog's previous owner, keeper, or harbinger, if such person is known and if the dog was not impounded under Ohio R.C. 959.132:
 - A. "Has the dog ever chased or attempted to attack or bite a person? If yes, describe the incident(s) in which the behavior occurred."
 - B. "Has the dog ever bitten a person? If yes, describe the incident(s) in which the behavior occurred."
 - C. "Has the dog ever seriously injured or killed a person? If yes, describe the incident(s) in which the behavior occurred."
 - D. "Has the dog previously been designated a nuisance, dangerous, or vicious dog? If yes, indicate the designation that was assigned, the date of designation, and in which county or city the designation was made."

(ORC 955.11)

505.19 RABIES QUARANTINE.

(a) Whenever, in the judgment of the Director of Health, any city or general health district board of health, or persons performing the duties of a board of health, rabies is prevalent, the Director of Health, the board, or those persons shall declare a quarantine of all dogs in the health district or in a part of it. During the quarantine, the owner, keeper, or harbinger of any dog shall keep it confined on the premises of the owner, keeper, or harbinger, or in a pound, kennel, or other suitable place, at the expense of the owner, keeper, or harbinger, except that a dog may be permitted to leave the premises of its owner, keeper, or harbinger if it is under leash or under the control of a responsible person. The quarantine order shall be considered an emergency and need not be published.

(b) When the quarantine has been declared, the Director of Health, the board, or those persons may require vaccination for rabies of all dogs within the health district or part of it. Proof of rabies vaccination within a satisfactory period shall be demonstrated to the County Auditor before any registration is issued under Ohio R.C. 955.02 for any dog that is required to be vaccinated.

(c) The Director of Health shall determine appropriate methods of rabies vaccination and satisfactory periods for purposes of quarantines under this section.

(d) When a quarantine of dogs has been declared in any health district or part of a health district, the county dog warden and all other persons having the authority of police officers shall assist the health authorities in enforcing the quarantine order. When rabies vaccination has been declared compulsory in any health district or part of a health district, the dog warden shall assist the health authorities in enforcing the vaccination order.

(e) Notwithstanding this section, a city or general health district board of health may make orders pursuant to Ohio R.C. 3709.20 and 3709.21 requiring the vaccination of dogs.

(f) No person shall recklessly violate a rabies quarantine order issued under this section.

(g) Whoever violates subsection (f) of this section is guilty of a minor misdemeanor on a first offense and of a misdemeanor of the fourth degree on each subsequent offense. (ORC 955.26)

505.20 SALE AND TRANSPORTATION OF DOGS.

(a) No person shall sell, offer to sell, or expose for sale, for the purpose of resale or receive for delivery within this state, or ship from any point within this state to any point outside this state, for sale to the general public at retail, any dog under the age of eight weeks.

(b) No person shall receive from outside this state, or ship from any point within this state to any point outside this state, for sale to the general public at retail, any dog that is not accompanied by a certificate, issued by a licensed veterinarian who is accredited by the United States department of agriculture and authorized to issue health certificates for animals in interstate commerce, certifying that the dog is sufficiently sound and healthy to be reasonably expected to withstand the intended transportation without adverse effect.

(c) This section does not apply to the transportation of dogs in interstate commerce by common carrier, provided that neither the point of shipment nor the point of receiving is within this state.

(d) No person responsible for the transportation of a pregnant dog to any point within this state or from any point within this state to any point outside this state shall be liable in damages for any injury to or illness of, or the death of, the dog or any puppies, whenever the injury, illness, or death results from the birth of such puppies during the time the dog is being transported.

(e) Whoever recklessly violates this section is guilty of a minor misdemeanor on a first offense and of a misdemeanor of the fourth degree on each subsequent offense.
(ORC 955.50)

**505.21 POSSESSION OF CERTAIN DOGS BY CONVICTED FELONS
PROHIBITED.**

(a) No person who is convicted of or pleads guilty to a felony offense of violence committed on or after May 22, 2012, or a felony violation of any provision of Ohio R.C. Chapter 959, Ohio R.C. Chapter 2923, or Ohio R.C. Chapter 2925 committed on or after May 22, 2012, shall knowingly own, possess, have custody of, or reside in a residence with any of the following for a period of three years commencing either upon the date of release of the person from any period of incarceration imposed for the offense or violation or, if the person is not incarcerated for the offense or violation, upon the date that the person plead guilty to or was convicted of the offense or violation:

- (1) An unspayed or unneutered dog older than twelve weeks of age;
- (2) Any dog that has been determined to be a dangerous dog or vicious dog under Chapter R.C. Chapter 955;
- (3) Any dog that does not have a permanently implanted microchip that has an identification number that is unique to the microchip.

- (b)
 - (1) Subsection (a) of this section does not apply to any person who is confined in a correctional institution of the Department of Rehabilitation and Correction.
 - (2) Subsection (a) of this section does not apply to any person with respect to any dog that the person owned, possessed, had custody of, or resided in a residence with prior to May 22, 2012.

(c) Whoever recklessly violates this section is guilty of a misdemeanor of the first degree. (ORC 955.54)

505.99 PENALTY.

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

CHAPTER 513
Drug Abuse Control

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| 513.02 | Gift of marihuana. | 513.12 | Drug paraphernalia. |
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| 513.07 | Possessing or using harmful intoxicants. | 513.16 | Adult use cannabis control. |
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| 513.09 | Controlled substance or prescription labels. | 513.99 | Penalty. |
| 513.10 | Hypodermic possession, display and dispensing. | | |

CROSS REFERENCES

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

513.01 DEFINITIONS.

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

- (a) "Administer." Has the same meaning as in Ohio R.C. 3719.01.
- (b) "Adulterate." To cause a drug to be adulterated as described in Ohio R.C. 3715.63.
- (c) "Alcohol and Drug Addiction Services". Has the same meaning as in Ohio R.C. 5119.01.

- (d) "Bulk amount." Of a controlled substance, means any of the following:
- (1) For any compound, mixture, preparation, or substance included in Schedule I, Schedule II, or Schedule III, with the exception of any controlled substance analog, marihuana, cocaine, L.S.D., heroin, any fentanyl-related compound, and hashish and except as provided in subsection (c)(2), (5), or (6) of this definition, whichever of the following is applicable:
 - A. An amount equal to or exceeding ten grams or twenty-five unit doses of a compound, mixture, preparation or substance that is or contains any amount of a Schedule I opiate or opium derivative;
 - B. An amount equal to or exceeding ten grams of a compound, mixture, preparation or substance that is or contains any amount of raw or gum opium;
 - C. An amount equal to or exceeding thirty grams or ten unit doses of a compound, mixture, preparation or substance that is or contains any amount of a Schedule I hallucinogen other than tetrahydrocannabinol or lysergic acid amide, or a Schedule I stimulant or depressant;
 - D. An amount equal to or exceeding twenty grams or five times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation or substance that is or contains any amount of a Schedule II opiate or opium derivative;
 - E. An amount equal to or exceeding five grams or ten unit doses of a compound, mixture, preparation or substance that is or contains any amount of 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 (21 U.S.C. 301 et seq., as amended) and the federal drug abuse control laws, as defined in this section, that is or contains any amount of a Schedule II depressant substance or a Schedule II hallucinogenic substance;
 - G. An amount equal to or exceeding three grams of a compound, mixture, preparation, or substance that is or contains any amount of a Schedule II stimulant, or any of its salts or isomers, that is not in a final dosage form manufactured by a person authorized by the Federal Food, Drug and Cosmetic Act (21 U.S.C. 301 et seq., as amended) and the federal drug abuse control laws;
 - (2) An amount equal to or exceeding 120 grams or thirty times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation or substance that is or contains any amount of a Schedule III or IV substance other than an anabolic steroid or a Schedule III opiate or opium derivative;
 - (3) An amount equal to or exceeding twenty grams or five times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation or substance that is or contains any amount of a Schedule III opiate or opium derivative;

- (30) A person licensed to practice as a speech-language pathologist or audiologist under Ohio R.C. Chapter 4753;
- (31) A person issued a license as an occupational therapist or physical therapist under Ohio R.C. Chapter 4755;
- (32) A person who is licensed as a licensed professional clinical counselor, licensed professional counselor, social worker, independent social worker, independent marriage and family therapist, or marriage and family therapist, or registered as a social work assistant under Ohio R.C. Chapter 4757;
- (33) A person issued a license to practice dietetics under Ohio R.C. Chapter 4759;
- (34) A person who has been issued a license or limited permit to practice respiratory therapy under Ohio R.C. Chapter 4761;
- (35) A person who has been issued a real estate appraiser certificate under Ohio R.C. Chapter 4763;
- (36) A person who has been issued a home inspector license under Ohio R.C. Chapter 4764;
- (37) A person who has been admitted to the bar by order of the Ohio Supreme Court in compliance with its prescribed and published rules.
- (38) A person who has been issued a license to practice as a certified mental health assistant under Ohio R.C. Chapter 4772.
- (vv) "Public premises." Any hotel, restaurant, tavern, store, arena, hall or other place of public accommodation, business, amusement or resort.
- (ww) "Sale." Has the same meaning as in Ohio R.C. 3719.01.
- (xx) "Sample drug." A drug or pharmaceutical preparation that would be hazardous to health or safety if used without the supervision of a licensed health professional authorized to prescribe drugs, or a drug of abuse, and that, at one time, had been placed in a container plainly marked as a sample by a manufacturer.
- (yy) "Schedule I", "Schedule II", "Schedule III", "Schedule IV" or "Schedule V." Have the same meaning as in Ohio R.C. 3719.01.
- (zz) "School." Any school operated by a board of education, any community school established under Ohio R.C. Chapter 3314, or any nonpublic school for which the Director of Education and Workforce prescribes minimum standards under Ohio R.C. 3301.07, whether or not any instruction, extracurricular activities or training provided by the school is being conducted at the time a criminal offense is committed.
- (aaa) "School building." Any building in which any of the instruction, extracurricular activities or training provided by a school is conducted, whether or not any instruction, extracurricular activities or training provided by the school is being conducted in the school building at the time a criminal offense is committed.
- (bbb) "School premises." Either of the following:
 - (1) The parcel of real property on which any school is situated, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the premises at the time a criminal offense is committed.
 - (2) Any other parcel of real property that is owned or leased by a board of education of a school, the governing authority of a community school established under Ohio R.C. Chapter 3314, or the governing body of a nonpublic school for which the Director of Education and Workforce prescribes minimum standards under Ohio R.C. 3301.07 and on which some of the instruction, extracurricular activities or training of the school is conducted, whether or not any instruction, extracurricular

- activities, or training provided by the school is being conducted on the parcel of real property at the time a criminal offense is committed.
- (ccc) "Standard Pharmaceutical Reference Manual." The current edition, with cumulative changes if any, of references that are approved by the State Board of Pharmacy.
 - (ddd) "Substance Addiction Services Provider". Means an agency, association, corporation or other legal entity, individual, or program that provides one or more of the following at a facility:
 - (1) Either alcohol addiction services, or drug addiction services, or both such services that are certified by the Ohio Director of Mental Health and Addiction Services under Ohio R.C. 5119.36;
 - (2) Recovery supports that are related to either alcohol addiction services, or drug addiction services, or both such services and paid for with federal, state, or local funds administered by the Ohio Department of Behavioral Health or a board of alcohol, drug addiction, and mental health services.
 - (eee) "Unit dose." An amount or unit or a compound, mixture or preparation containing a controlled substance that is separately identifiable and in a form that indicates that it is the amount or unit by which the controlled substance is separately administered to or taken by an individual.
 - (fff) "Wholesaler." Has the same meaning as in Ohio R.C. 3719.01.
(ORC 2925.01)

513.02 GIFT OF MARIHUANA.

(EDITOR'S NOTE: Former Ohio R.C. 2925.03 from which Section 513.02 was derived was superseded by the changes made to Ohio R.C. 3780.36 enacted by Initiative Petition. See "Section 513.16 Adult Use Cannabis Control" for relevant provisions.)

513.03 DRUG ABUSE; CONTROLLED SUBSTANCE POSSESSION OR USE.

- (a) No person shall knowingly obtain, possess or use a controlled substance or a controlled substance analog.
- (b) (1) This section does not apply to the following:
 - A. Manufacturers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies and other persons whose conduct was in accordance with Ohio R.C. Chapters 3719, 4715, 4723, 4729, 4730, 4731, 4741 and 4772;
 - B. If the offense involves an anabolic steroid, any person who is conducting or participating in a research project involving the use of an anabolic steroid if the project has been approved by the United States Food and Drug Administration;

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

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

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

513.04 POSSESSING DRUG ABUSE INSTRUMENTS.

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

- (b) (1) 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, 4723, 4729, 4730, 4731, 4741 and 4772;
- (2) Division (B)(2) of Ohio R.C. 2925.11 applies with respect to a violation of this section when a person seeks or obtains medical assistance for another person who is experiencing a drug overdose, a person experiences a drug overdose and seeks medical assistance for that overdose, or a person is the subject of another person seeking or obtaining medical assistance for that overdose.

(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) (1) 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.
- (2) If the offender has a driver's or commercial driver's license or permit, Ohio R.C. 2929.33 applies.
(ORC 2925.12)

513.05 PERMITTING DRUG ABUSE.

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

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

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

- (d) (1) 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.
- (2) If the offender has a driver's or commercial driver's license or permit, Ohio R.C. 2929.33 applies.
- (3) A. Any offender who received a mandatory suspension of the offender's driver's or commercial driver's license or permit under this section prior to September 13, 2016, may file a motion with the sentencing court requesting the termination of the suspension. However, an offender who pleaded guilty to or was convicted of a violation of Ohio R.C. 4511.19 or a substantially similar municipal ordinance or law of another state or the United States that arose out of the same set of circumstances as the violation for which the offender's license or permit was suspended under this section shall not file such a motion.
- B. Upon the filing of a motion under subsection (d)(3) of this section, the sentencing court, in its discretion, may terminate the suspension.

(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) (1) 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.
- (2) If the offender has a driver's or commercial driver's license or permit, Ohio R.C. 2929.33 applies. (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, 4723, 4725, 4729, 4730, 4731, 4741 and 4772.

(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) (1) 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.
- (2) If the offender has a driver's or commercial driver's license or permit, Ohio R.C. 2929.33 applies. (ORC 2925.36)

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

513.12 DRUG PARAPHERNALIA.

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

- (1) A kit for propagating, cultivating, growing or harvesting any species of a plant that is a controlled substance or from which a controlled substance can be derived;
- (2) A kit for manufacturing, compounding, converting, producing, processing or preparing a controlled substance;
- (3) Any object, instrument, or device for manufacturing, compounding, converting, producing, processing, or preparing methamphetamine;
- (4) An isomerization device for increasing the potency of any species of a plant that is a controlled substance;
- (5) Testing equipment for identifying, or analyzing the strength, effectiveness or purity of, a controlled substance, unless subsection (d)(4) of this section applies to the testing equipment;
- (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:

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- (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), (d)(3) and (d)(4) 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, 4723, 4729, 4730, 4731, 4741 and 4772. 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.
- (3) Division (B)(2) of Ohio R.C. 2925.11 applies with respect to a violation of subsection (c)(1) of this section when a person seeks or obtains medical assistance for another person who is experiencing a drug overdose, a person experiences a drug overdose and seeks medical assistance for that overdose, or a person is the subject of another person seeking or obtaining medical assistance for that overdose.
- (4) Subsection (c)(1) of this section does not apply to a person's use, or possession with purpose to use, any drug testing strips to determine the presence of fentanyl or a fentanyl-related compound or any other equipment, product, or material approved by the State Board of Pharmacy, in rules adopted under Ohio R.C. 4729.261, as a type of instrument that demonstrates efficacy in reducing drug poisoning by determining the presence of a specific compound or group of compounds.
- (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) (1) 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.
- (2) If the offender has a driver's or commercial driver's license or permit, Ohio R.C. 2929.33 applies. (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.

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

(c) No person shall knowingly use, or possess with purpose to use, any drug paraphernalia that is equipment, a product, or material of any kind that is used by the person, intended by the person for use, or designed for use in storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body 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)
 - (1) Subsection (e) of Section 513.12 applies with respect to any drug paraphernalia that was used or possessed in violation of this section.
 - (2) Division (B)(2) of Ohio R.C. 2925.11 applies with respect to a violation of this subsection when a person seeks or obtains medical assistance for another person who is experiencing a drug overdose, a person experiences a drug overdose and seeks medical assistance for that overdose, or a person is the subject of another person seeking or obtaining medical assistance for that overdose.
- (f)
 - (1) Whoever violates subsection (c) of this section is guilty of illegal use or possession of marihuana drug paraphernalia, a minor misdemeanor.
 - (2) Arrest or conviction for a violation of subsection (c) 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.
- (g)
 - (1) In addition to any other sanction imposed upon an offender for a violation of this section, the court shall do the following if applicable:
 - A. If the offender pleaded guilty to or was convicted of a violation of Ohio R.C. 4511.19 or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit for not more than five years.
 - B. If the offender is a professionally licensed person, 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)

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

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

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

No court shall order an offender under this section to pay the costs of tests performed on a substance if the results of the tests do not indicate that the substance tested contained any controlled substance.

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

513.15 SALE OF DEXTROMETHORPHAN.

(a) As used in this section:

- (1) "Dextromethorphan" means the dextrorotatory isomer of 3-methoxy-N-methylmorphinan, including its salts, but not including its racemic or levorotatory forms.
- (2) "Evidence of majority and identity" means a document issued by the federal government or a state, county, or municipal government, or a subdivision or agency of any of the foregoing, including a driver's or commercial driver's license, an identification card issued under Ohio R.C. 4507.50 to 4507.52, a military identification card, or any other form of identification that bears the name, date of birth, description and picture of the person identified.
- (3) "Retailer" means a place of business that offers consumer products for sale to the general public, including a terminal distributor of dangerous drugs that is licensed under Ohio R.C. Chapter 4729 and operated as a pharmacy.

(b) No retailer or employee of a retailer shall knowingly supply, deliver, give or otherwise provide a drug, material, compound, mixture, preparation or substance containing any quantity of dextromethorphan through the sale of any product to a person under eighteen years of age, unless the person has been issued a prescription for the product being purchased.

(c) For purposes of subsection (b) of this section, the person making the sale of a product containing dextromethorphan shall require and obtain evidence of majority and identity from the purchaser, unless from the purchaser's outward appearance the person making the sale would reasonably presume the purchaser to be twenty-five years of age or older. Proof that the person making the sale demanded, was shown, and acted in reasonable reliance on the purchaser's evidence of majority and identity is a defense to any charge of a violation of subsection (b) of this section.

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(d) A retailer or employee of a retailer is not liable for damages in a civil action for injury, death or loss to person or property that allegedly arises from an act or omission associated with a failure to prevent the sale of a product containing dextromethorphan to a person under eighteen years of age, unless the act or omission constitutes willful or wanton misconduct.

(e) Whoever violates subsection (b) of this section is guilty of illegally selling dextromethorphan, a minor misdemeanor.
(ORC 2925.62)

513.16 ADULT USE CANNABIS CONTROL.

(a) Home Grow.

- (1) Notwithstanding any conflicting provision of the Ohio Revised Code, an adult-use consumer may do all of the following:
 - A. Cultivate, grow, and possess homegrown marijuana plants at the adult-use consumer's primary residence, if all of the following apply:
 1. Not more than six homegrown marijuana plants are cultivated or grown by each adult-use consumer;
 2. Not more than twelve homegrown marijuana plants are cultivated or grown at a single residence;
 3. Cultivation or growing of homegrown marijuana takes place only within a secured closet, room, greenhouse, or other enclosed area in or on the grounds of the residence that prevents access by individuals under twenty-one years of age, and which is not visible by normal unaided vision from a public space;
 4. Cultivation or growing of homegrown marijuana does not take place at a residence that is any of the following:
 - a. A type A family child care home or type B family child care home, as those terms are defined in Ohio R.C. 5104.01;
 - b. A halfway house, community transitional housing facility, community residential center, or other similar facility licensed by the Ohio Division of Parole and Community Services under Ohio R.C. 2967.14;
 - c. A residential premises occupied pursuant to a rental agreement that prohibits the activities otherwise authorized by this section.
 - B. Process homegrown marijuana by manual or mechanical means.
 - C. Store homegrown marijuana and adult use marijuana at the adult-use consumer's primary residence.
 - D. Use homegrown marijuana grown, cultivated, and processed at the adult-use consumer's primary residence;
 - E. Possess any paraphernalia or accessories that may be used in the administration of adult-use marijuana or homegrown marijuana.
- (2) This section does not authorize any person to:
 - A. Cultivate, grow, or process homegrown marijuana except at the person's primary residence;
 - B. Use, cultivate, process, transfer, or transport adult-use marijuana or homegrown marijuana before reaching twenty-one years of age;

- C. Process homegrown by hydrocarbon-based extraction;
 - D. Sell, or profit from, homegrown marijuana;
 - E. Cultivate, grow, or possess homegrown marijuana on behalf of another person.
- (3) A. No person shall knowingly cultivate, grow, or possess homegrown marijuana in a manner that violates subsection (a)(1) of this section.
- B. No person shall knowingly consume adult-use marijuana or homegrown marijuana in a public place;
- C. No person operating a public place shall knowingly permit the consumption of adult-use marijuana or homegrown marijuana in that public place.
- (4) Subject to subsection (a)(2) of this section and subsections (d)(2) and (d)(3) of this section, an adult-use consumer shall not be subject to arrest or criminal prosecution for cultivating, growing, possessing, processing, storing, or using homegrown marijuana, or possessing paraphernalia or accessories that may be used in the administration of adult-use or homegrown marijuana, in accordance with subsection (a)(1) of this section.
- (5) This subsection (a) does not authorize an adult-use consumer to operate a vehicle, streetcar, trackless trolley, watercraft, or aircraft while under the influence of marijuana. (ORC 3796.04)

(b) Restrictions on Use of Marijuana.

- (1) With respect to the methods of using medical marijuana, adult-use marijuana and home-grown marijuana, all of the following apply:
- A. The smoking or combustion of medical marijuana is prohibited.
- B. No person shall knowingly consume adult-use marijuana or homegrown marijuana by smoking, combustion, or vaporization or knowingly consume medical marijuana by vaporization in any place other than privately owned real property that is used primarily for residential or agricultural purposes, including any dwellings, facilities, improvements, and appurtenances on such real property.
- C. No person shall knowingly smoke, combust, or vaporize marijuana in any of the following:
- 1. A type A family child care home or type B family child care home, as those terms are defined in Ohio R.C. 5104.01;
 - 2. A halfway house, community transitional housing facility, community residential center, or other similar facility licensed by the Ohio Division of Parole and Community Services under Ohio R.C. 2967.14;
 - 3. A residential premises occupied pursuant to a rental agreement that prohibits the smoking, combustion, or vaporization of marijuana;
 - 4. A public place or place of employment, as those terms are defined in Ohio R.C. 3794.01.
- D. The Ohio Division of Cannabis Control may approve additional methods of using medical marijuana, other than smoking or combustion, under Ohio R.C. 3796.061.

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- (2) A. Any form or method of using adult-use marijuana or medical marijuana that is considered attractive to children, as specified in rules adopted by the Ohio Division of Cannabis Control, is prohibited.
 - B. Adult-use marijuana and medical marijuana shall not be dispensed or sold in a form or shape that bears the likeness or contains the characteristics of a realistic or fictional human, animal, or fruit, including artistic, caricature, or cartoon renderings.
 - (3) A. Except as otherwise provided in subsection (b)(3)C. of this section, the tetrahydrocannabinol content of medical marijuana dispensed or sold to patients or caregivers shall not exceed:
 - 1. Thirty-five percent (35%) for plant material;
 - 2. Seventy percent (70%) for extracts.
 - B. Except as otherwise provided in subsection (b)(3)C. of this section, the tetrahydrocannabinol content of adult-use marijuana dispensed or sold to adult-use consumers shall not exceed:
 - 1. Thirty-five percent (35%) for plant material;
 - 2. Seventy percent (70%) for extracts.
 - C. The Ohio Division of Cannabis Control may adopt rules, in accordance with Ohio R.C. Chapter 119, that do either or both of the following:
 - 1. Increase tetrahydrocannabinol content limits for extracts prescribed in subsections (b)(3)A. and (b)(3)B. of this section;
 - 2. Establish tetrahydrocannabinol content limits for adult-use and medical marijuana dispensed or sold under Ohio R.C. Chapter 3796 by content per serving or per package.
 - (4) No person shall knowingly give, sell, or distribute adult-use marijuana or homegrown marijuana to a person under twenty-one years of age.
 - (5) No person under the age of twenty-one shall knowingly purchase, use, or possess adult-use marijuana or homegrown marijuana.
 - (6) An adult-use consumer, medical marijuana patient, or medical marijuana caregiver shall store edible adult-use and medical marijuana products in the original packaging at all times when the products are not actively in use.
- (ORC 3796.06(C) - (H))

(c) Transportation of Marijuana.

- (1) No person shall knowingly transport marijuana other than adult-use marijuana, medical marijuana, or homegrown marijuana in a motor vehicle.
- (2) No person shall knowingly transport medical marijuana or adult-use marijuana in a motor vehicle unless one of the following applies:
 - A. The adult-use marijuana or medical marijuana is in the original, unopened packaging in which it was dispensed or sold;
 - B. If previously opened, the adult-use marijuana or medical marijuana is stored in the trunk of the motor vehicle or, if the motor vehicle does not have a trunk, behind the last upright seat of the motor vehicle or in an area not normally occupied by the driver or passengers and not easily accessible by the driver.

- (3) No person shall knowingly transport homegrown marijuana in a motor vehicle unless the homegrown marijuana is stored in the trunk of the motor vehicle or, if the motor vehicle does not have a trunk, behind the last upright seat of the motor vehicle or in an area not normally occupied by the driver or passengers and not easily accessible by the driver.
- (4) No person shall knowingly transport marijuana paraphernalia in a motor vehicle unless one of the following applies:
 - A. The marijuana paraphernalia is in the original, unopened packaging in which it was dispensed or sold;
 - B. If previously opened, the marijuana paraphernalia is stored in the trunk of the motor vehicle or, if the motor vehicle does not have a trunk, behind the last upright seat of the motor vehicle or in an area not normally occupied by the driver or passengers and not easily accessible by the driver.(ORC 3796.062)

(d) Rights of Adult-use Users.

- (1) Notwithstanding any conflicting provision of the Ohio Revised Code, an adult-use consumer who obtains adult-use marijuana from a licensed dispensary may do all of the following:
 - A. Use adult-use marijuana;
 - B. Possess adult-use marijuana, subject to subsection (d)(2) of this section;
 - C. Possess any paraphernalia or accessories that may be used in the administration of adult-use marijuana as specified in rules adopted under Ohio R.C. 3796.03;
 - D. Transfer adult-use and homegrown marijuana to another adult-use consumer if all of the following apply:
 - 1. The transfer is without remuneration.
 - 2. The amount transferred to the same adult-use consumer in the same day does not exceed either of the following:
 - a. Two and five-tenths (2.5) ounces of plant material, excluding any seeds, live plants, or clones being cultivated, grown, or possessed in accordance with Ohio R.C. 3796.04;
 - b. Fifteen (15) grams of extract.
 - 3. The transfer occurs at privately owned real property that is used primarily for residential or agricultural purposes, including any dwellings, facilities, improvements, and appurtenances on such real property.
- (2) No person shall knowingly possess more than the following cumulative amounts of homegrown marijuana and adult-use marijuana:
 - A. Two and five-tenths (2.5) ounces of plant material, excluding any seeds, live plants, or clones being cultivated, grown, or possessed in accordance with Ohio R.C. 3796.04;
 - B. Fifteen (15) grams of extract.
- (3) Except as expressly authorized under subsection (d)(1)D. of this section, no person other than a license holder shall knowingly give, sell, or transfer adult-use or homegrown marijuana to any other person, with or without remuneration.

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- (4) Subject to subsection (d)(2) and (d)(3) of this section, an adult-use consumer is not subject to arrest or criminal prosecution for engaging in any of the activities described in subsection (d)(1) of this section.
- (5) This section does not authorize an adult-use consumer to operate a vehicle, streetcar, trackless trolley, watercraft, or aircraft while under the influence of marijuana. (ORC 3796.221)

(e) Penalties.

- (1) A. Whoever violates subsection (b)(1)B. of this section as an operator of the vehicle, streetcar, trackless trolley, watercraft, or aircraft is subject to Ohio R.C. 1547.11, 4511.19, 4511.194, or 4561.15, or any substantially equivalent municipal ordinance, as applicable.
- B. Whoever violates subsection (b)(1)B. of this section as a passenger of a vehicle, streetcar, trackless trolley, watercraft, or aircraft when the operator is operating or has physical control of the vehicle, streetcar, trackless trolley, watercraft, or aircraft is guilty of a misdemeanor of the third degree.
- (2) Except as otherwise provided in subsection (e)(1) of this section, whoever violates subsection (b)(1)B. or (b)(1)C.1., (b)(1)C.2., or (b)(1)C.4. of this section is guilty of a minor misdemeanor.
- (3) A.
 - 1. Except as provided in subsection (e)(3)A.2. of this section, whoever violates subsection (b)(4) of this section is guilty of a misdemeanor of the first degree.
 - 2. An offender who has previously been convicted of, or pleaded guilty to, a violation of subsection (b)(4) of this section, or any substantially similar state law or municipal ordinance, is guilty of a felony to be prosecuted under appropriate state law.
- B. The Ohio Division of Cannabis Control shall immediately revoke the license of any license holder under Ohio R.C. Chapter 3796 who is found guilty of, or who pleads guilty or no contest to, violating subsection (b)(4) of this section.
- (4) Whoever violates subsection (d)(2) of this section is guilty of possession of marijuana under Ohio R.C. 2925.11, or any substantially equivalent municipal ordinance.
- (5) Whoever violates subsection (a)(3) of this section is guilty of illegal cultivation of marijuana under Ohio R.C. 2925.04, or any substantially equivalent municipal ordinance.
- (6) A. Except as otherwise provided in subsections (e)(6)B. to (e)(6)D. of this section, whoever violates subsection (b)(5) of this section by knowingly showing or giving false information concerning the individual's name, age, or other identification for the purpose of purchasing or otherwise obtaining adult-use marijuana from an adult-use dispensary licensed under Ohio R.C. Chapter 3796 is guilty of a misdemeanor of the first degree.

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- B. Except as otherwise provided in subsections (e)(6)C. and (e)(6)D. of this section, whoever violates subsection (b)(5) of this section by knowingly presenting to an adult-use dispensary licensed under Ohio R.C. Chapter 3796 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, is guilty of a misdemeanor of the first degree and, notwithstanding Ohio R.C. 2929.28(A)(2) or any substantially equivalent municipal ordinance, shall be fined not less than two hundred fifty dollars (\$250.00) and not more than one thousand dollars (\$1,000).
- C. 1. Except as otherwise provided in subsection (e)(6)D. of this section, an offender who has previously been convicted of or pleaded guilty to a violation of subsection (b)(5) of this section, or any substantially equivalent state law or municipal ordinance, by knowingly presenting to an adult-use dispensary licensed under Ohio R.C. Chapter 3796 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, is guilty of a misdemeanor of the first degree and, notwithstanding Ohio R.C. 2929.28(A)(2) or any substantially equivalent municipal ordinance, shall be fined not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000).
2. a. 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).
- b. The court, in lieu of suspending the offender's temporary instruction permit, probationary driver's license, or driver's license, instead may order the offender to perform a determinate number of hours of community service, with the court determining the actual number of hours and the nature of the community service the offender shall perform.
- D. 1. An offender who has previously been convicted of or pleaded guilty to two or more violations of subsection (b)(5) of this section, or any substantially equivalent state law or municipal ordinance, by knowingly presenting to an adult-use dispensary licensed under Ohio R.C. Chapter 3796 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, is guilty of a misdemeanor of the first degree and, notwithstanding Ohio R.C. 2929.28(A)(2) or any substantially equivalent municipal ordinance, shall be fined not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000).

2. a. 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.
- b. The court, in lieu of suspending the offender's temporary instruction permit, probationary driver's license, or driver's license, instead may order the offender to perform a determinate number of hours of community service, with the court determining the actual number of hours and the nature of the community service the offender shall perform.
- E. The financial sanctions required by subsections (e)(6)B. to (e)(6)D. of this section are in lieu of the financial sanctions described in Ohio R.C. 2929.28(A)(2) or any substantially equivalent municipal ordinance, but are in addition to any other sanctions or penalties that may apply to the offender, including other financial sanctions under that section or a jail term under Ohio R.C. 2929.24 or any substantially equivalent municipal ordinance.
- (7) A. Except as otherwise provided in subsection (e)(7)B. of this section, whoever violates subsection (b)(5) of this section by knowingly soliciting another person to purchase adult-use marijuana from an adult-use dispensary licensed under Ohio R.C. Chapter 3796 is guilty of a misdemeanor of the fourth degree.
- B. An offender who has previously been convicted of or pleaded guilty to a violation of subsection (b)(5) of this section, or any substantially equivalent state law or municipal ordinance, by knowingly soliciting another individual to purchase adult-use marijuana from an adult-use dispensary licensed under this chapter is guilty of a misdemeanor of the second degree.
- (8) Whoever violates subsection (c)(1), (c)(2), or (c)(3) of this section is guilty of a minor misdemeanor.
- (9) Whoever violates subsection (c)(4) of this section is guilty of illegal use or possession of marijuana drug paraphernalia under Ohio R.C. 2925.141, or any substantially equivalent municipal ordinance.
(ORC 3796.99(A) - (E), (G) - (J))

513.17 PSEUDOEPHEDRINE SALES.

(a) Unlawful Purchases.

- (1) As used in subsections (a), (b), (c) and (d) of this section:
 - A. "Consumer product." Any food or drink that is consumed or used by humans and any drug, including a drug that may be provided legally only pursuant to a prescription, that is intended to be consumed or used by humans.
 - B. "Ephedrine." Any material, compound, mixture, or preparation that contains any quantity of ephedrine, any of its salts, optical isomers, or salts of optical isomers.

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- C. "Ephedrine product." A consumer product that contains ephedrine.
 - D. "Pseudoephedrine." Any material, compound, mixture, or preparation that contains any quantity of pseudoephedrine, any of its salts, optical isomers, or salts of optical isomers.
 - E. "Pseudoephedrine product." A consumer product that contains pseudoephedrine.
 - F. "Retailer." A place of business that offers consumer products for sale to the general public.
 - G. "Single-ingredient preparation." A compound, mixture, preparation, or substance that contains a single active ingredient.
 - H. "Terminal distributor of dangerous drugs." Has the same meaning as in Ohio R.C. 4729.01.
- (2) A. 1. No individual shall knowingly purchase, receive, or otherwise acquire an amount of pseudoephedrine product or ephedrine product that is greater than either of the following unless the pseudoephedrine product or ephedrine product is dispensed by a pharmacist pursuant to a valid prescription issued by a licensed health professional authorized to prescribe drugs and the conduct of the pharmacist and the licensed health professional authorized to prescribe drugs is in accordance with Ohio R.C. Chapter 3719, 4715, 4723, 4729, 4730, 4731, 4741 or 4772:
- a. Three and six tenths grams within a period of a single day;
 - b. Nine grams within a period of thirty consecutive days.
2. The limits specified in subsections (a)(2)A.1.a. and (a)(2)A.1.b. of this section apply to the total amount of base pseudoephedrine or base ephedrine in the pseudoephedrine product or ephedrine product, respectively. The limits do not apply to the product's overall weight.
- B. It is not a violation of subsection (b)(1) of this section for an individual to receive or accept more than an amount of pseudoephedrine product or ephedrine product specified in subsection (a)(2)A.1.a. or (a)(2)A.1.b. of this section if the individual is an employee of a retailer or terminal distributor of dangerous drugs, and the employee receives or accepts from the retailer or terminal distributor of dangerous drugs the pseudoephedrine product or ephedrine product in a sealed container in connection with manufacturing, warehousing, placement, stocking, bagging, loading, or unloading of the product.

- (3) A. No individual under eighteen years of age shall knowingly purchase, receive, or otherwise acquire a pseudoephedrine product, or ephedrine product unless the pseudoephedrine product or ephedrine product is dispensed by a pharmacist pursuant to a valid prescription issued by a licensed health professional authorized to prescribe drugs and the conduct of the pharmacist and the licensed health professional authorized to prescribe drugs is in accordance with R.C. Chapter 3719, 4715, 4723, 4729, 4730, 4731, 4741 or 4772.
- B. Subsection (a)(3)A. of this section does not apply to an individual under eighteen years of age who purchases, receives, or otherwise acquires a pseudoephedrine product or ephedrine product from any of the following:
1. A licensed health professional authorized to prescribe drugs or pharmacist who dispenses, sells, or otherwise provides the pseudoephedrine product or ephedrine product to that individual and whose conduct is in accordance with Ohio R.C. Chapter 3719, 4715, 4723, 4729, 4730, 4731, 4741 or 4772;
 2. A parent or guardian of that individual who provides the pseudoephedrine product or ephedrine product to the individual;
 3. A person, as authorized by that individual's parent or guardian, who dispenses, sells, or otherwise provides the pseudoephedrine product or ephedrine product to the individual;
 4. A retailer or terminal distributor of dangerous drugs who provides the pseudoephedrine product or ephedrine product to that individual if the individual is an employee of the retailer or terminal distributor of dangerous drugs and the individual receives or accepts from the retailer or terminal distributor of dangerous drugs the pseudoephedrine product or ephedrine product in a sealed container in connection with manufacturing, warehousing, placement, stocking, bagging, loading, or unloading of the product.
- (4) No individual under eighteen years of age shall knowingly show or give false information concerning the individual's name, age, or other identification for the purpose of purchasing, receiving, or otherwise acquiring a pseudoephedrine product or ephedrine product.
- (5) No individual shall knowingly fail to comply with the requirements of Ohio R.C. 3715.051(B).
- (6) Whoever violates subsection (a)(2)A. of this section is guilty of unlawful purchase of a pseudoephedrine product or ephedrine product, a misdemeanor of the first degree.
- (7) Whoever violates subsection (a)(3)A. of this section is guilty of underage purchase of a pseudoephedrine product or ephedrine product, a delinquent act that would be a misdemeanor of the fourth degree if it could be committed by an adult.
- (8) Whoever violates subsection (a)(4) of this section is guilty of using false information to purchase a pseudoephedrine product or ephedrine product, a delinquent act that would be a misdemeanor of the first degree if it could be committed by an adult.

- (9) Whoever violates subsection (a)(5) of this section is guilty of improper purchase of a pseudoephedrine product or ephedrine product, a misdemeanor of the fourth degree.
(ORC 2925.55)

(b) Unlawful Retail Sales.

- (1) A. 1. Except as provided in subsection (b)(1)B. of this section, no retailer or terminal distributor of dangerous drugs or an employee of a retailer or terminal distributor of dangerous drugs shall knowingly sell, offer to sell, hold for sale, deliver, or otherwise provide to any individual an amount of pseudoephedrine product or ephedrine product that is greater than either of the following:
- a. Three and six tenths grams within a period of a single day;
 - b. Nine grams within a period of thirty consecutive days.
2. The maximum amounts specified in subsections (b)(1)A.1.a. and (b)(1)A.1.b. of this section apply to the total amount of base pseudoephedrine or base ephedrine in the pseudoephedrine product or ephedrine product, respectively. The maximum amounts do not apply to the product's overall weight.
- B. 1. Subsection (b)(1)A. of this section does not apply to any quantity of pseudoephedrine product or ephedrine product dispensed by a pharmacist pursuant to a valid prescription issued by a licensed health professional authorized to prescribe drugs if the conduct of the pharmacist and the licensed health professional authorized to prescribe drugs is in accordance with Ohio R.C. Chapter 3719, 4715, 4723, 4729, 4730, 4731, 4741 or 4772.
2. It is not a violation of subsection (b)(1)A. of this section for a retailer, terminal distributor of dangerous drugs, or employee of either to provide to an individual more than an amount of pseudoephedrine product or ephedrine product specified in subsection (b)(1)A.1.a. or (b)(1)A.1.b. of this section under either of the following circumstances:
- a. The individual is an employee of the retailer or terminal distributor of dangerous drugs, and the employee receives or accepts from the retailer, terminal distributor of dangerous drugs, or employee the pseudoephedrine product or ephedrine product in a sealed container in connection with manufacturing, warehousing, placement, stocking, bagging, loading, or unloading of the product;
 - b. A stop-sale alert is generated after the submission of information to the national precursor log exchange under the conditions described in Ohio R.C. 3715.052(A)(2).

- (2) A. Except as provided in subsection (b)(2)B. of this section, no retailer or terminal distributor of dangerous drugs or an employee of a retailer or terminal distributor of dangerous drugs shall sell, offer to sell, hold for sale, deliver, or otherwise provide a pseudoephedrine product or ephedrine product to an individual who is under eighteen years of age.
- B. Subsection (b)(2)A. of this section does not apply to any of the following:
 - 1. A licensed health professional authorized to prescribe drugs or pharmacist who dispenses, sells, or otherwise provides a pseudoephedrine product or ephedrine product to an individual under eighteen years of age and whose conduct is in accordance with Ohio R.C. Chapter 3719, 4715, 4723, 4729, 4730, 4731, 4741 or 4772;
 - 2. A parent or guardian of an individual under eighteen years of age who provides a pseudoephedrine product or ephedrine product to the individual;
 - 3. A person who, as authorized by the individual's parent or guardian, dispenses, sells, or otherwise provides a pseudoephedrine product or ephedrine product to an individual under eighteen years of age;
 - 4. The provision by a retailer, terminal distributor of dangerous drugs, or employee of either of a pseudoephedrine product or ephedrine product in a sealed container to an employee of the retailer or terminal distributor of dangerous drugs who is under eighteen years of age in connection with manufacturing, warehousing, placement, stocking, bagging, loading, or unloading of the product.
- (3) No retailer or terminal distributor of dangerous drugs shall fail to comply with the requirements of Ohio R.C. 3715.051(A) or Ohio R.C. 3715.052(A)(2).
- (4) No retailer or terminal distributor of dangerous drugs shall fail to comply with the requirements of Ohio R.C. 3715.052(A)(1).
- (5) Whoever violates subsection (b)(1)A. of this section is guilty of unlawfully selling a pseudoephedrine product or ephedrine product, a misdemeanor of the first degree.
- (6) Whoever violates subsection (b)(2)A. of this section is guilty of unlawfully selling a pseudoephedrine product or ephedrine product to a minor, a misdemeanor of the fourth degree.
- (7) Whoever violates subsection (b)(3) of this section is guilty of improper sale of a pseudoephedrine product or ephedrine product, a misdemeanor of the second degree.
- (8) Whoever violates subsection (b)(4) of this section is guilty of failing to submit information to the national precursor log exchange, a misdemeanor for which the offender shall be fined not more than one thousand dollars (\$1,000) per violation. (ORC 2925.56)

(c) Transaction Scans.

- (1) For the purpose of this subsection and subsection (d) of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.
 - A. "Card holder." Any person who presents a driver's or commercial driver's license or an identification card to a seller, or an agent or employee of a seller, to purchase or receive any pseudoephedrine product or ephedrine product from the seller, agent or employee.
 - B. "Identification card" has the same meaning as in Ohio R.C. 2927.021.
 - C. "Seller." A retailer or terminal distributor of dangerous drugs.
 - D. "Transaction scan." The process by which a seller or an agent or employee of a seller checks by means of a transaction scan device the validity of a driver's or commercial driver's license or an identification card that is presented as a condition for purchasing or receiving any pseudoephedrine product or ephedrine product.
 - E. "Transaction scan device." Has the same meaning as in Ohio R.C. 2927.021.
- (2)
 - A. A seller or an agent or employee of a seller may perform a transaction scan by means of a transaction scan device to check the validity of a driver's or commercial driver's license or identification card presented by a card holder as a condition for selling, giving away or otherwise distributing to the card holder a pseudoephedrine product or ephedrine product.
 - B. If the information deciphered by the transaction scan performed under subsection (c)(2)A. of this section fails to match the information printed on the driver's or commercial driver's license or identification card presented by the card holder, or if the transaction scan indicates that the information so printed is false or fraudulent, neither the seller nor any agent or employee of the seller shall sell, give away or otherwise distribute any pseudoephedrine product or ephedrine product to the card holder.
 - C. Subsection (c)(2)A. of this section does not preclude a seller or an agent or employee of a seller as a condition for selling, giving away or otherwise distributing a pseudoephedrine product or ephedrine product to the person presenting the document from using a transaction scan device to check the validity of a document other than a driver's or commercial driver's license or an identification card if the document includes a bar code or magnetic strip that may be scanned by the device.
- (3) Rules adopted by the Registrar of Motor Vehicles under Ohio R.C. 4301.61(C) apply to the use of transaction scan devices for purposes of this subsection (c) and subsection (d) of this section.
- (4)
 - A. No seller or agent or employee of a seller shall electronically or mechanically record or maintain any information derived from a transaction scan, except the following:
 1. The name, address, and date of birth of the person listed on the driver's or commercial driver's license or identification card presented by a card holder;
 2. The expiration date, identification number, and issuing agency of the driver's or commercial driver's license or identification card presented by a card holder.

- B. No seller or agent or employee of a seller shall use the information that is derived from a transaction scan or that is permitted to be recorded and maintained under subsection (c)(4)A. of this section except for purposes of subsection (d) of this section, Ohio R.C. 2925.58, or Ohio R.C. 3715.052(A)(1).
 - C. No seller or agent or employee of a seller shall use a transaction scan device for a purpose other than the purpose specified in subsection (c)(2)A. of this section.
 - D. No seller or agent or employee of a seller shall sell or otherwise disseminate the information derived from a transaction scan to any third party, including but not limited to selling or otherwise disseminating that information for any marketing, advertising or promotional activities, but a seller or agent or employee of a seller may release that information pursuant to a court order or as specifically authorized by subsection (d) of this section or any other section of the Ohio Revised Code.
- (5) Nothing in this subsection (c) or subsection (d) of this section relieves a seller or an agent or employee of a seller of any responsibility to comply with any other applicable state or federal laws or rules governing the sale, giving away or other distribution of pseudoephedrine products or ephedrine products.
- (6) Whoever violates subsection (c)(2)B. or (c)(4) of this section is guilty of engaging in an illegal pseudoephedrine product or ephedrine product transaction scan, and the court may impose upon the offender a civil penalty of up to one thousand dollars (\$1,000) for each violation. The Clerk of the Court shall pay each collected civil penalty to the County Treasurer for deposit into the County Treasury.
(ORC 2925.57)
- (d) Affirmative Defenses.
- (1) A seller or an agent or employee of a seller may not be found guilty of a charge of a violation of subsection (b) of this section in which the age of the purchaser or other recipient of a pseudoephedrine product is an element of the alleged violation if the seller, agent or employee raises and proves as an affirmative defense that all of the following occurred:
 - A. A card holder attempting to purchase or receive a pseudoephedrine product presented a driver's or commercial driver's license or an identification card.
 - B. A transaction scan of the driver's or commercial driver's license or identification card that the card holder presented indicated that the license or card was valid.
 - C. The pseudoephedrine product was sold, given away or otherwise distributed to the card holder in reasonable reliance upon the identification presented and the completed transaction scan.
 - (2) In determining whether a seller or an agent or employee of a seller has proven the affirmative defense provided by subsection (d)(1) of this section, the trier of fact in the action for the alleged violation of subsection (b) of this section shall consider any written policy that the seller has adopted and implemented and that is intended to prevent violations of subsection (b) of this section. For purposes of subsection (d)(1)C. of this section, the trier of fact shall consider that reasonable reliance upon the identification presented

and the completed transaction scan may require a seller or an agent or employee of a seller to exercise reasonable diligence to determine, and that the use of a transaction scan device does not excuse a seller or an agent or employee of a seller from exercising reasonable diligence to determine, the following:

- A. Whether a person to whom the seller or agent or employee of a seller sells, gives away or otherwise distributes a pseudoephedrine product is eighteen years of age or older;
 - B. Whether the description and picture appearing on the driver's or commercial driver's license or identification card presented by a card holder is that of the card holder.
- (3) In any criminal action in which the affirmative defense provided by subsection (d)(1) of this section is raised, the Registrar of Motor Vehicles or a Deputy Registrar who issued an identification card under Ohio R.C. 4507.50 through 4507.52 shall be permitted to submit certified copies of the records of that issuance in lieu of the testimony of the personnel of or contractors with the Bureau of Motor Vehicles in the action.
- (ORC 2925.58)

(e) Retailer's Duties.

- (1) As used in subsections (e) and (f) of this section:
- A. "Consumer product." Any food or drink that is consumed or used by humans and any drug, including a drug that may be provided legally only pursuant to a prescription, that is intended to be consumed or used by humans.
 - B. "Drug." Has the same meanings as in Ohio R.C. 4729.01.
 - C. "Ephedrine." Any material, compound, mixture, or preparation that contains any quantity of ephedrine, any of its salts, optical isomers, or salts of optical isomers.
 - D. "Ephedrine product." A consumer product that contains ephedrine.
 - E. "Law enforcement official." An officer or employee of any agency or authority of the United States, a state, a territory, a political subdivision of a state or territory, or an Indian tribe, who is empowered by the law to investigate or conduct an official inquiry into a potential violation of law or prosecute or otherwise conduct a criminal, civil, or administrative proceeding arising from an alleged violation of law.
 - F. "Licensed health professional authorized to prescribe drugs." Has the same meanings as in Ohio R.C. 4729.01.
 - G. "National Precursor Log Exchange" or "Exchange." The electronic system for tracking sales of pseudoephedrine products and ephedrine products on a national basis that is administered by the National Association of Drug Diversion Investigators or a successor organization.
 - H. "Pharmacist." A person licensed under Ohio R.C. Chapter 4729 to engage in the practice of pharmacy.
 - I. "Pharmacy." Has the same meanings as in Ohio R.C. 4729.01.
 - J. "Prescriber." Has the same meanings as in Ohio R.C. 4729.01.
 - K. "Prescription." Has the same meanings as in Ohio R.C. 4729.01.

- L. "Proof of age." 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 a person is eighteen years of age or older.
- M. "Pseudoephedrine." Any material, compound, mixture, or preparation that contains any quantity of pseudoephedrine, any of its salts, optical isomers, or salts of optical isomers.
- N. "Pseudoephedrine product." A consumer product that contains pseudoephedrine.
- O. "Retailer." A place of business that offers consumer products for sale to the general public.
- P. "Single-ingredient preparation." A compound, mixture, preparation, or substance that contains a single active ingredient.
- Q. "Stop-sale alert." A notification sent from the national precursor log exchange to a retailer or terminal distributor of dangerous drugs indicating that the completion of a sale of a pseudoephedrine product or ephedrine product would result in a violation of Ohio R.C. 2925.56(A)(1) or federal law.
- R. "Terminal distributor of dangerous drugs." Has the same meanings as in Ohio R.C. 4729.01.
- S. "Wholesaler." Has the same meaning as in Ohio R.C. 3719.01.
- (2) A retailer or terminal distributor of dangerous drugs that sells, offers to sell, holds for sale, delivers, or otherwise provides a pseudoephedrine product or ephedrine product to the public shall do all of the following:
 - A. Segregate pseudoephedrine products or ephedrine products from other merchandise so that no member of the public may procure or purchase such products without the direct assistance of a pharmacist or other authorized employee of the retailer or terminal distributor of dangerous drugs;
 - B. With regard to each time a pseudoephedrine product or ephedrine product is sold or otherwise provided without a valid prescription:
 - 1. Determine, by examination of a valid proof of age, that the purchaser or recipient is at least eighteen years of age;
 - 2. a. Using any information available, including information from the national precursor log exchange if the information is accessible, make a reasonable attempt to ensure that no individual purchases or receives an amount of pseudoephedrine product or ephedrine product that is greater than either of the following:
 - i. Three and six tenths grams within a period of a single day;
 - ii. Nine grams within a period of thirty consecutive days.
 - b. The maximum amounts specified in subsections (e)(2)B.2.a.i. and (e)(2)B.2.a.ii. of this section apply to the total amount of base pseudoephedrine or base ephedrine in the pseudoephedrine product or ephedrine product, respectively. The maximum amounts do not apply to the product's overall weight.

- C. Maintain a log book of pseudoephedrine product or ephedrine product purchases, in accordance with Ohio R.C. 3715.051;
- D. If required to comply with section Ohio R.C. 3715.052, submit the information specified in subsections (A)(1)(a) to (A)(1)(d) of that section to the national precursor log exchange.
- (3) Prescriptions, orders, and records maintained pursuant to this section and stocks of pseudoephedrine products and ephedrine products shall be open for inspection to federal, state, county, and municipal officers, and employees of the State Board of Pharmacy whose duty it is to enforce the laws of this state or of the United States relating to controlled substances. Such prescriptions, orders, records, and stocks shall be open for inspection by the State Medical Board and its employees for purposes of enforcing Ohio R.C. Chapter 4731.
(ORC 3715.05)
- (f) Theft or Loss; Reporting Requirements.
 - (1) Each retailer, terminal distributor of dangerous drugs, pharmacy, prescriber or wholesaler that sells, offers to sell, holds for sale, delivers or otherwise provides any pseudoephedrine product and that discovers the theft or loss of any pseudoephedrine product in an amount of more than nine grams per incident of theft or loss shall notify all of the following upon discovery of the theft or loss:
 - A. The State Board of Pharmacy, by telephone immediately upon discovery of the theft or loss;
 - B. Law enforcement authorities. If the incident is a theft and the theft constitutes a felony, the retailer, terminal distributor of dangerous drugs, pharmacy, prescriber or wholesaler shall report the theft to the law enforcement authorities in accordance with Ohio R.C. 2921.22.
 - (2) Within thirty days after making a report by telephone to the State Board of Pharmacy pursuant to subsection (f)(1)A. of this section, a retailer, terminal distributor of dangerous drugs, pharmacy, prescriber or wholesaler shall send a written report to the State Board of Pharmacy.
 - (3) The reports required under this section shall identify the product that was stolen or lost, the amount of the product stolen or lost, and the date and time of discovery of the theft or loss.
(ORC 3715.06)

513.99 PENALTY.

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

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

- (3) A fraternal organization that has been in continuous existence in this state for fifteen (15) years and that uses the net profit exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, if contributions for such use would qualify as a deductible charitable contribution under IRC 170;
- (4) A volunteer firefighter's organization that uses the net profit for the purposes set forth in the definition of "volunteer firefighter's organization" in this section.
- (l) "Community action agency" has the same meaning as in Ohio R.C. 5101.311.
- (m) "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.
- (n) "Deal" means a single game of instant bingo tickets, or a single game of electronic instant bingo tickets, all with the same serial number.
- (o) "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.
- (p) "Electronic bingo aid" means:
 - (1) An electronic device used by a participant to monitor bingo cards or sheets purchased at the time and place of a bingo session and that does all of the following:
 - A. It provides a means for a participant to input numbers and letters announced by a bingo caller.
 - B. It compares the numbers and letters entered by the participant to the bingo faces previously stored in the memory of the device.
 - C. It identifies a winning bingo pattern.
 - (2) The term does not include any device into which a coin, currency, token, or an equivalent is inserted to activate play.
- (q) "Electronic instant bingo" means:
 - (1) A form of bingo that consists of an electronic or digital representation of instant bingo in which a participant wins a prize if the participant's electronic instant bingo ticket contains a combination of numbers or symbols that was designated in advance as a winning combination, and to which all of the following apply:
 - A. Each deal has a predetermined, finite number of winning and losing tickets and a predetermined prize amount and deal structure, provided that there may be multiple winning combinations in each deal and multiple winning tickets.
 - B. Each electronic instant bingo ticket within a deal has a unique serial number that is not regenerated.
 - C. Each electronic instant bingo ticket within a deal is sold for the same price.
 - D. After a participant purchases an electronic instant bingo ticket, the combination of numbers or symbols on the ticket is revealed to the participant.

- (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.
- (14) The statement is made to the Department of Children and Youth in connection with the Ohio Adoption Grant Program for the purpose of qualifying for or obtaining an adoption grant under Ohio R.C. 5180.45 to 5180.454.

(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.

- (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 or advanced practice registered nurse-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) No person who knows that a licensed medical professional has committed an offense under Ohio R.C. Chapter 2907, a violation of a municipal ordinance that is substantially equivalent to such offense, or a substantially equivalent criminal offense in another jurisdiction, against a patient of the licensed medical professional shall fail to report such knowledge to law enforcement authorities within thirty days of obtaining the knowledge.
 - (2) Except for a self-report or participation in the offense or violation being reported, any person who makes a report within the thirty-day period provided in subsection (f)(1) of this section or any person who participates in a judicial proceeding that results from such report is immune from civil or criminal liability that otherwise might be incurred or imposed as a result of making that report or participating in that proceeding so long as the person is acting in good faith without fraud or malice.
 - (3) The physician-patient relationship or physician assistant-patient relationship is not a ground for excluding evidence regarding the person's knowledge of a licensed medical professional's commission of an offense or violation reported under subsection (f)(1) of this section, against that licensed medical professional in any judicial proceeding resulting from a report made under that division.
 - (4) As used in subsection (f) of this section, "licensed medical professional" has the same meaning as in Ohio R.C. 2907.01.
- (g)
- (1) Any doctor of medicine or osteopathic medicine, hospital intern or resident, 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 physician-patient privilege or advanced practice registered nurse-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.
- (h) 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; physician and patient; advanced practice registered nurse 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 persons with drug dependencies or persons in danger of drug dependence, which program is maintained or conducted by a hospital, clinic, person, agency, or community addiction services provider whose alcohol and drug addiction services are 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.
- (i) No disclosure of information pursuant to this section gives rise to any liability or recrimination for a breach of privilege or confidence.
- (j) Whoever violates subsection (a), (b) or (f)(1) of this section is guilty of failure to report a crime. Violation of subsection (a)(1) or (f)(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.

(k) 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.

- (l) (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.

(m) As used in this section, "nurse" includes an advanced practice registered nurse, registered nurse, and licensed practical nurse. (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.

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(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.

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 the public servant's office, employment, or authority, shall knowingly deprive, or conspire or attempt to deprive any person of a constitutional or statutory right.

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

525.14 UNAUTHORIZED DISPLAY OF LAW ENFORCEMENT EMBLEMS ON MOTOR VEHICLES.

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

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

525.15 ABUSING A JUDGE.

(a) No person shall abuse a judge in the execution of his office, or knowingly and willfully resist, obstruct or abuse a sheriff or other officer in the execution of his office.

(b) Whoever violates this section is guilty of a misdemeanor of the fourth degree. (Ord. 16-70. Passed 5-25-70.)

525.16 IMPROPER DISPOSAL OF PUBLIC RECORDS.

Whoever shall dispose of any public records contrary to the requirements of the Ohio Revised Code and the Groveport Records Commission shall be guilty of a minor misdemeanor. (Ord. 11-94. Passed 2-28-94.)

525.17 ASSAULTING POLICE DOG OR HORSE OR AN ASSISTANCE DOG.

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

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

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

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

- (5) If the person is the owner, keeper, or harbinger of a dog, fail to reasonably restrain the dog from taunting, tormenting, chasing, approaching in a menacing fashion or apparent attitude of attack, or attempting to bite or otherwise endanger a police dog or horse that at the time of the conduct, the police dog or horse 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, at the time the physical harm is caused or attempted, is assisting or serving a person who is blind, deaf or hearing impaired or a person with a mobility impairment.
 - (2) The dog, at the time the physical harm is caused or attempted, is not assisting or serving a person who is blind, deaf or hearing impaired or a person with a mobility impairment, 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 person who is blind, deaf or hearing impaired, or a person with a mobility impairment who is being assisted or served by an assistance dog, in a manner that does any of the following:
 - A. Inhibits or restricts the assisted or served person's control of the dog;
 - B. Deprives the assisted or served person of control of the dog;
 - C. Releases the dog from its area of control;
 - D. Enters the area of control of the dog without the consent of the assisted or served person, including placing food or any other object or substance into that area;
 - E. Inhibits or restricts the ability of the dog to assist the assisted or served person.
 - (4) Engage in any conduct that is likely to cause serious physical injury or death to an assistance dog;
 - (5) If the person is the owner, keeper or harbinger of a dog, fail to reasonably restrain the dog from taunting, tormenting, chasing, approaching in a menacing fashion or apparent attitude of attack, or attempting to bite or otherwise endanger an assistance dog that at the time of the conduct is assisting or serving a person who is blind, deaf or hearing impaired, or a person with a mobility impairment 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 person who is blind, deaf or hearing impaired, or the person with a mobility impairment 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 person who is blind, deaf or hearing impaired, or the person with a mobility impairment assisted or served by the assistance dog;
 - D. If the violation resulted in the death of the assistance dog that was the subject of the violation or resulted in serious physical harm to the police dog or horse or the assistance dog or horse that was the subject of the violation to the extent that the dog or horse needs to be replaced on either a temporary or a permanent basis, the cost

of replacing that dog or horse and of any further training of a new police dog or horse or a new assistance dog by a law enforcement officer or by the person who is blind, deaf or hearing impaired, or the person with a mobility impairment 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) "Assistance dog", "blind", and "person with a mobility impairment" have the same meanings as in Ohio R.C. 955.021.
- (2) "Physical harm" means any injury, illness, or other physiological impairment, regardless of its gravity or duration.
- (3) "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.
- (4) "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.
 (ORC 2921.321)

525.18 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)

525.19 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.)

- (3) Hosts a farmer's market on each Saturday from April through December. (ORC 4301.62)
- (h) (1) As used in this section, "alcoholic beverage" has the same meaning as in Ohio R.C. 4303.185.
- (2) An alcoholic beverage in a closed container being transported under Ohio R.C. 4303.185 to its final destination is not an opened container for the purposes of this section if the closed container is securely sealed in such a manner that it is visibly apparent if the closed container has been subsequently opened or tampered with after sealing. (ORC 4301.62)
- (i) This section does not apply to a person that has in the person's possession an opened container of homemade beer or wine that is served in accordance with Ohio R.C. 4301.201(E). (ORC 4301.62)
- (j) Whoever violates this section is guilty of a minor misdemeanor. (ORC 4301.99(A))

529.08 HOURS OF SALE OR CONSUMPTION.

- (a) This section shall apply to the retail sale of beer, wine, mixed beverages, or spirituous liquor.
- (b) No beer, wine, mixed beverages, or spirituous liquor shall be sold or delivered by an A-1, A-1c, A-2, A-2f, A-3a, A-5, 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-8, F, F-1, F-2, F-3, F-4, F-5, F-6, F-7, F-8, F-9, F-10, F-11, G or I permit holder:
 - (1) From Monday to Saturday between the hours of 1:00 a.m. and 5:30 a.m.
 - (2) On Sunday between the hours of 1:00 a.m. and Sunday midnight, unless statutorily authorized otherwise.
 - (3) Consumption of beer, wine, mixed beverages, or spirituous liquor is also prohibited during the above hours upon the premises of the above permit holders who are authorized by their permit to sell beer, wine, mixed beverages, or spirituous liquor for on-premises consumption.
- (c) No beer, wine, mixed beverages, or spirituous liquid shall be sold or delivered by an A-1A, D-3 when issued with a D-3A, D-4A, D-5, D-5A, D-5B, D-5C, D-5D, D-5E, D-5F, D-5G, D-5H, D-5I, D-5J, D-5K, D-5l, D-5m, D-5n, D-5o, or D-7 permit holder:
 - (1) From Monday to Saturday between the hours of 2:30 a.m. and 5:30 a.m.
 - (2) On Sunday between the hours of 2:30 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 5:30 a.m. (OAC 4301:1-1-49)

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

529.09 POSSESSION ON SCHOOL GROUNDS.

(a) No person shall take into or upon any public or parochial school grounds, any beer, intoxicating liquor or other alcoholic beverages, either for sale or for his own use, or for the use of others; nor shall any person sell, give away, possess, or dispose of any beer, intoxicating liquor, or other alcoholic beverages in or upon any public or parochial school grounds.

(b) Nothing contained herein shall be construed so as to prevent the possession and use of beer, intoxicating liquor, or other alcoholic beverages upon public and parochial school grounds with permission of the appropriate administrative head of the public or parochial school.

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

(d) Strict liability is intended to be imposed for a violation of this section.

529.99 PENALTY.

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

CHAPTER 533
Obscenity and Sex Offenses

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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:

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- (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) "Licensed medical professional" means any of the following medical professionals:
- (1) A physician assistant licensed under Ohio R.C. Chapter 4730;
 - (2) A physician authorized under Ohio R.C. Chapter 4731 to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery;
 - (3) A massage therapist licensed under Ohio R.C. Chapter 4731.

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- (k) "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.
- (l) "Performance" means any motion picture, preview, trailer, play, show, skit, dance or other exhibition performed before an audience.
- (m) "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.
- (n) "Minor" means a person under the age of eighteen years.
- (o) "Mental health client or patient" has the same meaning as in Ohio R.C. 2305.51.
- (p) "Mental health professional" has the same meaning as in Ohio R.C. 2305.115.
- (q) "Sado-masochistic abuse" means flagellation or torture by or upon a person or the condition of being fettered, bound, or otherwise physically restrained.
- (r) "Place where a person has a reasonable expectation of privacy" means a place where a reasonable person would believe that the person could fully disrobe in private.
- (s) "Private area" means the genitals, pubic area, buttocks, or female breast below the top of the areola, where nude or covered by an under-garment.
(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.

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- (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, 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; cause another to have sexual contact with the offender; or cause two or more other persons to have sexual contact when 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.

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

(c) Whoever violates this section is guilty of sexual imposition, a misdemeanor of the third degree. If the offender previously has been convicted of or pleaded guilty to a violation of Ohio R.C. 2907.02, 2907.03, 2907.04, 2907.05, 2907.06 or former Section 2907.12, or a substantially similar municipal ordinance, a violation of this section is a misdemeanor of the first degree. If the offender previously has been convicted of or pleaded guilty to three or more violations of Ohio R.C. 2907.02, 2907.03, 2907.04 or 2907.05, 2907.06 or former Section 2907.12 or of any combination of those sections, a violation of this section is a misdemeanor of the first degree and, notwithstanding the range of jail terms prescribed in Ohio R.C. 2929.24, the court may impose on the offender a definite jail term of not more than one year.
(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 shall knowingly commit trespass or otherwise secretly or surreptitiously videotape, film, photograph, broadcast, stream, or otherwise record another person, in a place where a person has a reasonable expectation of privacy, for the purpose of viewing the private areas of that person.

(c) No person shall secretly or surreptitiously videotape, film, photograph, or otherwise record another person above, 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) Whoever violates this section is guilty of voyeurism.

- (1) A violation of subsection (a) hereof is a misdemeanor of the third degree.
 - (2) A violation of subsection (b) hereof is a misdemeanor of the second degree.
 - (3) 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 in the person's physical proximity, who is a minor, and who is not the spouse of the offender:

- (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.

- (d) (1) A person directly sells, delivers, furnishes, disseminates, provides, exhibits, rents, or presents or directly offers or agrees to sell, deliver, furnish, disseminate, provide, exhibit, rent, or present material or a performance to a juvenile, a group of juveniles, a law enforcement officer posing as a juvenile, or a group of law enforcement officers posing as juveniles in violation of this section by means of an electronic method of remotely transmitting information if the person knows or has reason to believe that the person receiving the information is a juvenile or the group of persons receiving the information are juveniles.
- (2) A person remotely transmitting information by means of a method of mass distribution does not directly sell, deliver, furnish, disseminate, provide, exhibit, rent, or present or directly offer or agree to sell, deliver, furnish, disseminate, provide, exhibit, rent, or present the material or performance in question to a juvenile, a group of juveniles, a law enforcement officer posing as a juvenile, or a group of law enforcement officers posing as juveniles in violation of this section if either of the following applies:
 - A. The person has inadequate information to know or have reason to believe that a particular recipient of the information or offer is a juvenile.
 - B. The method of mass distribution does not provide the person the ability to prevent a particular recipient from receiving the information.

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

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

533.12 DECEPTION TO OBTAIN MATTER HARMFUL TO JUVENILES.

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

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

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

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

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

533.13 DISPLAYING MATTER HARMFUL TO JUVENILES.

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

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

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

533.14 UNLAWFUL ADVERTISING OF MASSAGE.

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

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

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

533.15 DISSEMINATION OF PRIVATE SEXUAL IMAGES.

(EDITOR'S NOTE: Former Section 533.15 has been deleted because the underlying offense is now a felony under State law.)

533.16 GROOMING.

(a) As used in this section, "pattern of conduct" has the same meaning as in Ohio R.C. 2903.211.

(b) No person who is eighteen years of age or older shall engage in a pattern of conduct with a minor who is less than sixteen years of age and who is four or more years younger than the person, when the pattern of conduct would cause a reasonable adult person to believe that the person is communicating with the minor with purpose to do either of the following:

- (1) Entice, coerce, or solicit the minor to engage in sexual activity, and when the person's purpose in engaging in the pattern of conduct is to entice, coerce, or solicit the minor to engage in sexual activity with the person or a third person;
- (2) Prepare the minor to engage in sexual activity, and when the person's purpose in engaging in the pattern of conduct is to prepare the minor to engage in sexual activity with the person or a third person that would be a violation of Ohio R.C. 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, or 2907.07.

(c) No person who is eighteen years of age or older shall engage in a pattern of conduct with a minor if the person and the minor are in any of the relationships described in Ohio R.C. 2907.03(A)(5) to (A)(13), when the pattern of conduct would cause a reasonable adult person to believe that the person is communicating with the minor with purpose to do either of the following:

- (1) Entice, coerce, or solicit the minor to engage in sexual activity, and when the person's purpose in engaging in the pattern of conduct is to entice, coerce, or solicit the minor to engage in sexual activity with the person or a third person;
- (2) Prepare the minor to engage in sexual activity, and when the person's purpose in engaging in the pattern of conduct is to prepare the minor to engage in sexual activity with the person or a third person that would be a violation of Ohio R.C. 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, or 2907.07.

(d) Whoever violates this section is guilty of grooming.

- (1) Except as otherwise provided in this division, a violation of subsection (b) of this section is a misdemeanor of the second degree. If the victim of the offense is less than thirteen years of age or if the offender supplied alcohol or a drug of abuse to the victim of the offense, a violation of subsection (b) of this section is a felony to be prosecuted under appropriate state law. If the victim of the offense is less than thirteen years of age and if the offender previously has been convicted of or pleaded guilty to a violation of this section or a sexually oriented offense or a child-victim oriented offense or the offender supplied alcohol or a drug of abuse to the victim of the offense, a violation of subsection (b) of this section is a felony to be prosecuted under appropriate state law. If the offender previously has been convicted of or pleaded guilty to a violation of this section or a sexually oriented offense or a child-victim oriented offense and the offender supplied alcohol or a drug of abuse to the victim of the offense, a violation of subsection (b) of this section is a felony to be prosecuted under appropriate state law.
- (2) Except as otherwise provided in this subsection, a violation of subsection (c) of this section is a misdemeanor of the first degree. If the offender supplied alcohol or a drug of abuse to the victim of the offense, a violation of subsection (c) of this section is a felony to be prosecuted under appropriate state law. If the victim of the offense is less than thirteen years of age or if the offender previously has been convicted of or pleaded guilty to a violation of this section or a sexually oriented offense or a child-victim oriented offense, a violation of subsection (c) of this section is a felony to be prosecuted under appropriate state law. If the victim of the offense is less than thirteen years of age and if the offender previously has been convicted of or pleaded guilty to a violation of this section or a sexually oriented offense or a child-victim oriented offense or the offender supplied alcohol or a drug of abuse to the victim of the offense, a violation of subsection (c) of this section is a felony to be prosecuted under appropriate state law.

(e) A prosecution for a violation of this section does not preclude a prosecution of a violation of any other section of the this code or the Ohio Revised Code. One or more acts, a series of acts, or a course of behavior that can be prosecuted under this section or any other section of this code or the Ohio Revised Code may be prosecuted under this section, the other section of this code or the Revised Code, or both sections.
(ORC 2907.071)

533.99 PENALTY.

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

CHAPTER 537
Offenses Against Persons

537.01	Negligent homicide.	537.12	Misuse of 9-1-1 system.
537.02	Vehicular homicide and manslaughter.	537.13	Adulterating of or furnishing adulterated food or confection.
537.021	Vehicular assault in a construction zone.	537.14	Domestic violence.
537.03	Assault.	537.15	Temporary protection order.
537.04	Negligent assault.	537.16	Illegal distribution of cigarettes, other tobacco products or alternate nicotine products; transaction scans.
537.05	Aggravated menacing.	537.17	Reserved.
537.051	Menacing by stalking.	537.18	Contributing to unruliness or delinquency of a child.
537.06	Menacing.	537.19	Hazing prohibited.
537.07	Endangering children.	537.20	Illegal use of a tracking device or application.
537.08	Unlawful restraint.	537.99	Penalty.
537.09	Coercion.		
537.10	Telecommunication harassment.		
537.11	Threatening or harassing telephone calls.		

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, utility vehicle, mini-truck, snowmobile, locomotive, watercraft, or aircraft, shall cause the death of another or the unlawful termination of another's pregnancy in any of the following ways:

- (1) As the proximate result of committing an OVI offense.
- (2) In one of the following ways:
 - A. Recklessly;
 - B. As the proximate result of committing, while operating or participating in the operation of a motor vehicle, utility vehicle, mini-truck, or motorcycle in a construction zone, a reckless operation offense, provided that this division applies only if the person whose death is caused or whose pregnancy is unlawfully terminated is in the construction zone at the time of the offender's commission of the reckless operation offense in the construction zone and does not apply as described in subsection (d) of this section.
- (3) In one of the following ways:
 - A. Negligently;
 - B. As the proximate result of committing, while operating or participating in the operation of a motor vehicle, utility vehicle, mini-truck, or motorcycle in a construction zone, a speeding offense, provided that this 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.
- (4) 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)(3) 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.

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- (2) Whoever violates subsection (a)(4) 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)(3)B. of this section and may impose upon the offender a longer jail term as authorized pursuant to Section 501.99.

(d) Subsection (a)(2)B. and (a)(3)B. do 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)(2)A., (a)(3)A., or (a)(4) of this section in that construction zone or the prosecution of any person who violates any of those subsections in that construction zone.

(e) As used in this section:

- (1) "Construction zone" has the same meaning as in Ohio R.C. 5501.27.
- (2) "Mandatory prison term" and "mandatory jail term" have the same meanings as in Ohio R.C. 2929.01.
- (3) "Motor vehicle", "mini-truck" and "utility vehicle" have the same meaning as in Ohio R.C. 4501.01.
- (4) "OVI offense" means a violation of Ohio R.C. 4511.19(A), a violation of Ohio R.C. 1547.11(A), a violation of Ohio R.C. 4561.15(A)(3), or a substantially equivalent municipal ordinance.
- (5) "Reckless operation offense" means a violation of Ohio R.C. 4511.20 or a municipal ordinance substantially equivalent to Ohio R.C. 4511.20.
- (6) "Speeding offense" means a violation of Ohio R.C. 4511.21 or a municipal ordinance pertaining to speed.
- (7) "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.

(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)

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(g) The court imposing a sentence upon an offender for any violation of this section also shall impose a suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (B) of Ohio R.C. 4510.02 that is equivalent in length to the suspension required for a violation of Ohio R.C. 2903.06 or division (A) or (B) of Ohio R.C. 4511.19 under similar circumstances. (ORC 4510.07)

537.021 VEHICULAR ASSAULT IN A CONSTRUCTION ZONE.

(a) No person, while operating or participating in the operation of a motor vehicle, motorcycle, utility vehicle, mini-truck, 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, utility vehicle, mini-truck, 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.

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

537.11 THREATENING OR HARASSING TELEPHONE CALLS.

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

537.12 MISUSE OF 9-1-1 SYSTEM.

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

(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)

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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 to be prosecuted under appropriate state law. A violation of subsection (c) of this section is a misdemeanor of the first degree. 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, and 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 to be prosecuted under appropriate state law.

- (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.

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- (2) Except as otherwise provided in subsection (b)(3) of this section, violating a protection order is a misdemeanor of the first degree.
- (3) Violating a protection order is a felony and shall be prosecuted under State law if the offender previously has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for any of the following:
 - A. A violation of a protection order issued or consent agreement approved pursuant to Ohio R.C. 2151.34, 2903.213, 2903.214, 2919.26, or 3113.31;
 - B. Two or more violations of Ohio R.C. 2903.21, 2903.211, 2903.22, or 2911.211 or any combination of those offenses that involved the same person who is the subject of the protection order or consent agreement;
 - C. One or more violations of this section.
- (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.

(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) In a prosecution for a violation of this section, it is not necessary for the prosecution to prove that the protection order or consent agreement was served on the defendant if the prosecution proves that the defendant was shown the protection order or consent agreement or a copy of either or a judge, magistrate, or law enforcement officer informed the defendant that a protection order or consent agreement had been issued, and proves that the defendant recklessly violated the terms of the order or agreement.

(e) 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)

- E. Sell cigarettes or alternative nicotine products in a smaller quantity than that placed in the pack or other container by the manufacturer;
 - F. 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.
 - G. Allow an employee under eighteen years of age to sell any tobacco product;
 - H. Give away or otherwise distribute free samples of cigarettes, other tobacco products, alternative nicotine products, or coupons redeemable for cigarettes, other tobacco products or alternative tobacco products.
- (3) 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:
- A. An area within a factory, business, office, or other place not open to the general public;
 - B. An area to which persons under twenty-one years of age are not generally permitted access;
 - C. Any other place not identified in subsection (a)(3)A. or B. of this section, upon all of the following conditions:
 - 1. 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 coathroom, 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.
 - 2. The vending machine is inaccessible to the public when the place is closed.
 - 3. A clearly visible notice is posted in the area where the vending machine is located that states the following in letters that are legibly printed and at least one-half inch high: "It is illegal for any person under the age of twenty-one to purchase tobacco or alternative nicotine products."
- (4) The following are affirmative defenses to a charge under subsection (a)(2)A. of this section:
- A. The person under twenty-one years of age was accompanied by a parent, spouse who is twenty-one years of age or older, or legal guardian of the person under twenty-one years of age.
 - B. The person who gave, sold, or distributed cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes to a person under twenty-one years of age under subsection (a)(2)A. of this section is a parent, spouse who is twenty-one years of age or older, or legal guardian of the person under twenty-one years of age.

- (5) A. It is not a violation of subsection (a)(2)A. or B. of this section for a person to give or otherwise distribute to a person under twenty-one years of age cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes while the person under twenty-one years of age is participating in a research protocol if all of the following apply:
 - 1. The parent, guardian, or legal custodian of the person under twenty-one years of age has consented in writing to the person under twenty-one years of age participating in the research protocol.
 - 2. An institutional human subjects protection review board, or an equivalent entity, has approved the research protocol.
 - 3. The person under twenty-one years of age is participating in the research protocol at the facility or location specified in the research protocol.
- B. It is not a violation of subsection (a)(2)A. or B. of this section for an employer to permit an employee eighteen, nineteen or twenty years of age to sell a tobacco product.
- (6) A. No delivery service shall accept from, transport or deliver to, or allow pick-up by, a person under twenty-one years of age with respect to any of the following:
 - 1. Alternative nicotine products;
 - 2. Papers used to roll cigarettes;
 - 3. Tobacco products other than cigarettes.
- B. A delivery service shall require proof of age as a condition of accepting, transporting, delivering, or allowing pickup of the items described in subsections (a)(6)A1. to 3. of this section.
- (7) Whoever violates subsections (a)(2)A., B., D., E., F., G., H., (3) or (6) of this section is guilty of illegal distribution of cigarettes, other tobacco products, or alternative nicotine products. Except as otherwise provided in this division, 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 or pleaded guilty to illegal distribution of cigarettes, other tobacco products, or alternative nicotine products is a misdemeanor of the third degree.
- (8) A. Notwithstanding Ohio R.C. 2929.28(A)(2), if an offender is convicted of or pleads guilty to a violation of subsection (a)(2)A. of this section, the court shall impose a fine in the following amount:
 - 1. Except as otherwise provided in subsections (a)(8)A.2., (a)(8)A.3., (a)(8)A.4., and (a)(8)A.5. of this section, not more than two hundred fifty dollars (\$250.00);
 - 2. Except as otherwise provided in subsections (a)(8)A.3., (a)(8)A.4., and (a)(8)A.5. of this section, if an offender has previously been convicted of or pleaded guilty to a violation of subsection (a)(2)A. of this section or a substantially equivalent state law or municipal ordinance, not more than five hundred dollars (\$500.00);

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3. Except as otherwise provided in subsections (a)(8)A.4. and (a)(8)A.5. of this section, if an offender previously has been convicted of or pleaded guilty to two or more violations of subsection (a)(2)A. of this section or a substantially equivalent state law or municipal ordinance, five hundred dollars (\$500.00);
 4. Except as otherwise provided in subsection (a)(8)A.5. of this section, if an offender previously has been convicted of or pleaded guilty to three or more violations of subsection (a)(2)A. of this section or a substantially equivalent state law or municipal ordinance, one thousand dollars (\$1,000.00);
 5. If an offender previously has been convicted of or pleaded guilty to four or more violations of subsection (a)(2)A. of this section or a substantially equivalent state law or municipal ordinance, one thousand five hundred dollars (\$1,500),
 - B. The financial sanctions required by subsection (a)(8)A. of this section are in lieu of the financial sanctions described in Ohio R.C. 2929.28(A)(2), but are in addition to any other sanctions or penalties that may apply to the offender, including other financial sanctions under that section or a jail term under Ohio R.C. 2929.24.
 - (9) Whoever violates subsection (a)(2)C. of this section is guilty of permitting a person under twenty-one years of age to use cigarettes, other tobacco products, or alternative nicotine products. Except as otherwise provided in this division, permitting a person under twenty-one years of age 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 (a)(2)C. of this section or a substantially equivalent state law or municipal ordinance, permitting a person under twenty-one years of age to use cigarettes, other tobacco products, or alternative nicotine products is a misdemeanor of the third degree.
 - (10) Any cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes that are given, sold, or otherwise distributed to a person under twenty-one years of age in violation of this section and that are used, possessed, purchased, or received by a person under twenty-one years of age 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)
- (b) Transaction Scan.
- (1) For the purpose of this subsection (b) and subsection (c) of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.
 - A. "Card holder." Any person who presents a driver's or commercial driver's license or an identification card to a seller, or an agent or employee of a seller, to purchase or receive cigarettes, other tobacco products, or alternative nicotine products from a seller, agent or employee.
 - B. "Identification card." An identification card issued under Ohio R.C. 4507.50 to 4507.52.

- C. "Seller." A seller of cigarettes, other tobacco products, or alternative nicotine products and includes any person whose gift of or other distribution of cigarettes, other tobacco products, or alternative nicotine products is subject to the prohibitions of subsection (a) of this section.
 - D. "Transaction scan." The process by which a seller or an agent or employee of a seller checks, by means of a transaction scan device, the validity of a driver's or commercial driver's license or an identification card that is presented as a condition for purchasing or receiving cigarettes, other tobacco products, or alternative nicotine products.
 - E. "Transaction scan device." Any commercial device or combination of devices used at a point of sale that is capable of deciphering in an electronically readable format the information encoded on the magnetic strip or bar code of a driver's or commercial driver's license or an identification card.
- (2) A. A seller or an agent or employee of a seller may perform a transaction scan by means of a transaction scan device to check the validity of a driver's or commercial driver's license or identification card presented by a card holder as a condition for selling, giving away or otherwise distributing to the card holder cigarettes, other tobacco products, or alternative nicotine products.
- B. If the information deciphered by the transaction scan performed under subsection (b)(2)A. of this section fails to match the information printed on the driver's or commercial driver's license or identification card presented by the card holder, or if the transaction scan indicates that the information so printed is false or fraudulent, neither the seller nor any agent or employee of the seller shall sell, give away or otherwise distribute any cigarettes, other tobacco products, or alternative nicotine products to the card holder.
- C. Subsection (b)(2)A. of this section does not preclude a seller or an agent or employee of a seller from using a transaction scan device to check the validity of a document other than a driver's or commercial driver's license or identification card, if the document includes a bar code or magnetic strip that may be scanned by the device, as a condition for selling, giving away or otherwise distributing cigarettes, other tobacco products, or alternative nicotine products to the person presenting the document.
- (3) Rules adopted by the Registrar of Motor Vehicles under Ohio R.C. 4301.61(C) apply to the use of transaction scan devices for purposes of this subsection (b) and subsection (c) of this section.
- (4) A. No seller or agent or employee of a seller shall electronically or mechanically record or maintain any information derived from a transaction scan, except for the following:
- 1. The name and date of birth of the person listed on the driver's or commercial driver's license or identification card presented by the card holder;
 - 2. The expiration date and identification number of the driver's or commercial driver's license or identification card presented by the card holder.

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- B. No seller or agent or employee of a seller shall use the information that is derived from a transaction scan or that is permitted to be recorded and maintained under subsection (b)(4)A. of this section, except for purposes of subsection (c) of this section.
 - C. No seller or agent or employee of a seller shall use a transaction scan device for a purpose other than the purpose specified in subsection (c)(2)A. of this section.
 - D. No seller or agent or employee of a seller shall sell or otherwise disseminate the information derived from a transaction scan to any third party, including but not limited to selling or otherwise disseminating that information for any marketing, advertising or promotional activities, but a seller or agent or employee of a seller may release that information pursuant to a court order or as specifically authorized by subsection (c) of this section or another section of these Codified Ordinances or the Ohio Revised Code.
- (5) Nothing in this subsection (b) or subsection (c) of this section relieves a seller or an agent or employee of a seller of any responsibility to comply with any other applicable local, state or federal laws or rules governing the sale, giving away or other distribution of cigarettes, other tobacco products, or alternative nicotine products.
- (6) Whoever violates subsection (b)(2)B. or (b)(4) of this section is guilty of engaging in an illegal tobacco product or alternative nicotine product transaction scan, and the court may impose upon the offender a civil penalty of up to one thousand dollars (\$1,000) for each violation. The Clerk of the Court shall pay each collected civil penalty to the County Treasurer for deposit into the County Treasury.
(ORC 2927.021)

(c) Affirmative Defenses.

- (1) A seller or an agent or employee of a seller may not be found guilty of a charge of a violation of subsection (a) of this section in which the age of the purchaser or other recipient of cigarettes, other tobacco products, or alternative nicotine products is an element of the alleged violation, if the seller, agent or employee raises and proves as an affirmative defense that all of the following occurred:
- A. A card holder attempting to purchase or receive cigarettes, other tobacco products, or alternative nicotine products presented a driver's or commercial driver's license or an identification card.
 - B. A transaction scan of the driver's or commercial driver's license or identification card that the card holder presented indicated that the license or card was valid.
 - C. The cigarettes, other tobacco products, or alternative nicotine products were sold, given away or otherwise distributed to the card holder in reasonable reliance upon the identification presented and the completed transaction scan.
- (2) In determining whether a seller or an agent or employee of a seller has proven the affirmative defense provided by subsection (c)(1) of this section, the trier of fact in the action for the alleged violation of subsection (a) of this section shall consider any written policy that the seller has adopted and implemented and that is intended to prevent violations of subsection (a) of this section. For purposes of subsection (c)(1)C. of this section, the trier of fact shall consider that reasonable reliance upon the identification presented and the completed transaction

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scan may require a seller or an agent or employee of a seller to exercise reasonable diligence to determine, and that the use of a transaction scan device does not excuse a seller or an agent or employee of a seller from exercising reasonable diligence to determine, the following:

- A. Whether a person to whom the seller or agent or employee of a seller sells, gives away or otherwise distributes cigarettes, other tobacco products, or alternative nicotine products is twenty-one years of age or older;
 - B. Whether the description and picture appearing on the driver's or commercial driver's license or identification card presented by a card holder is that of the card holder.
- (3) In any criminal action in which the affirmative defense provided by subsection (c)(1) of this section is raised, the Registrar of Motor Vehicles or a Deputy Registrar who issued an identification card under Ohio R.C. 4507.50 to 4507.52 shall be permitted to submit certified copies of the records of that issuance in lieu of the testimony of the personnel of or contractors with the Bureau of Motor Vehicles in the action. (ORC 2927.022)

(d) Shipment of Tobacco Products.

(1) As used in this subsection (d):

- A. "Authorized recipient of tobacco products" means:
 - 1. In the case of cigarettes, a person who is:
 - a. Licensed as a cigarette wholesale dealer under Ohio R.C. 5743.15;
 - b. Licensed as a retail dealer as long as the person purchases cigarettes with the appropriate tax stamp affixed;
 - c. An export warehouse proprietor as defined in Internal Revenue Code Section 5702;
 - d. An operator of a customs bonded warehouse under 19 U.S.C. Section 1311 or 19 U.S.C. Section 1555;
 - e. An officer, employee, or agent of the federal government or of this state acting in the person's official capacity;
 - f. A department, agency, instrumentality, or political subdivision of the federal government or of this state;
 - g. A person having a consent for consumer shipment issued by the Ohio Tax Commissioner under Ohio R.C. 5743.71.
 - 2. In the case of electronic smoking devices or vapor products, a person who is:
 - a. Licensed as a distributor of tobacco or vapor products under Ohio R.C. 5743.61;
 - b. A retail dealer of vapor products, as defined in Ohio R.C. 5741.01(C)(3), that is not licensed as a vapor distributor, as long as the tax levied by Ohio R.C. 5743.51, 5743.62, or 5743.63, as applicable, has been paid;
 - c. An operator of a customs bonded warehouse under 19 U.S.C. Section 1311 or 19 U.S.C. Section 1555;

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- d. An officer, employee, or agent of the federal government or of this state acting in the person's official capacity;
 - e. A department, agency, instrumentality, or political subdivision of the federal government or of this state.
 - B. "Motor Carrier," Has the same meaning as in Ohio R.C. 4923.01.
 - (2) The purpose of this section is to prevent the sale of cigarettes, electronic smoking devices, and vapor products to minors and to ensure compliance with the Master Settlement Agreement, as defined in Ohio R.C. 1346.01.
 - (3)
 - A. No person shall cause to be shipped any cigarettes, electronic smoking devices, and vapor products to any person in this municipality other than an authorized recipient of tobacco products.
 - B. No motor carrier, or other person shall knowingly transport cigarettes, electronic smoking devices, and vapor products to any person in this municipality that the carrier or other person reasonably believes is not an authorized recipient of tobacco products. If cigarettes, electronic smoking devices, and vapor products are transported to a home or residence, it shall be presumed that the motor carrier, or other person knew that the person to whom the cigarettes, electronic smoking devices, and vapor products were delivered was not an authorized recipient of tobacco products.
 - (4) No person engaged in the business of selling cigarettes, electronic smoking devices, and vapor products who ships or causes to be shipped cigarettes, electronic smoking devices, and vapor products to any person in this municipality in any container or wrapping other than the original container or wrapping shall fail to plainly and visibly mark the exterior of the container or wrapping in which the cigarettes, electronic smoking devices, and vapor products are shipped with the words "cigarettes", "electronic smoking devices", or "vapor products", as applicable.
 - (5) A court shall impose a fine of up to one thousand dollars (\$1,000) for each violation of subsection (d)(3)A., (d)(3)B. or (d)(4) of this section. (ORC 2927.023)
- (e) Furnishing False Information to Obtain Tobacco Products.
- (1) No person who is eighteen years of age or older but younger than twenty-one years of age shall knowingly furnish false information concerning that person's name, age, or other identification for the purpose of obtaining tobacco products.
 - (2) Whoever violates subsection (e)(1) of this section is guilty of furnishing false information to obtain tobacco products. Except as otherwise provided in this division, furnishing false information to obtain tobacco products is a misdemeanor of the fourth degree. If the offender previously has been convicted of or pleaded guilty to a violation of subsection (e)(1) of this section or a substantially equivalent state law or municipal ordinance, furnishing false information to obtain tobacco products is a misdemeanor of the third degree. (ORC 2927.024)

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537.17 RESERVED.

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

537.18 CONTRIBUTING TO UNRULINESS OR DELINQUENCY OF A CHILD.**(a) As used in this section:**

- (1) "Delinquent child" has the same meaning as in Ohio R.C. 2152.02.
- (2) "Unruly child" has the same meaning as in Ohio R.C. 2151.022.

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

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

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

537.19 HAZING PROHIBITED.**(a) As used in this section:**

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

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

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

- (2) No administrator, employee, faculty member, teacher, consultant, alumnus, or volunteer of any organization, including any primary, secondary, or post-secondary school or other educational institution, public or private, shall recklessly permit the hazing of any person associated with the organization when the hazing includes coerced consumption of alcohol or drugs of abuse resulting in serious physical harm to that person.
- (d) Whoever violates subsections (b) or (c) of this section is guilty of hazing. A violation of subsections (b)(1) or (b)(2) of this section is a misdemeanor of the second degree. A violation of subsections (c)(1) or (c)(2) of this section is a felony to be prosecuted under appropriate state law. (ORC 2903.31)
- (e) Reckless failure to immediately report knowledge of hazing.
 - (1) No administrator, employee, faculty member, teacher, consultant, alumnus, or volunteer of any organization, including any primary, secondary, or post-secondary school or any other public or private educational institution, who is acting in an official and professional capacity shall recklessly fail to immediately report the knowledge of hazing to a law enforcement agency in the county in which the victim of hazing resides or in which the hazing is occurring or has occurred.
 - (2) A violation of subsection (e)(1) of this section is a misdemeanor of the fourth degree, except that the violation is a misdemeanor of the first degree if the hazing causes serious physical harm.
(ORC 2903.311(B), (C))

537.20 ILLEGAL USE OF A TRACKING DEVICE OR APPLICATION.

- (a) As used in this section:
 - (1) "Business entity" means any form of corporation, partnership, association, cooperative, joint venture, business trust, or sole proprietorship that conducts business in this state.
 - (2) "Business of private investigation" has the same meaning as in Ohio R.C. 4749.01.
 - (3) "Disabled adult" has the same meaning as in Ohio R.C. 2913.01.
 - (4) "Elderly person" has the same meaning as in Ohio R.C. 2913.01.
 - (5) "Electronic monitoring" has the same meaning as in Ohio R.C. 2929.01.
 - (6) "Electronic monitoring device" has the same meaning as in Ohio R.C. 2929.01.
 - (7) "Law enforcement agency" means any organization or unit comprised of law enforcement officers, and also includes any federal or military law enforcement agency.
 - (8) "Ohio Protection Order" means a protection order filed or issued or a consent agreement approved pursuant to Ohio R.C. 2919.26 or 3113.31, a protection order filed or issued pursuant to Ohio R.C. 2151.34, 2903.213, or 2903.214, or a no contact order issued as any of the following:
 - A. As part of a person's sentence under a community control sanction imposed under Ohio R.C. 2929.16, 2929.17, 2929.26, or 2929.27;
 - B. As a term or condition of a person's release under Ohio R.C. 2929.20;
 - C. As a post-release control sanction imposed as a condition of a person's post-release control under Ohio R.C. 2967.28;

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- D. As a term of supervision for a person transferred to transitional control under Ohio R.C. 2967.26;
 - E. As a term or condition of the intervention plan of a person granted intervention in lieu of conviction under Ohio R.C. 2951.041.
 - (9) "Person" means an individual, but does not include a business entity.
 - (10) "Private investigator" has the same meaning as in Ohio R.C. 4749.01.
 - (11) "Protection order issued by a court of another state" has the same meaning as in Ohio R.C. 2919.27.
 - (12) "Tracking application" means any software program that permits a person to remotely determine or track the position or movement of another person or another person's property.
 - (13) "Tracking device" means an electronic or mechanical device that permits a person to remotely determine or track the position or movement of another person or another person's property, including an electronic monitoring device.
- (b) Except as otherwise provided in subsection (d) of this section, no person shall knowingly do either of the following:
- (1) Install a tracking device or tracking application on another person's property without the other person's consent or cause a tracking device or tracking application to track the position or movement of another person or another person's property without the other person's consent;
 - (2) If the person installed a tracking device or tracking application on another's property with the other person's consent and the other person subsequently revokes that consent, fail to remove or ensure the removal of the device or application after the other person revokes the consent.
- (c) (1) For purposes of this section, if a person has given consent for another to install a tracking device or tracking application on the consenting person's property, it is presumed that the consenting person has revoked that consent if any of the following applies:
- A. The consenting person and the person to whom consent was given are lawfully married and one of them files a complaint for divorce or a petition for dissolution of marriage from the other. Not later than seventy-two hours after being served with a complaint for divorce or a petition for dissolution of marriage, the person to whom consent was given shall lawfully uninstall or discontinue use of the tracking device or tracking application. If the person to whom consent was given cannot lawfully uninstall or discontinue use of the tracking device or tracking application, the person to whom consent was given shall notify the court in which the complaint for divorce or the petition for dissolution of marriage was filed in writing.
 - B. The consenting person or the person to whom consent was given files an Ohio protection order against the other person or an Ohio protection order is issued against the other person, and the person to be protected under the order is the consenting person. Not later than seventy-two hours after being served with the Ohio protection order, the person to whom consent was given shall lawfully uninstall or discontinue use of the tracking device or tracking application. If the person to whom consent was given cannot lawfully uninstall or discontinue use of the tracking device or tracking application, the person to whom consent was given

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shall notify the court that issued the Ohio protection order in writing that the person to whom consent was given has installed or is using a tracking device or tracking application on the previously consenting person's person or the person's property and cannot uninstall or discontinue its use without violating the Ohio protection order.

- (2) Revocation of consent under this subsection is effective upon the service of the petition or motion or an Ohio protection order.
- (d) This section does not apply to any of the following:
 - (1) A law enforcement officer, or any law enforcement agency, that installs a tracking device or tracking application on another person's property or causes a tracking device or tracking application to track the position or movement of another person or another person's property as part of a criminal investigation, or a probation officer, parole officer, or employee of the department of rehabilitation and correction, a halfway house, or a community-based correctional facility when engaged in the lawful performance of the officer's or employee's official duties;
 - (2) A parent or legal guardian of a minor child who installs or uses a tracking device or tracking application to track the minor child if any of the following applies:
 - A. The parents or legal guardians of the child are lawfully married to each other and are not separated or otherwise living apart, and either of those parents or legal guardians consents to the installation of the tracking device or tracking application;
 - B. The parent or legal guardian of the child is the sole surviving parent or legal guardian of the child;
 - C. The parent or legal guardian of the child has sole custody of the child;
 - D. The parents or legal guardians of the child are divorced, separated, or otherwise living apart and neither parent has sole custody of the child, and both consent to the installation of the tracking device or tracking application;
 - E. The parents or legal guardians of the child are divorced, separated, or otherwise living apart, neither parent has sole custody of the child, and either only one parent consents to the installation of the tracking device or tracking application or one parent revokes consent, if the consenting parent only uses the tracking device or tracking application during that parent's parenting or custodial time and disables or removes the tracking device or application during the nonconsenting parent's parenting or custodial time.
 - (3) A caregiver of an elderly person or disabled adult, if the elderly person's or disabled adult's treating physician certifies that the installation of a tracking device or tracking application onto the elderly person's or disabled adult's property is necessary to ensure the safety of the elderly person or disabled adult;
 - (4) A person acting in good faith on behalf of a business entity for a legitimate business purpose, provided that this division does not apply to a private investigator engaged in the business of private investigation on behalf of another person;

- (5) A. A private investigator or other person licensed under Ohio R.C. 4749.03, who is acting in the normal course of the investigator's business of private investigation on behalf of another person and who has the consent of the owner of the property upon which the tracking device or tracking application is installed, for the purpose of obtaining information with reference to any of the following:
 - 1. Criminal offenses committed, threatened, or suspected against the United States, a territory of the United States, a state, or any person or legal entity;
 - 2. Locating an individual known to be a fugitive from justice;
 - 3. Locating lost or stolen property or other assets that have been awarded by the court;
 - 4. Investigating claims related to workers' compensation.
- B. This subsection does not apply if the person on whose behalf the private investigator is working is the subject of an Ohio protection order or a protection order issued by a court of another state or if the private investigator knows or reasonably should know that the person on whose behalf the private investigator is working seeks the investigator's services to aid in the commission of a crime.
- (6) An owner or lessee of a motor vehicle who installs, or directs the installation of, a tracking device or tracking application on the vehicle during the period of ownership or lease, if any of the following applies:
 - A. The tracking device or tracking application is removed before the vehicle's title is transferred or the vehicle's lease expires;
 - B. The new owner of the vehicle, in the case of a sale, or the lessor of the vehicle, in the case of an expired lease, consents in writing to the non-removal of the tracking device or tracking application;
 - C. The owner of the vehicle at the time of the installation of the tracking device or tracking application was the original manufacturer of the vehicle.
- (7) A person who installs a tracking device or application on property in which the person has an ownership or contractual interest, unless the person is the subject of a protective order and the property is likely to be used by the person who obtained the protective order;
- (8) A person or business entity that installs a tracking device or tracking application on any fixed wing aircraft or rotorcraft operated or managed by the person or business entity pursuant to 14 C.F.R. part 91 or part 135 to track the position or movement of the fixed wing aircraft or rotorcraft;
- (9) A surety bail bond agent, or any employee or contractor of a surety bail bond agent, that installs a tracking device or tracking application on another person's property or causes a tracking device or tracking application to track the position or movement of another person or another person's property as part of the surety bail bond agent's, employee's, or contractor's official responsibilities or duties.

(e) For purposes of subsection (d)(1) of this section, a probation officer, parole officer, or employee of the department of rehabilitation and correction, a halfway house, or a community-based correctional facility is engaged in the lawful performance of the officer's or employee's duties if both of the following apply:

- (1) The court or the Department of Rehabilitation and Correction imposes electronic monitoring on a person.
- (2) The officer or employee installs or uses an electronic monitoring device on that person in accordance with the court's or department's imposition of electronic monitoring of that person.

(f) application. Whoever violates this section is guilty of illegal use of a tracking device or

- (1) Except as otherwise provided in subsection (f)(2) of this section, illegal use of a tracking device or application is a misdemeanor of the first degree.
- (2) Illegal use of a tracking device or application is a felony to be prosecuted under 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, Ohio R.C. 2903.216, or Ohio R.C. 2903.211 or any substantially equivalent municipal ordinance.
 - B. 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.
 - C. 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.
 - D. The offender has a history of violence toward the victim or a history of other violent acts towards the victim.
(ORC 2903.216)

537.99 PENALTY.

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

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

541.051 AGGRAVATED TRESPASS.

- (a) (1) No person shall enter or remain on the land or premises of another with purpose to commit on that land or those premises a misdemeanor, the elements of which involve causing physical harm to another person or causing another person to believe that the offender will cause physical harm to that person.
- (2) No person shall enter or remain on a critical infrastructure facility with purpose to destroy or tamper with the facility.

(b) Whoever violates this section is guilty of aggravated trespass. Aggravated trespass in violation of subsection (a)(1) of this section is a misdemeanor of the first degree. Aggravated trespass in violation of subsection (a)(2) of this section is a felony to be prosecuted under appropriate state law.

(c) As used in this section, "Critical infrastructure facility" has the same meaning as in Ohio R.C. 2911.21. (ORC 2911.211)

541.06 DESTRUCTION OF SHRUBS, TREES OR CROPS.

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

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

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(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 USE OF FIRE HYDRANTS.

(a) The use of fire hydrants by persons other than the Fire Department or persons directly authorized by them is hereby prohibited.

(b) Whoever violates this section is guilty of a minor misdemeanor.
(Ord. 29-79. Passed 11-26-79.)

541.09 REMOVAL OF TEMPORARY SIGNS.

(a) All temporary signs, such as political signs, signs advertising temporary events such as festivals and sales and things of that nature, shall be removed thirty days after they are placed with the exception of real estate signs. Real estate signs shall be removed within thirty days after the property is sold, leased or rented.

(b) Whoever violates this section is guilty of a minor misdemeanor.
(Ord. 21-80. Passed 5-19-80.)

541.10 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)

541.11 VEHICULAR VANDALISM.

(a) As used in this section:

- (1) "Highway" means any highway as defined in Section 301.84 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.

CHAPTER 545 Theft and Fraud

545.01	Definitions.	545.11	Making or using slugs.
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		545.21	Identity fraud.
		545.99	Penalty.

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;

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- (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, 2913.08, 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.

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- (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.

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- (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. 955.021.

- (b) (1) Whoever violates this section is guilty of theft. Except as otherwise provided in this division, a violation of this section is misdemeanor theft, a misdemeanor of the first degree. If the elements set forth in Ohio R.C. 2913.02(B) for felony theft, grand theft, or aggravated theft are met, then a violation of this section is a felony to be prosecuted under appropriate state law.
- (2) In addition to the penalties described in subsection (b)(1) 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:
- A. Unless subsection (b)(2)B. of this section applies, suspend for not more than six months the offenders driver's license, probationary driver's license, commercial driver's license, temporary instruction permit, or nonresident operating privilege;
 - B. 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 (b)(2)A. of this section, or any other substantially equivalent state or local law, 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 at least six months;
 - C. 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 subsection (b)(2)A. or (b)(2)B. of this section, instead may require the offender to perform community service for a number of hours determined by the court.
- (3) In addition to the penalties described in subsection (b)(1) of this section, 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 Ohio R.C. 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.
- (c) The sentencing court that suspends an offender's license, permit, or nonresident operating privilege under subsection (b)(2) 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.

- B.
1. A private employer shall be immune from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to a licensee bringing a handgun onto the premises or property of the private employer, including motor vehicles owned by the private employer, unless the private employer acted with malicious purpose. A private employer is immune from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to the private employer's decision to permit a licensee to bring, or prohibit a licensee from bringing, a handgun onto the premises or property of the private employer.
 2. A political subdivision shall be immune from liability in a civil action, to the extent and in the manner provided in Ohio R.C. Chapter 2744, for any injury, death, or loss to person or property that allegedly was caused by or related to a licensee bringing a handgun onto any premises or property owned, leased, or otherwise under the control of the political subdivision. As used in this division, "political subdivision" has the same meaning as in Ohio R.C. 2744.01.
 3. An institution of higher education shall be immune from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to a licensee bringing a handgun onto the premises of the institution, including motor vehicles owned by the institution, unless the institution acted with malicious purpose. An institution of higher education is immune from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to the institution's decision to permit a licensee or class of licensees to bring a handgun onto the premises of the institution.
 4. A nonprofit corporation shall be immune from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to a licensee bringing a handgun onto the premises of the nonprofit corporation, including any motor vehicle owned by the nonprofit corporation, or to any event organized by the nonprofit corporation, unless the nonprofit corporation acted with malicious purpose. A nonprofit corporation is immune from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to the nonprofit corporation's decision to permit a licensee to bring a handgun onto the premises of the nonprofit corporation or to any event organized by the nonprofit corporation. The immunities described in this division apply to an entity that leases its property to the nonprofit corporation or permits its property to be used by the nonprofit corporation for any purpose.

- C. 1. a. Except as provided in subsection (b)(3)C.2. of this section and Ohio R.C. 2923.1214, the owner or person in control of private land or premises, and a private person or entity leasing land or premises owned by the state, the United States, or a political subdivision of the state or the United States, may post a sign in a conspicuous location on that land or on those premises prohibiting persons from carrying firearms or concealed firearms on or onto that land or those premises. Except as otherwise provided in this division, a person who knowingly violates a posted prohibition of that nature is guilty of criminal trespass in violation of Ohio R.C. 2911.21(A)(4) and is guilty of a misdemeanor of the fourth degree. If a person knowingly violates a posted prohibition of that nature and the posted land or premises primarily was a parking lot or other parking facility, the person is not guilty of criminal trespass under Ohio R.C. 2911.21 or under any other criminal law of this State or criminal law, ordinance, or resolution of a political subdivision of this State, and instead is subject only to a civil cause of action for trespass based on the violation.
- b. If a person knowingly violates a posted prohibition of the nature described in this subsection and the posted land or premises is a child care center, type A family child care home, or type B family child care home, unless the person is a licensee who resides in a type A family child care home or type B family child care home, the person is guilty of aggravated trespass in violation of Ohio R.C. 2911.211. Except as otherwise provided in this subsection, the offender is guilty of a misdemeanor of the first degree. If the person previously has been convicted of a violation of this subsection or any substantially equivalent state law or municipal ordinance, or of any offense of violence, if the weapon involved is a firearm that is either loaded or for which the offender has ammunition ready at hand, or if the weapon involved is dangerous ordnance, the offender is guilty of a felony to be prosecuted under appropriate state law.
- 2. A landlord may not prohibit or restrict a tenant who is a licensee and who on or after September 9, 2008 enters into a rental agreement with the landlord for the use of residential premises, and the tenant's guest while the tenant is present, from lawfully carrying or possessing a handgun on those residential premises.
- 3. As used in subsection (b)(3)C. of this section:
 - a. "Residential premises" has the same meaning as in Ohio R.C. 5321.01, except "residential premises" does not include a dwelling unit that is owned or operated by a college or university.

- b. "Landlord", "tenant", and "rental agreement" have the same meanings as in Ohio R.C. 5321.01.
- (4) A person who holds a valid concealed handgun license issued by another state that is recognized by the Attorney General pursuant to a reciprocity agreement entered into pursuant to Ohio R.C. 109.69 or a person who holds a valid concealed handgun license under the circumstances described in Ohio R.C. 109.69(B) has the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license under Ohio R.C. 2923.125 and is subject to the same restrictions that apply to a person who has been issued a license under that section that is valid at the time in question.
- (5) A.
- A. A peace officer has the same right to carry a concealed handgun in this State as a person who was issued a concealed handgun license under Ohio R.C. 2923.125, provided that the officer when carrying a concealed handgun under authority of this section is carrying validating identification. For purposes of reciprocity with other States, a peace officer shall be considered to be a licensee in this State.
- B. An active duty member of the armed forces of the United States who is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in Ohio R.C. 2923.125(G)(1) has the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license under Ohio R.C. 2923.125 and is subject to the same restrictions as specified in this subsection (b).
- C. A tactical medical professional who is qualified to carry firearms while on duty under Ohio R.C. 109.771 has the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license under Ohio R.C. 2923.125.
- D. A fire investigator who is qualified to carry firearms while on duty under Ohio R.C. 109.774 has the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license under Ohio R.C. 2923.125.
- (6) A.
- A. A qualified retired peace officer who possesses a retired peace officer identification card issued pursuant to subsection (b)(6)B. of this section and a valid firearms requalification certification issued pursuant to subsection (b)(6)C. of this section has the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license under Ohio R.C. 2923.125 and is subject to the same restrictions that apply to a person who has been issued a license issued under that section that is valid at the time in question. For purposes of reciprocity with other states, a qualified retired peace officer who possesses a retired peace officer identification card issued pursuant to subsection (b)(6)B. of this section and a valid firearms requalification certification issued pursuant to subsection (b)(6)C. of this section shall be considered to be a licensee in this state.
- B.
1. Each public agency of this State or of a political subdivision of this State that is served by one or more peace officers shall issue a retired peace officer identification card to any person who retired from service as a peace officer with that agency, if the issuance is in accordance with the agency's policies and procedures and

if the person, with respect to the person's service with that agency, satisfies all of the following:

- a. The person retired in good standing from service as a peace officer with the public agency, and the retirement was not for reasons of mental instability.
 - b. Before retiring from service as a peace officer with that agency, the person was authorized to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law and the person had statutory powers of arrest.
 - c. At the time of the person's retirement as a peace officer with that agency, the person was trained and qualified to carry firearms in the performance of the peace officer's duties.
 - d. Before retiring from service as a peace officer with that agency, the person was regularly employed as a peace officer for an aggregate of 15 years or more, or, in the alternative, the person retired from service as a peace officer with that agency, after completing any applicable probationary period of that service, due to a service-connected disability, as determined by the agency.
2. A retired peace officer identification card issued to a person under subsection (b)(6)B.1. of this section shall identify the person by name, contain a photograph of the person, identify the public agency of this state or of the political subdivision of this State from which the person retired as a peace officer and that is issuing the identification card, and specify that the person retired in good standing from service as a peace officer with the issuing public agency and satisfies the criteria set forth in subsections (b)(6)B.1.a. to (b)(6)B.1.d. of this section. In addition to the required content specified in this subsection, a retired peace officer identification card issued to a person under subsection (b)(6)B.1. of this section may include the firearms requalification certification described in subsection (b)(6)C. of this section, and if the identification card includes that certification, the identification card shall serve as the firearms requalification certification for the retired peace officer. If the issuing public agency issues credentials to active law enforcement officers who serve the agency, the agency may comply with subsection (b)(6)B.1. of this section by issuing the same credentials to persons who retired from service as a peace officer with the agency and who satisfy the criteria set forth in subsection (b)(6)B.1.a. to (b)(6)B.1.d. of this section, provided that the credentials so issued to retired peace officers are stamped with the word "RETIRED".

3. A public agency of this state or of a political subdivision of this State may charge persons who retired from service as a peace officer with the agency a reasonable fee for issuing to the person a retired peace officer identification card pursuant to subsection (b)(6)B.1. of this section.
- C. 1. If a person retired from service as a peace officer with a public agency of this state or of a political subdivision of this state and the person satisfies the criteria set forth in subsections (b)(6)B.1.a. to (b)(6)B.1.d. of this section, the public agency may provide the retired peace officer with the opportunity to attend a firearms requalification program that is approved for purposes of firearms requalification required under Ohio R.C. 109.801. The retired peace officer may be required to pay the cost of the course.
2. If a retired peace officer who satisfies the criteria set forth in subsections (b)(6)B.1.a. to (b)(6)B.1.d. of this section attends a firearms requalification program that is approved for purposes of firearms requalification required under Ohio R.C. 109.801, the retired peace officer's successful completion of the firearms requalification program requalifies the retired peace officer for purposes of subsection (b)(6) of this section for five years from the date on which the program was successfully completed, and the requalification is valid during that five-year period. If a retired peace officer who satisfies the criteria set forth in subsections (b)(6)B.1.a. to (b)(6)B.1.d. of this section satisfactorily completes such a firearms requalification program, the retired peace officer shall be issued a firearms requalification certification that identifies the retired peace officer by name, identifies the entity that taught the program, specifies that the retired peace officer successfully completed the program, specifies the date on which the course was successfully completed, and specifies that the requalification is valid for five years year from that date of successful completion. The firearms requalification certification for a retired peace officer may be included in the retired peace officer identification card issued to the retired peace officer under subsection (b)(6)B. of this section.
3. A retired peace officer who attends a firearms requalification program that is approved for purposes of firearms requalification required under Ohio R.C. 109.801 may be required to pay the cost of the program.
- (7) As used in subsection (b)(6) of this section:
 - A. "Governing body." Has the same meaning as in Ohio R.C. 154.01.
 - B. "Government facility of this State or a political subdivision of this State" means any of the following:

1. A building or part of a building that is owned or leased by the government of this State or a political subdivision of this State and where employees of the government of this State or the political subdivision regularly are present for the purpose of performing their official duties as employees of the State or political subdivision;
 2. The office of a deputy registrar serving pursuant to Ohio R.C. Chapter 4503 that is used to perform deputy registrar functions.
- C. "Qualified retired peace officer" means a person who satisfies all of the following:
1. The person satisfies the criteria set forth in subsections (b)(6)B.1.a. to (b)(6)B.1.d. of this section.
 2. The person is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.
 3. The person is not prohibited by Federal law from receiving firearms.
- D. "Retired peace officer identification card" means an identification card that is issued pursuant to subsection (b)(6)B. of this section to a person who is a retired peace officer.
- E. "Tactical medical professional." Has the same meaning as in Ohio R.C. 109.71.
- F. "Validating identification." Means photographic identification issued by the agency for which an individual serves as a peace officer that identifies the individual as a peace officer of the agency.
(ORC 2923.126)

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

549.99 PENALTY.

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

921.03 PERMITS REQUIRED.

✓ (a) Before any building sewer is repaired or altered, a permit shall be obtained from the Administrator. Such permit shall be issued only to a licensed sewer tapper who can satisfy the Administrator that they are competent to do such work. An inspection charge of one hundred dollars (\$100.00) shall be paid to the Administrator at the time the permit is obtained. The sewer tapper applying for a permit shall furnish the street address of the building to be connected and the number of the lot as determined by the Franklin County Auditor's Office. All permits herein provided shall become null and void ninety days from the date of issuance. No refund of the inspection charge shall be made unless a request is made and the permit returned within the above mentioned ninety days.

(b) The sewer tapper to whom a permit is issued shall be held responsible for the proper installation of the building sewer in accordance with the rules and regulations contained herein. (Ord. 2024-037. Passed 9-23-24; Ord. 2025-037. Passed 12-15-25.)

921.04 BUILDING SEWERS.

(a) Inspections. All building sewers shall be inspected and approved by the Administrator after the pipe has been laid but before being covered with backfill. The sewer tapper to whom the permit has been issued shall call the Administrator, requesting the inspection, at least one half day before the inspection is desired.

(b) Separate Sewers Required. A separate and independent building sewer shall be provided for each residence or building; except where on building stands at the rear of another on an interior lot and separate building sewers cannot be made available to each building, then one building sewer may be extended to serve both buildings. A permit shall be obtained, as required in Section 921.03, for each building connected to the building sewer.

(c) Materials.

- (1) The building sewer shall be constructed of a size not less than six inches, internal diameter, and shall be of extra strength vitrified clay pipe, ductal iron pipe, concrete pipe, PVC pipe (ASTMD3034), or asbestos cement pipe, and with water tight joints using proper curves for all changes in alignment or grade. The Administrator may require the sewer tapper to demonstrate the water tightness of the joints by such tests as may be necessary.
- (2) Where the building sewer shall cross unstable soil or close to a tree or trees where roots may enter the joints, extra heavy cast iron pipe, solidly caulked with lead, may be required.

(d) Grade and Construction.

- (1) The building sewer shall have a minimum fall of one fourth inch per linear foot from the building to the public sewer. The Administrator may, by special permission in each case, authorize the building sewer to be constructed with a fall as little as one eighth inch per linear foot if he determines such procedure to be desirable.
- (2) The interior of each length of pipe shall be made perfectly clean and free from offsets, fins and projections before the next length is connected thereto. All building sewers shall be graded by line and pole, the line being first leveled from the building to the lateral or public sewer and then lowered at the lateral end to obtain the required fall.

- (3) The junction between the building sewer and the house drain or house plumbing shall be made water tight.

(e) Location and Depth. Building sewers shall not be constructed closer than three feet to any exterior wall, cellar, basement or cistern nor shall they have less than two feet of earth or stone cover.

(f) Excavations. All excavation shall be by open cut from the surface. The sides of the trench shall be substantially vertical, using such sheeting and bracing as may be necessary to accomplish this result. The bottom of the excavation shall be shaped as nearly as possible to fit the lower half of the sewer so that the pipe will have uniform bearing from end to end. In the event the trench is excavated below the required grade of the pipe, the excess space shall be filled with pea gravel grits or stone not over three quarter inch in diameter. The width of the trench at the top of the pipe shall not exceed two feet plus the outside diameter of the pipe, nor shall the width be less than one foot plus the outside diameter of the pipe.

(g) Backfilling.

- (1) The building sewer shall be backfilled to an elevation at least six inches over the top of the pipe by tamping in six inch layers. Soil containing stones larger than six inches in the greatest dimension shall not be used for this portion of the backfill.
- (2) The balance of the backfill may be deposited in any manner which shall not damage the pipe or disturb the alignment or grade of the sewer; except that the balance of the backfilling shall be done in such manner and with such material as may be required by the permit referred to in Section 921.02.

(h) Work In Streets, Roads and Alleys. The sewer tapper to whom a permit is issued shall be responsible for obtaining any required permits to open cut any street, road or alley, from the appropriate political body or official having authority or jurisdiction over such work.

(i) Connections to the Lateral or Public Sewer.

- (1) If the connection is to be made to an existing Y branch, the cap or plug shall be broken out with care so as to avoid damage to the bell of the branch or to the lateral sewer.
- (2) If a six inch connection is to be made to a lateral or public sewer at a point where no Y branch has been provided, the pipe layer shall insert a new Y branch in the main line when such main line is not over ten inches internal diameter. Where six inch connections are to be made in laterals or public sewers of twelve inches or over, internal diameter, an opening may be cut in the lateral of sufficient size to insert a properly shaped saddle connection. The saddle shall not be cemented in place or covered except in the presence of the inspector from the City.

(b) For any such lot, parcel of land, building or premises having any connection with the City's sewerage system or otherwise discharging sanitary sewage, industrial wastes, water or other liquids, either directly or indirectly into the City's sewerage system, such charge shall be based upon the quantity of water used thereon or therein as the same is measured by a water meter or meters there in use, as hereinafter described, and there shall be charged:

For each thousand gallons of water used per billing cycle, the rate per thousand gallon as shown on a chart maintained by the Administrator reflecting the latest charges applicable as a result of the City's contract with the City of Columbus for sewage treatment and related services.

(c) In addition to the charges set forth above, the City may charge an additional rate for industrial wastes as required by the most current version of the sewage treatment contract with the City of Columbus, or subsequent replacement thereof, or amounts necessary to provide additional maintenance for the sewer system arising from the nature of such industrial discharges. Such additional charges shall be developed in concert with the City of Columbus and pursuant to applicable regulations by the Ohio Environmental Protection Agency. (Ord. 2024-037. Passed 9-23-24; Ord. 2025-037. Passed 12-15-25.)

925.03 SEWERAGE CAPACITY CHARGES.

(a) For the purpose of providing revenue to help finance and to more equitably distribute the cost of the construction of necessary additions to both the sewer system and the sewerage treatment facilities, it is hereby determined and declared necessary to provide for the establishment, exaction and regulation of a sanitary sewer capacity charge as hereinafter determined with such charge to be in addition to any and all other fees which may be imposed with respect to the said sewer system.

(b) That the funds received from the collection of such charge, as it is herein authorized, shall be deposited daily with the Director of Finance who shall credit them to a special fund from which Council may take appropriations for the payment of the cost and expense of the construction, operation, maintenance, management and repair of the sanitary sewerage systems; regulator chambers, storm standby tanks, pumping stations and sewage treatment works and for the payment of the cost and expense and replacement, extensions to or the enlargement of same and for the payment of principal and interest on any debt incurred for the construction of such sewerage system, regulator chambers, storm standby tanks, pumping stations and sewage treatment works and for the creation of a sinking fund for the payment of such debt.

(c) That the Administrator shall be and is hereby authorized and directed to exact a sanitary sewer capacity charge whenever application is made for the issuance of a sewer permit to provide sanitary sewer service to a structure, wherever such property is or shall be tributary directly or indirectly, to any trunk sanitary sewer built by the City either inside or outside the corporate limits of the City. In the event a tap is subsequently enlarged, the difference between the charges for the two sizes shall be paid.

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Sewer Capacity (Tapping) Charges:

Diameter of Water Tap (inches)	Sewer Capacity Charge
3/4"	\$5,594.00
1"	9,458.00
1-1/2"	18,817.00
2"	32,034.00
3"	69,714.00
4"	123,455.00
6"	262,769.00
8"	451,630.00
10"	782,922.00
12"	1,494,042.00
16"	2,595,244.00

(d) Notwithstanding the foregoing charges, in the event that an entity contracting with the City for collection and or treatment services for sanitary or industrial sewage imposes upon the City additional capacity or like kind charges as a condition of continuing to provide such collection and or treatment services or for new sewer connections, then the City shall pass on those charges plus a five percent (5%) administrative fee to those parcels or users otherwise obligated to pay such fees in accordance with the terms of the revised contract with the contracting entity. (Ord. 2024-037. Passed 9-23-24; Ord. 2025-037. Passed 12-15-25.)

925.04 SEWER FRONT FOOT CONNECTION CHARGE.

(a) Upon application being made to tap any main trunk or lateral sewer built and owned by the City for the purpose of draining the house sewer of any property directly into such main trunk or lateral sewer the Administrator shall cause a fee of fifty dollars (\$50.00) per Front Foot if located within the City to be exacted for the privilege of making such a direct connection from the house sewer to such main or lateral sewer before a permit is issued therefore; provided that this charge shall not be imposed if the owner of the property concerned can show that he or their predecessor in title paid or is paying a special assessment for the construction of the main trunk or lateral sewer sought to be tapped or at their own expense constructed all or a part of such main trunk or lateral sewer sought to be tapped.

(b) Connection Charges for parcels outside the City limits served by contract with the City shall be charged in accordance with Section 925.05.

(c) Connection Charges to Privately Built, Publicly Owned Sewers ("PBPOS"), whether inside or outside the City limits, shall be as set forth in Section 925.08. For any PBPOS, the Reimbursable Costs shall be divided by Front Foot to establish the per Front Foot cost associated with providing sewer service to each individual tract served by the sewer as constructed. The Front Foot charge for each parcel served shall be certified by the Administrator within 90 days of issuance of the Certificate of Completion to the Franklin County Auditor.

(Ord. 2024-037. Passed 9-23-24; Ord. 2025-037. Passed 12-15-25.)

925.05 RATES OUTSIDE CITY.

Sewer rates and other charges for outside the City shall be the inside City rates plus seventy-five percent (75%).

(Ord. 2024-037. Passed 9-23-24; Ord. 2025-037. Passed 12-15-25.)

925.06 BILLING, METER READING, TERMS OF PAYMENT.

(a) Billing. The City will render bills for sewer service on a quarterly basis to users of the Groveport Water System. Payment of sewer bills shall be the responsibility of the property owner. Payment for sewer service shall be on the basis of water use determined by periodic reading of water meters.

- (1) In cases where a sewer customer uses ground water as a source of supply, to meet all or any portion of their needs, the City retains the right to insist that such water use be measured for payment of sewer charges as long as any or all of said use is discharged to the sewer system. Exception to this practice is permitted in cases where the ground water supply is used only for firefighter's purposes. In these cases where the ground water source is used for firefighter's purposes only, no charge shall be made provided that the owner files information regarding the system capacity, water quality, nature of use together with any additional information as from time to time might be requested by the Administrator.
- (2) In addition to the provision for shutting off water service, if a sewer rental charge is not paid within thirty days after it becomes due, a penalty of ten percent (10%) of the amount shall be added thereto. A "door tag" shall serve as the only final notice prior to disconnection. If the charge plus penalty is not paid within ninety days from date of billing, said charges shall constitute a lien on the property served and the Administrator may assess and collect said charges as provided in Ohio Revised Code section 729.49. In addition, see 925.99.

(b) Terms of Payment. Because sewer services to residents of the City are supplied by the City of Columbus terms of payment as contained hereinafter are established for the practice as it is now established.

(c) Services Derived from Groveport's Water Supply System. The sewer rates prescribed in Sections 925.02 and 925.05 are net. If accounts are not paid within one calendar month from the date of billing, a gross rate, which is the net rate plus ten percent (10%) shall apply. The bills on overdue accounts shall be prepared and transmitted to all overdue accounts based on gross rates: If the rebilled gross rate is not paid within fifteen days from the rebilled date, the City shall have the right to shut off water services without notice; Please refer to Section 933.10 (b) Hardship Arrangement;

(d) Change of Ownership. It shall be the responsibility of property owners to whom the last or most recent bill has been sent, to notify the Administrator when any change in ownership occurs and to pay any accrued charges up to the date when such change is recorded. Failure to conform to this section shall not relieve the new owner from the payment of any unpaid current or delinquent charges, or from any penalties or procedures specified in Section 921.05. (Ord. 2024-037. Passed 9-23-24.)

925.07 SEWER EXTENSION.

The Administrator is authorized to provide sewer service to new consumers when he determines that the sewer line extension is feasible both economically and from an engineering point of view and shall not be detrimental to the best interest of the City having given consideration to the overall effect on the total sewer system and to the long-term plans and probable future growth of the sewer system of the City.
(Ord. 2024-037. Passed 9-23-24.)

925.08 CHARGE FOR EXTENSION OF SEWERS WITHIN THE CITY.

(a) Privately Built Sewers. Unless undertaken unilaterally by the City as set forth in subsection (b) below, all sewer extensions within or without the City shall be paid for and constructed by the applicants or developer requesting such extension. Upon acceptance by the Administrator, the completed sewer extensions shall be dedicated to the City of Groveport and become public property. Privately Built Sewer projects shall be undertaken with the approval of the Administrator, and in accordance with sealed plans prepared by an engineering firm acceptable to the Administrator, a private developer may undertake construction of the sanitary sewer project as follows:

- (1) No sewers shall be installed unless authorized by a Developer's Agreement entered into between the City and the developer or applicants. Where sewers are installed by a developer or applicants and abut on parcels not owned by the developer or applicants not included in the agreement, the developer or applicants shall be entitled to recover Reimbursable Costs when such parcels are connected to the sewer within ten years after the completion of the sewer from the funds collected by the City for such connections pursuant to Section 925.05. The amount of the reimbursement shall be determined by multiplying the Front Footage or Adjusted Front Footage for each parcel as determined by Section 925.01(c) times the per foot Reimbursable Cost as determined by Section 925.01(h).
- (2) To be eligible for this reimbursement, the developer or applicants shall file with the Administrator within forty-five days after issuance of the Certificate of Completion the verified summary of Reimbursable Costs as defined in Section 925.01(h), unless such time frame is extended by the Administrator upon timely request of the developer.
- (3) In the event that an owner of a developed parcel does not connect to the constructed sewer within twelve months of the date of issuance of the Certificate of Completion, or if ordered to connect a developed parcel to the sewer by the County Sanitarian but does not timely pay for such connection as provided herein, then annual interest at the rate of two percent (2%) in excess of the blended interest rate otherwise paid by the City on its outstanding bonded indebtedness at the time of completion of

CHAPTER 933
Water Rates, Extensions and Fees

933.01	Definitions.	933.10	Owner's responsibility.
933.02	Rates established.	933.11	Water main extensions.
933.03	Rates inside City.	933.12	Charge for extension of water mains within the City.
933.04	Rates outside City.	933.13	Water capacity rates.
933.05	Meter service fee.	933.14	Charges for renewal of service.
933.06	Special charges.	933.15	Water surcharge and fund.
933.07	Private fire protection service.	933.99	Penalty.
933.08	Water main front foot connection charge.		
933.09	Billing, meter reading, terms of payment.		

CROSS REFERENCES

Power to provide and regulate water system - see Ohio R.C. 715.08, 717.01, 743.01

Compulsory water connections - see Ohio R.C. 729.06, 743.23

Tampering with water hydrants, pipes or meters; unauthorized connections - see Ohio R.C. 4933.22

Water supply- see OAC 4101:2-51-37

933.01 DEFINITIONS.

(a) "Administrator" means the Administrator of Groveport or their authorized agent. Specific reference is made herein to the contract executed between the City and the City of Columbus for water service and the specific authorities vested therein to the Director of Public Utilities of the City of Columbus. Authorized agent shall include the Director of Public Utilities of the City of Columbus.

(b) "City" means the City of Groveport, the Administrator or their authorized agent.

(c) "Front Foot" or "Front Footage" means the lot length abutting and closest to parallel with the water main sought to be tapped, whether installed in an adjacent road right-of-way or utility easement, determined as follows:

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- (1) When a parcel is to be served by a water main running through an adjacent parcel, but not along an adjacent road right-of-way, then Front Foot for that parcel shall be determined in accordance herewith as if the water main was installed in the road right-of-way upon which the parcel is addressed.
- (2) "Front Foot" or "Front Footage" shall be determined by the use of an engineer's scale applied to either the record drawings of the water main sought to be tapped on file in the office or on the basis of the Franklin County GIS maps in the Auditor's office in the event of irregular lots. The Front Foot calculations as determined by the City issuing the permit shall be final.

(d) "Permit" means a legal instrument requiring execution prior to approving a new water service connection, a transfer of accounts or a change in meter size.

(e) "Resident" means property owner within the City corporate limits. The words resident, owner, user, and consumer as used herein have the same meaning for purposes of this chapter.

(f) "Service connection" means the connection of all or any part of the service line to the tap.

(g) "Service line" means the line extending from the tap onto the premises to be served and shall include all the necessary pipes, lines and appurtenances from the tap to and including the meter.

(h) "Tap" means the connection to the water main and the necessary pipes or lines extending from the water main to and including the curb stop or valve and box.

(i) "Water service outside city" means water service furnished to consumers outside the corporate limits of the City. No new water service shall be extended outside the City limits without the express permission of the City of Columbus Director of Public Utilities.
(Ord. 2024-037. Passed 9-23-24.)

933.02 RATES ESTABLISHED.

The rates and charges for water and service furnished by the City to users and consumers and the terms and conditions governing the construction and financing of new mains shall be established and fixed as set forth in this chapter.
(Ord. 2024-037. Passed 9-23-24.)

933.03 RATES INSIDE CITY.

The rates for water supplied through meters to consumers within the Groveport Water System shall be determined based on the rates established by Ordinance by Council. The rates for water supplied by the City of Columbus shall be determined based on the rates established by the Columbus City Council.
(Ord. 2024-037. Passed 9-23-24; Ord. 2025-037. Passed 12-15-25.)



933.04 RATES OUTSIDE CITY.

Water rates and other charges for outside the City shall be the inside City rates plus seventy-five percent (75 %). Reference is made to Sections 933.03, 933.05, 933.06, 933.07, 933.08, and 933.13. (Ord. 2024-037. Passed 9-23-24; Ord. 2025-037. Passed 12-15-25.)

933.05 METER SERVICE FEE.

(a) When a permit is issued for a service connection or a change in meter size, the meter shall be installed by the City, with a meter service fee of the actual cost of the automatic reading meter.

(b) Where the meter is two inches or larger in nominal diameter, the fee shall be equal to the cost of the meter with installation to be made by the applicant under the inspection and approval of the Division of Water.

(c) The meter service fee, as set forth above, shall be reviewed each year by the Administrator who shall determine any needed adjustments based upon actual cost.

(d) All water meters, exclusive of deducting meters, shall be maintained by and remain the property of the City.
(Ord. 2024-037. Passed 9-23-24.)

933.06 SPECIAL CHARGES.

The following charges shall be paid for the specified special services furnished by the City:

- | | | |
|-----|---|-----------|
| (a) | Trip to turn off service for non-payment of account or as a result of fraud | 15.00 |
| (b) | Trip to notify of non-payment (door hanger) | 25.00 |
| (c) | Trip to turn on or off service at curb box at request of consumer | |
| | (1) During working hours | No Charge |
| | (2) After regular working hours | 30.00 |

(Ord. 2024-037. Passed 9-23-24; Ord. 2025-037. Passed 12-15-25.)

933.07 PRIVATE FIRE PROTECTION SERVICE.

(a) For all fire protection service installations made after the effective date of this chapter requiring a separate fire service line the consumer shall install at their expense, subject to the inspection and approval of the Administrator, all of the piping system necessary to extend from the consumer's system and connect to the City's existing water main.

(b) All separate fire service lines shall have installed, before service is established, an approved meter installation. Such meter and the installation shall meet the specifications and approval of the City and the entire installation shall be at the expense of the consumer. The applicable rates as prescribed in Section 933.03 and 933.04 shall be paid for metered fire service lines.

(c) The City reserves the right to order installation of a meter on an existing fire protection line upon violation of applicable ordinances and the rules and regulations of the City.

(d) No charge except the minimum charge shall be made for any measured water flow resulting from the use of water for fire-fighting purposes when such fire has been reported to the fire department serving the area involved.

(e) When a property is served with both a fire protection service and water service, the amount to be paid for the combined service shall be the charge computed by using the applicable commodity rate established in Section 933.03 and 933.04 and the minimum fire protection charge established in this section.

(f) When a property is served by more than one fire protection service and such service provides water to a common interconnected fire protection service, the service shall be considered a single fire protection service with the rates or charges to be based on the largest tap or meter.

(g) When a property is served with one or more fire protection services and one or more water services, the owner or contract holder may notify the Administrator at the time of application for service or as of January 1, of each year which commodity service shall be combined with such fire protection services for billing purposes. In the event no such notice is received, the Administrator shall make such determination.

(h) All outlets, except sprinkler heads, on unmetered fire protection service shall be sealed under the supervision of the Administrator. No person shall break a seal or withdraw water from any unmetered fire protection system, except in the case of a fire, without prior approval of the Administrator.

(i) Any additional amount of water capacity charge caused by the installation of residential fire protection sprinkling systems shall be abated and only the normal charge for residential water tap shall be made.
(Ord. 2024-037. Passed 9-23-24.)

933.08 WATER MAIN FRONT FOOT CONNECTION CHARGE.

Each applicant for a water tap, at the time of application, shall pay the sum of ten dollars (\$10.00) per front foot of the property to be served, provided further that this charge shall not be imposed if the owner of the property concerned can show that they or their predecessor in title paid, or is paying a special assessment for the construction of any of the existing water mains which provide such service, or at their own expense constructed any of the water mains which provide such service, and that any unencumbered funds may be used to improve, operate or maintain the system.

(Ord. 2024-037. Passed 9-23-24; Ord. 2025-037. Passed 12-15-25.)

933.09 BILLING, METER READING, TERMS OF PAYMENT.

(a) Billing. The City may render bills for water service on a quarterly basis. Payment of water and sewer bills shall be the responsibility of the property owner.

- (1) Billing dates shall be January 1, April 1, July 1, October 1, with rates established by Council.
- (2) A penalty of ten percent (10%) will be added if not paid by the third day of the first month after billing date, unless a Hardship Arrangement has been requested by the customer and approved by the Assistant Administrator/Finance Director

<u>Diameter of Water Tap (inches)</u>	<u>Water Capacity Charge</u>
3/4"	\$1,486
1"	2,331
1-1/2"	4,955
2"	7,927
3"	15,750
4"	25,126
6"	50,080
8"	80,249
10"	112,285
12"	217,285
16"	233,351

When there are separate taps for domestic and fire protection, the City collects the full tapping application fee for the domestic tap and five percent (5%) of the regular tapping fee for the fire line. (Ord. 2024-037. Passed 9-23-24; Ord. 2025-037. Passed 12-15-25.)

933.14 CHARGES FOR RENEWAL OF SERVICE.

In all cases where the Administrator has ordered a discontinuance of water service for a violation of any rule or regulation there shall be charged the fees prescribed in Section 933.07 for renewal of the water service.

(Ord. 2024-037. Passed 9-23-24.)

933.15 WATER SURCHARGE AND FUND.

(a) The City of Columbus is hereby authorized to directly bill those users who are on the Columbus water system and within the City of Groveport, Ohio, including any extensions of said city, a water surcharge. Said surcharge shall be an amount equal to fifteen percent (15%) of the water charges billed by the City of Columbus based on meter consumption of water and will be in addition to the regular water rate charged by the City of Columbus. Such surcharge shall apply to all bills rendered for billing periods beginning on and after January 1, 2017.

(b) That all money derived from said surcharge shall be credited to the water surcharge fund, established by Ordinance No. 16-023. Said fund shall be used for the payment of the cost of management, maintenance and repair of the water distribution system of this city. Any balance in such fund may be used for the construction and reconstruction of the water distribution system including repair and/or replacement of fire hydrants and for the payment of the interest on any debt incurred for the construction thereof.

(Ord. 2024-037. Passed 9-23-24.)

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933.99 PENALTY.

In addition to the civil penalties prescribed in this chapter and Chapter 929, whoever violates any provision of this chapter and Chapter 929 is guilty of a minor misdemeanor. Each day on which a violation occurs or continues shall be deemed a separate violation.
(Ord. 2024-037. Passed 9-23-24.)

NOTE: The next printed page is page 37.

939.16 CLASSIFICATION OF PROPERTY.

There shall be two classifications of property for determination of the stormwater management service charge:

- (a) Class R. One-family and two-family (i.e., a duplex home) residential properties, used solely as a residence.
- (b) Class C. All non-residential property and residential property not included in Class R. The total area (acres to the nearest 0.01) of each Class C property will be determined as defined in Section 939.01.
(Ord. 2024-037. Passed 9-23-24.)

939.17 CUSTOMER SERVICE CHARGE.

The Utility is directed to prepare a list of all lots and parcels within the City. The Utility shall report, to the City Administrator, any applications of the provisions of Sections 939.15 through 939.17, which the Utility considers unjust or inequitable, and the matter shall be resolved in accordance with the provisions of Section 939.20.

- (a) All properties having impervious area within the City of Groveport will be assigned an Equivalent Residential Unit (ERU) or a whole multiple thereof, with all properties having impervious area receiving at least one (1) ERU.
- (b) Class R Properties will be assigned one ERU. A flat rate will apply to all Single- Family and two-family duplex properties.
- (c) Class C Properties will be assigned an ERU whole multiple based upon the properties individual measured impervious area (in square feet) divided by 2760 square feet (1 ERU). This division will be calculated to the first decimal place and rounded to the nearest whole ERU according to mathematical convention.
- (d) The Customer Service Charge shall be prescribed in the rate schedule is as follows:
 - (1) \$2.25 per month per Equivalent Residential Unit (ERU) based on twelve (12) months per year applied to all bills rendered for billing periods beginning on and after January 1, 2025 until December 31, 2025;
 - (2) \$2.50 per month per Equivalent Residential Unit (ERU) based on twelve (12) months per year applied to all bills rendered for billing periods beginning on and after January 1, 2026 until December 31, 2026;
 - (3) \$2.75 per month per Equivalent Residential Unit (ERU) based on twelve (12) months per year applied to all bills rendered for billing periods beginning on and after January 1, 2027 until December 31, 2027;
 - (4) \$3.00 per month per Equivalent Residential Unit (ERU) based on twelve (12) months per year applied to all bills rendered for billing periods beginning on and after January 1, 2028 until December 31, 2028; and
 - (5) \$3.25 per month per Equivalent Residential Unit (ERU) based on twelve (12) months per year applied to all bills rendered for billing periods beginning on and after January 1, 2029.(Ord. 2024-037. Passed 9-23-24; Ord. 2025-037. Passed 12-15-25.)

939.18 CREDITS.

Credits or adjustments can be made to Class C properties' service charges for qualified property owners performing activities that reduce the impact of stormwater runoff to the stormwater system, as follows:

- (a) Education Credits.
 - (1) General Policies.
 - A. This program is available to all schools as defined in the zoning code, public or private that offer a compulsory education curriculum for grades pre-K through 12th grade or part thereof.

- B. Credits will be issued on a building complex by building complex basis.
 - C. Where a site is jointly used by a school and another use (e.g. church) the stormwater fee will be prorated based on usage and the credit will be issued to the school portion of the fee.
 - D. In no case will the total credit amount be more than the cap identified in Section 939.18(f)
- (2) Credits Available. Stormwater education credits of fifty percent (50%) of the stormwater bill may be granted for approved programs providing public awareness and education on stormwater issues as follows:
- A. Stormwater Educational Curriculum (e.g. Project WET and Project Aquatic WILD) integrated into standard curriculum for thirty-five percent (35%) of the students in the school, or;
 - B. Stormwater Educational Activities (e.g. essay contest, poster contest) with participation of thirty-five percent (35%) of the students, or;
 - C. Public Service Activities (e.g. Adopt a Road, Adopt a Stream or inlet stenciling) involving five percent (5%) of the students or utilizing student recruited adults. Where adults are recruited, they shall be credited with 3 equivalent students per each adult participant, or;
 - D. In Kind Services (e.g. web site development, brochure development, public service announcements, videos or other program related work) as approved by the City Administrator or their designee, or;
 - E. A combination of the above items for an equivalent student participation of thirty-five percent (35%) or as approved by the City Administrator or their designee.
- (3) Basic Procedures.
- A. In order to receive educational credits, the school will need to submit an application including an education plan. The application will be due by October 1, of each year. The plan shall be reviewed and approved by the City Administrator or their designee. Once approved, the credit shall be placed on the appropriate stormwater bill.
 - B. Upon completion of the educational plan or no later than October 1 of each year, the school shall submit an annual report indicating compliance with the approved plan. The annual report shall be broken down by the types of activities and indicate the number of participants. If the school did not substantially comply with the plan, the report will include an explanation of the failure and any needed corrective action. Other reporting requirements may be required as part of the plan approval and shall be included in the annual report.
 - C. The annual report will be reviewed by the City Engineer. If upon review, the school did not substantially comply with the approved plan, the City may:
 - 1. Require additional activities as a corrective action;

CHAPTER 1132
Certificate of Zoning Compliance

1132.01	Certificate of Zoning Compliance required.	1132.04	Review of landscaping plan.
1132.02	Application procedure.	1132.05	Issuance of certificates.
1132.03	Application fees authorized.	1132.06	Notice of denial.
		1132.07	Expiration date.

1132.01 CERTIFICATE OF ZONING COMPLIANCE REQUIRED.

(a) No occupied or vacant land shall be changed in its use in whole or part until the Certificate of Zoning Compliance shall have been issued by the Municipal Administrator or designee.

(b) No existing or new structure shall hereafter be changed in its use in whole or in part until the Certificate of Zoning Compliance shall have been issued by the Municipal Administrator or designee.

(c) This section shall in no case be construed as requiring a Certificate of Zoning Compliance in the event of a change in ownership, without a change in use or intended use, provided that no repairs, alterations, or additions are proposed for such building.

(d) **Building Permit:** No building permit for the extension, erection, or alteration of any building shall be issued before an application has been made and a Certificate of Zoning Compliance issued, and no building shall be occupied until such certificate is approved. (Ord. 19-011. Passed 4-22-19.)

1132.02 APPLICATION PROCEDURE.

(a) **Application for Certificates:** Each application for a Certificate of Zoning Compliance for new development shall be accompanied by a Plot Plan drawn by a register surveyor or a Professional Engineer in duplicate drawn to scale, one copy of which shall be returned to the owner upon approval. The plan shall show the following:

- (1) The actual dimensions of the lot including easements;
- (2) The exact size and location of all buildings existing on the lot;
- (3) The proposed new construction, additions or alterations;
- (4) The existing and intended use of all parts of the land and buildings; and
- (5) Such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this Zoning Ordinance.

(b) **Reasonable Substitute:** Note, the Municipal Administrator or his/her designee may, in his/her sole discretion, accept a Plot Plan that, while not drawn to scale nor prepared by a registered surveyor or professional engineer, never the less still provides the information required in Subsection (a) above, and as such, may be deemed a reasonable substitute therefore.

(c) **Zoning Verification:** Tenants can qualify for a zoning verification if the property has a change in tenancy with no exterior alterations, additions, or expansions of the existing structure, and whose use is the same as the previous tenant.
(Ord. 19-011. Passed 4-22-19.)

1132.03 APPLICATION FEES AUTHORIZED.

(a) An application for a Certificate of Zoning Compliance or other administrative review shall not be complete and no action shall be taken until all required fees, as approved by separate ordinance of City Council, shall be paid to address the costs of administration, investigation, advertising, and compliance, unless otherwise specified herein.

✓ (b) The Municipal Administrator or designee may require additional fees to defray Municipality expenses associated with the review of complicated or poorly-prepared Site Plans, Development Plans, or other Subdivision plans, including the need to retain a registered professional engineer, surveyor, architect, landscape architect, or other professional consultant to advise the Municipality on any or all aspects of the application.

(c) Additional fees will be charged for a tabled application - Amount equal to the original application fee.

(d) Once the application is placed on the agenda the fees shall be non-refundable.
(Ord. 19-011. Passed 4-22-19; Ord. 2025-037. Passed 12-15-25.)

1132.04 REVIEW OF LANDSCAPING PLAN.

(a) **Landscaping Plan Required:** Pursuant to Chapter 1176 (Landscaping Plan), any person seeking a Certificate of Zoning Compliance, Conditional Use approval, Site Plan approval, Development Plan approval, Subdivision Plat approval, Zoning Map Amendment, or Variance approval shall file with his application a Landscaping Plan drawn to scale and prepared in a professional manner which, by Plot Plan and description shall include:

- (1) The present location and size of all major trees, with a designation of major trees sought to be removed;
- (2) The location, size, and description of landscaping materials proposed to be placed on the lot in order to comply with this chapter;
- (3) The location and size of any structures presently on the lot, and those proposed to be placed on the lot;
- (4) The proposed location and description of screening and buffer yards proposed to be placed on the lot in order to comply with this chapter.

CHAPTER 1173
Group Housing

1173.01	Purpose.	1173.09	Application review and annual inspection.
1173.02	Definitions.	1173.10	Pre-existing group housing requirements.
1173.03	Group housing licensure required.	1173.11	Notice of violations; suspending operations.
1173.04	Life safety plan requirements.	1173.12	Denial or revocation of license.
1173.05	Property and insurance.	1173.13	Transfer of license.
1173.06	Off street parking requirements.	1173.99	Penalties.
1173.07	Maximum number of occupants.		
1173.08	Integration and dispersal.		

1173.01 PURPOSE.

Group housing licensure is required in order to provide for safe living conditions and adequate parking arrangements in group housing properties, and to ensure the preservation of the public peace, health, safety, and welfare throughout the City and within its residential neighborhoods. In order to prevent the creation of a de facto social service district and to avoid impacting either a residential block or a neighborhood, the City intends to provide that such homes do not exceed the limited capacity of a neighborhood's existing social structure to accommodate them. These provisions are also intended to avoid an over concentration of such homes which may inadvertently recreate an institutional like setting, and thus impede successful functioning of such homes. (Ord. 2024-032. Passed 10-14-24.)

1173.02 DEFINITIONS.

- As used in this chapter, except where the context clearly indicates a different meaning:
- (a) "Group Housing" shall be construed consistently with the definition provided in Section 1102.02 and this Chapter 1173. Group housing includes a Boarding House, Recovery Housing Residence, Supervised Group Living and Short-Term Rentals.
 - (b) "Pre-existing non-conforming use" means a lawful group housing use that was in existence and legally operating on or up to six months prior to the effective date of this chapter.
- (Ord. 2024-032. Passed 10-14-24.)

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1173.03 GROUP HOUSING LICENSURE REQUIRED.

(a) No property owner shall operate or permit to be operated group housing without having a valid license from the City of Groveport to do so as hereinafter provided.

(b) Every property used for group housing must obtain a license before beginning operation except as otherwise provided in Section 1173.09(a).

(c) Owners of property used for group housing must register group housing properties with the City of Groveport.

✓ [(d) Group housing owners must remit a one hundred twenty-five dollar (\$125.00) fee and obtain an annual license in the name of the property owner for the operation of group housing in the City, on a registration form approved by the Municipal Administrator or their designee.

(e) Every group housing license shall expire on January 31 following its date of issuance.

(f) The group housing license shall be displayed in a conspicuous place within the group housing at all times.

(g) No group housing license may be issued without the written endorsement of the Municipal Administrator or the Administrator's designated representative.

(h) No group housing license may be issued for a group housing property that is not in compliance with the requirements of this chapter, the charter, ordinances, rules and regulations of the City of Groveport and all other applicable laws, rules and regulations, including all licenses and certifications required by any other governmental agency for the residents served at the time of the application and issuance of the license.

(i) Any group housing use that requires a certificate, licensure or registration with any other governmental entity shall file such current and valid documents with its City of Groveport licensure. (Ord. 2024-032. Passed 10-14-24; Ord. 2025-037. Passed 12-15-25.) ✓

1173.04 LIFE SAFETY PLAN REQUIREMENTS.

A life safety plan shall be submitted for initial approval of the group housing license. The life safety plan shall include the following considerations except as otherwise required by the building code:

- (a) Provision of working smoke and carbon monoxide alarms in all bedrooms and common rooms;
- (b) Fire extinguishers placed prominently in kitchens;
- (c) Handrails on all exterior steps.
- (d) A copy of an evacuation diagram.
(Ord. 2024-032. Passed 10-14-24.)

1173.05 PROPERTY AND INSURANCE.

The applicants for all group housing shall submit the following information to the City of Groveport for the initial approval and renewal of a group housing license:

(2) Building permit fee:

A. \$345.00 plus \$5.75 per 1 00 square feet or any fraction thereof.
delete space → Multi-family \$345.00 for the first unit and \$230.00 for each additional unit per building.

✓ B. Warehouse Racking: (not including mezzanines), stand alone demising walls and other similar alterations when approved by the Building Official: one hundred seventy two dollars and fifty cents (\$172.50) plus sixty cents (\$.60) for each lineal feet of wall or single row of racking. (Not more than 2 sections of racking back to back shall be considered a single row).

C. Pole or Ground Signs shall be \$100.00 per sign
 Wall or projection signs shall be \$50.00 per sign

✓ (e) Requirement of Ohio 3% Fees. In accordance with and pursuant to S.B. 359 and Rule 410 I :2-1-50 of the Ohio Administrative Code adopted by the Board of Building Standards, the City shall collect for the Board a fee of three percent (3%) for the acceptance and approval of plans and specifications and for the making of all inspections pursuant to Ohio R.C. 378 1.1 02(f)(1) and remit such fees monthly within sixty days of the close of such month for those structures governed by the Ohio Building Code.

(f) Development/Recreation Fee: Fee shall be collected and deposited into the City park escrow account. Said fee shall be used for the maintenance and development of park lands within the City.

Commercial - \$230.00 per acre or fraction thereof, plus \$.03 per square foot of building.

Residential - \$230.00 for each unit.

(g) Replacement Permit Fee:

\$57.50 replacement fee for building permits, sign off cards or approved plans.

(h) Demolition Permit Fee:

\$57.50 demolition permit fee for residential or commercial.

(Ord. 14-044. Passed 10-27-14; Ord. 2025-037. Passed 12-15-25.)

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1321.04 PERMITS REQUIRED; QUALIFICATIONS.

(a) No person shall commence to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish any building or structure in the City or cause the same to be done, without first obtaining a separate permit for each such building or structure from the Building Inspector.

(b) No building permit shall be issued until a grading plan showing existing and proposed grades and drainage from or onto adjacent property has been approved by the City Engineer.

(c) No building permit shall be issued to any person, firm or corporation who is in violation of this Building Code, who is under citation by the Inspector for any violation of the Building Code, or who has willfully failed to comply with a lawful order of the Inspector.
(Ord. 08-034. Passed 6-23-08.)

1321.05 PERMIT APPLICATION.

To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished for that purpose. Each application shall:

- (a) Describe the land on which the proposed work is to be done, by lot, block, tract, house and street address or similar description that will readily identify and definitely locate the proposed building or work;
- (b) Show the use or occupancy of all parts of the building;
- (c) Be accompanied by plans and specifications as are required in Section 1321.07(a);
- (d) State the valuation of the proposed work;
- (e) Give all other information as reasonably may be required by the Building Inspector.
(Ord. 08-034. Passed 6-23-08.)

1321.06 CHANGES.

If, during the prosecution of work under a permit, it is necessary to make any changes in the plans or contract, the permit holder shall notify the Building Inspector in writing of the proposed changes. If approved, the changes shall be added to the original permit file, and if the square footage of the work is thereby increased so much as to require a higher permit fee, the additional sum shall be collected in accordance with the schedule set forth herein.
(Ord. 08-034. Passed 6-23-08.)

1321.07 PLANS; SPECIFICATIONS; CONSTRUCTION LAYOUT; EXCEPTIONS.

(a) Each application for a permit regulated by the Ohio Building Code shall be accompanied by four sets of plans and specifications. Each application for a permit regulated by the residential building code shall be accompanied by two sets of plans and specifications.

(b) Plans and specifications for buildings shall be prepared by a licensed architect, engineer or qualified draftsman and be drawn to scale upon a substantial paper or cloth of sufficient clarity to indicate the nature and extent of the work proposed and to show in detail that it will conform to the provisions of the Building Code and all relevant laws, ordinances, rules and regulations. The first sheet of each set of plans shall give the lot number and subdivision name, the street address of the work and the name of the owner or agent and person who prepared them. Plans shall include a plot plan signed by a registered surveyor showing the location of the proposed building and of every existing building adjacent on the property.

(c) The outline of the proposed building shall be staked out on the ground by a registered surveyor with sufficient permanency that the Inspector may determine that the footers and walls are constructed according to the layout stakes.
(Ord. 08-034. Passed 6-23-08.)

1321.08 EFFECT OF PERMIT ISSUANCE.

(a) The issuance of granting of a permit or approval of plans and specifications shall not be construed to be a permit for an approval of any violation of any provisions of the Building Code.

(b) The issuance of a permit based upon plans and specifications shall not prevent the Building Official from thereafter requiring the correction of errors in such plans and specifications or from preventing building operations being carried on thereunder when in violation of the Building Code or any other ordinances of the Village.
(Ord. 08-034. Passed 6-23-08.)

1321.09 PERMIT EXPIRATION.

(a) A permit under which no work is commenced within six months after issuance or under which work is commenced and later discontinued for at least six months shall expire by limitation and a new permit shall be secured before work is started or resumed, as the case may be. Money paid therefore, shall in no case be refunded unless such permit is not used and is returned within six months after the date of issuance. All plan review fees are nonrefundable.

(b) A permit application that has been disapproved during plan review and has not been resubmitted for approval within a period of six months from the disapproval shall be void and a new application shall be submitted for approval. Money paid therefore, shall in no case be refunded unless such refund is requested in writing by the applicant within six months after the disapproval. All plan review fees are nonrefundable.
(Ord. 08-034. Passed 6-23-08.)

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1321.10 FEES REQUIRED; DOUBLE FEES.

(a) Any person desiring to do or cause to be done any work for which a permit is issued shall pay to the Director of Finance a fee in the amount fixed by this Building Code.

✓ [(b) Where work for which a permit is required by the Building Code is started or proceeded with, prior to obtaining such a permit, the fees shall be doubled. The payment of double fees shall not relieve any persons from fully complying with requirements of the Building Code in the execution of the work nor from any other penalties prescribed.

✓ [(c) When extra inspections are required because of work being found not in accordance with the provisions of the Building Code or because of inaccurate information furnished by the applicant for a permit, a reinspection fee of (\$57.50) may be charged for each additional trip made by the inspector. (Ord. 08-034. Passed 6-23-08; Ord. 2025-037. Passed 12-15-25.) ✓

1321.11 USE OR OCCUPANCY; CERTIFICATES REQUIRED.

(a) Nonresidential. No new building or structure in a nonresidential classification shall be used or occupied and no change in the existing occupancy of any building or structure or portion thereof shall be made until the Building Official has issued a Certificate of Occupancy therefor as provided herein.

(b) Residential. No building or structure, or any portion thereof, used or intended for use as a private residence or apartment dwelling shall be so used or occupied until the Building Official has issued a Certificate of Occupancy therefor.

(c) Certificate of Occupancy. No builder, general contractor, owner or tenant shall knowingly permit a building or structure as described in subsection (a) and (b) hereof to be used or occupied until such time as there has been issued a Certificate of Occupancy. (Ord. 08-034. Passed 6-23-08.)

1321.12 REQUIREMENTS FOR CERTIFICATE OF OCCUPANCY. (REPEALED)

EDITOR'S NOTE: Former Section 1321.12 was repealed by Ordinance 2006-070, passed November 27, 2006.

1321.13 CERTIFICATE ISSUANCE. (REPEALED)

EDITOR'S NOTE: Former Section 1321.13 was repealed by Ordinance 2006-070, passed November 27, 2006.

1321.14 REQUIREMENTS FOR TEMPORARY CERTIFICATE. (REPEALED)

EDITOR'S NOTE: Former Section 1321.14 was repealed by Ordinance 2006-070, passed November 27, 2006.

1321.15 POSTING.

The Certificate of Occupancy shall be posted by the builder, owner or general contractor in a conspicuous place on the premises and shall not be removed except by the Building Official. (Ord. 08-034. Passed 6-23-08.)

1321.16 CERTIFICATE OF OCCUPANCY FEES.

✓ [(a) The fee for a Certificate of Occupancy for single family dwellings shall be one hundred thirty eight dollars (\$138.00) and is nonrefundable.

✓ [(b) The fee for a Certificate of Occupancy for multi-family dwellings shall be one hundred seventy two dollars and fifty cents (\$172.50) for the first unit and fifty seven dollars and fifty cents (\$57.50) for each additional unit per building.

(c) The fee for a Certificate of Occupancy for nonresidential structures shall be two hundred thirty dollars (\$230.00) per unit or tenant space and is nonrefundable.

(d) The fee for a Temporary Certificate of Occupancy for one, two and three family dwelling shall be eighty-six dollars and twenty five cents (\$86.25) per unit and is nonrefundable.

(e) The fee for a multifamily dwellings four family and up and nonresidential temporary, partial or time limited certificate of occupancy shall be two hundred thirty dollars (\$230.00) per unit or tenant space.

(f) Temporary, partial or time limited certificates of occupancy are valid for a period of thirty days and can only be extended when approved by the Building Official and upon repayment of the temporary occupancy fee. (Ord. 08-034. Passed 6-23-08; Ord. 2025-037. Passed 12-15-25.)

1321.17 ELECTRICAL PERMITS; FEE; REVOCATIONS.

(a) Permits. No person shall commence or proceed with the installation, alteration or repair of any electrical equipment in or about any building in the City without first obtaining from the Building Department, a permit to do such work. No permit shall be required for such work as repairing drop cords, repairing existing heating, ventilating, air conditioning and refrigerating equipment, and provided that in cases where an emergency or urgent necessity exists such electrical work may be proceeded with, prior to the obtaining of a permit, if a person obtains the necessary permit as soon as the office of the Building Official is open for business. Correct information shall be furnished by the applicant for a permit on blanks furnished by the Building Official, giving the location of the premises, by house number, where work is to be done, name of owner, number of outlets or fixtures, motors or other equipment and any other information pertaining to the work that may be required.

(b) The fee for a new one, two and three and multifamily dwellings shall be one hundred twenty six dollars and fifty cents (\$126.50) per unit.

(c) Fees. The base fee for all work not included in subsection (b) shall be thirty four dollars and fifty cents (\$34.50) plus the following:

- (1) The service entrance fee shall be thirty-five cents (\$.35) per ampere rating of the switch for each permanent and/or temporary service and/or sub-panel.
- (2) The first 100 outlets and fixtures, including switches, motors, appliances and receptacles shall be sixty cents (\$.60) each. Over 100 outlets and fixtures including switches and receptacles shall be fifty cents (\$.50) each.
- (3) Connected solid \$2.50 each, including motors, rectifiers and air conditioners.
- (4) Radiant panel heater and baseboard heaters: Radiant panel heater up to ten shall be twenty five dollars (\$25.00) per panel; for over ten panels shall be five dollars (\$5.00) each unit; Maximum fee for any one dwelling unit shall be forty dollars and twenty-five cents (\$40.25).
- (5) Generators, each (temporary or permanent) seventy five dollars (\$75.00)

(d) Each permit issued by the Building Official shall be subject to revocation by the Building Official whenever it appears that such work is being constructed as to violate any of the terms or conditions of this Building Code, or any other subsection hereof or any State statute relating to the installation of electrical work in buildings. Revocation of the permit shall be in writing and served upon the owner or upon the superintendent or contractor in charge of the work and posted upon the building or structure for which such permit was granted. From and after revocation of the permit and the posting of such notice, all work of every kind and character that will prevent or obstruct the necessary changes or additions to the electrical work on such building or structure, shall be discontinued. (Ord. 08-034. Passed 6-23-08; Ord. 2025-037. Passed 12-15-25.)

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1321.18 SITE INSPECTION PRIOR TO COVERING.

All electrical wire conduit outlets, receptacles, switches and circuit breakers shall be installed on the job site and no drywall or wall covering shall be installed until same has been inspected. (Ord. 08-034. Passed 6-23-08.)

1321.19 HEATING, VENTILATING AND AIR CONDITIONING PERMITS.

(a) Permit Required. Upon checking for compliance with this chapter or any other ordinance governing such work, an approval of the plant, a heating, ventilating, air conditioning or portable heating appliance permit, shall be secured from the Building Department by the holder of a license to do such work, or by the firm or corporation employing a holder of such license or by an owner on his own residence, before any work is started on the installation, upon payment of the fee as required in subsection (b) hereof, and the permit or copy thereof shall be posted at the site at all times during the course of construction.

This permit shall be required to install or replace any heating, ventilating or air conditioning unit, or to add any air outlets or heating units, including central heating plant, conversion burner, direct-fired unit heater, space heater, portable heating appliance and floor furnace.

(b) Space Heating Appliances. The permit fee for the installation or replacement of each space heating appliance, is based on BTU input for warm air furnaces unless otherwise stated, including duct work, boilers, commercial conversion burners and commercial dryers.

(c) Fee Schedule.

(1) Residential:

- A. The fee for a new residential one, two, three and multifamily dwellings shall be \$115.00 per unit.
- B. Replacement Heating (warm air, heat pump, etc.) \$34.50
- C. Replacement Cooling: \$34.50
- D. When installing heating and cooling at the same time: \$57.50
- E. Alterations to an existing system: \$28.75
- F. Minimum fee shall be \$25.00

NOTE: Each unit in a multi-family dwelling shall be considered as a single unit and permitted as such.

(2) Commercial.

Warm air furnaces and boilers:
 Up to 100,000 BTU or 29,300 watts 46.00
 101,000 to 200,000 BTU or 58.6 KW 69.00
 201,000 to 300,000 BTU or 87.9 KW 80.50
 Over 300,000 BTU or 87.9 KW add \$23.00 for each additional 100,000 BTU
 Building Service Piping base fee \$50.00; plus .50 per each lineal foot of piping
 RTU's per unit \$50.00

(3) Electrical perimeter radiant heating: The fee for electric baseboard or radiant heating shall be based on the total wattage as set forth above.

(4) Heat pumps:

Less than 10 tons \$80.00
 Over 10 tons \$120.00

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- (5) Air conditioning systems:
 5 tons and below, per unit \$50.00
 Over 5 tons, per unit \$95.00
Product Refrigeration
 Less than 5 tons \$50.00
 5-10 tons \$80.00
 11-20 tons \$110.00
 each additional ton over 20 shall be \$5.00 per ton
- (6) Ventilating systems:
 5,000 or less cfm \$40.00
 over 5,000 cfm \$60.00
- (7) Commercial alterations where unit is not being changed:
 Per opening \$28.75
- (8) Fireplaces and chimneys: Masonry, prefabricated, solid fuel fireplaces either free-standing or constructed exposed against wall, will be considered as a heating appliance and require a permit fee. \$34.50

NOTE: Flues extended above roof more than three feet or exposed to exterior shall be encased in a decorative chase matching in appearance the exterior finish of the dwelling or structure. (Ord. 08-034. Passed 6-23-08; Ord. 2025-037. Passed 12-15-25.)

1321.20 FIRE SUPPRESSION SYSTEM.

No person shall commence or proceed with the installation of any fire suppression system without first obtaining from the Building Department a permit to do such work and paying the appropriate fee therefore. The fee for an automatic sprinkler or other fire suppression systems shall be:

- (a) One hundred seventy two dollars and fifty cents (\$172.50) base processing fee; plus twenty five cents (\$.25) per head fee.
 Maximum Permit fee two thousand five hundred dollars (\$2,500.00)
- (b) One hundred seventy two dollars and fifty cents (\$172.50) plus three dollars and seventy cents (\$3.70) per 100 square foot gross for plan examinations. The maximum plan review fee for a fire suppression permit shall be three thousand four hundred fifty dollars (\$3,450.00).
 (This fee includes the original submittal and one (1) resubmittal).
- (c) Commercial kitchen hood suppression systems. One hundred seventy two dollars and fifty cents (\$172.50) processing fee plus one hundred seventy two dollars and fifty cents (\$172.50) plan review fee. (Includes original submittal and (one) 1 resubmittal; additional resubmittal shall be seventy five dollars (\$75.00) per submittal). (Ord. 08-034. Passed 6-23-08; Ord. 2025-037. Passed 12-15-25.)

1321.21 FIRE ALARM SYSTEMS.

No person shall commence or proceed with the installation of any fire alarm system without first obtaining from the Building Department a permit to do such work and paying the appropriate fee therefore. The fee for a fire alarm system shall be:

- (a) Permit fifty seven dollars and fifty cents (\$57.50) plus four dollars and sixty cents (\$4.60) for each device, including but not limited to: horn strobe horns, strobes, smoke detectors, flow switches, pull stations, tamper switches, alarm panels, remote key pads, door releases and dampers.
- (b) Plan review fee, one hundred seventy two dollars and fifty cents (\$172.50) plus one dollar and fifteen cents (\$1.15) for each device. (Includes original submittal and (one) 1 resubmittal; additional resubmittal shall be seventy five dollars (\$75.00) per submittal). (Ord. 08-034. Passed 6-23-08; Ord. 2025-037. Passed 12-15-25.)

1321.22 TENTS/ MEMBRANE STRUCTURES/AWNINGS/CANOPIES.

No person shall erect, operate or maintain any tent or membrane structure for any purpose without first obtaining a permit from the Building Department. Exception: Temporary tents or membrane structures that are incidental to a residential use or used exclusively for recreational camping purposes.

Permit fees: Processing fee: fifty seven dollars and fifty cents (\$57.50) plus a per structure fee of fifteen dollars (\$15.00) each. Plan review fee: one hundred seventy two dollars and fifty cents (\$172.50) plus eighty six dollars and twenty five cents (\$86.25) for each hour or portion thereof of review time exceeding two hours.

(Ord. 08-034. Passed 6-23-08; Ord. 2025-037. Passed 12-15-25.)

1321.23 AFTER HOURS INSPECTIONS.

Any permit holder may request an after hours inspection. Such inspection may be approved by the Building Official when an emergency condition exists or when special or unusual circumstances prohibit an inspection during normal hours. An after hour's inspection fee shall be charged and base fee paid prior to the inspection: Fee: fifty seven dollars and fifty cents (\$57.50) base plus fifty seven dollars and fifty cents (\$57.50) per hour per inspection.

(Ord. 08-034. Passed 6-23-08; Ord. 2025-037. Passed 12-15-25.)

1321.24 LANDSCAPE PLAN REVIEW.

(EDITOR'S NOTE: See Section 1322.02(h) for Landscape Plan Review fee.)

1321.25 SPECIAL FLOOD HAZARD AREA DEVELOPMENT PERMIT.

Permit fee shall be seventy five dollars (\$75.00) plus engineer review fees as determined by engineer. (Ord. 08-034. Passed 6-23-08; Ord. 2025-037. Passed 12-15-25.)

1321.26 WAIVER.

(a) The fees mentioned in this chapter and 925.03(d) and 933.14 may be waived under the following conditions:

- (1) If they are fees of another political subdivision and the assessment of fees would merely be a transfer of assets between two political subdivisions.

(b) Any proposal for waiver of fees shall be by ordinance.
(Ord. 08-034. Passed 6-23-08.)

1321.27 CREDIT/DEBIT CARD CONVENIENCE FEES.

(a) Convenience fees for credit/debit card transactions shall be three and a half percent (3.50%) for each card payment or fifty cents (\$0.50), whichever is greater.

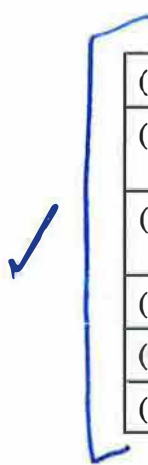
(b) Convenience fees for credit/debit card transactions processed through manual terminals or on-line payments located at the Recreation and Community Affairs Departments shall be a fixed fee percentage of three percent (3.0%).

(Ord. 2025-029. Passed 8-25-25; Ord. 2025-037. Passed 12-15-25.)

(b) Zoning Amendments/Planned Unit Development (PUD).

(1) Straight Letter District	
A. Residential	\$150.00 plus \$25.00/acre
B. Non-residential	\$250.00 plus \$25.00/acre
(2) PUDS	
A. Without Development Plan	\$250.00 plus \$25.00/acre
B. Development Plan	\$350.00 plus \$25.00/acre
C. Modification of Development Plan	\$150.00
(c) <u>Use Variance (Council).</u>	\$150.00
(d) <u>Board of Zoning Appeals Variances.</u>	
(1) Owner occupied 1, 2, 3 family, residential uses (per dwelling unit)	\$50.00
(2) Non-Residential and Multi-Family Uses	\$150.00
(3) Modification of Non-Conforming Use	\$150.00
(4) Appeal of district determination or interpretation	\$75.00
(e) <u>Conditional Use Permit.</u>	
(1) Residential Uses	\$75.00
(2) Non-Residential and Multi-Family Uses	\$150.00
(f) <u>Sign Permits.</u>	
(1) Permitted signs in residential zoning districts	\$25.00/sign
(2) Permitted signs in non-residential zoning districts	
A. Permanent	\$50.00/Sign
B. Temporary - Exempt; civic, religious, educational	\$25.00/Sign

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(g) <u>Residential or Commercial Subdivision Plats.</u>	
(1) Preliminary Subdivision Plat	\$150.00 plus \$5.00/lot
(2) Final Subdivision Plat	\$250.00 plus \$10.00/lot
(3) Subdivision Without Plat (includes lot split)	\$100.00/lot
(4) Amendment to Plat	\$150.00
(h) <u>Landscape Plan Review</u>	\$250.00

(Ord. 19-012. Passed 4-22-19; Ord. 2025-037. Passed 12-15-25.)



CHAPTER 1331
Driveways, Sidewalks, Curb Ramps and Curb Cuts

1331.01	Plans and specifications.	1331.04	Compliance required.
1331.02	Inspections.	1331.05	Mountable curbs.
1331.03	Permit; fee	1331.99	Penalty.

CROSS REFERENCES

Power to establish and care for streets - see Ohio R.C. 715.19, 717.01, 723.01
 Digging, excavating and piling earth on streets - see Ohio R.C. 5589.10
 Street design standards - see P. & Z. 1117.01

1331.01 PLANS AND SPECIFICATIONS.

(a) All driveway approach construction, sidewalk, curb ramps and curb cut construction shall be made in accordance with the plans and specifications for driveways, sidewalks, curb ramps and curb cuts, a copy of which is on file in the office of the Building and Zoning Department and which is made a part hereof as if fully written herein. Such plans and specifications shall apply only where the street and curb grades are already determined and actually constructed, or to be constructed, at the time the curb or driveway approach is put in, and within the public right of way.

(b) The Building Inspector shall attach a copy of the plans and specifications to each building permit issued by him. (Ord. 2003-060. Passed 7-28-03.)

1331.02 INSPECTIONS.

The owner, builder or contractor making or replacing a curb cut, reconstructing, constructing a driveway approach, sidewalk or curb ramp in the City shall inform the Building Inspector, who shall thereupon inspect the project, after the forms are in place and before the concrete is poured. (Ord. 2003-060. Passed 7-28-03.)

1331.03 PERMIT; FEE.

(a) No person shall make, replace or construct any sidewalk, curb ramp, driveway or entrance from any public street or alley of the City across and over any sidewalk or curb upon any public street or alley, and to any private property bounding or abutting on any such street or alley, without first obtaining from the Building and Zoning Department a permit to do so for which a fee of twenty-five dollars (\$25.00) thereafter shall be paid to the City.

(b) All permits herein provided for shall become void ninety days from the date of the issuance, and any money paid thereof shall in no case be refunded unless such permit is not used and is returned within ninety days after the date of issuance.
 (Ord. 2003-060. Passed 7-28-03; Ord. 2025-037. Passed 12-15-25.)

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1331.04 COMPLIANCE REQUIRED.

No person shall make or construct any side drive or entrance over or across any sidewalk from any street or alley in or to any private property, as provided in Section 1331.03 which is not in conformity with the general plans and specifications governing the making and construction of such entrances and side drives on file in the office of the Administrator and not in accordance with the specific orders and directions of the Building Inspector under whose supervision and control such entrances and side drives shall be made.
(Ord. 2003-060. Passed 7-28-03.)

1331.05 MOUNTABLE CURBS.

(a) Mountable curbs shall be permitted within the City on cul-de-sac streets upon the approval of the Engineer.

(b) All mountable curbs shall meet the specifications set forth in Exhibit A, attached to Ordinance 22-74, passed April 22, 1974.
(Ord. 2003-060. Passed 7-28-03.)

1331.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a minor misdemeanor. Each day on which a violation occurs or continues shall be deemed a separate offense.
(Ord. 2003-060. Passed 7-28-03.)

Standard Reference Number	Title	Referenced in Code Section Number
ASME	American Society of Mechanical Engineers Three Park Avenue New York NY 10016-5990	
A17.1/CSA B44-2007	Safety Code for Elevators and Escalators	606.1
ASTM	ASTM International 100 Barr Harbor Drive West Conshohocken, PA 19428-2959	
F1346-91 (2003)	Performance Specifications for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs	303.2
ICC	International Code Council 500 New Jersey Avenue N.W. 6th Floor Washington, D.C. 20001	
IFGC - 06	International Fuel Gas Code ®	102.3
NFPA	National Fire Protection Association 1 Batterymarch Park Quincy, MA 02269	
25-08 70-08		704.1.1 102.4, 201.3, 604.2
OBBS	Ohio Board of Building Standards 6606 Tussing Road Reynoldsburg, OH 43068	
OBC-07	Ohio Building Code	102.3, 201.3, 401.3, 702.3
OMC-07	Ohio Mechanical Code	102.3, 201.3
OPC-07	Ohio Plumbing Code	201.3, 505.1, 602.2, 602.3
RCO-06	Residential Code of Ohio	102.3, 201.3
VOG	City of Groveport 655 Blacklick Street Groveport, OH 43125	
GZC	Groveport Zoning Code	102.3, 201.3

Adopt Appendix A
(Ord. 12-029. Passed 6-25-12; Ord. 2025-037. Passed 12-15-25.)

1381.99 PENALTY.

Whoever violates any provision of this chapter, unless otherwise provided, is guilty of a minor misdemeanor. Each day on which a violation occurs or continues shall be deemed a separate offense.

**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 and 3743.48, a licensed wholesaler of fireworks as authorized by Ohio R.C. 3743.15 to 3743.21 and 3743.48, a shipping permit holder as authorized by Ohio R.C. 3743.40, a licensed fountain device retailer as authorized by Ohio R.C. 3743.27, a person as authorized by Ohio R.C. 3743.44, 3743.45 and 3743.48, or a licensed exhibitor of fireworks as authorized by Ohio R.C. 3743.50 to 3743.55 and Section 1519.02, or as authorized by any municipal ordinance that is substantially equivalent to any of these statutes, and except as provided in Section 1519.05 or a substantially equivalent municipal ordinance. (ORC 3743.64)

(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. No person under eighteen years of age shall enter a fireworks sales showroom unless that person is accompanied by a parent, legal guardian, or other responsible adult. No person under eighteen years of age shall touch or possess fireworks on a licensed premises without the consent of the licensee. A licensee may eject any person from a licensed premises that is in any way disruptive to the safe operation of the premises. (Ord. 15-022. Passed 5-11-15.)

(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)

1519.05 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 fuses, 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; Ord. 15-022. Passed 5-11-15.)

1519.06 SEPARATION DISTANCES FOR PUBLIC DISPLAYS. (REPEALED)

(EDITOR'S NOTE: Former Section 1519.06 was repealed by Ordinance 15-022, passed May 11, 2015.)

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); Ord. 15-022. Passed 5-11-15.)