

COPY

ORDINANCE NO. 92-03

AN ORDINANCE ESTABLISHING A "DRUG LAW ENFORCEMENT FUND"
PURSUANT TO SECTION 2925.03 O.R.C. AND DECLARING IT AN EMERGENCY.

WHEREAS, Section 2925.03 O.R.C. requires the establishment of a "Drug Law Enforcement Fund" in order to receive and use funds created by the application of Section 2925.03, and;

WHEREAS, Council has determined that such a fund should be created in order to take advantage of any funds that will become available through the application of the statute;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Mendon, County of Mercer, State of Ohio,

SECTION ONE

THAT the Clerk-Treasurer be and is hereby authorized to establish a "Drug Law Enforcement Fund" within the Corporation Funds to be used pursuant to the guidelines set forth in Section 2925.03 (J)(1) O.R.C..

SECTION TWO

THAT said "Drug Law Enforcement Fund" shall be funded with those fines levied through the application of Section 2925.03 O.R.C. which were generated by the activity and involvement of the Mendon Police Department.

SECTION THREE

THAT this Ordinance shall be declared an emergency measure immediately necessary for the preservation of the public peace, health, safety, and welfare and for further reason that funds have already been generated under this section.

PASSED this 4th day of April, 1992

David Bowling
MAYOR

ATTEST:

Kim D. Hayward
CLERK-TREASURER

CODIFIED ORDINANCES OF MENDON

PART THREE - TRAFFIC CODE

PART FIVE - GENERAL OFFENSES CODE

Complete to December 1, 1993

CODIFIED ORDINANCES OF MENDON

PART THREE - TRAFFIC CODE

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Chap. 303. Enforcement, Impounding and Penalty.

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TITLE THREE - Streets and Traffic Control Devices

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301.01 MEANING OF WORDS AND PHRASES.

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

301.02 AGRICULTURAL TRACTOR.

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

301.03 ALLEY.

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

301.04 BICYCLE; MOTORIZED BICYCLE.

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

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

301.05 BUS.

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

301.06 BUSINESS DISTRICT.

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

301.07 COMMERCIAL TRACTOR.

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

301.08 CONTROLLED-ACCESS HIGHWAY.

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

301.09 CROSSWALK.

"Crosswalk" means:

- (a) That part of a roadway at intersections ordinarily included within the real or projected prolongation of property lines and curb lines or, in the absence of curbs, the edges of the traversable roadway;
- (b) Any portion of a roadway at an intersection or elsewhere, distinctly indicated for pedestrian crossing by lines or other markings on the surface;
- (c) Notwithstanding subsections (a) and (b) hereof, there shall not be a crosswalk where authorized signs have been placed indicating no crossing. (ORC 4511.01(LL))

301.10 DRIVER OR OPERATOR.

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

301.11 EMERGENCY VEHICLE.

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

301.12 EXPLOSIVES.

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

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

301.13 EXPRESSWAY.

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

301.14 FLAMMABLE LIQUID.

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

301.15 FREEWAY.

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

301.16 GROSS WEIGHT.

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

301.17 INTERSECTION.

"Intersection" means:

- (a) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

- (b) Where a highway includes two roadways thirty feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. If an intersecting highway also includes two roadways thirty feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection.
- (c) The junction of an alley with a street or highway, or with another alley, shall not constitute an intersection.
(ORC 4511.01(KK))

301.18 LANED STREET OR HIGHWAY.

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

301.19 MOTORCYCLE.

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

301.20 MOTOR VEHICLE.

"Motor vehicle" means every vehicle propelled or drawn by power other than muscular power, except motorized bicycles, road rollers, traction engines, power shovels, power cranes and other equipment used in construction work and not designed for or employed in general highway transportation, hole-digging machinery, well-drilling machinery, ditch-digging machinery, farm machinery, trailers 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 of twenty-five miles per hour or less, threshing machinery, hay-baling machinery, agricultural tractors and machinery used in the production of horticultural, floricultural, agricultural and vegetable products 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))

301.21 PARK OR PARKING.

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

301.22 PEDESTRIAN.

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

301.23 PERSON.

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

301.24 POLE TRAILER.

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

(ORC 4511.01(O))

301.25 POLICE OFFICER.

"Police officer" means every officer authorized to direct or regulate traffic, or to make arrests for violations of traffic regulations.

(ORC 4511.01(Z))

301.26 PRIVATE ROAD OR DRIVEWAY.

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

301.27 PUBLIC SAFETY VEHICLE.

"Public safety vehicle" means any of the following:

- (a) Ambulances, including private ambulance companies under contract to a municipal corporation, township or county and private ambulances and transport vehicles bearing license plates issued under Ohio R.C. 4503.49;
- (b) Motor vehicles used by public law enforcement officers or other persons sworn to enforce the criminal and traffic laws of the State or the Municipality;
- (c) Any motor vehicle when properly identified as required by the Ohio Director of Public Safety, when used in response to fire emergency calls or to provide emergency medical service to ill or injured persons, and when operated by a duly qualified person who is a member of a volunteer rescue service or a volunteer fire department, and who is on duty pursuant to the rules or directives of that service. The Ohio Fire Marshal shall be designated by the Ohio Director of Public Safety as the certifying agency for all public safety vehicles described in this subsection (c);
- (d) Vehicles used by fire departments, including motor vehicles when used by volunteer firemen responding to emergency calls in the fire department service when identified as required by the Ohio Director of Public Safety.

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

(ORC 4511.01(E))

301.28 RAILROAD.

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

301.29 RAILROAD SIGN OR SIGNAL.

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

(ORC 4511.01(SS))

301.30 RAILROAD TRAIN.

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

301.31 RESIDENCE DISTRICT.

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

301.32 RIGHT OF WAY.

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

- (a) The right of a vehicle or pedestrian to proceed uninterruptedly in a lawful manner in the direction in which it or he is moving in preference to another vehicle or pedestrian approaching from a different direction into its or his 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))

301.33 ROADWAY.

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

301.34 SAFETY ZONE.

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

301.35 SCHOOL BUS.

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

301.36 SEMITRAILER.

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

301.37 SIDEWALK.

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

301.38 STATE ROUTE.

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

301.39 STOP (WHEN REQUIRED).

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

301.40 STOPPING OR STANDING.

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

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

301.41 STOP INTERSECTION.

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

301.42 STREET OR HIGHWAY; ARTERIAL STREET.

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

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

301.43 THROUGH STREET OR HIGHWAY.

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

301.44 THRUWAY.

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

301.45 TRAFFIC.

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

301.46 TRAFFIC CONTROL DEVICES.

"Traffic control devices" means all flaggers, signs, signals, markings and devices placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic, including signs denoting names of streets and highways. (ORC 4511.01(QQ))

301.47 TRAFFIC CONTROL SIGNAL.

"Traffic control signal" means any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop, to proceed, to change direction or not to change direction. (ORC 4511.01(RR))

301.48 TRAILER.

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

301.49 TRUCK.

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

301.50 URBAN DISTRICT.

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

301.51 VEHICLE.

"Vehicle" means every device, including a motorized bicycle, in, upon or by which any person or property may be transported or drawn upon a street or highway, except motorized wheelchairs and devices other than bicycles moved by human power. (ORC 4511.01(A))

301.52 WHEELCHAIR, MOTORIZED.

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

CHAPTER 303
Enforcement, Impounding and Penalty

303.01	Compliance with lawful order of police officer; fleeing.	303.08	Impounding of vehicles; redemption.
303.02	Traffic direction in emergencies; obedience to school guard.	303.081	Impounding vehicles on private residential or agricultural property.
303.03	Officer may remove ignition key.	303.082	Private tow-away zones.
303.04	Road workers, motor vehicles and equipment excepted.	303.083	Release of vehicle; records; charges.
303.041	Emergency vehicles or public safety vehicles exempt.	303.09	Leaving junk and other vehicles on private or public property without permission or notification.
303.05	Application to persons riding, driving animals upon roadway.	303.10	Leaving junk vehicles on private property with permission of owner.
303.06	Freeway use prohibited by pedestrians, bicycles and animals.	303.11	Providing false information to police officer.
303.07	Application to drivers of government vehicles.	303.99	General Traffic Code penalties.

CROSS REFERENCES

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

**303.01 COMPLIANCE WITH LAWFUL ORDER OF POLICE OFFICER;
FLEEING.**

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

(b) No person shall operate a motor vehicle so as willfully to elude or flee a police officer after receiving a visible or audible signal from a police officer to bring his motor vehicle to a stop. (ORC 2921.331)

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

303.02 TRAFFIC DIRECTION IN EMERGENCIES; OBEDIENCE TO SCHOOL GUARD.

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

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

303.03 OFFICER MAY REMOVE IGNITION KEY.

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

303.04 ROAD WORKERS, MOTOR VEHICLES AND EQUIPMENT EXCEPTED.

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

The drivers of snow plows, traffic line strippers, road sweepers, mowing machines, tar distributing vehicles and other vehicles utilized in snow and ice removal or road surface maintenance, while engaged in work upon a street or highway, provided such vehicles are equipped with flashing lights and such other markings as are required by law, and such lights are in operation when the vehicles are so engaged shall be exempt from criminal prosecution for violations of Sections 331.01 to 331.04, inclusive, 331.06 to 331.08, inclusive, 331.31, 333.04 and Ohio R.C. 4511.66. Such exemption shall not apply to such drivers when their vehicles are not so engaged. This section shall not exempt a driver of such equipment from civil liability arising from the violation of the sections referred to herein. (ORC 4511.04)

303.041 EMERGENCY VEHICLES OR PUBLIC SAFETY VEHICLES EXEMPT.

Ohio R.C. 4511.12, 4511.13, 4511.131, 4511.132, 4511.14, 4511.15, 4511.202, 4511.21, 4511.211, 4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 4511.29, 4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 4511.36, 4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 4511.43, 4511.431, 4511.432, 4511.44, 4511.441, 4511.57, 4511.58, 4511.59, 4511.60, 4511.61, 4511.62, 4511.66, 4511.68, 4511.681 and 4511.69 and all sections of this Traffic Code or other municipal ordinances that are substantially equivalent to the sections listed above, do not apply to the driver of an emergency vehicle or public safety vehicle if the emergency vehicle or public safety vehicle is responding to an emergency call, is equipped with and displaying at least one flashing, rotating or oscillating light visible under normal atmospheric conditions

from a distance of 500 feet to the front of the vehicle and if the driver of the vehicle is giving an audible signal by siren, exhaust whistle or bell. This section does not relieve the driver of an emergency vehicle or public safety vehicle from the duty to drive with due regard for the safety of all persons and property upon the highway. (ORC 4511.041)

303.05 APPLICATION TO PERSONS RIDING, DRIVING ANIMALS UPON ROADWAY.

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

303.06 FREEWAY USE PROHIBITED BY PEDESTRIANS, BICYCLES AND ANIMALS.

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

- (a) As a pedestrian, occupy any space within the limits of the right-of-way of a freeway, except: in a rest area; on a facility that is separated from the roadway and shoulders of the freeway and is designed and appropriately marked for pedestrian use; in the performance of public works or official duties; as a result of an emergency caused by an accident or breakdown of a motor vehicle; or to obtain assistance;
- (b) Occupy any space within the limits of the right of way of a freeway, with: an animal-drawn vehicle; a ridden or led animal; herded animals; a pushcart; a bicycle, except on a facility that is separated from the roadway and shoulders of the freeway and is designed and appropriately marked for bicycle use; a bicycle with motor attached; a motor driven cycle with a motor which produces not to exceed five brake horsepower; an agricultural tractor; farm machinery; except in the performance of public works or official duties. (ORC 4511.051)

303.07 APPLICATION TO DRIVERS OF GOVERNMENT VEHICLES.

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

303.08 IMPOUNDING OF VEHICLES; REDEMPTION.

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

- (1) When any vehicle is left unattended upon any street, bridge or causeway and is so illegally parked so as to constitute a hazard or obstruction to the normal movement of traffic, or so as to unreasonably interfere with street cleaning or snow removal operations.
- (2) When any vehicle or "abandoned junk motor vehicle" as defined in Ohio R.C. 4513.63 is left on private property for more than seventy-two consecutive hours without the permission of the person having the right to the possession of the property, or on a public street or other property open to the public for purposes of vehicular travel or parking, or upon or within the right of way of any road or highway, for forty-eight consecutive hours or longer, without notification to the Police Chief of the reasons for leaving such vehicle in such place. Prior to disposal of an "abandoned junk motor vehicle" as defined in Ohio R.C. 4513.63, it shall be photographed by a law enforcement officer.

- (3) When any vehicle has been stolen or operated without the consent of the owner and is located upon either public or private property.
- (4) When any vehicle displays illegal license plates or fails to display the current lawfully required plates and is located upon any public street or other property open to the public for purposes of vehicular travel or parking.
- (5) When any vehicle has been used in or connected with the commission of a felony and is located upon either public or private property.
- (6) When any vehicle has been damaged or wrecked so as to be inoperable or violates equipment provisions of this Traffic Code whereby its continued operation would constitute a condition hazardous to life, limb or property, and is located upon any public street or other property open to the public for purposes of vehicular travel or parking.
- (7) When any vehicle is left unattended either on public or private property due to the removal of an ill, injured or arrested operator, or due to the abandonment thereof by the operator during or immediately after pursuit by a law enforcement officer.
- (8) When any vehicle has been operated by any person who has failed to stop in case of an accident or collision and is located either on public or private property.
- (9) When any vehicle has been operated by any person who is driving without a lawful license or while his license has been suspended or revoked and is located upon a public street or other property open to the public for purposes of vehicular travel or parking.
- (10) When any vehicle is found for which two or more citation tags for violations of this Traffic Code have been issued and the owner or operator thereof has failed to respond to such citation tags as lawfully required, and is located upon a public street or other property open to the public for purposes of vehicular travel or parking.

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

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

303.081 IMPOUNDING VEHICLES ON PRIVATE RESIDENTIAL OR AGRICULTURAL PROPERTY.

(a) The Chief of Police upon complaint of any person adversely affected may order into storage any motor vehicle, other than an abandoned junk motor vehicle as defined in Ohio R.C. 4513.63, that has been left on private residential or private agricultural property for at least four hours without the permission of the person having the right to the possession of the property. The Chief of Police, upon complaint of the owner of a repair garage or place of storage, may order into storage any motor vehicle, other than an abandoned junk motor vehicle, that has been left at the garage or place of storage for a longer period than that agreed upon. The place of storage shall be designated by the Chief of Police. When ordering a motor vehicle into storage pursuant to subsection (a) hereof, the Chief of Police shall, whenever possible, arrange for the removal of such motor vehicle by a private tow truck operator or towing company. Subject to Section 303.083(a), the owner of a motor vehicle that has been removed pursuant to subsection (a) hereof may recover the vehicle only in accordance with Section 303.083(c).

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

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

(d) Any person who registers a complaint that is the basis of a Police Chief's order for the removal and storage of a motor vehicle under this section shall provide the identity of the law enforcement agency with which the complaint was registered to any person who identifies himself as the owner or operator of the motor vehicle and requests information pertaining to its location. (ORC 4513.60)

303.082 PRIVATE TOW-AWAY ZONES.

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

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

- A. A notice that the property is a private tow-away zone and that vehicles not authorized to park on the property will be towed away;
 - B. The telephone number of the person from whom a towed-away vehicle can be recovered, and the address of the place to which the vehicle will be taken and the place from which it may be recovered;
 - C. A statement that the vehicle may be recovered at any time during the day or night upon the submission of proof of ownership and the payment of a towing charge, in an amount not to exceed seventy dollars (\$70.00) and a storage charge, in an amount not to exceed eight dollars (\$8.00) per twenty-four hour period; except that the charge for towing shall not exceed one hundred dollars (\$100.00), and the storage charge shall not exceed twelve dollars (\$12.00) per twenty-four-hour period, if the vehicle has a laden gross vehicle weight in excess of 15,000 pounds and is a truck, bus or a combination of a commercial tractor and trailer or semitrailer.
- (2) The place to which the towed vehicle is taken and from which it may be recovered is conveniently located, is well lighted and is on or within a reasonable distance of a regularly scheduled route of one or more modes of public transportation, if any public transportation is available in the Municipality.

(b) If a vehicle is parked on private property that is established as a private tow-away zone in accordance with subsection (a) hereof without the consent of the owner of the property or in violation of any posted parking condition or regulation, the owner or his agent may remove, or cause the removal of the vehicle. The owner and the operator of the vehicle shall be deemed to have consented to the removal and storage of the vehicle and to the payment of the towing and storage charges specified in subsection (a) hereof, and the owner may recover a vehicle that has been so removed only in accordance with Section 303.083.

(c) If an owner of private property that is established as a private tow-away zone in accordance with subsection (a) hereof or the authorized agent of such an owner removes or causes the removal of a vehicle from that property under authority of subsection (b) hereof, the owner or agent promptly shall notify the police offices of the removal, the vehicle's license number, make, model and color, the location from which it was removed, the date and time of its removal, the telephone number of the person from whom it may be recovered, and the address of the place to which it has been taken and from which it may be recovered.

(d) No owner of private property shall remove, or shall cause the removal and storage of, any vehicle pursuant to this section by a tow truck or tow truck operator in violation of any other municipal ordinance regulating such truck or operator.

(e) This section does not affect or limit the operation of Section 303.081 or Ohio R.C. 4513.61 to 4513.65 as they relate to property other than private property that is established as a private tow-away zone under this section.

(f) 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 other than in accordance with subsection (b) hereof. (ORC 4513.60)

303.083 RELEASE OF VEHICLE; RECORDS; CHARGES.

(a) Release Prior to Removal. If the owner or operator of a motor vehicle that has been ordered into storage pursuant to Section 303.081 or of a vehicle that is being removed under authority of Section 303.082 arrives after the motor vehicle or vehicle has been prepared for removal but prior to its actual removal from the property, the owner or operator shall be given the opportunity to pay a fee of not more than one-half of the charge for the removal of motor vehicles under Section 303.081 or of vehicles under Section 303.082 whichever is applicable, that normally is assessed by the person who has prepared the motor vehicle or vehicle for removal, in order to obtain release of the motor vehicle or vehicle. Upon payment of that fee, the motor vehicle or vehicle shall be released to the owner or operator, and upon its release, the owner or operator immediately shall move it so that:

- (1) If the motor vehicle was ordered into storage pursuant to Section 303.081, it is not on the private residential or private agricultural property without the permission of the person having the right to possession of the property, or is not at the garage or place of storage without the permission of the owner, whichever is applicable;
- (2) If the vehicle was being removed under authority of Section 303.082, it is not parked on the private property established as a private tow-away zone without the consent of the owner or in violation of any posted parking condition or regulation.

(b) Records. The Chief of Police shall maintain a record of motor vehicles that he orders into storage pursuant to Section 303.081 and of vehicles removed from private property in his jurisdiction that is established as a private tow-away zone of which he has received notice under Section 303.082. The record shall include an entry for each such motor vehicle or vehicle that identifies the motor vehicle's or vehicle's license number, make, model and color, the location from which it was removed, the date and time of its removal, the telephone number of the person from whom it may be recovered, and the address of the place to which it has been taken and from which it may be recovered. Any information in the record that pertains to a particular motor vehicle or vehicle shall be provided to any person who, either in person or pursuant to a telephone call, identifies himself as the owner or operator of the motor vehicle or vehicle and requests information pertaining to its location.

(c) Removal and Storage Charges. The owner of a motor vehicle that is ordered into storage pursuant to Section 303.081 or of a vehicle that is removed under authority of Section 303.082 may reclaim it upon payment of any expenses or charges incurred in its removal, in an amount not to exceed seventy dollars (\$70.00), and storage, in an amount not to exceed eight dollars (\$8.00) per twenty-four hour period; except that the charge for towing shall not exceed one hundred dollars (\$100.00), and the storage charge shall not exceed twelve dollars (\$12.00) per twenty-four-hour period, if the vehicle has a laden gross vehicle weight in excess of 15,000 pounds and is a truck, bus or a combination of a commercial tractor and trailer or semitrailer. Presentation of proof of ownership, which may be evidenced by a certificate of title to the motor vehicle or vehicle shall also be required for reclamation of the vehicle. If a motor vehicle that is ordered into storage pursuant to Section 303.081 remains unclaimed by the owner for thirty days, the procedures established by Ohio R.C. 4513.61 and 4513.62 shall apply. (ORC 4513.60)

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

No person shall willfully leave any vehicle or an "abandoned junk motor vehicle" as defined in Ohio R.C. 4513.63 on private property for more than seventy-two consecutive hours without the permission of the person having the right to the possession of the property or on a public street or other property open to the public for purposes of vehicular travel or parking, or upon or within the right of way of any road or highway, for forty-eight consecutive hours or longer, without notification to the Police Chief of the reasons for leaving the vehicle in such place.

For purposes of this section, the fact that a vehicle has been so left without permission or notification is prima-facie evidence of abandonment. Nothing contained in this section shall invalidate the provisions of other ordinances regulating or prohibiting the abandonment of motor vehicles on streets, highways, public property or private property within the Municipality. (ORC 4513.64)

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

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

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

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

No person shall willfully leave a junk motor vehicle uncovered in the open for more than ten days after receipt of a notice as provided in this section. The fact that a junk motor vehicle is so left is prima-facie evidence of willful failure to comply with the notice. Each subsequent period of thirty days that a junk motor vehicle continues to be so left constitutes a separate offense. (ORC 4513.65)

303.11 PROVIDING FALSE INFORMATION TO POLICE OFFICER.

No person shall knowingly present, display or orally communicate a false name, social security number or date of birth to a law enforcement officer who is in the process of issuing to the person a traffic ticket or complaint.
(ORC 4513.361)

303.99 GENERAL TRAFFIC CODE PENALTIES.**(a) Misdemeanor Classifications.**

- (1) General classification. Whoever violates any provision of this Traffic Code, for which violation no penalty is otherwise provided, is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, such person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense such person is guilty of a misdemeanor of the third degree.
(ORC 4511.99, 4513.99)
- (2) Compliance with order of police officer; fleeing. Whoever violates Section 303.01 is guilty of failure to comply with an order or signal of a police officer. A violation of Section 303.01(a) is a misdemeanor of the first degree. A violation of Section 303.01(b) is a misdemeanor of the first degree, unless the jury or judge as trier of fact finds any one of the following by proof beyond a reasonable doubt:
 - A. In committing the offense, the offender was fleeing immediately after the commission of a felony;
 - B. The operation of the motor vehicle by the offender was a proximate cause of serious physical harm to persons or property;
 - C. The operation of the motor vehicle by the offender caused a substantial risk of serious physical harm to persons or property.
(ORC 2921.331)
- (3) Junk motor vehicles. Whoever violates Section 303.09 is guilty of a minor misdemeanor, and shall also be assessed any costs incurred by the Municipality in disposing of such junk motor vehicle, less any money accruing to the Municipality from such disposal.
- (4) Providing false information. Whoever violates Section 303.11 is guilty of a misdemeanor of the first degree.
(ORC 4513.99)

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

<u>Classification of Misdemeanor</u>	<u>Maximum Term of Imprisonment</u>	<u>Maximum Fine</u>
First degree	6 months	\$1,000.00
Second degree	90 days	750.00
Third degree	60 days	500.00
Fourth degree	30 days	250.00
Minor	No imprisonment	100.00

(ORC 2929.21)

**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> |
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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. 301.46

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 traffic control signal shall be placed or maintained upon an extension of the State highway system within the Village without first obtaining the permission of the Ohio Director of Transportation. The Director may revoke the permission and may require to be removed any traffic control signal that has been erected without his permission on an extension of a State highway within the Village, or that, if erected under a permit granted by the Director, does not conform to the State manual and specifications 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)

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

CHAPTER 311
Street Obstructions and Special Uses

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| <p>311.01 Placing injurious material
or obstruction in street.</p> <p>311.02 Parades and assemblages.</p> | <p>311.03 Toy vehicles on streets.</p> <p>311.99 Penalty.</p> |
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CROSS REFERENCES

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

**311.01 PLACING INJURIOUS MATERIAL OR OBSTRUCTION IN
 STREET.**

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

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

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

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

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

(ORC 4511.74)

311.02 PARADES AND ASSEMBLAGES.

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

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

The permit may be refused or cancelled if:

- (a) The time, place, size or conduct of the parade including the assembly areas and route of march would unreasonably interfere with the public convenience and safe use of the streets and highways.
- (b) The parade would require the diversion of so great a number of police officers to properly police the line of movement, assembly area and areas contiguous thereto so as to deny normal police protection to the Municipality.
- (c) The parade route of march or assembly areas would unreasonably interfere with the movement of police vehicles, fire-fighting equipment or ambulance service to other areas of the Municipality.
- (d) The parade would unreasonably interfere with another parade for which a permit has been issued.
- (e) The information contained in the application is found to be false, misleading or incomplete in any material detail.
- (f) An emergency such as a fire or storm would prevent the proper conduct of the parade.

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

311.03 TOY VEHICLES ON STREETS.

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

311.99 PENALTY.

(EDITOR'S NOTE: See Section 303.99 for general Traffic Code penalty and penalties applicable to misdemeanor classifications.)

Whoever violates Section 311.01(e) is guilty of a misdemeanor of the first degree.

(ORC 4511.99)

CHAPTER 313
Traffic Control Devices

<p>313.01 Obedience to traffic control devices.</p> <p>313.02 Through streets; stop and yield right-of-way signs.</p> <p>313.03 Traffic control signal terms and lights.</p> <p>313.04 Lane-use control signals over individual lanes.</p> <p>313.05 Pedestrian control signals.</p> <p>313.06 Flashing traffic signals.</p>	<p>313.07 Unauthorized signs and signals, hiding from view, advertising.</p> <p>313.08 Alteration, injury, removal of traffic control devices.</p> <p>313.09 Driver's duties upon approaching ambiguous or non-working traffic signal.</p> <p>313.10 Unlawful purchase, possession or sale.</p> <p>313.99 Penalty.</p>
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CROSS REFERENCES

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

313.01 OBEDIENCE TO TRAFFIC CONTROL DEVICES.

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. (ORC 4511.12)

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

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

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

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

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

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

313.03 TRAFFIC CONTROL SIGNAL TERMS AND LIGHTS.

Whenever traffic is controlled by traffic control signals exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination, only the colors green, red and yellow shall be used except for special pedestrian signals carrying words or symbols. The lights shall indicate and apply to drivers of vehicles and to pedestrians as follows:

(a) Green Indication:

- (1) Vehicular traffic facing a circular green signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right of way to other vehicles and pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.

- (2) Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow, or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right of way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.
 - (3) Unless otherwise directed by a pedestrian-control signal as provided in Section 313.05, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.
- (b) Steady Yellow Indication:
- (1) Vehicular traffic facing a steady circular yellow or yellow arrow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection.
 - (2) Pedestrians facing a steady circular yellow or yellow arrow signal, unless otherwise directed by a pedestrian-control signal as provided in Section 313.05, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway.
- (c) Steady Red Indication:
- (1) Vehicular traffic facing a steady red signal alone shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then before entering the intersection and shall remain standing until an indication to proceed is shown except as provided in subsections (c)(2) and (3) hereof.
 - (2) Unless a sign is in place prohibiting a right turn as provided in subsection (c)(5) hereof, vehicular traffic facing a steady red signal may cautiously enter the intersection to make a right turn after stopping as required by subsection (c)(1) hereof. Such vehicular traffic shall yield the right of way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.
 - (3) Unless a sign is in place prohibiting a left turn as provided in subsection (c)(5) hereof, vehicular traffic facing a steady red signal on a one-way street that intersects another one-way street on which traffic moves to the left may cautiously enter the intersection to make a left turn into the one-way street after stopping as required by subsection (c)(1) hereof, and yielding the right of way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

- (4) Unless otherwise directed by a pedestrian-control signal as provided in Section 313.05, pedestrians facing a steady red signal alone shall not enter the roadway.
- (5) Council may by ordinance, or the authorized local authority may by rule, 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) Signals: Locations Other Than Intersections: In the event an official traffic control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal. (ORC 4511.13)

313.04 LANE-USE CONTROL SIGNALS OVER INDIVIDUAL LANES.

When lane-use control signals are placed over individual lanes of a street or highway, such signals shall indicate and apply to drivers of vehicles as follows:

- (a) A Steady Downward Green Arrow: Vehicular traffic may travel in any lane over which a green arrow signal is shown.
- (b) A Steady Yellow "X": Vehicular traffic is warned to vacate in a safe manner any lane over which such signal is shown to avoid occupying that lane when a steady red "X" signal is shown.
- (c) A Flashing Yellow "X": Vehicular traffic may use with proper caution any lane over which such signal is shown for only the purpose of making a left turn.
- (d) A Steady Red "X": Vehicular traffic shall not enter or travel in any lane over which such signal is shown. (ORC 4511.131)

313.05 PEDESTRIAN CONTROL SIGNALS.

Whenever special pedestrian 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:

- (a) "Walk" or the symbol of a walking person: Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right of way by the operators of all vehicles.
- (b) "Don't walk" or the symbol of an upraised palm: No pedestrian shall start to cross the roadway in the direction of the signal.
- (c) 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. (ORC 4511.14)

313.06 FLASHING TRAFFIC SIGNALS.

Whenever an illuminated flashing red or yellow traffic signal is used in a traffic signal or with a traffic sign it shall require obedience as follows:

- (a) Flashing Red Stop Signal: Operators of vehicles shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.
- (b) Flashing Yellow Caution Signal: Operators of vehicles may proceed through the intersection or past such signal only with caution.

This section shall 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 4511.15)

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.

(b) 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. (ORC 4511.16)

313.08 ALTERATION, INJURY, REMOVAL OF TRAFFIC CONTROL DEVICES.

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

- (a) 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;
 - (b) 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;
 - (c) Knowingly move, damage, destroy or otherwise improperly tamper with a manhole cover.
- (ORC 4511.17)

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

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

- (a) 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;
- (b) 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.
- (c) Exercise ordinary care while proceeding through the intersection.
(ORC 4511.132)

313.10 UNLAWFUL PURCHASE, POSSESSION OR SALE.

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

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

- (1) In the course of his 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 his 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.
(ORC 4511.18)

313.99 PENALTY.

(EDITOR'S NOTE: See Section 303.99 for general Traffic Code penalty and penalties applicable to misdemeanor classifications.)

Except as otherwise provided in this section, whoever violates Section 313.08(a) or (c) or 313.10 is guilty of a misdemeanor of the third degree. If a violation of Section 313.08(a) or (c) creates a risk of physical harm to any person, the offender is guilty of a misdemeanor of the first degree. A violation of Section 313.08(a) or (c) that causes serious physical harm to property that is owned, leased or controlled by a State or local authority is a felony of the fourth degree and shall be prosecuted under appropriate State law.

(ORC 4511.99)

TITLE FIVE - Vehicles

- Chap. 331. Operation Generally.
- Chap. 333. DUI; 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

- | | | | |
|--------|---|--------|---|
| 331.01 | Driving upon right side of roadway; exceptions. | 331.22 | Driving onto roadway from place other than roadway: duty to yield. |
| 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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331.38	Stopping for school bus; discharging children.	331.41	Shortcutting; avoiding traffic control devices.
331.39	Driving across grade crossing.	331.42	Littering from motor vehicle.
331.40	Stopping at grade crossing.	331.43	Wearing earplugs or earphones prohibited.
		331.99	Penalty.

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) Upon all roadways any vehicle proceeding at less than the normal 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, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn.

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

Subsection (c) hereof shall not be construed as prohibiting the crossing of the center line in making a left turn into or from an alley, private road or driveway. (ORC 4511.25)

331.02 PASSING TO RIGHT WHEN PROCEEDING IN OPPOSITE DIRECTIONS.

Operators of vehicles proceeding in opposite directions shall pass each other to the right, and upon roadways having width for not more than one line of traffic in each direction, each operator shall give to the other one-half of the main traveled portion of the roadway or as nearly one-half as is reasonably possible. (ORC 4511.26)

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

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

- (a) The operator of a vehicle overtaking another vehicle proceeding in the same direction shall, except as provided in subsection (c) hereof, signal to the vehicle to be overtaken, shall pass to the left thereof at a safe distance, and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.
- (b) Except when overtaking and passing on the right is permitted, the operator of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle at the latter's audible signal, and he shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.
- (c) The operator of a vehicle overtaking and passing another vehicle proceeding in the same direction on a divided street or highway as defined in Section 331.31, a limited access highway as defined in Ohio R.C. 5511.02 or a highway with four or more traffic lanes, is not required to signal audibly to the vehicle being overtaken and passed. (ORC 4511.27)

331.04 OVERTAKING AND PASSING UPON RIGHT.

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

- (1) When the vehicle overtaken is making or about to make a left turn;
- (2) Upon a roadway with unobstructed pavement of sufficient width for two or more lines of vehicles moving lawfully in the direction being traveled by the overtaking vehicle.

(b) The driver of a vehicle may overtake and pass another vehicle only under conditions permitting such movement in safety. The movement shall not be made by driving off the roadway. (ORC 4511.28)

331.05 OVERTAKING, PASSING TO LEFT OF CENTER.

No vehicle shall be driven to the left of the center of the roadway in overtaking and passing traffic proceeding in the same direction, unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made, without interfering with the safe operation of any traffic approaching from the opposite direction or any traffic overtaken. In every event the overtaking vehicle must return to an authorized lane of travel as soon as practicable and in the event the passing movement involves the use of a lane authorized for traffic approaching from the opposite direction before coming within 200 feet of any approaching vehicle. (ORC 4511.29)

331.06 ADDITIONAL RESTRICTIONS ON DRIVING UPON LEFT SIDE OF ROADWAY.

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

- (a) When approaching the crest of a grade or upon a curve in the highway, where the operator's view is obstructed within such a distance as to create a hazard in the event traffic might approach from the opposite direction;
- (b) When the view is obstructed upon approaching within 100 feet of any bridge, viaduct or tunnel;
- (c) When approaching within 100 feet of or traversing any intersection or railroad grade crossing.

This section does not apply to vehicles upon a one-way roadway, upon a roadway where traffic is lawfully directed to be driven to the left side or under the conditions described in Section 331.01(a)(2). (ORC 4511.30)

331.07 HAZARDOUS OR NO PASSING ZONES.

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

When appropriate signs or markings indicating hazardous or no passing zones are in place and clearly visible, every operator of a vehicle shall obey the directions thereof, notwithstanding the distance set out in Section 331.06. (ORC 4511.31)

331.08 DRIVING IN MARKED LANES OR CONTINUOUS LINES OF TRAFFIC.

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

- (a) A vehicle shall be driven, as nearly as is practicable, entirely within a single lane or line of traffic and shall not be moved from such lane or line until the driver has first ascertained that such movement can be made with safety.
- (b) Upon a roadway which is divided into three lanes and provides for two-way movement of traffic, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle where the roadway is clearly visible and such center lane is clear of traffic within a safe distance, or when preparing for a left turn, or where such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is posted with signs to give notice of such allocation.
- (c) Official signs may be erected directing specified traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway, and drivers of vehicles shall obey the directions of such signs.
- (d) Official traffic control devices may be installed prohibiting the changing of lanes on sections of roadway and drivers of vehicles shall obey the directions of every such device. (ORC 4511.33)

331.09 FOLLOWING TOO CLOSELY.

The operator of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicle, and the traffic upon and the condition of the street.
(ORC 4511.34)

331.10 TURNING AT INTERSECTIONS.

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

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

- (c) At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle, and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left-hand lane of the roadway being entered lawfully available to the traffic moving in that lane.
- (d) Markers, buttons or signs may be placed within or adjacent to intersections and thereby require and direct that a different course from that specified in this section be traveled by vehicles turning at an intersection, and when such markers, buttons or signs are so placed, no operator of a vehicle shall turn such vehicle at an intersection other than as directed and required by such markers, buttons or signs.
(ORC 4511.36)

331.11 TURNING INTO PRIVATE DRIVEWAY, ALLEY OR BUILDING.

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

- (a) Approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.
- (b) Upon a roadway where traffic is proceeding in opposite directions, approach for a left turn and a left turn shall be made from that portion of the right half of the roadway nearest the center line thereof.
- (c) Upon a roadway where traffic is restricted to one direction, approach for a left turn and a left turn shall be made as close as practicable to the left-hand curb or edge of the roadway.

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

331.12 "U" TURNS RESTRICTED.

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

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

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

331.13 STARTING AND BACKING VEHICLES.

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

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

No person shall back a motor vehicle on a freeway, except: in a rest area; in the performance of public works or official duties; as a result of an emergency caused by an accident or breakdown of a motor vehicle. (ORC 4511.38)

331.14 SIGNALS BEFORE CHANGING COURSE, TURNING OR STOPPING.

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

When required, a signal of intention to turn or move right or left shall be given continuously during not less than the last 100 feet traveled by the vehicle before turning.

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

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

The signal lights required by this section shall not be flashed on one side only on a disabled vehicle, flashed as a courtesy or "do pass" signal to operators of other vehicles approaching from the rear, nor be flashed on one side only of a parked vehicle except as may be necessary for compliance with this section. (ORC 4511.39)

331.15 HAND AND ARM SIGNALS.

All signals required by this Traffic Code, when given by hand and arm shall be given from the left side of the vehicle in the following manner, and such signals shall indicate as follows:

- (a) Left turn: Hand and arm extended horizontally;
 - (b) Right turn: Hand and arm extended upward;
 - (c) Stop or decrease speed: Hand and arm extended downward.
- (ORC 4511.40)

331.16 RIGHT OF WAY AT INTERSECTIONS.

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

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

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

331.17 RIGHT OF WAY WHEN TURNING LEFT.

The operator of a vehicle intending to turn to the left within an intersection or into an alley, private road or driveway shall yield the right of way to any vehicle approaching from the opposite direction, whenever the approaching vehicle is within the intersection or so close to the intersection, alley, private road or driveway as to constitute an immediate hazard. (ORC 4511.42)

331.18 OPERATION OF VEHICLE AT YIELD SIGNS.

The driver of a vehicle approaching a yield sign shall slow down to a speed reasonable for the existing conditions and, if required for safety to stop, shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. After slowing or stopping, the driver shall yield the right of way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time the driver is moving across or within the intersection or junction of roadways. Whenever a driver is involved in a collision with a vehicle in the intersection or junction of roadways, after driving past a yield sign without stopping, the collision shall be prima-facie evidence of the driver's failure to yield the right of way. (ORC 4511.43(B))

331.19 OPERATION OF VEHICLE AT STOP SIGNS.

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

(ORC 4511.43(A))

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

The driver of any emergency vehicle or public safety vehicle, when responding to an emergency call, upon approaching a red or stop signal or any stop sign shall slow down as necessary for safety to traffic, but may proceed cautiously past such red or stop sign or signal with due regard for the safety of all persons using the street or highway. (ORC 4511.03)

331.21 RIGHT OF WAY OF PUBLIC SAFETY VEHICLE.

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

This section does not relieve the driver of a public safety vehicle from the duty to drive with due regard for the safety of all persons and property upon the street. (ORC 4511.45)

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

Subject to compliance with any traffic control device, the operator of a vehicle about to enter or cross a highway from an alley or from any place other than another roadway shall yield the right of way to all traffic approaching on the roadway to be entered or crossed. (ORC 4511.44)

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

Subject to compliance with any traffic control device, the driver of a vehicle emerging from an alley, building, private road or driveway within a business or residence district shall stop the vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across the alley, building entrance, road or driveway, or in the event there is no sidewalk area, shall stop at the point nearest the street to be entered where the driver has a view of approaching traffic thereon. (ORC 4511.431)

331.24 RIGHT OF WAY OF FUNERAL PROCESSION.

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

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

No person shall operate any vehicle as a part of a funeral procession without having the headlights of such vehicle lighted and without displaying a purple and white pennant in such a manner as to be clearly visible to traffic approaching from any direction. (ORC 4511.451)

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

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

(b) No passenger in a vehicle shall ride in such position as to interfere with the driver's view ahead or to the sides, or to interfere with his control over the driving mechanism of the vehicle.
(ORC 4511.70(A),(B))

331.26 DRIVING UPON STREET POSTED AS CLOSED FOR REPAIR.

No person shall drive upon, along or across a street or highway, or any part thereof, which has been closed in the process of its construction, reconstruction or repair, and posted with appropriate signs by the authority having jurisdiction to close such street or highway. (ORC 4511.71)

331.27 FOLLOWING AND PARKING NEAR EMERGENCY OR SAFETY VEHICLES.

The driver of any vehicle, other than an emergency vehicle or public safety vehicle on official business, shall not follow any emergency vehicle or public safety vehicle traveling in response to an alarm closer than 500 feet, or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm, unless directed to do so by a police officer or a fireman. (ORC 4511.72)

331.28 DRIVING OVER FIRE HOSE.

No vehicle shall, without the consent of the Fire Chief or fire official in command, be driven over any unprotected fire hose, when such hose is laid down on any street or private driveway to be used at any fire or alarm of fire. (ORC 4511.73)

331.29 DRIVING THROUGH SAFETY ZONE.

No vehicle shall at any time be driven through or within a safety zone.
(ORC 4511.60)

331.30 ONE-WAY STREETS AND ROTARY TRAFFIC ISLANDS.

Upon a roadway designated and posted with signs for one-way traffic a vehicle shall be driven only in the direction designated. A vehicle passing around a rotary traffic island shall be driven only to the right of such island. (ORC 4511.32)

331.31 DRIVING UPON DIVIDED ROADWAYS.

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. (ORC 4511.35)

331.32 ENTERING AND EXITING CONTROLLED-ACCESS HIGHWAY.

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.

331.33 OBSTRUCTING INTERSECTION, CROSSWALK OR GRADE CROSSING.

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 he is operating without obstructing the passage of other vehicles, pedestrians or railroad trains, notwithstanding any traffic control signal indication to proceed. (ORC 4511.712)

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

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

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

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

331.35 OCCUPYING A MOVING TRAILER OR MANUFACTURED HOME.

No person shall occupy any travel trailer or nonself-propelled manufactured home while it is being used as a conveyance upon a street or highway. (ORC 4511.701)

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

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".

331.37 DRIVING UPON SIDEWALKS, STREET LAWNS OR CURBS.

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

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

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 or person attending programs offered by community boards of mental health and County boards of mental retardation and developmental disabilities shall stop at least ten feet from the front or rear of the school bus and shall not proceed until such school bus resumes motion, or until signaled by the school bus driver to proceed.

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

(b) Every school bus shall be equipped with amber and red visual signals meeting the requirements of Ohio R.C. 4511.771, and an automatically extended stop warning sign of a type approved by the State Board of Education, which shall be actuated by the driver of the bus whenever but only whenever the bus is stopped or stopping on the roadway for the purpose of receiving or discharging school children or persons attending programs offered by community boards of mental health and County boards of mental retardation and developmental disabilities. The requirement of this section for school buses to be equipped with amber visual signals and an automatically extended stop warning sign shall apply to all new school buses contracted for on or after June 1, 1979, and to all other school buses on and after August 1, 1980, except that no school district shall be required to equip school buses that have been purchased without such equipment prior to March 15, 1979, unless Federal funds are made available by the U.S. Bureau of Transportation Safety for this purpose. 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 mental retardation and developmental disabilities 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 Board.

(c) Where a highway has been divided into four or more traffic lanes, a driver of a vehicle need not stop for a school bus approaching from the opposite direction which has stopped for the purpose of receiving or discharging any school child or persons attending programs offered by community boards of mental health and County boards of mental retardation and developmental disabilities. 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 or persons attending programs offered by community boards of mental health and County boards of mental retardation and developmental disabilities on their residence side of the highway.

(e) No school bus driver shall start his bus until after any child or person attending programs offered by community boards of mental health and County boards of mental retardation and developmental disabilities who may have alighted therefrom has reached a place of safety on his residence side of the road.
(ORC 4511.75)

331.39 DRIVING ACROSS GRADE CROSSING.

(a) Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this section, he shall stop within fifty feet but not less than fifteen feet from the nearest rail of the railroad, and shall not proceed until he can do so safely. The foregoing requirements shall apply when:

- (1) A clearly visible electric or mechanical signal device gives warning of the immediate approach of a train;
- (2) A crossing gate is lowered;
- (3) A human flagman gives or continues to give a signal of the approach or passage of a train;
- (4) A train approaching within approximately 1,500 feet of the highway crossing emits a signal audible from that distance and the train, by reason of its speed or nearness to the crossing, is an immediate hazard;
- (5) An approaching train is plainly visible and is in hazardous proximity to 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. (ORC 4511.62)

331.40 STOPPING AT GRADE CROSSING.

(a) The operator of any motor vehicle carrying passengers for hire, or of any school bus, or of any vehicle carrying explosives or flammable liquids as a cargo, or such part of a cargo as to constitute a hazard, before crossing at grade any track of a railroad, shall stop such vehicle, and while so stopped he shall listen through an open door or open window and look in both directions along the track for any approaching train, and for signals indicating the approach of a train, and shall proceed only upon exercising due care after stopping, looking and listening as required by this section and upon proceeding, the operator of any such vehicle shall cross only in such gear of the vehicle that there will be no necessity for changing gears while traversing such crossing and the operator shall not shift gears while crossing the tracks.

This subsection (a) does not apply at street railway grade crossings, or to abandoned tracks, spur tracks, side tracks and industrial tracks when the Ohio Public Utilities Commission has authorized and approved the crossing of such tracks without making the stop required by this subsection (a). (ORC 4511.63)

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.

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. (ORC 4511.82)

331.43 WEARING EARPLUGS OR EARPHONES PROHIBITED.

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

(b) This section does not apply to:

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

(ORC 4511.84)

331.99 PENALTY.

(EDITOR'S NOTE: See Section 303.99 for general Traffic Code penalty and penalties applicable to misdemeanor classifications.)

- (a) Failure to Yield Right of Way to Public Safety Vehicle. Whoever violates Section 331.21 is guilty of a misdemeanor of the fourth degree on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree; and on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the second degree.
- (b) Failure to Stop for School Bus. Whoever violates Section 331.38(a) may be fined an amount not to exceed five hundred dollars (\$500.00). A person who is issued a citation for a violation of Section 331.38(a) is not permitted to enter a written plea of guilty and waive his right to contest the citation in a trial, but instead must appear in person in the proper court to answer the charge.
(ORC 4511.99)

CHAPTER 333
DUI; Willful Misconduct; Speed

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|--------|--|--------|--|
| 333.01 | Driving or physical control while under the influence; evidence. | 333.05 | Speed limitations over bridges. |
| 333.02 | Operation in willful or wanton disregard of safety. | 333.06 | Speed exceptions for emergency or safety vehicles. |
| 333.03 | Maximum speed limits; assured clear distance ahead. | 333.07 | Drag racing prohibited. |
| 333.04 | Stopping vehicle; slow speed; posted minimum speeds. | 333.08 | Operation without reasonable control. |
| | | 333.09 | Reckless operation on streets, public or private property. |
| | | 333.99 | Penalty. |

CROSS REFERENCES

See sectional histories for similar State law

Drug of abuse defined – see Ohio R.C. 3719.011(A)

Alcohol defined – see Ohio R.C. 4301.01(B)(1)

Alteration of prima-facie speed limits – see Ohio R.C. 4511.21, 4511.22(B), 4511.23

Failure to control vehicle – see TRAF. 331.34

Walking on highway while under the influence – see TRAF. 371.09

333.01 DRIVING OR PHYSICAL CONTROL WHILE UNDER THE INFLUENCE; EVIDENCE.

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

- (1) The person is under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse;
- (2) The person has a concentration of ten-hundredths of one percent (0.10%) or more by weight of alcohol in his blood;
- (3) The person has a concentration of ten-hundredths (0.10) of one gram or more by weight of alcohol per 210 liters of his breath;
- (4) The person has a concentration of fourteen-hundredths (0.14) of one gram or more by weight of alcohol per 100 milliliters of his urine. (ORC 4511.19)

(b) Operation by Minors. No person under eighteen years of age shall operate any vehicle within this Municipality, if any of the following apply:

- (1) The person has a concentration of at least two-hundredths of one percent (0.02%) but less than ten-hundredths of one percent (0.10%) by weight of alcohol in his blood;
- (2) The person has a concentration of at least two-hundredths (0.02) of one gram but less than ten-hundredths (0.10) of one gram by weight of alcohol per 210 liters of his breath;
- (3) The person has a concentration of at least twenty-eight one-thousandths (0.028) of one gram but less than fourteen-hundredths (0.14) of one gram by weight of alcohol per 100 millimeters of his urine.

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

(d) Physical Control Generally. No person shall be in actual physical control of any vehicle within the Municipality, if any of the following apply:

- (1) The person is under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse;
- (2) The person has a concentration of ten-hundredths of one percent (0.10%) or more by weight of alcohol in his blood;
- (3) The person has a concentration of ten-hundredths (0.10) of one gram or more by weight of alcohol per 210 liters of his breath;
- (4) The person has a concentration of fourteen-hundredths (0.14) of one gram or more by weight of alcohol per 100 milliliters of his urine.

(e) Physical Control by Minors. No person under eighteen years of age shall be in actual physical control of any vehicle within this Municipality, if any of the following apply:

- (1) The person has a concentration of at least two-hundredths of one percent (0.02%) but less than ten-hundredths of one percent (0.10%) by weight of alcohol in his blood;
- (2) The person has a concentration of at least two-hundredths (0.02) of one gram but less than ten-hundredths (0.10) of one gram by weight of alcohol per 210 liters of his breath;
- (3) The person has a concentration of at least twenty-eight one-thousandths (0.028) of one gram but less than fourteen-hundredths (0.14) of one gram by weight of alcohol per 100 millimeters of his urine.

(f) Evidence; Tests; Immunity. In any criminal prosecution for a violation of this section, the court may admit evidence on the concentration of alcohol, drugs of abuse, or alcohol and drugs of abuse in the defendant's blood, breath, urine or other bodily substance at the time of the alleged violation as shown by chemical analysis of the defendant's blood, urine, breath or other bodily substance withdrawn within two hours of the time of the alleged violation.

When a person submits to a blood test at the request of a police officer under Ohio R.C. 4511.191, only a physician, a registered nurse or a qualified technician or chemist shall withdraw blood for the purpose of determining its alcohol, drug, or alcohol and drug content. This limitation does not apply to the taking of breath or urine specimens. A physician, a registered nurse or a qualified technician or chemist may refuse to withdraw blood for the purpose of determining the alcohol, drug, or alcohol and drug content of the blood, if in his opinion the physical welfare of the person would be endangered by the withdrawing of blood.

Such bodily substance shall be analyzed in accordance with methods approved by the Ohio Director of Health by an individual possessing a valid permit issued by the Director of Health pursuant to Ohio R.C. 3701.143.

If there was at the time the bodily substance was withdrawn a concentration of less than ten-hundredths of one percent (0.10%) by weight of alcohol in the defendant's blood, less than ten-hundredths (0.10) of one gram by weight of alcohol per 210 liters of his breath or less than fourteen-hundredths (0.14) of one gram by weight of alcohol per 100 milliliters of his urine, such fact may be considered with other competent evidence in determining the guilt or innocence of the defendant.

Upon the request of the person who was tested, the results of the chemical test shall be made available to him, his attorney or agent, immediately upon the completion of the chemical test analysis.

The person tested may have a physician, a registered nurse or a qualified technician or chemist of his own choosing administer a chemical test or tests in addition to any administered at the request of a police officer, and shall be so advised. 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 police officer.

Any physician, registered nurse or qualified technician or chemist who withdraws blood from a person pursuant to this section, and any hospital, first-aid station or clinic at which blood is withdrawn from a person pursuant to this section, is immune from criminal liability, and from civil liability that is based upon a claim of assault and battery or based upon any other claim that is not in the nature of a claim of malpractice, for any act performed in withdrawing blood from a person. (ORC 4511.19)

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)

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 him 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 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 a sign giving notice of the existence of the school is erected as provided in this section; except, that on controlled-access highways and expressways, if the right-of-way line fence has been erected without pedestrian opening, the speed shall be governed by subsection (b)(4) hereof and on freeways, if the right-of-way line fence has been erected without pedestrian

opening, the speed shall be governed by subsection (b)(7) hereof. The end of every school zone may be marked by a sign indicating the end of the zone. Nothing in this section or in the manual and specifications for a uniform system of traffic control devices shall be construed to require school zones to be indicated by signs equipped with flashing or other lights, or giving other special notice of the hours in which the school zone speed limit is in effect.

- B. As used in this section, "school" means any school chartered under Ohio R.C. 3301.16 and any nonchartered school that during the preceding year filed with the Department of Education in compliance with rule 3301-35-08 of the Ohio Administrative Code, a copy of the school's report for the parents of the school's pupils certifying that the school meets Ohio minimum standards for nonchartered, nontax-supported schools and presents evidence of this filing to the jurisdiction from which it is requesting the establishment of a school zone.
- C. As used in this section, "school zone" means that portion of a street or highway passing a school fronting upon the street or highway that is encompassed by projecting the school property lines to the fronting street or highway. Upon request from the Municipality for streets and highways under its jurisdiction, the Ohio Director of Transportation may extend the traditional school zone boundaries. The distances in subsections (b)(1)C.1. to 3. hereof shall not exceed 300 feet per approach per direction and are bounded by whichever of the following distances or combinations thereof the Director approves as most appropriate:
1. The distance encompassed by projecting the school building lines normal to the fronting highway and extending a distance of 300 feet on each approach direction;
 2. The distance encompassed by projecting the school property lines intersecting the fronting highway and extending a distance of 300 feet on each approach direction;
 3. The distance encompassed by the special marking of the pavement for a principal school pupil crosswalk plus a distance of 300 feet on each approach direction of highway;

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

- D. As used in this subsection, "crosswalk" has the meaning given that term in Section 301.09. The Director may, upon request by resolution of Council, and upon submission by the Municipality of such engineering, traffic and other information as the Director considers necessary, designate a school zone on any portion of a State route lying within the

Municipality that includes a crosswalk customarily used by children going to or leaving a school during recess and opening and closing hours, whenever the distance, as measured in a straight line, from the school property line nearest the crosswalk to the nearest point of the crosswalk is no more than 1,320 feet. Such a school zone shall include the distance encompassed by the crosswalk and extending 300 feet on each approach direction of the State route;

- (2) Twenty-five miles per hour in all other portions of the Municipality, except on State routes outside business districts, through highways outside business districts and alleys;
- (3) Thirty-five miles per hour on all State routes or through highways within the Municipality outside business districts, except as provided in subsections (b)(4) and (5) hereof;
- (4) Fifty miles per hour on controlled-access highways and expressways within the Municipality;
- (5) Fifty miles per hour on State routes within the Municipality outside urban districts unless a lower prima-facie speed is established as further provided in this section;
- (6) Fifteen miles per hour on all alleys within the Municipality;
- (7) Fifty-five miles per hour at all times on freeways with paved shoulders inside the Municipality other than freeways as provided in subsection (b)(8) hereof.
- (8) Sixty-five miles per hour at all times on all portions of freeways that are part of the interstate system and are eligible for such speed in accordance with criteria issued by the Federal Highway Administration, and on all portions of freeways greater than five miles in length that are eligible for such speed in accordance with criteria issued by the Federal Highway Administration or established by the "Intermodal Surface Transportation Efficiency Act of 1991," 105 Stat. 1968, 23 U.S.C.A. 154(a), for any motor vehicle weighing 8,000 pounds or less empty weight and any commercial bus, except fifty-five miles per hour for operators of any motor vehicle weighing in excess of 8,000 pounds empty weight and any noncommercial bus.

(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 pursuant to this section by the Director or local authorities and it is unlawful for any person to exceed either 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 freeway as provided in subsection (b)(8) hereof;
- (2) At a speed exceeding sixty-five miles per hour upon a freeway as provided in subsection (b)(8) hereof except as otherwise provided in subsection (d)(3) hereof;
- (3) If a motor vehicle weighing in excess of 8,000 pounds empty weight or a noncommercial bus as prescribed in subsection (b)(8) hereof, at a speed exceeding fifty-five miles per hour upon a freeway as provided in that subsection.

(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 pursuant to this section declares is prima-facie lawful at the time and place of such alleged violation, except that in affidavits where a person is alleged to have driven at a greater speed than will permit him to bring the vehicle to a stop within the assured clear distance ahead the affidavit and warrant need not specify the speed at which the defendant is alleged to have driven.

(f) When a speed in excess of both a prima-facie limitation and a limitation in subsection (d)(1) or (2) hereof is alleged, the defendant shall be charged in a single affidavit, alleging a single act, with a violation indicated of both subsections (b)(1)A. to (b)(6) hereof, or of a limit declared pursuant to this section by the Director or local authorities, and of the limitation in subsection (d)(1) or (2) hereof. If the court finds a violation of subsection (b)(1)A. to (b)(6) hereof, or a limit declared pursuant to this section has occurred, it shall enter a judgment of conviction under such subsection and dismiss the charge under subsection (d)(1) or (2) hereof. If it finds no violation of subsections (b)(1)A. to (b)(6) hereof or a limit declared pursuant to this section, it shall then consider whether the evidence supports a conviction under subsection (d)(1) or (2) hereof.

(g) Points shall be assessed for violation of a limitation under subsection (d) hereof only when the court finds the violation involved a speed of five miles per hour or more in excess of the posted speed limit.

(h) Whenever the Ohio Director of Transportation determines upon the basis of an engineering and traffic investigation that any speed limit set forth in subsections (b)(1)A. to (d) hereof is greater than is reasonable or safe under the conditions found to exist at any intersection or other place upon any part of a State route, the Director shall determine and declare a reasonable and safe prima-facie speed limit, which shall be effective when appropriate signs giving notice are erected at the intersection or other part of the State route.

(i) Whenever Council determines upon the basis of an engineering and traffic investigation that the speed permitted by subsections (b)(1)A. to (d) hereof, on any part of a highway under their jurisdiction, is greater than is reasonable and safe under the conditions found to exist at such location, Council may by resolution request the Director to determine and declare a reasonable and safe prima-facie speed limit. Upon receipt of such request the Director may determine and declare a reasonable and safe prima-facie speed limit at such location, and if the Director does so, then such declared speed limit shall become effective only when appropriate signs giving notice thereof are erected at such location by the Municipality. The Director may withdraw his declaration of any prima-facie speed limit whenever in his opinion any altered prima-facie speed becomes unreasonable, and upon such withdrawal, the declared prima-facie speed shall become ineffective and the signs relating thereto shall be immediately removed by the Municipality.

(j) Council may authorize by ordinance higher prima-facie speeds than those stated in this section upon through highways, or upon highways or portions thereof where there are no intersections, or between widely spaced intersections, provided signs are erected giving notice of the authorized speed, but Council shall not modify or alter the basic rule set forth in subsection (a) hereof or in any event authorize by ordinance a speed in excess of fifty miles per hour.

Alteration of prima-facie limits on State routes by Council shall not be effective until the alteration has been approved by the Director. The Director may withdraw his approval of any altered prima-facie speed limits whenever in his opinion any altered prima-facie speed becomes unreasonable, and upon such withdrawal, the altered prima-facie speed shall become ineffective and the signs relating thereto shall be immediately removed by the Municipality. (ORC 4511.21)

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

(l) As used in this section:

- (1) "Interstate system" has the same meaning as in 23 U.S.C.A. 101.
- (2) "Commercial bus" means a motor vehicle designed for carrying more than nine passengers and used for the transportation of persons for compensation.
- (3) "Noncommercial bus" includes but is not limited to a school bus, or a motor vehicle operated solely for the transportation of persons associated with a charitable or nonprofit organization.
(ORC 4511.21)

333.04 STOPPING VEHICLE; SLOW SPEED; POSTED MINIMUM SPEEDS.

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

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

333.05 SPEED LIMITATIONS OVER BRIDGES.

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

(b) Upon the trial of any person charged with a violation of this section, proof of the determination of the maximum speed and the existence of such signs shall constitute prima-facie evidence of the maximum speed which can be maintained with safety to such bridge or structure. (ORC 4511.23)

333.06 SPEED EXCEPTIONS FOR EMERGENCY OR SAFETY VEHICLES.

The prima-facie speed limitations set forth in Section 333.03 do not apply to emergency vehicles or public safety vehicles when they are responding to emergency calls and are equipped with and displaying at least one flashing, rotating or oscillating light visible under normal atmospheric conditions from a distance of 500 feet to the front of the vehicle and when the drivers thereof sound audible signals by bell, siren or exhaust whistle. This section does not relieve the driver of an emergency vehicle or public safety vehicle from the duty to drive with due regard for the safety of all persons using the street or highway. (ORC 4511.24)

333.07 DRAG RACING PROHIBITED.

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

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

(b) No person shall participate in a drag race as defined in subsection (a) of this section upon any public road, street or highway in this Municipality. (ORC 4511.251)

333.08 OPERATION WITHOUT REASONABLE CONTROL.

No person shall operate a motor vehicle on any street, highway or property open to the public for vehicular traffic without being in reasonable control of the vehicle. (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.

333.99 PENALTY.

(a) General Classification: Speeding Exceptions. Whoever violates any provision of this chapter, for which violation no penalty is otherwise provided, is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, such person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense such person is guilty of a misdemeanor of the third degree. When any person is found guilty of a first offense for a violation of Section 333.03 upon a finding that he operated a motor vehicle faster than thirty-five miles an hour in a business district, or faster than fifty miles an hour in other portions, or faster than thirty-five miles an hour while passing through a school zone during recess or while children are going to or leaving school during the opening or closing hours, such person is guilty of a misdemeanor of the fourth degree. (ORC 4511.99)

(b) Driving Under the Influence. Whoever violates Section 333.01(a) or (b), in addition to the license suspension or revocation provided in Ohio R.C. 4507.16, and any disqualification imposed under Ohio R.C. 4506.16, shall be punished as provided in paragraph (1), (2), (3) or (4) below. The court, in addition to and independent of any sentence that it imposes upon the offender for a violation of Section 333.01(a) or (b), shall order the immobilization of the vehicle and impoundment of the license plates or forfeiture of the vehicle as provided in Ohio R.C. 4511.193:

- (1) If, within five years of the offense, the offender has not been convicted of or pleaded guilty to any violation of Ohio R.C. 4511.19, 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, a municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol in the blood, breath or urine, Ohio R.C. 2903.04 in a case in which the offender was subject to the sanctions described in Division (D) of that section, or Ohio R.C. 2903.06, 2903.07 or 2903.08 or a municipal ordinance that is substantially similar to Ohio R.C. 2903.07 in a case in which the jury or judge found that the offender was under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, the offender is guilty of a misdemeanor of the first degree and the court shall sentence the offender to a term of imprisonment of three consecutive days and may sentence the offender pursuant to Section 303.99(b) to a longer term of imprisonment. In addition, the court shall impose upon the offender a fine of not less than two hundred dollars (\$200.00) and not more than one thousand dollars (\$1,000).

The court may suspend the execution of the mandatory three consecutive days of imprisonment that it is required to impose by this paragraph, if the court, in lieu of the suspended term of imprisonment, places the offender on probation and requires the offender to attend, for three consecutive days, a drivers' intervention program that is certified pursuant to Ohio R.C. 3793.10. The court also may suspend the execution of any part of the mandatory three consecutive days of imprisonment that it is required to impose by this paragraph, if the court places the offender on probation for part of the three consecutive days; requires the offender to attend, for that part of the three consecutive days, a drivers' intervention program that is certified

pursuant to Ohio R.C. 3793.10; and sentences the offender to a term of imprisonment equal to the remainder of the three consecutive days that the offender does not spend attending the drivers' intervention program. The court may require the offender, as a condition of probation, to attend and satisfactorily complete any treatment or education programs that comply with the minimum standards adopted pursuant to Ohio R.C. Chapter 3793 by the State Director of Alcohol and Drug Addiction Services, in addition to the required attendance at a drivers' intervention program, that the operators of the drivers' intervention program determine that the offender should attend and to report periodically to the court on his progress in the programs. The court also may impose any other conditions of probation on the offender that it considers necessary.

- (2) If, within five years of the offense, the offender has been convicted of or pleaded guilty to one violation of Ohio R.C. 4511.19, 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, a municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol in the blood, breath or urine, Ohio R.C. 2903.04 in a case in which the offender was subject to the sanctions described in Division (D) of that section, or Ohio R.C. 2903.06, 2903.07 or 2903.08 or a municipal ordinance that is substantially similar to Ohio R.C. 2903.07 in a case in which the jury or judge found that the offender was under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, the offender is guilty of a misdemeanor of the first degree and, except as provided in this paragraph, the court shall sentence the offender to a term of imprisonment of ten consecutive days and may sentence the offender pursuant to Section 303.99(b) to a longer term of imprisonment. As an alternative to the term of imprisonment required to be imposed by this paragraph, but subject to paragraph (8) hereof, the court may impose upon the offender a sentence consisting of both a term of imprisonment of five consecutive days and not less than eighteen consecutive days of electronically monitored house arrest as defined in Ohio R.C. 2929.23(A)(4). The five consecutive days of imprisonment and the period of electronically monitored house arrest shall not exceed six months. The five consecutive days of imprisonment do not have to be served prior to or consecutively with the period of electronically monitored house arrest.

In addition, the court shall impose upon the offender a fine of not less than three hundred dollars (\$300.00) and not more than one thousand five hundred dollars (\$1,500).

In addition to any other sentence that it imposes upon the offender, the court may require the offender to attend a drivers' intervention program that is certified pursuant to Ohio R.C. 3793.10. If the officials of the drivers' intervention program determine that the offender is alcohol dependent, they shall notify the court, and the court shall order the offender to obtain treatment through an alcohol and drug addiction program authorized by Ohio R.C. 3793.02. The cost of the treatment shall be paid by the offender.

- (3) If, within five years of the offense, the offender has been convicted of or pleaded guilty to two violations of Ohio R.C. 4511.19, 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, a municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol in the blood, breath or urine, Ohio R.C. 2903.04 in a case in which the offender was subject to the sanctions described in Division (D) of that section, or Ohio R.C. 2903.06, 2903.07 or 2903.08 or a municipal ordinance that is substantially similar to Ohio R.C. 2903.07 in a case in which the jury or judge found that the offender was under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, except as provided in this paragraph, the court shall sentence the offender to a term of imprisonment of thirty consecutive days and may sentence the offender to a longer definite term of imprisonment of not more than one year. As an alternative to the term of imprisonment required to be imposed by this paragraph, but subject to paragraph (8) hereof, the court may impose upon the offender a sentence consisting of both a term of imprisonment of fifteen consecutive days and not less than fifty-five consecutive days of electronically monitored house arrest as defined in Ohio R.C. 2929.23(A)(4). The fifteen consecutive days of imprisonment and the period of electronically monitored house arrest shall not exceed one year. The fifteen consecutive days of imprisonment do not have to be served prior to or consecutively with the period of electronically monitored house arrest.

In addition, the court shall impose upon the offender a fine of not less than five hundred dollars (\$500.00) and not more than twenty-five hundred dollars (\$2,500).

In addition to any other sentence that it imposes upon the offender, the court shall require the offender to attend an alcohol and drug addiction program authorized by Ohio R.C. 3793.02. The cost of the treatment shall be paid by the offender. If the court determines that the offender is unable to pay the cost of his attendance at the treatment program, the court may order that payment of the cost of the offender's attendance at the treatment program be made from that court's indigent drivers alcohol treatment fund.

- (4) If, within five years of the offense, the offender has been convicted of or pleaded guilty to three or more violations of Ohio R.C. 4511.19, 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, a municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol in the blood, breath or urine, Ohio R.C. 2903.04 in a case in which the offender was subject to the sanctions described in Division (D) of that section, or of Ohio R.C. 2903.06, 2903.07 or 2903.08 or a municipal ordinance that is substantially similar to Ohio R.C. 2903.07 in a case in which the jury or judge found that the offender was under the influence of alcohol, a drug of abuse or alcohol and a drug of abuse, the court shall sentence the offender to a term of imprisonment of sixty consecutive days and may sentence the offender to a longer definite term of imprisonment of not more than one year.

In addition, the court shall impose upon the offender a fine of not less than seven hundred fifty dollars (\$750.00) nor more than ten thousand dollars (\$10,000).

In addition to any other sentence that it imposes upon the offender, the court shall require the person to attend an alcohol and drug addiction program authorized by Ohio R.C. 3793.02. The cost of the treatment shall be paid by the offender. If the court determines that the offender is unable to pay the cost of his attendance at the treatment program, the court may order that payment of the cost of the offender's attendance at the treatment program be made from the court's indigent drivers alcohol treatment fund.

- (5) A. Except as provided in paragraph (5)B. hereof, upon a showing that imprisonment would seriously affect the ability of an offender sentenced pursuant to paragraphs (1) to (4) hereof to continue his employment, the court may authorize that the offender be granted work release from imprisonment after the offender has served the three, ten, thirty or sixty consecutive days of imprisonment that the court is required by paragraphs (1) to (4) hereof to impose. No court shall authorize work release from imprisonment during the three, ten, thirty or sixty consecutive days of imprisonment that the court is required by paragraphs (1) to (4) hereof to impose. The duration of the work release shall not exceed the time necessary each day for the offender to commute to and from the place of employment and the place of imprisonment and the time actually spent under employment.

- B. An offender who is sentenced pursuant to paragraph (2) or (3) hereof to a term of imprisonment followed by a period of electronically monitored house arrest is not eligible for work release from imprisonment, but that person shall be permitted work release during the period of electronically monitored house arrest. The duration of the work release shall not exceed the time necessary each day for the offender to commute to and from the place of employment and his home or other place specified by the sentencing court and the time actually spent under employment.
- (6) Notwithstanding any section of the Ohio Revised Code or this Traffic Code that authorizes suspension of the imposition or execution of a sentence or the placement of an offender in any treatment program in lieu of imprisonment, no court shall suspend the ten, thirty or sixty consecutive days of imprisonment required to be imposed by paragraphs (2) to (4) hereof or place an offender who is sentenced pursuant to paragraphs (2) to (4) hereof in any treatment program in lieu of imprisonment until after the offender has served the ten, thirty or sixty consecutive days of imprisonment required to be imposed pursuant to paragraphs (2) to (4) hereof, and no court that imposes a sentence of imprisonment and a period of electronically monitored house arrest upon an offender under paragraph (2) or (3) hereof shall suspend any portion of the sentence or place the offender in any treatment program in lieu of imprisonment or electronically monitored house arrest.
- Notwithstanding any section of the Ohio Revised Code or this Traffic Code that authorizes the suspension of the imposition or execution of a sentence or the placement of an offender in any treatment program in lieu of imprisonment, no court, except as specifically authorized by paragraph (1) hereof, shall suspend the three consecutive days of imprisonment required to be imposed by paragraph (1) hereof or place an offender who is sentenced pursuant to paragraph (1) hereof in any treatment program in lieu of imprisonment until after the offender has served the three consecutive days of imprisonment required to be imposed pursuant to paragraph (1) hereof.
- (7) No court shall sentence an offender to an alcohol treatment program pursuant to paragraph (1) to (4) hereof unless the treatment program complies with the minimum standards adopted pursuant to Ohio R.C. Chapter 3793 by the State Director of Alcohol and Drug Addiction Services.
- (8) No court shall impose the alternative sentence of a term of imprisonment of five consecutive days plus not less than eighteen consecutive days of electronically monitored house arrest permitted to be imposed by paragraph (2) hereof, or the alternative sentence of a term of imprisonment of fifteen consecutive days plus not less than fifty-five consecutive days of electronically monitored house arrest permitted to be imposed

pursuant to paragraph (3) hereof, unless within sixty days of the date of sentencing, the court issues a written finding, entered into the record, that due to the unavailability of space at the incarceration facility where the offender is required to serve the term of imprisonment imposed upon him, the offender will not be able to commence serving his term of imprisonment within the sixty-day period following the date of sentencing. If the court issues such a finding, the court may impose the alternative sentence comprised of a term of imprisonment and a term of electronically monitored house arrest permitted to be imposed by paragraph (2) or (3) hereof.

(ORC 4511.99)

- (9) As used in this section, "three consecutive days" means seventy-two consecutive hours. (ORC 4511.991)
- (10) Twenty-five dollars (\$25.00) of any fine imposed for violation 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 relating to operating a vehicle with a prohibited concentration of alcohol in the blood, breath or urine shall be deposited into the municipal or county indigent drivers alcohol treatment fund created pursuant to Ohio R.C. 4511.191(N). (ORC 4511.193)

(c) Physical Control; Drag Racing. Whoever violates Section 333.01(d) or (e) or 333.07 is guilty of a misdemeanor of the first degree. (ORC 4511.99)

CHAPTER 335
Licensing; Accidents

335.01	Driver's license or commercial driver's license required.	335.09	Display of license plates; expired or unlawful plates.
335.02	Possession of more than one license prohibited.	335.10	License plates to be unobstructed.
335.03	Driving with temporary instruction permit without licensed driver.	335.11	Use of illegal license plates; transfer of registration.
335.04	Certain acts prohibited.	335.12	Stopping after accident upon streets; collision with unattended vehicle.
335.05	Owner or operator allowing another to drive.	335.13	Stopping after accident upon property other than street.
335.06	Display of license.	335.14	Vehicle accident resulting in damage to realty.
335.07	Driving under suspension, revocation or restriction.	335.99	Penalty.
335.08	Operation or sale without certificate of title.		

CROSS REFERENCES

See sectional histories for similar State law
 Deposit of driver's license as bond - see Ohio R.C. 2937.221
 Motor vehicle licensing law - see Ohio R.C. Ch. 4503
 Driver's license law - see Ohio R.C. Ch. 4507
 Power of trial court of record to suspend or revoke license for certain violations - see Ohio R.C. 4507.16, 4507.34
 State point system suspension - see Ohio R.C. 4507.40
 State accident reports - see Ohio R.C. 4509.01(J), 4509.06, 4509.74, 5502.11
 Motorized bicycle operator's license - see Ohio R.C. 4511.521
 Glass removal from street after accident - see TRAF. 311.01

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

- (a) (1) No person, except those expressly exempted under Ohio R.C. 4507.03 to 4507.05, shall operate any motor vehicle upon a street or highway or any public or private property used by the public for purposes of vehicular travel or parking in this Municipality unless the person has a valid driver's license issued under Ohio R.C. Chapter 4507 or a commercial driver's license issued under Ohio R.C. Chapter 4506.

- (2) No person shall permit the operation of a motor vehicle upon any public or private property used by the public for purposes of vehicular travel or parking knowing the operator does not have a valid driver's license issued to the operator by the Registrar of Motor Vehicles under Ohio R.C. Chapter 4507 or a valid commercial driver's license issued under Ohio R.C. Chapter 4506.
- (3) No person, except those expressly exempted under Ohio R.C. 4507.03 to 4507.05, shall operate any motorcycle upon a street or highway or any public or private property used by the public for purposes of vehicular travel or parking in the Municipality unless the person has a valid license as a motorcycle operator, that was issued upon application by the Registrar of Motor Vehicles under Ohio R.C. Chapter 4507. The license shall be in the form of an endorsement, as determined by the Registrar, upon a driver's or commercial driver's license, if the person has a valid license to operate a motor vehicle or commercial motor vehicle, or in the form of a restricted license as provided in Ohio R.C. 4507.14, if the person does not have a valid license to operate a motor vehicle or commercial motor vehicle.
(ORC 4507.02)

(b) No nonresident of Ohio shall drive any motor vehicle upon a street or highway of this Municipality unless he has in his possession a valid and current operator's or chauffeur's license issued to him by another jurisdiction recognized by the State of Ohio.

No nonresident of Ohio, upon demand of any police officer at any time or place, shall fail to prove lawful possession or his right to operate such motor vehicle, or fail to establish proper identity. (ORC 4507.04)

335.02 POSSESSION OF MORE THAN ONE LICENSE PROHIBITED.

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

335.03 DRIVING WITH TEMPORARY INSTRUCTION PERMIT WITHOUT LICENSED DRIVER.

No person, who is the holder of a temporary instruction permit, issued by the Ohio Registrar of Motor Vehicles pursuant to Ohio R.C. 4507.05, shall drive a motor vehicle upon a street or highway, except when having such permit in his immediate possession and when accompanied by a licensed operator who is actually occupying a seat beside the driver. (ORC 4507.05)

335.04 CERTAIN ACTS PROHIBITED.

No person shall:

- (a) 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, revoked, suspended or altered;
- (b) Lend to a person not entitled thereto, or knowingly permit him 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;

- (c) 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;
- (d) Fail to surrender to the Registrar of Motor Vehicles, upon his demand, any identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license temporary instruction permit which has been suspended, canceled or revoked;
- (e) In any application for an identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license temporary instruction permit, or any renewal or duplicate thereof, knowingly conceal a material fact, or present any physician's statement required under Ohio R.C. 4507.08 or 4507.081 when knowing the same to be false or fictitious. (ORC 4507.30)

335.05 OWNER OR OPERATOR ALLOWING ANOTHER TO DRIVE.

No person shall authorize or knowingly permit a motor vehicle owned by him or under his control to be driven by any person if either of the following applies:

- (a) The offender knows or has reasonable cause to believe the other person has no legal right to drive the motor vehicle.
- (b) The offender knows or has reasonable cause to believe the other person's act of driving the motor vehicle would violate any prohibition contained in Ohio R.C. 4507.01 to 4507.39. (ORC 4507.33)

335.06 DISPLAY OF LICENSE.

The operator of a motor vehicle shall display his license, or furnish satisfactory proof that he has such license, upon demand of any peace officer or of any person damaged or injured in any collision in which such licensee may be involved. When a demand is properly made and the operator has his license on or about his person, he shall not refuse to display such license. Failure to furnish satisfactory evidence that such person is licensed under Ohio R.C. 4507.01 to 4507.30 when such person does not have his license on or about his person shall be prima-facie evidence of his not having obtained such license. (ORC 4507.35)

335.07 DRIVING UNDER SUSPENSION, REVOCATION OR RESTRICTION.

- (a)
 - (1) No person whose driver's or commercial driver's license or permit or nonresident's operating privilege has been suspended or revoked pursuant to Ohio R.C. Chapter 4509, shall operate any motor vehicle within this Municipality, or knowingly permit any motor vehicle owned by him to be operated by another person in the Municipality, during the period of the suspension or revocation, except as specifically authorized by Ohio R.C. Chapter 4509.
 - (2) No person shall operate any motor vehicle upon a street or highway or any public or private property used by the public for purposes of vehicular travel or parking in this Municipality in violation of any restriction of the person's driver's or commercial driver's license imposed under Ohio R.C. 4506.10(D) or 4507.14.
- (b) No person, whose driver's or commercial driver's license or permit has been suspended pursuant to Ohio R.C. 4511.191, 4511.196 or Ohio R.C. 4507.16(B), shall operate any motor vehicle within this Municipality until he has paid the license reinstatement fee required pursuant to Ohio R.C. 4511.191(L) and the license or permit has been returned to the person or a new license or permit has been issued to the person.

- (c) (1) No person, whose driver's or commercial driver's license or permit or nonresident operating privilege has been suspended or revoked under any provision of the Ohio Revised Code other than Ohio R.C. Chapter 4509 or under any applicable law in any other jurisdiction in which the person's license or permit was issued, shall operate any motor vehicle upon the highways or streets within this Municipality during the period of the suspension or within one year after the date of the revocation. No person who is granted occupational driving privileges by any court shall operate any motor vehicle upon the highways or streets in this Municipality except in accordance with the terms of the privileges.
- (2) No person, whose driver's or commercial driver's license or permit or nonresident operating privilege has been suspended under Ohio R.C. 4507.16(B), shall operate any motor vehicle upon the highways or streets within this Municipality during the period of suspension. No person who is granted occupational driving privileges by any court shall operate any motor vehicle upon the highways or streets in this Municipality except in accordance with the terms of those privileges.
(ORC 4507.02)

(d) No person whose driver's or commercial driver's license or permit or nonresident operating privilege has been suspended under Ohio R.C. 4511.191 shall operate a vehicle upon the highways or streets within this Municipality.
(ORC 4511.192)

(e) It is an affirmative defense to any prosecution brought pursuant to subsections (a) to (d) hereof that the alleged offender drove under suspension or in violation of a restriction because of a substantial emergency, provided that no other person was reasonably available to drive in response to the emergency.
(ORC 4507.02; 4511.192)

335.08 OPERATION OR SALE WITHOUT CERTIFICATE OF TITLE.

No person shall:

- (a) Operate in this Municipality a motor vehicle for which a certificate of title is required without having such certificate in accordance with Ohio R.C. 4505.01 to 4505.21 or upon which the certificate of title has been canceled;
- (b) 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 or a certificate of title therefor as provided in Ohio R.C. 4505.01 to 4505.21;
- (c) Fail to surrender any certificate of title or any certificate of registration or license plates upon cancellation of the same by the Ohio Registrar of Motor Vehicles and notice thereof as prescribed in Ohio R.C. 4505.01 to 4505.21;
- (d) Fail to surrender the certificate of title to the Clerk of the Court of Common Pleas as provided in Ohio R.C. 4505.01 to 4505.21 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;
- (e) Violate any rules promulgated pursuant to Ohio R.C. 4505.01 to 4505.21;

- (f) Except as otherwise provided in Ohio R.C. Chapter 4517 sell at wholesale a motor vehicle 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 the 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.

This section does not apply to persons engaged in the business of warehousing or transporting motor vehicles for the purpose of salvage disposition. (ORC 4505.18)

335.09 DISPLAY OF LICENSE PLATES; EXPIRED OR UNLAWFUL PLATES.

(a) No person who is the owner or operator of a motor vehicle shall fail to properly display in plain view on the front and rear of such motor vehicle the distinctive number and registration mark, including any county identification sticker and any validation sticker issued under Ohio R.C. 4503.19 and 4503.191, furnished by the Ohio Director of Public Safety, except those persons expressly exempted by Ohio R.C. Chapter 4503 (Motor Vehicle Licensing Law) and except that a manufacturer of motor vehicles or dealer therein, the holder of an intransit permit, and the owner or operator of a motorcycle, motorized bicycle, manufactured home, trailer or semitrailer shall display on the rear only. An apportioned vehicle receiving an apportioned license plate under the international registration plan shall display the plate only on the front of a semitractor and on the rear of all other vehicles. Such number plates shall be securely fastened so as not to swing, and shall not be covered by any material that obstructs their visibility.

No person to whom a temporary license placard or windshield sticker has been issued for the use of a motor vehicle under Ohio R.C. 4503.182, and no operator of such motor vehicle, shall fail to display such temporary license placard in plain view from the rear of the vehicle either in the rear window or on an external rear surface of the motor vehicle, or fail to display such windshield sticker in plain view on the rear window of the motor vehicle. Such temporary license placard or windshield sticker shall not be covered by any material that obstructs its visibility.
(ORC 4503.21)

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

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

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

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

(f) No person shall park or operate any vehicle upon any public street or highway upon which are displayed any license plates not legally registered and issued for such vehicle except during transfer of registration as permitted in Section 735.11(b), or upon which are displayed any license plates that were issued on an application for registration that contains any false statement by the applicant.

335.10 LICENSE PLATES TO BE UNOBSTRUCTED.

No person shall operate a motor vehicle, upon which license plates are required by law to be displayed, unless the license plates legally registered and issued for such vehicle shall be fastened in such a manner, and not covered, obscured or concealed by any part or accessory of such vehicle or by any foreign substance or material, to be readable in its entirety from left to right.

335.11 USE OF ILLEGAL LICENSE PLATES; TRANSFER OF REGISTRATION.

(a) No person shall operate or drive a motor vehicle upon the streets of this Municipality if it displays a distinctive number or identification mark which:

- (1) Is fictitious;
- (2) Is a counterfeit or an unlawfully made copy of any distinctive number or identification mark;
- (3) Belongs to another motor vehicle, provided that this section does not apply to a person who fails to comply with the transfer of registration provisions of Ohio R.C. 4503.12. (ORC 4549.08)

(b) Upon the transfer of ownership of a motor vehicle, the registration of such motor vehicle shall expire, and the original owner shall immediately remove such number plates from such motor vehicle. The transfer of the registration and, where applicable, the number plates from the motor vehicle for which they originally were issued to a succeeding motor vehicle purchased by the same person in whose name the original registration and number plates were issued shall be done within a period not to exceed thirty days.

(ORC 4503.12)

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

In case of accident to or collision with persons or property upon any of the public streets or highways, due to the driving or operation thereon of any motor vehicle, the person so driving or operating such motor vehicle, having knowledge of such accident or collision, shall immediately stop his motor vehicle at the scene of the accident or collision and shall remain at the scene of such accident or collision until he has given his name and address and, if he is not the owner, the name and address of the owner of such motor vehicle, together with the registered number of such motor vehicle, to any person injured in such accident or collision or to the operator, occupant, owner or attendant of any motor vehicle damaged in such accident or collision, or to any police officer at the scene of such accident or collision.

In the event the injured person is unable to comprehend and record the information required to be given by this section, the other driver involved in such accident or collision shall forthwith notify the nearest police authority concerning the location of the accident or collision, and his name, address and the registered number of the motor vehicle he was operating, and then remain at the scene of the accident or collision until a police officer arrives, unless removed from the scene by an emergency vehicle operated by a political subdivision or an ambulance.

If such accident or collision is with an unoccupied or unattended motor vehicle, the operator so colliding with such motor vehicle shall securely attach the information required to be given in this section, in writing, to a conspicuous place in or on such unoccupied or unattended motor vehicle.
(ORC 4549.02)

335.13 STOPPING AFTER ACCIDENT UPON PROPERTY OTHER THAN STREET.

In case of accident or collision resulting in injury or damage to persons or property upon any public or private property other than public streets or highways, due to the driving or operation thereon of any motor vehicle, the person so driving or operating such motor vehicle, having knowledge of such accident or collision, shall stop, and upon request of the person injured or damaged, or any other person, shall give such person his name and address, and, if he is not the owner, the name and address of the owner of such motor vehicle, together with the registered number of such motor vehicle, and, if available, exhibit his driver's or commercial driver's license.

If the owner or person in charge of such damaged property is not furnished such information, the driver of the motor vehicle involved in the accident or collision shall, within twenty-four hours after such accident or collision, forward to the police offices the same information required to be given to the owner or person in control of such damaged property and give the date, time and location of the accident or collision.

If the accident or collision is with an unoccupied or unattended motor vehicle, the operator so colliding with such motor vehicle shall securely attach the information required to be given in this section, in writing, to a conspicuous place in or on such unoccupied or unattended motor vehicle.
(ORC 4549.021)

335.14 VEHICLE ACCIDENT RESULTING IN DAMAGE TO REALTY.

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

If the owner or person in charge of such property cannot be located after reasonable search, the driver of the vehicle involved in the accident resulting in damage to such property shall, within twenty-four hours after such accident, forward to the police offices the same information required to be given to the owner or person in control of such property and give the location of the accident and a description of the damage insofar as it is known. (ORC 4549.03)

335.99 PENALTY.

(EDITOR'S NOTE: See Section 303.99 for general Traffic Code penalty and penalties applicable to misdemeanor classifications.)

(a) Licensing.

- (1) Whoever violates Section 335.01(a)(1) or (3) by operating a motor vehicle when his driver's or commercial driver's license has been expired for no more than six months is guilty of a minor misdemeanor.
- (2) Whoever violates Section 335.05 is guilty of permitting the operation of a vehicle by a person with no legal right to operate a vehicle, a misdemeanor of the first degree.
- (3) Whoever violates Section 335.07(a)(1) is guilty of driving under financial responsibility law suspension or revocation, a misdemeanor of the first degree.

The court, in addition to and independent of any sentence that it imposes upon the offender for a violation of Section 335.07(a)(1), shall order the immobilization of the vehicle and impoundment of the license plates or forfeiture of the vehicle as provided in Ohio R.C. 4507.361.

Except as otherwise provided in Ohio R.C. 4507.162(D), the court, in addition to or independent of all other penalties provided by law, may suspend for a period not to exceed one year the driver's or commercial driver's license or permit or nonresident operating privilege of an offender who is sentenced under paragraph (3) hereof.

- (4) Whoever violates Section 335.07(a)(2) or (c)(1) is guilty of driving under suspension or revocation or in violation of license restrictions, a misdemeanor of the first degree. Whoever violates Section 335.07(b) is guilty of driving without paying a license reinstatement fee, a misdemeanor of the first degree. Except as otherwise provided in Ohio R.C. 4507.162(D), the court, in addition to or independent of all other penalties provided by law, may suspend for a period not to exceed one year the driver's or commercial driver's license or permit or nonresident operating privilege of any person who pleads guilty to or is convicted of a violation of Section 335.07(a)(2), (b) or (c)(1).
- (5) Whoever violates Section 335.07(c)(2) is guilty of driving under OMVI suspension or revocation and shall be punished as provided in subsection (a)(5) hereof. The court, in addition to and independent of any sentence that it imposes upon the offender for a violation of Section 335.07(c)(2), shall order the immobilization of the vehicle and impoundment of the license plates or forfeiture of the vehicle as provided in Ohio R.C. 4507.361.

- A. If, within five years of the offense, the offender has not been convicted of or pleaded guilty to any violation of Ohio R.C. 4507.02(D)(2) or a municipal ordinance that is substantially equivalent to that division, driving under OMVI suspension or revocation is a misdemeanor of the first degree and the court shall sentence the offender to a term of imprisonment of not less than three consecutive days and may sentence the offender pursuant to Section 303.99(b) to a longer term of imprisonment. As an alternative to the term of imprisonment required to be imposed by this paragraph, but subject to paragraph (5)E. hereof, the court may sentence the offender to a term of not less than thirty consecutive days of electronically monitored house arrest as defined in Ohio R.C. 2929.23(A)(4). The period of electronically monitored house arrest shall not exceed six months. In addition, the court shall impose upon the offender a fine of not less than two hundred fifty dollars (\$250.00) and not more than one thousand dollars (\$1,000).
- B. If, within five years of the offense, the offender has been convicted of or pleaded guilty to one violation of Ohio R.C. 4507.02(D)(2) or a municipal ordinance that is substantially equivalent to that division, driving under OMVI suspension or revocation is a misdemeanor, and the court shall sentence the offender to a term of imprisonment of not less than ten consecutive days and may sentence the offender to a longer definite term of imprisonment of not more than one year. As an alternative to the term of imprisonment required to be imposed by this paragraph, but subject to paragraph (5)E. hereof, the court may sentence the offender to a term of not less than ninety consecutive days of electronically monitored house arrest as defined in Ohio R.C. 2929.23(A)(4). The period of electronically monitored house arrest shall not exceed one year. In addition, the court shall impose upon the offender a fine of not less than five hundred dollars (\$500.00) and not more than two thousand five hundred dollars (\$2,500).
- C. If, within five years of the offense, the offender has been convicted of or pleaded guilty to two or more violations of Ohio R.C. 4507.02(D)(2) or a municipal ordinance that is substantially equivalent to that division, driving under OMVI suspension or revocation is a misdemeanor. The court shall sentence the offender to a term of imprisonment of not less than thirty consecutive days and may sentence the offender to a longer definite term or imprisonment of not more than one year. The court shall not sentence the offender to a term of electronically monitored house arrest as defined in Ohio R.C. 2929.23(A)(4). In addition, the court shall impose upon the offender a fine of not less than five hundred dollars (\$500.00) and not more than two thousand five hundred dollars (\$2,500).

- D. In addition to or independent of all other penalties provided by law or ordinance, the judge shall suspend for a period not to exceed one year the driver's or commercial driver's license or permit or nonresident operating privilege of an offender who is sentenced under Section (a)(5)A. to C. hereof.
- E. No court shall impose the alternative sentence of not less than thirty consecutive days of electronically monitored house arrest permitted to be imposed by paragraph (5)A. hereof, or the alternative sentence of a term of not less than ninety consecutive days of electronically monitored house arrest permitted to be imposed by paragraph (5)B. hereof, unless within sixty days of the date of sentencing, the court issues a written finding, entered into the record, that, due to the unavailability of space at the incarceration facility where the offender is required to serve the term of imprisonment imposed upon him, the offender will not be able to begin serving his term of imprisonment within the sixty-day period following the date of sentencing. If the court issues such a finding, the court may impose the alternative sentence comprised of or including electronically monitored house arrest permitted to be imposed by paragraph (5)A. or B. hereof.
- F. An offender sentenced under this section to a period of electronically monitored house arrest shall be permitted work release during such period. The duration of the work release shall not exceed the time necessary each day for the offender to commute to and from the place of employment and his home or other place specified by the sentencing court and the time actually spent under employment.
(ORC 4507.99)
- (6) Except as provided in subsection (a)(1) to (5) above, whoever violates any provision of Section 335.01 to 335.07 is guilty of a misdemeanor of the first degree.
(ORC 4507.99; ORC 4511.99)
- (7) Whoever violates Section 335.08 is guilty of a misdemeanor of the second degree.
- (8) Whoever violates Section 335.09(b) or 335.11 is guilty of a misdemeanor of the fourth degree on a first offense; on each subsequent offense such person is guilty of a misdemeanor of the third degree. (ORC 4549.99)
- (b) Accidents. Whoever violates any provision of Section 335.12 to 335.14 is guilty of a misdemeanor of the first degree.
(ORC 4549.99)

CHAPTER 337
Safety and Equipment

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CROSS REFERENCES

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

337.01 DRIVING UNSAFE VEHICLES.

(a) No person shall drive or move, or cause or knowingly permit to be driven or moved, on any street any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person or property.

(b) Nothing contained in this chapter shall be construed to prohibit the use of additional parts and accessories on any vehicle not inconsistent with the provisions of this chapter.

(c) The provisions of this chapter with respect to equipment on vehicles do not apply to implements of husbandry, road machinery, road rollers or agricultural tractors except as made applicable to such articles of machinery. (ORC 4513.02)

337.02 LIGHTED LIGHTS; MEASUREMENT OF DISTANCES AND HEIGHTS.

(a) Every vehicle upon a street or highway during the time from one-half hour after sunset to one-half hour before sunrise, and at any other time when there are unfavorable atmospheric conditions or when there is not sufficient natural light to render discernible persons, vehicles and substantial objects on the street or highway at a distance of 1,000 feet ahead, shall display lighted lights and illuminating devices as required by this chapter for different classes of vehicles; except that every motorized bicycle shall display at such times lighted lights meeting the rules adopted by the Ohio Director of Public Safety under Ohio R.C. 4511.521. No motor vehicle, during such times, shall be operated upon a street or highway using only parking lights as illumination.

(b) Whenever in this chapter a requirement is declared as to the distance from which certain lights and devices shall render objects visible, or within which such lights or devices shall be visible, such distance shall be measured upon a straight level unlighted street under normal atmospheric conditions unless a different condition is expressly stated.

(c) Whenever in this chapter a requirement is declared as to the mounted height of lights or devices, it shall mean from the center of such light or device to the level ground upon which the vehicle stands.
(ORC 4513.03)

337.03 HEADLIGHTS ON MOTOR VEHICLES AND MOTORCYCLES.

(a) Every motor vehicle, other than a motorcycle, shall be equipped with at least two headlights with at least one near each side of the front of the motor vehicle.

(b) Every motorcycle shall be equipped with at least one and not more than two headlights. (ORC 4513.04)

337.04 TAIL LIGHT; ILLUMINATION OF REAR LICENSE PLATE.

(a) Every motor vehicle, trailer, semitrailer, pole trailer or vehicle which is being drawn at the end of a train of vehicles shall be equipped with at least one tail light mounted on the rear which, when lighted, shall emit a red light visible from a distance of 500 feet to the rear, provided that in the case of a train of vehicles only the tail light on the rear-most vehicle need be visible from the distance specified.

(b) Either a tail light or a separate light shall be so constructed and placed as to illuminate with a white light the rear registration plate, when such registration plate is required, and render it legible from a distance of fifty feet to the rear. Any tail light, together with any separate light for illuminating the rear registration plate, shall be so wired as to be lighted whenever the headlights or auxiliary driving lights are lighted, except where separate lighting systems are provided for trailers for the purpose of illuminating such registration plate. (ORC 4513.05)

337.05 REAR RED REFLECTORS.

Every new motor vehicle sold after September 6, 1941, and operated on a street, other than vehicles of the type mentioned in Section 337.06 or a commercial tractor to which a trailer or semitrailer is attached, shall carry at the rear, either as a part of the tail lights or separately, two red reflectors of such size and characteristics and so maintained as to be visible at night from all distances within 300 feet to fifty feet from such vehicle.
(ORC 4513.06)

337.06 SAFETY LIGHTING ON COMMERCIAL VEHICLES.

Buses, trucks, commercial tractors, trailers, semitrailers and pole trailers, when operated upon any street, shall be equipped with clearance lights, marker lights, reflectors and stop lights as required by State regulations. Such equipment shall be lighted at all times mentioned in Section 337.02 except that clearance lights and side marker lights need not be lighted on a vehicle operated where there is sufficient light to reveal any person or substantial object on the street at a distance of 500 feet.

Such equipment shall be in addition to all other lights specifically required by Section 337.02 to Section 337.15, inclusive. Vehicles operated under the jurisdiction of the Ohio Public Utilities Commission are not subject to this section.
(ORC 4513.07)

337.07 OBSCURED LIGHTS ON VEHICLES IN COMBINATION.

Whenever motor and other vehicles are operated in combination during the time that lights are required, any light, except tail lights, which by reason of its location on a vehicle of the combination would be obscured by another vehicle of the combination need not be lighted, but this section does not affect the requirement that lighted clearance lights be displayed on the front of the foremost vehicle required to have clearance lights or that all lights required on the rear of the rearmost vehicle of any combination shall be lighted. (ORC 4513.08)

337.08 RED LIGHT OR RED FLAG ON EXTENDED LOADS.

Whenever the load upon any vehicle extends to the rear four feet or more beyond the bed or body of such vehicle, there shall be displayed at the extreme rear end of the load, at the times specified in Section 337.02, a red light or lantern plainly visible from a distance of at least 500 feet to the side and rear. The red light or lantern required by this section is in addition to the red rear light required upon every vehicle. At any other time there shall be displayed at the extreme rear end of such load a red flag or cloth not less than sixteen inches square. (ORC 4513.09)

337.09 LIGHTS ON PARKED OR STOPPED VEHICLES.

Except in case of an emergency, whenever a vehicle is parked or stopped upon a roadway open to traffic or shoulder adjacent thereto, whether attended or unattended during the times mentioned in Section 337.02, such vehicle shall be equipped with one or more lights which shall exhibit a white or amber light on the roadway side visible from a distance of 500 feet to the front of such vehicle, and a red light visible from a distance of 500 feet to the rear. No lights need be displayed upon any such vehicle when it is stopped or parked where there is sufficient light to reveal any person or substantial object within a distance of 500 feet upon such street. Any lighted headlights upon a parked vehicle shall be depressed or dimmed. (ORC 4513.10)

337.10 LIGHTS ON SLOW-MOVING VEHICLES; EMBLEM REQUIRED.

(a) All vehicles other than bicycles, including animal-drawn vehicles and vehicles referred to in Section 337.01(c), not specifically required to be equipped with lights or other lighting devices by Section 337.02 to 337.09, shall at all times specified in Section 337.02, be equipped with at least one light displaying a white light visible from a distance of not less than 1,000 feet to the front of the vehicle, and shall also be equipped with two lights displaying red light visible from a distance of not less than 1,000 feet to the rear of the vehicle, or as an alternative, one light displaying a red light visible from a distance of not less than 1,000 feet to the rear and two red reflectors visible from all distances of 600 feet to 100 feet to the rear when illuminated by the lawful lower beams of headlights.

Lights and reflectors required or authorized by this section shall meet standards adopted by the Ohio Director of Public Safety.

(b) All boat trailers, farm machinery and other machinery, including all road construction machinery, upon a street or highway, except when being used in actual construction and maintenance work in an area guarded by a flagman, or where flares are used, or when operating or traveling within the limits of a construction

area designated by the Ohio Director of Transportation, or the Municipal or County Engineer, when such construction area is marked in accordance with requirements of the Director and the Manual of Uniform Traffic Control Devices, as set forth in Ohio R.C. 4511.09, which is designed for operation at a speed of twenty-five miles per hour or less shall be operated at a speed not exceeding twenty-five miles per hour, and shall display a triangular slow-moving vehicle emblem (SMV). The emblem shall be mounted so as to be visible from a distance of not less than 500 feet to the rear. The Ohio Director of Public Safety shall adopt standards and specifications for the design and position of mounting the SMV emblem. The standards and specifications for SMV emblems referred to in this section shall correlate with and, so far as possible, conform with those approved by the American Society of Agricultural Engineers.

As used in this subsection (b), "machinery" does not include any vehicle designed to be drawn by an animal.

(c) The use of the SMV emblem shall be restricted to animal-drawn vehicles, and to the slow-moving vehicles specified in subsection (b) hereof operating or traveling within the limits of the highway. Its use on slow-moving vehicles being transported upon other types of vehicles or on any other type of vehicle or stationary object on the highway is prohibited.

(d) No person shall sell, lease, rent or operate any boat trailer, farm machinery or other machinery defined as a slow-moving vehicle in subsection (b) hereof, except those units designed to be completely mounted on a primary power unit, which is manufactured or assembled on or after April 1, 1966, unless the vehicle is equipped with a slow-moving vehicle emblem mounting device as specified in subsection (b) hereof.

(e) Any boat trailer, farm machinery or other machinery defined as a slow-moving vehicle in subsection (b) hereof may, in addition to the use of the slow-moving vehicle emblem, be equipped with a red flashing light which shall be visible from a distance of not less than 1,000 feet to the rear at all times specified in Section 337.02. When a double-faced light is used, it shall display amber light to the front and red light to the rear.

(f) Every animal-drawn vehicle upon a street or highway shall at all times be equipped in one of the following ways:

- (1) With a slow-moving vehicle emblem complying with subsection (b) hereof;
- (2) With alternate reflective material complying with rules adopted under this subsection (f);
- (3) With both a slow-moving vehicle emblem and alternate reflective material as specified in this subsection (f).

The Ohio Director of Public Safety, subject to Ohio R.C. Chapter 119, shall adopt rules establishing standards and specifications for the position of mounting of the alternate reflective material authorized by this subsection (f). The rules shall permit, as a minimum, the alternate reflective material to be black, gray or silver in color. The alternate reflective material shall be mounted on the animal-drawn vehicle so as to be visible at all times specified in Section 337.02, from a distance of not less than 500 feet to the rear when illuminated by the lawful lower beams of headlamps.

(g) As used in this section, "boat trailer" means any vehicle designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a street or highway for a distance of no more than ten miles and at a speed of twenty-five miles per hour or less.
(ORC 4513.11)

337.11 SPOTLIGHT AND AUXILIARY LIGHTS.

(a) Any motor vehicle may be equipped with not more than one spotlight and every lighted spotlight shall be so aimed and used upon approaching another vehicle that no part of the high-intensity portion of the beam will be directed to the left of the prolongation of the extreme left side of the vehicle, nor more than 100 feet ahead of the vehicle.

(b) Any motor vehicle may be equipped with not more than three State approved auxiliary driving lights mounted on the front of the vehicle, which when used shall conform to State regulations.
(ORC 4513.12)

337.12 COWL, FENDER AND BACK-UP LIGHTS.

(a) Any motor vehicle may be equipped with side cowl or fender lights or lights on each side thereof which shall emit a white or amber light without glare.

(b) Any motor vehicle may be equipped with back-up lights, either separately or in combination with another light. No back-up lights shall be continuously lighted when the motor vehicle is in forward motion.
(ORC 4513.13)

337.13 DISPLAY OF LIGHTED LIGHTS.

(a) At all times mentioned in Section 337.02 at least two State approved lighted lights shall be displayed conforming to State regulations, one near each side of the front of every motor vehicle, except when such vehicle is parked subject to the regulations governing lights on parked vehicles. (ORC 4513.14)

(b) However, on a motorcycle, there shall be displayed at least one and not more than two lighted lights as required herein.

337.14 USE OF HEADLIGHT BEAMS.

Whenever a motor vehicle is being operated on a roadway or shoulder adjacent thereto during the times specified in Section 337.02, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons, vehicles and substantial objects at a safe distance in advance of the vehicle, except that upon approaching an oncoming vehicle, the lights or beams shall be so aimed that the glaring rays are not projected into the eyes of the oncoming driver. (ORC 4513.15)

337.15 LIGHTS OF LESS INTENSITY ON SLOW-MOVING VEHICLES.

Any motor vehicle may be operated under the conditions specified in Section 337.02 when it is equipped with two lighted lights upon the front thereof capable of revealing persons and substantial objects seventy-five feet ahead in lieu of lights required in Section 337.13, provided that such vehicle shall not be operated at a speed in excess of twenty miles per hour. (ORC 4513.16)

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

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

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

(c) Flashing lights are prohibited on motor vehicles, except as a means for indicating a right or a left turn, or in the presence of a vehicular traffic hazard requiring unusual care in approaching, or overtaking or passing. This prohibition does not apply to emergency vehicles, road service vehicles servicing or towing a disabled vehicle, traffic line strippers, snow plows, rural mail delivery vehicles, vehicles transporting preschool children as provided in Ohio R.C. 4513.182, Ohio Department of Transportation maintenance vehicles, funeral hearses, funeral escort vehicles and similar equipment operated by the Department or local authorities, which shall be equipped with and display, when used on a street or highway for the special purpose necessitating such lights, a flashing, oscillating or rotating amber light, but shall not display a flashing, oscillating or rotating light of any other color, nor to vehicles or machinery permitted by Section 337.10 to have a flashing red light.

(d) Except a person operating a public safety vehicle, as defined in Section 301.27, or a school bus, no person shall operate, move or park upon or permit to stand within the right of way of any public street or highway any vehicle or equipment which is equipped with and displaying a flashing red or a flashing combination red and white light, or an oscillating or rotating red light, or a combination red and white oscillating or rotating light; and except a public law enforcement officer, or other person sworn to enforce the criminal and traffic laws of the State or Municipality, operating a public safety vehicle when on duty, no person shall operate, move or park upon, or permit to stand within the right of way of any street or highway any vehicle or equipment which is equipped with, or upon which is mounted, and displaying a flashing blue or a flashing combination blue and white light, or an oscillating or rotating blue light, or a combination blue and white oscillating or rotating light. This section shall not prohibit the use of warning lights required by law or the simultaneous flashing of turn signals on disabled vehicles. (ORC 4513.17)

337.17 FOCUS AND AIM OF HEADLIGHTS.

No person shall use any lights mentioned in Section 337.02 to 337.16, inclusive, upon any motor vehicle, trailer or semitrailer unless the lights are equipped, mounted and adjusted as to focus and aim in accordance with State regulations. (ORC 4513.19)

337.18 MOTOR VEHICLE AND MOTORCYCLE BRAKES.

The following requirements govern as to brake equipment on vehicles:

- (a) Every motor vehicle, other than a motorcycle, when operated upon a street or highway, shall be equipped with brakes adequate to control the movement of and to stop and hold such motor vehicle, including two separate means of applying the brakes, each of which means shall be

effective to apply the brakes to at least two wheels. If these two separate means of applying the brakes are connected in any way, then on such motor vehicles manufactured or assembled after January 1, 1942, they shall be so constructed that failure of any one part of the operating mechanism shall not leave the motor vehicle without brakes on at least two wheels.

- (b) Every motorcycle, when operated upon a street or highway, shall be equipped with at least one adequate brake, which may be operated by hand or by foot.
- (c) Every motorized bicycle shall be equipped with brakes meeting the rules adopted by the Ohio Director of Public Safety under Ohio R.C. 4511.521.
- (d) Every trailer or semitrailer, except a pole trailer, of a gross weight of 2,000 pounds or more, manufactured or assembled on or after January 1, 1942, when operated upon the streets or highways of this Municipality, shall be equipped with brakes adequate to control the movement of and to stop and to hold such vehicle and so designed as to be applied by the driver of the towing motor vehicle from its cab, and such brakes shall be so designed and connected that, in case of a breakaway of the towed vehicle, the brakes shall be automatically applied.
- (e) In any combination of motor-drawn trailers or semitrailers equipped with brakes, means shall be provided for applying the rearmost brakes in approximate synchronism with the brakes on the towing vehicle, and developing the required braking effort on the rearmost wheels at the fastest rate; or means shall be provided for applying braking effort first on the rearmost brakes; or both of the above means, capable of being used alternatively, may be employed.
- (f) Every vehicle and combination of vehicles, except motorcycles and motorized bicycles, and except trailers and semitrailers of a gross weight of less than 2,000 pounds, and pole trailers, shall be equipped with parking brakes adequate to hold the vehicle on any grade on which it is operated, under all conditions of loading, on a surface free from snow, ice or loose material. The parking brakes shall be capable of being applied in conformance with the foregoing requirements by the driver's muscular effort or by spring action or by equivalent means. Their operation may be assisted by the service brakes or other sources of power provided that failure of the service brake actuation system or other power assisting mechanism will not prevent the parking brakes from being applied in conformance with the foregoing requirements. The parking brakes shall be so designed that when once applied they shall remain applied with the required effectiveness despite exhaustion of any source of energy or leakage of any kind.
- (g) The same brake drums, brake shoes and lining assemblies, brake shoe anchors, and mechanical brake shoe actuation mechanism normally associated with the wheel brake assemblies may be used for both the service brakes and the parking brakes. If the means of applying the parking brakes and the service brakes are connected in any way, they shall be so constructed that failure of any one part shall not leave the vehicle without operative brakes.

- (h) Every motor vehicle or combination of motor-drawn vehicles shall be capable at all times and under all conditions of loading of being stopped on a dry, smooth, level road free from loose material, upon application of the service or foot brake, within the following specified distances, or shall be capable of being decelerated at a sustained rate corresponding to these distances:

	<u>From a speed of 20 miles per hour</u>	
	<u>Stopping distance</u>	<u>Deceleration in</u>
	<u>in feet</u>	<u>feet per second</u>
Brakes on all wheels	30	14
Brakes not on all four wheels	40	10.7

- (i) All brakes shall be maintained in good working order and shall be so adjusted as to operate as equally as practicable with respect to the wheels on opposite sides of the vehicle.
(ORC 4513.20)

337.19 HORN, SIREN AND THEFT ALARM SIGNAL.

(a) Every motor vehicle when operated upon a street shall be equipped with a horn which is in good working order and capable of emitting sound audible, under normal conditions, from a distance of not less than 200 feet.

(b) No motor vehicle shall be equipped with, nor shall any person use upon a vehicle, any siren, whistle or bell. Any vehicle may be equipped with a theft alarm signal device which shall be so arranged that it cannot be used as an ordinary warning signal. Every emergency or public safety vehicle shall be equipped with a siren, whistle or bell capable of emitting sound audible under normal conditions from a distance of not less than 500 feet and of a type approved by the Ohio Director of Public Safety. Such equipment shall not be used except when such vehicle is operated in response to an emergency call or is in the immediate pursuit of an actual or suspected violator of the law, in which case the driver of the emergency or public safety vehicle shall sound such equipment when it is necessary to warn pedestrians and other drivers of the approach thereof. (ORC 4513.21)

(c) No person shall use the horn of a motor vehicle except to give warning to other drivers or pedestrians.

337.20 MUFFLER; MUFFLER CUTOUT; EXCESSIVE SMOKE, GAS OR NOISE.

(a) Every motor vehicle and motorcycle with an internal combustion engine shall at all times be equipped with a muffler which is in good working order and in constant operation to prevent excessive or unusual noise, and no person shall use a muffler cutout, by-pass or similar device upon a motor vehicle on a highway. Every motorcycle muffler shall be equipped with baffle plates.

(b) No person shall own, operate or have in his possession any motor vehicle or motorcycle equipped with a device for producing excessive smoke or gas, or so equipped as to permit oil or any other chemical to flow into or upon the exhaust pipe or muffler of such vehicle, or equipped in any other way to produce or emit smoke or dangerous or annoying gases from any portion of such vehicle, other than the ordinary gases emitted by the exhaust of an internal combustion engine under normal operation. (ORC 4513.22)

337.21 REAR-VIEW MIRROR; CLEAR VIEW TO FRONT, BOTH SIDES AND REAR.

Every motor vehicle and motorcycle shall be equipped with a mirror so located as to reflect to the operator a view of the street to the rear of such vehicle or motorcycle. Operators of vehicles and motorcycles shall have a clear and unobstructed view to the front and to both sides of their vehicles or motorcycles and shall have a clear view to the rear of their vehicles or motorcycles by mirror. (ORC 4513.23)

337.22 SIGN OR POSTER UPON WINDSHIELD; WINDSHIELD WIPER.

(a) No person shall drive any motor vehicle, other than a bus, with any sign, poster or other nontransparent material upon the front windshield, sidewings, side or rear windows of such vehicle other than a certificate or other paper required to be displayed by law, except that there may be in the lower left-hand or right-hand corner of the windshield a sign, poster or decal not to exceed four inches in height by six inches in width. No sign, poster or decal shall be displayed in the front windshield in such a manner as to conceal the vehicle identification number for the motor vehicle when in accordance with federal law, that number is located inside the vehicle passenger compartment and so placed as to be readable through the vehicle glazing without moving any part of the vehicle.

(b) The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow or other moisture from the windshield, which device shall be maintained in good working order and so constructed as to be controlled or operated by the operator of the vehicle. (ORC 4513.24)

337.23 LIMITED LOAD EXTENSION ON LEFT SIDE OF PASSENGER VEHICLE.

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)

337.24 MOTOR VEHICLE STOP LIGHTS.

All motor vehicles when operated upon a street, highway or alley shall be equipped with at least one stop light mounted on the rear of the vehicle which shall be actuated upon application of the service brake, and which may be incorporated with other rear lights. Such stop lights when actuated shall emit a red light visible from a distance of 500 feet to the rear-most vehicle to the rear, provided that in the case of vehicles only the stop lights on the rear-most vehicle need be visible from the distance specified.

Such stop lights when actuated shall give a steady warning light to the rear of a vehicle or train of vehicles to indicate the intention of the operator to diminish the speed of or stop a vehicle or train of vehicles.

When stop lights are used as required by this section, they shall be constructed or installed so as to provide adequate and reliable illumination and shall conform to the appropriate rules and regulations established under Ohio R.C. 4513.19.

Historical motor vehicles as defined in Ohio R.C. 4503.181 are not subject to this section. (ORC 4513.071)

337.25 AIR CLEANER REQUIRED.

(a) No person shall operate a motor vehicle with an internal combustion engine unless the carburetion system of the vehicle is protected with an air filter, a flame arresting device, or any other accepted method of protection that is adequate for this purpose. If the original device or system is replaced, it shall be replaced with one that is equal to or better than the original equipment.

(b) This section does not apply to a person doing automotive repair work on a motor vehicle that necessitates this device being removed while the work is performed.

337.26 CHILD RESTRAINT SYSTEM USAGE; EXCEPTIONS, DISMISSAL AND PENALTY.

(a) When any child who is less than four years of age or weighs less than forty pounds is being transported in a motor vehicle, other than a taxicab, that is owned by such child's parent or legal guardian and is registered in this State, and the motor vehicle 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.

(b) When any child who is less than one year of age is being transported in a motor vehicle, other than a taxicab or public safety vehicle as defined in Section 301.27, that is registered in this State but is not owned by such child's parent or legal guardian, and the motor vehicle 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 vehicle safety standards.

(c) When any child who is one year of age or older but is less than four years of age or weighs less than forty pounds is being transported in a motor vehicle, other than a taxicab, that is registered in this State but is not owned by such child's parent or legal guardian, and the motor vehicle 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 vehicle safety standards, if such a system is available. If such a child restraint system is not available, the operator of the motor vehicle shall have the child properly secured in a lap belt, or if a lap belt is not available, in a seat belt.

(d) When any child who is less than four years of age or weighs less than forty pounds is being transported in a motor vehicle, other than a taxicab, that is registered in this State and is owned, leased or otherwise under the control of a nursery school, kindergarten or day-care center, the operator of the motor vehicle shall have the child properly secured in accordance with the manufacturer's instructions in a child restraint system that meets Federal motor vehicle safety standards.

(e) The Ohio Director of Public Safety shall adopt such rules as are necessary to carry out this section, and may adopt rules establishing exemptions additional to those established in subsection (g) hereof, if the Director determines that use of a child restraint system, lap belt or seat belt would be impractical because of a physical handicap of a child and if the additional exemptions are directly related to that impracticality.

(f) The failure of an operator of a motor vehicle to secure a child in a child restraint system, lap belt or seat belt 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.

(g) This section does not apply when an emergency exists that threatens the life of any person operating a motor vehicle to whom this section otherwise would apply or the life of any child who otherwise would be required to be restrained under this section.

(h) The court shall dismiss a charge brought against a person who is a resident of this State and is charged with a first violation of subsections (a), (b), (c) or (d) hereof, and may waive the costs, if the person proves to the court, by preponderance of the evidence, that he or she, prior to the scheduled court appearance indicated on the citation issued to him or her, purchased, borrowed or rented, for the period of time that the child involved in the alleged violation was or will be in the person's care or custody, a child restraint system that meets Federal motor vehicle safety standards. The court shall not dismiss a charge brought against the person and shall impose the applicable fine levied by subsection (k) hereof if the person fails to prove to the court, by a preponderance of the evidence, that he or she has properly purchased, borrowed or rented a child restraint system in accordance with this subsection and is convicted of the offense.

(i) If a person who is a resident of this State is charged with a second violation of subsection (a), (b), (c) or (d) hereof, and is convicted but proves to the court by a preponderance of the evidence that he, prior to the scheduled court appearance indicated on the citation issued to him, purchased, borrowed or rented for the period of time that the child involved in the violation was or will be in the person's care or custody, a child restraint system that meets Federal motor vehicle safety standards, the court shall impose the applicable fine levied by subsection (k) hereof. If the person fails to prove to the court, by a preponderance of the evidence, that he has properly purchased, borrowed or rented a child restraint system in accordance with this subsection, the court shall impose the applicable fine levied by subsection (k) hereof.

(j) If a person who is not a resident of this State is charged with a violation of subsection (a), (b), (c) or (d) hereof and does not prove to the court, by a preponderance of the evidence, that his use or nonuse of a child restraint system was in accordance with the law of the state of which he is a resident, the court shall impose the fine levied by subsection (l) hereof. (ORC 4511.81)

(k) Whoever violates subsection (a), (b), (c) or (d) hereof shall be fined not less nor more than thirty-five dollars (\$35.00) on a first offense, unless the fine is waived in accordance with subsection (h) hereof; on a second offense, that person shall be fined not less nor more than thirty-five dollars (\$35.00), except that if that person fails to prove timely acquisition of a child restraint system as provided by subsection (i) hereof, that person shall be fined not less nor more than seventy dollars (\$70.00).

(l) Whoever violates subsection (a), (b), (c) or (d) hereof and fails to prove that his use or nonuse of a child restraint system was in accordance with the law of the state of which he is a resident shall be fined not less nor more than thirty-five dollars (\$35.00).
(ORC 4511.99)

337.27 DRIVERS AND PASSENGERS REQUIRED TO WEAR SEAT BELTS; PENALTY.

(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.

(b) No person shall do either of the following:

- (1) Operate an automobile on any street or highway unless he 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 he 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 he is wearing all of the available elements of a properly adjusted occupant restraining device;
- (4) Operate a taxicab on any street or highway unless all factory-equipped occupant restraining devices in the taxicab are maintained in usable form.

(c) Subsection (b)(3) hereof does not apply to a person who is required by Section 337.26 to be secured in a child restraint device. Subsection (b)(1) hereof does not apply to a person who is an employee of the United States Postal Service or of a newspaper home delivery service, during any period in which the person is engaged in the operation of an automobile to deliver mail or newspapers to addressees. Subsections (b)(1) and (3) hereof do not apply to a person who has an affidavit signed by a physician licensed to practice in this State under Ohio R.C. Chapter 4731 or a chiropractor licensed to practice in this State under Ohio R.C. Chapter 4734 that states that the person has a physical impairment that makes use of an occupant restraining device impossible or impractical.

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

(e) All fines collected for violations of subsection (b) hereof shall be forwarded to the Treasurer of State for deposit in the Seat Belt Education and Emergency Medical Services Fund.

- (f) (1) Subject to subsection (f)(2) hereof, the failure of a person to wear all of the available elements of a properly adjusted occupant restraining device or to ensure that each passenger of an automobile being operated by the person is wearing all of the available elements of such a device, in violation of subsection (b) hereof, shall not be considered or used as evidence of negligence or contributory negligence, shall not diminish recovery for damages in any civil action involving the person arising from the ownership, maintenance or operation of an automobile, shall not be used as a basis for a criminal prosecution of the person other than a prosecution for a violation of this section, and shall not be admissible as evidence in any civil or criminal action involving the person other than a prosecution for a violation of this section.

- (2) If, at the time of an accident involving a passenger car equipped with occupant restraining devices, any occupant of the passenger car who sustained injury or death was not wearing an available occupant restraining device, was not wearing all of the available elements of such a device or was not wearing such a device as properly adjusted, then, consistent with the rules of evidence, the fact that the occupant was not wearing the available occupant restraining device, was not wearing all of the available elements of such a device or was not wearing such a device as properly adjusted is admissible in evidence in relation to any claim for relief in a tort action to the extent that the claim for relief satisfies all of the following:
 - A. It seeks to recover damages for injury or death to the occupant;
 - B. The defendant in question is the manufacturer, designer, distributor or seller of the passenger car;
 - C. The claim for relief against the defendant in question is that the injury or death sustained by the occupant was enhanced or aggravated by some design defect in the passenger car or that the passenger car was not crashworthy.
- (3) As used in subsection (f)(2) hereof, "tort action" means a civil action for damages for injury, death or loss to person or property. "Tort action" includes a product liability claim that is subject to Ohio R.C. 2307.71 to 2307.80, but does not include a civil action for damages for a breach of a contract or another agreement between persons. (ORC 4513.263)

(g) Whoever violates subsection (b)(1) hereof shall be fined twenty-five dollars (\$25.00). (ORC 4513.99(F))

(h) Whoever violates subsection (b)(3) hereof shall be fined fifteen dollars (\$15.00). (ORC 4513.99(G))

337.28 USE OF SUNSCREENING, NONTRANSPARENT AND REFLECTORIZED MATERIALS.

(a) No person shall operate, on any street or other public or private property open to the public for vehicular travel or parking, nor lease or rent any motor vehicle that is required to be registered in this State with any suncreening material, or other product or material, which has the effect of making the windshield or windows nontransparent or would alter the windows' color, increase its reflectivity, or reduce its light transmittance, except as herein specified:

- (1) Any manufacturer's tinting or glazing of motor vehicle windows or windshields that is otherwise in compliance with or permitted by "Federal Motor Vehicle Safety Standard Number 205". In Federal Motor Vehicle Safety Standard Number 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.
- (2) Any motor vehicle with a strip of sunscreening applied along the top of the windshield so long as such material when used in conjunction with the windshield is transparent and is in compliance with "Federal Motor Vehicle Safety Standard Number 205", or other applicable Federal Standards, and does not extend downward beyond the AS-1 line or five inches from the top of the windshield, whichever is closer to the top.
- (3) Any motor vehicle with suncreening material applied to the side windows near the driver and passenger in the front of such vehicle and/or the rear windows 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 percent (50%) plus or minus three percent (3%) and is not red or yellow in color.

(b) No person shall install in any motor vehicle any glass or other material that fails to conform to the specifications of this section.

(c) 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.

(d) No reflectorized materials shall be permitted upon or in any front windshield, side windows, sidewings or rear window.

(e) No person shall operate on any street or other public or private property open to the public for vehicular travel or parking, nor 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.

(f) All motor vehicles, beginning with the 1990 model year, shall be equipped with labels identifying suncreening material. All suncreening material shall 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 shall be legible and shall be placed in the lower left-hand corner of the vehicle window when viewed from the outside.

(OAC 4501-41-03)

(g) 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 limousines as defined in Rule 4501-41-02 of the Ohio Administrative Code if the limousines are operated for hire;
- (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".
(OAC 4501-41-05)

(h) Definitions. As used in this section, certain terms are defined as follows:

- (1) "Motor vehicle" has the same meaning as specified in Section 301.20.
- (2) "Sunscreening material" means products or materials, including film, glazing and perforated suncreening, 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) "Limousine" means any vehicle of the type generally described as a limousine, designed to transport seven or more people.
(OAC 4501-41-02)

337.29 BUMPER HEIGHTS.

(a) Definitions.

- (1) "Passenger car" means any motor vehicle with motive power, designed for carrying ten persons or less, except a multipurpose passenger vehicle or motorcycle.
- (2) "Multipurpose passenger vehicle" means a motor vehicle with motive power, except a motorcycle, designed to carry ten persons or less, that is constructed either on a truck chassis or with special features for occasional off-road operation.
- (3) "Truck" means every motor vehicle, except trailers and semitrailers, designed and used to carry property and having a gross vehicle weight rating of 10,000 pounds or less.
- (4) "Manufacturer" has the same meaning as in Ohio R.C. 4501.01.
- (5) "Gross vehicle weight rating" means the manufacturer's gross vehicle weight rating established for the vehicle.
- (6) "Body floor height" means the vertical distance between top of the frame rail and the bottom of the passenger compartment (cab) floor. In the event that the vehicle is a truck body floor height will be measured by the vertical distance between the passenger compartment (cab) floor and the floor of the truck bed.
- (7) "Bumper height" means the vertical distance between the ground and the highest point of the bottom of the bumper, measured when the vehicle is laden on a level surface with the vehicle tires inflated to the manufacturer's recommended pressure.
- (8) "Frame" means the main longitudinal structural members of the chassis of the vehicle or, for vehicles with unitized body construction, the lowest main longitudinal structural members of the body of the vehicle.
(OAC 4501-43-02)

(b) Prohibitions; Application.

- (1) No person shall operate upon a street or highway any passenger car, multipurpose passenger vehicle or truck registered in this State that does not conform to the requirements of this section.

- (2) No person shall modify any motor vehicle registered in this State in such a manner as to cause the vehicle body or chassis to come in contact with the ground, expose the fuel tank to damage from collision, or cause the wheels to come in contact with the body under normal operation, and no person shall disconnect any part of the original suspension system of the vehicle to defeat the safe operation of that system including the installation of inverted, altered or modified suspension system component parts which results in elevation of the height of the vehicle bumper or frame unit which is not in compliance with this section.
 - (3) No person shall operate upon a street or highway any passenger car, multipurpose passenger vehicle or truck registered in this State without a bumper on the front and rear of the vehicle if such vehicle was equipped with bumpers as standard equipment by the manufacturer.
 - (4) No person shall operate upon a street or highway any passenger car, multipurpose passenger vehicle or truck registered in this State if the difference in height between the body floor and the top of the frame exceeds four inches.
 - (5) Nothing contained in this section shall be construed to prohibit either of the following:
 - A. The installation upon a passenger car, multipurpose passenger vehicle or truck registered in this State of heavy duty equipment, including shock absorbers and overload springs as long as such equipment does not cause the vehicle to be in violation of this section;
 - B. The operation on a street or highway of a passenger car, multipurpose passenger vehicle or truck registered in this State with normal wear to the suspension system if the normal wear does not adversely affect the control of the vehicle.
 - (6) This section does not apply to any specially designed or modified passenger car, multipurpose passenger vehicle or truck when operated off a street or highway in races and similar events.
 - (7) A specially designed or modified passenger car, multipurpose passenger vehicle or truck which does not conform to this section shall not be operated on a street or highway.
(OAC 4501-43-03)
- (c) Specifications.
- (1) The horizontal bumper shall be at least 4.5 inches in vertical height, centered on the vehicle's centerline, and extend no less than the width of the respective wheel track distances. Bumpers shall be horizontal load bearing bumpers and attached to the vehicle frame to effectively transfer impact when engaged.

- (2) Maximum bumper heights shall be determined by weight category of gross vehicle weight rating (GVWR) measured in terms of the vertical distance between the ground and the bottom of the frame rail or bumper. Maximum bumper heights are as follows:

	<u>Front (inches)</u>	<u>Rear (inches)</u>
Passenger Vehicles	22	22
4,500 lbs. and under GVWR	24	26
4,501 lbs. to 7,500 lbs. GVWR	27	29
7,501 lbs. to 10,000 lbs. GVWR	28	31

- (3) If the body and/or truck bed height is altered the difference in height between the body floor and/or the truck bed floor to the top of the frame rail shall not exceed four inches.
- (4) For any vehicle with bumpers or attaching components which have been modified or altered from the original manufacturer's design in order to conform with the maximum bumper requirements of this section, the bumper height shall be measured from a level surface to the bottom of the vehicle frame rail at the most forward and rearward points of the frame rail.
- (5) The height restriction in this subsection (c) applies to the distance from the ground to the bottom of the frame rail under any one or more of the following conditions:
- A. A motor vehicle is not equipped with a front and rear bumper.
 - B. The bumper height relative to the frame rails has been altered.
 - C. A supplemental bumper has been installed or an addition to the original or replacement has been made.
- (OAC 4501-43-04)

337.99 PENALTY.

(EDITOR'S NOTE: See Section 303.99 for misdemeanor classifications and penalties.)

CHAPTER 339
Commercial and Heavy Vehicles

<p>339.01 Oversize or overweight vehicle operation on State routes; State permit.</p> <p>339.02 Use of local streets; local permit and conditions.</p> <p>339.03 Maximum width, height and length.</p> <p>339.04 Route and load information.</p> <p>339.05 Wheel protectors.</p> <p>339.06 Vehicles transporting explosives.</p>	<p>339.07 Towing requirements.</p> <p>339.08 Loads dropping or leaking; removal required; tracking mud.</p> <p>339.09 Shifting load; loose loads.</p> <p>339.10 Vehicles with spikes, lugs and chains.</p> <p>339.11 Use of studded tires and chains.</p> <p>339.99 Penalty.</p>
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CROSS REFERENCES

See sectional histories for similar State law
 Weighing vehicle; removal of excess load – see Ohio R.C. 4513.33
 Arrest notice of driver – see Ohio R.C. 5577.14
 Slower moving vehicles to be driven in right-hand lane – see
 TRAF. 331.01(b)
 Fatigued or ill drivers – see TRAF. 341.02

339.01 OVERSIZE OR OVERWEIGHT VEHICLE OPERATION ON STATE ROUTES; STATE PERMIT.

No person shall operate or move a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum specified in Ohio R.C. 5577.01 to 5577.09, inclusive, or otherwise not in conformity with Ohio R.C. 4513.01 to 4513.37, inclusive, upon any State route within the Municipality, except pursuant to special written permit issued by the Ohio Director of Transportation, or upon any local truck route. Every such permit shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any police officer.

No holder of a permit issued by the Ohio Director of Transportation shall be required to obtain any local permit or license or pay any local fee or charge for movement on any State route within the Municipality; however, it shall be unlawful to operate any such vehicle or combination of vehicles upon any roadway within the Municipality which is not a State route, except as provided in Section 339.02.
 (ORC 4513.34)

339.02 USE OF LOCAL STREETS; LOCAL PERMIT AND CONDITIONS.

(a) Use of Local Streets. No person shall operate a vehicle exceeding a size as specified in Section 339.03 or exceeding a gross weight of five tons, upon any street in the Municipality other than a State route, except those local streets designated as a truck route and marked as such by appropriate traffic signs, and except when such operation is necessary to load or unload property, to go to or from the usual place of storage of such vehicle or to perform any other legitimate business or act other than passage through the Municipality. Operators of vehicles so deviating from either a State route or a designated truck route within the Municipality shall confine such deviation to that required in order to accomplish the purpose of the departure.

(b) Local Permit and Conditions. Upon application and for good cause, the Police Chief may issue a local permit authorizing an applicant to move an oversize or overweight vehicle or combination of vehicles upon local streets.

No permittee shall be required to obtain a special permit from the Ohio Director of Transportation for the movement of the vehicle or combination of vehicles on streets or highways under local jurisdiction; however, the approval of the Ohio Director of Transportation shall be required for movement upon State routes as provided in Section 339.01.

The Police Chief may grant a permit for a single or round trip, or for such period of time, not to exceed one year, as the Police Chief in his discretion deems advisable, or for the duration of any construction project. The Police Chief may limit or prescribe terms or conditions of operation for such vehicle or combination of vehicles by designating the route, hours, speed or such other restrictions as may be necessary for the preservation of the public peace, property, health and safety. The Police Chief may require the posting of bond or other security necessary to compensate for any damage to a roadway or road structure.

For each such permit, the Police Chief shall charge ten dollars (\$10.00), and for each hour of time or any part thereof spent by each police officer in supervising the movement of such vehicle, the applicant shall pay the sum of twenty-five dollars (\$25.00) per hour per officer. The charge can be prorated into fifteen minute increments.

Signs shall be posted indicating "no thru trucks - gross weight 5 tons" or words of similar import to apprise drivers of the limitations imposed by this section. No driver shall disobey the instructions indicated on any such sign.

Violation of any of the limitations, terms or conditions of the permit granted by the Police Chief shall be cause for immediate revocation or suspension of such permit, and denial of request for any future permit. Such violation shall also subject the violator to the penalty prescribed by Section 303.99.

339.03 MAXIMUM WIDTH, HEIGHT AND LENGTH.

No vehicle shall be operated upon the public highways, streets, bridges and culverts within the Municipality, whose dimensions exceed those specified in this section.

- (a) No such vehicle shall have a width in excess of:
- (1) 104 inches for passenger bus type vehicles operated exclusively within municipal corporations;
 - (2) 102 inches, excluding such safety devices as are required by law, for passenger bus type vehicles operated over freeways, and such other State roads with minimum pavement widths of twenty-two feet, except those roads or portions thereof over which operation of 102-inch buses is prohibited by order of the Ohio Director of Transportation;
 - (3) 132 inches for traction engines;
 - (4) 102 inches, including load, for all other vehicles, except that the Director may, by journal entry, prohibit the operation of 102-inch vehicles on such State highways or portions thereof as the Director designates.
- (b) No such vehicle shall have a length in excess of:
- (1) 48 feet for passenger bus type vehicles operated exclusively within municipal corporations;
 - (2) 40 feet for all other passenger bus type vehicles;
 - (3) 53 feet for any semitrailer when operated in a commercial tractor-semitrailer combination, with or without load, except that the Director may, by journal entry, prohibit the operation of any such commercial tractor-semitrailer combination on such State routes or portions thereof as the Director designates;
 - (4) 28.5 feet for any semitrailer or trailer when operated in a commercial tractor-semitrailer-trailer or commercial tractor-semitrailer-semitrailer combination, except that the Director may, by journal entry, prohibit the operation of any such commercial tractor-semitrailer-trailer or commercial tractor-semitrailer-semitrailer combination on such State routes or portions thereof as the Director designates;
 - (5) 65 feet for any other combination of vehicles coupled together, with or without load, except as provided in subsections (b)(3) and (4) and in subsection (d) hereof;
 - (6) 40 feet for all other vehicles except trailers and semitrailers, with or without load.
- (c) No such vehicle shall have a height in excess of thirteen feet six inches, with or without load.
- (d) Any automobile transporter or boat transporter shall be allowed a length of sixty-five feet and any stinger-steered automobile transporter or stinger-steered boat transporter shall be allowed a length of seventy-five feet, except that the load thereon may extend no more than four feet beyond the rear of such vehicles and may extend no more than three feet beyond the front of such vehicles, and except further that the Director may, by journal entry, prohibit the operation of any stinger-steered automobile transporter or stinger-steered boat transporter or a B-train assembly on any State highway or portion thereof that the Director designates.

The lengths prescribed in subsections (b)(2) to (6) hereof shall not include safety devices, bumpers attached to the front or rear of such bus or combination, B-train assembly used between the first and second semitrailer of a commercial tractor-semitrailer-semitrailer combination, energy conservation devices as provided in any regulations adopted by the Secretary of the United States Department of Transportation, or any noncargo-carrying refrigeration equipment attached to the front of trailers and semitrailers. In special cases, vehicles whose dimensions exceed those prescribed by this section may operate in accordance with rules promulgated by the Ohio Director of Transportation.

This section does not apply to fire engines, fire trucks or other vehicles or apparatus belonging to any municipal corporation or to the volunteer fire department of any municipal corporation or used by such department in the discharge of its functions. This section does not apply to vehicles and pole trailers used in the transportation of wooden and metal poles, nor to the transportation of pipes or well-drilling equipment, nor to farm machinery and equipment. The owner or operator of any vehicle, machinery or equipment not specifically enumerated in this section but the dimensions of which exceed the dimensions provided by this section, shall when operating the same on the highways and streets of this State comply with the rules of the Director governing such movement, which rules the Director may adopt and promulgate. Ohio R.C. 119.01 to 119.13 apply to any rules adopted under this section, or the amendment or rescission thereof, and any person adversely affected shall have the same right of appeal as provided in such sections.

This section does not require the State, the Municipality, County, township or any railroad or other private corporation to provide sufficient vertical clearance to permit the operation of such vehicle, or to make any changes in or about existing structures now crossing streets, roads and other public thoroughfares in the Municipality. (ORC 5577.05)

339.04 ROUTE AND LOAD INFORMATION.

Drivers of vehicles described in this chapter shall be required, upon request by a police officer, to give full and true information as to the route they are following and the name of the consignor and consignee and place of delivery or removal and the location of any consignment being hauled or goods being removed, and upon a designation by such police officer of a route to be followed, shall immediately adopt and pursue such route.

339.05 WHEEL PROTECTORS.

No person shall drive or operate, or cause to be driven or operated, any commercial car, trailer or semitrailer, used for the transportation of goods or property, the gross weight of which, with load, exceeds three tons, upon the streets, bridges and culverts within this Municipality unless such vehicle is equipped with suitable metal protectors or substantial flexible flaps on the rearmost wheels of such vehicle or combination of vehicles to prevent, as far as practicable, the wheels from throwing dirt, water or other materials on the windshields of following vehicles. Such protectors or flaps shall have a ground clearance of not more than one-fifth of the distance from the center of the rearmost axle to the center of the flaps under any conditions of loading of the vehicle, and they shall be at least as wide as the tires they are protecting. If the vehicle is so designed and constructed that such requirements are accomplished by means of fenders, body construction or other means of enclosure, then no such protectors or flaps are required. Rear wheels not covered at the top by fenders, bodies or other parts of the vehicle shall be covered at the top by protective means extending at least to the center line of the rearmost axle. (ORC 5577.11)

339.06 VEHICLES TRANSPORTING EXPLOSIVES.

Any person operating any vehicle transporting explosives upon a street or highway shall at all times comply with the following requirements:

- (a) Such vehicle shall be marked or placarded on each side and on the rear with the word "EXPLOSIVES" in letters not less than eight inches high, or there shall be displayed on the rear of such vehicle a red flag not less than twenty-four inches square marked with the word "DANGER" in white letters six inches high, or shall be marked or placarded in accordance with Section 177.823 of the United States Department of Transportation Regulations.
- (b) Such vehicle shall be equipped with not less than two fire extinguishers, filled and ready for immediate use, and placed at convenient points on such vehicle.
(ORC 4513.29)

339.07 TOWING REQUIREMENTS.

(a) When one vehicle is towing another vehicle, the drawbar or other connection shall be of sufficient strength to pull all weight towed thereby, and such drawbar or other connection shall not exceed fifteen feet from one vehicle to the other, except the connection between any two vehicles transporting poles, pipe, machinery or other objects of structural nature which cannot readily be dismembered.

(b) When one vehicle is towing another and the connection consists only of a chain, rope or cable, there shall be displayed upon such connection a white flag or cloth not less than twelve inches square.

(c) In addition to such drawbar or other connection, each trailer and each semitrailer which is not connected to a commercial tractor by means of a fifth wheel shall be coupled with stay chains or cables to the vehicle by which it is being drawn. The chains or cables shall be of sufficient size and strength to prevent the towed vehicle's parting from the drawing vehicle in case the drawbar or other connection should break or become disengaged. In case of a loaded pole trailer, the connecting pole to the drawing vehicle shall be coupled to the drawing vehicle with stay chains or cables of sufficient size and strength to prevent the towed vehicle's parting from the drawing vehicle.

(d) Every trailer or semitrailer, except pole and cable trailers and pole and cable dollies operated by a public utility, as defined in Ohio R.C. 5727.01, shall be equipped with a coupling device which shall be so designed and constructed that the trailer will follow substantially in the path of the vehicle drawing it, without whipping or swerving from side to side. Vehicles used to transport agricultural produce or agricultural production materials between a local place of storage and supply and the farm, when drawn or towed on a street or highway at a speed of twenty-five miles per hour or less, and vehicles designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a street or highway for a distance of no more than ten miles and at a speed of twenty-five miles per hour or less shall have a drawbar or other connection, including the hitch mounted on the towing vehicle, which shall be of sufficient strength to pull all the weight towed thereby. Only one such vehicle used to transport agricultural produce or agricultural production materials as provided in this section may be towed or drawn at one time unless the towing vehicle is an agricultural tractor.

(ORC 4513.32)

**339.08 LOADS DROPPING OR LEAKING; REMOVAL REQUIRED;
TRACKING MUD.**

(a) No vehicle shall be driven or moved on any street, highway or other public place unless such vehicle is so constructed, loaded or covered as to prevent any of its load from dropping, sifting, leaking or otherwise escaping therefrom, except that sand or other substances may be dropped for the purpose of securing traction, or water or other substances may be sprinkled on a roadway in cleaning or maintaining such roadway.

(b) Except for a farm vehicle used to transport agricultural produce or agricultural production materials or a rubbish vehicle in the process of acquiring its load, no vehicle loaded with garbage, swill, cans, bottles, waste paper, ashes, refuse, trash, rubbish, waste, wire, paper, cartons, boxes, glass, solid waste or any other material of an unsanitary nature that is susceptible to blowing or bouncing from a moving vehicle shall be driven or moved on any street, highway or other public place unless the load is covered with a sufficient cover to prevent the load or any part of the load from spilling onto the street, highway or other public place.

(ORC 4513.31)

(c) No person shall operate any vehicle so as to track or drop mud, stones, gravel or other similar material on any street, highway or other public place.

(d) It shall be the duty of the driver of a vehicle who unlawfully drops or deposits mud, stones, gravel or other similar material or permits the load or any portion thereof to be dropped or deposited upon any street, highway or other public place to immediately remove the same or cause it to be removed.

339.09 SHIFTING LOAD; LOOSE LOADS.

(a) In addition to any other lawful requirements of load distribution, no person shall operate any vehicle upon a street or highway unless such vehicle is so laden as to prevent its contents from shifting or otherwise unbalancing the vehicle to such an extent as to interfere with the safe operation of the same.

(b) No motor vehicle or trailer shall be driven unless the tailboard or tailgate, tarpaulins, chains (except ground or contact chains), ropes, stakes, poles, and the like, or any part of the load, are securely fastened to prevent dangling, flapping, swinging or falling from the side, end or top of the load or body. All projecting cargo shall be properly guarded by a red flag or cloth or a red light or lantern as required by Section 337.08.

339.10 VEHICLES WITH SPIKES, LUGS AND CHAINS.

No person shall drive over the improved streets of this Municipality a traction engine or tractor with tires or wheels equipped with ice picks, spuds, spikes, chains or other projections of any kind extending beyond the cleats, or no person shall tow or in any way pull another vehicle over the improved streets of this Municipality, which towed or pulled vehicle has tires or wheels equipped with ice picks, spuds, spikes, chains or other projections of any kind. "Traction engine" or "tractor," as used in this section, applies to all self-propelling engines equipped with metal-tired wheels operated or propelled by any form of engine, motor or mechanical power.

(ORC 5589.08)

339.11 USE OF STUDED TIRES AND CHAINS.

(a) For purposes of this section, "studded tire" means any tire designed for use on a vehicle, and equipped with metal studs or studs of wear-resisting material that project beyond the tread of the traction surface of the tire. "Motor vehicle," "street or highway," "public safety vehicle" and "school bus" have the same meaning as given those terms in Chapter 301.

(b) No person shall operate any motor vehicle, other than a public safety vehicle or bus, that is equipped with studded tires on any street or highway, except during the period extending from November 1 of each year through April 15 of the succeeding year.

(c) This section does not apply to the use of tire chains when there is snow or ice on the streets or highways where such chains are being used, or the immediate vicinity thereof. (ORC 5589.081)

339.99 PENALTY.

(EDITOR'S NOTE: See Section 303.99 for misdemeanor classifications and penalties.)

CHAPTER 341
Commercial Drivers

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.
		341.99	Penalty.

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 blood;
 - (2) Two hundred ten liters of breath;
 - (3) One hundred milliliters of urine.
- (b) "School bus" has the same meaning as in Ohio R.C. 4511.01.
- (c) "Commercial driver's license" means a license, including a probationary commercial driver's license, issued in accordance with Ohio R.C. Chapter 4506 that authorizes an individual to drive a commercial motor vehicle.
- (d) "Commercial motor vehicle" means any motor vehicle designed or used to transport persons or property that meets any of the following qualifications:
 - (1) Any combination of vehicles with a combined gross vehicle weight rating of 26,001 pounds or more, provided the gross vehicle weight rating of the vehicle or vehicles being towed is in excess of 10,000 pounds;
 - (2) Any single vehicle with a gross vehicle weight rating of 26,001 pounds or more, or any such vehicle towing a vehicle having a gross vehicle weight rating that is not in excess of 10,000 pounds;

- (3) Any single vehicle or combination of vehicles that is not a class A or class B vehicle, but that either is designed to transport sixteen or more passengers including the driver, or is placarded for hazardous materials and any school bus with a gross vehicle weight rating of less than 26,001 pounds that is designed to transport fewer than sixteen passengers including the driver;
- (4) Is transporting hazardous materials for which placarding is required by regulations adopted under the "Hazardous Materials Transportation Act," 88 Stat. 2156 (1975), 49 U.S.C.A. 1801, as amended.
- (e) "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.
- (f) "Disqualification" means withdrawal of the privilege to drive a commercial motor vehicle.
- (g) "Drive" means to drive, operate or be in physical control of a motor vehicle.
- (h) "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.
- (i) "Driver's license" means a license issued by the Ohio Bureau of Motor Vehicles that authorizes an individual to drive.
- (j) "Drug of abuse" means any controlled substance, dangerous drug as defined in Ohio R.C. 4729.02 or over-the-counter medication that, when taken in quantities exceeding the recommended dosage, can result in impairment of judgment or reflexes.
- (k) "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.
- (l) "Felony" means any offense under federal or state law that is punishable by death or imprisonment for a term exceeding one year and includes any offense specifically classified as a felony under the law of this State, regardless of the penalty that may be imposed.
- (m) "Foreign jurisdiction" means any jurisdiction other than a state.
- (n) "Gross vehicle weight rating" means the value specified by the manufacturer as the maximum loaded weight of a single or a combination vehicle. The gross vehicle weight rating of a combination vehicle is the gross vehicle weight rating of the power unit plus the gross vehicle weight rating of each towed unit.
- (o) "Hazardous materials" means materials identified as such under regulations adopted under the "Hazardous Materials Transportation Act," 88 Stat. 2156 (1975), 49 U.S.C.A. 1801, as amended.

- (p) "Motor vehicle" has the same meaning as in Ohio R.C. 4511.01.
- (q) "Out-of-service order" means a temporary prohibition against driving a commercial motor vehicle issued under this chapter, Ohio R.C. Chapter 4506 or a similar law of another state or of a foreign jurisdiction.
- (r) "State" means a state of the United States and includes the District of Columbia.
- (s) "United States" means the fifty states and the District of Columbia.
- (t) "Vehicle" has the same meaning as in Ohio R.C. 4511.01.
(ORC 4506.01)

341.02 EXEMPTIONS.

(a) Nothing in this chapter applies to any person when engaged in the operation of any of the following:

- (1) A farm truck;
- (2) Fire equipment for a fire department, volunteer or nonvolunteer fire company, fire district or joint fire district;
- (3) A public safety vehicle used to provide transportation or emergency medical service for ill or injured persons;
- (4) A recreational vehicle.

(b) As used in this section:

- (1) "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 no more than 150 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 no more than 150 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 paragraph and is not used in the operations of a motor transportation company or private motor carrier.
- (2) "Public safety vehicle" has the same meaning as in Ohio R.C. 4511.01(E)(1) and (3).
- (3) "Recreational vehicle" includes every vehicle that is defined as a recreational vehicle in Ohio R.C. 4501.01 and is used exclusively for purposes other than engaging in business for profit.
(ORC 4506.02)

341.03 PREREQUISITES TO OPERATION OF A COMMERCIAL MOTOR VEHICLE.

- (a) On and after April 1, 1992, the following shall apply:
- (1) No person shall drive a commercial motor vehicle on a highway in this Municipality unless he holds a valid commercial driver's license with proper endorsements for the motor vehicle being driven, issued by the registrar of motor vehicles, a valid examiner's commercial driving permit issued under Ohio R.C. 4506.13, a valid restricted commercial driver's license and waiver for farm-related service industries issued under Ohio R.C. 4506.24 or a valid commercial driver's license temporary instruction permit issued by the Registrar and is accompanied by an authorized state driver's license examiner or tester or a person who has been issued and has in his immediate possession a current, valid commercial driver's license with proper endorsements for the motor vehicle being driven.
 - (2) No person who has been a resident of this State for thirty days or longer shall drive a commercial motor vehicle under the authority of a commercial driver's license issued by another jurisdiction.

(b) As used in this section, "tester" means a person or entity acting pursuant to a valid agreement entered into under Ohio R.C. 4506.09(B).
(ORC 4506.03)

341.04 PROHIBITIONS.

No person shall do any of the following:

- (a) Drive a commercial motor vehicle while having in his possession or otherwise under his control more than one valid driver's license issued by this State, any other state or by a foreign jurisdiction;
- (b) Drive a commercial motor vehicle on a highway in this Municipality in violation of an out-of-service order, while his driving privilege is suspended, revoked or canceled, or while he is subject to disqualification;
- (c) Drive a motor vehicle on a highway in this Municipality under authority of a commercial driver's license issued by another state or a foreign jurisdiction, after having been a resident of this State for thirty days or longer.

(ORC 4506.04)

341.05 CRIMINAL OFFENSES.

No person shall do any of the following:

- (a) Drive a commercial motor vehicle while having a measureable or detectable amount of alcohol or of a controlled substance in his blood, breath or urine;
- (b) Drive a commercial motor vehicle while having an alcohol concentration of four-hundredths of one percent (0.04%) or more;
- (c) Drive a commercial motor vehicle while under the influence of a controlled substance;

- (d) Knowingly leave the scene of an accident involving a commercial motor vehicle driven by the person;
- (e) Use a commercial motor vehicle in the commission of a felony;
- (f) Refuse to submit to a test under Ohio R.C. 4506.17;
- (g) Violate an out-of-service order issued under this chapter or Ohio R.C. Chapter 4506;
- (h) Violate any prohibition described in subsections (b) to (g) hereof while transporting hazardous materials.
(ORC 4506.15)

341.06 EMPLOYMENT OF DRIVERS OF COMMERCIAL VEHICLES.

(a) Each employer shall require every applicant for employment as a driver of a commercial motor vehicle to provide the information specified in Ohio R.C. 4506.19.

(b) No employer shall knowingly permit or authorize any driver employed by him to drive a commercial motor vehicle during any period in which any of the following apply:

- (1) The driver's commercial driver's license is suspended, revoked or canceled by any state or a foreign jurisdiction;
- (2) The driver has lost his privilege to drive, or currently is disqualified from driving, a commercial motor vehicle in any state or foreign jurisdiction;
- (3) The driver is subject to an out-of-service order in any state or a foreign jurisdiction;
- (4) The driver has more than one driver's license.
(ORC 4506.20)

341.99 PENALTY.

(EDITOR'S NOTE: See Section 303.99 for penalties applicable to any misdemeanor classification).

Whoever violates any provision of this chapter is guilty of a misdemeanor of the first degree.
(ORC 4506.99)

TITLE SEVEN - Parking
 Chap. 351. Parking Generally.
 Chap. 353. Parking Meters.

CHAPTER 351
Parking Generally

351.01	Police may remove unattended vehicle which obstructs traffic.	351.07	Unattended vehicle: duty to stop engine, remove key, set brake and turn wheels.
351.02	Registered owner prima-facie liable for unlawful parking.	351.08	Opening vehicle door on traffic side.
351.03	Prohibited standing or parking places.	351.09	Truck loading zones.
351.04	Parking near curb; handicapped locations on public and private lots and garages.	351.10	Bus stops and taxicab stands.
351.05	Manner of angle parking.	351.11	Parking in alleys and narrow streets; exceptions.
351.06	Selling, washing or repairing vehicle upon roadway.	351.12	Prohibition against parking on streets or highways.
		351.13	Parking on posted private property.
		351.99	Penalty.

CROSS REFERENCES

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

351.01 POLICE MAY REMOVE UNATTENDED VEHICLE WHICH OBSTRUCTS TRAFFIC.

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

351.02 REGISTERED OWNER PRIMA-FACIE LIABLE FOR UNLAWFUL PARKING.

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

351.03 PROHIBITED STANDING OR PARKING PLACES.

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:

- (a) On a sidewalk, curb or street lawn area, except a bicycle;
 - (b) In front of a public or private driveway;
 - (c) Within an intersection;
 - (d) Within ten feet of a fire hydrant;
 - (e) On a crosswalk;
 - (f) Within twenty feet of a crosswalk at an intersection;
 - (g) Within thirty feet of, and upon the approach to, any flashing beacon, stop sign or traffic control device;
 - (h) 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;
 - (i) Within fifty feet of the nearest rail of a railroad crossing;
 - (j) 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;
 - (k) Alongside or opposite any street excavation or obstruction when such standing or parking would obstruct traffic;
 - (l) Alongside any vehicle stopped or parked at the edge or curb of a street;
 - (m) Upon any bridge or other elevated structure upon a street, or within a street tunnel;
 - (n) 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;
 - (o) Within one foot of another parked vehicle;
 - (p) On the roadway portion of a freeway, expressway or thruway.
- (ORC 4511.68)

351.04 PARKING NEAR CURB; HANDICAPPED LOCATIONS ON PUBLIC AND PRIVATE LOTS AND GARAGES.

(a) Every vehicle stopped or parked upon a roadway where there is an adjacent curb shall be stopped or parked with the curb side wheels of such vehicle parallel with and not more than twelve inches from the curb, unless it is impossible to approach so close to the curb; in such case the stop shall be as close to the curb as possible and only for the time necessary to discharge and receive passengers or to load or unload merchandise.

(b) This subsection does not apply to streets or parts thereof where angle parking is lawfully permitted. However, no angle parking shall be permitted on a State Route unless an unoccupied roadway width of not less than twenty-five feet is available for free-moving traffic.

(c) No vehicle shall be stopped or parked on a road or street with the vehicle facing in a direction other than the direction of travel on that side of the road or street.

(d) Notwithstanding any provision of this Code or any rule, air compressors, tractors, trucks and other equipment, while being used in the construction, reconstruction, installation, repair or removal of facilities near, on, over or under a street, may stop, stand or park where necessary in order to perform such work, provided a flagman is on duty, or warning signs or lights are displayed as may be prescribed by the Ohio Director of Transportation.

(e) Special parking locations and privileges for handicapped persons shall be provided and designated by the Municipality and all agencies and instrumentalities thereof at all offices and facilities, where parking is provided, whether owned, rented or leased, and at all publicly owned parking garages. The locations shall be designated through the posting of an elevated sign, whether permanently affixed or movable, imprinted with the international symbol of accessibility and shall be reasonably close to exits, entrances, elevators and ramps. All elevated signs posted in accordance with this subsection and Ohio R.C. 3781.111 (B) shall be mounted on a fixed or movable post, and the distance from the ground to the top edge of the sign shall measure five feet.

(f) No person shall stop, stand or park any motor vehicle at special parking locations provided for handicapped persons under this section or at special parking locations provided for handicapped persons in or on privately owned parking lots, parking garages or other parking areas and designated in accordance with subsection (e) hereof, unless the motor vehicle is being operated by or for the transport of a handicapped person and is displaying a parking card or special handicapped license plates.

(g) When a motor vehicle is being operated by or for the transport of a handicapped person and is displaying a parking card or special handicapped license plates, the motor vehicle shall be permitted to park for a period of two hours in excess of the legal parking period permitted by local authorities, except where local ordinances or police rules provide otherwise or where the vehicle is parked in such a manner as to be clearly a traffic hazard.
(ORC 4511.69)

- (h) (1) As used in this section, "handicapped person" means any person who has lost the use of one or both legs, or one or both arms, who is blind, deaf or so severely handicapped as to be unable to move about without the aid of crutches or a wheelchair, or whose mobility is restricted by a permanent cardiovascular, pulmonary or other handicapping condition. (ORC 4503.44)
- (2) "Special handicapped license plates" and "parking card" mean any license plates or parking card issued under Ohio R.C. 4503.44, and also mean any substantially similar license plates or parking card issued by a state, district, country or sovereignty with which the Ohio Director of Public Safety has entered into a reciprocity agreement as authorized by Ohio R.C. 5502.03, during the time the agreement is in effect. (ORC 4511.69)

351.05 MANNER OF ANGLE PARKING.

Upon streets where angle parking is permitted, no person shall stop, stand or park a vehicle other than at the angle to the curb or edge of the roadway as is indicated by appropriate signs or markings.

351.06 SELLING, WASHING OR REPAIRING VEHICLE UPON ROADWAY.

No person shall stop, stand or park a vehicle upon any roadway for the principal purpose of:

- (a) Displaying such vehicle for sale;
- (b) Washing, greasing or repairing such vehicle except repairs necessitated by an emergency.

351.07 UNATTENDED VEHICLE: DUTY TO STOP ENGINE, REMOVE KEY, SET BRAKE AND TURN WHEELS.

No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key from the ignition, effectively setting the parking brake, and, when the motor vehicle is standing upon any grade, turning the front wheels to the curb or side of the highway.

The requirements of this section relating to the stopping of the engine, locking of the ignition and removing the key from the ignition of a motor vehicle shall not apply to an emergency vehicle or a public safety vehicle.
(ORC 4511.661)

351.08 OPENING VEHICLE DOOR ON TRAFFIC SIDE.

No person shall open the door of a vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, and can be done without interfering with the movement of other traffic, nor shall any person leave a door open on the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

(ORC 4511.70(C))

351.09 TRUCK LOADING ZONES.

No person shall stop, stand or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials in any place marked as a truck loading zone during hours when the provisions applicable to such zones are in effect. In no case shall the stop for loading and unloading of materials exceed thirty minutes.

351.10 BUS STOPS AND TAXICAB STANDS.

(a) No person shall stop, stand or park a vehicle other than a bus in a bus stop, or other than a taxicab in a taxicab stand when any such stop or stand has been officially designated and appropriately posted except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any bus or taxicab waiting to enter or about to enter such zone, and then only for a period not to exceed three minutes, if such stopping is not prohibited therein by posted signs.

(b) The operator of a bus shall not stop, stand or park such vehicle upon any street at any place for the purpose of loading or unloading passengers or their baggage other than at a bus stop so designated and posted as such, except in case of an emergency.

(c) The operator of a bus shall enter a bus stop on a public street in such a manner that the bus when stopped to load or unload passengers or baggage shall be in a position with the right front wheel of such vehicle not further than eighteen inches from the curb and the bus approximately parallel to the curb so as not to unduly impede the movement of other vehicular traffic.

(d) The operator of a taxicab shall not stand or park such vehicle upon any street at any place other than in a taxicab stand so designated and posted as such. This provision shall not prevent the operator of a taxicab from temporarily stopping in accordance with other stopping or parking provisions at any place for the purpose of and while actually engaged in the expeditious loading or unloading of passengers.

351.11 PARKING IN ALLEYS AND NARROW STREETS; EXCEPTIONS.

No person shall stop, stand or park any vehicle upon a street, other than an alley, in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for free movement of vehicular traffic, except that a driver may stop temporarily during the actual loading or unloading of passengers or when directed to by a police officer or traffic control signal.

Except as otherwise provided by law, no person shall stop, stand or park a vehicle within an alley except while actually loading and unloading, and then only for a period not to exceed thirty minutes.

351.12 PROHIBITION AGAINST PARKING ON STREETS OR HIGHWAYS.

Upon any street or highway outside a business or residence district, no person shall stop, park or leave standing any vehicle, whether attended or unattended, upon the paved or main traveled part of the street or highway if it is practicable to stop, park or so leave such vehicle off the paved or main traveled part of such street or highway. In every event, a clear and unobstructed portion of the street or highway opposite such standing vehicle shall be left for the free passage of other vehicles, and a clear view of such stopped vehicle shall be available from a distance of 200 feet in each direction upon such street or highway.

This section does not apply to the driver of any vehicle which is disabled while on the paved or improved or main traveled portion of a street or highway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving the disabled vehicle in such position.

(ORC 4511.66)

351.13 PARKING ON POSTED PRIVATE PROPERTY.

If an owner of private property posts on the property in a conspicuous manner, prohibition against parking on the property or conditions and regulations under which parking is permitted, no person shall do either of the following:

- (a) Park a vehicle on the property without the owner's consent;
- (b) Park a vehicle on the property in violation of any condition or regulation posted by the owner. (ORC 4511.681)

351.99 PENALTY.

(EDITOR'S NOTE: See Section 303.99 for misdemeanor classifications and penalties.)

CHAPTER 353
Parking Meters

353.01	Definitions.	353.04	Parking prohibited in meter space.
353.02	Parking within marked lines of meter space.	353.99	Penalty.
353.03	Deposit of coin required; illegal parking.		

CROSS REFERENCES

Off-street parking facilities - see Ohio R.C. 717.05 et seq.
Registered owner prima-facie liable for unlawful parking -
see TRAF. 351.02

353.01 DEFINITIONS.

The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them:

- (a) "Parking meter" means a mechanical device installed for the regulation of parking by lawful authority. Each parking meter shall contain a slot for the deposit of lawful coin of the United States and a receptacle for receiving and storing such coin. Each parking meter shall display brief directions as to its operation and the value of lawful coin required to be deposited. Each parking meter shall contain a timing mechanism which shall indicate either a balance of legal parking time or overtime parking by an appropriate signal at the expiration of such lawful time.
- (b) "Parking meter space" means a space within a parking meter area, which is designated for the parking of a single vehicle by marked lines on the curb or paved surface area adjacent to a parking meter. Posted notice on the meter or on signs shall indicate the maximum consecutive parking time limit during which a vehicle may be legally parked in a particular parking meter space and the days and hours when the requirement to deposit lawful coin shall apply.

353.02 PARKING WITHIN MARKED LINES OF METER SPACE.

No person shall park a vehicle in a parking meter space in such a way that the vehicle shall not be entirely within the limits of the space so designated by marked lines.

353.03 DEPOSIT OF COIN REQUIRED; ILLEGAL PARKING.

No person shall cause, allow or permit a vehicle to occupy a parking meter space during the hours when the provisions applicable to such space are in effect, unless he shall deposit such lawful coin of the United States of appropriate denomination in the adjacent parking meter, as required by directions on the meter. Such person is not required to deposit coin in a meter which indicates a balance of unused legal parking time left by the previous occupant of the space, so long as his occupancy of the space does not exceed the indicated unused parking time. The parking meter space may be lawfully occupied by such vehicle during the balance of legal parking time shown on the meter provided such occupancy does not exceed the established maximum time limit.

No person shall fail to comply with directions displayed on the parking meter or fail to set the timing mechanism in operation when so required.

No person shall cause, allow or permit a vehicle to occupy a meter space beyond the maximum consecutive parking time limit lawfully prescribed, for the particular space occupied, by appropriate notice on the meter or on posted signs, irrespective of the number or amount of coin deposited in such meter.

353.04 PARKING PROHIBITED IN METER SPACE.

Notwithstanding any provision of this chapter, no person shall park in a parking meter space when otherwise directed by a police officer or fireman or when parking is prohibited by properly posted signs.

353.99 PENALTY.

(EDITOR'S NOTE: See Section 303.99 for misdemeanor classifications and penalties.)

TITLE NINE – Pedestrians, Bicycles and Motorcycles
 Chap. 371. Pedestrians.
 Chap. 373. Bicycles and Motorcycles.
 Chap. 375. Snowmobiles and All Purpose Vehicles.

CHAPTER 371
Pedestrians

371.01	Right of way in crosswalk.	371.07	Right of way on sidewalk.
371.02	Right of way of blind person.	371.08	Yielding to public safety vehicle.
371.03	Crossing roadway outside crosswalk; diagonal crossings at intersections.	371.09	Walking on highway while under the influence.
371.04	Moving upon right half of crosswalk.	371.10	On bridges or railroad crossings.
371.05	Walking along highways.	371.11	Persons operating motorized wheelchairs.
371.06	Use of highway for soliciting; riding on outside of vehicles.	371.99	Penalty.

CROSS REFERENCES

See sectional histories for similar State law
 Pedestrian defined – see TRAF. 301.22
 Pedestrian prohibited on freeways – see TRAF. 303.06
 Obedience to traffic control devices – see TRAF.
 313.01, 313.03
 Pedestrian control signals – see TRAF. 313.05

371.01 RIGHT OF WAY IN CROSSWALK.

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

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

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

(d) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass the stopped vehicle. (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. (ORC 4511.47)

371.03 CROSSING ROADWAY OUTSIDE CROSSWALK; DIAGONAL CROSSINGS AT INTERSECTIONS.

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

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

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

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

(e) This section does not relieve the operator of a vehicle from exercising due care to avoid colliding with any pedestrian upon any roadway.
(ORC 4511.48)

371.04 MOVING UPON RIGHT HALF OF CROSSWALK.

Pedestrians shall move, whenever practicable, upon the right half of crosswalks. (ORC 4511.49)

371.05 WALKING ALONG HIGHWAYS.

(a) Where a sidewalk is provided and its use is practicable, no pedestrian shall walk along and upon an adjacent roadway.

(b) Where a sidewalk is not available, any pedestrian walking along and upon a highway shall walk only on a shoulder, as far as practicable from the edge of the roadway.

(c) Where neither a sidewalk nor a shoulder is available, any pedestrian walking along and upon a highway shall walk as near as practicable to an outside edge of the roadway, and, if on a two-way roadway, shall walk only on the left side of the roadway.

(d) Except as otherwise provided in Section 313.03 and 371.01, any pedestrian upon a roadway shall yield the right of way to all vehicles upon the roadway. (ORC 4511.50)

371.06 USE OF HIGHWAY FOR SOLICITING; RIDING ON OUTSIDE OF VEHICLES.

(a) No person while on a roadway outside a safety zone shall solicit a ride from the driver of any vehicle.

(b) No person shall stand on a highway for the purpose of soliciting employment, business or contributions from the occupant of any vehicle.

(c) No person shall hang onto, or ride on the outside of any motor vehicle while it is moving upon a roadway, except mechanics or test engineers making repairs or adjustments, or workers performing specialized highway or street maintenance or construction under authority of a public agency.

(d) No operator shall knowingly permit any person to hang onto, or ride on the outside of, any motor vehicle while it is moving upon a roadway, except mechanics or test engineers making repairs or adjustments, or workers performing specialized highway or street maintenance or construction under authority of a public agency.

(e) No driver of a truck, trailer or semitrailer shall knowingly permit any person who has not attained the age of sixteen years to ride in the unenclosed or unroofed cargo storage area of his vehicle if the vehicle is traveling faster than twenty-five miles per hour, unless either of the following applies:

- (1) The cargo storage area of the vehicle is equipped with a properly secured seat to which is attached a seat safety belt that is in compliance with federal standards for an occupant restraining device as defined in Ohio R.C. 4513.263(A)(2), the seat and seat safety belt were installed at the time the vehicle was originally assembled and the person riding in the cargo storage area is in the seat and is wearing the seat safety belt;
- (2) An emergency exists that threatens the life of the driver or the person being transported in the cargo storage area of the truck, trailer or semitrailer.

(f) No driver of a truck, trailer or semitrailer shall permit any person, except for those workers performing specialized highway or street maintenance or construction under authority of a public agency to ride in the cargo storage area or on a tailgate of his vehicle while the tailgate is unlatched. (ORC 4511.51)

(g) No person shall leave or enter a vehicle which is in motion except in an emergency necessitating such action.

371.07 RIGHT OF WAY ON SIDEWALK.

The driver of a vehicle shall yield the right of way to any pedestrian on a sidewalk. (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. (ORC 4511.452)

371.09 WALKING ON HIGHWAY WHILE UNDER THE INFLUENCE.

A pedestrian who is under the influence of alcohol or any drug of abuse, or any combination thereof, to a degree which renders himself a hazard shall not walk or be upon a highway. (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. (ORC 4511.511)

371.11 PERSONS OPERATING MOTORIZED WHEELCHAIRS.

Every person operating a motorized wheelchair shall have all of the rights and duties applicable to a pedestrian that are contained in this Traffic Code, except those provisions which by their nature can have no application. (ORC 4511.491)

371.99 PENALTY.

(EDITOR'S NOTE: See Section 303.99 for misdemeanor classifications and penalties.)

CHAPTER 373
Bicycles and Motorcycles

<p>373.01 Code application to bicycles.</p> <p>373.02 Riding upon seats; handle bars; helmets and glasses.</p> <p>373.03 Attaching bicycle or sled to vehicle.</p> <p>373.04 Riding bicycles and motorcycles abreast.</p> <p>373.05 Signal device on bicycle.</p> <p>373.06 Lights and reflector on bicycle; brakes.</p>	<p>373.07 Riding bicycle on right side of roadway; obedience to traffic rules; passing.</p> <p>373.08 Reckless operation; control, course and speed.</p> <p>373.09 Parking of bicycle.</p> <p>373.10 Motorized bicycle operation, equipment and license.</p> <p>373.99 Penalty.</p>
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CROSS REFERENCES

See sectional histories for similar State law
 Motorcycle protective equipment - see OAC Ch. 4501-17
 Motorized bicycle equipment - see OAC Ch. 4501-23
 Bicycle defined - see TRAF. 301.04
 Motorcycle defined - see TRAF. 301.19
 Bicycles prohibited on freeways - see TRAF. 303.06
 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.

The provisions of this Traffic Code which are applicable to bicycles apply whenever a bicycle is operated upon any street or upon any path set aside for the exclusive use of bicycles. (ORC 4511.52)

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

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

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

(b) A person operating a bicycle or motorcycle shall not ride other than upon the permanent and regular seat attached thereto, nor carry any other person upon such bicycle or motorcycle other than upon a firmly attached and regular seat thereon, nor shall any person ride upon a bicycle or motorcycle other than upon such a firmly attached and regular seat.

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

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

(e) No bicycle or motorcycle shall be used to carry more persons at one time than the number for which it is designed and equipped, nor shall any motorcycle be operated on a highway when the handle bars or grips are more than fifteen inches higher than the seat or saddle for the operator.

(f) No person shall operate or be a passenger on a snowmobile or motorcycle without using safety glasses or other protective eye device. No person who is under the age of eighteen years, or who holds a motorcycle operator's endorsement or license bearing "novice" designation that is currently in effect as provided in Ohio R.C. 4507.13, shall operate a motorcycle on a highway, or be a passenger on a motorcycle, unless wearing a protective helmet on his head, and no other person shall be a passenger on a motorcycle operated by such a person unless similarly wearing a protective helmet. The helmet, safety glasses or other protective eye device shall conform with regulations prescribed and promulgated by the Ohio Director of Public Safety. The provisions of this subsection or a violation thereof shall not be used in the trial of any civil action. (ORC 4511.53)

373.03 ATTACHING BICYCLE OR SLED TO VEHICLE.

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

No operator shall knowingly permit any person riding upon any motorcycle, bicycle, coaster, roller skates, sled or toy vehicle to attach the same or himself to any vehicle while it is moving upon a roadway. This section does not apply to the towing of a disabled vehicle. (ORC 4511.54)

373.04 RIDING BICYCLES AND MOTORCYCLES ABREAST.

Persons riding bicycles or motorcycles upon a roadway shall ride not more than two abreast in a single lane, except on paths or parts of roadways set aside for the exclusive use of bicycles or motorcycles. (ORC 4511.55(B))

373.05 SIGNAL DEVICE ON BICYCLE.

No person shall operate a bicycle unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least 100 feet, except that a bicycle shall not be equipped with nor shall any person use upon a bicycle any siren or whistle.

(ORC 4511.56(B))

373.06 LIGHTS AND REFLECTOR ON BICYCLE; BRAKES.

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

- (1) A lamp on the front that shall emit a white light visible from a distance of at least 500 feet to the front;
- (2) A red reflector on the rear of a type approved by the Ohio Director of Public Safety that shall be visible from all distances from 100 feet to 600 feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle;
- (3) A lamp emitting a red light visible from a distance of 500 feet to the rear shall be used in addition to the red reflector;
- (4) An essentially colorless reflector on the front of a type approved by the Director;
- (5) Either with tires with retroreflective sidewalls or with an essentially colorless or amber reflector mounted on the spokes of the front wheel and an essentially colorless or red reflector mounted on the spokes of the rear wheel. Each reflector shall be visible on each side of the wheel from a distance of 600 feet when directly in front of lawful lower beams of head lamps on a motor vehicle. Retroreflective tires or reflectors shall be of a type approved by the Director.

(b) Every bicycle shall be equipped with an adequate brake when used on a street or highway. (ORC 4511.56(A), (C))

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

Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable obeying all traffic rules applicable to vehicles and exercising due care when passing a standing vehicle or one proceeding in the same direction. (ORC 4511.55(A))

373.08 RECKLESS OPERATION; CONTROL, COURSE AND SPEED.

No person shall operate a bicycle:

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

373.09 PARKING OF BICYCLE.

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

373.10 MOTORIZED BICYCLE OPERATION, EQUIPMENT AND LICENSE.

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

- (1) The person possesses a valid license or permit authorizing such operation and which is issued by the Ohio Registrar of Motor Vehicles under Ohio R.C. Chapter 4506 or 4507 or Ohio R.C. 4511.521;
- (2) The motorized bicycle is equipped in accordance with rules adopted by the Ohio Director of Public Safety and is in proper working order;
- (3) The person, if he is under eighteen years of age, is wearing a protective helmet on his head with the chin strap properly fastened, and the motorized bicycle is equipped with a rear-view mirror;
- (4) The person operates the motorized bicycle when practicable within three feet of the right edge of the roadway obeying all traffic rules applicable to vehicles; and
- (5) The motorized bicycle displays on the rear of such bicycle the current license plate or validation sticker furnished by the Ohio Director of Public Safety under Ohio R.C. 4503.191.

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

(c) Each probationary motorized bicycle license or motorized bicycle license shall be laminated with a transparent plastic material.
(ORC 4511.521)

373.99 PENALTY.

(EDITOR'S NOTE: See Section 303.99 for misdemeanor classifications and penalties.)

CHAPTER 375
Snowmobiles 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.	375.99	Penalty.

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. 301.42
 Required usage of helmets and safety glasses – see TRAF. 373.02(f)

375.01 DEFINITIONS.

As used in this chapter:

- (a) "Snowmobile" means any self-propelled vehicle designed primarily for use on snow or ice, and steered by skis, runners or caterpillar treads. (ORC 4519.01(A))
- (b) "All purpose vehicle" means any self-propelled vehicle designed primarily for cross-country travel on land and water, or on more than one type of terrain, and steered by wheels or caterpillar treads, or any combination thereof, including vehicles that operate on a cushion of air, vehicles commonly known as all-terrain vehicles, all season vehicles, mini-bikes and trail bikes, but excluding any self-propelled vehicle not principally used for purposes of personal transportation, any vehicle principally used in playing golf, any motor vehicle or aircraft required to be registered under Ohio R.C. Chapter 4503 or Chapter 4561, and any vehicle excepted from definition as a motor vehicle by Section 301.20 of this Traffic Code. (ORC 4519.01(B))
- (c) "Owner" means any person, firm or corporation, other than a lienholder or dealer, having title to a snowmobile 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 or all purpose vehicle. (ORC 4519.01(D))
- (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. (ORC 4519.01(H))

375.02 EQUIPMENT.

Equipment of snowmobiles and all purpose vehicles shall include, but not necessarily be limited to requirements for the following items:

- (a) 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;
- (b) 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;
- (c) Adequate brakes. Every snowmobile shall, while traveling on packed snow, 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.
- (d) 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);
- (e) No person shall operate any snowmobile or all purpose vehicle in violation of this section, except that equipment specified in subsections (a) and (b) hereof shall not be required on snowmobiles or all purpose vehicles operated during the daylight hours on State controlled land under the jurisdiction of the Ohio Department of Natural Resources and that are limited to off-highway use.
(ORC 4519.20)

375.03 CODE APPLICATION; PROHIBITED OPERATION.

The applicable provisions of this Traffic Code shall be applied to the operation of snowmobiles and all purpose vehicles; except that no snowmobile or all purpose vehicle shall be operated as follows:

- (a) On any street or highway except for emergency travel only during such time and in such manner as the State or local authority having jurisdiction over such street or highway shall designate, and except as provided in Section 375.04;

- (b) Upon any property owned or leased by the Municipality except in areas designated for such purposes;
- (c) On any private property, or in any nursery or planting area, without the permission of the owner or other person having the right to possession of the property;
- (d) On any land or waters controlled by the State, except at those locations where a sign has been posted permitting such operation;
- (e) On tracks or right of way of any operating railroad;
- (f) While transporting any firearm, bow or other implement for hunting, that is not unloaded and securely encased;
- (g) For the purpose of chasing, pursuing, capturing or killing any animal or wild fowl;
- (h) During the time from one-half hour after sunset to one-half hour before sunrise, unless displaying lighted lights as required by Section 375.02. (ORC 4519.40)

375.04 PERMITTED OPERATION.

Snowmobiles and all purpose vehicles being used for winter travel may be operated as follows:

- (a) To make a crossing of a highway, other than a freeway or limited access highway, whenever the crossing can be made in safety and will not interfere with the movement of vehicular traffic approaching from any direction on the highway, and provided that the operator yields the right of way to any approaching traffic that presents an immediate hazard;
- (b) On highways in the County or Township road systems whenever the local authority having jurisdiction over such highway so permits;
- (c) Off and alongside a street or highway for limited distances from the point of unloading from a conveyance to the point at which the snowmobile or all purpose vehicle is intended and authorized to be operated. (ORC 4519.41)

375.05 LICENSING REQUIREMENTS OF OPERATOR.

(a) No person who does not hold a valid, current motor vehicle driver's or commercial driver's license, motorcycle operator's endorsement or probationary license issued under Ohio R.C. Chapter 4506 or 4507, shall operate a snowmobile or all purpose vehicle on any street or highway, on any portion of the right of way thereof, or on any public land or waters. This subsection shall not be construed to permit the holder of such a license to operate a snowmobile or all purpose vehicle in violation of Section 375.03.

(b) No person who is less than sixteen years of age shall operate a snowmobile or all purpose vehicle on any land or waters other than private property or waters owned by or leased to such person's parent or guardian, unless accompanied by another person who is eighteen years of age, or older, and who holds a license as provided in subsection (a) hereof, except that the Ohio Department of Natural Resources may permit such operation on State controlled land under its jurisdiction when such person is less than sixteen years of age but is twelve years of age or older and is accompanied by a parent or guardian who is a licensed driver eighteen years of age or older.
(ORC 4519.44)

375.06 REGISTRATION OF VEHICLES.

Except as provided in Ohio R.C. 4519.02(B), (C) and (D), no person shall operate any snowmobile or all purpose vehicle unless the snowmobile or all purpose vehicle is registered and numbered in accordance with Ohio R.C. 4519.03 and 4519.04. (ORC 4519.02)

375.07 ACCIDENT REPORTS.

The operator of a snowmobile or all purpose vehicle involved in any accident resulting in bodily injury to or death of any person or damage to the property of any person in excess of one hundred dollars (\$100.00) shall report the accident within forty-eight hours to the Chief of Police, and shall within thirty days forward a written report of the accident to the Ohio Registrar of Motor Vehicles on a form prescribed by the Registrar. If the operator is physically incapable of making the reports and there is another participant in the accident not so incapacitated, such participant shall make the reports. In the event that there is no other participant, and the operator is other than the owner, the owner shall, within the prescribed periods of time, make the reports.

Any law enforcement officer or other person authorized by Ohio R.C. 4519.42 and 4519.43, who investigates or receives information of an accident involving a snowmobile or all purpose vehicle shall forward to the Registrar a written report of the accident within forty-eight hours.
(ORC 4519.46)

375.99 PENALTY.

(EDITOR'S NOTE: See Section 303.99 for general Traffic Code penalty and penalties applicable to misdemeanor classifications.)

Whoever violates Section 375.03 or 375.05 is guilty of a misdemeanor of the third degree.

OHIO MODEL TRAFFIC CODE INDEX

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LOCAL TRAFFIC ORDINANCES

CHAPTER 380

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CHAPTER 380

PARKING DOWNTOWN BUSINESS DISTRICT

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CROSS REFERENCES

Registered owner preima-face liable for unlawful parking
see TRAFFIC.

380.01 DEFINITIONS

As used in the sections relating to Downtown Business District Parking:

- (a) "Individual parking space" means a portion of the paved surface of the street measuring twenty-six (26) feet in length and eight (8) feet in width for parallel parking, and twenty-eight feet in length and ten feet wide for angle parking.
- (b) "Downtown Business District" means all public streets bounded by Wayne street, between Market Street and Drake Street, on the East side thereof; Market Street, one block West and one-half block to the east, from Main street, on both sides thereof; High street, one-half block to the East and one-half block to the West on the South side thereof; Main street, from High street to Market street and both sides thereof.

380.02, VEHICLES TO BE PARKED WITHIN DESIGNATED SPACES.

The Village Council or Designated person shall authorize and directed to designate and mark off such individual parking spaces as is deemed proper along the streets in the Downtown Business District for the parking of vehicles. At each place where individual parking spaces are so marked off, each vehicle shall be parked entirely within an individual parking space.

380.03 PARKING LIMITS DOWNTOWN BUSINESS DISTRICT

- (a) All such designated parking spaces within the Downtown Business District shall prohibit parking from the hours of 12:30 a.m. to 4:00 a.m. daily.
- (b) In all Village controlled parking lots in the Downtown Business District there shall be allowed continuous parking not to exceede forty-eight (48) hours.

(c) No person shall cause, allow, permit or suffer any vehicle registered in the name of or operated by such person to be parked overtime or beyond the period of legal parking time established for any parking zone herein described.

380.04 DISPOSITION OF FUNDS

The funds derived from parking violations and other parking fee income shall be placed in the General Fund.

380.05 ENFORCEMENT: WAIVERS

(a) For any violation under this Chapter or Chapter 452, the patrolling police officer or parking control person shall attach to such a vehicle a notice to the owner or operator thereof that such vehicle has been parked in violation of this chapter. Each such owner or operator may, within seventy-two (72) hours of the time when such notice was attached to the vehicle, pay to the Police Department, or by any other means that the Village Council might provide for such payment of such funds, the sum of five dollars (\$5.00) for all such parking violations for each such separate violation in full satisfaction of such violation.

(b) In the event payment for such violation is made after 72 hours, but before ninety-six (96) hours of the time when such notice was attached to the vehicle, such payment shall be ten dollars (\$10.00) for all parking violations. The failure of such owner to make such payment within ninety-six (96) hours shall render such owner operator subject to the penalties provided in Section 303.99

380.06 PERMITTED PARKING IN EMERGENCIES.

In the event of an emergency, all volunteer firefighters shall be permitted to park beyond the period of legal parking, provided that the parked vehicle either has a placard or window sticker or decal indicating that the owner is a volunteer firefighter, or the vehicle has the special license plates for volunteer firefighters that are provided by the state as per ORC 4503.47

MILL
MAP
13-2142

CORPORATION
MA
13-21

707



HIGH
WASHINGTON

WAYNE

ALLEY

ALLEY

GREEN

DUTTON ST.

MARKET

707

DRAKE ST.

707

JEFFERSON

MAP
13-2143

MAP
13-2144

WALNUT

SHINGT

ST.

ONE

TEN

380.07 Chauffeured Limousines

(a) The operator of a chauffeured limousine shall accept passengers only on the basis of prearranged contracts, as defined in section _____, and shall not cruise in search of patronage unless the limousine is in compliance with any statute or ordinance governing the operation of taxicabs or other similar vehicles for hire.

(b) No person shall advertise or hold himself or herself out as doing business as a limousine service or livery service or other similar designation unless each vehicle used by him or her to provide the service is registered in accordance with Ohio R.C. 4503.24, and is in compliance with Ohio R.C. 4509.80 (ORC 4511.99(b))

380.08 LIMITED WEIGHT OG VEHICLES IN MUNICIPAL PARKING LOTS

(a) No vehicle weighing in excess of 5000 pounds shall be permitted in or on any municipal parking lot.

(b) Whoever violated this provision is guilty of a minor misdemeanor on the first offense; on a second offense within one (1) year after the first offense, such person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one (1) year after the first offense, such person is guilty of a misdemeanor of the third degree.

380.09 PARKING OF TRACTOR TRAILER RIGS PROHIBITED

(a) "Tractor trailer rig" means all vehicles that have a gross unloaded weight of over five thousand (5,000) pounds.

(b) No tractor trailer rig shall park, stop, or stand or be permitted to remain on any thoroughfare, street or highway within the municipality longer than four (4) hours during any consecutive twenty-four (24) hour period.

(c) For a violation of ~~300.99~~ (b) on a first offense within six (6) months the patrolling police officer or parking control person shall attach to such a vehicle a notice to the owner or operator thereof that such vehicle has been parked in violation of this section. Each owner or operator may, within seventy-two (72) hours of the time when such notice was attached to the vehicle, pay to the police department, or by any other means that the Village Council might provide for such payment of such funds the sum of five (\$5.00) for all such parking violations for each such separate violation in full satisfaction of such violation.

(d) In the event payment for such violation is made after 72 hours, but before ninety-six (96) hours of the time when such notice was attached to the vehicle, such payment shall be ten (\$10.00) for the violation. The failure of such owner or operator to make such payment within ninety-six (96) hours shall render such owner or operator subject to the penalties provided in Section ~~303.99~~

(e) Whoever violates this provision on a second offense within six months after the first offense, such a person is guilty of a minor misdemeanor; on a third offense such a person is guilty of a misdemeanor of the fourth degree, if the offense has occurred within one (1) year after the first offense, such person is guilty of a misdemeanor of the third degree.

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PART FIVE - GENERAL OFFENSES CODE

CHAPTER 501
General Provisions and Penalty

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CROSS REFERENCES

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501.01 DEFINITIONS.

As used in the Codified Ordinances:

- (a) "Force" means any violence, compulsion or constraint physically exerted by any means upon or against a person or thing.
- (b) "Deadly force" means any force which carries a substantial risk that it will proximately result in the death of any person.
- (c) "Physical harm to persons" means any injury, illness or other physiological impairment, regardless of its gravity or duration.
- (d) "Physical harm to property" means any tangible or intangible damage to property which, in any degree, results in loss to its value or interferes with its use or enjoyment. "Physical harm to property" does not include wear and tear occasioned by normal use.
- (e) "Serious physical harm to persons" means any of the following:
 - (1) Any mental illness or condition of such gravity as would normally require hospitalization or prolonged psychiatric treatment;
 - (2) Any physical harm which carries a substantial risk of death;
 - (3) Any physical harm which involves some permanent incapacity, whether partial or total, or which involves some temporary, substantial incapacity;

- (4) Any physical harm which involves some permanent disfigurement, or which involves some temporary, serious disfigurement;
- (5) Any physical harm which involves acute pain of such duration as to result in substantial suffering, or which involves any degree of prolonged or intractable pain.
- (f) "Serious physical harm to property" means any physical harm to property which does either of the following:
 - (1) Results in substantial loss to the value of the property, or requires a substantial amount of time, effort or money to repair or replace;
 - (2) Temporarily prevents the use or enjoyment of the property, or substantially interferes with its use and enjoyment for an extended period of time.
- (g) "Risk" means a significant possibility, as contrasted with a remote possibility, that a certain result may occur or that certain circumstances may exist.
- (h) "Substantial risk" means a strong possibility, as contrasted with a remote or significant possibility, that a certain result may occur or that certain circumstances may exist.
- (i) "Offense of violence" means any of the following:
 - (1) A violation of Sections 509.01, 509.06, 537.03, 537.05, 537.06, 537.14, 541.02 and 549.02 of this General Offenses Code, and a violation of Ohio R.C. 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.21, 2903.22, 2905.01, 2905.02, 2905.11, 2907.02, 2907.03, 2907.12, 2909.02, 2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 2917.01, 2917.02, 2917.03, 2917.31, 2919.25, 2921.03, 2921.34, 2921.35, 2923.12 and 2923.13.
 - (2) A violation of an existing or former municipal ordinance or law of this or any other state or the United States, substantially equivalent to any section listed in subsection (i)(1) hereof;
 - (3) An offense, other than a traffic offense, under an existing or former municipal ordinance or law of this or any other state or the United States, committed, purposely or knowingly, and involving physical harm to persons or a risk of serious physical harm to persons;
 - (4) A conspiracy or attempt to commit, or complicity in committing any offense under subsection (i)(1), (2) or (3) hereof.
- (j) (1) "Property" means any property, real or personal, tangible or intangible, and any interest or license in such property. "Property" includes, but is not limited to, cable television service, computer data, computer software, financial instruments associated with computers, and other documents associated with computers, or copies of the documents, whether in machine or human readable form. "Financial instruments associated with computers" include, but are not limited to, checks, drafts, warrants, money orders, notes of indebtedness, certificates of deposit, letters of credit, bills of credit or debit cards, financial transaction authorization mechanisms, marketable securities or any computer system representations of any of them.
- (2) As used in this subsection and subsection (m) hereof, "cable television service", "computer," "computer software," "computer system," "computer network" and "data" have the same meaning as in Section 545.01.

- (k) "Law enforcement officer" means any of the following:
- (1) A sheriff, deputy sheriff, constable, marshal, deputy marshal, municipal police officer, member of a police force employed by a metropolitan housing authority under Ohio R.C. 3735.31(D) or State highway patrolman;
 - (2) An officer, agent or employee of the State or any of its agencies, instrumentalities or political subdivisions, upon whom, by statute, Charter or ordinance, a duty to conserve the peace or to enforce all or certain laws is imposed and the authority to arrest violators is conferred, within the limits of such statutory duty and authority;
 - (3) A mayor or manager in his capacity as chief conservator of the peace within his municipal corporation;
 - (4) A member of an auxiliary police force organized by county, township or municipal law enforcement authorities, within the scope of such member's appointment or commission;
 - (5) A person lawfully called pursuant to Ohio R.C. 311.07 to aid a sheriff in keeping the peace, for the purposes and during the time when such person is called;
 - (6) A person appointed by a mayor pursuant to Ohio R.C. 737.01 as a special patrolman or officer during riot or emergency, for the purposes and during the time when such person is appointed;
 - (7) A member of the organized militia of this State or the armed forces of the United States, lawfully called to duty to aid civil authorities in keeping the peace or protect against domestic violence;
 - (8) A prosecuting attorney, assistant prosecuting attorney, secret service officer or municipal prosecutor.
 - (9) An Ohio veterans' home policeman appointed under Ohio R.C. 5907.02.
- (l) "Privilege" means an immunity, license or right conferred by law, or bestowed by express or implied grant, or arising out of status, position, office or relationship, or growing out of necessity.
- (m) "Contraband" means any property described in the following categories:
- (1) Property that in and of itself is unlawful for a person to acquire or possess;
 - (2) Property that is not in and of itself unlawful for a person to acquire or possess, but that has been determined by a court of this State, in accordance with law, to be contraband because of its use in an unlawful activity or manner, of its nature, or of the circumstances of the person who acquires or possesses it;
 - (3) Property that is specifically stated to be contraband by a section of the Ohio Revised Code or by an ordinance, regulation or resolution;
 - (4) Property that is forfeitable pursuant to a section of the Ohio Revised Code, or an ordinance, regulation or resolution, including, but not limited to, forfeitable firearms, dangerous ordnance and obscene materials;
 - (5) Any controlled substance as defined in Section 513.01, or any device, paraphernalia, money as defined in Ohio R.C. 1301.01 or other means of exchange that has been, is being or is intended to be used in an attempt or conspiracy to violate, or in a violation of, Ohio R.C. Chapter 2925 or 3719, or Chapter 513 of the General Offenses Code;

- (6) Any gambling device, paraphernalia, money as defined in Ohio R.C. 1301.01 or other means of exchange that has been, is being or is intended to be used in an attempt or conspiracy to violate, or in the violation of Ohio R.C. Chapter 2915 or Chapter 517 of the General Offenses Code;
- (7) Any equipment, machine, device, apparatus, vehicle, vessel, container, liquid or substance that has been, is being or is intended to be used in an attempt or conspiracy to violate, or in the violation of, any law of this State relating to alcohol or tobacco;
- (8) Any personal property that has been, is being or is intended to be used in an attempt or conspiracy to commit, or in the commission of, any offense or in the transportation of the fruits of any offense;
- (9) Any property that is acquired through the sale or other transfer of contraband or through the proceeds of contraband, other than by a court or a law enforcement agency acting within the scope of its duties;
- (10) Any computer, computer system, computer network or computer software that is used in a conspiracy to commit, an attempt to commit or in the commission of any offense, if the owner of the computer, computer system, computer network or computer software is convicted of or pleads guilty to the offense in which it is used. (ORC 2901.01)

501.02 CLASSIFICATION OF OFFENSES.

As used in the Codified Ordinances:

- (a) Offenses include misdemeanors of the first, second, third and fourth degree, minor misdemeanors and offenses not specifically classified.
- (b) Regardless of the penalty which may be imposed, any offense specifically classified as a misdemeanor is a misdemeanor.
- (c) Any offense not specifically classified is a misdemeanor if imprisonment for not more than one year may be imposed as a penalty.
- (d) Any offense not specifically classified is a minor misdemeanor if the only penalty which may be imposed is a fine not exceeding one hundred dollars (\$100.00). (ORC 2901.02)

501.03 COMMON LAW OFFENSES ABROGATED.

(a) No conduct constitutes a criminal offense against the Municipality unless it is defined as an offense in the Codified Ordinances or any other Municipal ordinance.

(b) An offense is defined when one or more sections of the Codified Ordinances state a positive prohibition or enjoin a specific duty, and provide a penalty for violation of such prohibition or failure to meet such duty.

(c) This section does not affect the power of a court to punish for contempt or to employ any sanction authorized by law to enforce an order, civil judgment or decree.

(ORC 2901.03)

501.04 RULES OF CONSTRUCTION.

(a) Sections of the Codified Ordinances defining offenses or penalties shall be strictly construed against the Municipality and liberally construed in favor of the accused.

(b) Rules of criminal procedure and sections of the Ohio Revised Code providing for criminal procedure shall be construed so as to effect the fair, impartial, speedy and sure administration of justice.
(ORC 2901.04)

501.05 CRIMINAL LAW JURISDICTION.

(a) A person is subject to misdemeanor prosecution and punishment in this Municipality if any of the following occur:

- (1) He commits an offense under the laws of this Municipality, any element of which takes place in this Municipality;
- (2) While in this Municipality, he conspires or attempts to commit, or is guilty of complicity in the commission of an offense in another jurisdiction, which offense is an offense under both the laws of this Municipality and such other jurisdiction;
- (3) While out of this Municipality, he conspires or attempts to commit, or is guilty of complicity in the commission of an offense in this Municipality;
- (4) While out of this Municipality, he omits to perform a legal duty imposed by the laws of this Municipality, which omission affects a legitimate interest of the Municipality in protecting, governing or regulating any person, property, thing, transaction or activity in this Municipality;
- (5) While out of this Municipality, he unlawfully takes or retains property and subsequently brings any of such property into this Municipality;
- (6) While out of this Municipality, he unlawfully takes or entices another and subsequently brings such other person into this Municipality.

(b) In homicide, the element referred to in subsection (a)(1) hereof is either the act which causes death, or the physical contact which causes death, or the death itself. If any part of the body of a homicide victim is found in this Municipality, the death is presumed to have occurred within this Municipality.

(c) This Municipality includes the land and water within its boundaries and the air space above such land and water, and real property outside the corporate limits, with respect to which this Municipality has either exclusive or concurrent legislative jurisdiction. Where the boundary between this Municipality and another jurisdiction is disputed, the disputed territory is conclusively presumed to be within this Municipality for purposes of this section.

(d) When an offense is committed under the laws of this Municipality, and it appears beyond a reasonable doubt that the offense or any element thereof took place either in this Municipality or in another jurisdiction or jurisdictions, but it cannot reasonably be determined in which it took place, such offense or element is conclusively presumed to have taken place in this Municipality for purposes of this section. (ORC 2901.11)

501.06 LIMITATION OF CRIMINAL PROSECUTION.

(a) Except as otherwise provided in this section, a prosecution shall be barred unless it is commenced within the following periods after an offense is committed:

- (1) For misdemeanor other than a minor misdemeanor, two years;
- (2) For a minor misdemeanor, six months.

(b) If the period of limitation provided in subsection (a) hereof has expired, prosecution shall be commenced for an offense of which an element is fraud or breach of a fiduciary duty, within one year after discovery of the offense either by an aggrieved person, or by his legal representative who is not himself a party to the offense.

(c) If the period of limitation provided in subsection (a) hereof has expired, prosecution shall be commenced for an offense involving misconduct in office by a public servant as defined in Section 525.01, at any time while the accused remains a public servant, or within two years thereafter.

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

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

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

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

(h) The period of limitation shall not run during any time a prosecution against the accused based on the same conduct is pending in this State, even though the indictment, information or process which commenced the prosecution is quashed or the proceedings thereon are set aside or reversed on appeal. (ORC 2901.13)

(i) This section shall not apply to prosecutions commenced within the period of limitations set forth in Ohio R.C. 718.06(B) for violations of the Municipal income tax ordinance.

501.07 REQUIREMENTS FOR CRIMINAL LIABILITY.

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

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

(b) When the section defining an offense does not specify any degree of culpability, and plainly indicates a purpose to impose strict criminal liability for the conduct described in such section, then culpability is not required for a person to be guilty of the offense. When the section neither specifies culpability nor plainly indicates a purpose to impose strict liability, recklessness is sufficient culpability to commit the offense.

(c) As used in this section:

- (1) Possession is a voluntary act if the possessor knowingly procured or received the thing possessed, or was aware of his control thereof for a sufficient time to have ended his possession.
- (2) Reflexes, convulsions, body movements during unconsciousness or sleep, and body movements that are not otherwise a product of the actor's volition, are involuntary acts.
- (3) "Culpability" means purpose, knowledge, recklessness or negligence, as defined in Section 501.08.
(ORC 2901.21)

501.08 CULPABLE MENTAL STATES.

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

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

(c) A person acts recklessly when, with heedless indifference to the consequences, he perversely disregards a known risk that his conduct is likely to cause a certain result or is likely to be of a certain nature. A person is reckless with respect to circumstances when, with heedless indifference to the consequences, he perversely disregards a known risk that such circumstances are likely to exist.

(d) A person acts negligently when, because of a substantial lapse from due care, he fails to perceive or avoid a risk that his conduct may cause a certain result or may be of a certain nature. A person is negligent with respect to circumstances when, because of a substantial lapse from due care, he fails to perceive or avoid a risk that such circumstances may exist.

(e) When the section defining an offense provides that negligence suffices to establish an element thereof, then recklessness, knowledge or purpose is also sufficient culpability for such element. When recklessness suffices to establish an element of an offense, then knowledge or purpose is also sufficient culpability for such element. When knowledge suffices to establish an element of an offense, then purpose is also sufficient culpability for such element. (ORC 2901.22)

501.09 ATTEMPT.

(a) No person, purposely or knowingly, and when purpose or knowledge is sufficient culpability for the commission of an offense, shall engage in conduct which, if successful, would constitute or result in the offense.

(b) It is no defense to a charge under this section that, in retrospect, commission of the offense which was the object of the attempt was either factually or legally impossible under the attendant circumstances, if that offense could have been committed had the attendant circumstances been as the actor believed them to be.

(c) No person who is convicted of committing a specific offense or of complicity in the commission of an offense, shall be convicted of an attempt to commit the same offense in violation of this section.

(d) It is an affirmative defense to a charge under this section that the actor abandoned his effort to commit the offense or otherwise prevented its commission, under circumstances manifesting a complete and voluntary renunciation of his criminal purpose.

(e) Whoever violates this section is guilty of an attempt to commit an offense. An attempt to commit any misdemeanor is a misdemeanor of the next lesser degree than the misdemeanor attempted. In the case of an attempt to commit an offense other than a violation of Ohio R.C. Chapter 3734 that is not specifically classified, an attempt is a misdemeanor of the first degree if the offense attempted is a felony under the Ohio Revised Code, and a misdemeanor of the fourth degree if the offense attempted is a misdemeanor. An attempt to commit a minor misdemeanor is not an offense under this section. (ORC 2923.02)

501.10 COMPLICITY.

(a) No person, acting with the kind of culpability required for the commission of an offense, shall do any of the following:

- (1) Solicit or procure another to commit the offense;
- (2) Aid or abet another in committing the offense;
- (3) Cause an innocent or irresponsible person to commit the offense.

(b) It is no defense to a charge under this section that no person with whom the accused was in complicity has been convicted as a principal offender.

(c) No person shall be convicted of complicity under this section unless an offense is actually committed, but a person may be convicted of complicity in an attempt to commit an offense in violation of Section 501.09.

(d) If an alleged accomplice of the defendant testifies against the defendant in a case in which the defendant is charged with complicity in the commission of or an attempt to commit an offense, an attempt to commit an offense or an offense, the court when it charges the jury, shall state substantially the following:

"The testimony of an accomplice does not become inadmissible because of his complicity, moral turpitude or self-interest, but the admitted or claimed complicity of a witness may affect his credibility and make his testimony subject to grave suspicion, and require that it be weighed with great caution.

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

(e) It is an affirmative defense to a charge under this section that, prior to the commission of or attempt to commit the offense, the actor terminated his complicity, under circumstances manifesting a complete and voluntary renunciation of his criminal purpose.

(f) Whoever violates this section is guilty of complicity in the commission of an offense, and shall be prosecuted and punished as if he were a principal offender. A charge of complicity may be stated in terms of this section, or in terms of the principal offense.

(ORC 2923.03)

501.11 ORGANIZATIONAL CRIMINAL LIABILITY.

(a) An organization may be convicted of an offense under any of the following circumstances:

- (1) The offense is a minor misdemeanor committed by an officer, agent or employee of the organization acting in its behalf and within the scope of his office or employment, except that if the section defining the offense designates the officers, agents or employees for whose conduct the organization is accountable or the circumstances under which it is accountable, such provisions shall apply.
- (2) A purpose to impose organizational liability plainly appears in the section defining the offense, and the offense is committed by an officer, agent or employee of the organization acting in its behalf and within the scope of his office or employment, except that if the section defining the offense designates the officers, agents or employees for whose conduct the organization is accountable or the circumstances under which it is accountable, such provisions shall apply.
- (3) The offense consists of an omission to discharge a specific duty imposed by law on the organization.
- (4) If, acting with the kind of culpability otherwise required for the commission of the offense, its commission was authorized, requested, commanded, tolerated or performed by the board of directors, trustees, partners or by a high managerial officer, agent or employee acting in behalf of the organization and within the scope of his office or employment.

(b) When strict liability is imposed for the commission of an offense, a purpose to impose organizational liability shall be presumed, unless the contrary plainly appears.

(c) In a prosecution of an organization for an offense other than one for which strict liability is imposed, it is a defense that the high managerial officer, agent or employee having supervisory responsibility over the subject matter of the offense exercised due diligence to prevent its commission. This defense is not available if it plainly appears inconsistent with the purpose of the section defining the offense.

(d) As used in this section, "organization" means a corporation for profit or not for profit, partnership, limited partnership, joint venture, unincorporated association, estate, trust or other commercial or legal entity. "Organization" does not include an entity organized as or by a governmental agency for the execution of a governmental program. (ORC 2901.23)

501.12 PERSONAL ACCOUNTABILITY FOR ORGANIZATIONAL CONDUCT.

(a) An officer, agent or employee of an organization as defined in Section 501.11 may be prosecuted for an offense committed by such organization, if he acts with the kind of culpability required for the commission of the offense, and any of the following apply:

- (1) In the name of the organization or in its behalf, he engages in conduct constituting the offense, or causes another to engage in such conduct, or tolerates such conduct when it is of a type for which he has direct responsibility;
- (2) He has primary responsibility to discharge a duty imposed on the organization by law, and such duty is not discharged.

(b) When a person is convicted of an offense by reason of this section, he is subject to the same penalty as if he had acted in his own behalf. (ORC 2901.24)

501.99 PENALTIES FOR MISDEMEANORS.

(a) (1) Except as provided in Ohio R.C. 2929.23, whoever is convicted of or pleads guilty to a misdemeanor as classified in the Codified Ordinances shall be imprisoned for a definite term or fined, or both, which term of imprisonment and fine shall be fixed by the court as provided in this section.

Whoever is convicted of or pleads guilty to committing, attempting to commit, or complicity in committing a violation of Section 541.02 or 541.03(a)(2) when the means used are fire or explosion, shall be required to reimburse agencies for their investigation or prosecution costs in accordance with Ohio R.C. 2929.28.

(2) <u>Classification of Misdemeanor</u>	<u>Maximum Term of Imprisonment</u>	<u>Maximum Fine</u>
First degree	6 months	\$1000.00
Second degree	90 days	750.00
Third degree	60 days	500.00
Fourth degree	30 days	250.00
Minor	No imprisonment	100.00

- (3) The court may require a person who is convicted of or pleads guilty to a misdemeanor to make restitution for all or part of the property damage that is caused by his offense and for all or part of the value of the property that is the subject of any theft offense as defined in Ohio R.C. 2913.01(K) that the person committed. If the court determines that the victim of the offense was sixty-five years of age or older or permanently or totally disabled at the time of the commission of the offense, the court regardless of whether the offender knew the age of the victim, shall consider this fact in favor of imposing restitution, but this fact shall not control the decision of the court.
- (4) If a person is sentenced to a term of imprisonment pursuant to this section and the term of imprisonment is to be served in a county jail in a county that has established a county jail industry program pursuant to Ohio R.C. 5147.30, the court shall specify, as part of the sentence, whether the person may be considered by the county sheriff of that county for participation in the county jail industry program. The court shall retain jurisdiction to modify its specification made pursuant to this paragraph during the person's term of imprisonment upon a reassessment of the person's qualifications for participation in the program.
(ORC 2929.21)

(b) Regardless of the penalties provided in subsection (a) hereof, an organization convicted of an offense pursuant to Section 501.11 shall be fined, which fine shall be fixed by the court as follows:

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

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

**CHAPTER 505
Animals and Fowl**

<p>505.01 Dogs and other animals running at large.</p> <p>505.02 Impounding and disposition; records.</p> <p>505.03 Annual registration of dogs; tags required.</p> <p>505.04 Abandoning animals.</p> <p>505.05 Killing or injuring animals.</p> <p>505.06 Poisoning animals.</p> <p>505.07 Cruelty to animals.</p> <p>505.08 Nuisance conditions prohibited.</p>	<p>505.09 Barking or howling dogs.</p> <p>505.10 Animal bites; reports and quarantine.</p> <p>505.11 Hunting prohibited.</p> <p>505.12 Coloring rabbits or baby poultry; sale or display of poultry.</p> <p>505.13 Report of escape of exotic or dangerous animal.</p> <p>505.14 Dangerous and vicious dogs.</p> <p>505.99 Penalty.</p>
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CROSS REFERENCES

See sectional histories for similar State law
 Owner or keeper liable for damages – see Ohio R.C 951.10
 Dog registration – see Ohio R.C. 955.01

505.01 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. (ORC 951.02)

(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.

(c) No owner, keeper or harbinger of any dog shall fail at any time to keep it either physically confined or restrained upon the premises of the owner, keeper or harbinger by a leash, tether, adequate fence, supervision or secure enclosure to prevent escape, or under reasonable control of some person. (ORC 955.22)

(d) The running at large of any such animal in or upon any of the places mentioned in this section is prima-facie evidence that it is running at large in violation of this section. (ORC 951.02)

(e) Whoever violates this subsection (a) hereof is guilty of a misdemeanor of the fourth degree. (ORC 951.99)

(f) (1) Whoever violates subsection (b) or (c) hereof is guilty of a minor misdemeanor for a first offense and a misdemeanor of the fourth degree for each subsequent offense.

- (2) In addition to the penalties prescribed in subsection (f)(1) hereof, if the offender is guilty of a violation of subsection (b) or (c) hereof, the court may order the offender to personally supervise the dog that he owns, keeps or harbors, to cause that dog to complete dog obedience training, or to do both. (ORC 955.99)

505.02 IMPOUNDING AND DISPOSITION; RECORDS.

(a) A police officer or animal warden may impound every animal or dog found in violation of Section 505.01. If the dog is not wearing a valid registration tag and the owner is not otherwise reasonably determined, notice shall be posted in the pound or animal shelter both describing the dog and place where seized and advising the unknown owner that unless the dog is redeemed within three days, it may thereafter be sold or destroyed according to law. If the dog is wearing a valid registration tag or the identity of the owner, keeper or harbinger is otherwise reasonably determined, notice shall be given by certified mail to such owner, keeper or harbinger that the dog has been impounded and unless redeemed within fourteen days of the date of notice, it may thereafter be sold or destroyed according to law. Any dog seized and impounded may be redeemed by its owner, keeper or harbinger at any time prior to the applicable redemption period upon payment of all lawful costs assessed against the animal and upon providing the dog with a valid registration tag if it has none.

(b) A record of all dogs impounded, the disposition of the same, the owner's name and address where known, and a statement of any costs assessed against the dog shall be kept by any poundkeeper.

505.03 ANNUAL REGISTRATION OF DOGS; TAGS REQUIRED.

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

(b) Whoever violates this section is guilty of a minor misdemeanor for a first offense and a misdemeanor of the fourth degree for each subsequent offense. (ORC 955.99(D)).

505.04 ABANDONING ANIMALS.

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

(b) Whoever violates this section is guilty of a minor misdemeanor. (ORC 959.99(A))

505.05 KILLING OR INJURING ANIMALS.

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

(b) Whoever violates this section, if the value of the animal killed or the injury done amounts to less than three hundred dollars (\$300.00), is guilty of a misdemeanor of the second degree; if the value of the animal killed or the injury done amounts to three hundred dollars (\$300.00) or more, such person is guilty of a misdemeanor of the first degree. (ORC 959.99(B))

505.06 POISONING ANIMALS.

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

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

505.07 CRUELTY TO ANIMALS.

(a) No person shall:

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

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

(ORC 959.13)

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

505.08 NUISANCE CONDITIONS PROHIBITED.

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

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

505.09 BARKING OR HOWLING DOGS.

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

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

505.10 ANIMAL BITES; REPORTS AND QUARANTINE.

(a) Whenever any person is bitten by a dog or other animal, report of such bite shall be made to the Health Commissioner within twenty-four hours. Whenever it is reported to the Health Commissioner that any dog or cat has bitten a person, that dog or cat shall be quarantined under an order issued by the Health Commissioner. The dog or cat shall be quarantined by its owner or by a harbinger, or shall be quarantined in a pound or kennel. In all cases, such quarantine shall be under the supervision of the Health Commissioner and shall be at the expense of the owner or harbinger. Quarantine shall continue until the Health Commissioner determines that the dog or cat is not afflicted with rabies. The quarantine period hereby required shall not be less than ten days from the date on which the person was bitten. If at any time during the quarantine, the Health Commissioner requires the dog or cat to be examined for symptoms of rabies, then the examination shall be by a licensed doctor of veterinary medicine. The veterinarian shall report to the Health Commissioner the conclusions reached as a result of the examinations. The examination by a veterinarian shall be at the expense of the owner or harbinger. No dog or cat shall be released from the required quarantine unless and until it has been properly vaccinated against rabies.

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

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

505.11 HUNTING PROHIBITED.

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

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

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

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

(ORC 925.62)

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

505.13 REPORT OF ESCAPE OF EXOTIC OR DANGEROUS ANIMAL.

(a) The owner or keeper of any member of a species of the animal kingdom that escapes from his custody or control and that is not indigenous to this State or presents a risk of serious physical harm to persons or property, or both, shall, within one hour after he discovers or reasonably should have discovered the escape, report it to:

- (1) A law enforcement officer of the Municipality and the sheriff of the county where the escape occurred; and
- (2) The Clerk of the Municipal Legislative Authority.

(b) If the office of the Clerk of the Legislative Authority is closed to the public at the time a report is required by subsection (a) hereof, then it is sufficient compliance with subsection (a) hereof if the owner or keeper makes the report within one hour after the office is next open to the public.

(c) Whoever violates this section is guilty of a misdemeanor of the first degree. (ORC 2927.21)

505.14 DANGEROUS AND VICIOUS DOGS.

(a) As used in this section:

- (1) A. "Dangerous dog" means a dog that, without provocation, and subject to subsection (a)(1)B. hereof, has chased or approached in either a menacing fashion or an apparent attitude of attack, or has attempted to bite or otherwise endanger any person, while that dog is off the premises of its owner, keeper or harbinger and not under the reasonable control of its owner, keeper, harbinger or some other responsible person, or not physically restrained or confined in a locked pen which has a top, locked fenced yard or other locked enclosure which has a top.

B. "Dangerous dog" does not include a police dog that has chased or approached in either a menacing fashion or an apparent attitude of attack, or has attempted to bite or otherwise endanger any person while the police dog is being used to assist one or more law enforcement officers in the performance of their official duties.

- (2) "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.
- (3) "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.
- (4) A. "Vicious dog" means a dog that, without provocation and subject to subsection (a)(4)B. hereof, meets any of the following:
 1. Has killed or caused serious injury to any persons;
 2. Has caused injury, other than killing or serious injury to any person, or has killed another dog;
 3. Is a pit bull terrier, the ownership, keeping or harboring of such a dog shall be prima-facie evidence of the ownership, keeping or harboring of a vicious dog.B. "Vicious dog" does not include either of the following:
 1. A police dog that has killed or caused serious injury to any person or that has caused injury, other than killing or 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;
 2. 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.C. "Pit bull terrier" as used herein includes any American Pit Bull Terrier, any Bull Terrier, any Staffordshire Bull Terrier or American Staffordshire Terrier breed of dog, or any mixed breed of dog which contains as an element of its breeding the breed of American Pit Bull Terrier, Bull Terrier, Staffordshire Bull Terrier or American Staffordshire Terrier as to be identifiable as partially of the breed of American Pit Bull Terrier, Bull Terrier, Staffordshire Bull Terrier or American Staffordshire Terrier.
- (5) "Without provocation" means that a dog was not teased, tormented or abused by a person, or that the dog was not coming to the aid or the defense of a person who was not engaged in illegal or criminal activity and who was not using the dog as a means of carrying out such activity.
(ORC 955.11)

(b) No owner, keeper or harbinger of a dangerous or vicious dog shall fail to do either of the following:

- (1) While that dog is on the premises of the owner, keeper or harbinger, securely confine it at all times in a building, in a locked pen which has a top, locked fenced yard or other locked enclosure which has a top, except that a dangerous dog may, in the alternative, be tied with a leash or tether so that the dog is adequately restrained;

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

(c) No owner, keeper or harbinger of a vicious dog shall fail to obtain liability insurance with an insurer authorized to write liability insurance in this State providing coverage in each occurrence, subject to a limit, exclusive of interest and costs, of not less than fifty thousand dollars (\$50,000) because of damage or bodily injury to or death of a person caused by the vicious dog. (ORC 955.22)

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

(e) If a violation of subsection (b) hereof involves a vicious dog, whoever violates that subsection is guilty of one of the following:

- (1) A misdemeanor of the first degree on a first offense. Additionally, the court may order the vicious dog to be humanely destroyed by a licensed veterinarian, the Dog Warden or the humane society.
- (2) A misdemeanor of the first degree if the dog causes injury other than killing or serious injury, to any person.

(f) Whoever violates subsection (c) hereof is guilty of a misdemeanor of the first degree. (ORC 955.99)

505.99 PENALTY.

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

CHAPTER 509
Disorderly Conduct and Peace Disturbance

<p>509.01 Riot.</p> <p>509.02 Failure to disperse.</p> <p>509.03 Disorderly conduct; intoxication.</p> <p>509.04 Disturbing a lawful meeting.</p>	<p>509.05 Misconduct at an emergency.</p> <p>509.06 Inducing panic.</p> <p>509.07 Making false alarms.</p> <p>509.99 Penalty.</p>
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CROSS REFERENCES

See sectional histories for similar State law
 Use of force to suppress riot – see Ohio R.C. 2917.05
 Cordoning off riot areas, prohibiting sales of firearms
 and explosives – see Ohio R.C. 3761.16
 Emergency suspension of permits and sales by Director of
 Liquor Control – see Ohio R.C 4301.251
 Criminal trespass – see GEN. OFF. 541.05

509.01 RIOT.

(a) No person shall participate with four or more others in a course of disorderly conduct in violation of Section 509.03:

- (1) With purpose to commit or facilitate the commission of a misdemeanor, other than disorderly conduct;
- (2) With purpose to intimidate a public official or employee into taking or refraining from official action, or with purpose to hinder, impede or obstruct a function of government;
- (3) With purpose to hinder, impede or obstruct the orderly process of administration or instruction at an educational institution, or to interfere with or disrupt lawful activities carried on at such institution.

(b) No person shall participate with four or more others with purpose to do an act with unlawful force or violence, even though such act might otherwise be lawful.

(c) Whoever violates this section is guilty of riot, a misdemeanor of the first degree. (ORC 2917.03)

509.02 FAILURE TO DISPERSE.

(a) Where five or more persons are participating in a course of disorderly conduct in violation of Section 509.03, and there are other persons in the vicinity whose presence creates the likelihood of physical harm to persons or property or of serious public inconvenience, annoyance or alarm, a law enforcement officer or other public official may order the participants and such other persons to disperse. No person shall knowingly fail to obey such order.

(b) Nothing in this section requires persons to disperse who are peaceably assembled for a lawful purpose.

(c) Whoever violates this section is guilty of failure to disperse, a minor misdemeanor. (ORC 2917.04)

509.03 DISORDERLY CONDUCT; INTOXICATION.

(a) No person shall recklessly cause inconvenience, annoyance or alarm to another by doing any of the following:

- (1) Engaging in fighting, in threatening harm to persons or property, or in violent or turbulent behavior;
- (2) Making unreasonable noise or offensively coarse utterance, gesture or display, or communicating unwarranted and grossly abusive language to any person, which by its very utterance or usage inflicts injury or tends to incite an immediate breach of the peace;
- (3) Insulting, taunting or challenging another, under circumstances in which such conduct is likely to provoke a violent response;
- (4) Hindering or preventing the movement of persons on a public street, road, highway or right of way, or to, from, within or upon public or private property, so as to interfere with the rights of others, and by any act which serves no lawful and reasonable purpose of the offender;
- (5) Creating a condition which is physically offensive to persons or which presents a risk of physical harm to persons or property, by any act which serves no lawful and reasonable purpose of the offender.

(b) No person, while voluntarily intoxicated shall do either of the following:

- (1) In a public place or in the presence of two or more persons, engage in conduct likely to be offensive or to cause inconvenience, annoyance or alarm to persons of ordinary sensibilities, which conduct the offender, if he were not intoxicated, should know is likely to have such effect on others;
- (2) Engage in conduct or create a condition which presents a risk of physical harm to himself or another, or to the property of another.

(c) Violation of any statute or ordinance of which an element is operating a motor vehicle, locomotive, watercraft, aircraft or other vehicle while under the influence of alcohol or any drug of abuse, is not a violation of subsection (b) hereof.

(d) When to an ordinary observer a person appears to be intoxicated, it is probable cause to believe such person is voluntarily intoxicated for purposes of subsection (b) hereof.

(e) Whoever violates this section is guilty of disorderly conduct, a minor misdemeanor except that if the offender persists in disorderly conduct after reasonable warning or request to desist or if the offender is within 1,000 feet of the boundaries of any school, school premises or school building, disorderly conduct is a misdemeanor of the fourth degree.

(f) As used in this section, "school," "school premises" and "school building" have the same meanings as in Ohio R.C. 2925.01.
(ORC 2917.11)

509.04 DISTURBING A LAWFUL MEETING.

(a) No person, with purpose to prevent or disrupt a lawful meeting, procession or gathering, shall do either of the following:

- (1) Do any act which obstructs or interferes with the due conduct of such meeting, procession or gathering;
- (2) Make any utterance, gesture or display which outrages the sensibilities of the group.

(b) Whoever violates this section is guilty of disturbing a lawful meeting, a misdemeanor of the fourth degree. (ORC 2917.12)

509.05 MISCONDUCT AT AN EMERGENCY.

(a) No person shall knowingly:

- (1) Hamper the lawful operations of any law enforcement officer, fireman, rescuer, medical person or other authorized person, engaged in his duties at the scene of a fire, accident, disaster, riot or emergency of any kind.
- (2) Fail to obey the lawful order of any law enforcement officer engaged in his duties at the scene of or in connection with a fire, accident, disaster, riot or emergency of any kind.

(b) Nothing in this section shall be construed to limit access or deny information to any news media representative in the lawful exercise of his duties.

(c) Whoever violates this section is guilty of misconduct at an emergency, a minor misdemeanor. If violation of this section creates a risk of physical harm to persons or property, misconduct at an emergency is a misdemeanor of the fourth degree. (ORC 2917.13)

509.06 INDUCING PANIC.

(a) No person shall cause the evacuation of any public place, or otherwise cause serious public inconvenience or alarm, by doing any of the following:

- (1) Initiating or circulating a report or warning of an alleged or impending fire, explosion, crime or other catastrophe, knowing that such report or warning is false;
- (2) Threatening to commit any offense of violence;
- (3) Committing any offense, with reckless disregard of the likelihood that its commission will cause serious public inconvenience or alarm.

(b) Subsection (a) hereof does not apply to any person conducting an authorized fire or emergency drill.

(c) Whoever violates this section is guilty of inducing panic, a misdemeanor of the first degree, if such violation does not result in physical harm to any person. (ORC 2917.31)

509.07 MAKING FALSE ALARMS.

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

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

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

(c) Whoever violates this section is guilty of making false alarms, a misdemeanor of the first degree. (ORC 2917.32)

509.99 PENALTY.

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

CHAPTER 513
Drug Abuse Control

513.01	Definitions.	513.08	Illegally dispensing drug samples.
513.02	Gift of marihuana.	513.09	Controlled substance or prescription labels.
513.03	Drug abuse; controlled substance possession or use.	513.10	Hypodermic possession, display and dispensing.
513.04	Possessing drug abuse instruments.	513.11	Trafficking in harmful intoxicants.
513.05	Permitting drug abuse.	513.12	Drug paraphernalia.
513.06	Deception to obtain dangerous drugs.	513.13	Counterfeit controlled substances.
513.07	Possessing or using harmful intoxicants.	513.99	Penalty; mandatory fines.

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.

As used in this chapter, certain terms are defined as follows:

- (a) "Administer" means the direct application of a drug, whether by injection, inhalation, ingestion or any other means to a person or an animal.
- (b) "Controlled substance" means a drug, compound, mixture, preparation or substance included in Schedule I, II, III, IV, or V.
- (c) "Dispense" means sell, leave with, give away, dispose of or deliver.
- (d) "Distribute" means to deal in, ship, transport or deliver but does not include administering or dispensing a drug.
- (e) "Hypodermic" means a hypodermic syringe or needle, or other instrument or device for the subcutaneous injection of medication.

- (f) "Manufacturer" means a person who plants, cultivates, harvests, processes, makes, prepares or otherwise engages in any part of the production of a controlled substance by propagation, compounding, conversion or processing, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis and includes any packaging or repackaging of the substance or labeling or relabeling of its container and other activities incident to production, except that this term does not include a pharmacist who prepares, compounds, packages or labels a controlled substance as an incident to dispensing a controlled substance in accordance with a prescription and in the usual course of professional practice.
- (g) "Marihuana" means all parts of any plant of the genus cannabis, whether growing or not, the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oils or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination.
- (h) "Noxious additive" means any element or compound designated by the State Board of Pharmacy for use as a safe and effective ingredient in any product containing the ingredient toluene, the gas, fumes or vapor of which when inhaled can induce intoxication, excitement, giddiness, irrational behavior, depression, stupefaction, paralysis, unconsciousness, asphyxiation or other harmful physiological effects, which will discourage the intentional smelling or inhaling of the fumes of such product. A noxious additive shall not be added to such product if such addition would make the product unsuitable for its intended use or adversely affect the performance of the product. The addition of a noxious additive to such product is not required if the Board determines that the normal chemical composition of the product creates a level of noxiousness that is sufficient to discourage the intentional smelling or inhaling of the product's fumes.
- (i) "Official written order" means an order written on a form provided for that purpose by the Director of the United States Drug Enforcement Administration, under any laws of the United States making provisions therefor, if such order forms are authorized and required by Federal law.
- (j) "Pharmacist" means a person registered with the State Board of Pharmacy as a compounder and dispenser of drugs.

- (k) "Pharmacy" means any area, room, rooms, place of business, department or portion of any of the foregoing, where prescriptions are filled or where drugs, dangerous drugs or poisons are compounded, sold, offered, or displayed for sale, dispensed or distributed to the public.
- (l) "Practitioner" means a person who is licensed pursuant to Ohio R.C Chapter 4715, 4731 or 4741 and authorized by law to write prescriptions for drugs or dangerous drugs.
- (m) "Prescription" means a written or oral order for a controlled substance for the use of a particular person or a particular animal given by a practitioner in the course of professional practice and in accordance with the regulations promulgated by the Director of the United States Drug Enforcement Administration, pursuant to the Federal drug abuse control laws.
- (n) "Sale" includes delivery, barter, exchange, transfer or gift, or offer thereof, and each such transaction made by any person, whether as principal, proprietor, agent, servant or employee.
- (o) "Schedule I", "Schedule II", "Schedule III", "Schedule IV" and "Schedule V" mean controlled substance Schedules I, II, III, IV, and V respectively, established pursuant to Ohio R.C 3719.41, as amended pursuant to Ohio R.C 3719.43 or 3719.44.
- (p) "Wholesaler" means a person who, on official written orders other than prescriptions, supplies controlled substances that he himself has not manufactured, produced or prepared and includes "wholesale distributor of dangerous drugs" as this term is defined in Ohio R.C 4729.02.
(ORC 3719.01)
- (q) "Drug of abuse" means any controlled substance as defined in subsection (b) hereof, any harmful intoxicant as defined in subsection (x) hereof and any dangerous drug as defined in subsection (r) hereof.
(ORC 3719.011)
- (r) "Dangerous drug" means:
- (1) Any drug which, under the "Federal Food, Drug and Cosmetic Act", Federal narcotic law, Ohio R.C 3715.01 to 3715.72 or Chapter 3719, may be dispensed only upon a prescription;
 - (2) Any drug which contains a Schedule V narcotic drug and which is exempt from Ohio R.C Chapter 3719 or to which such chapter does not apply;
 - (3) Any drug intended for administration by injection into the human body other than through a natural orifice of the human body.
(ORC 4729.02)
- (s) "Bulk amount" of a controlled substance means any of the following:
- (1) 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, or cocaine;
 - (2) 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;

- (3) An amount equal to or exceeding 200 grams of marihuana, or an amount equal to or exceeding ten grams of the resin contained in marihuana, or of any extraction or preparation of the resin contained in marihuana, or equal to or exceeding two grams of the resin contained in marihuana in a liquid concentrate, liquid extract or liquid distillate form;
 - (4) 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, lysergic acid diethylamide, lysergic acid amide, or marihuana or a Schedule I stimulant or depressant;
 - (5) 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;
 - (6) An amount equal to or exceeding one gram or ten unit doses of a compound, mixture, preparation or substance that is or contains any amount of lysergic acid diethylamide, lysergic acid amide, or tetrahydrocannabinol;
 - (7) 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;
 - (8) 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 and the Federal Drug Abuse Control laws, that is or contains any amount of a Schedule II depressant substance or a Schedule II hallucinogenic substance, or that is or contains any amount of a Schedule III or IV substance other than an anabolic steroid;
 - (9) An amount equal to or exceeding three grams of a compound, mixture, preparation or substance that is or contains any amount of a Schedule II stimulant, or any of its salts or isomers, that is not in a final dosage form manufactured by a person authorized by the Federal Food, Drug, and Cosmetic Act and the Federal Drug Abuse Control laws;
 - (10) An amount equal to or exceeding 250 milliliters or 250 grams of a compound, mixture, preparation or substance that is or contains any amount of a Schedule V substance.
 - (11) An amount equal to or exceeding 200 solid dosage units, sixteen grams or sixteen milliliters of a compound, mixture, preparation or substance that is or contains any amount of a Schedule III anabolic steroid.
- (t) "Unit dose" means an amount or unit of a compound, mixture or preparation containing a controlled substance, such amount or unit being separately identifiable and in such form as to indicate that it is the amount or unit by which the controlled substance is separately administered to or taken by an individual.

- (u) "Cultivate" includes planting, watering, fertilizing or tilling.
- (v) "Drug abuse offense" means any of the following:
 - (1) A violation of Sections 513.02 to 513.08, 513.11 or 513.13 of this chapter; a violation of Ohio R.C. 2925.02, 2925.03, 2925.11, 2925.12, 2925.13, 2925.22, 2925.23, 2925.31, 2925.32, 2925.36 or 2925.37; or a violation of Section 545.05 or Ohio R.C. 2913.02(B) that constitutes theft of drugs;
 - (2) A violation of an existing or former law of this or any other state or of the United States, that is substantially equivalent to any section listed in subsection (v)(1) hereof;
 - (3) An offense under an existing or former law of this or any other state, or of the United States, of which planting, cultivating, harvesting, processing, making, manufacturing, producing, shipping, transporting, delivering, acquiring, possessing, storing, distributing, dispensing, selling, inducing another to use, administering to another, using or otherwise dealing with a controlled substance is an element;
 - (4) A conspiracy or attempt to commit, or complicity in committing or attempting to commit any offense under subsection (v)(1), (2) or (3) hereof.
- (w) "Felony drug abuse offense" means any drug abuse offense that would constitute a felony under the laws of this State except a violation of Ohio R.C. 2925.11.
- (x) "Harmful intoxicant" does not include beer or intoxicating liquor, but means any compound, mixture, preparation or substance the gas, fumes or vapor of which when inhaled can induce intoxication, excitement, giddiness, irrational behavior, depression, stupefaction, paralysis, unconsciousness, asphyxiation or other harmful physiological effects, and includes, but is not limited to, any of the following:
 - (1) Any volatile organic solvent, plastic cement, model cement, fingernail polish remover, lacquer thinner, cleaning fluid, gasoline, and any other preparation containing a volatile organic solvent;
 - (2) Any aerosol propellant;
 - (3) Any fluorocarbon refrigerant;
 - (4) Any anesthetic gas.
- (y) "Manufacture" means to plant, cultivate, harvest, process, make, prepare or otherwise engage in any part of the production of a drug by propagation, extraction, chemical synthesis or compounding, or any combination of the same, and includes packaging, repackaging, labeling and other activities incident to production.
- (z) "Possess" or "possession" means having control over a thing or substance but may not be inferred solely from mere access to the thing or substance through ownership or occupation of the premises upon which the thing or substance is found.
- (aa) "Sample drug" means a drug or pharmaceutical preparation that would be hazardous to health or safety if used without the supervision of a practitioner, or a drug of abuse, and that, at one time, had been placed in a container plainly marked as a sample by a manufacturer.

- (bb) "Standard pharmaceutical reference manual" means the current edition, with cumulative changes if any, of any of the following reference works:
- (1) "The National Formulary";
 - (2) "The United States Pharmacopeia", prepared by authority of the United States Pharmacopeial Convention, Inc.;
 - (3) Other standard references that are approved by the State Board of Pharmacy.
- (cc) "Juvenile" means a person under eighteen years of age.
- (dd) "School" means any school operated by a board of education or any school for which the State Board of Education prescribes minimum standards under Ohio R.C. 3301.07, whether or not any instruction, extracurricular activities or training provided by the school is being conducted at the time a criminal offense is committed.
- (ee) "School premises" means either of the following:
- (1) The parcel of real property on which any school is situated, whether or not any instruction, extracurricular activities or training provided by the school is being conducted on the premises at the time a criminal offense is committed;
 - (2) Any other parcel of real property that is owned or leased by a board of education of a school or the governing body of a school for which the State Board of Education prescribes minimum standards under Ohio R.C. 3301.07 and on which some of the instruction, extracurricular activities or training of the school is conducted, whether or not any instruction, extracurricular activities or training provided by the school is being conducted on the parcel of real property at the time a criminal offense is committed.
- (ff) "School building" means any building in which any of the instruction, extracurricular activities or training provided by a school is conducted, whether or not any instruction, extracurricular activities or training provided by the school is being conducted in the school building at the time a criminal offense is committed.
- (gg) "Counterfeit controlled substance" means:
- (1) Any drug that bears, or whose container or label bears, a trademark, trade name or other identifying mark used without authorization of the owner of rights to such trademark, trade name or identifying mark; or
 - (2) Any unmarked or unlabeled substance that is represented to be a controlled substance manufactured, processed, packed or distributed by a person other than the person that manufactured, processed, packed or distributed it; or
 - (3) Any substance that is represented to be a controlled substance but is not a controlled substance or is a different controlled substance; or
 - (4) Any substance other than a controlled substance that a reasonable person would believe to be a controlled substance because of its similarity in shape, size and color, or its marking, labeling, packaging, distribution or the price for which it is sold or offered for sale.
- (ORC 2925.01)

513.02 GIFT OF MARIHUANA.

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

(b) Whoever violates this section is guilty of trafficking in marihuana. If the offense does not involve the sale or offer to sell of a controlled substance in violation of Ohio R.C. 2925.03(A)(1), (5), (7) or (10) that was committed on school premises, in a school building, or within 1,000 feet of the boundaries of any school premises, or that was committed within 100 feet of any juvenile or within the view of any juvenile, whether or not the offender knows the age of the juvenile, the offender knows the juvenile is within 100 feet or within view of the commission of the offense, or the juvenile views the commission of the offense, trafficking in marihuana is a minor misdemeanor for the first offense and, for any subsequent offense, it is a misdemeanor of the third degree. If the offense involves the sale or offer to sell of a controlled substance in violation of Ohio R.C. 2925.03(A)(1), (5), (7) or (10) that was committed on school premises, in a school building, or within 1,000 feet of the boundaries of any school premises, or that was committed within 100 feet of any juvenile or within the view of any juvenile, whether or not the offender knows the age of the juvenile, the offender knows the juvenile is within 100 feet or within view of the commission of the offense, or the juvenile views the commission of the offense, trafficking in marihuana is a misdemeanor of the third degree.
(ORC 2925.03)

513.03 DRUG ABUSE; CONTROLLED SUBSTANCE POSSESSION OR USE.

- (a) No person shall knowingly obtain, possess or use a controlled substance.
- (b) This section does not apply to the following:
- (1) Manufacturers, practitioners, pharmacists, owners of pharmacies and other persons whose conduct was in accordance with Ohio R.C. Chapters 3719, 4715, 4729, 4731 and 4741.
 - (2) If the offense involves an anabolic steroid, any person who is conducting or participating in a research project involving the use of an anabolic steroid if the project has been approved by the United States Food and Drug Administration;
 - (3) Any person who sells, offers for sale, prescribes, dispenses or administers for livestock or other nonhuman species an anabolic steroid that is expressly intended for administration through implants to livestock or other nonhuman species and approved for that purpose under the "Federal Food, Drug and Cosmetic Act", 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, and is sold, offered for sale, prescribed, dispensed or administered for that purpose in accordance with that Act;
 - (4) Any person who obtained the controlled substance pursuant to a prescription issued by a practitioner, where the drug is in the original container in which it was dispensed to such person.
- (c) Whoever violates this section is guilty of drug abuse, and shall be sentenced as follows:
- (1) If the drug involved is a compound, mixture, preparation or substance included in Schedule III, IV or V, with the exception of an anabolic steroid, drug abuse is a misdemeanor of the third degree, and if the offender previously has been convicted of a drug abuse offense, drug abuse is a misdemeanor of the second degree.

- (2) If the drug involved is marihuana, drug abuse is a misdemeanor of the fourth degree, unless the amount of marihuana involved is less than 100 grams, the amount of marihuana resin or extraction or preparation of such resin, is less than five grams, and the amount of such resin in a liquid concentrate, liquid extract or liquid distillate form, is less than one gram, in which case drug abuse is a minor misdemeanor.
- (3) If the drug involved is an anabolic steroid included in Schedule III, drug abuse is a misdemeanor of the third degree and, in lieu of sentencing an offender to a definite or indefinite term of imprisonment in a detention facility, the court may place the offender on conditional probation pursuant to Ohio R.C. 2925.11(G) or 2951.02(H), unless the offender previously has been convicted of a drug abuse offense, in which case drug abuse is a misdemeanor of the second degree.

(d) 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 whose customary and primary purpose is for the administration or use of a dangerous drug, other than marihuana, when the instrument involved is a hypodermic or syringe, whether or not of crude or extemporized manufacture or assembly, and the instrument, article or thing involved has been used by the offender to unlawfully administer or use a dangerous drug, other than marihuana, or to prepare a dangerous drug, other than marihuana, for unlawful administration or use.

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

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

- (1) The offender previously has been convicted of a drug abuse offense;
- (2) The felony drug abuse offense in question is a violation of Ohio R.C. 2925.02 or division (A)(1), (5), (7) or (10) of Ohio R.C. 2925.03 that was committed in either of the following ways:
 - A. On school premises, in a school building or within 1,000 feet of the boundaries of any school premises.
 - B. Within 100 feet of any juvenile or within the view of any juvenile, whether or not the offender knows the age of the juvenile, the offender knows the juvenile is within 100 feet or within view of the commission of the offense, or the juvenile views the commission of the offense.
(ORC 2925.13)

513.06 DECEPTION TO OBTAIN DANGEROUS DRUGS.

(EDITOR'S NOTE: Former Section 513.06 which was derived from Ohio R.C. 2925.22 is no longer included in the Codified Ordinances. By House Bill 615, effective March 27, 1991, the Ohio General Assembly classified all violations of Ohio R.C. 2925.22 as felonies. Therefore each charge of deception to obtain a dangerous drug should now be filed under Ohio R.C. 2925.22).

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 fourth degree. If the offender previously has been convicted of a drug abuse offense, abusing harmful intoxicants is a misdemeanor of the first degree. (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, practitioners, pharmacists, owners of pharmacies and other persons whose conduct is in accordance with Ohio R.C. Chapters 3719, 4715, 4725, 4729, 4731 and 4741.

(c) Whoever violates this section is guilty of illegal dispensing of drug samples if the drug involved is marihuana or a compound, mixture, preparation or substance included in Schedule III, IV, or V. Whoever violates this section is guilty of a misdemeanor of the second degree. Illegal dispensing of drug samples is a misdemeanor of the first degree if any of the following apply:

- (1) The offender commits the offense on school premises, in a school building or within 1,000 feet of the boundaries of any school premises;

- (2) The offender commits the offense within 100 feet of any juvenile or within the view of any juvenile, whether or not the offender knows the age of the juvenile, the offender knows the juvenile is within 100 feet or within view of the commission of the offense, or the juvenile views the commission of the offense;
- (3) The offender previously has been convicted of a drug abuse offense.
(ORC 2925.36)

513.09 CONTROLLED SUBSTANCE OR PRESCRIPTION LABELS.

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

(b) Whoever violates this section is guilty of a misdemeanor of the first degree, if the offender has not previously been convicted of a violation of this section, Ohio R.C. 3719.07 or 3719.08 or a drug abuse offense. (ORC 3719.99(C))

513.10 HYPODERMIC POSSESSION, DISPLAY AND DISPENSING.

(a) Possession of a hypodermic is authorized for:

- (1) Any manufacturer or distributor of, or dealer in, hypodermics or medication packaged in hypodermics, and any authorized agent or employee of such manufacturer, distributor or dealer, in the regular course of business;
- (2) A hospital, owner of a pharmacy or pharmacist in the regular course of business;
- (3) Any practitioner, nurse or other person authorized to administer injections, in the regular course of his profession or employment;
- (4) Any person, when the hypodermic in his possession was lawfully obtained and is kept and used for the purpose of self-administration of insulin or other drug prescribed by a practitioner for the treatment of disease;
- (5) Any person whose use of a hypodermic is for legal research, clinical or medical purposes;
- (6) Any farmer, for the lawful administration of a drug to an animal;
- (7) Any person whose use of a hypodermic is for lawful professional, mechanical, trade or craft purposes.

(b) No manufacturer or distributor of, or dealer in, hypodermics or medication packaged in hypodermics, or their authorized agents or employees, and no owner of a pharmacy, or pharmacist, shall display any hypodermic for sale. No person authorized to possess a hypodermic pursuant to subsection (a) hereof shall negligently fail to take reasonable precautions to prevent any hypodermic in his possession from theft or acquisition by any unauthorized person, or negligently discard a hypodermic without first having rendered it completely unusable for its original purpose.

(c) A pharmacist or person under the direct supervision of a pharmacist may furnish hypodermics to another without a prescription by a practitioner, but the pharmacist or person under his supervision shall require positive identification of each person to whom hypodermics are furnished, and shall keep a written record of each transaction, including the date, the type and quantity of the articles furnished, and the name, address and signature of the person to whom such articles are furnished. Such records shall be retained in the same manner as the exempt narcotics register. No pharmacist or person under his supervision shall fail to comply with this subsection (c) in furnishing hypodermics. (ORC 3719.172)

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

513.11 TRAFFICKING IN HARMFUL INTOXICANTS.

(a) No person shall knowingly dispense or distribute any harmful intoxicant except gasoline to any juvenile, if the person who dispenses or distributes it knows or has reason to believe that the harmful intoxicant will be used in violation of Section 513.07, unless a written order from the parent or guardian is provided to the dispenser or distributor. Six months after the State Board of Pharmacy has designated the noxious additive that is to be included in any product containing toluene, the gas, fumes or vapor of which when inhaled can induce intoxication, excitement, giddiness, irrational behavior, depression, stupefaction, paralysis, unconsciousness, asphyxiation or other harmful physiological effects, no person shall dispense or distribute a product that is required to include a noxious additive unless such product includes the noxious additive in the amounts and proportions prescribed by the Board.

(b) Any product that is required by subsection (a) hereof to include a noxious additive shall have such contents clearly stated on the label.

(c) The prohibitions of this section shall not apply after a prescribed noxious additive has been added to the harmful intoxicant or upon determination by the Board of Pharmacy that addition of a noxious additive is not required.

(d) Whoever violates this section is guilty of trafficking in harmful intoxicants, a misdemeanor of the fourth degree. If the offender previously has been convicted of a drug abuse offense, trafficking in harmful intoxicants is a misdemeanor of the third degree.

(e) This section does not apply to products used in making, fabricating, assembling, transporting or constructing a product or structure by manual labor or machinery for sale or lease to another person, or to the mining, refining or processing of natural deposits. (ORC 2925.32)

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) An isomerization device for increasing the potency of any species of a plant that is a controlled substance;
- (4) Testing equipment for identifying, or analyzing the strength, effectiveness or purity of, a controlled substance;
- (5) A scale or balance for weighing or measuring a controlled substance;
- (6) A diluent or adulterant, such as quinine hydrochloride, mannitol, mannite, dextrose or lactose, for cutting a controlled substance;
- (7) A separation gin or sifter for removing twigs and seeds from, or otherwise cleaning or refining, marihuana;
- (8) A blender, bowl, container, spoon or mixing device for compounding a controlled substance;
- (9) A capsule, balloon, envelope or container for packaging small quantities of a controlled substance;
- (10) A container or device for storing or concealing a controlled substance;
- (11) A hypodermic syringe, needle or instrument for parenterally injecting a controlled substance into the human body;
- (12) 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 an object is drug paraphernalia, a court or law enforcement officer shall consider, in addition to other relevant factors, the following:

- (1) Any statement by the owner, or by anyone in control, of the object, concerning its use;
- (2) The proximity in time or space of the object, or of the act relating to the object, to a violation of any provision of this chapter or Ohio R.C. Chapter 2925;
- (3) The proximity of the object to any controlled substance;
- (4) The existence of any residue of a controlled substance on the object;
- (5) Direct or circumstantial evidence of the intent of the owner, or of anyone in control, of the object, to deliver it to any person whom he 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 object, 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 object was intended or designed by the offender for use as drug paraphernalia;
- (6) Any oral or written instruction provided with the object concerning its use;
- (7) Any descriptive material accompanying the object and explaining or depicting its use;
- (8) National or local advertising concerning the use of the object;
- (9) The manner and circumstances in which the object is displayed for sale;
- (10) Direct or circumstantial evidence of the ratio of the sales of the object to the total sales of the business enterprise;
- (11) The existence and scope of legitimate uses of the object in the community;
- (12) Expert testimony concerning the use of the object.

- (c)
- (1) 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 he 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 he 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) This section does not apply to manufacturers, practitioners, pharmacists, owners of pharmacies and other persons whose conduct is in accordance with Ohio R.C. Chapter 3719, 4715, 4729, 4731, or 4741. This section shall not be construed to prohibit the possession or use of a hypodermic as authorized by Section 513.10.

(e) Notwithstanding Ohio R.C. 2933.42 and 2933.43, 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. 2933.41(D)(8).

- (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.
(ORC 2925.14)

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 if the offender has not previously been convicted of a violation of this chapter or Ohio R.C. Chapter 2925.
(ORC 2925.37)

513.99 PENALTY; MANDATORY FINES.

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

(a) Notwithstanding the fines otherwise required to be imposed pursuant to Section 501.99 for violations of this chapter and the sentencing criteria provided in Ohio R.C. 2929.22 the court shall impose a mandatory fine for any violation of this chapter as follows:

<u>Classification of Misdemeanor</u>	<u>Mandatory Fine</u>
First degree	\$ 1000.00
Second degree	750.00
Third degree	500.00
Fourth degree	250.00
Minor	100.00

(b) The court may impose a fine in addition to a mandatory fine imposed pursuant to subsection (a) hereof if the total of the additional and mandatory fines does not exceed the maximum fine that could be imposed pursuant to Section 501.99.

(c) The court shall not impose a mandatory fine pursuant to subsection (a) hereof upon an offender who alleges, in an affidavit filed with the court prior to his sentencing, that he is indigent and is unable to pay any mandatory fine imposed pursuant to subsection (a) hereof, if the court determines the offender is an indigent person and is unable to pay the fine.

CHAPTER 517
Gambling

<p>517.01 Definitions. 517.02 Gambling. 517.03 Operating a gambling house. 517.04 Public gaming. 517.05 Cheating. 517.06 Methods of conducting a bingo game; prohibitions.</p>	<p>517.07 Bingo records. 517.08 Bingo operator prohibitions. 517.09 Bingo exceptions. 517.99 Penalty.</p>
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CROSS REFERENCES

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

517.01 DEFINITIONS.

As used in this chapter:

- (a) "Bookmaking" means the business of receiving or paying off bets.
- (b) "Bet" means the hazarding of anything of value upon the result of an event, undertaking or contingency, but does not include a bona fide business risk.
- (c) "Scheme of chance" means a lottery, numbers game, pool or other scheme in which a participant gives a valuable consideration for a chance to win a prize.
- (d) "Game of chance" means poker, craps, roulette, a slot machine, a punch board or other game in which a player gives anything of value in the hope of gain, the outcome of which is determined largely or wholly by chance.
- (e) "Scheme or game of chance conducted for profit" means any scheme or game of chance designed to produce income for the person who conducts or operates the scheme or game of chance, but does not include a charitable bingo game.
- (f) "Gambling device" means:
 - (1) A book, totalizer or other equipment for recording bets;
 - (2) A ticket, token or other device representing a chance, share or interest in a scheme of chance, except a charitable bingo game, or evidencing a bet;

- (3) A deck of cards, dice, gaming table, roulette wheel, slot machine, punch board or other apparatus designed for use in connection with a game of chance;
 - (4) Any equipment, device, apparatus or paraphernalia specially designed for gambling purposes.
- (g) "Gambling offense" means the following:
- (1) A violation of Sections 517.02 to 517.08 or Ohio R.C. 2915.02 to 2915.11;
 - (2) A violation of an existing or former municipal ordinance or law of this or any other state or the United States substantially equivalent to any section listed in subsection (g)(1) hereof.
 - (3) An offense under an existing or former municipal ordinance or law of this or any other state or the United States, of which gambling is an element;
 - (4) A conspiracy or attempt to commit, or complicity in committing an offense under subsection (g)(1), (2) or (3) hereof.
- (h) "Charitable organization" means any tax exempt religious, educational, veteran's, fraternal, service, nonprofit medical, volunteer rescue service, volunteer firemen's, senior citizen's, youth athletic or youth athletic park organization. An organization is tax exempt if the organization is and has received from the Internal Revenue Service a determination letter that is currently in effect, stating that the organization is exempt from Federal income taxation under subsection 501(a) and described in subsections 501(c)(3), (4), (8), (10) or (19) of the Internal Revenue Code. To qualify as a charitable organization, an organization, except a volunteer rescue service or volunteer firemen's organization, shall have been in continuous existence as such in this State for a period of two years immediately preceding either the making of an application for a bingo license under Ohio R.C. 2915.08 or the conducting of any scheme of chance or game of chance as provided in Section 517.02(c).
- (i) "Religious organization" means any church, body of communicants or group that is not organized or operated for profit, that gathers in common membership for regular worship and religious observances.
- (j) "Educational organization" means any organization within this State that is not organized for profit, the primary purpose of which is to educate and develop the capabilities of individuals through instruction, and that operates or contributes to the support of a school, academy, college or university.
- (k) "Veteran's organization" means any individual post of a national veteran's association or an auxiliary unit of any individual post of a national veteran's association, which post or auxiliary unit has been incorporated as a nonprofit corporation for at least two years and has received a letter from the state headquarters of the national veteran's association indicating that the individual post or auxiliary unit is in good standing with the national veteran's association. As used in this section, "national veteran's association" means any veteran's association that has been in continuous existence as such for a period of at least ten years and either is incorporated by an act of the United States Congress or has a national dues-paying membership of at least 5,000 persons.

- (l) "Volunteer firemen's organization" means any organization of volunteer firemen, as defined in Ohio R.C. 146.01, that is organized and operated exclusively to provide financial support for a volunteer fire department or a volunteer fire company.
- (m) "Fraternal organization" means any society, order or association within this State, except a college or high school fraternity, that is not organized for profit, that is a branch, lodge or chapter of a national or state organization, that exists exclusively for the common business of brotherhood of its members and that has been in continuous existence in this State for a period of five years.
- (n) "Volunteer rescue service organization" means any organization of volunteers organized to perform emergency medical service as defined in Ohio R.C. 4731.82(E).
- (o) "Service organization" means any organization, not organized for profit, that is organized and operated exclusively to provide, or to contribute to the support of organizations or institutions organized and operated exclusively to provide, medical and therapeutic services for persons who are crippled, born with birth defects or have any other mental or physical defect or those organized and operated exclusively to protect, or to contribute to the support of organizations or institutions organized and operated exclusively to protect, animals from inhumane treatment.
- (p) "Nonprofit medical organization" means any organization, that has been incorporated as a nonprofit corporation for at least five years and that has continuously operated and will be operated exclusively to provide, or to contribute to the support of organizations or institutions organized and operated exclusively to provide, hospital, medical, research or therapeutic services for the public.
- (q) "Senior citizen's organization" means any private organization, not organized for profit, that is organized and operated exclusively to provide recreational or social services for persons who are fifty-five years of age or older and that is described and qualified under subsection 501(c)(3) of the Internal Revenue Code.
- (r) "Charitable bingo game" means any bingo game that is conducted by a charitable organization that has obtained a bingo license pursuant to Ohio R.C. 2915.08 and the proceeds of which are used for a charitable purpose.
- (s) "Bingo" means:
 - (1) A game with all of the following characteristics:
 - A. The participants use bingo cards that are divided into twenty-five spaces arranged in five horizontal and five vertical rows of spaces with each space, except the central space, being designated by a combination of a letter and a number and the central space being designated as a free space;
 - B. The participants cover the space on the bingo cards that correspond to combinations of letters and numbers that are announced by a bingo game operator;

- C. A bingo game operator announces combinations of letters and numbers that appear on objects that a bingo game operator selects by chance, either manually or mechanically from a receptacle that contains seventy-five objects at the beginning of each game, each object marked by a different combination of a letter and a number that corresponds to one of the seventy-five possible combinations of a letter and a number that can appear on the bingo cards;
 - D. The winner of the bingo game includes any participant who properly announces during the interval between the announcements of letters and numbers as described in subsection (s)(1)C. hereof, that a predetermined and preannounced pattern of spaces has been covered on a bingo card being used by a participant.
- (2) Any scheme or game other than a game as defined in subsection (s)(1) hereof with the following characteristics:
- A. The participants use cards, sheets or other devices that are divided into spaces arranged in horizontal, vertical or diagonal rows of spaces, with each space, except free spaces, being designated by a single letter, number or symbol; by a combination of letters, numbers or symbols; by a combination of a letter and a number, a letter and a symbol, or a number and a symbol; or by any combination of letters, numbers and symbols, with some or none of the spaces being designated as a free, complimentary or similar space;
 - B. The participants cover the spaces on the cards, sheets or devices that correspond to letters, numbers, symbols or combinations of such that are announced by a bingo game operator or otherwise transmitted to the participants;
 - C. A bingo game operator announces, or otherwise transmits to the participants, letters, numbers, symbols or any combination of such as set forth in subsection (s)(2)A. hereof that appear on objects that a bingo game operator selects by chance that correspond to one of the possible letters, numbers, symbols or combinations of such that can appear on the bingo cards, sheets or devices;
 - D. The winner of the bingo game is any participant who properly announces that a predetermined and preannounced pattern of spaces has been covered on a card, sheet or device being used by the participant.
- (t) "Conduct" means to back, promote, organize, manage, carry on or prepare for the operation of a scheme or game of chance but does not include any act performed by a bingo game operator.

- (u) "Bingo game operator" means any person, except security personnel, who performs work or labor at the site of a bingo game including, but not limited to, collecting money from participants, handing out bingo cards or objects to cover spaces on the bingo cards, selecting from a receptacle the objects that contain the combination of letters and numbers that appear on the bingo cards, calling out the combinations of letters and numbers, distributing prizes to the winner of the bingo game and preparing, selling and serving food or beverages.
- (v) "Participant" means any person who plays bingo by covering the spaces on a bingo card that correspond to combinations of letters and numbers that are announced by a bingo game operator.
- (w) "Bingo session" means a period, not to exceed five continuous hours, during which a person conducts one or more bingo games.
- (x) "Gross receipts" means all money or assets, including admission fees, that a person receives from a bingo session that the person conducts without the deduction of any amounts for prizes paid out during the session or for the expenses of conducting the bingo session. "Gross receipts" does not include any money directly taken in from the sale of food or beverages by a charitable organization conducting a bingo session, or by a bona fide auxiliary unit or society of a charitable organization, at a bingo session conducted by the charitable organization, provided all of the following apply:
 - (1) The auxiliary unit or society has been in existence as a bona fide auxiliary unit or society of the charitable organization for at least two years prior to the bingo session;
 - (2) The person who purchases the food or beverage receives nothing of value except the food or beverage and items customarily received with the purchase of that food or beverage;
 - (3) The food and beverages are sold at customary and reasonable prices;
 - (4) No person preparing, selling or serving the food or beverages at the site of the bingo game receives directly or indirectly any form of compensation for the preparation, sale or service of the food or beverages.
- (y) "Security personnel" includes any person who either is a sheriff, deputy sheriff, marshal, deputy marshal, township constable, or a police officer of a municipal corporation or has successfully completed a peace officer's training course pursuant to Ohio R.C. 109.71 to 109.79 and who is hired to provide security for the premises on which a bingo game is conducted.
- (z) "To use gross receipts for a charitable purpose" means that the proceeds of the bingo game are used by, or given, donated or otherwise transferred to, any organization that is described in subsection 509(a)(1), (2) or (3) of the Internal Revenue Code and is either a governmental unit or an organization that is tax exempt under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code; that the proceeds of the bingo game are

used by, or given, donated or otherwise transferred to a veteran's organization, as defined in subsection (k) hereof, that is a post, chapter or organization of war 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 war veterans and substantially all of the other members of which are individuals who are veterans (but not war veterans) or are cadets, or are spouses, widows or widowers of war veterans, or such individuals, provided that no part of the net earnings of such post or organization inures to the benefit of any private shareholder or individual, and further provided that the bingo game proceeds are used by the post or organization for the charitable purposes set forth in Ohio R.C. 5739.02(B)(12), are used for awarding scholarships to or for attendance at an institution mentioned in Ohio R.C. 5739.02(B)(12), are donated to a governmental agency, or are 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; that the proceeds of the bingo game are used by, or given, donated or otherwise transferred to a fraternal organization that has been in continuous existence in this State for fifteen years for use exclusively for religious, charitable, scientific, literary or educational purposes, or for the prevention of cruelty to children or animals and contributions for such use would qualify as a deductible charitable contribution under subsection 170 of the Internal Revenue Code; or that the proceeds of the bingo game are used by a volunteer firemen's organization and are used by the organization for the purposes set forth in subsection (l) hereof.

- (aa) "Internal Revenue Code" means the Internal Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C. 1, as now or hereafter amended.
- (bb) "Youth athletic organization" means any organization, not organized for profit, that is organized and operated exclusively to provide financial support to, or to operate, athletic activities for persons who are twenty-one years of age or younger by means of sponsoring, organizing, operating or contributing to the support of an athletic team, club, league or association.
- (cc) "Youth athletic park organization" means any organization, not organized for profit, that satisfies both of the following:
 - (1) It owns, operates and maintains playing fields that satisfy both of the following:
 - A. The playing fields are used at least one hundred days per year for athletic activities by one or more organizations not organized for profit, each of which is organized and operated exclusively to provide financial support to, or to operate, athletic activities for persons who are eighteen years of age or younger by means of sponsoring, organizing, operating or contributing to the support of an athletic team, club, league or association;
 - B. The playing fields are not used for any profit-making activity at any time during the year,
 - (2) It uses the proceeds of the bingo games it conducts exclusively for the operation, maintenance and improvement of its playing fields of the type described in paragraph (1) hereof.

(ORC 2915.01)

517.02 GAMBLING.

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

- (1) Engage in bookmaking, or knowingly engage in conduct that facilitates bookmaking;
- (2) Establish, promote or operate, or knowingly engage in conduct that facilitates any scheme or game of chance conducted for profit;
- (3) Knowingly procure, transmit, exchange or engage in conduct that facilitates the procurement, transmission or exchange of, information for use in establishing odds or determining winners in connection with bookmaking or with any scheme or game of chance conducted for profit;
- (4) Engage in betting or in playing any scheme or game of chance, except a charitable bingo game, as a substantial source of income or livelihood;
- (5) With purpose to violate subsection (a)(1),(2), (3) or (4) hereof, acquire, possess, control or operate any gambling device.

(b) For purposes of subsection (a)(1) hereof, a person facilitates bookmaking if he in any way knowingly aids an illegal bookmaking operation, including without limitation placing a bet with a person engaged in or facilitating illegal bookmaking. For purposes of subsection (a)(2) hereof, a person facilitates a scheme or game of chance conducted for profit if he in any way knowingly aids in the conduct or operation of any such scheme or game, including without limitation playing any such scheme or game.

(c) This section does not prohibit conduct in connection with gambling expressly permitted by law.

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

- (1) Schemes of chance conducted by a charitable organization that is and has received from the Internal Revenue Service a determination letter that is currently in effect, stating that the organization is exempt from Federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code, provided that all of the money or assets received from the scheme of chance after deduction only of prizes paid out during the conduct of the scheme of chance are used by, or given, donated or otherwise transferred to, any organization that is described in subsection 509(a)(1), (2) or (3) of the Internal Revenue Code and is either a governmental unit or an organization that is tax exempt under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code, and provided that the scheme of chance is not conducted during, or within ten hours of, a bingo game conducted for amusement purposes only pursuant to Section 517.09;

- (2) Games of chance, if all of the following apply:
- A. The games of chance are not craps for money, roulette for money or slot machines;
 - B. The games of chance are conducted by a charitable organization that is, and has received from the Internal Revenue Service a determination letter that is currently in effect, stating that the organization is, exempt from Federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code;
 - C. The games of chance are conducted at festivals of the organization that are conducted for a period of four consecutive days or less and not more than twice a year, and are conducted on premises owned by the charitable organization for a period of no less than one year immediately preceding the conducting of the games of chance, on premises leased from a governmental unit, or on premises that are leased from a veteran's or fraternal organization and that have been owned by the lessor veteran's or fraternal organization for a period of no less than one year immediately preceding the conducting of the games of chance;
A charitable organization shall not lease premises from a veteran's or fraternal organization to conduct a festival described in subsection (d)(2)C. hereof if the veteran's or fraternal organization has already leased the premises twice during the preceding year to charitable organizations for that purpose. If a charitable organization leases premises from a veteran's or fraternal organization to conduct a festival described in subsection (d)(2)C. hereof, the charitable organization shall not pay a rental rate for the premises per day of the festival that exceeds the rental rate per bingo session that a charitable organization may pay under Section 517.06(a)(3) when it leases premises from another charitable organization to conduct bingo games.
 - D. All of the money or assets received from these games of chance after deduction only of prizes paid out during the conduct of the games of chance are used by, or given, donated or otherwise transferred to, any organization that is described in subsection 509(a)(1), (2) or (3) of the Internal Revenue Code and is either a governmental unit or an organization that is tax exempt under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code;
 - E. The games of chance are not conducted during, or within ten hours of, a bingo game conducted for amusement purposes only pursuant to Section 517.09.
No person shall receive any commission, wage, salary, reward, tip, donations, gratuity or other form of compensation, directly or indirectly, for operating or assisting in the operation of any scheme or game of chance.
- (3) Any tag fishing tournament operated under a permit issued under Ohio R.C. 1533.92, as "tag fishing tournament" is defined in Ohio R.C. 1531.01.

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

(f) Whoever violates this section is guilty of gambling, a misdemeanor of the first degree, if the offender has not previously been convicted of a gambling offense. (ORC 2915.02)

517.03 OPERATING A GAMBLING HOUSE.

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

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

(b) Whoever violates this section is guilty of operating a gambling house, a misdemeanor of the first degree, if the offender has not previously been convicted of a gambling offense.

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

517.04 PUBLIC GAMING.

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

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

(c) This section does not prohibit conduct in connection with gambling expressly permitted by law.

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

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

517.05 CHEATING.

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

- (1) The subject of a bet;
- (2) A contest of knowledge, skill, speed, strength or endurance;
- (3) A scheme or game of chance.

(b) Whoever violates this section is guilty of cheating, a misdemeanor of the first degree, if the potential gain from cheating is less than three hundred dollars (\$300.00), or if the offender has not previously been convicted of any gambling offense or of any theft offense as defined in Section 545.01. (ORC 2915.05)

517.06 METHODS OF CONDUCTING A BINGO GAME; PROHIBITIONS.

- (a) A charitable organization that conducts a bingo game shall:
- (1) Own all of the equipment used to conduct the bingo game or lease such equipment from a charitable organization that is licensed to conduct a bingo game for a rental rate that is not more than customary and reasonable for such equipment;
 - (2) Use all of the gross receipts from the bingo game for paying prizes, for the charitable purposes listed in its bingo license application, for purchasing or leasing bingo cards and other equipment used in conducting the bingo game, hiring security personnel for the bingo game, or advertising the bingo game provided that the amount of the receipts so spent is not more than is customary and reasonable for a similar purchase, lease, hiring or advertising, and for renting premises in which to conduct the bingo game, except that if the building in which the game is conducted is owned by the charitable organization conducting the game, the charitable organization may deduct from the total amount of the gross receipts from each session a sum equal to the lesser of four hundred fifty dollars (\$450.00) or forty-five percent (45%) of the gross receipts from the session as consideration for the use of the premises;
 - (3) Conduct the bingo game on premises owned by the charitable organization, premises owned by another charitable organization and leased from that charitable organization for a rental rate not in excess of two hundred fifty dollars (\$250.00) per bingo session, or premises leased from a person other than a charitable organization for a rental rate that is not more than is customary and reasonable for premises that are similar in location, size and quality but not in excess of two hundred fifty dollars (\$250.00) per bingo session. If the charitable organization leases from a person other than a charitable organization the premises on which it conducts bingo games, the lessor of the premises shall provide only the premises to the organization and shall not provide the organization with bingo game operators, security personnel, concessions or concession operators, bingo equipment or any other type of service or equipment. A charitable organization shall not lease premises that it owns to more than one other charitable organization per calendar week for the purpose of conducting bingo games on the premises. A person who is not a charitable organization shall not lease premises that he owns, leases or otherwise is empowered to lease to more than one charitable organization per calendar week for conducting bingo games on the premises. In no case shall more than two bingo sessions be conducted on any premises in any calendar week;
 - (4) Display its bingo license conspicuously at the location where the bingo game is conducted;
 - (5) Conduct the bingo game in accordance with the definition of bingo set forth in Section 517.01(s)(1).

- (b) A charitable organization that conducts a bingo game shall not:
- (1) Pay any compensation to a bingo game operator for operating a bingo game that is conducted by the charitable organization or for preparing, selling or serving food or beverages at the site of the bingo game, permit any auxiliary unit or society of the charitable organization to pay compensation to any bingo game operator who prepares, sells or serves food or beverages at a bingo session conducted by the charitable organization or permit any auxiliary unit or society of the charitable organization to prepare, sell or serve food or beverages at a bingo session conducted by the charitable organization, if the auxiliary unit or society pays any compensation to the bingo game operators who prepare, sell or serve the food or beverages;
 - (2) Pay consulting fees to any person for any services performed in relation to the bingo game;
 - (3) Pay concession fees to any person who provides refreshments to the participants in the bingo game;
 - (4) Conduct more than two bingo sessions in any seven-day period;
 - (5) Pay out more than three thousand five hundred dollars (\$3,500) in prizes during any bingo session that is conducted by the charitable organization;
 - (6) Conduct a bingo session at any time during the ten-hour period between midnight and 10:00 a.m., at any time during, or within ten hours of, a bingo game conducted for amusement only pursuant to Section 517.09, or at any location not specified on its bingo license, or on any day of the week or during any time period not specified on its bingo license. If circumstances beyond its control make it impossible for the charitable organization to conduct a bingo session at the location specified on its bingo license, or if a charitable organization wants to conduct bingo sessions on a day of the week or at a time other than the day or time specified on its bingo license, the charitable organization may apply in writing to the Attorney General for an amended bingo license, pursuant to Ohio R.C. 2915.08(F). A charitable organization may apply only once in each calendar year for an amended license to conduct bingo sessions on a day of the week or at a time other than the day or time specified on its bingo license. If the amended license is granted, the organization may conduct bingo sessions at the location, on the day of the week, and at the time specified on its amended license.
 - (7) Permit any person whom the charitable organization knows, or should have known, is under the age of eighteen to work as a bingo game operator;
 - (8) Permit any person whom the charitable organization knows, or should have known, has been convicted of a felony or gambling offense in any jurisdiction to be a bingo game operator;
 - (9) Permit the lessor of the premises on which bingo is conducted, if the lessor is not a charitable organization, to provide the charitable organization with bingo game operators, security personnel, concessions, bingo equipment or any other type of service or equipment.

(c) A bingo game operator shall not receive or accept any commission, wage, salary, reward, tip, donation, gratuity or other form of compensation, directly or indirectly, regardless of source, for operating a bingo game or providing other work or labor at the site of the bingo game.

(d) Notwithstanding the provisions of subsection (a)(3) hereof, a charitable organization that has, prior to December 6, 1977, entered into written agreements for the lease of premises it owns to another charitable organization or other charitable organizations for the conducting of bingo sessions so that more than two bingo sessions are conducted per calendar week on the premises, and a person who is not a charitable organization that has prior to December 6, 1977, entered into written agreements for the lease of premises he owns to charitable organizations for the conducting of more than two bingo sessions per calendar week on the premises, may continue to lease such premises to those charitable organizations, provided that no more than four sessions are conducted per calendar week, provided that the lessor organization or person has notified the Attorney General in writing of the organizations that will conduct the sessions and the days of the week and the times of the day on which the sessions will be conducted, provided that the initial lease entered into with each organization that will conduct the sessions was filed with the Attorney General prior to December 6, 1977, and provided that each organization that will conduct the sessions was issued a license to conduct bingo games by the Attorney General prior to December 6, 1977.

(e) Whoever violates subsection (a)(2) hereof shall be charged with a violation of Ohio R.C. 2915.09. Whoever violates subsection (a)(1), (3), (4) or (5), (b) or (c) hereof is guilty of a minor misdemeanor. If the offender has previously been convicted of a violation of subsection (a)(1), (3), (4) or (5), (b) or (c) hereof, a violation of such provision is a misdemeanor of the first degree.
(ORC 2915.09)

517.07 BINGO RECORDS.

(a) A charitable organization that conducts a bingo session or scheme or game of chance pursuant to Section 517.02(d) shall maintain the following records for at least three years from the date on which the bingo session or scheme or game of chance is conducted:

- (1) An itemized list of the gross receipts of each session or scheme or game of chance;
- (2) An itemized list of all expenses other than prizes that are incurred in conducting the bingo session, the name of each person to whom the expenses are paid, and a receipt for all of the expenses;
- (3) A list of all prizes awarded during the bingo session or scheme or game of chance conducted by the charitable organization and the name and address of all persons who are winners of prizes of one hundred dollars (\$100.00) or more in value;

- (4) An itemized list of the charitable recipients of the proceeds of the bingo session or scheme or game of chance, including the name and address of each recipient to whom the money is distributed; and if the organization uses the proceeds of a bingo session or the money or assets received from a scheme or game of chance for any purpose set forth in Section 517.01(z) or 517.02(d), a list of each purpose and an itemized list of each expenditure for each purpose;
 - (5) The number of persons who participate in any bingo session or scheme or game of chance that is conducted by the charitable organization.
 - (6) A list of receipts from the sale of food and beverages by the charitable organization or one of its auxiliary units or societies, if the receipts were excluded from the definition of "gross receipts" under Section 517.01(x).
 - (7) An itemized list of all expenses incurred at each bingo session conducted by the charitable organization in the sale of food and beverages by the charitable organization or by an auxiliary unit or society of the charitable organization, the name of each person to whom the expenses are paid and a receipt for all of the expenses.
- (b) The Attorney General or any local law enforcement agency may:
- (1) Investigate any charitable organization or any officer, agent, trustee, member or employee of the organization;
 - (2) Examine the accounts and records of the organization;
 - (3) Conduct inspections, audits and observations of bingo games or schemes or games of chance while they are in session;
 - (4) Conduct inspections of the premises where bingo games or schemes or games of chance are operated;
 - (5) Take any other necessary and reasonable action to determine if a violation of any provision of Ohio R.C. 2915.01, 2915.02, or 2915.07 to 2915.12 or Section 517.01, 517.02 or 517.06 et seq. of this chapter has occurred.

If any local law enforcement agency has reasonable grounds to believe that a charitable organization or an officer, agent, trustee, member or employee of the organization has violated any provision of Ohio R.C. 2915.01 or 2915.12 or of this chapter, the local law enforcement agency may proceed by action in the proper court to enforce Ohio R.C. 2915.01 to 2915.12 or this chapter, provided that the local law enforcement agency shall give written notice to the Attorney General when commencing an action as described in this subsection.

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

(d) Whoever violates subsection (a) or (c) hereof is guilty of a misdemeanor of the first degree. (ORC 2915.10)

517.08 BINGO OPERATOR PROHIBITIONS.

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

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

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

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

517.09 BINGO EXCEPTIONS.

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

- (a) (1) The participants do not pay any money or any other thing of value including an admission fee, or any fee for bingo cards, sheets, objects to cover the spaces or other devices used in playing bingo, for the privilege of participating in the bingo game or to defray any costs of the game, or pay tips or make donations during or immediately before or after the bingo game;
- (2) All prizes awarded during the course of the game are nonmonetary, and in the form of merchandise, goods or entitlements to goods or services only, and the total value of all prizes awarded during the game is less than one hundred dollars (\$100.00);
- (3) No commission, wages, salary, reward, tip, donation, gratuity or other form of compensation, either directly or indirectly, and regardless of the source, is paid to any bingo game operator for work or labor performed at the site of the bingo game;
- (4) The bingo game is not conducted either during or within ten hours of:
- A. A bingo session during which a charitable bingo game is conducted pursuant to Ohio R.C. 2915.07 to 2915.11 or Section 517.06 et seq. of this chapter;
- B. A scheme or game of chance other than a bingo game conducted pursuant to this section.
- (5) The number of players participating in the bingo game does not exceed fifty.
- (b) (1) The participants do not pay money or any other thing of value as an admission fee, and no participant is charged more than twenty-five cents (25¢) to purchase a bingo card, sheet, objects to cover the spaces or other devices used in playing bingo;
- (2) The total amount of money paid by all of the participants for bingo cards, sheets, objects to cover the spaces or other devices used in playing bingo does not exceed one hundred dollars (\$100.00);

- (3) All of the money paid for bingo cards, sheets, objects to cover spaces or other devices used in playing bingo are used only to pay winners monetary and nonmonetary prizes and to provide refreshments;
 - (4) The total value of all prizes awarded during the game does not exceed one hundred dollars (\$100.00);
 - (5) No commission, wages, salary, reward, tip, donation, gratuity or other form of compensation, either directly or indirectly, and regardless of the source, is paid to any bingo game operator for work or labor performed at the site of the bingo game;
 - (6) The bingo game is not conducted during or within ten hours of either of the following:
 - A. A bingo session during which a charitable bingo game is conducted pursuant to Ohio R.C. 2915.07 to 2915.11 or Section 517.06 et seq. of this chapter;
 - B. A scheme of chance or game of chance other than a bingo game conducted pursuant to this section.
 - (7) All of the participants reside at the premises where the bingo game is conducted;
 - (8) The bingo games are conducted on different days of the week and not more than twice in a calendar week.
- (c) The Attorney General, or any local law enforcement agency, may investigate the conduct of amusement bingo if there is reason to believe that a purported amusement bingo game is operated in violation of this section. A local law enforcement agency may proceed by action in the proper court to enforce this section if the local law enforcement agency gives written notice to the Attorney General when commencing the action.
- (d) Whoever conducts a bingo game that is not a charitable bingo game and that does not conform to subsections (a) or (b) hereof is guilty of a misdemeanor of the first degree on the first offense. (ORC 2915.12)

517.99 PENALTY.

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

CHAPTER 521
Health, Safety and Sanitation

521.01	Abandoned refrigerators and airtight containers.	521.06	Duty to keep sidewalks in repair and clean.
521.02	Venting of heaters and burners.	521.07	Fences.
521.03	Barricades and warning lights; abandoned excavations.	521.08	Littering and deposit of garbage, rubbish, junk, etc.
521.04	Sidewalk obstructions; damage or injury.	521.09	Noxious or offensive odors.
521.05	Notice to fill lots, remove putrid substances.	521.10	Nonsmoking areas in places of public assembly.
		521.99	Penalty.

CROSS REFERENCES

See sectional histories for similar State law
 Flagpole installation in sidewalk – see Ohio R.C. 723.012
 Excavation liability – see Ohio R.C. 723.49 et seq.
 Removal of noxious weeds or litter – see Ohio R.C. 731.51 et seq.
 Nuisances – see Ohio R.C. Ch. 3767
 Tampering with safety devices – see GEN. OFF. 541.04

521.01 ABANDONED REFRIGERATORS AND AIRTIGHT CONTAINERS.

(a) No person shall abandon, discard, or knowingly permit to remain on premises under his control, in a place accessible to children, any abandoned or discarded icebox, refrigerator or other airtight or semiairtight container which has a capacity of one and one-half cubic feet or more and an opening of fifty square inches or more and which has a door or lid equipped with hinge, latch or other fastening device capable of securing such door or lid, without rendering such equipment harmless to human life by removing such hinges, latches or other hardware which may cause a person to be confined therein. This section shall not apply to an icebox, refrigerator or other airtight or semiairtight container located in that part of a building occupied by a dealer, warehouseman or repairman. (ORC 3767.29)

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

521.02 VENTING OF HEATERS AND BURNERS.

(a) A brazier, salamander, space heater, room heater, furnace, water heater or other burner or heater using wood, coal, coke, fuel oil, kerosene, gasoline, natural gas, liquid petroleum gas or similar fuel, and tending to give off carbon monoxide or other harmful gas:

- (1) When used in living quarters, or in any enclosed building or space in which persons are usually present, shall be used with a flue or vent so designed, installed and maintained as to vent the products of combustion outdoors; except in storage, factory or industrial buildings which are provided with sufficient ventilation to avoid the danger of carbon monoxide poisoning;
- (2) When used as a portable or temporary burner or heater at a construction site, or in a warehouse, shed or structure in which persons are temporarily present, shall be vented as provided in subsection (a) hereof, or used with sufficient ventilation to avoid the danger of carbon monoxide poisoning.

(b) This section does not apply to domestic ranges, laundry stoves, gas logs installed in a fireplace with an adequate flue, or hot plates, unless the same are used as space or room heaters.

(c) No person shall negligently use, or, being the owner, person in charge, or occupant of premises, negligently permit the use of a burner or heater in violation of the standards for venting and ventilation provided in this section.

(d) Subsection (a) hereof does not apply to any kerosene-fired space or room heater that is equipped with an automatic extinguishing tip-over device, or to any natural gas-fired or liquid petroleum gas-fired space or room heater that is equipped with an oxygen depletion safety shutoff system, and that has its fuel piped from a source outside of the building in which it is located, that are approved by an authoritative source recognized by the State Fire Marshal in the State Fire Code adopted by him under Ohio R.C. 3737.82.

(e) The State Fire Marshal may make rules to ensure the safe use of unvented kerosene, natural gas or liquid petroleum gas heaters exempted from subsection (a) hereof when used in assembly buildings, business buildings, high hazard buildings, institutional buildings, mercantile buildings and type R-1 and R-2 residential buildings, as these groups of buildings are defined in rules adopted by the Board of Building Standards under Ohio R.C. 3781.10. No person shall negligently use, or, being the owner, person in charge or occupant of premises, negligently permit the use of a heater in violation of any rules adopted under this subsection.

(f) The State Fire Marshal may make rules prescribing standards for written instructions containing ventilation requirements and warning of any potential fire hazards that may occur in using a kerosene, natural gas, or liquid petroleum gas heater. No person shall sell or offer for sale any kerosene, natural gas or liquid petroleum gas heater unless the manufacturer provides with the heater written instructions that comply with any rules adopted under this subsection.

(g) No product labeled as a fuel additive for kerosene heaters and having a flash point below one hundred degrees fahrenheit or thirty-seven and eight-tenths degrees centigrade shall be sold, offered for sale or used in any kerosene space heater.

(h) No device that prohibits any safety feature on a kerosene, natural gas or liquid petroleum gas space heater from operating shall be sold, offered for sale or used in connection with any kerosene, natural gas or liquid petroleum gas space heater.

(i) No person shall sell or offer for sale any kerosene-fired, natural gas or liquid petroleum gas-fired heater that is not exempt from subsection (a) hereof unless it is marked conspicuously by the manufacturer on the container with the phrase "Not Approved For Home Use."

(j) No person shall use a cabinet-type, liquid petroleum gas-fired heater having a fuel source within the heater, inside any building, except as permitted by the State Fire Marshal in the State Fire Code adopted by him under Ohio R.C. 3737.82. (ORC 3701.82)

(k) Whoever violates this section is guilty of a misdemeanor of the first degree. (ORC 3701.99(C))

521.03 BARRICADES AND WARNING LIGHTS; ABANDONED EXCAVATIONS.

(a) No person shall abandon or knowingly permit to remain on public or private property, any excavation, well, cesspool or structure which is in the process of construction, reconstruction, repair or alteration unless the same is adequately protected by suitable barricades and guarded by warning devices or lights at night so that the condition will not reasonably prove dangerous to life or limb.

(b) No person shall destroy, remove, damage or extinguish any barricade or warning light that is placed for the protection of the public so as to prevent injury to life or limb.

(c) Any owner or agent in control of a premises upon which a basement, cellar, well or cistern has been abandoned due to demolition, failure to build or any other reason shall cause the same to be filled to the ground surface with rock, gravel, earth or other suitable material.

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

521.04 SIDEWALK OBSTRUCTIONS; DAMAGE OR INJURY.

(a) No person shall place or knowingly drop upon any part of a sidewalk, playground or other public place any tacks, bottles, wire, glass, nails or other articles which may damage property of another or injure any person or animal traveling along or upon such sidewalk or playground.

(b) No person shall walk on, or allow any animal upon, or injure or deface in any way, any soft or newly laid sidewalk pavement.

(c) No person shall place, deposit or maintain any merchandise, goods, material or equipment upon any sidewalk so as to obstruct pedestrian traffic thereon except for such reasonable time as may be actually necessary for the delivery or pickup of such articles. In no such case shall the obstruction remain on such sidewalk for more than one hour.

(d) No person shall unload upon, or transport any heavy merchandise, goods, material or equipment over or across any sidewalk or curb without first placing some sufficient protection over the pavement to protect against damage or injury. The affected area shall be rendered safe and free from danger.

(e) No person shall allow any cellar or trap door, coal chute or elevator or lift opening in any sidewalk to remain open without providing suitable safeguards to protect and warn pedestrian traffic of the dangerous condition.

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

521.05 NOTICE TO FILL LOTS, REMOVE PUTRID SUBSTANCES.

(a) No person shall fail to comply with the following requirements within the lawful time after service or publication of the notice or resolution is made as required by law:

To fill or drain any lot or land or remove all putrid substances therefrom, or remove all obstructions from culverts, covered drains or natural watercourses as provided in Ohio R.C. 715.47.

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

521.06 DUTY TO KEEP SIDEWALKS IN REPAIR AND CLEAN.

(a) No owner or occupant of abutting lands shall fail to keep the sidewalks, curbs or gutters in repair and free from snow, ice or any nuisance. (ORC 723.011)

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

521.07 FENCES.

(a) No person shall erect or maintain any fence charged with electrical current.

(b) No person shall erect or maintain a barbed wire fence which abuts or is adjacent to any public street or sidewalk. This subsection (b) does not prevent the placement and use of not more than three strands of barbed wire on top of a fence other than a barbed wire fence, provided such strands are not less than seventy-two inches from the ground.

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

521.08 LITTERING AND DEPOSIT OF GARBAGE, RUBBISH, JUNK, ETC.

(a) No person, regardless of intent, shall deposit litter or cause litter to be deposited on any public property, on private property not owned by him, or in or on waters of the State, or Municipality, unless one of the following applies:

- (1) The person is directed to do so by a public official as part of a litter collection drive;
- (2) Except as provided in subsection (b) hereof, the person deposits the litter in a litter receptacle in a manner that prevents its being carried away by the elements; or
- (3) The person is issued a permit or license covering the litter pursuant to Ohio R. C. Chapter 3734 or 6111.

(b) No person, without privilege to do so, shall knowingly deposit litter, or cause it to be deposited, in a litter receptacle located on any public property or on any private property not owned by him, unless one of the following applies:

- (1) The litter was generated or located on the property on which the litter receptacle is located.
- (2) The person is directed to do so by a public official as part of a litter collection drive.
- (3) The person is directed to do so by a person whom he reasonably believes to have the privilege to use the litter receptacle.
- (4) The litter consists of any of the following:
 - A. The contents of a litter bag or container of a type and size customarily carried and used in a motor vehicle;
 - B. The contents of an ash tray of a type customarily installed or carried and used in a motor vehicle;
 - C. Beverage containers and food sacks, wrappings and containers of a type and in an amount that may reasonably be expected to be generated during routine commuting or business or recreational travel by a motor vehicle;
 - D. Beverage containers, food sacks, wrappings, containers and other materials of a type and in an amount that may reasonably be expected to be generated during a routine day by a person and deposited in a litter receptacle by a casual passerby.

- (c) (1) As used in subsection (b)(1) hereof, "public property" includes any private property open to the public for the conduct of business, the provision of a service, or upon the payment of a fee but does not include any private property to which the public otherwise does not have a right of access.
- (2) As used in subsection (b)(4) hereof, "casual passerby" means a person who does not have depositing litter in a litter receptacle as his primary reason for traveling to or by the property on which the litter receptacle is located.

(d) As used in this section:

- (1) "Litter" means garbage, trash, waste, rubbish, ashes, cans, bottles, wire, paper, cartons, boxes, automobile parts, furniture, glass or anything else of an unsightly or unsanitary nature.
- (2) "Deposit" means to throw, drop, discard or place.
- (3) "Litter receptacle" means a dumpster, trash can, trash bin, garbage can or similar container in which litter is deposited for removal.

(ORC 3767.32)

(e) No person shall cause or allow litter to be collected or remain in any place to the damage or prejudice of others or of the public, or unlawfully obstruct, impede, divert, corrupt or render unwholesome or impure, any natural watercourse.

(f) Whoever violates any provision of subsections (a) to (d) hereof, is guilty of a misdemeanor of the third degree. The sentencing court may, in addition to or in lieu of the penalty provided in this subsection require a person who violates subsections (a) to (d) hereof to remove litter from any public or private property, or in or on any waters.

(ORC 3767.99(C))

(g) Whoever violates subsection (e) hereof is guilty of a minor misdemeanor.

521.09 NOXIOUS OR OFFENSIVE ODORS.

(a) No person shall erect, continue, use or maintain a dwelling, building, structure or place for a residence or for the exercise of a trade, employment or business, or for the keeping or feeding of an animal which, by occasioning noxious exhalations or noisome or offensive smells, becomes injurious to the health, comfort or property of individuals or of the public.

(ORC 3767.13)

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

521.10 NONSMOKING AREAS IN PLACES OF PUBLIC ASSEMBLY.

(a) As used in this section, "place of public assembly" means:

- (1) Enclosed theaters, except the lobby; opera houses; auditoriums; classrooms; elevators; rooms in which persons are confined as a matter of health care, including but not limited to a hospital room and a room in a rest home serving as the residence of a person living in such rest home;
- (2) All buildings and other enclosed structures owned by the State, its agencies or political subdivisions, including but not limited to hospitals and State institutions for the mentally retarded and the mentally ill; university and college buildings, except rooms within those buildings used primarily as the residences of students or other persons affiliated with the university or college; office buildings; libraries; museums; and vehicles used in public transportation. That portion of a building or other enclosed structure that is owned by the State, a State agency or a political subdivision and that is used primarily as a food service establishment is not a place of public assembly.
- (3) Each portion of a building or enclosed structure that is not included in subsection (a)(1) or (2) hereof is a place of public assembly if it has a seating capacity of fifty or more persons and is available to the public. Restaurants, food service establishments, dining rooms, cafes, cafeterias or other rooms used primarily for the service of food, as well as bowling alleys and places licensed by the Department of Liquor Control to sell intoxicating beverages for consumption on the premises, are not places of public assembly.

(b) For the purpose of separating persons who smoke from persons who do not smoke for the comfort and health of persons not smoking, in every place of public assembly there shall be an area where smoking is not permitted, which shall be designated a no smoking area. Provided that, no more than one-half of the rooms in any health care facility in which persons are confined as a matter of health care may be designated as smoking areas in their entirety. The designation shall be made before the place of public assembly is made available to the public. In places included in subsection (a)(1) hereof the local fire authority having jurisdiction shall designate no smoking area. In places included in subsection (a)(2) hereof that are owned by the Municipality, Council shall designate an officer who shall designate the area. In places included in subsection (a)(3) hereof, the person having control of the operations of the place of public assembly shall designate the no smoking area. In places included in subsection (a)(2) hereof which are also included in subsection (a)(1) hereof, the officer who has authority to designate the area in places in subsection (a)(2) hereof shall designate the no smoking area. A no smoking area may include the entire place of public assembly. Designations shall be made by the placement of signs that are clearly visible and that state "NO SMOKING". No person shall remove signs from areas designated as no smoking areas.

(c) This section does not affect or modify the prohibition contained in Ohio R.C. 3313.751(B).

(d) No person shall smoke in any area designated as a no smoking area in accordance with subsection (b) hereof or Ohio R.C. 3791.031.

(e) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 3791.031)

521.99 PENALTY.

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

CHAPTER 525
Law Enforcement and Public Office

<p>525.01 Definitions. 525.02 Falsification. 525.03 Impersonation of peace officer or private policeman. 525.04 Compounding a crime. 525.05 Failure to report a crime, injury or knowledge of death. 525.06 Failure to aid a law enforcement officer. 525.07 Obstructing official business. 525.08 Obstructing justice.</p>	<p>525.09 Resisting arrest. 525.10 Having an unlawful interest in a public contract. 525.11 Soliciting or receiving improper compensation. 525.12 Dereliction of duty. 525.13 Interfering with civil rights. 525.14 Unauthorized display of law enforcement emblems on motor vehicles. 525.99 Penalty.</p>
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CROSS REFERENCES

See sectional histories for similar State law
Law enforcement officer defined – see GEN. OFF. 501.01(k)
Misconduct at an emergency – see GEN. OFF. 509.05
Making false alarms – see GEN. OFF. 509.07
Personating an officer to defraud – see GEN. OFF. 545.16

525.01 DEFINITIONS.

As used in this chapter:

- (a) "Public official" means any elected or appointed officer, or employee, or agent of the State or any political subdivision thereof, whether in a temporary or permanent capacity, and including without limitation legislators, judges and law enforcement officers.
- (b) "Public servant" means any of the following:
 - (1) Any public official;
 - (2) Any person performing ad hoc a governmental function, including without limitation a juror, member of a temporary commission, master, arbitrator, advisor or consultant;
 - (3) A candidate for public office, whether or not he is elected or appointed to the office for which he is a candidate. A person is a candidate for purposes of this subsection if he has been nominated according to law for election or appointment to public office, or if he has filed a petition or petitions as required by law to have his name placed on the ballot in a primary, general or special election, or if he campaigns as a write-in candidate in any primary, general or special election.
- (c) "Party official" means any person who holds an elective or appointive post in a political party in the United States or this State, by virtue of which he directs, conducts or participates in directing or conducting party affairs at any level of responsibility.

- (d) "Official proceeding" means any proceeding before a legislative, judicial, administrative or other governmental agency or official authorized to take evidence under oath, and includes any proceeding before a referee, hearing examiner, commissioner, notary or other person taking testimony or a deposition in connection with an official proceeding.
- (e) "Detention" means arrest, confinement in any vehicle subsequent to an arrest, confinement in any facility for custody of persons charged with or convicted of a crime or alleged or found to be delinquent or unruly, confinement in any vehicle for transportation to or from any such facility, detention for extradition or deportation, or except as provided in this subsection, supervision by any employee of any such facility that is incidental to confinement in the facility but that occurs outside the facility. For a person confined in a county jail who participates in a county jail industry program pursuant to Ohio R.C. 5147.30, "detention" includes time spent at an assigned work site and going to and from the work site. Detention does not include supervision of probation or parole, or constraint incidental to release on bail.
- (f) "Detention facility" means any place used for the confinement of a person charged with or convicted of a crime or alleged or found to be delinquent or unruly.
- (g) "Provider agreement" and "medical assistance program" have the same meanings as in Ohio R.C. 2913.40.
- (h) "Valuable thing or valuable benefit" includes, but is not limited to, a contribution. This inclusion does not indicate or imply that a contribution was not included in those terms before September 17, 1986.
- (i) "Campaign committee," "contribution," "political action committee" and "political party" have the same meaning as in Ohio R.C. 3517.01. (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 his official function.
- (4) The statement is made with purpose to secure the payment of worker's compensation, unemployment compensation, aid for the aged, aid for the blind, aid for the permanently and totally disabled, aid to dependent children, general assistance, disability assistance administered by the Department of Human Services, retirement benefits 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 other person empowered to administer oaths.
- (7) The statement is in writing on or in connection with a report or return which 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 such statement is directed relies upon it to his detriment.

- (9) The statement is made with purpose to commit or facilitate the commission of a theft offense involving the proceeds of an insurance policy.
- (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 application for a marriage license under Ohio R.C. 3101.05.

(b) It is no defense to a charge under subsection (a)(4) hereof that the oath or affirmation was administered or taken in an irregular manner.

(c) Where 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) Whoever violates any provision of subsection (a)(1) to (8), (10) or (11) hereof is guilty of falsification, a misdemeanor of the first degree. Whoever violates subsection (a)(9) hereof is guilty of falsification of an insurance claim, a misdemeanor of the first degree if the amount of the claim is less than three hundred dollars (\$300.00), if the offender has not previously been convicted of a theft offense and if the claim is not made for the theft of a motor vehicle. (ORC 2921.13)

525.03 IMPERSONATION OF PEACE OFFICER OR PRIVATE POLICEMAN.

(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 State university law enforcement officer appointed under Ohio R.C. 3345.04, an Ohio veterans' home policeman appointed under Ohio R.C. 5907.02 or a State highway patrolman and 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 policeman" means any security guard, special policeman, private detective or other person who is privately employed in a police capacity.
- (3) "Impersonate" means to act the part of, assume the identity of, wear the uniform or any part of the uniform of or display the identification of a particular person or of a member of a class of persons with purpose to make another person believe that the actor is that particular person or is a member of that class of persons.

(b) No person shall impersonate a peace officer or a private policeman.

(c) No person, by impersonating a peace officer or a private policeman, shall arrest or detain any person, search any person or search the property of any person.

(d) No person, with purpose to commit or facilitate the commission of an offense, shall impersonate a peace officer, a private policeman or an officer, agent or employee of the State or the Municipality.

(e) It is an affirmative defense to a charge under subsection (b) hereof that the impersonation of the peace officer was for a lawful purpose.

(f) Whoever violates subsection (b) hereof is guilty of a misdemeanor of the fourth degree. Whoever violates subsections (c) or (d) hereof is guilty of a misdemeanor of the first degree, provided that the purpose of a violation of subsection (d) hereof is not to commit or facilitate the commission of a felony. (ORC 2921.51)

525.04 COMPOUNDING A CRIME.

(a) No person shall knowingly demand, accept or agree to accept anything of value in consideration of abandoning or agreeing to abandon a pending criminal prosecution.

(b) It is an affirmative defense to a charge under this section when both of the following apply:

- (1) The pending prosecution involved is for violation of Sections 545.05, 545.07, 545.09 or 545.10(b)(2), or Ohio R.C. 2913.02, 2913.11, 2913.21(B)(2) or 2913.47, of which the actor under this section was the victim.
- (2) The thing of value demanded, accepted or agreed to be accepted, in consideration of abandoning or agreeing to abandon the prosecution, did not exceed an amount that the actor reasonably believed due him as restitution for the loss caused him by the offense.

(c) When a prosecuting witness abandons or agrees to abandon a prosecution under subsection (b) hereof, the abandonment or agreement in no way binds the State or Municipality to abandoning the prosecution.

(d) Whoever violates this section is guilty of compounding a crime, a misdemeanor of the first degree. (ORC 2921.21)

525.05 FAILURE TO REPORT A CRIME, INJURY OR KNOWLEDGE OF DEATH.

(a) No person, knowing that a felony has been or is being committed, shall knowingly fail to report such information to law enforcement authorities.

(b) Except for conditions that are within the scope of subsection (e) hereof, no physician, limited practitioner, nurse or person giving aid to a sick or injured person, shall negligently fail to report to law enforcement authorities any gunshot or stab wound treated or observed by him, or any serious physical harm to persons that he knows or has reasonable cause to believe resulted from an offense of violence.

(c) No person who discovers the body or acquires the first knowledge of the death of any person shall fail to report the death immediately to any physician whom the person knows to be treating the deceased for a condition from which death at such time would not be unexpected, or to a law enforcement officer, ambulance service, emergency squad or the coroner in a political subdivision in which the body is discovered, the death is believed to have occurred or knowledge concerning the death is obtained.

(d) No person shall fail to provide upon request of the person to whom he has made a report required by subsection (c) hereof, or to any law enforcement officer who has reasonable cause to assert the authority to investigate the circumstances surrounding the death, any facts within his knowledge that may have a bearing on the investigation of the death.

- (e) (1) As used in this subsection (e), "burn injury" means any of the following:
- A. Second or third degree burns;
 - B. Any burns to the upper respiratory tract or laryngeal edema due to the inhalation of super-heated air;
 - C. Any burn injury or wound that may result in death.
- (2) No physician, nurse or limited practitioner who, outside a hospital, sanitarium or other medical facility, attends or treats a person who has sustained a burn injury 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 bureau, if there is such a bureau in the jurisdiction in which the person is attended or treated, or otherwise to local law enforcement authorities.
- (3) No manager, superintendent or other person in charge of a hospital, sanitarium or other medical facility in which a person is attended or treated for any burn injury 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 bureau, if there is such a bureau 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) hereof 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 be made on a form provided by the State Fire Marshal.
- (5) Anyone participating in the making of reports under subsection (e) hereof or anyone participating in a judicial proceeding resulting from the reports shall be immune from any civil or criminal liability that otherwise might be incurred or imposed as a result of such actions. Notwithstanding Ohio R.C. 4731.22, the physician-patient relationship is not a ground for excluding evidence regarding a person's burn injury or the cause of the burn injury in any judicial proceeding resulting from a report submitted pursuant to subsection (e) hereof.

(f) Subsection (a) or (d) hereof does not require disclosure of information, when any of the following applies:

- (1) The information is privileged by reason of the relationship between attorney and client, doctor and patient, licensed psychologist or licensed school psychologist and client, clergyman or rabbi or minister or priest and any person communicating information confidentially to him for a religious counseling purpose in his 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 an ordained clergyman of an organized religious body of a confidential communication made to him in his capacity as such by a person seeking his aid or counsel.
- (5) Disclosure would amount to revealing information acquired by the actor in the course of his duties in connection with a bona fide program of treatment or services for drug dependent persons or persons in danger of drug dependence, which program is maintained or conducted by a hospital, clinic, person, agency or organization certified pursuant to Ohio R.C. 3793.06.
- (6) Disclosure would amount to revealing information acquired by the actor in the course of his 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, 2907.05 or 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 such services.

(g) No disclosure of information pursuant to this section gives rise to any liability or recrimination for a breach of privilege or confidence.

(h) Whoever violates subsection (a) or (b) hereof is guilty of failure to report a crime. Violation of subsection (a) hereof is a misdemeanor of the fourth degree. Violation of subsection (b) hereof is a misdemeanor of the second degree.

(i) Whoever violates subsection (c) or (d) hereof is guilty of failure to report knowledge of a death, a misdemeanor of the fourth degree.

- (j) (1) Whoever negligently violates subsection (e) hereof is guilty of a minor misdemeanor.
- (2) Whoever knowingly violates subsection (e) hereof is guilty of a misdemeanor of the second degree.
(ORC 2921.22)

525.06 FAILURE TO AID A LAW ENFORCEMENT OFFICER.

(a) No person shall negligently fail or refuse to aid a law enforcement officer, when called upon for assistance in preventing or halting the commission of an offense, or in apprehending or detaining an offender, when such aid can be given without a substantial risk of physical harm to the person giving it.

(b) Whoever violates this section is guilty of failure to aid a law enforcement officer, a minor misdemeanor. (ORC 2921.23)

525.07 OBSTRUCTING OFFICIAL BUSINESS.

(a) No person, without privilege to do so and with purpose to prevent, obstruct or delay the performance by a public official of any authorized act within his official capacity, shall do any act which hampers or impedes a public official in the performance of his lawful duties.

(b) Whoever violates this section is guilty of obstructing official business, a misdemeanor of the second degree. (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, shall do any of the following:

- (1) Harbor or conceal such other person;
- (2) Provide such other person with money, transportation, a weapon, a disguise or other means of avoiding discovery or apprehension;
- (3) Warn such other person of impending discovery or apprehension;
- (4) Destroy or conceal physical evidence of the misdemeanor, or induce any person to withhold testimony or information or to elude legal process summoning him to testify or supply evidence;
- (5) Communicate false information to any person.

(b) Whoever violates this section is guilty of obstructing justice, a misdemeanor of the first degree. (ORC 2921.32)

525.09 RESISTING ARREST.

(a) No person, recklessly or by force, shall resist or interfere with a lawful arrest of himself or another.

(b) Whoever violates this section is guilty of resisting arrest, a misdemeanor of the second 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 his term of office or within one year thereafter, occupy any position of profit in the prosecution of a public contract authorized by him or by a legislative body, commission or board of which he was a member at the time of authorization and not let by competitive bidding, or let by competitive bidding in which his is not the lowest and best bid;
- (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 he is connected;
- (3) Have an interest in the profits or benefits of a public contract which is not let by competitive bidding when required by law, and which involves more than one hundred fifty dollars (\$150.00).

(b) In the absence of bribery or a purpose to defraud, a public servant, member of his family or any of his associates shall not be considered as having an interest in a public contract when all of the following apply:

- (1) The interest of such person is limited to owning or controlling shares of the corporation, or being a creditor of the corporation or other organization which is the contractor on the public contract involved, or which is the issuer of the security in which public funds are invested;
- (2) The shares owned or controlled by such person do not exceed five percent (5%) of the outstanding shares of the corporation, and the amount due such person as creditor does not exceed five percent (5%) of the total indebtedness of the corporation or other organization;
- (3) Such person, prior to the time the public contract is entered into, files with the Municipality or governmental agency or instrumentality involved, an affidavit giving his exact status in connection with the corporation or other organization.

(c) This section does not apply to a public contract in which a public servant, member of his family, or one of his 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 servant'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 servant, and the public servant takes no part in the deliberations or decisions of the Municipality or governmental agency or instrumentality with respect to the public contract.

(d) 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.

(e) 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 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.

(f) 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 or 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. 733.261. (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 his 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 his official duties.

(b) No public servant for his own personal or business use and no person for his 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 his compensation, duties, placement, location, promotion or other material aspects of his employment.

(c) No person for the benefit of a political party, campaign committee or political action committee 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 his compensation, duties, placement, location, promotion or other material aspects of his 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 any person from making voluntary contributions to a political party, campaign committee or political action committee or prohibit a political party, campaign committee or political action committee 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 his 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 his office, or recklessly do any act expressly forbidden by law with respect to his office.

(f) Whoever violates this section is guilty of dereliction of duty, a misdemeanor of the second degree. (ORC 2921.44)

525.13 INTERFERING WITH CIVIL RIGHTS.

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

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

525.14 UNAUTHORIZED DISPLAY OF LAW ENFORCEMENT EMBLEMS ON MOTOR VEHICLES.

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

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

525.99 PENALTY.

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

CHAPTER 529
Liquor Control

529.01	Definitions.	529.05	Permit required.
529.02	Sales to and use by underage persons; securing public accommodations.	529.06	Printed warnings to be posted.
529.021	Purchase, consumption or possession by minor; misrepresentation.	529.07	Open container prohibited.
529.03	Sales to intoxicated persons.	529.08	Hours of sale or consumption.
529.04	Liquor consumption in motor vehicle.	529.99	Penalty.

CROSS REFERENCES

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

529.01 DEFINITIONS.

As used in the Codified Ordinances:

- (a) "Alcohol" means ethyl alcohol, whether rectified or diluted with water or not, whatever its origin may be, and includes synthetic ethyl alcohol. Such term excludes denatured alcohol and wood alcohol.
- (b) "Intoxicating liquor" and "liquor" include all liquids and compounds, other than beer as defined in subsection (c) hereof, containing one half of one percent (0.5%) or more of alcohol by volume which are fit to use for beverage purposes, from whatever source and by whatever process produced, by whatever name called and whether or not the same are medicated, proprietary or patented. Such phrase includes wine as defined in Ohio R.C. 4301.01 even if it contains less than four percent (4%) of alcohol by volume, mixed beverages as defined in Ohio R.C. 4301.01 even if they contain less than four percent (4%) of alcohol by volume, alcohol and all solids and confections which contain any alcohol.
- (c) "Beer", "malt liquor" or "malt beverages" includes all brewed or fermented malt products containing one-half of one percent (0.5%) or more of alcohol by volume but not more than six percent (6%) of alcohol by weight.
- (d) "Person" includes firms and corporations. (ORC 4301.01)

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

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

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

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

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

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

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

- (d) (1) No person is required to permit the engagement of accommodations at any hotel, inn, cabin or campground by an underage person or for an underage person, if the person engaging the accommodations knows or has reason to know that the underage person is intoxicated, or that the underage person possesses any beer or intoxicating liquor and is not accompanied by a parent, spouse who is not an underage person or legal guardian who is or will be present at all times when the beer or intoxicating liquor is being consumed by the underage person.
- (2) No underage person shall knowingly engage or attempt to engage accommodations at any hotel, inn, cabin or campground by presenting identification that falsely indicates that he is twenty-one years of age or older for the purpose of violating this section.

(e) No underage person shall knowingly possess or consume any beer or intoxicating liquor, in any public or private place, unless he is accompanied by a parent, spouse who is not an underage person or legal guardian, or unless the beer or intoxicating liquor is given by a physician in the regular line of his practice or given for established religious purposes.

(f) No parent, spouse who is not an underage person or legal guardian of a minor shall knowingly permit the minor to violate this section or Section 529.021(a) to (d).

(g) The operator of any hotel, inn, cabin or campground shall make the provisions of this section available in writing to any person engaging or using accommodations at the hotel, inn, cabin or campground.

(h) As used in this section:

- (1) "Drug of abuse" has the same meaning as in Ohio R.C. 3719.011.
- (2) "Hotel" has the same meaning as in Ohio R.C. 3731.01.
- (3) "Minor" means a person under the age of eighteen years.
- (4) "Practitioner" and "prescription" have the same meanings as in Ohio R.C. 3719.01.
- (5) "Underage person" means a person under the age of twenty-one years.
(ORC 4301.69)

(i) Whoever violates this section is guilty of a misdemeanor of the first degree.
(ORC 4301.99)

**529.021 PURCHASE, CONSUMPTION OR POSSESSION BY MINOR;
MISREPRESENTATION.**

(a) Except as otherwise provided in this chapter or Ohio R.C. Chapter 4301, no person under the age of twenty-one years shall purchase beer or intoxicating liquor. (ORC 4301.63)

(b) Except as otherwise provided in this chapter or Ohio R.C. Chapter 4301, no person under the age of twenty-one years shall order, pay for, share the cost of, or attempt to purchase any beer or intoxicating liquor, or consume any beer or intoxicating liquor, either from a sealed or unsealed container or by the glass or by the drink, or possess any beer or intoxicating liquor, in any public or private place. (ORC 4301.632)

(c) Except as otherwise provided in this chapter or Ohio R.C. Chapter 4301, no person shall knowingly furnish any false information as to the name, age or other identification of any person under twenty-one years of age for the purpose of obtaining or with the intent to obtain, beer or intoxicating liquor for a person under twenty-one years of age, by purchase, or as a gift. (ORC 4301.633)

(d) Except as otherwise provided in this chapter or Ohio R.C. Chapter 4301, no person under the age of twenty-one years shall knowingly show or give false information concerning his name, age or other identification for the purpose of purchasing or otherwise obtaining beer or intoxicating liquor in any place where beer or intoxicating liquor is sold under a permit issued by the Department of Liquor Control or sold by the Department of Liquor Control. (ORC 4301.634)

- (e) (1) Whoever violates any provision of this section for which no other penalty is provided is guilty of a misdemeanor of the first degree.
- (2) Whoever violates subsection (a) hereof, shall be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00). The court imposing a fine for a violation of subsection (a) hereof may order that the fine be paid by the performance of public work at a reasonable hourly rate established by the court. The court shall designate the time within which the public work shall be completed.
- (3) A. Whoever violates subsection (d) hereof is guilty of a misdemeanor of the first degree. If, in committing a first violation of that subsection, the offender presented to the permit holder or his employee or agent a false, fictitious or altered identification card, a false or fictitious driver's license purportedly issued by any state, or a driver's license issued by any state which has been altered, the offender is guilty of a misdemeanor of the first degree and shall be fined not less than two hundred fifty dollars (\$250.00) and not more than one thousand dollars (\$1,000) and may be sentenced to a term of imprisonment of not more than six months.
- B. On a second violation in which, for the second time, the offender presented to the permit holder or his employee or agent a false, fictitious or altered identification card, a false or fictitious driver's license purportedly issued by any state, or a driver's license issued by any state which has been altered, the offender is guilty of a misdemeanor of the first degree and shall be fined not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000), and may be sentenced to a term of imprisonment of not more than six months. The court also may suspend the offender's driver's or commercial driver's license or permit or nonresident operating privilege or deny the offender the opportunity to be issued a driver's or commercial driver's license for a period not exceeding sixty days.
- C. On a third or subsequent violation in which, for the third or subsequent time, the offender presented to the permit holder or his employee or agent a false, fictitious or altered identification card, a false or fictitious driver's license purportedly issued by any state, or a driver's license issued by any state which has been altered, the offender is guilty of a misdemeanor of the first degree and shall be fined not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000), and may be sentenced to a term of imprisonment of not more than six months. The court also

shall suspend the offender's driver's or commercial driver's license or permit or nonresident operating privilege or deny the offender the opportunity to be issued a driver's or commercial driver's license for a period of ninety days, and the court may order that the suspension or denial remain in effect until the offender attains the age of twenty-one years. The court also may order the offender to perform a determinate number of hours of community service, with the court determining the actual number of hours and the nature of the community service the offender shall perform. (ORC 4301.99)

529.03 SALES TO INTOXICATED PERSONS.

(a) No person shall sell intoxicating liquor to any individual who habitually drinks intoxicating liquor to excess.

(b) No person shall sell intoxicating liquor or beer to an intoxicated person. (ORC 4301.22)

(c) Whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4301.99)

529.04 LIQUOR CONSUMPTION IN MOTOR VEHICLE.

(a) No person shall consume any beer or intoxicating liquor in a motor vehicle. (ORC 4301.64)

(b) Whoever violates subsection (a) hereof is guilty of a misdemeanor of the fourth degree. (ORC 4301.99)

529.05 PERMIT REQUIRED.

(a) No person by himself or by his clerk, agent or employee shall manufacture, manufacture for sale, offer, keep or possess for sale, furnish or sell, or solicit the purchase or sale of any beer or intoxicating liquor in this Municipality, or transport, import or cause to be transported or imported any beer, intoxicating liquor or alcohol on or into this Municipality for delivery, use or sale, unless such person has fully complied with Ohio R.C. Chapters 4301 and 4303 or is the holder of a permit issued by the Department of Liquor Control and in force at the time. (ORC 4303.25)

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

529.06 PRINTED WARNINGS TO BE POSTED.

(a) Every place in the Municipality where beer or intoxicating liquor is sold for beverage purposes, either under a permit issued by the Ohio Department of Liquor Control, or by the Ohio Department of Liquor Control shall display at all times, in a prominent place on the premises thereof, a printed card, which shall be furnished by the Department and which shall read substantially as follows:

WARNING TO PERSONS UNDER AGE

If you are under the age of 21

Under the statutes of the State of Ohio, if you order, pay for, share the cost of or attempt to purchase or possess or consume beer or intoxicating liquor, in any public place, or furnish false information as to name, age or other identification, you are subject to a fine of up to one thousand dollars, or imprisonment up to six months, or both.

No person shall be subject to any criminal prosecution or any proceedings before the Department or the Liquor Control Commission for failing to display this card. No permit issued by the Department shall be suspended, revoked or canceled because of the failure of the permit holder to display this card.

(b) Every place in the Municipality for which a D permit has been issued under Ohio R.C. Chapter 4303 shall be issued a printed card, that shall be furnished by the Department of Liquor Control that shall read substantially as follows:

WARNING

If you are carrying a firearm

Under the statutes of Ohio, if you possess a firearm in any room in which liquor is being dispensed in premises for which a D permit has been issued under Chapter 4303 of the Revised Code, you may be guilty of a felony and are subject to a term of actual incarceration of one or two years.

No person shall be subject to any criminal prosecution or any proceedings before the Department of Liquor Control or the Liquor Control Commission for failing to display this card. No permit issued by the Department shall be suspended, revoked or canceled because of the failure of the permit holder to display this card. (ORC 4301.637)

529.07 OPEN CONTAINER PROHIBITED.

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

(b) No person shall have in his possession an opened container of beer or intoxicating liquor in any of the following circumstances:

- (1) In a State liquor store;
- (2) On the premises of the holder of any permit issued by the Department of Liquor Control;
- (3) In any other public place;
- (4) While operating or being a passenger in or on a motor vehicle on any street, highway or other public or private property open to the public for purposes of vehicular travel or parking;
- (5) While being in or on a stationary motor vehicle on any street, highway or other public or private property open to the public for purposes of vehicular travel or parking.

(c) This section does not apply to beer or intoxicating liquor which has been lawfully purchased for consumption on the premises and remains on the premises where bought of a holder of an A-1-A, A-2, D-1, D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-7, E, F, or F-2 permit, or to beer or intoxicating liquor consumed on the premises of a convention facility as provided in Ohio R.C. 4303.201.

(ORC 4301.62)

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

529.08 HOURS OF SALE OR CONSUMPTION.

(a) No beer or other malt beverages shall be sold by, delivered by, or be permitted to be consumed on weekdays, upon the premises of a C-1, C-2, D-1, D-2 or D-4 permit holder between the hours of 1:00 a.m. and 5:30 a.m. The above restriction on hours of operation shall also apply to retail sales by an A-1 permit holder.

No wine, prepared highballs, cocktails or other mixed drinks, as defined in the Liquor Control Act, shall be sold, delivered or be permitted to be consumed on weekdays, upon the premises of an A-2, C-2, D-2 or D-4 permit holder between the hours of 1:00 a.m. and 5:30 a.m.

No beer or intoxicating liquor shall be sold, delivered or be permitted to be consumed on weekdays on the premises of a D-3A, D-5, D-5A, or A-1-A permit holder between the hours of 2:30 a.m. and 5:30 a.m., and no intoxicating liquor shall be sold, delivered or be permitted to be consumed on weekdays on the premises of a D-3 permit holder between the hours of 1:00 a.m. and 5:30 a.m.

No beer or intoxicating liquor shall be sold, delivered, or be permitted to be consumed on weekdays on the premises of a D-4 permit holder between the hours of 1:00 a.m. and 5:30 a.m.

No intoxicating liquor may be sold by, delivered, or be permitted to be consumed on the premises of any permit holder during the hours between 1:00 a.m. on Sunday and Sunday midnight, except on the premises of a D-3A, D-5, D-5A or an A-1-A permit. As to holders of these excepted classes, no intoxicating liquor shall be sold or permitted to be consumed after 2:30 a.m. on Sunday.

No beer whether by the package or by the glass, shall be sold or delivered to be consumed on the premises of a permit holder on Sunday between the hours of 1:00 a.m. and 5:30 a.m. except on the premises of a holder of a D-3A permit who is also the holder of a D-1 permit or the holder of a D-5, D-5A or A-1-A permit. As to these excepted classes neither shall sell, deliver, or permit to be consumed on the premises, beer between the hours of 2:30 a.m. and 5:30 a.m.

The holder of a D-6 permit may sell or allow the consumption of intoxicating liquors, as authorized by his other permits, between the hours of 1:00 p.m. Sunday and Sunday at midnight for on the premises consumption only. (OAC 4301:1-1-49)

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

529.99 PENALTY.

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

CHAPTER 533
Obscenity and Sex Offenses

<p>533.01 Definitions.</p> <p>533.02 Presumption of knowledge; actual notice and defense.</p> <p>533.03 Corruption of a minor.</p> <p>533.04 Sexual imposition.</p> <p>533.05 Importuning.</p> <p>533.06 Voyeurism.</p> <p>533.07 Public indecency.</p> <p>533.08 Procuring.</p> <p>533.09 Soliciting.</p> <p>533.10 Prostitution.</p>	<p>533.11 Disseminating matter harmful to juveniles.</p> <p>533.12 Pandering obscenity.</p> <p>533.13 Deception to obtain matter harmful to juveniles.</p> <p>533.14 Pandering material involving a minor; illegal use of minor.</p> <p>533.15 Displaying matter harmful to juveniles.</p> <p>533.99 Penalty.</p>
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CROSS REFERENCES

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

533.01 DEFINITIONS.

As used in this chapter:

- (a) "Sexual conduct" means vaginal intercourse between a male and female, and anal intercourse, fellatio and cunnilingus between persons regardless of sex. 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) Any material or performance is "harmful to juveniles," if it is offensive to prevailing standards in the adult community with respect to what is suitable for juveniles, and if any of the following apply:
 - (1) It tends to appeal to the prurient interest of juveniles;
 - (2) It contains a display, description or representation of sexual activity, masturbation, sexual excitement or nudity;

- (3) It contains a display, description or representation of bestiality or extreme or bizarre violence, cruelty or brutality;
 - (4) It contains a display, description or representation of human bodily functions of elimination;
 - (5) It makes repeated use of foul language;
 - (6) It contains a display, description or representation in lurid detail of the violent physical torture, dismemberment, destruction or death of a human being;
 - (7) It contains a display, description or representation of criminal activity which tends to glorify or glamorize such activity, and which with respect to juveniles has a dominant tendency to corrupt.
- (f) When considered as a whole, and judged with reference to ordinary adults, or, if it is designed for sexual deviates or other specially susceptible group, judged with reference to such group, any material or performance is "obscene" if any of the following apply:
- (1) Its dominant appeal is to prurient interest;
 - (2) Its dominant tendency is to arouse lust by displaying or depicting sexual activity, masturbation, sexual excitement or nudity in a way which tends to represent human beings as mere objects of sexual appetite;
 - (3) Its dominant tendency is to arouse lust by displaying or depicting bestiality or extreme or bizarre violence, cruelty or brutality;
 - (4) Its dominant tendency is to appeal to scatological interest by displaying or depicting human bodily functions of elimination in a way which inspires disgust or revulsion in persons with ordinary sensibilities, without serving any genuine scientific, educational, sociological, moral or artistic purpose;
 - (5) It contains a series of displays or descriptions of sexual activity, masturbation, sexual excitement, nudity, bestiality, extreme or bizarre violence, cruelty or brutality, or human bodily functions of elimination, the cumulative effect of which is a dominant tendency to appeal to prurient or scatological interest, when the appeal to such interest is primarily for its own sake or for commercial exploitation, rather than primarily for a genuine scientific, educational, sociological, moral or artistic purpose.
- (g) "Sexual excitement" means the condition of human male or female genitals when in a state of sexual stimulation or arousal.
- (h) "Nudity" means the showing, representation or depiction of human male or female genitals, pubic area or buttocks with less than a full, opaque covering, or of a female breast with less than a full, opaque covering of any portion thereof below the top of the nipple, or of covered male genitals in a discernibly turgid state.
- (i) "Juvenile" means an unmarried person under the age of eighteen.

- (j) "Material" means any book, magazine, newspaper, pamphlet, poster, print, picture, figure, image, description, motion picture film, phonographic record or tape, or other tangible thing capable of arousing interest through sight, sound or touch.
- (k) "Performance" means any motion picture, preview, trailer, play, show, skit, dance or other exhibition performed before an audience.
- (l) "Spouse" means a person married to an offender at the time of an alleged offense, except that such person shall not be considered the spouse when any of the following apply:
 - (1) When the parties have entered into a written separation agreement authorized by Ohio R.C. 3103.06;
 - (2) During the pendency of an action between the parties for annulment, divorce, dissolution of marriage or legal separation;
 - (3) In the case of an action for legal separation, after the effective date of the judgment for legal separation.
- (m) "Minor" means a person under the age of eighteen years. (ORC 2907.01)

533.02 PRESUMPTION OF KNOWLEDGE; ACTUAL NOTICE AND DEFENSE.

(a) An owner, or manager, or his agent or employee, of a bookstore, newsstand, theater or other commercial establishment engaged in selling materials or exhibiting performances, who, in the course of business:

- (1) Possesses five or more identical or substantially similar obscene articles, having knowledge of their character, is presumed to possess them in violation of Section 533.12(a)(5).
- (2) Does any of the acts prohibited by Section 533.11 or 533.12, is presumed to have knowledge of the character of the material or performance involved, if he has actual notice of the nature of such material or performance, whether or not he 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) Sections 533.11 and 533.12 do not apply to a motion picture operator or projectionist acting within the scope of his 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 his place of employment other than wages. (ORC 2907.35)

533.03 CORRUPTION OF A MINOR.

(a) No person, who is eighteen years of age or older, shall engage in sexual conduct with another, who is not the spouse of the offender, when the offender knows such 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 corrupting a minor, a misdemeanor of the first degree, if the offender is less than four years older than the other person. (ORC 2907.04)

533.04 SEXUAL IMPOSITION.

(a) No person shall have sexual contact with another, not the spouse of the offender; cause another, not the spouse of the offender, to have sexual contact with the offender; or cause two or more persons to have sexual contact when any of the following applies:

- (1) The offender knows that the sexual contact is offensive to the other person, or one of the other persons, or is reckless in that regard.
- (2) The offender knows that the other person's or one of the other person's ability to appraise the nature of or control the offender's or touching person's conduct is substantially impaired.
- (3) The offender knows that the other person or one of the other persons submits because of being unaware of the sexual contact.
- (4) The other person or one of the other persons is thirteen years of age or older but less than sixteen years of age, whether or not the offender knows the age of such person, and the offender is at least eighteen years of age and four or more years older than such other person.

(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. (ORC 2907.06)

533.05 IMPORTUNING.

(a) No person shall solicit a person under thirteen years of age to engage in sexual activity with the offender, whether or not the offender knows the age of such person.

(b) No person shall solicit a person of the same sex to engage in sexual activity with the offender, when the offender knows such solicitation is offensive to the other person, or is reckless in that regard.

(c) No person shall solicit another, not the spouse of the offender, to engage in sexual conduct with the offender, when the offender is eighteen years of age or older and four or more years older than the other person, and the other person is over twelve but not over fifteen years of age, whether or not the offender knows the age of the other person.

(d) Whoever violates this section is guilty of importuning. Violation of subsection (a) or (b) hereof is a misdemeanor of the first degree. Violation of subsection (c) hereof is a misdemeanor of the fourth degree. (ORC 2907.07)

533.06 VOYEURISM.

(a) No person, for the purpose of sexually arousing or gratifying himself or herself, shall commit trespass or otherwise surreptitiously invade the privacy of another, to spy or eavesdrop upon another.

(b) Whoever violates this section is guilty of voyeurism, a misdemeanor of the third degree. (ORC 2907.08)

533.07 PUBLIC INDECENCY.

(a) No person shall recklessly do any of the following, under circumstances in which his or her conduct is likely to be viewed by and affront others, not members of his or her household:

- (1) Expose his or her private parts, or engage in masturbation;
- (2) Engage in sexual conduct;
- (3) Engage in conduct which to an ordinary observer would appear to be sexual conduct or masturbation.

(b) Whoever violates this section is guilty of public indecency. If the offender previously has not been convicted of or pleaded guilty to a violation of this section, public indecency is a misdemeanor of the fourth degree. If the offender previously has been convicted of or pleaded guilty to one violation of this section, public indecency is a misdemeanor of the third degree. If the offender previously has been convicted of or pleaded guilty to two violations of this section, public indecency is a misdemeanor of the second degree. If the offender previously has been convicted of or pleaded guilty to three or more violations of this section, public indecency is a misdemeanor of the first degree. (ORC 2907.09)

533.08 PROCURING.

(a) No person, knowingly and for gain, shall do either of the following:

- (1) Entice or solicit another to patronize a prostitute or brothel;
- (2) Procure a prostitute for another to patronize, or take or direct another at his or her request to any place for the purpose of patronizing a prostitute.

(b) No person, having authority or responsibility over the use of premises, shall knowingly permit such premises to be used for the purpose of engaging in sexual activity for hire.

(c) Whoever violates this section is guilty of procuring, a misdemeanor of the first degree. (ORC 2907.23)

533.09 SOLICITING.

(a) No person shall solicit another to engage with such other person in sexual activity for hire

(b) Whoever violates this section is guilty of soliciting, a misdemeanor of the third degree. (ORC 2907.24)

533.10 PROSTITUTION.

(a) No person shall engage in sexual activity for hire.

(b) Whoever violates this section is guilty of prostitution, a misdemeanor of the third degree. (ORC 2907.25)

533.11 DISSEMINATING MATTER HARMFUL TO JUVENILES.

(a) No person, with knowledge of its character or content, shall recklessly do any of the following:

- (1) Sell, deliver, furnish, disseminate, provide, exhibit, rent or present to a juvenile any material or performance that is obscene or harmful to juveniles;

- (2) Offer or agree to sell, deliver, furnish, disseminate, provide, exhibit, rent or present to a juvenile any material or performance that is obscene or harmful to juveniles;
- (3) Allow any juvenile to review or peruse any material or view any live performance that is harmful to juveniles.

(b) The following are affirmative defenses to a charge under this section, that involves material or a performance that is harmful to juveniles but not obscene:

- (1) The defendant is the parent, guardian or spouse of the juvenile involved.
 - (2) The juvenile involved, at the time of the conduct in question, was accompanied by his parent or guardian who, with knowledge of its character, consented to the material or performance being furnished or presented to the juvenile.
 - (3) The juvenile exhibited to the defendant or his agent or employee a draft card, driver's license, birth certificate, marriage license, or other official or apparently official document purporting to show that such juvenile was eighteen years of age or over or married, and the person to whom such document was exhibited did not otherwise have reasonable cause to believe that such juvenile was under the age of eighteen and unmarried.
- (c) (1) It is an affirmative defense to a charge under this section, involving material or a performance that is obscene or harmful to juveniles, that such material or performance was furnished or presented for a bona fide medical, scientific, educational, governmental, judicial or other proper purpose, by a physician, psychologist, sociologist, scientist, teacher, librarian, clergyman, prosecutor, judge or other proper person.
- (2) Except as provided in subsection (b)(3) hereof, mistake of age is not a defense to a charge under this section.

(d) Whoever violates this section is guilty of disseminating matter harmful to juveniles. If the material or performance involved is harmful to juveniles but not obscene, violation of this section is a misdemeanor of the first degree.
(ORC 2907.31)

533.12 PANDERING OBSCENITY.

(a) No person, with knowledge of the character of the material or performance involved, shall do any of the following:

- (1) Create, reproduce or publish any obscene material, when the offender knows that such material is to be used for commercial exploitation or will be publicly disseminated or displayed, or when he is reckless in that regard;
- (2) Promote or advertise for sale, delivery or dissemination; sell, deliver, publicly disseminate, publicly display, exhibit, present, rent or provide; or offer or agree to sell, deliver, publicly disseminate, publicly display, exhibit, present, rent or provide, any obscene material;
- (3) Create, direct or produce an obscene performance, when the offender knows that it is to be used for commercial exploitation or will be publicly presented, or when he is reckless in that regard;
- (4) Advertise or promote an obscene performance for presentation, or present or participate in presenting an obscene performance, when such performance is presented publicly, or when admission is charged;
- (5) Buy, procure, possess or control any obscene material with purpose to violate subsection (a)(2) or (4) hereof.

(b) It is an affirmative defense to a charge under this section, that the material or performance involved was disseminated or presented for a bona fide medical, scientific, educational, religious, governmental, judicial or other proper purpose, by or to a physician, psychologist, sociologist, scientist, teacher, person pursuing bona fide studies or research, librarian, clergyman, prosecutor, judge or other person having a proper interest in such material or performance.

(c) Whoever violates this section is guilty of pandering obscenity, a misdemeanor of the first degree, if the offender has not previously been convicted of a violation of this section, Section 533.11 or Ohio R.C. 2907.31 or 2907.32. (ORC 2907.32)

533.13 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)

533.14 PANDERING MATERIAL INVOLVING A MINOR; ILLEGAL USE OF MINOR.

- (a) (1) No person, with knowledge of the character of the material or performance involved, shall solicit, receive, purchase, exchange, possess or control any material that shows a minor participating or engaging in sexual activity, masturbation or bestiality.
- (2) A. This subsection (a) hereof does not apply to any material or performance that is possessed or controlled for a bona fide medical, scientific, educational, religious, governmental, judicial or other proper purpose, by a physician, psychologist, sociologist, scientist, teacher, person pursuing bona fide studies or research, librarian, clergyman, prosecutor, judge or other person having a proper interest in the material or performance.
- B. Mistake of age is not a defense to a charge under this section.
- C. In a prosecution under this subsection (a) hereof, the trier of fact may infer that a person in the material or performance involved is a minor if the material or performance, through its title, text, visual representation or otherwise, represents or depicts the person as a minor.

- (3) Whoever violates this subsection (a) hereof is guilty of pandering sexually oriented matter involving a minor. Violation of subsection (a) hereof is a misdemeanor of the first degree if the offender has not previously been convicted of or pleaded guilty to a violation of this section or Ohio R.C. 2907.321 to 2907.323. (ORC 2907.322)
- (b) (1) No person shall possess or view any material or performance that shows a minor who is not the person's child or ward in a state of nudity, unless one of the following applies:
- A. The material or performance is sold, disseminated, displayed, possessed, controlled, brought or caused to be brought into this Municipality, or presented for a bona fide artistic, medical, scientific, educational, religious, governmental, judicial or other proper purpose, by or to a physician, psychologist, sociologist, scientist, teacher, person pursuing bona fide studies or research, librarian, clergyman, prosecutor, judge or other person having a proper interest in the material or performance.
 - B. The person knows that the parents, guardian or custodian has consented in writing to the photographing or use of the minor in a state of nudity and to the manner in which the material or performance is used or transferred.
- (2) Whoever violates this subsection (b) hereof is guilty of illegal use of a minor in nudity-oriented material or performance. Whoever violates subsection (b) hereof is guilty of a misdemeanor of the first degree if the offender has not previously been convicted of or pleaded guilty to a violation of this section or Ohio R.C. 2907.321 to 2907.323. (ORC 2907.323)

533.15 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)

533.99 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	Party lines to be yielded in emergencies.
537.02	Vehicular homicide.	537.13	Adulterating of or furnishing adulterated food or confection.
537.03	Assault.	537.14	Domestic violence.
537.04	Negligent assault.	537.15	Temporary protection order.
537.05	Aggravated menacing.	537.16	Illegal distribution of cigarettes or other tobacco products.
537.051	Menacing by stalking.	537.17	Criminal child enticement.
537.06	Menacing.	537.18	Contributing to unruliness or delinquency of a child.
537.07	Endangering children.	537.99	Penalty.
537.08	Unlawful restraint.		
537.09	Coercion.		
537.10	Telephone 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 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.

(a) No person, while operating or participating in the operation of a motor vehicle, motorcycle, snowmobile, locomotive, watercraft or aircraft, shall negligently cause the death of another.

(b) Whoever violates this section is guilty of vehicular homicide, a misdemeanor of the first degree, if the offender has not previously been convicted of an offense under this section or Ohio R.C. 2903.06 to 2903.08. (ORC 2903.07)

537.03 ASSAULT.

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

(b) No person shall recklessly cause serious physical harm to another.

(c) Whoever violates this section is guilty of assault, a misdemeanor of the first degree unless committed under the circumstances provided in Ohio R.C. 2903.13(C).

(ORC 2903.13)

537.04 NEGLIGENT ASSAULT.

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

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

537.05 AGGRAVATED MENACING.

(a) No person shall knowingly cause another to believe that the offender will cause serious physical harm to the person or property of such other person or member of his immediate family.

(b) Whoever violates this section is guilty of aggravated menacing, a misdemeanor of the first degree. (ORC 2903.21)

537.051 MENACING BY STALKING.

(a) No person by engaging in a pattern of conduct shall knowingly cause another to believe that the offender will cause physical harm to the other person or cause mental distress to the other person.

(b) Whoever violates subsection (a) hereof is guilty of menacing by stalking, a misdemeanor of the first degree unless the offender previously has been convicted of or pleaded guilty to a violation of subsection (a) hereof or Ohio R.C. 2903.211 involving the same person who is the victim of the current offense.

(c) As used in this section:

(1) "Pattern of conduct" means two or more actions or incidents closely related in time, whether or not there has been a prior conviction based on any of those actions or incidents.

(2) "Mental distress" means any mental illness or condition that involves some temporary substantial incapacity or mental illness or condition that would normally require psychiatric treatment.

(ORC 2903.211)

(d) The same relief available under the Ohio Revised Code for filing a complaint for violation of Ohio R.C. 2903.211 shall be available for filing a complaint for violation of this section.

(e) No person shall recklessly violate any terms of an anti-stalking protection order issued pursuant to this section or Ohio R.C. 2903.213.

(f) Whoever violates subsection (e) hereof is guilty of violating an anti-stalking protection order. If the offender previously has not been convicted of or pleaded guilty to a violation of subsection (e) hereof, a violation of Ohio R.C. 2903.21, 2903.211, 2903.214, 2903.22 or 2911.211, or Section 537.05, 537.051(a), 537.06 or 541.051 of the General Offenses Code, that involves the same person who is the subject of the anti-stalking protection order, violating an anti-stalking protection order is a misdemeanor of the fourth degree. If the offender previously has been convicted of or pleaded guilty to one violation of subsection (e) hereof or one violation of Ohio R.C. 2903.21, 2903.211, 2903.214, 2903.22 or 2911.211, or Section 537.05, 537.051(a), 537.06 or 541.051 of the General Offenses Code, that involves the same person who is the subject of the anti-stalking protection order, violating an anti-stalking protection order is a misdemeanor of the first degree. (ORC 2903.214)

537.06 MENACING.

(a) No person shall knowingly cause another to believe that the offender will cause physical harm to the person or property of such other person or member of his immediate family.

(b) Whoever violates this section is guilty of menacing, a misdemeanor of the fourth degree. (ORC 2903.22)

537.07 ENDANGERING CHILDREN.

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

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

(c) Whoever violates this section is guilty of endangering children, a misdemeanor of the first degree, if the violation of this section does not result in serious physical harm to the child involved, or if the offender has not previously been convicted of an offense under this section, Ohio R.C. 2919.22 or of any offense involving neglect, abandonment, contributing to the delinquency of or physical abuse of a child. (ORC 2919.22)

537.08 UNLAWFUL RESTRAINT.

(a) No person, without privilege to do so, shall knowingly restrain another of his liberty.

(b) Whoever violates this section is guilty of unlawful restraint, a misdemeanor of the third degree. (ORC 2905.03)

537.09 COERCION.

(a) No person, with purpose to coerce another into taking or refraining from action concerning which he has a legal freedom of choice, shall do any of the following:

- (1) Threaten to commit any offense;
- (2) Utter or threaten any calumny against any person;
- (3) Expose or threaten to expose any matter tending to subject any person to hatred, contempt or ridicule, or to damage his personal or business repute, or to impair his credit;
- (4) Institute or threaten criminal proceedings against any person;
- (5) Take or withhold, or threaten to take or withhold official action, or cause or threaten to cause official action to be taken or withheld.

(b) Subsections (a)(4) and (5) hereof shall not be construed to prohibit a prosecutor or court from doing any of the following in good faith and in the interest of justice:

- (1) Offering or agreeing to grant, or granting immunity from prosecution pursuant to Ohio R.C. 2945.44;
- (2) In return for a plea of guilty to one or more offenses charged or to one or more other or lesser offenses, or in return for the testimony of the accused in a case to which he is not a party, offering or agreeing to dismiss, or dismissing one or more charges pending against an accused, or offering or agreeing to impose, or imposing a certain sentence or modification of sentence;
- (3) Imposing probation on certain conditions, including without limitation requiring the offender to make restitution or redress to the victim of his offense.

(c) It is an affirmative defense to a charge under subsection (a)(3), (4) or (5) hereof that the actor's conduct was a reasonable response to the circumstances which occasioned it, and that his purpose was limited to:

- (1) Compelling another to refrain from misconduct or to desist from further misconduct;
- (2) Preventing or redressing a wrong or injustice;
- (3) Preventing another from taking action for which the actor reasonably believed such other person to be disqualified;
- (4) Compelling another to take action which the actor reasonably believed such other person to be under a duty to take.

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

(e) As used in this section "threat" includes a direct threat and a threat by innuendo. (ORC 2905.12)

537.10 TELEPHONE HARASSMENT.

(a) No person shall knowingly make or cause to be made a telephone call, or knowingly permit a telephone call to be made from a telephone under his control, to another if the caller does any of the following:

- (1) Fails to identify himself to the recipient of the telephone call and makes the telephone call with purpose to harass, abuse or annoy any person at the premises to which the telephone call is made, whether or not conversation takes place during the telephone call;
- (2) Describes, suggests, requests or proposes that the caller, recipient of the telephone call or any other person engage in any sexual activity as defined in Section 533.01, and the recipient of the telephone call, or another person at the premises to which the telephone call is made, has requested, in a previous telephone call or in the immediate telephone call, the caller not to make a telephone call to the recipient of the telephone call or to the premises to which the telephone call is made;
- (3) During the telephone call, violates Section 537.05;
- (4) Knowingly states to the recipient of the telephone call that he intends to cause damage to or destroy public or private property, and the recipient of the telephone call, any member of the family of the recipient of the telephone call or any other person who resides at the premises to which the telephone call is made owns, leases, resides or works in, will at the time of the destruction or damaging be near or in, has the responsibility of protecting or insures the property that will be destroyed or damaged;
- (5) Knowingly makes the telephone call to the recipient of the telephone call, to another person at the premises to which the telephone call is made or to the premises to which the telephone call is made, and the recipient of the telephone call, or another person at the premises to which the telephone call is made, has previously told the caller not to call the premises to which the telephone call is made or not to call any persons at the premises to which the telephone call is made.

(b) No person shall make or cause to be made a telephone call or permit a telephone call to be made from a telephone under his control, with purpose to abuse, threaten, annoy or harass another person.

(c) Whoever violates this section is guilty of telephone harassment, a misdemeanor of the first degree, if the offender has not previously been convicted of a violation of this section or Ohio R.C. 2917.21. (ORC 2917.21)

537.11 THREATENING OR HARASSING TELEPHONE CALLS.

(a) No person shall, while communicating with any other person over the telephone, threaten to do bodily harm or use or address to such other person any words or language of a lewd, lascivious or indecent character, nature or connotation for the sole purpose of annoying such other person; nor shall any person telephone any other person repeatedly or cause any person to be telephoned repeatedly for the sole purpose of harassing or molesting such other person or his family.

Any use, communication or act prohibited by this section may be deemed to have occurred or to have been committed at either the place at which the telephone call was made or was received.

(ORC 4931.31)

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

537.12 PARTY LINES TO BE YIELDED IN EMERGENCIES.

(a) No person shall willfully refuse immediately to yield or relinquish the use of a party line to another person for the purpose of permitting such other person to report a fire or summon law enforcement agencies, ambulance service, medical or other aid in case of emergency.

No person shall ask for or request the use of a party line on the pretext that an emergency exists, knowing that no emergency exists.

As used in this section:

- (1) "Party line" means a subscriber's line telephone circuit to which two or more main telephone stations are connected, each station having a distinctive ring or telephone number.
 - (2) "Emergency" means a situation in which property or human life is in jeopardy and in which prompt summoning of aid is essential.
- (ORC 4931.30)

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

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) As used in this section:

- (1) "Family or household member" means any of the following, who is residing or has resided with the offender:
 - A. A spouse, a person living as a spouse or a former spouse of the offender;
 - B. A parent or a child of the offender, or another person related by consanguinity or affinity to the offender;
 - C. 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.
- (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 one year prior to the date of the alleged commission of the act in question, or who is the natural parent of the offender's child.

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

- (1) A violation of subsection (a) or (b) hereof is a misdemeanor of the first degree, if the offender has not previously been convicted of domestic violence, or a violation of Ohio R.C. 2903.11, 2903.12, 2903.13, 2903.211 or 2911.211 or Sections 537.03, 537.051 or 541.051 of the General Offenses Code involving a person who was a family or household member at the time of such violation.
- (2) A violation of subsection (c) hereof is a misdemeanor of the fourth degree. If the offender has previously been convicted of domestic violence or a violation of Ohio R.C. 2903.11, 2903.12, 2903.13, 2903.211 or 2911.211 or Sections 537.03, 537.051 or 541.051 of this General Offenses Code involving a person who was a family or household member at the time of such violation, a violation of subsection (c) hereof is a misdemeanor of the third degree.
(ORC 2919.25)

(f) 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 any terms of a protection order issued or consent agreement approved pursuant to Ohio R.C. 2919.26 or 3113.31 or Section 537.14 of the General Offenses Code.

(b) Whoever violates this section is guilty of violating a protection order or consent agreement, a misdemeanor of the fourth degree, if the offender has not previously been convicted of a violation of this section or Ohio R.C. 2919.27, 2903.211 or 2911.211 or Sections 537.051 or 541.051 of the General Offenses Code that involves the same person who is the subject of the protection order or consent agreement. Whoever violates this section is guilty of a misdemeanor of the first degree, if the offender has previously been convicted of one violation of this section or Ohio R.C. 2919.27, 2903.211 or 2911.211 or Sections 537.051 or 541.051 of the General Offenses Codes that involves the same person who is the subject of the protection order or consent agreement. (ORC 2919.27)

537.16 ILLEGAL DISTRIBUTION OF CIGARETTES OR OTHER TOBACCO PRODUCTS.

(a) No manufacturer, producer, distributor, wholesaler or retailer of cigarettes or other tobacco products, or any agent, employee or representative of a manufacturer, producer, distributor, wholesaler or retailer of cigarettes or other tobacco products shall do any of the following:

- (1) Give, sell or otherwise distribute cigarettes or other tobacco products to any person under eighteen years of age;
- (2) Give away, sell or distribute cigarettes or other tobacco products in any place that does not have posted in a conspicuous place a sign stating that giving, selling or otherwise distributing cigarettes or other tobacco products to a person under eighteen years of age is prohibited by law.

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

- (1) An area either:
 - A. Within a factory, business, office or other place not open to the general public; or
 - B. To which persons under the age of eighteen years are not generally permitted access;
- (2) In any other place not identified in subsection (b)(1) hereof, upon all of the following conditions:
 - A. The vending machine is located within the immediate vicinity, plain view and control of the person who owns or operates the place, or an employee of such person, so that all cigarettes and other tobacco product purchases from the vending machine will be readily observed by the person who owns or operates the place or an employee of such person. For the purpose of this section, a vending machine located in any unmonitored area, including an unmonitored coatroom, restroom, hallway or outer waiting area, shall not be considered located within the immediate vicinity, plain view and control of the person who owns or operates the place, or an employee of such person.

- B. The vending machine is inaccessible to the public when the place is closed.

(c) As used in this section, "vending machine" has the same meaning as "coin machine" as defined in Section 545.01.

(d) Whoever violates this section is guilty of illegal distribution of cigarettes or other tobacco products, a misdemeanor of the fourth degree. If the offender previously has been convicted of a violation of this section, then illegal distribution of cigarettes or other tobacco products is a misdemeanor of the third degree.

(ORC 2927.02)

537.17 CRIMINAL CHILD ENTICEMENT.

(a) No person, by any means and without privilege to do so, shall knowingly solicit, coax, entice or lure any child under fourteen years of age to enter into any vehicle, as defined in Ohio R.C. 4501.01, whether or not the offender knows the age of the child, if both of the following apply:

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

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

(c) Whoever violates this section is guilty of criminal child enticement, a misdemeanor of the first degree if the offender has not previously been convicted of an offense under this section or Ohio R.C. 2905.05. (ORC 2905.05)

537.18 CONTRIBUTING TO UNRULINESS OR DELINQUENCY OF A CHILD.

- (a) No person shall do either of the following:
- (1) Aid, abet, induce, cause, encourage or contribute to a child or a ward of the juvenile court becoming an unruly child as defined in Ohio R.C. 2151.022, or a delinquent child as defined in Ohio R.C. 2151.02.
 - (2) Act in a way tending to cause a child or a ward of the juvenile court to become an unruly child as defined in Ohio R.C. 2151.022 or a delinquent child as defined in Ohio R.C. 2151.02.

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

537.99 PENALTY.

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

CHAPTER 541
Property Offenses

<p>541.01 Determining property value in arson.</p> <p>541.02 Arson.</p> <p>541.03 Criminal damaging or endangering.</p> <p>541.04 Criminal mischief.</p> <p>541.05 Criminal trespass.</p>	<p>541.051 Aggravated trespass.</p> <p>541.06 Destruction of shrubs, trees or crops.</p> <p>541.07 Desecration.</p> <p>541.08 Ethnic intimidation.</p> <p>541.99 Penalty.</p>
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CROSS REFERENCES

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

541.01 DETERMINING PROPERTY VALUE IN ARSON.

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

- (1) If the property is an heirloom, memento, collector's item, antique, museum piece, manuscript, document, record or other thing that is either irreplaceable or is replaceable only on the expenditure of substantial time, effort or money, the value of the property or the amount of physical harm involved is the amount that would compensate the owner for its loss.
- (2) If the property is not covered under subsection (a)(1) hereof, and the physical harm is such that the property can be restored substantially to its former condition, the amount of physical harm involved is the reasonable cost of restoring the property.

- (3) If the property is not covered under subsection (a)(1) hereof, and the physical harm is such that the property cannot be restored substantially to its former condition, the value of the property, in the case of personal property, is the cost of replacing the property with new property of like kind and quality, and in the case of real property or real property fixtures, is the difference in the fair market value of the property immediately before and immediately after the offense.

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

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

541.02 ARSON.

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

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

(c) Whoever violates this section is guilty of arson, a misdemeanor of the first degree, if the value of the property or the amount of physical harm involved is less than three hundred dollars (\$300.00). (ORC 2909.03)

541.03 CRIMINAL DAMAGING OR ENDANGERING.

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

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

(b) Whoever violates this section is guilty of criminal damaging or endangering, a misdemeanor if the property involved is not an aircraft, an aircraft engine, propeller, appliance, spare part or any other equipment or implement used or intended to be used in the operation of an aircraft and if the violation does not create a risk of physical harm to any person, and if the property involved is not an occupied aircraft. A violation of this section is a misdemeanor of the second degree. If violation of this section creates a risk of physical harm to any person, criminal damaging or endangering is a misdemeanor of the first degree. (ORC 2909.06)

541.04 CRIMINAL MISCHIEF.

(a) No person shall:

- (1) Without privilege to do so, knowingly move, deface, damage, destroy or otherwise improperly tamper with the property of another;

- (2) With purpose to interfere with the use or enjoyment of property of another employ a tear gas device, stink bomb, smoke generator or other device releasing a substance which is harmful or offensive to persons exposed, or which tends to cause public alarm;
- (3) Without privilege to do so, knowingly move, deface, damage, destroy or otherwise improperly tamper with a bench mark, triangulation station, boundary marker or other survey station, monument or marker.
- (4) Without privilege to do so, knowingly move, deface, damage, destroy or otherwise improperly tamper with any safety device, the property of another or the property of the offender when required or placed for the safety of others, so as to destroy or diminish its effectiveness or availability for its intended purpose;
- (5) With purpose to interfere with the use or enjoyment of the property of another, set a fire on the land of another or place personal property that has been set on fire on the land of another, which fire or personal property is outside and apart from any building, other structure or personal property that is on that land.

(b) As used in this section, "safety device" means any fire extinguisher, fire hose or fire axe, or any fire escape, emergency exit or emergency escape equipment, or any life line, life-saving ring, life preserver or life boat or raft, or any alarm, light, flare, signal, sign or notice intended to warn of danger, or emergency, or intended for other safety purposes, or any guard railing or safety barricade, or any traffic sign or signal, or any railroad grade crossing sign, signal or gate, or any first aid or survival equipment, or any other device, apparatus, or equipment intended for protecting or preserving the safety of persons or property.

(c) Whoever violates this section is guilty of criminal mischief, a misdemeanor if the property involved is not an aircraft, an aircraft engine, propeller, appliance, spare part, fuel, lubricant, hydraulic fluid, any other equipment, implement or material used or intended to be used in the operation of an aircraft, or any cargo carried or intended to be carried in an aircraft and if the violation does not create a risk of physical harm to any person, and if the property involved is not an occupied aircraft. A violation of this section is a misdemeanor of the third degree. If violation of this section creates a risk of physical harm to any person, criminal mischief is a misdemeanor of the first degree. (ORC 2909.07)

541.05 CRIMINAL TRESPASS.

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

- (3) Recklessly enter or remain on the land or premises of another, as to which notice against unauthorized access or presence is given by actual communication to the offender, or in a manner prescribed by law, or by posting in a manner reasonably calculated to come to the attention of potential intruders, or by fencing or other enclosure manifestly designed to restrict access;
- (4) Being on the land or premises of another, negligently fail or refuse to leave upon being notified to do so by the owner or occupant, or the agent or servant of either.

(b) It is no defense to a charge under this section that the land or premises involved was owned, controlled or in custody of a public agency.

(c) It is no defense to a charge under this section that the offender was authorized to enter or remain on the land or premises involved when such authorization was secured by deception.

(d) Whoever violates this section is guilty of criminal trespass, a misdemeanor of the fourth degree.

(e) As used in this section, "land or premises" includes any land, building, structure or place belonging to, controlled by or in custody of another, and any separate enclosure or room, or portion thereof.
(ORC 2911.21)

541.051 AGGRAVATED TRESPASS.

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

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

541.06 DESTRUCTION OF SHRUBS, TREES OR CROPS.

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

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

(c) Whoever violates this section is guilty of a minor misdemeanor.
(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, thing or site of great historical or archeological interest;
- (4) A place of worship, its furnishings or religious artifacts or sacred texts within the place of worship;
- (5) A work of art or museum piece;
- (6) Any other object of reverence or sacred devotion.

(b) Whoever violates this section is guilty of desecration. A violation of subsection (a)(1) to (3), (5) or (6) hereof is a misdemeanor of the second degree. Violation of subsection (a)(4) hereof is a misdemeanor of the first degree that is punishable by a fine of up to four thousand dollars (\$4,000) in addition to the penalties specified for a misdemeanor of the first degree in Section 501.99.

(ORC 2927.11)

541.08 ETHNIC INTIMIDATION.

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

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

(ORC 2927.12)

541.99 PENALTY.

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

CHAPTER 545
Theft and Fraud

545.01	Definitions.	545.11	Making or using slugs.
545.02	Determining property value in theft offense.	545.12	Tampering with coin machines.
545.03	Property exceptions as felony offense.	545.13	Defrauding a livery or hostelry.
545.04	Detention of shoplifters; rights of museums and libraries.	545.14	Tampering with records.
545.05	Petty theft.	545.15	Securing writings by deception.
545.06	Unauthorized use of a vehicle; vehicle trespass.	545.16	Personating an officer.
545.07	Insurance fraud.	545.17	Defrauding creditors.
545.08	Unauthorized use of property.	545.18	Receiving stolen property.
545.09	Passing bad checks.	545.19	Tampering with and theft of utilities.
545.10	Misuse of credit cards.	545.20	Forgery of identification cards.
		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:

- (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:
- (1) Withhold property of another permanently, or for such period as to appropriate a substantial portion of its value or use, or with purpose to restore it only upon payment of a reward or other consideration;
 - (2) Dispose of property so as to make it unlikely that the owner will recover it;
 - (3) Accept, use or appropriate money, property or services, with purpose not to give proper consideration in return for the money, property or services, and without reasonable justification or excuse for not giving proper consideration.
- (d) "Owner" means any person, other than the actor, who is the owner of, or who has possession or control of, or 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, public utility services, 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 also means 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 or 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 Sections 517.05, 545.05, 545.06, 545.08 to 545.18 or Ohio R.C. 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2911.31, 2911.32, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 2913.32, 2913.33, 2913.40 to 2913.45, 2913.47, 2913.48, 2913.51, 2913.81, 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;
 - (3) An offense under an existing or former municipal ordinance or law of this or any other state or the United States involving robbery, burglary, breaking and entering, theft, embezzlement, wrongful conversion, forgery, counterfeiting, deceit or fraud;
 - (4) A conspiracy or attempt to commit, or complicity in committing any offense under subsection (k)(1), (2) or (3) hereof.
- (l) "Computer services" includes, but is not limited to, the use of a computer system, computer network, computer program, data that is prepared for computer use or data that is contained within a computer system or computer network.
 - (m) "Computer" means an electronic device that performs logical, arithmetic and memory functions by the manipulation of electronic or magnetic impulses. "Computer" includes, but is not limited to, all input, output, processing, storage, computer program or communication facilities that are connected or related, in a computer system or network to such an electronic device.
 - (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 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. "Electronic fund transfer" has the same meaning as in 92 Stat. 3728, 15 U.S.C.A. 1693a, as amended.
(ORC 2913.01)

545.02 DETERMINING PROPERTY VALUE IN THEFT OFFENSE.

(a) Where more than one item of property or service is involved in a theft offense, the value of the property or services involved for the purpose of determining the value is the aggregate value of all property or services involved in the offense.

(b) When a series of offenses under Section 545.05 is committed by the offender in his same employment, capacity or relationship to another, all such offenses shall be tried as a single offense, and the value of the property or services involved for the purpose of determining the value is the aggregate value of all property and services involved in all offenses in the series. In prosecuting a single offense under this subsection, it is not necessary to separately allege and prove each offense in the series. It is sufficient to allege and prove that the offender, within a given span of time committed one or more theft offenses in his same employment, capacity or relationship to another.

(c) The following criteria shall be used in determining the value of property or services involved in a theft offense:

- (1) The value of an heirloom, memento, collector's item, antique, museum piece, manuscript, document, record or other thing which has intrinsic worth to its owner and which is either irreplaceable or is replaceable only on the expenditure of substantial time, effort or money, is the amount which would compensate the owner for its loss.
- (2) The value of personal effects and household goods, and of materials, supplies, equipment and fixtures used in the profession, business, trade, occupation or avocation of its owner, which property is not covered under subsection (c)(1) hereof, and which retains substantial utility for its purpose regardless of its age or condition, is the cost of replacing such property with new property of like kind and quality.
- (3) The value of any property, real or personal, not covered under subsections (c)(1) or (2) hereof, and the value of services, is the fair market value of such property or services. As used in this section, "fair market value" is the money consideration which a buyer would give and a seller would accept for property or services, assuming that the buyer is willing to buy and the seller is willing to sell, that both are fully informed as to all facts material to the transaction, and that neither is under any compulsion to act.

(d) Without limitation on the evidence that may be used to establish the value of property or services involved in a theft offense:

- (1) When the property involved is personal property held for sale at wholesale or retail, the price at which such property was held for sale is prima-facie evidence of its value.
 - (2) When the property involved is a security or commodity traded on an exchange, the closing price or, if there is no closing price, the asked price, given in the latest market quotation prior to the offense, is prima-facie evidence of the value of such security or commodity.
 - (3) When the property involved is livestock, poultry or raw agricultural products for which a local market price is available, the latest local market price prior to the offense is prima-facie evidence of the value of such livestock, poultry or products.
 - (4) When the property involved is a negotiable instrument, the face value is prima-facie evidence of the value of such instrument.
 - (5) When the property involved is a warehouse receipt, bill of lading, pawn ticket, claim check or other instrument entitling the holder or bearer to receive property, the face value or, if there is no face value, the value of the property covered by the instrument less any payment necessary to receive the property, is prima-facie evidence of the value of the instrument.
 - (6) When the property involved is a ticket of admission, ticket for transportation, coupon, token or other instrument entitling the holder or bearer to receive property or services, the face value or, if there is no face value, the value of the property or services which may be received thereby, is prima-facie evidence of the value of such instrument.
 - (7) When the services involved are gas, electricity, water, telephone, transportation, shipping or other services for which the rate is established by law, the duly established rate is prima-facie evidence of the value of such services.
 - (8) When the services involved are services for which the rate is not established by law, and the offender has been notified prior to the offense of the rate for such services, either in writing, or orally, or by posting in a manner reasonably calculated to come to the attention of potential offenders, the rate contained in such notice is prima-facie evidence of the value of such services.
- (ORC 2913.61)

545.03 PROPERTY EXCEPTIONS AS FELONY OFFENSE.

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

- (a) A credit card;
- (b) A printed form for a check or other negotiable instrument, which on its face identifies the drawer or maker for whose use it is designed or identifies the account on which it is to be drawn, and which has not been executed by the drawer or maker or on which the amount is blank;
- (c) A firearm or dangerous ordnance as defined in Section 549.01;
- (d) A motor vehicle as defined in Ohio R.C. 4501.01 or the proceeds of a motor vehicle insurance policy;
- (e) A motor vehicle identification license plate as prescribed by Ohio R.C. 4503.22, a temporary license placard or windshield sticker as prescribed by Ohio R.C. 4503.182, or any comparable license plate, placard or sticker as prescribed by the applicable law of another state or the United States;
- (f) A blank form for a certificate of title or a manufacturer's or importer's certificate to a motor vehicle, as prescribed by Ohio R.C. 4505.07;
- (g) A blank form for any license listed in Ohio R.C. 4507.01(A).
(ORC 2913.71)

545.04 DETENTION OF SHOPLIFTERS; RIGHTS OF MUSEUMS AND LIBRARIES.

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

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

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

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

- (1) To recover the property that is the subject of the unlawful taking, criminal mischief or theft;
- (2) To cause an arrest to be made by a peace officer;
- (3) To obtain a warrant of arrest.

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

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

(f) As used in this section:

- (1) "Archival institution" means any public or private building, structure or shelter in which are stored historical documents, devices, records, manuscripts or items of public interest, which historical materials are stored to preserve the materials or the information in the materials, to disseminate the information contained in the materials, or to make the materials available for public inspection or for inspection by certain persons who have a particular interest in, use for or knowledge concerning the materials.
- (2) "Museum" means any public or private nonprofit institution that is permanently organized for primarily educational or aesthetic purposes, owns or borrows objects or items of public interest, and cares for and exhibits to the public the objects or items.
(ORC 2935.041)

545.05 PETTY THEFT.

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

- (1) Without the consent of the owner or person authorized to give consent;
- (2) Beyond the scope of the express or implied consent of the owner or person authorized to give consent;
- (3) By deception;
- (4) By threat.

(b) Whoever violates this section is guilty of petty theft, a misdemeanor of the first degree, if the value of the property or services stolen is less than three hundred dollars (\$300.00), if the property is not listed in Section 545.03, if the property stolen is not a dangerous drug as defined in Section 513.01 and if the offender has not previously been convicted of a theft offense. (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 he 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 offender has not previously been convicted of a violation of this section, Ohio R.C. 2913.03 or of any other theft offense. (ORC 2913.03)

(f) Whoever violates subsection (d) hereof is guilty of vehicle trespass, a minor misdemeanor.

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; any prepaid dental plan, medical care corporation, health care corporation, dental care corporation or health maintenance organization; and any legal entity that is self-insured and provides benefits to its employees or members.
 - (4) "Policy" means a policy, certificate, contract or plan that is issued by an insurer.
 - (5) "Statement" includes, but is not limited to, any notice, letter or memorandum; proof of loss; bill of lading; receipt for payment; invoice, account or other financial statement; estimate of property damage; bill for services; diagnosis or prognosis; prescription; hospital, medical or dental chart or other record; X-Ray, photograph, videotape or movie film; test result; other evidence of loss, injury or expense; computer-generated document; and data in any form
- (b) No person, with purpose to defraud or knowing that he is facilitating a fraud, shall do either of the following:
- (1) Present to, or cause to be presented to, an insurer any written or oral statement that is part of, or in support of, an application for insurance, a claim for payment pursuant to a policy or a claim for any other benefit pursuant to a policy, knowing that the statement, or any part of the statement, is false or deceptive;
 - (2) Assist, aid, abet, solicit, procure or conspire with another to prepare or make any written or oral statement that is intended to be presented to an insurer as part of, or in support of, an application for insurance, a claim for payment pursuant to a policy, or a claim for any other benefit pursuant to a policy, knowing that the statement, or any part of the statement, is false or deceptive.
- (c) Whoever violates this section is guilty of insurance fraud a misdemeanor of the first degree for the first offense if the false or deceptive statement is presented or intended to be presented as part of, or in support of, an application for insurance or if the amount of the claim that is false or deceptive is less than three hundred dollars (\$300.00).
- (d) This section shall not be construed to abrogate, waive or modify Ohio R.C. 2317.02(A).
(ORC 2913.47)

545.08 UNAUTHORIZED USE OF PROPERTY.

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

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

(c) Whoever violates this section is guilty of unauthorized use of property. If the offense involves a violation of subsection (a) hereof and does not involve any computer, computer system, computer network, computer software or data, unauthorized use of property is a misdemeanor of the fourth degree. (ORC 2913.04)

545.09 PASSING BAD CHECKS.

(a) No person, with purpose to defraud, shall issue or transfer or cause to be issued or transferred a check or other negotiable instrument, knowing that it will be dishonored.

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

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

(c) For purposes of this section, a person who issues or transfers a check, bill of exchange or other draft is presumed to have the purpose to defraud if the drawer fails to comply with Ohio R.C. 1349.16 by doing any of the following when opening a checking account intended for personal, family or household purposes at a financial institution:

- (1) Falsely stating that he has not been issued a valid driver's or commercial driver's license or identification card issued under Ohio R.C. 4507.50;
- (2) Furnishing such license or card, or another identification document that contains false information;
- (3) Making a false statement with respect to his current address or any additional relevant information reasonably required by the financial institution.

(d) Whoever violates this section is guilty of passing bad checks, a misdemeanor of the first degree, if the check or other negotiable instrument is for payment of less than three hundred dollars (\$300.00) and if the offender has not previously been convicted of a theft offense. (ORC 2913.11)

545.10 MISUSE OF CREDIT CARDS.

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

545.13 DEFRAUDING A LIVERY OR HOSTELRY.

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

- (1) Hire an aircraft, motor vehicle, motorcycle, motorboat, sailboat, camper, trailer, horse or buggy, or keep or operate any of the same which has been hired;
- (2) Engage accommodations at a hotel, motel, inn, campground or other hostelry.

(b) It is prima-facie evidence of purpose to defraud if the offender does any of the following:

- (1) Uses deception to induce the rental agency to furnish the offender with any of the property listed in subsection (a)(1) hereof, or uses deception to induce the hostelry to furnish him with accommodations;
- (2) Hires any of the property named in subsection (a)(1) hereof, or engages accommodations, knowing he is without sufficient means to pay the hire or rental;
- (3) Absconds without paying the hire or rental;
- (4) Knowingly fails to pay the hire or rental as required by the contract of hire or rental, without reasonable excuse for such failure;
- (5) Knowingly fails to return hired property as required by the contract of hire, without reasonable excuse for such failure.

(c) Whoever violates this section is guilty of defrauding a livery or hostelry, a misdemeanor of the first degree, if the offender has not previously been convicted of an offense under this section, Ohio R.C. 2913.41 or of any other theft offense. (ORC 2913.41)

545.14 TAMPERING WITH RECORDS.

(a) No person, knowing he has no privilege to do so, and with purpose to defraud or knowing that he is facilitating a fraud, shall do any of the following:

- (1) Falsify, destroy, remove, conceal, alter, deface or mutilate any writing, data or record;
- (2) Utter any writing or record, knowing it to have been tampered with as provided in subsection (a)(1) hereof.

(b) Whoever violates this section is guilty of tampering with records, a misdemeanor of the first degree, if the violation does not involve data and if the writing or record is not a will unrevoked at the time of the offense or not a record kept by or belonging to a governmental agency. (ORC 2913.42)

545.15 SECURING WRITINGS BY DECEPTION.

(a) No person, by deception, shall cause another to execute any writing which disposes of or encumbers property, or by which a pecuniary obligation is incurred.

- (1) Practice deception for the purpose of procuring the issuance of a credit card, when a credit card is issued in actual reliance thereon;
 - (2) Knowingly buy or sell a credit card from or to a person other than the issuer.
- (b) No person, with purpose to defraud, shall do any of the following:
- (1) Obtain control over a credit card as security for a debt;
 - (2) Obtain property or services by the use of a credit card, in one or more transactions, knowing or having reasonable cause to believe that such card has expired or been revoked, or was obtained, is retained or is being used in violation of law;
 - (3) Furnish property or services upon presentation of a credit card, knowing that such card is being used in violation of law;
 - (4) Represent or cause to be represented to the issuer of a credit card that property or services have been furnished, knowing that such representation is false.
- (c) No person, with purpose to violate this section, shall receive, possess, control or dispose of a credit card.

(d) Whoever violates this section is guilty of misuse of credit cards. Violation of subsection (a), (b)(1) or (c) hereof is a misdemeanor of the first degree if the value of the property or services or the loss to the victim involved in such violation is less than one hundred thousand dollars (\$100,000). If the cumulative retail value of the property and services involved in one or more violations of subsection (b)(2), (3) or (4) hereof, which violations involve one or more credit card accounts and occur within a period of ninety consecutive days commencing on the date of the first violation, is less than three hundred dollars (\$300.00) and if the offender previously has not been convicted of a theft offense, then misuse of credit cards is a misdemeanor of the first degree. (ORC 2913.21)

545.11 MAKING OR USING SLUGS.

- (a) No person shall do any of the following:
- (1) Insert or deposit a slug in a coin machine, with purpose to defraud;
 - (2) Make, possess or dispose of a slug, with purpose of enabling another to defraud by inserting or depositing it in a coin machine.
- (b) Whoever violates this section is guilty of making or using slugs, a misdemeanor of the second degree. (ORC 2913.33)

545.12 TAMPERING WITH COIN MACHINES.

- (a) No person, with purpose to commit theft or to defraud, shall knowingly enter, force an entrance into, tamper with or insert any part of an instrument into any coin machine.
- (b) Whoever violates this section is guilty of tampering with coin machines, a misdemeanor of the first degree, if the offender has not previously been convicted of a violation of this section, Ohio R.C. 2911.32 or of any theft offense. (ORC 2911.32)

(b) Whoever violates this section is guilty of securing writings by deception, a misdemeanor of the first degree, if the value of the property or obligation involved is less than three hundred dollars (\$300.00). (ORC 2913.43)

545.16 PERSONATING AN OFFICER.

(a) No person, with purpose to defraud or knowing that he is facilitating a fraud, or with purpose to induce another to purchase property or services, shall personate a law enforcement officer, or an inspector, investigator or agent of any governmental agency.

(b) Whoever violates this section is guilty of personating an officer, a misdemeanor of the first degree. (ORC 2913.44)

545.17 DEFRAUDING CREDITORS.

(a) No person, with purpose to defraud one or more of his creditors, shall do any of the following:

- (1) Remove, conceal, destroy, encumber, convey or otherwise deal with any of his property.
- (2) Misrepresent or refuse to disclose to a fiduciary appointed to administer or manage his affairs or estate, the existence, amount or location of any of his property, or any other information regarding such property which he is legally required to furnish to the fiduciary.

(b) Whoever violates this section is guilty of defrauding creditors, a misdemeanor of the first degree. (ORC 2913.45)

545.18 RECEIVING STOLEN PROPERTY.

(a) No person shall receive, retain or dispose of property of another, knowing or having reasonable cause to believe that the property has been obtained through commission of a theft offense.

(b) Whoever violates this section is guilty of receiving stolen property, a misdemeanor of the first degree, if the value of the property involved is less than three hundred dollars (\$300.00), if the property is not listed in Section 545.03 and if the offender previously has not been convicted of a theft offense. (ORC 2913.51)

545.19 TAMPERING WITH AND THEFT OF UTILITIES.

(a) No person shall knowingly, without the utility's consent, with intent to violate subsection (b) hereof:

- (1) Tamper with a gas, electric, steam or water meter, conduit or attachment of a utility;
- (2) Reconnect a gas, electric, steam or water meter, conduit or attachment of a utility that has been disconnected by the utility.

In a prosecution under subsection (a)(1) hereof, proof that a meter, conduit or attachment of a utility has been tampered with is prima-facie evidence that the person who is obligated to pay for the service rendered through the meter, conduit or attachment, and who is in possession or control of the meter, conduit or attachment at the time the tampering occurred, has caused the tampering with intent to violate subsection (b) hereof.

In a prosecution under subsection (a)(2) hereof, proof that a meter, conduit or attachment disconnected by a utility has been reconnected without the consent of the utility is prima-facie evidence that the person in possession or control of the meter, conduit or attachment at the time of the reconnection has reconnected the meter, conduit or attachment with intent to violate subsection (b) hereof.

As used in this section, "utility" means any electric light company, gas company, natural gas company, pipe-line company, waterworks company or heating or cooling company, as defined in Ohio R.C. 4905.03(A)(4), (5), (6), (7), (8) or (9), its lessees, trustees or receivers, or any similar utility owned or operated by a political subdivision.

As used in this section, to "tamper" means to interfere with, damage or bypass a utility meter, conduit or attachment with the intent to impede the correct registration of a meter or the proper functions of a conduit or attachment so as to reduce the amount of utility service that is registered on such meter. (ORC 4933.18)

(b) No person shall knowingly consume any gas, electricity, steam or water that has not been correctly registered because a meter, conduit or attachment of a utility has been tampered with, or knowingly use service that has been discontinued by a utility and reconnected without the utility's consent.

(c) Such utility shall notify its customers, on an annual basis, of the consequences of tampering with or bypassing a meter.
(ORC 4933.19)

(d) Whoever violates subsection (a) hereof is guilty of tampering with utility equipment, a misdemeanor of the first degree, provided the cost of the gas, electricity, steam or water stolen, plus the cost of repair or replacement of the meters, conduits or attachments damaged in violation of subsection (a)(1) or (2) hereof is less than three hundred dollars (\$300.00) and provided the offender has not previously been convicted of a violation of subsection (a) hereof. Whoever violates subsection (a) hereof shall make restitution to the utility for the cost of repair or replacement of the meters, conduits or attachments damaged and for the value of the gas, electricity, steam or water consumed. (ORC 4933.99(B))

(e) Whoever violates subsection (b) hereof is guilty of theft of utility service, a misdemeanor of the first degree, provided the value of the gas, electricity, steam or water is less than three hundred dollars (\$300.00) and provided the offender has not previously been convicted of a violation of subsection (b) hereof. Whoever violates subsection (b) hereof shall make restitution to the utility for the value of the gas, electricity, steam or water consumed in violation of that subsection. (ORC 4933.99(C))

545.20 FORGERY OF IDENTIFICATION CARDS.

(a) No person shall knowingly do either of the following:

- (1) Forge an identification card;
- (2) Sell or otherwise distribute a card that purports to be an identification card, knowing it to have been forged.
- (3) As used in this section, "identification card" means a card that includes personal information or characteristics of an individual, a purpose of which is to establish the identity of the bearer described on the card, whether the words "identity," "identification," "identification card" or other similar words appear on the card.

(b) Whoever violates subsection (a) hereof is guilty of forging identification cards or selling or distributing forged identification cards, a misdemeanor of the first degree. If the offender previously has been convicted of a violation of this section or Ohio R.C. 2913.31 (B), forging identification cards or selling or distributing forged identification cards is a misdemeanor of the first degree and, in addition, the court shall impose upon the offender a fine of not less than two hundred fifty dollars (\$250.00).
(ORC 2913.31)

545.99 PENALTY.

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

CHAPTER 549
Weapons and Explosives

<p>549.01 Definitions.</p> <p>549.02 Carrying concealed weapons.</p> <p>549.03 Using weapons while intoxicated.</p> <p>549.04 Improperly handling firearms in a motor vehicle.</p> <p>549.05 Failure to secure dangerous ordnance.</p>	<p>549.06 Unlawful transactions in weapons.</p> <p>549.07 Improperly furnishing firearms to a minor.</p> <p>549.08 Discharging firearms.</p> <p>549.09 Throwing or shooting missiles.</p> <p>549.99 Penalty.</p>
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CROSS REFERENCES

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

549.01 DEFINITIONS.

As used in this chapter:

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

- (e) "Automatic firearm" means any firearm designed or specially adapted to fire a succession of cartridges with a single function of the trigger. "Automatic firearm" also means any semi-automatic firearm designed or specially adapted to fire more than thirty-one cartridges without reloading, other than a firearm chambering only .22 caliber short, long or long-rifle cartridges.
- (f) "Sawed-off firearm" means a shotgun with a barrel less than eighteen inches long, or a rifle with a barrel less than sixteen inches long, or a shotgun or rifle less than twenty-six inches long overall.
- (g) "Zip-gun" means any of the following:
 - (1) Any firearm of crude and extemporized manufacture;
 - (2) Any device, including without limitation a starter's pistol, not designed as a firearm, but which is specially adapted for use as a firearm;
 - (3) Any industrial tool, signalling device or safety device, not designed as a firearm, but which as designed is capable of use as such, when possessed, carried or used as a firearm.
- (h) "Explosive device" means any device designed or specially adapted to cause physical harm to persons or property by means of an explosion, and consisting of an explosive substance or agency and a means to detonate it. "Explosive device" includes without limitation any bomb, any explosive demolition device, any blasting cap or detonator containing an explosive charge, and any pressure vessel which has been knowingly tampered with or arranged so as to explode.
- (i) "Incendiary device" means any firebomb, and any device designed or specially adapted to cause physical harm to persons or property by means of fire, and consisting of an incendiary substance or agency and a means to ignite it.
- (j) "Ballistic knife" means a knife with a detachable blade that is propelled by a spring-operated mechanism.
- (k) "Dangerous ordnance" means any of the following, except as provided in subsection (l) hereof:
 - (1) Any automatic or sawed-off firearm, zip-gun or ballistic knife;
 - (2) Any explosive device or incendiary device;
 - (3) Nitroglycerin, nitrocellulose, nitrostarch, PETN, cyclonite, TNT, picric acid and other high explosives; amatol, tritonal, tetrytol, pentolite, pecretol, cyclotol and other high explosive compositions; plastic explosives; dynamite, blasting gelatin, gelatin dynamite, sensitized ammonium nitrate, liquid-oxygen blasting explosives, blasting powder and other blasting agents; and any other explosive substance having sufficient brisance or power to be particularly suitable for use as a military explosive, or for use in mining, quarrying, excavating or demolitions;
 - (4) Any firearm, rocket launcher, mortar, artillery piece, grenade, mine, bomb, torpedo or similar weapon, designed and manufactured for military purposes, and the ammunition for that weapon;
 - (5) Any firearm muffler or silencer;
 - (6) Any combination of parts that is intended by the owner for use in converting any firearm or other device into a dangerous ordnance.

- (l) "Dangerous ordnance" does not include any of the following:
- (1) Any firearm, including a military weapon and the ammunition for that weapon, and regardless of its actual age, which employs a percussion cap or other obsolete ignition system, or which is designed and safe for use only with black powder;
 - (2) Any pistol, rifle or shotgun, designed or suitable for sporting purposes, including a military weapon as issued or as modified, and the ammunition for that weapon unless the firearm is an automatic or sawed-off firearm;
 - (3) Any cannon or other artillery piece which, regardless of its actual age, is of a type in accepted use prior to 1887, has no mechanical, hydraulic, pneumatic or other system for absorbing recoil and returning the tube into battery without displacing the carriage, and is designed and safe for use only with black powder;
 - (4) Black powder, priming quills and percussion caps possessed and lawfully used to fire a cannon of a type defined in subsection (l)(3) hereof during displays, celebrations, organized matches or shoots, and target practice, and smokeless and black powder, primers and percussion caps possessed and lawfully used as a propellant or ignition device in small-arms or small-arms ammunition;
 - (5) Dangerous ordnance which is inoperable or inert and cannot readily be rendered operable or activated, and which is kept as a trophy, souvenir, curio or museum piece.
 - (6) Any device which is expressly excepted from the definition of a destructive device pursuant to the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C.921(a)(4), as amended, and regulations issued under that Act.
(ORC 2923.11)

549.02 CARRYING CONCEALED WEAPONS.

(a) No person shall knowingly carry or have, concealed on his person or concealed ready to hand, any deadly weapon.

(b) This section does not apply to officers, agents or employees of this or any other state or the United States, or to law enforcement officers, authorized to carry concealed weapons or dangerous ordnance, and acting within the scope of their duties.

(c) It is an affirmative defense to a charge under this section of carrying or having control of a weapon other than dangerous ordnance, that the actor was not otherwise prohibited by law from having the weapon, and that any of the following apply:

- (1) The weapon was carried or kept ready at hand by the actor for defensive purposes, while he was engaged in or was going to or from his lawful business or occupation, which business or occupation was of such character or was necessarily carried on in such manner or at such time or place as to render the actor particularly susceptible to criminal attack, such as would justify a prudent man in going armed.

- (2) The weapon was carried or kept ready at hand by the actor for defensive purposes, while he was engaged in a lawful activity, and had reasonable cause to fear a criminal attack upon himself or a member of his family or upon his home, such as would justify a prudent man in going armed.
- (3) The weapon was carried or kept ready at hand by the actor for any lawful purpose and while in his own home.
- (4) The weapon was being transported in a motor vehicle for any lawful purpose, and was not on the actor's person, and, if the weapon was a firearm, was carried in compliance with the applicable requirements of Section 549.04(c).

(d) Whoever violates this section is guilty of carrying concealed weapons, a misdemeanor of the first degree, if the offender has not previously been convicted of a violation of this section, Ohio R.C. 2923.12 or of any offense of violence, or if the weapon involved is not a firearm and the violation of this section is committed at premises for which a D permit has been issued under Ohio R.C. Chapter 4303, or if the weapon involved is not a firearm which is either loaded or for which the offender has ammunition ready at hand, or if the weapon involved is not a dangerous ordnance, or if the offense is not committed aboard an aircraft, nor with purpose to carry a concealed weapon aboard an aircraft, regardless of the weapon involved. (ORC 2923.12)

549.03 USING WEAPONS WHILE INTOXICATED.

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

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

549.04 IMPROPERLY HANDLING FIREARMS IN A MOTOR VEHICLE.

(a) No person shall knowingly discharge a firearm while in or on a motor vehicle.

(b) No person shall knowingly transport or have a loaded firearm in a motor vehicle, in such manner that the firearm is accessible to the operator or any passenger without leaving the vehicle.

(c) No person shall knowingly transport or have a firearm in a motor vehicle, unless it is unloaded, and is carried in one of the following ways:

- (1) In a closed package, box or case;
- (2) In a compartment which can be reached only by leaving the vehicle;
- (3) In plain sight and secured in a rack or holder made for the purpose;
- (4) In plain sight with the action open or the weapon stripped, or, if the firearm is of a type on which the action will not stay open or which cannot easily be stripped, in plain sight.

(d) This section does not apply to officers, agents or employees of this or any other state or the United States, or to law enforcement officers, authorized to carry or have loaded or accessible firearms in motor vehicles, and acting within the scope of their duties.

(e) The affirmative defenses contained in Section 549.02(c)(1) and (2) are affirmative defenses to a charge under subsection (b) or (c) hereof.

(f) Whoever violates this section is guilty of improperly handling firearms in a motor vehicle. Violation of subsection (a) or (b) hereof is a misdemeanor of the first degree. Violation of subsection (c) hereof is a misdemeanor of the fourth degree.

(g) As used in this section, "unloaded" means, with respect to a firearm employing a percussion cap, flintlock or other obsolete ignition system, when the weapon is uncapped, or when the priming charge is removed from the pan.
(ORC 2923.16)

549.05 FAILURE TO SECURE DANGEROUS ORDNANCE.

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

- (1) To secure the dangerous ordnance against theft, or against its acquisition or use by any unauthorized or incompetent person;
- (2) To insure the safety of persons and property.

(b) Whoever violates this section is guilty of failure to secure dangerous ordnance, a misdemeanor of the second degree. (ORC 2923.19)

549.06 UNLAWFUL TRANSACTIONS IN WEAPONS.

(a) No person shall:

- (1) Manufacture, possess for sale, sell or furnish to any person other than a law enforcement agency for authorized use in police work, any brass knuckles, cestus, billy, blackjack, sandbag, switchblade knife, springblade knife, gravity knife or similar weapon;
- (2) When transferring any dangerous ordnance to another, negligently fail to require the transferee to exhibit such identification, license or permit showing him to be authorized to acquire dangerous ordnance pursuant to Ohio R.C. 2923.17, or negligently fail to take a complete record of the transaction and forthwith forward a copy of such record to the sheriff of the county or safety director or police chief of the municipality where the transaction takes place;
- (3) Knowingly fail to report to law enforcement authorities forthwith the loss or theft of any firearm or dangerous ordnance in such person's possession or under his control.

(b) Whoever violates this section is guilty of unlawful transactions in weapons. Violation of subsections (a)(1) or (2) hereof is a misdemeanor of the second degree. Violation of subsection (a)(3) hereof is a misdemeanor of the fourth degree. (ORC 2923.20)

549.07 IMPROPERLY FURNISHING FIREARMS TO A MINOR.

(a) No person shall:

- (1) Sell any firearm to a person under age eighteen;
- (2) Sell any handgun to a person under age twenty-one;
- (3) Furnish any firearm to a person under age eighteen, except for purposes of lawful hunting, or for purposes of instruction in firearms safety, care, handling or marksmanship under the supervision or control of a responsible adult.

(b) Whoever violates this section is guilty of improperly furnishing firearms to a minor, a misdemeanor of the second degree. (ORC 2923.21)

549.08 DISCHARGING FIREARMS.

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

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

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

549.09 THROWING OR SHOOTING MISSILES.

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

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

549.99 PENALTY.

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

CHAPTER 553
Railroads

553.01	Obstructing streets by railroad companies.	553.03	Duties of locomotive engineer.
553.02	Climbing upon railroad cars.	553.99	Penalty.

CROSS REFERENCES

See sectional histories for similar State law
Lighting railroads – see Ohio R.C. 723.33 et seq.
Power to regulate train speed – see Ohio R.C. 723.48
Vehicular homicide – see GEN. OFF. 537.02
Criminal mischief – see GEN. OFF. 541.04

553.01 OBSTRUCTING STREETS BY RAILROAD COMPANIES.

(a) No railroad company shall obstruct or permit or cause to be obstructed a public street, road or highway by permitting a railroad car, locomotive or other obstruction to remain upon or across it for longer than five minutes to the hindrance or inconvenience of travelers or a person passing along or upon such street, road or highway. No railroad company shall fail, at the end of each five minute period of obstruction of a public street, road or highway, to cause such railroad car, locomotive or other obstruction to be removed for sufficient time, not less than three minutes, to allow the passage of persons and vehicles waiting to cross.

This section does not apply to obstruction of a public street, road or highway by a continuously moving through train or caused by circumstances wholly beyond the control of the railroad company, but does apply to other obstructions, including without limitation those caused by stopped trains and trains engaged in switching, loading or unloading operations.

Upon the filing of an affidavit or complaint for violation of this section, summons shall be issued to the railroad company pursuant to Ohio R.C. 2935.10(B), which summons shall be served on the regular ticket or freight agent of the company in the county where the offense occurred. (ORC 5589.21)

(b) For purposes of this section, "railroad company" includes the officers, employees and agents of such company.

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

553.02 CLIMBING UPON RAILROAD CARS.

(a) No person shall climb, jump, step or stand upon or cling or attach himself to a locomotive, engine or car upon the track of a railroad, unless in compliance with law or by permission under the rules and regulations of the corporation managing such railroad. (ORC 4999.02)

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

553.03 DUTIES OF LOCOMOTIVE ENGINEER.

(a) No person in charge of a locomotive shall do the following:

- (1) Fail to bring the locomotive to a full stop at least 200 feet before arriving at a crossing with another track, or proceed through the crossing before signaled to do so or before the way is clear;
- (2) When approaching a grade crossing, fail to sound the locomotive whistle at frequent intervals, beginning not less than 1,320 feet from such crossing and continuing until the locomotive has passed the crossing.

(b) Whoever violates this section is guilty of a misdemeanor of the fourth degree. If violation of this misdemeanor causes physical harm to any person, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4999.04)

553.99 PENALTY.

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

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CHAPTER 555
MISCELLANEOUS
ORDINANCES

PARKS

<p>555.01 HOURS 555.02 Destruction of property 555.03 Operation of vehicles 555.04 Disorderly conduct</p>	<p>555.05 Littering prohibited 555.06 Scope 555.07 Penalties</p>
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<p>555.08 Junk, inoperable or unlicensed vehicles 555.09 Storage of junk 555.10 Right of way obstructions and storage of junk</p>	<p>555.11 Open burning 555.12 Noxious weeds 555.13 Curfew for minors 555.14 Loitering</p>
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555.01 Hours

(a) The public parks within the Village shall be open to the public between the hours of 6:00 a.m. and 11:00 p.m. daily, except organized activities under the jurisdiction of the Parkway School which start prior to 11:00 p.m. may continue to no later than 1:00 a.m.. No person shall enter upon, or be in, any portion of any public park during any hour when such park is not open to the public.

(b) Any person or groups of persons with a legitimate interest in remaining on park property during the hours that such parks are closed may apply to the Mayor or if he is not available the Chief of Police for a written permit authorizing the applicants to remain on park property during specified hours while the parks are closed. The application shall state the name of the applicants, the nature of the function, the time extension requested and the name of the park at which the function will occur. The permit may be revoked by the Mayor upon good and sufficient cause.

555.02 Destruction of property

No person shall purposely, knowingly, recklessly or negligently, break, damage, or destroy any property in the Village Parks. In addition to the penalty provided in section 555.07, any person violating this section shall be liable for the full cost of repair or replacement of the property broken, damaged, impaired or destroyed.

555.03 Operation of vehicles

No person shall drive any motorized vehicle upon any portion of a public park within the Village limits other than on a driveway designated as such.

555.04 Disorderly conduct

(a) No person under the influence of alcoholic beverages or drugs of abuse shall be allowed to enter or remain on any public park, public school premises, or public playground within the Village.

(b) No person shall engage in disorderly conduct or nuisance activity by being loud, boisterous, threatening, or abusive, insulting or using indecent language or engaging in disorderly conduct behavior, or in any act tending to breach the public peace.

(c) No person shall use any facility or section of the Village at any time for any indecent or immoral purpose.

555.05 Littering prohibited

(a) No person shall place or suffer to remain in or upon any park, any goods, merchandise, or other articles in the nature of an obstruction of the use and enjoyment of the park. Nor shall any person place straw, dirt, chips, paper shavings, shells, ashes, swill, garbage, bottles, cans, or any other rubbish, whether or not such is offensive to the health in or upon the same.

(b) No person shall distribute any circular or cards, or any other written or printed material or post any notice, bill or poster, sign, wire, rod, or card to any tree, shrub, fence, or any structure of any kind in any park or parkway. This section shall not apply to any sign or printed material posted or distributed by the Village.

(c) No glass beverage containers shall be permitted within public parks. Glass beverage containers herein defined as any glass container which contains or did contain beer, liquor, wine, carbonated drinks or any soft drinks.

555.06 Scope

It is herein noted that prohibitions contained in this chapter are not exclusive and that all provisions of the General Offenses Code apply equally to conduct within the Village parks.

555.07 Penalty

Whoever violates any provision of this chapter, Section 555.01 through Section 555.05 inclusive, is guilty of a minor misdemeanor.

555.08 Junk, Inoperable or Unlicensed Vehicles

(a) As used in this section "junk motor vehicle" means any motor vehicle which is extensively damaged, such damage including but not limited to any of the following: A broken window or windshield, missing wheels, tires, motor, or transmission; apparently inoperable; or not validly licensed, that is left in the open on private property for more than seventy-two (72) hours with the permission of the person having the right to the possession of the property, except if the person is operating a junkyard or scrap metal processing facility licensed under the authority of the O.R.C. 4737.05 to 4737.12; or regulated under the authority of the municipality; or if the property on which the motor vehicle is left is not subject to licensure or regulation by any government authority, unless the person having the right to the possession of the property can establish that the motor vehicle is part of a bona fide commercial operation.

(b) A police officer shall serve a written notice to the person having the right to the possession of the property on which a junk motor vehicle is left, that within five (5) days after receipt of a notice, the junk motor vehicle shall be covered by being housed in a garage or other suitable structure or shall be removed from the property.

(c) No person shall willfully leave a junk motor vehicle in the open for more than five (5) days after receipt of a notice as provided in this section. The fact that a junk motor vehicle is so left is prima-facie evidence of willful failure to comply with the notice, and such subsequent period of thirty (30) days that a junk motor vehicle continues to be left constitutes a separate offense. (O.R.C. 4513.65)

(d) Whoever violates this section is guilty of a minor misdemeanor on a first offense; on a second offense such person is guilty of a misdemeanor of the fourth degree; on each subsequent offense such person is guilty of a misdemeanor of the third degree. Punishment shall be as provided in section 501.99. (O.R.C. 4513.99 (E))

555.09 Storage of Junk

(a) Definitions. As used in this section:

(1) "Junk" means any worn-out, cast off or discarded article or material which is ready for destruction or has been collected or stored for salvage or conversion to some other use. Any article or material which, unaltered and unchanged and without further reconditioning, can be used for its original purpose as readily as when new shall not be considered junk.

(2) "Rubbish" means and includes wire, chips, shavings, bottles, broken glass, crockery, tin, cast or wooden ware, boxes, rags, dead weeds, ashes, garbage, offal or any waste material.

(3) "Owner" means the person, firm or corporation in whose name any premises are listed in the records of deeds in the Mercer County Recorder's office.

(4) "Notice" means a written statement stating the manner in which a provision of this section is being violated, the description and/or location of the premises, the name of the owners and tenants (if any) of such premises and the period of time within which such premises are to be cleared from such violation. Such notice shall be signed by the issuing police officer.

(b) Accumulations Prohibited.

No person shall deposit, store, maintain, or collect, or permit the storage, deposit, maintenance or collection of, any junk or rubbish on his own premises or any premises under his control, or on the streets, sidewalks or alleys or in any place within the Municipality, except as expressly provided by law.

(c) Enforcement; Notice; Service.

No person violating subsection (b) hereof shall within ten (10) days after notification of such violation by a police officer fail to remove or cause to be removed any junk or rubbish or to have the same placed in an adequate enclosure or building. Such notice shall be served upon the owner and or tenant if there is such, by certified mail or by an officer of the Police Department.

(d) Penalty.

Whoever violates any of the provisions of this section is guilty of a minor misdemeanor on a first offense; on a second or subsequent offense such person is guilty of a misdemeanor of the third degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

555.10 Right of Way Obstructions and Storage of Junk.

(a) No person shall obstruct, place, deposit, store, maintain or collect, or permit the obstruction, storage, deposit, maintenance or collection of junk, junk vehicles, wood, glass, cement or any other material within the right of way of any street, highway, or alley, or within the right of way reserved for any public utility or service within the municipality.

(b) No person violating subsection (a) hereof shall within ten (10) days after notification of such violation by a police officer, fail to remove or cause to be removed any obstruction, junk, junk vehicle, wood, glass, cement, or any other material or to have the same placed in an adequate enclosure or building. Such notice shall be served upon the owner or occupant of abutting lands by certified mail or by an officer of the Police Department.

(c) Nothing in this section requires the removal of trees and shrubs or fences or stones and wood used as curbing or lawn ornaments.

(d) Whoever violates any of the provisions of this section is guilty of a minor misdemeanor on a first offense; on a second or subsequent offense such person is guilty of a misdemeanor of the third degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

555.11 Open Burning

(a) Definitions. As used in this section:

- (1) "Ohio Environmental Protection Agency" means the Ohio Environmental Protection Agency Director, agencies delegated authority by the Director pursuant to Ohio R.C. 3704.03 or the Chief of any Ohio Environmental protection Agency District Office.
- (2) "Open burning" means the burning of any materials wherein air contaminants resulting from combustion are emitted directly into the ambient air without passing through a stack or chimney. "open burning" includes the burning of any refuse or salvageable material in any device not subject to or designed specifically to comply with the requirements of Rule 3745-17-09 or 3745-17-10 of the Ohio Administrative code.

(b) General Regulations.

- (1) No person shall cause or allow open burning in the Municipality except as provided in paragraphs (b)(2) to (4) hereof or in Ohio R.C. 3704.11.
- (2) Open burning shall be allowed for the following purposes without notification to or permission from the Ohio Environmental Protection Agency:
 - A. Cooking for human consumption; and
 - B. Heating tar, welding, acetylene torches, highway safety flares, heating for warmth of outdoor workers and strikers, smudge pots and similiar occupational needs.Fires allowed by this paragraph shall not be used for waste disposal purposes and shall be of a minimum size sufficient for their intended purpose. The fuel shall be chosen to minimize the generation and emission of air contaminants.
- (3) Open burning shall be allowed for ceremonial purposes with prior notification to the Ohio Environmental Protection Agency if the following conditions are met:
 - A. The ceremonial fires shall be less than five feet by five feet in dimension and shall burn no longer than three hours.
 - B. The ceremonial fires shall not be used for waste disposal purposes.
 - C. The fuel shall be chosen so as to minimize the generation and emission of air contaminants.
- (4) Open burning shall be allowed for the following purposes upon receipt of written permission from the Ohio Environmental Protection Agency, provided that conditions specified in the permission are followed:
 - A. Disposal of ignitable or explosive materials where the Ohio Environmental Protection Agency determines that there is no practical alternative method of disposal;
 - B. Instruction in methods of fire fighting or for research in the control of fires;
 - C. In emergency or other extaordinary circumstances for any purpose determined to be necessary by the Ohio Environmental Protection Agency;
 - D. Recognized horticultural, silvicultural, range or wildlife mangement practices; and
 - E. Prevention or control of disease or pests, with written verification from the local Health Department, the County Agricultural Extension Agency, the Ohio Dept. of Agriculture or the U.S. Dept. of Agriculture that open burning is the only appropriate disposal method.

(c) Other Prohibitions.

- (1) Notwithstanding any provision of this section, no open burning shall be conducted in an area where an air alert; warning or emergency under Chapter 3745-25 of the Ohio Administrative Code is in effect.
- (2) No provision of this section permitting open burning, and no permission to open burn granted by the Ohio Environmental Protection Agency, shall exempt any person from compliance with any section of the Ohio Revised Code, any regulation of any State department or any local ordinance or regulation dealing with open burning.

(d) Permission to Burn.

- (1) An application for permission to open burn shall be submitted in writing at least ten days before the fire is to be set. It shall be in such form and contain such information as required by the OEPA.
- (2) Such application shall contain, as a minimum, information regarding:
 - A. The purpose of the proposed burning;
 - B. The nature and quantities of material to be burned;
 - C. The date or dates when such burning will take place;
 - D. The location of the burning site, including a map showing distances to residences, populated areas, roadways, air fields and other pertinent landmarks; and
 - E. The methods or actions which will be taken to reduce the emission of air contaminants.
- (3) Permission to open burn shall not be granted unless the applicant demonstrates to the satisfaction of the OEPA that open burning is necessary to the satisfaction of the public interest; that it will be conducted in a time, place and manner as to minimize the emission of air contaminants; and that it will have no serious detrimental effect upon adjacent properties or the occupants thereof. The OEPA may impose such conditions as may be necessary to accomplish the purpose of this section.
- (4) Permission to open burn must be obtained for each specific project. In emergencies where public health or environmental quality will be seriously threatened by a delay while written permission is sought, the fire may be set with oral permission of the OEPA.
- (5) Violations of any of the conditions set forth by the OEPA in granting permission to open burn shall be grounds for revocation of such permission and refusal to grant future permission, as well as for the imposition of other sanctions provided by law.

(e) Notification.

- (1) Notification shall be submitted in writing at least ten days before the fire is to be set. It shall be in such form and contain such information as required by the OEPA.
- (2) Such notification shall inform the OEPA regarding:
 - A. The purpose of the proposed burning;
 - B. The nature and quantities of materials to be burned;
 - C. The date or dates when such burning will take place; and
 - D. The location of the burning site.
- (3) The OEPA, after receiving notification, may determine that the open burning is not allowed under this section, and the OEPA shall notify the applicant of this effect.

(f) Penalty.

Whoever violates any of the provisions of this section is guilty of a minor misdemeanor. Punishment shall be as provided in Section 501.99. In addition the offender shall be required to pay the cost of proper disposal of the material burned. The cost of proper disposal of the materials burned shall be the amount it would have cost to dispose of the materials in a manner that is consistent with the air, water, and solid waste laws, ordinances and regulations of the Municipality and the State.

555.12 Noxious Weeds Prohibited

(a) Cutting of weeds required.

Any person owning or having charge of land within the Village shall keep such property free and clear from all noxious weeds and rank vegetation and shall be required to cut all weeds and vegetation on the lots owned or controlled by him.

(b) Notice to Cut Noxious Weeds; Service.

Upon information that noxious weeds or vegetation are growing on lands in the Village and are about to spread or mature seeds, Council, by and through the Chief of Police, shall cause written notice to be served on the owner or person having charge of the land that such weeds and/or vegetation must be cut and destroyed within five (5) days after receipt of such notice. If such owner or person having charge of such land is a non-resident whose address is known, such notice shall be sent to his address by registered mail. If the address is unknown, it shall be sufficient to publish such notice once in a newspaper of general circulation in the county.

(c) Fees.

The Clerk of Council or any Police Officer may make service and return of the notice provided for in section (b) above and shall be allowed the same fee as that provided for service and return of summons in civil cases before a magistrate.

(d) Procedure Upon Failure to Comply.

- (1) If the owner or person having charge of such land fails to comply with the notice, Council, by and through the Chief of Police, shall cause the noxious weeds to be cut and destroyed. All expenses and labor costs incurred shall, when approved by Council, be paid out of Village funds not otherwise appropriated.
- (2) Council shall make a written return to the County Auditor of their action under this ordinance with a statement for their charges for their services, the amount to be paid for labor, the fees of officers serving such notices and a proper description of the premises. Such amounts, when allowed, shall be entered upon the tax duplicate and be a lien upon such lands from and after the date of entry and shall be collected as other taxes and returned to the Village with the General Fund.

555.13 Curfew for Minors.

(a) No person having the control and custody of or being the parent or guardian of a minor under the age of seventeen years shall permit such minor to, nor shall such minor, be outside the confines of his homesite and congregate, wander, loiter or play upon the streets and other public places of amusement and entertainment, on Sunday to Thursday, inclusive, between the hours of 11:00 p.m. and 5:00 a.m. the following day and on Friday and Saturday between the hours of 12:30 a.m. and 5:00 a.m. the same day, official Municipal time. This section shall not apply to minors on an emergency errand or on legitimate business as directed by the parent, guardian, custodian or some other person over twenty-one years of age who has been given responsibility for such minor's control and custody by the person legally responsible for the discipline of the minor.

(b) Any school, church, lodge or other organization sponsoring functions wherein minors in attendance will be out at a later hour than provided for in this section shall obtain the Mayor's approval to have the minors remain to the time when the entertainment will end. All minors attending any such function shall be required to be within the confines of their homesites one-half hour after such function is ended.

(c) Whoever violates any of the provisions of this section is guilty of a minor misdemeanor.

(d) Any minor violating any of the provisions of this section shall be dealt with in accordance with Juvenile Court law and procedure.

555.14 Loitering.

- (a) No person shall loiter in a public place in such a manner as to:
- (1) Create or cause to be created a danger of a breach of the peace;
 - (2) Create or cause to be created any disturbance or annoyance to the company and repose of any person;
 - (3) Obstruct free passage of pedestrians or vehicles;
 - (4) Obstruct, molest or interfere with any person lawfully in any public place; and
 - (5) Purposely and without the consent of the owner, sit upon, lean against or cause any other contact to be made to any motor vehicle or bicycle owned by another and parked in spaces provided by the Village.

(b) No person shall make any unreasonable noise or offensively coarse utterance, gesture, or display or communicate unwarranted and grossly abusive language to any person which is calculated to annoy or disturb the person to, or in whose hearing, they are made.

(c) Whenever the presence of any person in any public or private place is causing or likely to cause any of the conditions enumerated in section (a) herein, any police officer may order that person to leave that place. Any person who refuses to leave after being ordered to do so by a police officer, is in violation of this section. A request to leave shall be made prior to an arrest under this section.

(d) Whoever violates this section is guilty of a minor misdemeanor on the first offense, on a second offense within one year after the first offense, such person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, such person is guilty of a misdemeanor of the fourth degree. This section does not apply to those persons who are engaged in picketing or other related activities associated with a labor/management dispute over wages, hours and working conditions.

ORDINANCE NO. 95-06

AN EMERGENCY ORDINANCE TO APPROVE, ADOPT AND ENACT TO THE GENERAL OFFENSE CODE CHAPTER 557; TO REPEAL SECTION 555.12, NOXIOUS WEEDS PROHIBITED AND DECLARING AN EMERGENCY.

WHEREAS, Council has had the matter of noxious weeds before it; and

WHEREAS, the adoption of a new chapter, Trees, Shrubs and Weeds including new matter to be adopted, and that to be repealed is before Council;

NOW, THEREFORE, BE IT ORDAINED, by the Council of the Village of Mendon, State of Ohio, that:

SECTION ONE. Chapter 557, titled; Trees, Shrubs and Weeds of the General Offense Codes of the Village of Mendon, Ohio, as attached hereto, are hereby approved, adopted and enacted as an addition to the General Offense Codes of Mendon, Ohio, 1995.

SECTION TWO. The provisions of this Chapter 557, shall be in full force and effect from and immediately after passage of this Ordinance. All ordinances or parts thereof enacted prior to the passage of this Ordinance, namely, Section 555.12, Noxious Weeds Prohibited, which is inconsistent with Chapter 557, is hereby repealed as of the effective date of this Ordinance.

This Ordinance is hereby declared to be an emergency measure necessary for the preservation of public peace, health, safety, convenience and welfare of the citizens of Mendon, Ohio, and therefore this Ordinance shall take effect and shall be in full force immediately upon its passage.

Adopted this 12th of August day of 1995

Vote of emergency clause: YEA 5 NAY

Vote on passage:	YEA	NAY
Ms. Dorman	-x-	---
Ms. Meyer	-x-	---
Mr. Keifer	absent	---
Mr. Welker	x-	---
Mr. Griesdorn	-x-	---
Mr. Alt	-x-	---

Craig L. Uttenbach
Clerk/Treasurer

David W. Adams
Mayor

CHAPTER 557
Trees, Shrubs and Weeds

557.01	Certain trees and shrubs declared nuisances.	557.06	Service of notice.
557.02	Removal of nuisance; notice.	557.07	Failure to comply; equitable remedy.
557.03	Failure to comply; charges.	557.08	Charges.
557.04	Planting trees or shrubs;	557.99	Penalty.
557.05	Notice to cut and destroy weeds.		

CROSS REFERENCES

Notice to cut noxious weeds - see Ohio R.C. 731.51
Destruction of weeds - see Ohio R.C. 971.33 et seq.
Injuring vines, bushes, trees or crops - see GEN. OFF. 541.06

557.01 CERTAIN TREES AND SHRUBS DECLARED NUISANCES.

Any tree or shrub or part thereof growing upon private property but overhanging or interfering with the vision of drivers of motor vehicles using any public way, in the Village, or which in the opinion of the Chief of Police, endangers the life, health, safety, comfort or property of the public, because of its location, the condition of its limbs, trunk or roots or because of its diseased condition, is hereby declared to be a public nuisance.

557.02 REMOVAL OF NUISANCE; NOTICE.

(a) No owner of any such tree or shrub, on receipt of written notice from the Chief of Police or any Police Officer or, if such owner is a non-resident of the Village and his address is unknown, the Chief of Police shall notify the Village Clerk, who shall cause publication of notice in a daily newspaper of general circulation within the County, shall, within the time stated in such notice, fail to remove such tree or shrub or correct the condition stated in such notice.

(b) Whoever violates this section is guilty of a minor misdemeanor on a first offense. On a second subsequent offense within one year of the first offense the remedy shall be in addition to Section 557.99.

557.03 FAILURE TO COMPLY; CHARGES.

Should such owner, after such service or publication and the lapse of time therein stated, fail, refuse or neglect to remove such tree or shrub or correct such condition, the Chief of Police shall notify the Superintendent of Utilities who shall cause such work to be done as may be required for the preservation and protection of the life, health, comfort and property on which the work was done. The remedy provided herein shall be in addition to the penalty provided in Section 557.99.

557.04 PLANTING TREES OR SHRUBS; PERMITS REQUIRED.

(a) No person shall plant any tree or shrub on public property without a permit therefor from the Street Commissioner.

(b) Whoever violates this section is guilty of a minor misdemeanor. A separate offense shall be deemed committed for each tree or shrub planted in violation of this section.

557.05 NOTICE TO CUT AND DESTROY WEEDS.

(a) Upon information that weeds or grasses are growing on lands in the Village in excess of an average height of twelve inches or are about to spread or mature seeds, a police officer shall cause a written notice to be served upon the owner, lessee, agent or tenant having charge of such land notifying him that such noxious weeds are growing on such lands and that they must be cut and destroyed within five days after the service of such notice. If such owner or other person having charge of such lands is a nonresident whose address is known, such notice shall be sent to his address by certified mail. If the address of such owner is unknown, the Chief of Police shall cause the Village Clerk to publish such notice in a newspaper of general circulation in the County, and this shall be sufficient. No person shall fail to comply with such notice.

(b) Whoever violates this section is guilty of a minor misdemeanor. A separate offense shall be deemed committed each day during or on which a violation occurs or continues after the expiration of the five-day period.

557.06 SERVICE OF NOTICE.

Any police officer may make service and return of the notice provided for in Section 557.05 and the fees therefor shall be the same as are allowed for service and return of summons in civil cases before a magistrate.

557.07 FAILURE TO COMPLY; EQUITABLE REMEDY.

If the owner, lessee, agent or tenant having charge of the lands mentioned in Section 557.05 fails to comply with such notice, the Street Commissioner shall cause such noxious weeds to be cut and destroyed and may employ the necessary labor to carry out the provisions of this section. All expenses incurred shall be paid out of any money in the Treasury not otherwise appropriated if the owner, lessee or agent refuses or fails to pay therefore.

557.08 CHARGES.

The Clerk/Treasurer, shall make a written return to the County Auditor of the Villages action under Sections 557.05, 557.06, and 557.07, with a statement of the charges for services, the amount paid for the performing of such labor, the fees of the officers who made the service of the notice and return and a proper description of the premises. Such amounts, when allowed, shall be entered upon the tax duplicate, shall be a lien upon such land from and after the date of the entry and shall be collected as other taxes and returned to the Village with the General Fund. The remedy provided herein shall be in addition to the penalty provided in Section 557.99.

557.99 PENALTY.

Whoever violates any section of this Chapter is guilty of a minor misdemeanor on a first offense. On a second subsequent offense within one year of the first offense such person is guilty of a misdemeanor of the third degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

557.05 NOTICE TO CUT AND DESTROY WEEDS.

(a) Upon information that weeds or grasses are growing on lands in the Village in excess of an average height of twelve inches or are about to spread or mature seeds, a police officer shall cause a written notice to be served upon the owner, lessee, agent or tenant having charge of such land notifying him that such noxious weeds are growing on such lands and that they must be cut and destroyed within five days after the service of such notice. If such owner or other person having charge of such lands is a nonresident whose address is known, such notice shall be sent to his address by certified mail. If the address of such owner is unknown, the Chief of Police shall cause the Village Clerk to publish such notice in a newspaper of general circulation in the County, and this shall be sufficient. No person shall fail to comply with such notice.

(b) Whoever violates this section is guilty of a minor misdemeanor. A separate offense shall be deemed committed each day during or on which a violation occurs or continues after the expiration of the five-day period.

557.06 SERVICE OF NOTICE.

Any police officer may make service and return of the notice provider for in Section 557.05 and the fees therefor shall be the same as are allowed for service and return of summons in civil cases before a magistrate.

557.07 FAILURE TO COMPLY; EQUITABLE REMEDY.

If the owner, lessee, agent or tenant having charge of the lands mentioned in Section 557.05 fails to comply with such notice, the Street Commissioner shall cause such noxious weeds to be cut and destroyed and may employ the necessary labor to carry out the provisions of this section. All expenses incurred shall be paid out of any money in the Treasury not otherwise appropriated if the owner, lessee or agent refuses or fails to pay therefore.

557.08 CHARGES

The Clerk/ Treasurer, shall make a written return to the County Auditor of the Villages action under Sections 557.05, 557.06, and 557.07, with a statement of the charges for services, the amount paid for the performing of such labor, the fees of the officers who made the service of the notice and return and a proper description of the premises. Such amounts, when allowed, shall be entered upon the tax duplicate, shall be a lien upon such land from and after the date of the entry and shall be collected as other taxes and returned to the Village with the General Fund. The remedy provided herein shall be in addition to the penalty provided in Section 557.99

557.99 PENALTY.

Whoever violates any section of this Chapter is guilty of a minor misdemeanor on a first offense. On a second subsequent offense within one year of the first offense such person is guilty of a misdemeanor of the third degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

VILLAGE OF MENDON

APPLICATION FOR SPECIAL EVENT PERMIT

1. Applicant or Organization Name: _____

2. Address: _____

3. Telephone Number: _____

4. Check the appropriate description (entity status) of your business:

____ Individual (sole proprietorship) ____ Partnership

____ School District ____ Corporation ____ Non-Profit Organization

____ Political Subdivision Non-Profit Organization

5. Are you TAX-EXEMPT ? Yes ____ No ____ . If you are tax-exempt please give your taxpayer identification number _____

!!!!!! WE NEED THIS INFORMATION EVEN IF YOU ARE TAX-EXEMPT !!!!!!!

6. If you are NOT tax-exempt, fill in your appropriate number below:

If you are an individual (sole proprietorship) please provide us with your SOCIAL SECURITY NUMBER.... _____ (XXX-XX-XXXX)

If you are a partnership, please provide us with your taxpayer identification number _____ (XX-XXXXXXX).

If you are a corporation, please provide us with your taxpayer identification number _____ (XX-XXXXXXX).

7. Briefly describe your event, include dates and hours of operation
(Use separate paper if necessary).

8. List times, date and location of street closings (if any).

9. On a separate sheet of paper, show the details of the sale of merchandise or serving of food and/or alcoholic beverages. Also, show a diagram of the area to be used during the event and include all routes to be used along with all structures, tents, fences, barricades, signs, banners and restroom facilities.

10. List the estimated number of participants: _____

11. How does the applicant propose to provide security and traffic control?

12. What animals will be used in during the event, if any?

13. Describe how you plan to clean up the area after the special event.

14. Show proof of all licenses and permits as required by Village of Mendon Ordinances and State Law.

15. Show proof of insurance, Liability Insurance and/or Co-Insurance.

16. Has the applicant received a copy of Ordinance 93-02? YES ___ NO ___

17. Does the applicant understand and agree to adhere to Ordinance 93-02? YES ___ NO ___

18. Does the applicant understand that there may be other permits and/or fees required (to be obtained or paid for) to other Village Departments? YES ___ NO ___

19. Indemnification. The applicant hereby indemnifies the Village of Mendon and its officer and employees and holds them harmless against all claims of injury or damage to persons or property, whether public or private, arising out of the special event. YES ___ NO ___ (Indicate with your initials)

This application has been reviewed and accepted on the _____ day of _____, 19____.

Approved _____
Chief of Police

Applicant _____
Authorized Representative of
Organization or Entity

By Order of the Council of the Village of Mendon, Ohio

AN ORDINANCE TO APPROVE, ADOPT AND ENACT
SPECIAL EVENT PERMITS; AND DECLARING AN
EMERGENCY.

WHEREAS, logistical problems created by special events can be tremendous; and

WHEREAS, the Village Council hereby creates a permit procedure which requires organizers of special events to properly plan their special event;

NOW, THEREFORE, BE IT ORDAINED, by the Council of the Village of Mendon, State of Ohio, that:

SECTION 1.

A. DEFINITIONS

- (1) APPLICANT means a person who has filed a written application for a special event permit.
- (2) CHIEF OF POLICE means the chief of police of the Village of Mendon, or his or her designated agent.
- (3) VILLAGE means the Village of Mendon, Ohio.
- (4) DEMONSTRATION means a public display of the attitude of assembled persons toward a person, cause, issue, or other matter.
- (5) PERSON means an individual, firm, partnership, corporation, association, or other legal entity.
- (6) SPECIAL EVENT means a temporary event or gathering, including a special event parade, using either private or public property, in which the estimated number of participants exceeds 75 during any day of the event and which involves one or more of the following activities, except when the activity is for construction or housemoving purposes only:
 - (a) Closing a public street;
 - (b) Blocking or restriction of public property;
 - (c) Sale of merchandise, food, or beverages on public property outside the central business district, or on private property where otherwise prohibited by ordinance;
 - (d) Erection of a tent on public property, or on private property where otherwise prohibited by ordinance;
 - (e) Installation of a stage, bandshell, trailer, van, portable building, grandstand, or bleachers on public property, or on private property where otherwise prohibited by ordinance;
 - (f) Placement of portable toilets on public property where otherwise prohibited by ordinance;
 - (g) Placement of temporary No Parking signs in a public right-of-way.
- (7) SPECIAL EVENT PARADE means the assembly of three or more persons whose gathering is for the common design of travelling or marching in procession from one location to any other location for the purpose of advertising, promoting, celebrating, or commemorating a thing, person, date, or event that is not directly related to the expression of feelings and beliefs on current political, religious, or social issues.
- (8) SPECIAL EVENT PERMIT means written approval from the chief of police to hold a special event.

B. GENERAL AUTHORITY AND DUTY OF CHIEF OF POLICE

- (1) The provisions of this ordinance shall be administered and enforced by the chief of police.
- (2) The chief of police has authority to issue a special event permit that authorizes one or more of the activities described in Section 1, (A) (6) when requirements of this ordinance have been met.
- (3) Application for a special event permit authorizes appropriate village departments to issue permits for the activities described in Section 1, (A) (6) in locations where the activity would be prohibited by ordinance.

C. ORDINANCE CUMULATIVE

The provisions of this ordinance are cumulative of all village ordinances. Tent permits, building permits, alcoholic beverage licenses, and all other permits required by ordinance or other law for specific activities to be conducted in conjunction with or as part of the special event must be applied for separately in accordance with applicable ordinance or law.

D. EXEMPTIONS

The provisions of this ordinance do not apply to:

- (a) A special event conducted entirely on:
 - (1) Property under the control of the Parkway Schools for school functions only; or
 - (2) Town Hall; or
 - (3) Public parks and public property used for special events, for which a permit has been issued under this ordinance; providing that a special event permit is obtained for any activity not covered by the special event permit that is conducted in conjunction with the special event and comes within the definition of special event; or
 - (4) A parade, as defined in Section 1 (A)(7) of this ordinance, for which a permit has been issued under this ordinance; provided that a special event permit is obtained for any activity not covered by the parade permit that is conducted in conjunction with the parade and comes within the definition of a special event; or
 - (5) A demonstration at a fixed location other than the roadway of a street.

SECTION 2

A. APPLICATION; ISSUANCE

- (1) A person desiring to hold a special event shall apply for a special event permit by filing with the chief of police a written application upon a form provided for that purpose. Each application must be accompanied by a nonrefundable application fee of \$30.00. An application must be filed not less than 60 days before the special event is to begin. The chief of police may waive the 60 day filing requirement if the chief determines that the application can be processed in less than 60 days, taking into consideration the number and types of permits required to be issued in conjunction with the special event permit.
- (2) An application must contain the following information:
 - (a) The name, address, and telephone number of the applicant and any other persons responsible for the conduct of the special event;
 - (b) A description of the special event and requested dates and hours of operation for the event;
 - (c) The estimated number of persons to participate in the special event;
 - (d) A diagram showing the area or route to be used during the special event, along with proposed structures, tents, fences, barricades, signs, banners, and restroom facilities;
 - (e) Details of how applicant proposes to provide security and traffic control;
 - (f) The time and location of street closings, if any are requested;
 - (g) Details of the sale of merchandise or the sale or serving of food or alcoholic beverages at the special event, designating any street vendors or peddlers involved;
 - (h) Description of animals to be used in the special event, if any;
 - (i) Details of how the applicant will clean up the area after it has ended, if on public property;
 - (j) Proof that the applicant possesses or is able to obtain all licenses and permits required by this ordinance or any other village ordinance or by state law for the conduct of the special event.
 - (k) Proof that the applicant possesses or is able to obtain all insurance, liability insurance, and/or co-insurance.
 - (l) Proof that if any barricades, signs, or warning lights that are on loan to the applicant from the state or municipality, are damaged, lost, or stolen during or after the special event are either replaced or paid for at the current replacement price for such items by the applicant.
- (3) Upon receipt of the completed application, the chief of police shall forward a copy of the application to the departments of fire, public works, streets and sanitation, and the clerk treasurers office. If any part of the event is to be held on or adjacent to school property, the chief of police shall also forward a copy of the application to the school board. Each department shall review the application and return it, with any comments, to the chief of police within 15 working days of receipt.

(8) The departments, school board, and the chief of police may prescribe licenses and permits required by other village ordinances or applicable law, restrictions, regulations, costs for village services, safeguards, and other conditions necessary for the safe and orderly conduct of a special event, to be incorporated into the permit before issuance.

(9) A deposit of one-half of the estimated costs required to be paid to the village as a result of a special event must be received by the chief of police not less than five days before the date of the special event as shown on the special event permit. All or part of the fees required to be reimbursed to the village as a result of a special event may be waived by resolution of the village council.

(10) After reviewing the application and departmental comments, the chief of police shall issue the special event permit unless denial is required by Section 2 (D) of this ordinance. A special event permit will be issued for a period not to exceed 10 consecutive days. A separate permit is required for each 10-day period during which a special event will be conducted.

B. NOTICE

(1) An applicant for a permit to hold a special event in which the estimated number of participants exceeds 500 during any day of the special event shall, at least 30 days before the special event begins, deliver notice to all owners or occupants of real property abutting the boundaries of the area in which the special event will be conducted, including all owners or occupants of real property abutting the route of a progressive event such as a special event parade or marathon.

(2) The notice must be delivered to the address of each abutting property.

(3) The notice must state that an application for a special event permit has been filed for the location and that interested persons may contact the chief of police with their comments.

C. INDEMNIFICATION

An applicant for a special event permit must execute a written agreement to indemnify the village and its officers and employees against all claims of injury or damage to persons or property, whether public or private, arising out of the special event.

D. DENIAL OR REVOCATION

(1) The chief of police shall deny a special event permit if:

(a) A special event permit has been granted for another special event at the same place and time;

(b) The proposed special event will occupy any part of a freeway, expressway, or tollway;

(c) The proposed special event will unreasonably disrupt the orderly flow of traffic and no reasonable means of rerouting traffic or otherwise meeting traffic needs is available.

(d) The applicant fails to adequately provide for:

(1) The protection of event participants;

(2) Maintenance of public order in and around the special event location;

(3) Crowd security, taking into consideration the size and character of the event; or

(4) Emergency vehicle access;

(e) The applicant fails to comply with or the proposed special event will violate a village ordinance or other applicable law, unless the prohibited conduct or activity would be allowed under this ordinance;

(f) The applicant makes a false statement of material fact on the application for a special event permit;

(g) The applicant fails to provide proof that he possesses or is able to obtain a license or permit required by village ordinance or other applicable law for the conduct of all activities included as part of the special event;

(h) The applicant has had a special event permit revoked within the preceding 14 months;

(i) The applicant has committed, within the preceding 14 months, two or more violations of a condition or provision of a special event permit or this ordinance; or

(j) The applicant fails to pay any outstanding costs owed to the village for a past special event.

(2) The chief of police shall revoke a special event permit if:

(a) The applicant fails to comply with or the special event is in violation of a condition or provision of the special event permit, an ordinance of the village, or any other applicable law; or

(b) The permit holder made a false statement of material fact on an application for a special event permit.

E. APPEAL FROM DENIAL OR REVOCATION OF A SPECIAL EVENT PERMIT

If the chief of police denies the issuance of a permit or revokes a permit, he shall send to the applicant or permit holder by certified mail, return receipt requested, written notice of the denial or revocation and the right to an appeal. The applicant or permit holder may appeal the decision of the chief of police to the village council, within 15 days or at the next council meeting. The applicant shall appear in person and by counsel at such meeting, and answer all questions. At the conclusion of the meeting, council may dismiss the denial or revocation, or deny the applicant the permit. Action of council denying the permit requires a 2/3 vote of all members elected to it.

SECTION 3.

A. OFFENSES

(1) A person commits an offense if he or she:

(a) Commences or conducts a special event without a special event permit; or

(b) Fails to comply with any requirement or provision of a special event permit or this ordinance.

(2) A culpable mental state is not required for the commission of an offense under this ordinance.

B. PENALTY

(1) A person who violates a provision of this ordinance or a requirement of a special event permit is guilty of a separate offense for each day or part of a day during which the violation is committed or continued.

(2) Each offense is punishable by a fine not to exceed:

(a) \$2000.00 for any violation of a provision of this ordinance or a requirement of a special event permit governing fire safety, zoning, or public health and sanitation, including dumping of refuse; or

(b) \$500.00 for any other violation of this chapter or a requirement of a special event permit.

(c) Section 3B (2)(a) is a misdemeanor of the fourth degree under village ordinance 501.99 (b)

(d) Section 3 B (2) (b) is a misdemeanor of the third degree under village ordinance 501.99 (a) (2)

Adopted this _____ day of _____ 19____

Attest:

Clerk-treasurer

Mayor

date

INDEMNIFICATION CLAUSE

THE APPLICANT HEREBY INDEMNIFIES THE VILLAGE OF MENDON AND ITS OFFICERS
AND EMPLOYEES AGAINST ALL CLAIMS OF INJURY OR DAMAGE TO PERSONS OR PROPERTY,
WHETHER PUBLIC OR PRIVATE, ARISING OUT OF THE SPECIAL EVENT.

applicant

date

- (e) "Fireworks" means any composition or device prepared for the purpose of producing a visible or an audible effect by combustion, deflagration or detonation, except ordinary matches and except as provided in Section 1519.05.
- (f) "Licensed exhibitor of fireworks" or "licensed exhibitor" means a person licensed pursuant to Ohio R.C. 3743.50 to 3743.55.
- (g) "Licensed manufacturer of fireworks" or "licensed manufacturer" means a person licensed pursuant to Ohio R.C. 3743.02 to 3743.08.
- (h) "Licensed wholesaler of fireworks" or "licensed wholesaler" means a person licensed pursuant to Ohio R.C. 3743.15 to 3743.21.
- (i) "Novelties and trick noisemakers" include the following items:
 - (1) Devices that produce a small report intended to surprise the user, including, but not limited to, booby traps, cigarette loads, party poppers and snappers;
 - (2) Snakes or glow worms;
 - (3) Smoke devices;
 - (4) Trick matches.
- (j) "Party popper" means a small plastic or paper item that contains not more than sixteen milligrams of friction-sensitive explosive composition, that is ignited by pulling string protruding from the item, and from which paper streamers are expelled when the item is ignited.
- (k) "Railroad" means any railway or railroad that carries freight or passengers for hire, but does not include auxiliary tracks, spurs and sidings installed and primarily used in serving a mine, quarry or plant.
- (l) "Smoke device" means a tube or sphere that contains pyrotechnic composition that, upon ignition, produces white or colored smoke as the primary effect.
- (m) "Snake or glow worm" means a device that consists of a pressed pellet of pyrotechnic composition that produces a large, snake-like ash upon burning, which ash expands in length as the pellet burns.
- (n) "Snapper" means a small, paper-wrapped item that contains a minute quantity of explosive composition coated on small bits of sand, and that, when dropped, implodes.
- (o) "Trick match" means a kitchen or book match that is coated with a small quantity of explosive composition and that, upon ignition, produces a small report or a shower of sparks.
(ORC 3743.01)

**1519.02 PUBLIC EXHIBITION PERMIT REQUIRED; FEE; BOND;
RECORDS.**

(a) A licensed exhibitor of fireworks who wishes to conduct a public fireworks exhibition within the Municipality shall apply for approval to conduct the exhibition to the Fire Chief and the Police Chief.

The required approval shall be evidenced by the Fire Chief or Fire Prevention Officer and the Police Chief signing a permit for the exhibition, the form for which shall be prescribed by the State Fire Marshal. Any exhibitor of fireworks who wishes to conduct a public fireworks exhibition may obtain a copy of the form from the Fire Marshal or, if it is available, from the Fire Chief, Fire Prevention Officer or Police Chief.

(b) Before signing a permit and issuing it to a licensed exhibitor of fireworks, the Fire Chief or Fire Prevention Officer and the Police Chief shall inspect the premises on which the exhibition will take place and shall determine that, in fact, the applicant for the permit is a licensed exhibitor of fireworks. Each applicant shall show his license as an exhibitor of fireworks to the Fire Chief or Fire Prevention Officer and the Police Chief.

The Fire Chief or Fire Prevention Officer and the Police Chief shall give their approval to conduct a public fireworks exhibition only if they are satisfied, based on the inspection, that the premises on which the exhibition will be conducted allow the exhibitor to comply with the rules adopted by the Fire Marshal pursuant to Ohio R.C. 3743.53(B) and that the applicant is, in fact, a licensed exhibitor of fireworks. The Fire Chief or Fire Prevention Officer and the Police Chief may inspect the premises immediately prior to the exhibition to determine if the exhibitor has complied with the rules, and may revoke the permit for noncompliance with the rules.

(c) The Fire Chief or Fire Prevention Officer and the Police Chief shall not issue a permit until the applicant pays a permit fee of twenty-five dollars (\$25.00) plus any necessary costs of investigation of the applicant and of inspecting the premises on which the exhibition will be conducted.

Each exhibitor shall provide an indemnity bond in the amount of at least one hundred thousand dollars (\$100,000), with surety satisfactory to the Fire Chief or Fire Prevention Officer and the Police Chief, conditioned for the payment of all final judgments that may be rendered against the exhibitor on account of injury, death or loss to persons or property emanating from the fireworks exhibition, or proof of insurance coverage of at least one hundred thousand dollars (\$100,000) for liability arising from injury, death or loss to persons or property emanating from the fireworks exhibition. The Legislative Authority may require the exhibitor to provide an indemnity bond or proof of insurance coverage in amounts greater than those required by this subsection. The Fire Chief or Fire Prevention Officer and Police Chief shall not issue a permit until the exhibitor provides the bond or proof of the insurance coverage required by this subsection.

- (d) (1) Each permit for a fireworks exhibition issued by the Fire Chief or Fire Prevention Officer and the Police Chief shall contain a distinct number, together with a designation of the Municipality. A copy of each permit issued shall be forwarded by the Fire Chief or Fire Prevention Officer and the Police Chief issuing it to the Fire Marshal, who shall keep a record of the permits he receives. A permit is not transferable or assignable.
- (2) The Fire Chief, Fire Prevention Officer and Police Chief shall keep a record of issued permits for fireworks exhibitions: In this list, the Fire Chief, Fire Prevention Officer or Police Chief shall list the name of the exhibitor, his license number, the premises on which the exhibition will be conducted, the date and time of the exhibition and the number of the permit issued to the exhibitor for the exhibition.
- (ORC 3743.54)

1519.03 UNLAWFUL CONDUCT BY EXHIBITOR.

(a) No licensed exhibitor of fireworks shall fail to comply with the rules adopted by the Fire Marshal pursuant to Ohio R.C. 3743.53(B).

(b) No licensed exhibitor of fireworks shall conduct a fireworks exhibition unless a permit has been secured for the exhibition pursuant to Section 1519.02 or if a permit so secured is revoked by the Fire Chief or Fire Prevention Officer and Police Chief pursuant to that section.

(c) No licensed exhibitor of fireworks shall acquire fireworks for use at a fireworks exhibition other than in accordance with Ohio R.C. 3743.54 and 3743.55.

(d) No licensed exhibitor of fireworks or other person associated with the conduct of a fireworks exhibition shall have in his possession or under his control, or be under the influence of, any intoxicating liquor, beer or controlled substance while on the premises on which the exhibition is being conducted. (ORC 3743.64)

**1519.04 POSSESSION, SALE OR DISCHARGE PROHIBITED;
EXCEPTIONS.**

(a) No person shall possess fireworks in this Municipality or shall possess for sale or sell fireworks in this Municipality, except a licensed manufacturer of fireworks as authorized by Ohio R.C. 3743.02 to 3743.08, a licensed wholesaler of fireworks as authorized by Ohio R.C. 3743.15 to 3743.21, an out-of-state resident as authorized by Ohio R.C. 3743.44, a resident of this State as authorized by Ohio R.C. 3743.45, or a licensed exhibitor of fireworks as authorized by Ohio R.C. 3743.50 to 3743.55 and Section 1519.02 and except as provided in Section 1519.05.

(b) Except as provided in Section 1519.05 and except for licensed exhibitors of fireworks authorized to conduct a fireworks exhibition pursuant to Ohio R.C. 3743.50 to 3743.55 and Section 1519.02, no person shall discharge, ignite or explode any fireworks in this Municipality.

(c) No person shall use in a theater or public hall, what is technically known as fireworks showers, or a mixture containing potassium chlorate and sulphur.

(d) No person shall sell fireworks of any kind to a person under eighteen years of age.

(e) No person shall advertise Class C fireworks for sale. A sign located on a seller's premises identifying him as a seller of fireworks is not the advertising of fireworks for sale.
(ORC 3743.65)

1519.05 APPLICATION.

This chapter does not prohibit or apply to the following:

(a) The manufacture, sale, possession, transportation, storage or use in emergency situations, of pyrotechnic signaling devices and distress signals for marine, aviation or highway use;

- (b) The manufacture, sale, possession, transportation, storage or use of fusees, torpedoes or other signals necessary for the safe operation of railroads;
- (c) The manufacture, sale, possession, transportation, storage or use of blank cartridges in connection with theaters or shows, or in connection with athletics as signals or for ceremonial purposes;
- (d) The manufacture for, the transportation, storage, possession or use by, or sale to the Armed Forces of the United States and the militia of this State of pyrotechnic devices;
- (e) The manufacture, sale, possession, transportation, storage or use of toy pistols, toy canes, toy guns or other devices in which paper or plastic caps containing twenty-five hundredths grains or less of explosive material are used, provided that they are constructed so that a hand cannot come into contact with a cap when it is in place for explosion, or apply to the manufacture, sale, possession, transportation, storage or use of those caps;
- (f) The manufacture, sale, possession, transportation, storage or use of novelties and trick noisemakers, auto burglar alarms or model rockets and model rocket motors designed, sold and used for the purpose of propelling recoverable aero models;
- (g) The manufacture, sale, possession, transportation, storage or use of sparklers on a wire stick, as this term is defined in the regulations of the United States Department of Transportation. (ORC 3743.80)

1519.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a misdemeanor of the first degree for a first offense and shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than six months or both. (ORC 3743.99(C))

ESTABLISHING STOP STREETS AND CERTAIN PARKING
REGULATIONS FOR THE VILLAGE OF MENDON, OHIO
WITHIN SAID VILLAGE AND REPEALING CERTAIN
TRAFFIC LAWS OF THE VILLAGE OF MENDON, OHIO.

WHEREAS, the present traffic ordinances are incomplete and inadequate and certain stop streets and parking regulations are insufficient to meet the immediate needs of the Village of Mendon, Ohio, now therefore

BE IT ORDAINED AND DETERMINED BY THE COUNCIL OF THE VILLAGE OF MENDON, OHIO THAT;

SECTION ONE.

Stop Streets:

(a) The operators of any motor vehicles approaching the intersections of Main and Market streets, Green and Jefferson Streets, Green and Market streets, Green and High streets, Wayne and Jefferson, and Wayne and Walnut streets, from any direction shall stop. Said intersections shall be designated as four-way stops.

(b) The operator of a motor vehicle traveling in an easterly direction on Market Street shall stop and yield the right of way to all other vehicles traveling on Wayne Street. The operator of a motor vehicle traveling north on Wayne Street at Market Street shall stop and yield the right of way to all other vehicles except, when making a right hand turn heading East bound. There shall be a continuous right hand turn permitted for all vehicles making the turn from Wayne Street in a northerly direction, onto Market Street in an easterly direction.

(c) The operator of a motor vehicle on Dutton Street shall stop and yield the right of way to all other vehicles on Market Street and to all other vehicles on High Street.

(d) The operator of a motor vehicle on Washington Street shall stop and yield the right of way to all vehicles on Market Street, Drake Street, and Sunset Drive.

(e) The operator of a motor vehicle traveling in a westerly direction on Jefferson Street and Jon Street shall stop and yield the right of way to all other vehicles on Washington Street.

(f) The operator of a vehicle on Jon Street shall stop and yield the right of way to all vehicles traveling on Wayne, Washington, and Lewis Streets.

(g) The operator of a vehicle on Sunset Drive shall stop and yield the right of way to all vehicles traveling on Wayne and Glen Streets.

(h) The operator of a vehicle traveling on Glen Street shall stop and yield the right of way to all vehicles traveling on Main Street.

(i) The operator of any vehicle traveling on Walnut Street shall stop and yield the right of way to all vehicles traveling on Green, Main, Washington and Lewis Streets.

(j) The operator of any vehicle traveling on Jefferson Street shall stop and yield the right of way to all vehicles traveling on Washington and Main Streets.

(k) The operator of any vehicle traveling on High Street shall stop and yield the right of way to all vehicles traveling on Washington, Wayne, and Main Streets.

(l) The operator of any vehicle traveling on Mill Street shall stop and yield the right of way to all vehicles traveling on Washington and Main Streets.

(m) The operator of any vehicle traveling on Wayne shall stop and yield the right of way to all vehicles traveling on Glen, Drake (S.R. 707), Market and Mill Streets.

SECTION TWO.

Parking Prohibitions:

- (a) It shall be unlawful to park any vehicle on the east side of Main Street, between Market Street and the jog on South Main Street.
- (b) It shall be unlawful to park any vehicle on the west side of Main Street, between the jog on South Main Street and the south corporation sign.
- (c) It shall be unlawful to park any vehicle on either the north or south side of Market Street, between Main Street and Wayne Street.
- (d) It shall be unlawful to park any vehicle on the north side of Market Street between Main Street and the alley between Main and Green Streets.
- (e) It shall be unlawful to park any vehicle on the west side of Dutton Street between Market and High Streets.
- (f) It shall be unlawful to park any vehicle on the north and south side of Market Street between Green Street and the entrance of the Public Works Buildings.

SECTION THREE.

That this ordinance repeals any prior ordinance that is inconsistent with this legislation.

SECTION FOUR.

That this ordinance shall be deemed an emergency measure for the protection of the health, safety and welfare of the citizens of the Village of Mendon, Ohio and shall take effect and be in full force from the date of its enactment.

Passed this 23rd day of April 1994.

Vote of emergency clause: YEA 4 NAY _____

Vote on passage: YEA _____ NAY _____

Ms. Dorman	<u>X</u>	_____	
Ms. Meyer	_____	_____	Absent
Mr. Snider	<u>X</u>	_____	
Mr. Etgen	_____	_____	Absent
Ms. Altenbach	<u>X</u>	_____	
Mr. Keifer	<u>X</u>	_____	

Attest:

Eda M Miller
Clerk

David W. Adams
Mayor

President Pro Tempore

WHEREAS, the Village of Mendon does not have a noise limitation ordinance,

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF MENDON, OHIO that;

SECTION ONE: The following acts, and the causing or permitting thereof, are declared to be in violation of this section:

- (a) No person shall operate or permit the operation or playing of any radio, television, phonograph, musical instrument, loudspeaker, music or voice reproduction device, or similar device which produces, reproduces or amplifies sound:
 - (1) In such a manner as to create a noise disturbance across a real property boundary of property owned by another; or
 - (2) In such a manner as to create a noise disturbance when operated in or about a motor vehicle on a public right of way or at a public place; or
 - (3) In such a manner as to create a noise disturbance in or at a public place; or
 - (4) Create or cause to be created any disturbance or annoyance to the company and repose of any person.
- (b) This section shall not apply to functions specifically permitted by the Ohio Revised Code or other Mendon Village ordinances. It shall also not apply to public functions for which a special permit has been issued by the village.
- (c) Whoever violates this section is guilty of a minor misdemeanor. For a second offense within two years from the date of a conviction of a first offense, such person is guilty of a misdemeanor of the third degree. Punishment shall be as provided in Section 501.99 in the Village of Mendon Ordinance Book.

SECTION TWO: THAT the provisions of this ordinance shall be effective and in full force upon the date of its enactment. Any village legislation inconsistent with the terms of this ordinance is hereby repealed.

SECTION THREE: THAT this ordinance is hereby declared to be an emergency measure necessary for the protection, health, and well being of the citizens of the Village of Mendon, Ohio. Such emergency arising out of the necessity to complete and establish such ordinance before October 1, 1994.

Passed this 24th day of September, 1994.

Vote of emergency clause: YEA 6 NAY 0

Vote on passage:	YEA	NAY
Ms Dorman	<u>X</u>	—
Ms Meyer	<u>X</u>	—
Ms Altenbach	—	<u>X</u>
Mr Keifer	<u>X</u>	—
Mr Snider	—	<u>X</u>
MR GRIESDAEN	<u>X</u>	—

Attest:

Edw M Miller
Clerk Treasurer

Dennis W. Adams
Mayor
Carrie L. Altenbach
President Pro Tempore

§ 715.23 Impounding animals.

Except as otherwise provided in section 955.221 [955.22.1] of the Revised Code regarding dogs, a municipal corporation may regulate, restrain, or prohibit the running at large, within the municipal corporation, of cattle, horses, swine, sheep, goats, geese, chickens, or other fowl or animals, impound and hold the fowl or animals, and, on notice to the owners, authorize the sale of the fowl or animals for the penalty imposed by any ordinance, and the cost and expenses of the proceedings.

HISTORY: Bates § 1536-100; 96 v 23, § 7-10; 97 v 506, § 7-10; 99 v 6, § 7j; GC § 3633; Bureau of Code Revision, 10-1-53; 142 v H 352. Eff 7-10-87.

§ 955.22 Confinement or restraint of dog; liability insurance; debarking or surgically silencing dog.

(A) As used in this section, "dangerous dog" and "vicious dog" have the same meanings as in section 955.11 of the Revised Code.

(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.

(C) Except when a dog is lawfully engaged in hunting and accompanied by the owner, keeper, harbinger, or handler of the dog, no owner, keeper, or harbinger of any dog shall fail at any time to do either of the following:

(1) Keep the dog physically confined or restrained upon the premises of the owner, keeper, or harbinger by a leash, tether, adequate fence, supervision, or secure enclosure to prevent escape;

(2) Keep the dog under the reasonable control of some person.

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

(1) While that dog is on the premises of the owner, keeper, or harbinger, securely confine it at all times in a locked pen that has a top, locked fenced yard, or other locked enclosure that has a top, except that a dangerous dog may, in the alternative, be tied with a leash or tether so that the dog is adequately restrained;

(2) While that dog is off the premises of the owner, keeper, or harbinger, keep that dog on a chain-link leash or tether that is not more than six feet in length and additionally do at least one of the following:

(a) Keep that dog in a locked pen that has a top, locked fenced yard, or other locked enclosure that has a top;

(b) Have the leash or tether controlled by a person who is of suitable age and discretion or securely attach, tie, or affix the leash or tether to the ground or a stationary object or fixture so that the dog is adequately restrained and station such a person in close enough proximity to that dog so as to prevent it from causing injury to any person;

(c) Muzzle that dog.

(E) No owner, keeper, or harbinger of a vicious dog shall fail to obtain liability insurance with an insurer authorized to write liability insurance in this state providing coverage in each occurrence, subject to a limit, exclusive of interest and costs, of not less than one hundred thousand dollars because of damage or bodily injury to or death of a person caused by the vicious dog.

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

(1) Debark or surgically silence a dog that the person knows or has reason to believe is a vicious dog;

(2) Possess a vicious dog if the person knows or has reason to believe that the dog has been debarked or surgically silenced;

(3) Falsely attest on a waiver form provided by the veterinarian under division (G) of this section that the person's dog is not a vicious dog or otherwise provide false information on that written waiver form.

(G) Before a veterinarian debarks or surgically silences a dog, the veterinarian may give the owner of the dog a written waiver form that attests that the dog is not a vicious dog. The written waiver form shall include all of the following:

(1) The veterinarian's license number and current business address;

(2) The number of the license of the dog if the dog is licensed;

(3) A reasonable description of the age, coloring, and gender of the dog as well as any notable markings on the dog;

(4) The signature of the owner of the dog attesting that the owner's dog is not a vicious dog;

(5) A statement that division (F) of section 955.22 of the Revised Code prohibits any person from doing any of the following:

(a) Debarking or surgically silencing a dog that the person knows or has reason to believe is a vicious dog;

(b) Possessing a vicious dog if the person knows or has reason to believe that the dog has been debarked or surgically silenced;

(c) Falsely attesting on a waiver form provided by the veterinarian under division (G) of section 955.22 of the Revised Code that the person's dog is not a vicious dog or otherwise provide false information on that written waiver form.

(H) It is an affirmative defense to a charge of a violation of division (F) of this section that the veterinarian who is charged with the violation obtained, prior to debarking or surgically silencing the dog, a written waiver form that complies with division (G) of this section and that attests that the dog is not a vicious dog.

HISTORY: GC § 5652-14a; 112 v 347; Bureau of Code Revision, 10-1-53; 131 v 387 (Eff 9-1-65); 142 v H 352 (Eff 7-10-87); 148 v H 350. Eff 10-10-2000.

The provisions of § 3 of HB 350 (148 v --) read as follows:

SECTION 3. A person who possesses a debarked or surgically silenced vicious dog, as defined in section 955.11 of the Revised Code, shall, within ninety days of the effective date of this act, have that vicious dog humanely destroyed by a licensed veterinarian, the county dog warden, or the county humane society.

§ 955.11 Transfer of ownership or possession of dog.

(A) As used in this section:

(1)(a) "Dangerous dog" means a dog that, without provocation, and subject to division (A)(1)(b) of this section, has chased or approached in either a menacing fashion or an apparent attitude of attack, or has attempted to bite or otherwise endanger any person, while that dog is off the premises of its owner, keeper, or harbinger and not under the reasonable control of its owner, keeper, harbinger, or some other responsible person, or not physically restrained or confined in a locked pen which has a top, locked fenced yard, or other locked enclosure which has a top.

(b) "Dangerous dog" does not include a police dog that has chased or approached in either a menacing fashion or an apparent attitude of attack, or has attempted to bite or otherwise endanger any person while the police dog is being used to assist one or more law enforcement officers in the performance of their official duties.

(2) "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.

(3) "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.

(4)(a) "Vicious dog" means a dog that, without provocation and subject to division (A)(4)(b) of this section, meets any of the following:

(i) Has killed or caused serious injury to any person;

(ii) Has caused injury, other than killing or serious injury, to any person, or has killed another dog.

(iii) Belongs to a breed that is commonly known as a pit bull dog. The ownership, keeping, or harboring of such a breed of dog shall be prima-facie evidence of the ownership, keeping, or harboring of a vicious dog.

(b) "Vicious dog" does not include either of the following:

(i) A police dog that has killed or caused serious injury to any person or that has caused injury, other than killing or 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;

(ii) 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.

(5) "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.

(B) 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 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 twenty-five cents.

(C) Prior to the transfer of ownership or possession of any 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.

(D) 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 or vicious dog, he 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.

In addition, the seller shall answer the following questions which shall be specifically stated on the form as follows:

"Has the dog ever chased or attempted to attack or bite a person? if yes, describe the incident(s) in which the behavior occurred."

"Has the dog ever bitten a person? if yes, describe the incident(s) in which the behavior occurred."

"Has the dog ever seriously injured or killed a person? if yes, describe the incident(s) in which the behavior occurred."

The dog warden of the county in which the seller resides shall furnish the form to the seller at no cost.

(E) No seller or other transferor of a dog shall fail to comply with the applicable requirements of divisions (B) to (D) of this section.

HISTORY: GC § 5652-7c; 112 v 347; Bureau of Code Revision, 10-1-53; 135 v H 152 (Eff 11-21-73); 142 v H 352. Eff 7-10-87.