

Village of Fletcher
Codified Ordinances

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Chapter 301 – Definitions

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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(1))

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 (WW))

301.04 – ARTERIAL STREET

"Arterial street" means any United States or State numbered route, controlled access highway or other major radial or circumferential street or highway designated by Council or other duly designated local authority within the Municipality as part of a major arterial system of streets or highways.

(ORC 4511.01 (BBB))

301.05 – BICYCLE

"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, and includes any such device fitted with a helper motor rated less than one brake horsepower transmitted by friction and not by gear or chain, which produces only ordinary peddling speeds up to a maximum of twenty miles per hour.

(ORC 4511.01(G))

301.06 – BUS

"Bus" means every motor vehicle designed for carrying more than nine passengers and used for the transportation of persons, and every motor vehicle, automobile for hire or funeral car, other than a taxicab, designed and used for the transportation of persons for compensation.

(ORC 4511.01(K))

301.07 – 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(MM))

301.08 – 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(H))

301.09 – 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(BB))

301.10 – 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(KK))

301.11 – DRIVER OR OPERATOR

"Driver" or "operator" means every person who drives or is in actual

physical control of a vehicle.

(ORC 4511.01(X))

301.12 – EMERGENCY VEHICLE

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

(ORC 4511.01(D))

301.13 – 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, or 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(S))

301.14 – 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(Y))

301.15 – 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(T))

301.16 – 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(XX))

301.17 – GROSS WEIGHT

"Gross weight" means the weight of a vehicle plus the weight of any load thereon.

(ORC 4511.01(U))

301.18 – INTERSECTION

"Intersection" means 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.

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.

The junction of an alley with a street or highway, or with another alley, shall not constitute an intersection.

(ORC 4511.01(JJ))

301.19 – 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.

301.20 – MOTORCYCLE

"Motorcycle" means every motor vehicle, other than a bicycle with a motor as provided in Section 301.05 or 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 bicycle," "motor scooter," "bicycle with motor attached" or "motorcycle" without regard to weight or brake horsepower.

(ORC 4511.01(C))

301.21 – MOTOR VEHICLE

"Motor vehicle" means every vehicle propelled or drawn by power other than muscular power, except 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, ditch-digging machinery, well-drilling 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 public street or highway at a speed of twenty-five miles per hour or less, threshing machinery, hay-baling machinery, and agricultural tractors and machinery used in the production of horticultural, floricultural, agricultural and vegetable products.

(ORC 4511.01(B))

301.22 – PARKING

"Parking," when prohibited, 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.

301.23 – PEDESTRIAN

"Pedestrian" means any natural person afoot.

(ORC 4511.01(W))

301.24 – PERSON

"Person" means every natural person, firm, co-partnership, association or corporation.

(ORC 4511.01(V))

301.25 – POLE TRAILER

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

(ORC 4511.01(N))

301.26 – POLICE OFFICER

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

(ORC 4511.01(Y))

301.27 – PRIVATE ROAD OR DRIVEWAY

"Private road or driveway" means every way or place in private owner-ship) 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(C))

301.28 – PUBLIC SAFETY VEHICLE

"Public safety vehicle" means any of the following: ambulances; motor vehicles used by public law enforcement officers or other persons sworn to enforce the criminal and traffic laws of the State; any motor vehicle when properly identified as required by the Ohio Director of Highway Safety, when used in response to emergency calls or to transport ill or injured persons, and when operated by a person who is a member of a volunteer rescue service certified by the Ohio Department of Health and who is on duty pursuant to the rules or directives of that service; and 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 Director of Highway Safety.

(ORC 4511.01(E))

301.29 – RAILROAD

"Railroad" means a carrier of persons or property operating upon rails placed principally on a private right of way.

(ORC 4511.01(O))

301.30 – 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(RR))

301.31 – 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(P))

301.32 – 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(NN))

301.33 – RIGHT OF WAY

"Right of way" means 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.
(ORC 4511.01(TT))

301.34 – 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(DD))

301.35 – 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(LL))

301.36 – 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.

(ORC 4511.01(F))

301.37 – 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(M))

301.38 – 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(EE))

301.39 – STATE ROUTE

"State route" means every highway which is designated with an official State route number and so marked.

(ORC 4511.01(11))

301.40 – STOP

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

301.41 – STOP INTERSECTION

"Stop intersection" means any intersection at one or more entrances of which stop signs are erected.

(ORC 4511.01 (AAA))

301.42 – STOPPING AND STANDING

"Stopping" and "standing," 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.

301.43 – STREET OR HIGHWAY

"Street" or "highway" means 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(AA))

301.44 – THROUGH STREET OR HIGHWAY

"Through street or highway" means every street or highway as provided in Section 414.02 (ORC 4511.01(GG))

301.45 – 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(ZZ))

301.46 – 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(SS))

301.47 – TRAFFIC CONTROL DEVICES

"Traffic control devices" means all 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(PP))

301.48 – 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 directions or note to change direction.
(ORC 4511.01(QQ))

301.49 – 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, and a vehicle used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm when drawn or towed on a public street or highway at a speed greater than twenty-five miles per hour.
(ORC 4511.01(L))

301.50 – TRUCK

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

301.51 – URBAN DISTRICT

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

(ORC 4511.01(00))

301.52 –VEHICLE

"Vehicle" means every device in, upon or by which any person or property may be transported or drawn upon a street or highway, except devices other than bicycles moved by human power.

(ORC 4511.01(A))

Chapter 303 – Enforcement Impounding

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303.01 – COMPLIANCE WITH LAWFUL ORDER OF POLICE OFFICER, FLEEING

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.

No person shall operate a motor vehicle so as to willfully 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 4511.02)

Penalty - see Sections 307.01 and 307.02

303.02 – RESISTING AN ENFORCING OFFICIAL

No person shall resist, hinder, obstruct or abuse any official while such official is attempting to arrest offenders under this Traffic Code. No person shall interfere with any person charged under such sections with the enforcement of the law relative to public streets. (ORC 4513.36)

Penalty - see Sections 307.01 and 307.02

303.03 – 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 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 the criminal prosecution for violations of Sections 331.01 to 331.04, inclusive, 331.06 to ee1.08, inclusive, 331.29, 333.04 and 351.01. 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 violations of the sections referred to herein.

(ORC 4511.04)

Penalty - see Sections 307.01 and 307.02

303.04 – 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)

Penalty - see Sections 307.01 and 307.02

303.05 – IMPOUNDING OF VEHICLES, REDEMPTION

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

- (a) 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;
- (b) 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 the removal of an "abandoned junk motor vehicle," as defined in Ohio R.C. 4513.63, it shall be photographed by a law enforcement officer in the place where abandoned;

- (c) When any vehicle has been stolen or operated without the consent of the owner;
- (d) When any vehicle displays illegal license plates or fails to display the current lawfully required license plates;
- (e) When any vehicle has been used in or connected with the commission of a felony;
- (f) 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:
- (g) When any vehicle is left unattended due to the removal of an ill, injured or arrested operator;
- (h) When any vehicle has been operated by any person who has failed to stop in case of an accident or collision
- (i) 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;
- (j) 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.

The Police Department 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 Department 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.

303.06 – TRAFFIC DIRECTION IN EMERGENCIES

Police officers may 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.

Penalty - see Sections 307.01 and 307.02.

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, or 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.

Chapter 307 – Penalties

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307.01 – PENALTIES FOR MISDEMEANOR

Unless otherwise specifically provided:

- (a) Whoever is convicted of or pleads guilty to a misdemeanor, other than a minor misdemeanor, 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.
- (b) Terms of imprisonment for misdemeanor shall be imposed as follows:
 - (1) For a misdemeanor of the first degree, not more than six months;
 - (2) For a misdemeanor of the second degree, not more than ninety days;
 - (3) For a misdemeanor of the third degree, not more than sixty days;
 - (4) For a misdemeanor of the fourth degree, not more than than thirty days.
- (c) Fines for misdemeanor shall be imposed as follows:
 - (1) For a misdemeanor of the first degree, not more than One Thousand Dollars (\$1,000.00);
 - (2) For a misdemeanor of the second degree, not more than Seven Hundred Fifty Dollars (\$750.00);
 - (3) For a misdemeanor of the third degree, not more than Five Hundred Dollars (\$500.00);
 - (4) For a misdemeanor of the fourth degree, not more than Two Hundred Fifty Dollars (\$250.00).
- (d) Whoever is convicted of or pleads guilty to a minor misdemeanor shall be fined not more than One Hundred Dollar (\$100.00).
(ORC 2929.21)

307.02 – GENERAL CODE PENALTY

Whoever violates any provision of this Traffic Code for which 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 of the Municipality, 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. Punishment shall be as provided in Section 307.01.

(ORC 4511.99(D), 4513.99(C))

Chapter 311 – Obstruction and Special Uses of Public Ways

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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 injury 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.
(ORC 4511.74)

Penalty - see Sections 307.01 and 307.02

311.02 – ZONES OF QUIET

Whenever authorized signs are erected indicating a zone of quiet, no person operating a vehicle within any such zone shall sound the horn or other warning device of such vehicle except in an emergency.

Penalty - see Sections 307.01 and 307.02

311.03 – 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; 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; 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)

Penalty - see Sections 307.01 and 307.02

311.04 – PARADES AND ASSEMBLAGES

- (a) Definitions. As used in this section:
 - (1) "Mayor" means the Mayor of the Village of Fletcher.
 - (2) "Village" means the Village of Fletcher.
 - (3) "Parade" means any parade, march, ceremony, show exhibition, pageant or procession of any kind, or any similar display, in or upon any street, park or other public place in the Village.
 - (4) "Parade permit" means a permit as required by this section.
 - (5) "Person" means any individual, firm, partnership, association, corporation, company or organization of any kind.
- (b) Permit Required. No person shall engage in, participate in form or start any parade unless he has first obtained a parade permit therefor from the Mayor.

This subsection shall not apply to:

- (1) Funeral processions:
 - (2) Students going to and from school classes or participating in educational activities, provided such conduct is under the immediate direction and supervision of the proper school authorities! Or
 - (3) A governmental agency acting within the scope of its functions.
- (c) Application.
 - (1) Forms. A person seeking issuance of a parade permit shall file an application with the Mayor on forms provided by such officer.

- (2) Filing period. An application for a parade permit shall be filed with the Mayor not less than thirty days nor more than sixty days before the date on which it is proposed to conduct the parade.
 - (3) Contents. The application for a parade permit shall set forth the following information:
 - A. The name, address and telephone number of the person seeking to conduct such parade;
 - B. If the parade is proposed to be conducted for, on behalf of, or by, an organization, the name, address and telephone number of the headquarters of the organization, and the authorized and responsible heads of such organization;
 - C. The name, address and telephone number of the person who will be the parade chairman and who will be responsible for its conduct;
 - D. The date the parade is to be conducted;
 - E. The route to be traveled, the starting point and the termination point;
 - F. The approximate number of persons who, and animals and vehicles which, will constitute such parade; the type of animals, and a description of the vehicles;
 - G. The hours such parade will start and terminate;
 - H. A statement as to whether the parade will occupy all or only a portion of the width of the streets proposed to be traversed;
 - I. The location by streets of any assembly area for such parade;
 - J. The time at which units of the parade will begin to assemble at any such assembly area; and
 - K. Any additional information which the Mayor finds reasonably necessary to a fair determination as to whether or not a permit should issue.
 - (4) Late applications. The Mayor, where good cause is shown therefor, shall have the authority to consider any application hereunder which is filed less than thirty days before the date such parade is proposed to be conducted.
- (d) Standards for Issuance. The Mayor shall issue a permit as provided for hereunder when, from a consideration of the application and from such other information as may otherwise be obtained, he finds that:
- (1) The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route.
 - (2) The conduct of the parade will not require the diversion of so great a number of police officers of the Village to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the Village.
 - (3) The conduct of such parade will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of the Village other than that to be occupied by the proposed line of march and areas contiguous thereto.

- (4) The concentration of persons, animals and vehicles at assembly points of the parade will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assembly areas.
- (5) The conduct of such parade will not interfere with the movement of firefighting equipment en route to a fire.
- (6) The conduct of the parade is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or to create a disturbance.
- (7) The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route.
- (8) The parade is not to be held for the sole purpose of advertising any product, goods or event and is not designed to be held purely for private profit.
- (e) Notice of Rejection. The Mayor shall act upon the application for a parade permit within ten days after the filing thereof. If the Mayor disapproves the application, he shall mail to the applicant, within ten days after the date upon which the application was filed, a notice of his action, stating the reasons for his denial of the permit.
- (f) Alternative Permit. The Mayor, in denying an application for a parade permit, is empowered to authorize the conduct of the parade on a date, at a time, or over a route, different from that named by the applicant.
- (g) Notice to Village and Other Officials. Immediately upon the issuance of a parade permit, the Mayor shall send a copy thereof to the following:
 - (1) The Chief of Police; and
 - (2) The Fire Chief.
- (h) Contents of Permit. Each parade permit shall state the following information:
 - (1) The starting time;
 - (2) The portions of the streets to be traversed that may be occupied by the parade; and
 - (3) Such other information as the Mayor finds necessary to the enforcement of this section.
- (i) Duties of Permittee.
 - (1) Generally, a permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances.
 - (2) Possession of permit. The parade chairman or other person heading or leading such activity shall carry the parade permit upon his person during the conduct of the parade.
- (j) Public Conduct During Parade.
 - (1) Interference. No person shall unreasonably hamper, obstruct, impede or interfere with any parade or parade assembly or with any person, vehicle or animal participating or used in a parade.
 - (2) Driving through parades. No driver of a vehicle shall drive between the vehicles or persons comprising a parade when such vehicles or persons are in motion and are conspicuously designated as a parade.

- (k) Revocation of Permit. The Mayor shall have the authority to revoke a parade permit issued hereunder upon violation of the standards for issuance as herein set forth.

Chapter 313 – Traffic Control Devices

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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. When both traffic control signals and stop signs are erected at intersections, traffic shall be governed by the traffic control signal while it is in operation.

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 does not state that signs are required, such section shall be effective even though no signs are erected in place.

(ORC 4511.12)

Penalty - see Sections 307.01 and 307.02

313.02 – THROUGH STREETS, STOP AND YIELD-OF-WAY SIGNS

- (a) All State routes and all sections of streets and highways on which are operated motor coaches for carrying passengers for hire along a fixed or regular route under authority granted by Council are hereby designated as through streets or highways, provided that stop signs shall be erected at all intersections with such through streets or highways, except as otherwise provided in this section. Where two or more through streets or highways intersect and no traffic control signal is in operation, stop signs

shall be erected at one or more entrances thereto, except as otherwise provided in this section.

- (b) Other streets or highways or portions thereof within the Municipality, with a continuous length of more than one mile between the limits of such street or highway or portion thereof, at the entrances to which vehicular traffic from the majority of intersecting streets or highways is controlled by "stop" or "yield" signs or traffic control signals are hereby designated as through 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 erect either stop signs or other official traffic control devices at an intersecting street and thereafter designate by ordinance such street or highway or portion thereof not to be a through highway.
- (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 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 in all streets and highways intersecting such through streets or highways, or may designate any intersection as a stop intersection and shall erect like signs at one or more entrances to such intersection.
- (e) Every stop sign shall bear the word "stop" in letters not less than six inches in height. Every stop sign shall be located as near as practicable at the property line of the street or highway at the entrance to which the stop must be made, or at the nearest line of the crosswalk thereat, or, if none, at the nearest line of the roadway.
(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 a word legend", and such lights shall indicate and apply to drivers of vehicles and 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 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 subsection (c)(2) hereof.
 - (2) Unless a sign is in place prohibiting a right turn as provided in subparagraph (c)(4) hereof, vehicular traffic facing a steady red signal may cautiously enter the intersection to make a right turn after stopping as required by subparagraph (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 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.
 - (4) Council or other duly designated local authority, or the Ohio Director of Transportation on State routes, may prohibit a right turn against a steady red signal at any intersection, which prohibition shall be effective when signs giving notice thereof are posted at the intersection.
- (d) Signals Not at 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)

Penalty - see Sections 307.01 and 307.02

313.04 – SIGNAL TO CONTROL LANE DIRECTION OF TRAVEL

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 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)

Penalty - see Sections 307.01 and 307.02.

313.05 – PEDESTRIAN CONTROL SIGNALS

Whenever special pedestrian signals exhibiting the words "walk," "don't walk" or "wait" are in place, such signals shall indicate the following instructions:

- (a) "Walk":
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 "wait":
No pedestrian shall start to cross the roadway in the direction of the signal.
(ORC 4511.14)

Penalty - see Sections 307.01 and 307.02

313.06 – FLASHING TRAFFIC SIGNALS

- (a) 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:
 - (1) 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.

(2) Flashing yellow caution signal:

Operators of vehicles may proceed through the intersection or past such signal only with caution.

- (b) Subsection (a) hereof shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by Sections 331.31 through 331.33.

(ORC 4511.15)

Penalty - see Sections 307.01 and 307.02

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 or 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 which 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 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.

- (b) Every such prohibited sign, signal, marking or device is a public nuisance, and the Police Department is authorized to remove the same or cause it to be removed.

(ORC 4511.16)

Penalty - see Sections 307.01 and 307.02

313.08 – ALTERATION, INJURY, REMOVAL OF TRAFFIC CONTROL DEVICES

No person shall without lawful authority attempt to or willfully alter, deface, injure, knock down or remove any traffic control device, any railroad signs or signal, or any inscription, shield or insignia thereon, or any part thereof.

This prohibition includes the driving upon or over any freshly painted centerline, lane line, letter, number or symbol on the surface of a roadway while the paint is in an undried condition and is marked by flags, markers, signs or other devices intended to protect it. (ORC 4511.17)

Penalty - see Sections 307.01 and 307.02

Chapter 315 – Pedestrians

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315.01 – DUTIES OF PEDESTRIANS AND DRIVERS AT CROSSWALKS

- (a) When traffic control signals are not in place or not in operation the driver of a vehicle shall yield the right of way, slowing down or stopping if need be to so yield, 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 315.03(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)

Penalty - see Sections 307.01 and 307.02

315.02 – 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 predominantly 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 or metallic cane, with or without a red tip.
(ORC 4511.47)

Penalty - see Sections 307.01 and 307.02

315.03 – RIGHT OF WAY YIELDED BY PEDESTRIAN, CROSSING ROADWAYS

- (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. 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 void colliding with any pedestrian upon any roadway.
(ORC 4511.48)

Penalty - see Sections 307.01 and 307.02

315.04 – MOVING IN CROSSWALK

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

Penalty - see Sections 307.01 and 307.02

315.05 – WALKING ON SIDEWALKS AND STREETS

- (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 Sections 313.03 and 315.01, any pedestrian upon a roadway shall yield the right of-way to all vehicles upon the roadway.
(ORC 4511.50)

Penalty - see Sections 307.01 and 307.02

315.06 – SOLICITING RIDES OR BUSINESS: RIDING ON OUTSIDE OF VEHICLE

- (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, ride on the outside or, any motor vehicle while it is moving upon a roadway, except mechanics or test engineers making repairs or adjustments.
- (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.
(ORC 4511.51)

Penalty - see Sections 307.01 and 307.02

315.07 – PASSING THROUGH BRIDGE SIGNALS OR RAILROAD BARRIERS

- (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)

Penalty - see Sections 307.01 and 307.02

315.08 – RIGHT OF WAY OF PUBLIC SAFETY VEHICLES

- (a) Upon the immediate approach of a public safety vehicle, as stated in Section 331.19, every pedestrian shall yield the right of way to the public safety vehicle.
- (b) Subsection (a) hereof 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)

Penalty - see Sections 307.01 and 307.02

315.09 – RIGHT OF WAY ON SIDEWALKS

The driver of a vehicle shall yield the right of way to any pedestrian on a sidewalk.
(ORC 4511.441)

Penalty - see Sections 307.01 and 307.02

315.10 – INTOXICATION

No 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 walk or be upon a highway.
(ORC 4511.481)

Penalty - see Sections 307.01 and 307.02

Chapter 331 – Operation Generally

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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 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 centerline 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 subparagraph (a)(2) hereof.

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

Penalty - see Sections 307.01 and 307.02

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)

Penalty - see Sections 307.01 and 307.02

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 331.29, 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)

Penalty - see Sections 307.01 and 307.02

331.04 – OVERTAKING, PASSING TO RIGHT OF VEHICLE

- (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)

Penalty - see Sections 307.01 and 307.02

331.05 – OVERTAKING, PASSING TO LEFT OF CENTERLINE

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)

Penalty -- see Sections 307.01 and 307.02

331.06 – 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)

Penalty - see Sections 307.01 and 307.02

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 centerline or marked lane line. When the auxiliary yellow line appears on the left side of the driver's lane of travel (to the right of the normal centerline 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 centerline 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)

Penalty - see Sections 307.01 and 307.02

331.08 – DRIVING WITHIN 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 roadways and drivers of vehicles shall obey the directions of every such

device.
(ORC 4511.33)

Penalty - see Sections 307.01 and 307.02

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)

Penalty - see Sections 307.01 and 307.02

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 when 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 centerline thereof and by passing to the right of such centerline 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 centerline 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 land 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 direction lane.
- (d) Markers, buttons or signs may be placed within or adjacent to the 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)

Penalty - see Sections 307.01 and 307.02

331.11 – "U" TURNS RESTRICTED

- (a) 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 such vehicle cannot be seen within 500 feet by the driver of any other vehicle approaching from either direction. (ORC 4511.37)
- (b) 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 public way and without interfering with the safe operation of any traffic that may be affected by such movement.

Penalty - see Sections 307.01 and 307.02

331.12 – STARTING AND BACKING VEHICLE

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)

Penalty - see Sections 307.01 and 307.02

331.13 – SIGNALS BEFORE CHANGING COURSE, TURNING OR STOPPING

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

- (e) 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)

Penalty - see Sections 307.01 and 307.02

331.14 – 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 45110.40)

Penalty - see Sections 307.01 and 307.02

331.15 – 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)

Penalty - see Sections 307.01 and 307.02

331.16 – 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, private road or driveway as to constitute an immediate hazard.

(ORC 4511.42)

Penalty - see Sections 307.01 and 307.02

331.17 – OPERATION OF VEHICLE AT STOP AND YIELD SIGNS

- (a) Except when directed to proceed by a law enforcement officer, every driver of a vehicle approaching a stop sign shall stop at a clearly marked stop line, but if none, before entering the cross-walk 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 road-way so closely as to constitute an immediate hazard during the time the driving is moving across or within the intersection or junction of roadways.
- (b) 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 pas 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)

Penalty - see Sections 307.01 and 307.02

331.18 – 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)

Penalty - see Sections 307.01 and 307.02

331.19 – 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, the driver of every other vehicle shall 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)

Penalty -- see Sections 307.01 and 307.02

331.20 – RIGHT OF WAY AT PRIVATE DRIVEWAY, ALLEY OR BUILDING

- (a) The operator of a vehicle about to enter or cross a highway 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)

- (b) 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)

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

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

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

Penalty - see Sections 307.01 and 307.02

331.21 – 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 331.19 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)

Penalty - see Sections 307.01 and 307.02

331.22 – DRIVING AND PARKING UPON SIDEWALKS, STREET LAWNS OR CURBS

No person shall drive, stand or park a vehicle on a sidewalk, street lawn area or the curb of a street, except when entering or leaving a permanent or temporary driveway or when lawfully authorized. This section shall have no application to tricycles. Penalty - see Section 307.01 and 307.02.

331.23 – 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)

Penalty - see Sections 307.01 and 307.02

331.24 – 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)

Penalty - see Sections 307.01 and 307.02

331.25 – 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)

Penalty - see Sections 307.01 and 307.02

331.26 – DRIVING OVER FIRE HOSE

No vehicle shall, without the consent of the Fire Department official in command, be driven over any unprotected hose of the Fire Department, 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)

Penalty - see Sections 307.01 and 307.02

331.27 – DRIVING THROUGH SAFETY ZONE

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

(ORC 4511.60)

Penalty - see Sections 307.01 and 307.02

331.28 – 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 directed designated. A vehicle passing around a rotary traffic island shall be driven only to the right of such island. (ORC 4511.32)

Penalty - see Sections 307.01 and 307.02

331.29 – 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 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)

Penalty - see Sections 307.01 and 307.02

331.30 – STOPPING FOR SCHOOL BUS, ACTUATING RED VISUAL SIGNALS, 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 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.
- (b) Every school bus shall be equipped with red visual signals meeting the requirements of Ohio R.C. 4511.771 which shall be actuated by the driver of the bus whenever but only whenever, the bus is stopped or stopping for the purpose of receiving or discharging school children. A school bus driver shall not actuate the red visual signals in designated school bus loading areas where the bus is entirely off the roadway.
- (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. 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 on their residence side of the highway.
- (e) No school bus driver shall start his bus until after any child who may have alighted therefrom has reached a place of safety on his residence side of the road.
(ORC 4511.75)

Penalty - see Sections 307.01 and 307.02.

331.31 – 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; or
 - (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 crossing gate or barrier at a railroad crossing while the gate or barrier is closed or is being opened or closed. (ORC 4511.62)

Penalty - see Sections 307.01 and 307.02

331.32 – STOPPING AT GRADE CROSSINGS

- (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)

- (b) When authorized stop signs are erected at railroad grade crossings, the operator of any vehicle shall stop within fifty, but not less than fifteen, feet from the nearest rail of the railroad tracks and shall exercise due care before proceeding across such grade crossing. (ORC 4511.61)

Penalty - see Sections 307.01 and 307.02

331.33 – SLOW MOVING VEHICLES OR EQUIPMENT AT GRADE CROSSINGS

- (a) No person shall operate or move any crawler type tractor, steam shovel, derrick, roller or any equipment or structure having a normal operating speed of six or less miles per hour or a vertical body or load clearance of less than nine inches above the level surface of a roadway upon or across any tracks at a railroad grade crossing without first complying with subparagraphs (1) and (2) hereof.
 - (1) Before making any such crossing, the person operating or moving such vehicle or equipment shall first stop the same, and while stopped he shall listen and look in both directions along such track for any approaching train and for signals

indicating the approach of a train, and shall proceed only upon exercising due care.

(2) No such crossing shall be made when warning is given by automatic signal or crossing gates or a flagman or otherwise of the immediate approach of a railroad train or car.

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

(ORC 4511.64)

Penalty - see Sections 307.01 and 307.02

331.34 – OBSTRUCTING INTERSECTIONS, CROSSWALKS OR GRADE CROSSINGS

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)

Penalty - see Sections 307.01 and 307.02

331.35 – "PEELING", CRACKING EXHAUST NOISES

No person shall operate any motor vehicle, except when necessary for safe operation, or in compliance with law, in such a manner that the vehicle is so rapidly accelerated or started from a stopped position, or in the shifting of gears while in motion, that the exhaust system emits a loud, cracking or chattering noise unusual to its normal operation, or that the rubber tires of such vehicle squeal or leave tire marks on the roadway, commonly known as "peeling."

Penalty - see Sections 307.01 and 307.02

331.36 – SHORTCUTTING ACROSS PRIVATE PROPERTY

No operator of a motor vehicle shall enter upon private property for the sole purpose of driving across such property, between abutting streets or other public ways thereof. The failure to stop

on such property in connection with or in furtherance of the objects of enterprise or activities being conducted on the property, shall constitute prima-facie evidence of the violation.

Penalty - see Sections 307.01 and 307.02

331.37 – ENTERING AND EXITING CONTROLLED-ACCESS HIGHWAY

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

Penalty - see Sections 307.01 and 307.02

331.38 – FAILURE TO CONTROL, WEAVING COURSE

No person shall operate a motor vehicle upon any street or highway without exercising reasonable and ordinary control over such vehicle.

No person shall operate a motor vehicle upon any street or highway in a weaving or zigzag course unless such irregular course is necessary for safe operation or in compliance with law.

Penalty - see Sections 307.01 and 307.02

Chapter 333 – DWI, Reckless Operation, Speed

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333.01 – DRIVING OR PHYSICAL CONTROL WHILE UNDER THE INFLUENCE, EVIDENCE

- (a) Operation. No person shall operate any vehicle within the Municipality if any of the following apply:
 - (1) The person is under the influence of alcohol or any drug of abuse, or the combined influence of alcohol and any 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) Physical Control. 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 or any drug of abuse, or the combined influence of alcohol and any 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.
- (c) Evidence; Tests; Immunity. In any criminal prosecution for a violation of this section, the court may admit evidence on the concentration of alcohol in the defendant's blood, breath or urine 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 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 alcoholic content. This limitation does not apply to the taking of breath or urine specimens. A physician, registered nurse or a qualified technician or chemist may refuse to withdraw blood for the purpose of determining the alcohol 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 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 such test shall be made available to him, his attorney or agent, immediately upon the completion of the test analysis. A 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 direction of a police officer, and shall be so advised. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test or tests taken at the direction 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 the person.

(ORC 4511.19)

- (d) Whoever violates subsection (a) hereof is guilty of a misdemeanor of the first degree, and in addition to the license suspension or revocation provided in Ohio R.C. 4507.16, shall be penalized as follows:
- (1) If the offender has not been convicted, within five years of the offense, a violation of Ohio R.C. 4511.19; a municipal ordinance relating to operating a motor vehicle while under the influence of alcohol, a drug of abuse or both; or of Ohio R. C. 2903.06 or 2903.07 or Section 537.02 of the General Offenses Code or a municipal ordinance relating to vehicular homicide in a case in which the jury or judge found that the offender was under the influence of alcohol, a drug of abuse or both; he shall be sentenced to a term or imprisonment of three consecutive days and may be sentenced to a longer term of imprisonment. In addition, the offender shall be fined not less than one hundred fifty dollars (\$150.00) nor more than one thousand dollars (\$1,000.00).
 - (2) If the offender has been convicted, within five years of the offense, of a violation of Ohio R.C. 4511.19; a municipal ordinance relating to operating a motor vehicle while under the influence of alcohol, a drug of abuse or both; or of Ohio R.C. 2903.06 or 2903.07 or Section 537.02 of the General Offenses Code or a municipal ordinance relating to vehicular homicide in a case in which the jury or judge found that the offender was under the influence of alcohol, a drug of abuse, or both; he shall be sentenced to a term of imprisonment of ten consecutive days and may be sentenced to a longer term of imprisonment. In addition, the offender shall be fined not less than one hundred fifty dollars (\$150.00) nor more than one thousand dollars (\$1,000.00).
 - (3) If the offender has been convicted, within five years of the offense of more than one violation of Ohio R.C. 4511.19; a municipal ordinance relating to operating a motor vehicle while under the influence of alcohol, a drug of abuse or both; or of Ohio R.C. 2903.06 or 2903.07 or Section 537.02 of the General Offenses Code or a municipal ordinance relating to vehicular homicide in a case in which the jury or judge found that the offender was under the influence of alcohol, a drug of abuse or both; he shall be sentenced to a term of imprisonment of not less than thirty consecutive days nor more than one year. In addition, the offender shall be fined not less than one hundred fifty dollars (\$150.00) nor more than one thousand dollars (\$1,000.00).
 - (4) Upon a showing that imprisonment would seriously affect the ability of an offender sentenced pursuant to a subsection (d) (1) to (3) 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 or thirty consecutive days of imprisonment that the court is required by subsection (d) (1) to (3) hereof to impose. No court shall authorize work release

from imprisonment during the three, ten or thirty consecutive days or imprisonment that the court is required by subsection (d) (1) to (3) 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.

- (5) Notwithstanding Ohio R.C. 2929.51 and 2951.02 and any other section of the Ohio Revised Code that authorizes the suspension of a sentence, no court shall suspend the three, ten or thirty consecutive days of imprisonment required to be imposed by subsection (d) (1) to (3) hereof.

(ORC 4511.99(A))

- (6) As used in this section, "three consecutive days" means seventy-two consecutive hours.

(ORC 4511.991)

- (e) Whoever violates subsection (b) hereof is guilty of a misdemeanor of the first degree. Punishment shall be as provided in Section 307.01.

333.02 – RECKLESS OPERATION ON STREETS, PUBLIC OR PRIVATE PROPERTY

No person shall operate a vehicle, trackless trolley, or street car on any street or highway of this Village in willful or wanton disregard of the safety of persons or property.

(ORC 4511.20)

Penalty - See Section 307.01 and 307.02

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 local authority, for the operator of a motor vehicle to operate the same at a speed not exceeding the following:
- (1) 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 appropriate signs giving notice of the existence of the school are erected.
 - (2) As used in this section "school zone" means that portion of a highway passing a school fronting upon the highway, or passing a school which has its principal school pupil ingress-egress via the highway, and bounded by whichever of the following distances the Ohio Director of Transportation approves as most appropriate:

- A. The distance encompassed by projecting the building lines normal to the fronting highway and extending a distance of 300 feet on each approach direction;
 - B. The distance encompassed by projecting the school property lines intersecting the fronting highway and extending a distance of 300 feet on each approach direction;
 - C. 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 the highway;
 - D. A distance of 600 feet using any combination or part thereof of the reference points described in subparagraphs A., B. and C. hereof;
- (3) Twenty-five miles per hour in all other portions of the Municipality, except on State routes, through streets and through highways outside business districts;
 - (4) Thirty-five miles per hour on all State routes or through highways within the Municipality outside business districts.
- (c) It is prima-facie unlawful for any person to exceed any of the speed limitations in subsections (b)(1) through (b)(4) hereof or any declared pursuant to Ohio R.C. 4511.21 by the Ohio Director of Transportation or local authority. 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) 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, the speed which is prima facie lawful at the time and place of such alleged violation, as the same is set forth in subsections (b)(1) through (b)(4) hereof or declared pursuant to Ohio R.C. 4511.21, 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.

333.04 – SLOW SPEED, POSTED MINIMUM SPEEDS

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

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)

Penalty - see Section 307.01 and 307.02

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 333.33 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 define
(ORC 4511.251)
- (c) Whoever violates this section is guilty of a misdemeanor of the first degree. Punishment shall be as provided in Section 307.01.
(ORC 4511.99(B))

Chapter 335 – Licensing Accidents

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335.01 – OPERATOR OR CHAUFFEUR LICENSE REQUIRED

- (a) No person, except those expressly exempted under Ohio R.C. 4507.03 to 4507.05, inclusive, 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 such person, upon application, has been licensed as an operator or chauffeur by the Ohio Registrar of Motor Vehicles under Ohio R.C. Chapter 4507 (Driver's License Law).

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 such operator does not have a valid license, as an operator or chauffeur, issued to such operator by the Ohio Registrar of Motor Vehicles under Ohio R.C. Chapter 4507 (Driver's License Law).

No person, except those expressly exempted under Ohio R.C. 4507.03 to 4507.05, inclusive, 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 such person, upon application, has been licensed as a motorcycle operator by the Ohio Registrar of Motor Vehicles under Ohio R.C. Chapter 4507. Such license shall be in the form of an endorsement, as determined by the Registrar, upon an operator's or chauffeur's license, if the person has been licensed to operate a motor vehicle, or in the form of a restricted license as provided in Ohio R.C. 4507.14, if the person has not been licensed to operate a 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 of his right to operate such motor vehicle, or fail to establish proper identity.

(ORC 4507.04)

- (c) Whoever violates any of the provisions of this section is guilty of a misdemeanor of the third degree. Punishment shall be as provided in Section 307.01.

335.02 – POSSESSION OF MORE THAN ONE LICENSE PROHIBITED

- (a) No person shall receive an operator's or chauffeur's license, or a motorcycle operator's endorsement of an operator's or chauffeur's license, unless and until he surrenders to the Registrar all valid licenses in his possession 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)

- (b) Whoever violates this section is guilty of a misdemeanor of the third degree. Punishment shall be as provided in Section 307.01.

335.03 – DRIVING WITH TEMPORARY INSTRUCTION PERMIT WITHOUT LICENSED DRIVER

- (a) 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 or chauffeur who is actually occupying a seat beside the driver.

(ORC 4507.05)

- (b) Whoever violates this section is guilty of a misdemeanor of the third degree. Punishment shall be as provided in Section 307.01.

335.04 – CERTAIN ACTS PROHIBITED

- (a) No person shall:
 - (1) Display, or cause to permit to be displayed, or possess any operator's or chauffeur's license or temporary instruction permit knowing the same to be fictitious, or to have been canceled, revoked, suspended or altered;
 - (2) Lend to a person not entitled thereto, or knowingly permit him to use any operator's or chauffeur's license or temporary instruction permit issued to the person so lending or permitting the use thereof;
 - (3) Display or represent as one's own, any operator's or chauffeur's license or temporary instruction permit not issued to the person so displaying the same;
 - (4) Fail to surrender to the Ohio Registrar of Motor Vehicles, upon his demand, any operator's or chauffeur's license or temporary instruction permit which has been suspended, cancelled or revoked; or
 - (5) Use a false or fictitious name, or give a false or fictitious address, in any application for an operator's or chauffeur's license or temporary instruction permit, or any renewal or duplicate thereof, or knowingly make a false statement, or knowingly conceal a material fact or otherwise commit a fraud in any such application.

(ORC 4507.30)
- (b) Whoever violates this section is guilty of a misdemeanor of the third degree. Punishment shall be as provided in Section 307.01.

335.05 – OWNER OR OPERATOR ALLOWING ANOTHER TO DRIVE

- (a) No person shall authorize or knowingly permit a motor vehicle owned by him or under his control to be driven by any person who has no legal right to do so or whose act of driving such vehicle would violate Ohio R.C. 4507.01 to 4507.39, inclusive. (ORC 4507.33)
- (b) Whoever violates this section is guilty of a misdemeanor of the third degree. Punishment shall be as provided in Section 307.01.

335.06 – DISPLAY OF LICENSE

- (a) The operator or chauffeur 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 or chauffeur 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,

inclusive, 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)

- (b) Whoever violates this section is guilty of a misdemeanor of the third degree. Punishment shall be as provided in Section 307.01.

335.07 – DRIVING UNDER SUSPENSION OR REVOCATION

- (a) No person, except those expressly exempted under Section 4507.03, 4507.04, and 4507.05 of the Revised Code, shall operate any motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking in this Village unless the person has a valid license as an operator or chauffeur, which license was issued upon application by the registrar of motor vehicles under Sections 4507.01 to 4507.39 of the Revised Code.
 - (1) 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 license, as an operator or chauffeur, issued to the operator by the registrar of motor vehicles under Sections 4507.01 to 4507.39 of the Revised Code.
 - (2) No person, except those expressly exempted under Sections 4507.03, 4507.04 and 4507.05 of the Revised Code, shall operate any motorcycle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking in this Village unless the person has a valid license as a motorcycle operator, which license was issued upon application by the registrar of motor vehicles under Sections 4507.01 to 4507.39 of the Revised Code. The license shall be in the form of an endorsement as determined by the registrar, upon an operator's or chauffeur's license, if the person has a valid license to operate a motor vehicle, or in the form of a restricted license as provided in Section 4507.14 of the Revised Code, if the person does not have a valid license to operate a motor vehicle.
 - (3) No person shall receive an operator's or chauffeur's license, or a motorcycle operator's endorsement of an operator's or chauffeur's license, unless and until he surrenders to the registrar all valid licenses in his possession issued to him by another jurisdiction recognized by this state. All surrendered licenses shall be returned by the registrar to the issuing authority, together with information that a license is now issued in this state. No person shall be permitted to have more than one valid license at any time.
- (b) No person, whose operator's or chauffeur's license or permit or nonresident's operating privilege has been suspended or revoked pursuant to Chapter 4509. of the Revised Code, shall operate any motor vehicle within this Village, or knowingly permit any motor vehicle owned by him to be operated by another person in this Village,

during the period of the suspension or revocation, except as specifically authorized by Chapter 4509. of the Revised Code.

- (c) No person, whose operator's or chauffeur's license or permit has been suspended pursuant to Section 4511.191 or division (B) of Section 4507.16 of the Revised Code, shall operate any motor vehicle within this Village until after he has paid the license reinstatement fee required pursuant to division (J) of Section 4511.191 of the Revised Code and the license or permit has been returned to the person.
- (d) No person, whose operator's or chauffeur's license or permit or nonresident operating privilege has been suspended or revoked under any provision of the Revised Code other than Chapter 4509. of the Revised Code or under any applicable law in any other jurisdiction in which the person's license or permit was issue, shall operate any motor vehicle upon the highways or streets within this Village 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 Village except in accordance with the terms of the privileges.
- (e) It is an affirmative defense to any prosecution brought pursuant to Section (b), (c), or (d) of this Ordinance that alleged offender drove under suspension because of a substantial emergency, provided that no other person was reasonably available to drive in response to the emergency.
- (f) Whoever violates this section is guilty of a misdemeanor of the first degree. Punishment shall be as provided in Section 307.01.

335.08 – OPERATION OR SALE WITHOUT CERTIFICATE OF TITLE

- (a) No person shall:
 - (1) 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 4505.19, inclusive, or upon which the certificate of title has been cancelled;
 - (2) Display or display for sale or sell as a dealer or acting on behalf of a dealer, a motor vehicle without having obtained a manufacturer's or importer's certificate or a certificate of title therefor as provided in Ohio R.C. 4505.01 to 4505.19, inclusive;
 - (3) 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 4505.19, inclusive;
 - (4) 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 4505.19, inclusive, 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; or

- (5) Violate Ohio R.C. 4505.01 to 4505.19, inclusive, for which no penalty is otherwise provided, or any lawful rules or regulations promulgated pursuant to such sections.
- (b) This section does not apply to persons engaged in the business or warehousing or transporting motor vehicles for the purpose of salvage disposition.
(ORC 4505.18)
- (c) Whoever violates this section is guilty of a misdemeanor of the third degree. Punishment shall be as provided in Section 307.01.

335.09 – DISPLAY OF LICENSE PLATES, REGISTRATION

- (a) No person who is the owner or operator of a motor vehicle shall fail to display on the front and rear of such motor vehicle the distinctive number and registration mark, including any validation sticker issued under Ohio R.C. 4503.191, furnished by the Ohio Director of Highway 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 in transit permit, and the owner or operator of a house trailer, trailer or semitrailer shall display on the rear only. Such number plates shall be securely fastened so as not to swing.
(ORC 4503.21)
- (b) No person who is the owner or chauffeur 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 display 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)

Penalty - see Sections 307.01 and 307.02

335.10 – USE OF ILLEGAL LICENSE PLATES

- (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) Whoever violates this section 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. Punishment shall be as provided in Section 307.01.
(ORC 4549.99(D))

335.11 – STOPPING AFTER ACCIDENT UPON STREETS, COLLISION WITH UNATTENDED VEHICLE

- (a) In case of an 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 is 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)

- (b) Whoever violates this section is guilty of a misdemeanor of the first degree. Punishment shall be as provided in Section 307.01. (ORC 4549.99(B))

335.12 – STOPPING AFTER ACCIDENT UPON PROPERTY OTHER THAN STREETS

- (a) In case of accident or collision resulting in injury or damage to persons or Property upon any public or private property other than public 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 operator's or chauffeur'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 Department 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 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 4549.021)

- (b) Whoever violates this section is guilty of a misdemeanor of the first degree. Punishment shall be provided in Section 307.01. (ORC 4549.99(B))

335.13 – VEHICLE ACCIDENT RESULTING IN DAMAGE TO REALTY

- (a) The driver of any vehicle involved in an accident resulting in damage to real property, or personal property attached to 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 address, and of the registration number of the vehicle he is driving and shall, upon request and if available, exhibit his operator's or chauffeur'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 Department 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)

- (b) Whoever violates this section is guilty of a misdemeanor of the first degree.
Punishment shall be as provided in Section 307.01.
(ORC 4549.99(B))

335.14 – 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 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 their entirety from left to right.

Penalty - see Section 307.01 and 07.02

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337.01 – DRIVING UNSAFE VEHICLES, APPLICATION

- (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) 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)
- (c) Whoever violates this section is guilty of a minor misdemeanor on a first offense; on each subsequent offense such person is guilty of a misdemeanor of the third degree. Punishment shall be as provided in Section 307.01.
(ORC 4513.99(B))

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 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. No motor vehicle, during such times, shall be operated upon a street or highway using only parking lights as illumination.
- (b) Whenever in such sections 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 such sections 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)

Penalty - see Sections 307.01 and 307.02

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)

Penalty - see Sections 307.01 and 307.02

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 rearmost 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)

Penalty - see Sections 307.01 and 307.02

337.05 – REAR RED REFLECTOR

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 taillights or separately, two red reflectors of such size and characteristics and so maintained so to be visible at night from all distances within 300 feet to fifty feet from such vehicle.

(ORC 4513.06)

Penalty - see Sections 307.01 and 307.02

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)

Penalty - see Sections 307.01 and 307.02

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)

Penalty - see Sections 307.01 and 307.02

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 time 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)

Penalty - see Sections 307.01 and 307.02

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)

Penalty - see Sections 307.01 and 307.02

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 337.10(b), not specifically required to be equipped with lamps or other lighting devices by Sections 337.02 through 337.09, shall, at all times specified in Section 337.02, be equipped with at least one lamp displaying a white light visible from

a distance of not less than 1,000 feet to the front of the vehicle, and shall also be equipped with two lamps displaying a red light visible from a distance of not less than 1,000 feet to the rear of the vehicle, or as an alternative, one lamp displaying a red light visible from a distance of not less than 1,000 feet to the rear and two red reflectors visible from all distances of 600 feet to 100 feet to the rear when illuminated by the lawful lower beams of headlamps. Every animal-drawn vehicle shall at all times be equipped with a slow-moving vehicle emblem complying with subsection (b) hereof.

Lamps and reflectors required by this section shall meet standards adopted and promulgated by the Ohio Director of Highway Safety.

- (b) All 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, the Municipal or County Engineer, when such construction area is marked in accordance with requirements of the Ohio Director of Transportation and the Manual of Uniform Traffic Control Devices, as set forth in Ohio R.C. 4511.09, which is designed for operation at a speed of twenty five miles an 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). Such 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 Highway 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.
- (c) The use of this 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 slow-moving vehicle, as defined 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) The slow-moving vehicles specified 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.

(ORC 4513.11)

Penalty - see Sections 307.01 and 307.02

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)

Penalty - see Sections 307.01 and 307.02

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 backup lights shall be continuously lighted when the motor vehicle is in forward motion.
(ORC 4513.31)

Penalty - see Sections 307.01 and 307.02

337.13 – TWO LIGHTS DISPLAYED

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)

Penalty - see Sections 307.01 and 307.02

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)

Penalty - see Sections 307.01 and 307.02

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)

Penalty - see Sections 307.01 and 307.02.

337.16 – NUMBER OF LIGHTS PERMITTED, RED AND FLASHING LIGHTS

- (a) Whenever a motor vehicle equipped with headlights is also equipped with any auxiliary lights, or spotlights, or any light on the front thereof projecting a beam of an intensity greater than 300 candlepower, 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 street or 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 candlepower 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, overtaking or passing. This prohibition does not apply to emergency vehicles, road service vehicles servicing or towing a disable vehicle, traffic line strippers, snow plows, rural mail delivery vehicles, 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 or a school bus, no person shall operate, move or park upon, or permit to stand within the right of way 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 the 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)

Penalty - see Sections 307.01 and 307.02

337.17 – VEHICLES TRANSPORTING PRESCHOOL CHILDREN

- (a) No person shall operate any motor vehicle owned, leased, or hired by a nursery school, kindergarten or day-care center, while transporting preschool children to or from such an institution, unless the motor vehicle is equipped with and displaying two amber flashing lights mounted on a bar attached to the top of the vehicle, and a sign bearing the designation "Caution Children," which shall be attached to the bar carrying the amber flashing lights in such a manner as to be legible to persons both in front of and behind the vehicle. The lights and sign shall meet standards and specifications adopted by the Ohio Director of Highway Safety pursuant to Ohio R.C. 4513.182.
- (b) No person shall operate a motor vehicle displaying the lights and sign required by this section for any purpose other than the transportation of preschool children as provided in this section.
(ORC 4513.182)

Penalty - see Sections 307.01 and 307.02

337.18 – FOCUS AND AIM OF HEADLIGHTS

No person shall use any lights mentioned in Sections 337.02 to 337.17, 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)

Penalty - see Sections 307.01 and 307.02

337.19 – 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, and bicycle with motor attached, 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 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.
- (d) 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 breaking effort on the rearmost wheels at the fasted 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.
- (e) Every vehicle and combination of vehicles, except motorcycles and motor driven cycles, 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 source 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 not 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.
- (f) 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.
- (g) Every motor vehicle or combination of motor-drawn vehicles shall be capable at all times and under all conditions of loading of being stopped on a dry, smooth, level road free from loose material, upon application of the service or foot brake, within the

following specified distances, or shall be capable of being decelerated at a sustained rate corresponding to these distances:

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

- (h) 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 side of the vehicle.
(ORC 4513.20)

Penalty - see Sections 307.01 and 307.02

337.20 – 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 State approved siren, whistle or bell capable of emitting sound audible under normal conditions from a distance of not less than 500 feet. 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)

Penalty - see Sections 307.01 and 307.02

337.21 – 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)

- (c) No person shall own, operate or have in his possession any motor vehicle, equipped with a muffler from which the baffle plates, screens or other original internal parts have been removed and not replaced, or equipped with an exhaust system or muffler which is defective, inadequate or improperly maintained, or which has been modified in a manner which will amplify or increase the noise emitted by the motor of such vehicle above that emitted by the muffler originally installed on the vehicle.

Penalty - see Sections 307.01 and 307.02

337.22 – 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 motor cycles and shall have a clear view to the rear of their vehicles or motorcycles by mirror.

(ORC 4513.23)

Penalty - see Sections 307.01 and 307.02

337.23 – 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, side wings, 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 right-hand corner of the windshield a sign or poster not to exceed four inches in height by six inches in width.
- (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)

Penalty - see Sections 307.01 and 307.02

337.24 – 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)

Penalty - see Sections 307.01 and 307.02

337.25 – 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, provided that in the case of a train of vehicles only the stop lights on the rearmost 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. 4501.01(G) are not subject to this section. (ORC 4513.071)

Penalty - see Sections 307.01 and 307.02.

337.26 – BUMPERS

- (a) No person shall operate upon any street or highway any motor vehicle that:
 - (1) Was originally equipped with bumpers as standard equipment, unless the vehicle is equipped with bumpers equal to the original equipment when so operated;
 - (2) Has a suspension system or body so modified that the height of any bumper on the vehicle varies more than three inches from the original manufactured bumper height for the vehicle.

(ORC 4513.021)

- (b) Whoever violates subsection (a) hereof is guilty of minor misdemeanor on a first offense; on each subsequent offense such person is guilty of a misdemeanor of the third degree. Punishment shall be as provided in Section 307.01.

(ORC 4513.99 (B))

337.27 SEATBELTS

- (a) As used in this Ordinance:
 - (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, 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 a 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 an operator, who is occupying a sitting position for which an occupant restraining device is provided.
 - (4) "Commercial tractor", "passenger car", and "commercial car" have the same meaning as in Section 4501.01 of the Ohio Revised Code.
 - (5) "Vehicle" and "motor vehicle" as used in the definitions of the terms set forth in (a) (4) of this Ordinance, have the same meaning as in Section 4511.01 of the Ohio Revised Code.
- (b) No person shall do any of the following:
 - (1) Operate an automobile on any street or highway of this Village 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 of this Village unless each passenger in the automobile who is subject to the requirements set forth in (b) (3) of this Ordinance is wearing all of the available elements of a properly adjusted occupant restraining device;
 - (3) Occupy, as a passenger, a sitting position on the front seat of an automobile being operated on any street or highway of this Village unless he is wearing all of the available elements of a properly adjusted occupant restraining device.
- (c) (b) (3) of this section does not apply to a person who is required by Section 4511.81 of the Ohio Revised Code to be secured in a child restraint device. (b) (1) of this Ordinance 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 newspaper to addresses. (b) (1) and (3) of this Ordinance do not apply to a person who has an affidavit signed by a physician licensed to practice in this State under Chapter 4731 of the Revised Code or a chiropractor licensed to practice in this state under Chapter 4734 of the Revised Code that states that the person has a physical impairment that makes use of an occupant restraining device impossible or impracticable. (b) of this

Ordinance does not apply to an operator of or a passenger in an automobile who is protected by an automatic air cushion restraint system.

- (d) Notwithstanding any provision of the law to the contrary, no law enforcement officer shall cause an operator of an automobile being operated on any street or highway of this Village to stop the automobile for the sole purpose of determining whether a violation of (b) of this Ordinance 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 violation of (b) of this Ordinance shall be forwarded to the Treasurer of the State of Ohio for deposit in the "seatbelt education special account" established by Section 4501.06 of the Revised Code.
- (f) The mayor's court in which a charge against a person for violation of (b) of this Ordinance is pending shall dismiss the charge and shall waive any fine if the person proves to the court, by a preponderance of the evidence that he, before the scheduled court appearance indicated on the citation issued to him, did view one of the films or video tapes prepared or acquired by the Department of Highway Safety as part of its seatbelt education program. In coordination with the Department of Highway Safety Program, the mayor's court shall advise persons charged with a violation of that division of opportunities for viewing the films or video tapes.

The mayor's court in which a charge against a person for violation of (b) of this Ordinance is pending shall not dismiss the charge and shall impose the fine required by (h) of this Ordinance if either of the following apply:

- (1) The defendant fails to appear at the scheduled court appearance and is convicted of the offense;
 - (2) The defendant fails to prove by a preponderance of the evidence that he has viewed a seatbelt education film or video tape in accordance with this section and is convicted of the offense.
- (g) A person's failure to wear all of the available elements of a properly adjusted occupant restraining device or to insure that each passenger of an automobile being operated by the person is wearing all of the available elements of such device in violation of (b) of this Ordinance, 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 criminal prosecution of the person other than a prosecution for 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 violation of (b) of this ordinance.

- (h) Violations;
 - (1) Whoever violates (b) (1) of this Ordinance shall be fined \$20.00.
 - (2) Whoever violates (b) (2) of this Ordinance shall be fined \$10.00 for each passenger in his automobile who fails to wear all of the available elements of a properly adjusted occupant restraining device as required by that section, except that total amount of any such fine shall not exceed \$30.00.
 - (3) Whoever violates (b) (3) of this Ordinance shall be fined \$10.00.

337.28 – RULES GOVERNING MATERIALS USED IN WINDSHIELDS AND WINDOWS

- (a) The Director of Highway safety, in accordance with the Chapter 119 of the Revised Code, has adopted rules governing the use of tinted glass, and the use of transparent, nontransparent, translucent, and reflectorized materials in or on motor vehicles windshields, side windows, side wings, and rear windows that prevent a person of normal vision looking into the motor vehicle from seeing or identifying person or objects inside the motor vehicle.
- (b) The rules adopted under this section may provide for persons who need either of the following qualifications:
 - (1) On the effective date of this section or any rule adopted under this section, own a motor vehicle that does not conform to the requirements of this section or of any rule adopted under this section;
 - (2) Established residency in this state and are required to register a motor vehicle that does not conform to the requirements of this section or any rule adopted under this section.
- (c) No person shall operate on any highway or other public or private property open to the public for vehicular travel or parking, lease, or rent any motor vehicle that is registered in this state unless the motor vehicle conforms to the requirements of this section and any applicable rule adopted under this section.
- (d) No person shall install in or on any motor vehicle, any glass or other material that fails to conform to the requirements of this section or any rule adopted under this section.
- (e) No used motor vehicle dealer or new motor vehicle dealer, as defined in section 4517.01 of the Revised Code, shall sell any motor vehicle that fails to conform to the requirements of this section or any rule adopted under this section.
- (f) No reflectorized materials shall be permitted upon or in any front windshield, side windows, side wings or rear window.
- (g) This section does not apply to the manufacturers tinting or glazing of motor vehicle windows or windshields that is otherwise in compliance with or permitted by Federal Motor Vehicle Safety Standard 205.
(ORC 4513.241)

Penalty - see Sections 307.01 and 307.02

Chapter 339 – Commercial and Heavy Vehicles

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339.01 – LOAD LIMITS

- (a) State Routes. 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. 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, no person shall operate any such vehicle or combination of vehicles upon any roadway within the Municipality which is not a State route, except as may be otherwise provided in any local ordinance or regulation or elsewhere in this Traffic Code.

(ORC 4513.34; Adopting Ordinance)

- (b) Local Streets. No person shall operate or move a vehicle or combination of vehicles exceeding a size as specified in Section 339.02, or exceeding a gross weight of five tons, upon any street or highway under local jurisdiction, other than State routes or truck routes, except pursuant to permission granted by the Mayor. Permission need not be obtained for any movement necessitated by an emergency or for the purpose of making deliveries to or pickups from premises not located on State routes, provided such movement is conducted by the shortest route possible or by a route designated by the Mayor.

No person granted permission by the Mayor 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 subsection (a) hereof.

The Mayor may grant permission for a single or round trip, or for such period of time, not to exceed one year, as the Mayor in his discretion deems advisable, or for the duration of any construction project. The Mayor 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 Mayor may require the posting of bond or other security necessary to compensate for any damage to roadway or road structure.

Violation of any of the limitations, terms or conditions of the permission granted by the Mayor shall be cause for immediate revocation or suspension of such permission and denial of request for any future permission. Such violation shall also subject the violator to the penalty prescribed in Sections 307.01 and 307.02.

- (c) Signs. Except as provided in subsections (a) and (b) hereof, streets and highways shall be posted with signs 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.

Penalty - see Sections 307.01 and 307.02

339.02 – MAXIMUM WIDTH, HEIGHT AND LENGTH

No vehicle shall be operated upon the public streets, highways, 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) 132 inches for traction engines;

- (3) 96 inches, including load, for all other vehicles.
- (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) 45 feet for trailers and semitrailers, with or without load;
 - (4) 60 feet for the overall length of a commercial tractor and semitrailer combination, with or without load;
 - (5) 65 feet for any other combination of vehicles coupled together, with or without load;
 - (6) 40 feet for all other vehicles, with or without load.
- (c) No such vehicle shall have a height in excess of thirteen feet six inches, with or without load.

The length as prescribed in subparagraphs (b)(3), (4), (5), and (6) hereof shall not include safety devices or bumpers attached to the front or rear of such combination; nor shall the length as prescribed in subparagraph (b)(3) hereof include equipment attached to the front of trailers and semitrailers, nor portions of load extending beyond the front of trailers or semitrailers, so long as such attached equipment or load extension does not violate subparagraph (b)(4) or (5) hereof. 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 salvage company organized under the laws of this State or used by such department or company in the discharge of its functions. This section does not apply to vehicles and pole trailers used in 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 in this section, shall when operating the same on the highways and streets of the Municipality 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, inclusive, 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)

Penalty - see Sections 307.01 and 307.02

339.03 – 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 centerline of the rearmost axle.

(ORC 5577.11)

Penalty - see Sections 307.01 and 307.02

339.04 – 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)

Penalty - see Sections 307.01 and 307.02

339.05 – 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 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 public road or highway 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, and only one such unit may be towed or drawn at one time, unless the towing vehicle is an agricultural tractor, as defined in Section 301.02.
(ORC 4513.32)

Penalty - see Sections 307.01 and 307.02

339.06 – LOADS DROPPING OR LEAKING, TRACKING MUD, REMOVAL REQUIRED

- (a) No vehicle shall be driven or moved on any street, highway or other public place unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking or otherwise escaping therefrom, except that sand or other substance 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.
(ORC 4513.31)
- (b) No person shall operate any vehicle so as to track mud on any public way or place.
- (c) It shall be the duty of the driver of a vehicle who unlawfully drops or deposits mud or permits the load or any portion thereof to be dropped or deposited upon any public way or place to immediately remove the same or cause it to be removed.

Penalty - see Sections 307.01 and 307.02

339.07 – VEHICLES WITH SPIKES, LUGS AND CHAINS

- (a) As used in this section:
 - (1) "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.
 - (2) "Traction engine" or "tractor" applies to all self-propelling engines equipped with metal-tired wheels operated or propelled by any form of engine, motor or mechanical power.
- (b) 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, or chains or other
- (c) 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.
- (d) No person shall operate any motor vehicle, other than a Public safety vehicle or school 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.
- (e) 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 in the immediate vicinity thereof. (ORC 5589.08, 5589.081)
- (f) Whoever violates any of the provisions of this section is guilty of a minor misdemeanor. Punishment shall be as provided in Section 307.01. (ORC 5589.99(B))

339.08 – OCCUPYING TRAVEL TRAILER WHILE IN MOTION

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

Penalty - see Sections 307.01 and 307.02

339.09 – 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 cosigner 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.

Penalty see Sections 307.01 and 307.02

339.10 – WEIGHING VEHICLE, REMOVAL OF EXCESS LOAD

Any police officer having reason to believe that the weight of a vehicle and its load is unlawful may require the driver of the vehicle to stop and submit to a weighing of it by means of a compact, self-contained, portable sealed scale specially adapted to determining the wheel loads of vehicles on highways; a sealed scale permanently installed in a fixed location, having a load-receiving element specially adapted to determining the wheel loads of highway vehicles; a seal scale, permanently installed in a fixed location, having a load-receiving element specially adapted to determining the combined load of all wheels on a single axle or on successive axles of a highway vehicle or a sealed scale adapted to weighing highway vehicles, loaded or unloaded.

The driver of such vehicle shall, if necessary, be directed to proceed to the nearest available of such sealed scales to accomplish the weighing, provided such scales are within three miles of the point where such vehicle is stopped. Any vehicle stopped in accordance with this section may be held by the police officer for a reasonable time only to accomplish the weighing as prescribed by this section. All scales used in determining the lawful weight of a vehicle and its load shall be annually compared by a municipal, county or State sealer with the State standards or standards approved by the State, and such scales shall not be sealed if they do not conform to the State standards or standards approved by the State.

At each end of a permanently installed scale, there shall be a straight approach in the same plane as the platform, of sufficient length and width to insure the level positioning of vehicles during weight determinations. During determination of weight by compact, self-contained, portable sealed scales, they shall be used on terrain of sufficient length and width to accommodate the entire vehicle being weighed.

Whenever such officer, upon weighing a vehicle and load, determines that the weight is unlawful, he may require the driver to stop the vehicle in a suitable place and remain standing until such portion of the load is removed as is necessary to reduce the weight of such vehicle to the limit permitted under Ohio R.C. 5577.01 to 5577.14, inclusive, and this chapter. (ORC 4513.33)

Penalty - see Sections 307.01 and 307.02

339.11 – SHIFTING CARGO, LOOSE LOADS

- (a) No person shall drive, or require or permit any motor vehicle or trailer to be driven, unless such motor vehicle or trailer is constructed or equipped with adequate header boards or similar devices of sufficient strength, load fastening devices and blocking, and unless the load or cargo thereon is properly distributed and securely fastened, braced and blocked, to prevent any portion of the load from penetrating or crushing the driver's compartment or cargo compartment wall, or from falling, spilling or rolling upon the roadway, when such vehicle or trailer is involved in an accident or when subjected to the maximum braking deceleration of which it is capable.

- (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.

Penalty - see Sections 307.01 and 307.0

Chapter 341- Drivers of Commercial Cars or Tractors

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341.01 – DEFINITIONS

As used in this chapter of the Traffic Code:

- (a) "Commercial car" means any motor vehicle having motor power designed and used for carrying merchandise or freight, or used as a commercial tractor.
(ORC 4501.01(G))
- (b) "Commercial tractor," except as defined in Section 301.08, means any motor vehicle having motive power designed or used for drawing other motor vehicles, or designed or used for drawing another motor vehicle while carrying a portion of such other motor vehicle or its load, or both.
(ORC 4501.01(D))
- (c) "Owner" includes any person, firm or corporation other than a manufacturer or dealer having title to a motor vehicle.
(ORC 4501.01(P))

341.02 – PERMITTING OR DRIVING WHILE FATIGUED OR ILL PROHIBITED

- (a) No person shall drive a commercial car or commercial tractor, as defined herein, while his ability or alertness is so impaired by fatigue, illness or other causes that it is unsafe for him to drive such vehicle. No driver shall use any drug which would adversely affect his ability or alertness.
- (b) No owner, as defined herein, of a commercial car or commercial tractor, or a person employing or otherwise directing the driver of such vehicle, shall require or knowingly permit a driver in any such condition described in subsection (a) hereof to drive such vehicle upon any street or highway.
(ORC4511.79)

Penalty - see Sections 307.01 and 307.02

341.03 – DRIVER'S CONSECUTIVE SERVICE AND OFF DUTY HOURS

- (a) No owner, as defined herein, of a commercial car or commercial tractor, as defined herein, or person employing or otherwise directing the driver of such vehicle, shall require or knowingly permit a driver to drive such vehicle in this Municipality after fourteen consecutive hours of service, within or without this Municipality. After fourteen consecutive hours of service, such driver shall have at least eight consecutive hours off duty, no part of which shall be required to be spent in or upon a motor vehicle.

In addition, no such driver shall be required or knowingly permitted to drive such vehicle in this Municipality after fourteen total hours of service within or without this Municipality in any twenty-four-hour period until he has had at least eight consecutive hours off duty, no part of which shall be required to be spent in or upon a motor vehicle.

In cases of emergency this section shall not apply.

(ORC 4511.80)

- (b) Whoever violates this section is guilty of a misdemeanor of the first degree. Punishment shall be as provided in Section 307.01.
(ORC 4511.99(E))

Chapter 343 – Offenses Relating to Theft

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343.01 – POLICE 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. 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)

343.02 – MOTOR VEHICLE WITH CONCEALED IDENTITY

- (a) No person shall knowingly buy, sell, receive, dispose of, conceal or have in his possession any motor vehicle from which the manufacturer's serial number or any other distinguishing number or identification mark has been removed, defaced, covered or destroyed for the purpose of concealing or destroying the identity of such motor vehicle.

(ORC 4549.07)

- (b) Whoever violates this section is guilty of a misdemeanor of the first degree. Punishment shall be as provided in Section 307.01.

(ORC 4549.99(B))

343.03 – MOVING VEHICLES WITHOUT CONSENT

No person shall move a vehicle without the consent of the driver or owner into any place or position which would make the driver or owner liable to a penalty for a violation of this Traffic Code.

Penalty - see Sections 307.01 and 307.02

Chapter 351 – Parking Generally

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351.01 – PROHIBITION AGAINST PARKING ON STREETS OR HIGHWAYS

Upon any street or highway, no person shall stop, park or leave 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)

Penalty - see Sections 307.01 and 307.02 and 351.16

351.02 – POLICE MAY REMOVE ILLEGALLY PARKED VEHICLE

- (a) Whenever any police officer finds a vehicle standing upon a street or highway in violation of Section 351.01, he may move such vehicle, or require the driver or other person in charge of the vehicle to move the same, to a position off the paved or improved or main traveled part of such street or highway.
- (b) 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)

351.03 – 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, 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 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 thru-way.
(ORC 4511.68)
- (q) In front of theaters, schools or places of public assemblage.

Penalty - see Sections 307.01, 307.02 and 351.16

351.04 – MANNER OF PARALLEL PARKING

- (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) 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.
- (c) Notwithstanding any provision of this Code, 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 State.

351.05 – WILLFULLY LEAVING VEHICLES ON PRIVATE OR PUBLIC PROPERTY

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

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

(ORC 4513.64)

- (b) Whoever violates this section is guilty of a minor misdemeanor, and shall also be assessed any costs incurred by the Municipality in disposing of such vehicle or

abandoned junk motor vehicle, less any money accruing to the Municipality from such disposal.
(ORC 4513.64)

351.06 – UNATTENDED VEHICLES; DUTY TO LOCK IGNITION, REMOVE KEY, SET BRAKE, ETC

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)

Penalty see Sections 307.01, 307.02 and 351.16

351.07 – OPENING DOORS ON SIDE AVAILABLE TO TRAFFIC

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)

Penalty - see Sections 307.01 and 307.02

351.08 – 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.

Penalty see Section 307.01, 307.02 and 351.16

351.09 – 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.

Penalty - see Sections 307.01, 307.02 and 351.16

351.10 – 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.

Penalty - see Section 307.01, 307.02 and 351.16

351.11 – PARKING ON NARROW STREETS

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.

Penalty -- see Sections 307.01, 307.02 and 351.16

351.12 – PARKING IN ALLEYS

No person shall stop or park any vehicle in any alley less than twenty-one feet in width, except for emergencies or for the purpose of loading or unloading merchandise, and then only for so long as it takes to perform such act.

Penalty - see Sections 307.01, 307.02 and 351.16

351.13 – COMMERCIAL VEHICLES RESTRICTED

No commercial vehicle over twenty feet long shall park at any one time for longer than two hours, except in an emergency and for loading or unloading merchandise.

Penalty - see Sections 307.01, 307.02 and 351.16

351.14 – PARKING IN HEAVY SNOWFALL

- (a) The parking of motor vehicles on streets within the central business district or on State highways within the Village is prohibited between the hours of 10:00 p.m. and 7:00 a.m. during and after times of heavy snowfall when it becomes necessary for the Village to use snow removal equipment in clearing Village streets.
- (b) For the purpose of plowing or removing snow from any street in the central business district or from any State highway, the Village may remove or cause to be removed to some convenient place any vehicle parked on such street or highway, during the above hours, which interferes with the plowing or removal of snow therein.
- (c) At the time of such removal, there shall be a record in duplicate of the license number of the vehicle so removed, the date and time of removal, and the place to which the vehicle is removed. A copy of such record shall be filed with the Police Chief.

- (d) The owner of every vehicle so removed under this section shall pay to the Police Chief the actual costs of such removal, and one dollar (\$1.00) per day, or part thereof, for storage charges.

351.15 – 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.

351.16 – WAIVER

Any person charged with a violation of any provision of this chapter for which payment of a prescribed fine may be made, may pay such sum in the manner prescribed on the issued traffic ticket. Such payment shall be deemed a plea of guilty, waiver of court appearance and acknowledgement of conviction of the alleged offense and may be accepted in full satisfaction of the prescribed penalty for such alleged violation. Payment of the prescribed fine need not be accepted when laws prescribe that a certain number of such offenses shall require court appearance.

Chapter 373 – Bicycles and Motorcycles

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373.01 – CODE APPLICATION TO BICYCLES

- (a) 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)
- (b) Every person operating a bicycle shall obey the instructions of official traffic control devices and signals applicable to vehicles, unless otherwise directed by a police officer.
Penalty - see Sections 307.01 and 307.02

373.02 – RIDING UPON SEATS, CARRYING PACKAGES, MOTORCYCLE HANDLE BARS, HELMETS AND GLASSES

- (a) For purposes of this section, "snowmobile" has the same meaning as given that term in Section 373.01.
- (b) A person operating a bicycle or motorcycle shall not ride other than upon the permanent and regular seat attached hereto, 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 a snowmobile or a motorcycle on a highway, or be a passenger on a snowmobile or a motorcycle, unless wearing a protective helmet on his head, with the chin strap properly fastened, and using safety glasses or other protective eye device. Such helmet, safety glasses or other protective eye device shall conform with the regulations prescribed and promulgated by the Ohio Director of Highway Safety. The provisions of this subsection or a violation thereof shall not be used in the trial of any civil action.
(ORC 4511.53)

Penalty - see Sections 307.01 and 307.02

373.03 – ATTACHING BICYCLES, MOTORCYCLES TO OTHER VEHICLES

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)

Penalty - see Sections 307.01 and 307.02

373.04 – RIDING ON RIGHT SIDE OF ROADWAY, RIDING ABREAST

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

Penalty - see Sections 307.01 and 307.02

373.05 – LIGHTS, SIGNAL DEVICES, BRAKES ON BICYCLES

- (a) Every bicycle when in use at the times specified in Section 337.02, shall be equipped with a lamp on the front that shall emit a white light visible from a distance of at least 500 feet to the front and with a red reflector on the rear of a type approved by the Ohio Director of Highway 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 headlamps on a motor vehicle and 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.
- (b) 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.
- (c) Every bicycle shall be equipped with an adequate brake when used on a street or highway.
(ORC 4511.56)

Penalty - see Sections 307.01 and 307.02

373.06 – HAND AND ARM SIGNALS, YIELD RIGHT OF WAY

Any person operating a bicycle shall:

- (a) Before changing course, turning or stopping upon a roadway, exercise due care that the movement can be made with reasonable safety and give the hand and arm signals required by Section 331.14;
- (b) Yield the right of way to pedestrian and vehicular traffic upon the roadway as lawfully required;
- (c) Yield the right of way to a pedestrian upon a sidewalk;
- (d) Give timely and audible signal before overtaking and passing a pedestrian upon a roadway or sidewalk.

Penalty - see Sections 307.01 and 307.02

373.07 – 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 or in compliance with law;

- (d) Without both hands upon the Dandle grips except when necessary to give the required hand and arm signals;
- (e) At a speed greater than is reasonable and prudent under the conditions then existing.

Penalty - see Sections 307.01 and 307.02

373.08 – 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.

Penalty - see Sections 307.01 and 307.02

373.09 – RIDING ON SIDEWALKS

No person shall operate a bicycle upon a sidewalk within a business district or upon a sidewalk where signs are erected prohibiting such operation.

Penalty - see Sections 307.01 and 307.02

Chapter 375 – Snowmobiles and All Purpose Vehicles

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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 common 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 301.21 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 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 (d), 72 Stat. 888 (1958), 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 tail light 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)

Penalty - see Sections 307.01 and 307.02

375.03 – CODE APPLICATION: PROHIBITED OPERATION

- (a) 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:
 - (1) On any limited access highway, freeway or interstate highway, or the right of way thereof, except for emergency travel only during such time and in such manner as the Ohio Director of Highway Safety shall designate;
 - (2) On any private property, or in any nursery or planning area, without the permission of the owner or other person having the right to possession of the property;
 - (3) On any land or waters controlled by the State, except at those locations where a sign has been posted permitting such operation;
 - (4) On the tracks or right of way of any operating railroad;
 - (5) While transporting any firearm, bow or other implement for hunting, that is not unloaded and securely encased;
 - (6) For the purpose of chasing, pursuing, capturing or killing any animal or wild fowl; or
 - (7) 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)
- (b) Whoever violates this section is guilty of a misdemeanor of the third degree. Punishment shall be as provided in Section 307.01.

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 highway as designated in Section 375.03(a)(1), 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 represents an immediate hazard;
- (b) On highways in the County or Township road systems that are not maintained for vehicular winter travel by snow removal, whenever the local authority having jurisdiction over such highways 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;
- (d) On the berm or shoulder of a highway, other than a highway as designated in Section 375.03(a) (1), when the terrain permits such operation to be undertaken safely and

without the necessity of entering any traffic lane.
(ORC 4519.41)

375.05 – LICENSING REQUIREMENTS OF OPERATOR

- (a) No person who does not hold a valid, current motor vehicle operator's or chauffeur's license, motorcycle operator's endorsement or probationary license issued under Ohio R.C. Chapter 4507, shall operate a snowmobile or all purpose vehicle on any street or highway in this Municipality, on any portion of the right of way thereof, or on any public land or waters.
- (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.
- (c) Failure to produce an operator's or chauffeur's license, motorcycle operator's endorsement, or probationary license, upon the reasonable demand of any law enforcement officer or other person as authorized by Ohio R.C. 4519.42 and 4519.43, shall be prima-facie evidence that the license has not been obtained. (ORC 4519.44)
- (d) Whoever violates any of the provisions of this section is guilty of a misdemeanor of the third degree. Punishment shall be as provided in Section 307.01.

375.06 – ACCIDENT REPORTS

- (a) 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)

- (b) Whoever violates this section is guilty of a misdemeanor of the third degree.
Punishment shall be as provided in Section 307.01

375.07 – LOCAL CONTROL WITHIN POLICE POWER

Nothing contained in this chapter shall prevent the Municipality from regulating the operation of snowmobiles and all purpose vehicles on streets and highways and other public property under Municipal jurisdiction, and within the reasonable exercise of the police power, except that the registration or licensing of any snowmobile or all purpose vehicle required to be registered under Ohio R.C. Chapter 4519 shall not be required.

(ORC 4519.48)

375.08 – 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.

Penalty - see Sections 307.01 and 307.02

Chapter 501 – General Provisions and Penalty

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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 damage to property which, in any degree, results in a 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 or 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, 541.02 and 549.02 of this General Offenses Code, and a violation of the Ohio R.C. 2903.01, 2903.02, 2903.04, 2903.11, 2903.12, 2903.13, 2903.21, 2903.22, 2905.01, 2905.02, 2905.11, 2907.02, 2907.03, 2909.02, 2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 2917.01, 2917.02, 2917.03, 2917.31, 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) Any 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 or 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) "Property" means any property, real or personal, tangible or intangible, and any interest or license in such property.
- (k) "Law enforcement officer" means any of the following:
- (1) A sheriff, deputy sheriff, constable, marshal, deputy marshal, municipal police officer or State highway patrolman;
 - (2) An officer, agent or employee of the State of 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 in his/her capacity as chief conservator of the peace within his municipality;
 - (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 the 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.
- (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.
- (ORC 2901.01)

501.02 – CLASSIFICATION OF OFFENSE

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.
 - (b) An offense is defined when one or more sections of the Codified Ordinances state a positive prohibition or enjoin a special 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 judgement 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 affect 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 jurisdictions;
 - (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 retain 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 death itself. If any part of the body of a homicide victim is found in the 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, 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.
(ORC 2901.11)

501.06 – LIMITATION OF CRIMINAL PROSECUTION

- (a) 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 a 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 of 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 unsolved.
- (g) The period of limitation shall not run during any time when the accused purposely avoids prosecution. Proof that the accused absented himself from the 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)

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 of 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 circumstance 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 impossible under the circumstances.
- (c) No person who is convicted of committing a specific offense or of complicity in the commission of such 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 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) No person shall be convicted of complicity under this section solely upon the testimony of an accomplice, unsupported by other evidence.
- (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 Ohio R.C. 2901.23, may be prosecuted for an offense committed by such organization, if he or she 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 or she 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 or she has direct responsibility;
 - (2) He or she 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 or she is subject to the same penalty as if he or she had acted in his or her own behalf.
(ORC 2901.24)

501.99 – PENALTIES FOR MISDEMEANORS

- (a) Whoever is convicted of or pleads guilty to a misdemeanor shall be imprisoned for a definite term or fined, or both, which term of imprisonment and fine shall be fixed by the court as provided in this section:

Classification of Misdemeanor	Maximum Term of Imprisonment	Maximum Fine
First Degree	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)

- (b) Regardless of the penalties provided in subsection (a) hereof, an organization convicted of an offense pursuant to Section 50111 shall be fined, which fine shall be fixed by the court as follows:

Type of Misdemeanor	Maximum Fine
First Degree	\$5,000.00
Second Degree	\$4,000.00

Third Degree	\$3,000.00
Fourth Degree	\$2,000.00

Type of Misdemeanor	Maximum Fine
Minor	\$1,000.00
Misdemeanor not specifically classified	\$2,000.00
Minor misdemeanor not specifically classified	\$1,000.00

- (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 offense.
 - (3) This subsections (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 292.31)

Chapter 505 – Animals and Fowl

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505.01 – DOG AND OTHER ANIMALS RUNNING AT LARGE

- (a) No person being the owner or having charge of cattle, sheep, geese, ducks, turkeys, chickens or other fowl or animals shall permit them to run at large upon any public place, or upon any unenclosed lands, or upon the premises of another.
- (b) No person being the owner of or having charge of any dog, whether wearing a registration tag or not, shall permit it to run at large upon any public place or upon the premises of another. No owner, keeper or harbinger of any female dog shall permit such dog to go beyond the premises of such owner or keeper at any time such dog is in heat, unless such dog is properly in leash. The owner or keeper of every dog shall at all times keep such dog either confined upon the premises of the owner or keeper, or under reasonable control of some person.
(ORC 955.22)
- (c) 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)
- (d) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 955.99 (A))

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 impounded dog is not wearing a valid registration tag, the dog shall forthwith be turned over to an officer charged by law with the custody and disposal of such dogs. If the dog is wearing a valid registration tag or the identity of the owner or harbinger is otherwise established notice shall immediately be given to such owner or harbinger that the dog has been impounded. Notice may be by telephone or by ordinary mail to the last known address of such owner or harbinger. The dog shall not be released except upon the payment of reasonable expenses for its taking and keeping. Any dog not redeemed within three days of the time it is seized or impounded may be sold or otherwise disposed of as provided by Ohio Revised Code 955.16.
- (b) A record of all dogs impounded, the disposition of the same, the owner's name and address, if known, and a statement of any costs or receipts involving such dog shall be kept.

505.03 – ANNUAL REGISTRATION OF DOGS, TAGS REQUIRED

- (a) Except for guide dogs registered under Ohio Revised Code 955.011 and dogs kept by a institution or organization for teaching and research purposes under Ohio Revised Code 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 Revised Code 955.16.
- (b) Whoever violates this section is guilty of a minor misdemeanor.

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 – 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.
(ORC 959.02)
- (b) Whoever violates this section, if the value of the animal killed or the injury done amounts to less than one hundred fifty dollars (\$150.00), is guilty of a misdemeanor of the second degree; if the value of the animal killed or the injury done amounts to one hundred fifty dollars (\$150.00) 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 with

the consent of the owner, place any poisoned food where it may be easily found and eaten by any such animals, either upon his own lands or the lands of another.

(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 would otherwise become sick or in some way suffer. This subsection does not apply to animals impounded or confined prior to slaughter. For the purpose this section, “shelter” means a man-made enclosure, windbreak or sunshade or a 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; or

(4) Keep animals, other than cattle, poultry or fowl, swine, sheep or goats, in an enclosure without wholesome exercise and change of air, or feed cows on food that produces impure or unwholesome milk.

(ORC 959.13)

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

(ORC 959.99 (D))

505.08 – 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.

505.09 – 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 condition which are a menace to the health, comfort or safety of the public.

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

505.10 – HUNTING PROHIBITED

(a) The hunting of animals or fowl within the Municipality is prohibited. No person shall hunt, kill or attempt to kill any animal or fowl by the use of firearms or any other means.

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

505.11 – 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 baby 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.

505.12 – DOG OWNER LIABLE FOR DAMAGE TO PUBLIC PROPERTY

The owner, keeper or harbinger of any dog which damages or destroys park or public property shall be held liable for the full value of the property damaged or destroyed in addition to any penalty imposed for a violation of this chapter.

505.13 – KEEPING CERTAIN ANIMALS PROHIBITED

(a) No person shall keep or harbor any horses, cattle, sheep, ponies, mules, goats, pigs or hogs in the Village.

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

Chapter 509 – Disorderly Conduct and Peace Disturbance

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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 require 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;
 - (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 of 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 purpose of subsection (b) hereof.
- (e) Whoever violates this section is guilty of disorderly conduct, a minor misdemeanor. If the offender persists in disorderly conduct after reasonable warning or request to desist, disorderly conduct is a misdemeanor of the fourth degree. (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 representatives in the lawful exercise of his duties.
- (c) Whoever violates this section is guilty of a 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 2913.13)

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)

509.08 – UNNECESSARY NOISES, PROHIBITED ACTS

- (a) No person shall make, continue or cause to be made or continued, any loud, unusual or unnecessary noises or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the City.
- (b) The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this section, but such enumerations shall not be deemed to be exclusive:
 - (1) Horns; signaling devices. The sounding of any horn or signaling device on any automobile, motorcycle, or other vehicle, except as a danger warning; the creation by means of any such signaling devices of any unreasonable, loud or harsh sound, and the sounding of any such device for an unnecessary and unreasonable period of time; the use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust, and the use of any signaling device when traffic is for any reason held up.
 - (2) Radios, phonographs, etc. The using or operating, or permitting to be played, used or operated, of any radio, musical instrument, phonographs or any other machine or device, or the producing or reproducing of sounds in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants, or at any time with louder volume than is necessary for convenient hearing of the persons who are in the room or vehicle in which such machine or device is operating.
 - (3) Yelling, shouting. Yelling, shouting, hooting, whistling or singing on the streets between the hours of 11:00 PM and 7:00 AM, or at any time or place so as to

annoy or disturb the quiet, comfort or repose of persons in any office or in any dwelling, hotel or other type of residence, or of any person in the vicinity.

- (4) Animals; birds. The keeping or harboring of any domesticated or wild animals or fowl which, by causing frequent or long continued noise, shall disturb the comfort of repose of any person in the vicinity.
- (5) Schools, courts, churches, hospitals. The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court, while the same are in use, or adjacent to any hospital, which unreasonably interferes with the working of such institution, or which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed in such street indicating that the same is a school, court, or hospital.
- (6) Pile drivers, hammers, etc. The operating, between the hours of 10:00 PM and 7:00 AM, of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by loud or unusual noise. should an emergency arise whereby it is necessary to operate this equipment during the hours other than set forth herein, application should be made to the Mayor for permission to do so and permission shall be granted, if it is deemed an emergency.

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

Chapter 513 – Controlled Substances

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513.01 – DEFINITIONS

(a) As used in this chapter:

"Administer" or "administration" means the direct application of a drug, whether by injection, inhalation, ingestion or any other means, to a person or animal.

(b) "Controlled substance" means a drug, compound, mixture, preparation or substance included in Schedule I, II, III, IV or V of Section 3719.41, O.R.C. subject to amendment by Section 3719.43 or 3719.44, O.R.C.

(c) "Dangerous drug" means:

- (1) Any drug which, under the "Federal Food Drug and Cosmetic Act," Federal narcotic law, or 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; or
- (3) Any drug intended for administration by injection into the human body other than through a natural orifice of the human body.

(d) "Dispense" means sell, leave with, give away, dispose of or deliver.

(e) "Distribute" or "distributor" means to deal in, ship, transport or deliver but does not include administering or dispensing a drug.

(f) "Drug" means:

- (1) Any article recognized in the official United States pharmacopeia, or official national formulary, or any supplement to either of them, intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals;

- (2) Any other article intended for use in mitigation, treatment or prevention of disease in man or other the diagnosis, cure, animals;
 - (3) Any article, other than food, intended to affect the structure or any function of the body of man or other animals; or
 - (4) Any article intended for use as a component of any article specified in subparagraph (1), (2) or (3) hereof; but does not include devices or their components, parts or accessories, unless the label bears the statement required under Federal regulations adopted pursuant to the "Federal Food, Drug and Cosmetic Act: to restrict the device, component, part or accessory to sale by order of a practitioner.
- (g) "Drug abuse offense" means:
- (1) A Violation of Ohio R.C. 2925.02, 2925.21 or 2925.23, a Felony offense under Ohio R.C. 2925.03, 2925.11, 2925.22 or 2925.36 or Section 513.02, 513.03, 513.04, 513.05, 513.06, or 513.07 of this General Offenses Code;
 - (2) A violation of an existing or former law of this or any other state or of the United States, substantially equivalent to any section listed in subparagraph (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; or
 - (4) A conspiracy or attempt to commit, or complicity in committing or attempting to commit, any offense under subparagraph (1), (2) or (3) hereof.
- (h) "Drug of abuse" means any controlled substance, as defined in subsection (b) hereof, any harmful intoxicant, as defined in subsection (j) hereof and any dangerous drug, as defined in subsection (c) hereof.
- (i) "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 or Section 513.03 of this General Offenses Code.
- (j) "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, without limitation, 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; or

- (4) Any anesthetic gas.
- (k) "Hospital" means an institution for the care and treatment of the sick and injured, certified by the State Department of Health and approved by the State Board of Pharmacy as proper to be entrusted with the custody of controlled substances and the professional use of controlled substances under the direction of practitioner or pharmacist.
- (l) "Hypodermic" means a hypodermic syringe or needle, or other instrument or device for the subcutaneous injection of medication,
- (m) "Laboratory" means a laboratory approved by the State Board of Pharmacy as proper to be entrusted with the custody of controlled substances and the use of controlled substances for scientific and clinical purposes and for purposes of instructions.
- (n) "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 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 substance in accordance with a prescription and in the usual course of professional practice.
- (o) "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, sale, 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.
- (p) "Narcotic drugs" means cocoa leaves, opium, isonipecaine, amidone, isoamidone, ketobemidone, as defined herein and every substance not chemically distinguished from them and every drug, other than cannabis, which may be included in the meaning of "narcotic drug" under the Federal drug abuse control laws. "Coca leaves" includes cocaine and any compound, manufacture, salt, derivative, mixture or preparation of coca leaves, except derivatives of coca leaves which do not contain cocaine, ecgonine or substances for which cocaine or ecgonine may be synthesized or made. "Isonipecaine" means any substance identified chemically as 1-methyl-4-phenyl-piperidine-4-carboxylic acid ethyl ester, or any salt thereof, by whatever trade name designated. "Amidone" means any substance identified chemically as 4-4-diphenyl-6-dimethylamino-heptanone-3, or any salt thereof, by whatever trade name designated. "Isoamidone" means any substance identified

chemically 4-4-diphenyl-5-methyl-6-dimethylaminohexanone-3, or any salt thereof, by whatever trade name designated. "Ketobemidone" means any substance identified chemically as 4-(3-hydroxyphenyl)-1-methyl-4-piperidyl ethyl ketone hydrochloride, or any salt thereof, by whatever trade name designated.

- (q) "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. 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.
- (r) "Nurse" means a person licensed to engage in the practice of nursing in this State.
- (s) "Person" means any individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.
- (t) "Pharmacist" means a person registered with the State Board of Pharmacy as a compounder and dispenser of drugs.
- (u) "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.
- (v) "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.
- (w) "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.
- (x) "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.
- (y) "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.

- (z) "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.
- (aa) "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 O.R.C. 3719.41, as amended pursuant to Ohio R.C. 3719.43 or 3719.44.
- (bb) "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.
- (cc) "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 defined in Ohio R.C. 4729.02.
- (dd) Words, terms and phrases and other derivatives used in this chapter which are not defined in this section shall have the meanings given to them in the Ohio Revised Code.

513.02 – TRAFFICKING IN MARIHUANA

- (a) No person shall knowingly make a gift of, or possess for the purpose of making a gift of, or receive as a gift, twenty grams or less of marihuana.
- (b) Whoever violates this section is guilty of a minor misdemeanor for a first offense and a misdemeanor of the third degree for any subsequent offense.

513.03 – DRUG ABUSE

- (a) No person shall knowingly obtain, possess or use a controlled substance.
- (b) Subsection (a) hereof 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. This section does not apply to 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:
 - (1) If the drug involved is a compound, mixture, preparation or substance included in Schedule III, IV or V, drug abuse is a misdemeanor of the third degree, and if the offender has previously been convicted of a drug abuse offense, drug abuse 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.

- (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.

513.04 – PERMITTING DRUG ABUSE

- (a) No person, being 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 such vehicle to be used for commission of a felony drug abuse offense.
- (b) No person, being the owner, lessee or occupant or having custody, control or supervision of premises or real estate, including vacant land, shall knowingly permit premises or real estate, including vacant land, to be used for 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, provided the offender has not previously been convicted of a drug abuse offense.
- (d) Vehicles used in violation of subsection (a) hereof shall be seized and forfeited to the Municipality upon motion to the common pleas court. Forfeiture shall not apply to common carriers or innocent owners, nor shall they affect the rights of a holder of a valid lien.

513.05 – DECEPTION TO OBTAIN A DANGEROUS DRUG

- (a) No person, by deception, as defined in Section 545.01 shall procure the administration of, a prescription for, or the dispensing of, a dangerous drug, or possess an uncompleted preprinted prescription blank used for writing a prescription for a dangerous drug.
- (b) Whoever violates this section is guilty of deception to obtain a dangerous drug, a misdemeanor of the first degree, provided the offender has not previously been convicted of a drug abuse offense and/or provided the drug involved is not a compound, mixture, preparation or substance included in Schedule I or II, with the exception of marihuana.

513.06 – ABUSING HARMFUL INTOXICANTS, TRAFFICKING

- (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) No person shall knowingly dispense or distribute any harmful intoxicant, except gasoline, to any person under eighteen years of age, if the person who dispenses or

distributes it knows or has reason to believe that the harmful intoxicant will be used in violation of subsection (a) hereof, 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, as defined in Section 513.01, 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.

- (c) Any product that is required by subsection (b) hereof to include a noxious additive shall have such contents clearly stated on the label.
- (d) 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 that addition of a noxious additive is not required.
- (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.
- (f) Whoever violates subsection (a) hereof is guilty of abusing harmful intoxicants, a misdemeanor of the fourth degree. If the offender has previously been convicted of drug abuse offense, abusing harmful intoxicants is a misdemeanor of the first degree.
- (g) Whoever violates subsection (b) or (c) hereof is guilty of trafficking in harmful intoxicants, a misdemeanor of the fourth degree. If the offender has previously been convicted of a drug abuse offense, trafficking in harmful intoxicants is a misdemeanor of the third degree.

513.07 – EVIDENCE

- (a) In any criminal prosecution for a violation of any of the provisions of this chapter, a laboratory report from the State Bureau of Criminal Identification and Investigation or a laboratory operated by another law enforcement agency and signed by the person performing the analysis, stating that the substance which is the basis of the alleged offense has been weighed and analyzed and stating the findings as to the content, weight and identity of the substance and that it contains any amount of a controlled substance and the number and description of unit dosages, is prima-facie evidence of the content, identity and weight or the existence and number of unit dosages of the substance.

Attached to that report shall be a copy of a notarized statement by the signer of the report giving the name of the signer and stating that he is an employee of the laboratory

issuing the report and that performing the analysis is a part of his regular duties, and giving an outline of his education, training and experience for performing an analysis of materials included under this section. The signer shall attest that scientifically accepted tests were performed with due caution and that the evidence was handled in accordance with established and accepted procedures while in the custody of the laboratory.

- (b) The prosecuting attorney shall serve a copy of the report on the attorney of record for the accused, or on the accused if he has no attorney prior to any proceeding in which the report is to be used against the accused other than at a preliminary hearing or Grand Jury proceeding where the report may be used without having been previously served upon the accused.
- (c) The report shall not be prima-facie evidence of the contents, identity and weight or the existence and number of unit dosages of the substance if the accused or his attorney demands the testimony of the person signing the report, by serving the demand upon the prosecuting attorney within seven days from the accused or his attorney's receipt of the report. The time may be extended by a trial judge in the interests of justice.
- (d) Any report issued for use under this section shall contain notice of the right of the accused to demand, and the manner in which the accused shall demand, the testimony of the person signing the report.
- (e) Any person who is accused of a violation of any of the provisions of this chapter is entitled, upon written request made to the prosecuting attorney, to have a portion of the substance that is the basis of the alleged violation preserved for the benefit of independent analysis performed by a laboratory analyst employed by the accused person, or, if he is indigent, by a qualified laboratory analyst appointed by the Court. Such portion shall be a representative sample of the entire substance that is the basis of the alleged violation and shall be of sufficient size, in the opinion of the Court, to permit the accused's analyst to make a thorough scientific analysis concerning the identity of the substance. The prosecuting attorney shall provide the accused's analyst with the sample portion at least fourteen days prior to trial, unless the trial is to be held in a Court not of record or unless the accused person is charged with a minor misdemeanor, in which case the prosecuting attorney shall provide the accused's analyst with the sample portion at least three days prior to trial. If the prosecuting attorney determines that such a sample portion cannot be preserved and given to the accused's analyst, the prosecuting attorney shall so inform the accused person, or his attorney. In such a circumstance, the accused person is entitled, upon written request made to the prosecuting attorney, to have his privately employed or Court appointed analyst present at an analysis of the substance that is the basis of the alleged violation, and, upon further written request, to receive copies of all recorded scientific data that result from the analysis and that can be used by an analyst in arriving at conclusions, findings or opinions concerning the identity of the substance subject to the analysis.

(f) In addition to the rights provided under subsection (e) hereof, any person who is accused of a violation of any of the provisions of this chapter that involves a bulk amount of a controlled substance, or any multiple thereof, or who is accused of a violation of Section 513.03, other than a minor misdemeanor violation, that involves marihuana, is entitled, upon written request made to the prosecuting attorney, to have a laboratory analyst of his choice, or, if the accused is indigent, a qualified laboratory analyst appointed by the Court, present at a measurement or weighing of the substance that is the basis of the alleged violation. Also, the accused person is entitled, upon further written request, to receive copies of all recorded scientific data that result from the measurement or weighing and that can be used by an analyst in arriving at conclusions, findings or opinions concerning the weight, volume or number of unit doses of the substance subject to the measurement or weighing.

Chapter 517 – Gambling

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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) "Schemer 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) "Schemer of 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 especially designed for gambling purposes.
- (g) "Gambling offense" means any of the following:
- (1) A violation of Section 517.02, 517.03, 517.04, 517.05, 517.06, 517.07 or 517.08 of this General Offenses Code, of Ohio R.C. 2915.06 or 2915.07, or of a felony offense under Ohio R.C. 2915.02, 2915.03, 2915.05 or 2915.09.
 - (2) A violation of an existing or former ordinance of this or any other municipality or law of this or any other state or the United States, substantially equivalent to any section listed in subparagraph (1) hereof;
 - (3) An offense under an existing or former ordinance of this or any other municipality 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, any offense under subparagraph (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 or senior citizen's organization. An organization is tax exempt if it is exempt from Federal taxation under subsection 501(c)(3), 501(c)(4), 501(c)(8), 501(c)(10) or 501(c)(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 the making of an application for a bingo license under Ohio R.C. 2915.08.
- (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 veteran's organization or association that is incorporated by an act of the United States Congress or any auxiliary unit of that veteran's organization or association.
- (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 or brotherhood of its members and that has been in continuous existence in the 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 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 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, 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 horizontals and five vertical rows of spaces, with each space, except the central space, being designated by a combination of a letter and a number and with the central space being designated as a free space.
 - B. The participants cover the spaces 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 correspond 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 subparagraph (s) (1) C, hereof that a

predetermined and preannounced pattern of spaces has been covered on a bingo card being used by the participant.

- (2) Any scheme or game other than a game as defined in subparagraph (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 subparagraph (s)(2) A hereof that appears 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 serving refreshments.
- (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.
- (y) "Security personnel" includes any person who either is a sheriff, deputy sheriff, marshal, deputy marshal, township constable, or member of an organized police department of a municipal corporation or has successfully completed a peace officer's training course pursuant to Ohio R.C. 109.71 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 games are used by, or given, donated or otherwise transferred to, any organization that is described in subsection 509(a)(1) or 509(a)(3) of the Internal Revenue Code and is either a governmental unit or an organization that is tax exempt under subsection 501(c)(3) of the Internal Revenue Code; that the proceeds of the bingo games 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 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), awarding scholarships to or for attendance at an institution mentioned in Ohio R.C. 5739.02 (B)(12), donated to a governmental agency, or used for nonprofit youth activities, promotion of patriotism, or disaster relief; that the proceeds of the bingo games are used by, or given, donated or otherwise transferred to, a fraternal organization that has been in continuous existence in the 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 (1) hereof.
- (aa) "Internal Revenue Code" means the "Internal Revenue Code of 1954," 68A Stat. 3, 26 U.S.C.1, as now or hereafter amended. (ORC 2915.01)

517.02 – GAMBLING IN GENERAL

- (a) No person shall:

- (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 for a charitable bingo game, as a substantial source of income or livelihood;
 - (5) With purpose to violate subparagraph (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; does not apply to schemes of chance conducted by a charitable organization that is tax exempt under subsection 501(c)(3) of the Internal Revenue Code, provided that all of the money or assets received from such 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), 509(a)(2) or 509(a)(3) of the Internal Revenue Code and is either a governmental unit or an organization that is tax exempt under subsection 501(c)(3) of the Internal Revenue Code; and does not apply to games of chance, except craps for money, roulette for money, and slot machines, that are conducted by charitable organizations that are tax exempt under subsection 501(c)(3) of the Internal Revenue Code, at the organizations' festivals, if the festivals are conducted for a period of four consecutive days or less and not more than twice a year.
- (d) Whoever violates this section is guilty of gambling, a misdemeanor of the first degree, provided the offender has not previously been convicted of any 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) Premises used or occupied in violation of this section constitute a nuisance subject to abatement pursuant to Ohio R.C. 3767.01 to 3767.99.
- (c) Whoever violates this section is guilty of operating a gambling house, a misdemeanor of the first degree provided the offender has not previously been convicted of a gambling offense.
(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) Premises used or occupied in violation of subsection (b) hereof constitute a nuisance subject to abatement pursuant to Ohio R.C. 3767.01 to 3767.99.
- (e) Whoever violates any of the provisions of 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.
(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, provided the Potential gain from cheating is less than one hundred fifty dollars (\$150.00), and provided 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 – RESPONSIBILITY OF CHARITABLE ORGANIZATION CONDUCTING BINGO GAME

- (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;
 - (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, for hiring security personnel for the bingo game, for advertising the bingo game, and for renting premises in which to conduct the bingo game;
 - (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, per 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 person who is not a charitable organization shall not lease premises that he owns, leases or otherwise is empowered to, lease to more than two charitable organizations per calendar week for conducting bingo games on the premises.
 - (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).
- (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;
 - (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 (\$3,500.00) in prizes during any bingo session that is conducted by the charitable organization;
 - (6) Conduct a bingo session after midnight of the day on which the bingo session was commenced.
- (c) Whoever violates subparagraph (a)(2) hereof shall be punished as provided in Ohio R.C. 2915.09(C). Whoever violates any of the other provisions of this section is guilty of a minor misdemeanor for a first offense and a misdemeanor of the first degree for any subsequent offense.
- (ORC 2915.09)

517.07 – MAINTENANCE OF RECORDS BY CHARITABLE ORGANIZATIONS

- (a) A charitable organization that conducts a bingo session shall maintain the following records for at least three years from the date on which the bingo session is conducted:
- (1) An itemized list of the gross receipts of each session;
 - (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 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, 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 for any purpose set forth in Section 517.01(z), 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 that is conducted by the charitable organization.
- (b) Local law enforcement agencies may investigate any charitable organization or any officer, agent, trustee, member or employee of the organization, and may examine the accounts and records of the organization to determine if a violation of any provision of the Ohio R.C. 2915.07 to 2915.11 or Sections 517.06 to 517.08 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. 2915.07 to 2915.11 or Sections 517.06 to 517.08 the local law enforcement agency may proceed by action in the proper court to enforce Ohio R.C. 2915.07 to 2915.11 or Sections 517.06 to 517.08 provided that the local law enforcement agency shall give written notice to the Ohio Attorney General when commencing an action as described in this subsection.

- (c) Whoever violates this section is guilty of a misdemeanor of the first degree.
(ORC 2915.10)

517.08 – AGE OF BINGO GAME OPERATOR

- (a) No person shall be a bingo game operator unless he is eighteen years of age or older.
- (b) Whoever violates this section is guilty of a misdemeanor of the third degree.
(ORC 2915.11)

517.09 – EXEMPTION FOR BINGO GAMES CONDUCTED FOR AMUSEMENT.

Sections 517.06 to 517.08 do not apply to bingo games that are conducted for the purpose of amusement only. A bingo game is conducted for amusement only if all of the gross receipts of the bingo game are distributed during the game to the participants in the bingo game or if the participants do not pay any compensation, including an admission fee, for the privilege of participating in the bingo game.
(ORC 2915.12)

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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 semi-airtight 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 does not apply to an icebox, refrigerator or other airtight or semi-airtight 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 or similar fuel, and tending to give off carbon monoxide or other harmful gases:
 - (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.
 - (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)(1) 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.
(ORC 3701.82)
- (d) 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 OBSTRUCTIONS7 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 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:
- (b) 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.
- (c) 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.

Barbed wire partition fences may be erected and maintained as provided in Ohio R.C. 971.03.

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

521.08 – LITTERING AND DEPOSIT OF GARBAGE, RUBBISH, JUNK, ETC.

- (a) No person shall, without lawful authority, place or dispose of in any manner, upon any public property or upon the premises of another, any paper, trash, garbage, waste, rubbish, refuse, junk or any substance or material which is or may become noxious, offensive, injurious or dangerous to the public health, comfort or safety.
- (b) No person shall cause or allow trash, garbage, waste, rubbish, refuse or any other noxious or offensive materials or substances 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.
- (c) Whoever violates this section is guilty of a minor misdemeanor on a first offense; on each subsequent offense such person is guilty of a misdemeanor of the fourth degree.

529.09 – 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 – UNSANITARY PREMISES PROHIBITED

- (a) It shall be a public nuisance and unlawful for any person who holds title in any capacity to, or has possession of, or is responsible for the management, upkeep or maintenance at any time of real property within the Village to allow such property to be overgrown with brush, briars, burrs, vines, thistles or other noxious weeds, or place or dispose of in any manner thereon any garbage, waste or peelings of vegetables or fruits, rubbish, ashes, cans, bottles, wire, paper, cartons, boxes, parts of automobiles, wagons, furniture, machinery, glass, oil or anything else of an unsightly or unsanitary nature, except on land provided by the Zoning Code.
- (b) Whoever violates this section is guilty of a minor misdemeanor.

521.11 – JUNK MOTOR VEHICLES AND MOTOR VEHICLE PARTS

- (a) As used in this section "junk motor vehicle" means any motor vehicle which is three years old or older; extensively damaged, such damage including but not limited to any of the following: missing wheels, tires, motor or transmission; apparently inoperable;

and having a fair market value of one hundred dollars (\$100.00) or less, 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 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 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, as defined in Ohio R.C. 4501.01(F).

- (b) No person shall be prevented from storing or keeping, or restricted in the method of storing or keeping, any collector's vehicle on private property with the permission of the person having the right to the possession of the property, except that a person having such permission may be required to conceal, by means of buildings, fences, vegetation, terrain or other suitable obstruction, any unlicensed collector's vehicle stored in the open.
- (c) The Chief of Police 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 or motor vehicle part 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.
- (d) No person shall willfully leave a junk motor vehicle or motor vehicle part 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 or motor vehicle part is so left is prima-facie evidence of willful failure to comply with the notice, and each subsequent period of thirty days that a junk motor vehicle or motor vehicle part continues to be so left constitutes a separate offense.
(ORC 4513.65)
- (e) 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.
(ORC 4513.99(E))

Chapter 525 – Law Enforcement and Public Office

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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, or confinement in any facility for custody of persons charged with or convicted of crime or alleged or found to be delinquent or unruly, or detention for extradition or deportation. Detention does not include supervision of probation or parole, nor constraint incidental to release on bail.
- (f) "Detention facility" means any place used for the confinement of a person charged with or convicted of crime or alleged or found to be delinquent or unruly.
(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 apply:
- (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 workmen's compensation, unemployment compensation, aid for the aged, aid for the blind, aid for the permanently and totally disabled, aid to dependent children, general relief, 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 government agency of a license, permit, authorization, certificate, registration or release.
 - (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.
- (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 this section is guilty of falsification, a misdemeanor of the first degree.
(ORC 2921.13)

525.03 – IMPERSONATING AN OFFICER

- (a) As used in this section:
 - (1) "Peace officer" means a sheriff, deputy sheriff, marshal, deputy marshal, member of the organized police department of a municipal corporation, or township constable, who is employed by a political subdivision of this State, 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 regulations 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 subsection (c) or (d) hereof guilty of a misdemeanor of the first degree, provided 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, 545.09 or 545.10(b)(2), or Ohio R.C. 2913.02, 2913.11 or 2913.21(B)(2), 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 the amount which 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, such 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 OR 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) 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 which he knows or has reasonable cause to believe resulted from an offense of violence, or any second or third degree burn which was inflicted by an explosion or other incendiary device, or any burn which shows evidence of having been inflicted in a violent, malicious or criminal manner.
- (c) No person who discovers the body or acquires the first knowledge of the death of any person shall fail to report such death immediately to any physician known by such person 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, death is believed to have occurred or knowledge concerning it 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 such death, any facts within his knowledge that may have a bearing on the investigation of such death.
- (e) 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, priest and penitent, or husband and wife;
 - (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 2739.13;
 - (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 registered pursuant to Ohio R.C. 5122.51.
- (f) No disclosure of information pursuant to this section gives rise to any liability or recrimination for a breach of privilege or confidence.
(ORC 2921.22)
- (g) 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.
- (h) Whoever violates subsection (c) or (d) hereof is guilty of failure to report knowledge of a death, a misdemeanor of the fourth 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 of the outstanding shares of the corporation, and the amount due such person as creditor does not exceed five percent 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 transaction;
 - (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 decision 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) As used in this section, "public contract" means any of the following:
 - (1) 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.
 - (2) A contract for the design, construction, alteration, repair or maintenance of any public property.
(ORC 2921.42)

525.11 – SOLICITING OR RECEIVING IMPROPER COMPENSATION

- (a) No public servant shall knowingly do either of the following:
 - (1) Solicit or receive any compensation or fee other than as allowed by law, to perform his official duties;
 - (2) Solicit or receive greater fees or costs than are allowed by law to perform his official duties.
- (b) No public servant for his own personal use and no person for his own personal use or for the personal 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 or a campaign committee, as defined in Ohio R.C. 3517.01, shall coerce any contribution, as defined in Ohio R.C. 3517.01, 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) Nothing in subsection (b) or (c) hereof shall prohibit any person from voluntarily contributing to such public servant, party official, political party, campaign committee or political committee.
- (e) Whoever violates any of the provisions of this section is guilty of soliciting improper compensation, a misdemeanor of the first degree.
- (f) 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 State for a period of

seven years from the date of conviction.
(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 – DISPLAY OF LAW ENFORCEMENT AGENCY EMBLEM

- (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)

Chapter 529 – Liquor Control

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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 containing more than three and two-tenths percent of alcohol by weight 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 alcohol and all solids and confections which contain any alcohol.
- (c) "Beer" includes all malt beverages containing one-half of one percent or more of alcohol by weight but not more than three and two-tenths percent of alcohol by weight.
- (d) "Person" includes firms and corporation.
(ORC 4301.01)

529.02 – SALES TO MINORS; PROHIBITIONS AND MISREPRESENTATIONS

- (a) No person shall sell intoxicating liquor to a person under the age of twenty-one years or sell beer to a person under the age of eighteen, or buy intoxicating liquor for, or

furnish it to, a person under the age of twenty-one years, or buy beer for or furnish it to a person under the age of eighteen unless given by a physician in the regular line of his practice, or by a parent or legal guardian.

In proceedings before the Liquor Control Commission, no permit holder, his employee or agent charged with a violation of this section shall, for the same offense, be charged with a violation of Ohio R.C. 4301.22(a).

(ORC 4301.69)

- (b) No person under the age of twenty-one years shall purchase intoxicating liquor, nor shall a person under the age of eighteen years purchase beer.

(ORC 4301.63)

- (c) No person under the age of eighteen 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, in any public place except as provided in subsection (a) hereof.

(ORC 4301.631)

- (d) No person under the age of twenty-one years shall order, pay for, share the cost of, or attempt to purchase any intoxicating liquor, or consume any intoxicating liquor, either from a sealed or unsealed container or by the glass or by the drink, except as provided in subsection (a) hereof.

(ORC 4301.632)

- (e) 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 eighteen years of age, or intoxicating liquor for a person under twenty-one years of age, by purchase or as a gift.

(ORC 4301.633)

- (f) No person under the age of eighteen 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 in this State where beer or intoxicating liquor is sold under a permit issued by the Ohio Department of Liquor Control or sold by such Department.

(ORC 4301.634)

- (g) 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 intoxicating liquor in any place in this State where intoxicating liquor is sold under a permit issued by the Ohio Department of Liquor Control or sold by such Department.

(ORC 4301.635)

- (h) Whoever violates subsection (b) hereof is guilty of a minor misdemeanor. Whoever violates any other provision of this section is guilty of a misdemeanor of the first

degree, except that a juvenile offender under the age of eighteen years shall be proceeded against as may be appropriate under Ohio R.C. Chapter 2151.

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 first degree.

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 this section is guilty of a misdemeanor of the second degree.

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 in 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 – POSTING LIQUOR AGE WARNING SIGNS

- (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 18

Under the statutes of the State of Ohio, if you order, pay for, share the cost of, attempt to purchase or consume any beer or intoxicating liquor, or furnish false information as to name, age or other identification, you are subject to a fine up to one hundred dollars.

If you are under the age of 21

Under the statues of the State of Ohio, if you order, pay for, share the cost of, attempt to purchase or consume intoxicating liquor, 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 being the holder of a permit issued by the Ohio Department of Liquor Control shall fail to comply with this section.
(ORC 4301.637)

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

529.07 – OPEN CONTAINER PROHIBITED

(a) No person shall have in his possession an opened container of intoxicating liquor in a State liquor store, or on the premises of the holder of any permit issued by the Department of Liquor Control, or in any other public place. This section does not apply to intoxicating liquor which has been lawfully purchased for consumption on the premises where bought of a holder of an A-1-A, A-2, D-2, D-3, D-3a, D-4, D-5 or D-5a permit. This section does not apply to liquor consumed on the premises of a convention facility as provided in Ohio R.C. 4303.201.

(ORC 4301.62)

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

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 week days upon the premises of a C-1, C-2, D-1, D-2 or D-4 permit hold between the hours of 1:00 a.m. and 5:30 a.m.

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 week days 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 week days on the premises of a D-3A, D-5, D-5A, or AIA 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 week days 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 week days on the premises of 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 A1A 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 or 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 Ala 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 midnight for on the premises consumption only.

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

529.10 – BEER OR LIQUOR PROHIBITED ON PUBLIC PROPERTY

(a) No person shall consume or have in his possession any beer or liquor at any time in a Village park. No person shall consume any beer or liquor at any time in or upon the public streets or alleys of the Village or in or upon any publicly owned premises within the Village.

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

Chapter 533 – Obscenity and Sex Offenses

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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 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, education, 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 applies:
 - (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 alimony; or
 - (3) In the case of an action for alimony, after the effective date of the judgment for alimony.
(ORC 2907.01)

533.02 – PRESUMPTION OF KNOWLEDGE, ACTUAL NOTICE AND DEFENSE

- (a) Any 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, eighteen years of age or older, shall engage in sexual conduct with another, not the spouse of the offender, when the offender knows such other person is over twelve but not over fifteen 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 other 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 persons', ability to appraise the nature of or control the offender's or touching person's conducting 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 over twelve but not over fifteen 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 2908.06)

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 know 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, a misdemeanor of the fourth 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, shall recklessly furnish or present to a juvenile any material or performance which is harmful to juveniles.
- (b) The following are affirmative defenses to a charge under this section, involving material or a performance which is harmful to juveniles:
 - (1) The defendant is the parent, guardian or spouse of the juvenile involved.
 - (2) The juvenile involved, at the time the material or performance was presented to him 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) It is an affirmative defense to a charge under this section, involving material or a performance which is 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, psychologists, sociologist, scientist, teacher, librarian, clergyman, prosecutor, judge or other proper person.
- (d) Whoever violates this section is guilty of disseminating matter harmful to juveniles, a misdemeanor of the first degree, if the material or the performance involved is harmful to juveniles but not obscene.
(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) Exhibit or advertise for sale or dissemination, or sell or publicly disseminate or display any obscene material;
 - (3) Create, direct or product 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 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) 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. 2908.31 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)

Chapter 537 – Offenses Against Persons

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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 or 2903.07.
(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.
(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)

537.06 – 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, being the parent, guardian, custodian, person having custody or control, or person in loco parentis of a child under eighteen or a mentally or physically handicapped child under twenty-one years of age, shall create a substantial risk to the health or safety of such child, by violating a duty of care, protection or support. It is not a violation of 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 such child by spiritual means through prayer alone, in accordance with the tenets of a recognized religious body.
- (b) No person shall do any of the following to a child under eighteen or a mentally or physically handicapped child under twenty-one:

- (1) torture or cruelly abuse the child;
 - (2) Administer corporal punishment or other physical disciplinary measure, or physically restrain the child in a cruel manner or for a prolonged period, which punishment, discipline or restraint is excessive under the circumstances and creates a substantial risk of serious physical harm to the child;
 - (3) Repeatedly administer unwarranted disciplinary measures to the child, when there is a substantial risk that such conduct, if continued, will seriously impair or retard the child's mental health or development.
- (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 interests 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 charged 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 repeated telephone calls to another in any of the following ways:
- (1) Anonymously;
 - (2) At extremely inconvenient hours;
 - (3) In offensively course language;
 - (4) After reasonable request to desist.
- (b) No person, with purpose to harass another, shall make a telephone call to such other person without purpose of legitimate communication.
- (c) Whoever violates this section is guilty of telephone harassment, a misdemeanor of the first degree.
(ORC 2917.21)

537.11 – THREATENING OR HARASSING TELEPHONE CALLS

- (a) No person shall, while communicating with any other person over a 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, knowing 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))

Chapter 541 – Property Offenses

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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 which 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 which 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 defined 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 structure owned or controlled by the State or any of its political subdivisions, or any department, agency or instrumentality of either, and 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 one hundred fifty dollars (\$150.00).
(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 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.
- (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 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, purpose, 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) 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)

- (e) Whoever violates this section is guilty of criminal trespass, a misdemeanor of the fourth degree.

541.06 – DESTRUCTION OF SHRUBS, TREES OR CROPS

- (a) No person, without privilege to do so, shall reckless 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 archaeological interest;
 - (4) A place of worship or its furnishings;
 - (5) A place of burial or a burial marker;
 - (6) A work of art or museum piece;
 - (7) Any other object of reverence or sacred devotion.
- (b) Whoever violates this section is guilty of desecration, a misdemeanor of the second degree.
(ORC 2927.11)

541.08 – POSTING BILLS WITHOUT CONSENT OF OWNER

- (a) No person shall paint, print, paste, stencil or otherwise mark, place upon or affix to a building, fence, wall, vehicle, post, pole, tree, billboard, sidewalk or street, or other similar structure, whether public or private, without the consent of the owner, lessee or agent in charge, a word, letter, character, figure, sentence or device, or a handbill, notice, advertisement, sign or poster.

This section does not apply to the posting of a handbill or notice or public sale by a sheriff, administrator, executor or licensed auctioneer, or a notice required by law to be posted or to signs and posters authorized by the Mayor.

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

Chapter 545 – Theft and Fraud

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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 which 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" mean's 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 therefor, 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 such ownership, possession, control, license or interest is unlawful.
- (e) "Services" include labor, personal services, professional services, public utility services, common carrier services, food, drink, transportation and entertainment.
- (f) "Writing" means any document, letter, memorandum, note, paper, plate, 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 such writing in fact is not authenticated thereby.
- (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 taken 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 any object which, 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, 2913.31, 2913.32, 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.
(ORC 2913.01)

545.02 – DETERMINING PROPERTY VALUE IN THEFT OFFENSE

- (a) Where more than one item of property or services 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 which 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 Sections 545.05 and 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 marker 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;
- (e) A motor vehicle identification license plate as prescribed by Ohio R.C. 4503.22, or 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

A merchant, or his employee or agent, who has probable cause for believing that items offered for sale by a mercantile establishment have been unlawfully taken by a person, may, in order to recover such items without search or undue restraint or in order to cause an arrest to be made by a police officer until a warrant can be obtained, detain such person in a reasonable manner for a reasonable length of time within such mercantile establishment or the immediate vicinity thereof.

Any police officer may, within a reasonable time after such alleged unlawful taking has been committed, arrest without a warrant, any person he has probable cause for believing has committed such unlawful taking in a mercantile establishment.
(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:
 - (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 one hundred fifty dollars (\$150.00), if the property is not listed in Section 545.03 and if the offender has not previously been convicted of a theft offense.
(ORC 2913.02)

545.06 – UNAUTHORIZED USE OF A VEHICLE

- (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:
- (d) Whoever violates this section 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)

545.07 – ILLEGAL SALE OR POSSESSION OF MASTER VEHICLE KEYS

- (a) No person shall sell or otherwise dispose of a master key designed to fit more than one motor vehicle, knowing or having reasonable cause to believe such key will be used to commit a crime.
- (b) No person shall buy, receive or have in his possession a master key designed to fit more than one motor vehicle, for the purpose of using such key to commit a crime.
(ORC 4549.042)
- (c) Whoever violates this section is guilty of a misdemeanor of the first degree on a first offense.
(ORC 4549.99(C))

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, 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 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 instrument was properly refused payment for insufficient funds upon presentation within thirty days after issue or the stated date, whichever is later, and the liability of the drawer, endorser or any party who may be liable thereon is not discharged by payment or satisfaction within ten days after receiving notice of dishonor.
- (c) 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 one hundred fifty dollars (\$150.00) 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:
 - (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, 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 or 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, a misdemeanor of the first degree if the value of the property or services involved in a violation of subsection (b)(2), (3) or (4) hereof is less than one hundred fifty dollars (\$150.00) and if the offender has not previously been convicted of a theft offense.
(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)

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, motor boat, 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 sub section (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 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 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.
- (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 one hundred fifty dollars (\$150.00)
(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 it 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 one hundred fifty dollars (\$150.00), if the property is not listed in Section 545.03 and if the offender has not previously been convicted of a theft offense.
(ORC 2913.51)

Chapter 549 – Weapons and Explosives

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549.01 – DEFINITIONS

As used in this chapter:

- (a) "Deadly weapon" means any instrument, device or thing capable of inflicting death, and designed or specially adapted for use as a weapon, or possessed, carried or used as a weapon.
- (b) "Firearm" means any deadly weapon capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant. "Firearm" includes an unloaded firearm, and any firearm which is inoperable but which can readily be rendered operable.
- (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 eighteen 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 such;
- (3) Any industrial tool, signaling 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) "Dangerous ordnance" means any of the following, except as provided in subsection (k) hereof:

- (1) Any automatic or sawed-off firearm, or zip gun;
- (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 therefor.

(k) "Dangerous ordnance" does not include any of the following:

- (1) Any firearm, including a military weapon and the ammunition therefor, 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 therefor unless such 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 (k)(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," 83 Stat. 1213, 18 U.S.C. 921(A)(4), and any amendments or additions thereto or reenactments thereof, and regulations issued thereunder. (CRC 2923.11)

549.02 – CARRYING CONCEALED WEAPONS

- (a) No person shall knowingly carry or have, concealed on his person or concealed ready at 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 a 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 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 and with 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 – UNLAWFUL POSSESSION OF DANGEROUS ORDNANCE

- (a) No person shall knowingly acquire, have, carry or use any dangerous ordnance.
- (b) This section does not apply to:
 - (1) Officers, agents, or employees of this or any other state or the United States, members of the armed forces of the United States or the organized militia of this or any other state, and law enforcement officers, to the extent that any such person is authorized to acquire, have, carry or use dangerous ordnance and is acting within the scope of his duties;
 - (2) Importers, manufacturers, dealers and users of explosives, having a license or user permit issued and in effect pursuant to the "Organized Crime Control Act of 1970, "84 Stat. 952, 18 U.S.C. 843, and any amendments or additions thereto or reenactments thereof, with respect to explosives and explosive devices lawfully acquired, possessed, carried, or used under the laws of this state and applicable Federal law;
 - (3) Importers, manufacturers and dealers having a license to deal in destructive devices or their ammunition, issued and in effect pursuant to the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 923, and any amendments or additions thereto or reenactments thereof, with respect to dangerous ordnance lawfully acquired, possessed, carried or used under the laws of this state and applicable Federal law;
 - (4) Persons to whom surplus ordnance has been sold, loaned, or given by the secretary of the army pursuant to 70A Stat, 262 and 273, 10 U.S.C. 4686, 4685 and 4686, and any amendments or additions thereto or reenactments thereof, with respect to dangerous ordnance when lawfully possessed and used for the purposes specified in such sections;
 - (5) Owners of dangerous ordnance registered in the national firearms registration and transfer record pursuant to the act of October 22, 1968, 82 Stat. 1229, 26 U.S.C. 5841, and any amendments or additions thereto or reenactments thereof, and regulations issued thereunder.
 - (6) Carriers, warehousemen and others engaged in the business of transporting or storing goods for hire, with respect to dangerous ordnance lawfully transported

or stored in the usual course of their business and in compliance with the laws of this state and applicable Federal law;

- (7) The holders of a license or temporary permit issued and in effect pursuant to Ohio R.C. 2923.18, with respect to dangerous ordnance lawfully acquired, possessed, carried or used for the purposes and in the manner specified in such license or permit.
- (c) Whoever violates this section is guilty of unlawful possession of dangerous ordnance, a misdemeanor of the first degree.
(ORC 2923.17)

549.06 – 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)

549.07 – 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 Section 549.05, 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)

549.08 – 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; awful 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)

549.09 – SALE OF EXPLOSIVES TO MINORS

- (a) No person shall sell, give away or otherwise dispose of or deliver to any person under eighteen years of age any explosives, as defined in Ohio R.C. 374301(A), whether such person is acting for himself or for any other person.
(ORC 3743.02)
- (b) Whoever violates this section is guilty of a misdemeanor of the third degree.

549.10 – SALE OF FIREWORKS

- (a) No person shall possess for sale at retail, or sell at retail, or discharge, ignite or explode any fireworks, as defined herein, within the Municipality.

The term "fireworks" means any combustible or explosive compositions, or any substance or combination of substances or article prepared for the purpose or producing a visible or an audible effect by combustion, explosion, deflagration or detonation, but shall not mean or include toy pistols, toy canes, toy guns or other devices in which paper or plastics caps containing twenty-five hundredths grains or less of explosive compound are used, provided they are so constructed that the hand cannot come in contact with the cap when in place for the explosion, and toy pistol paper or plastic caps which contain twenty hundredths grains or less of explosive mixture.

(ORC 3743.27, 3743.32)

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

549.11 – 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) Whoever violates this section is guilty of a misdemeanor of the fourth degree.

Chapter 553 – Weeds

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553.01 – CUTTING REQUIRED

- (a) The owner or occupant, or any other person, firm or corporation, having the care of any lot or land within the Village shall cut down and remove therefrom all offensive and noxious weeds, vines and grass of a height of eighteen inches or more and any and all weeds, vines and grass constituting a threat to the public health, safety, comfort or welfare.
- (b) Whoever violates this section is guilty of a minor misdemeanor'.

553.02 – NOTICE TO CUT

When the Mayor determines that such weeds, as described in Section 553.01, exist, he shall forthwith serve written notice upon the owner or occupant, or any other person, firm or corporation, having the care of such lot or land, ordering the cutting and removal of such weeds and noxious grasses.

553.03 – FAILURE TO COMPLY

- (a) No owner or occupant, or other person, firm or corporation, having the care of a lot or land, shall fail to comply with the notice provided for in Section 553.02 within ten days from the receipt thereof.
- (b) Whoever violates this section is guilty of a minor misdemeanor.

553.04 – NOTICE BY PUBLICATION, EQUITABLE REMEDY

- (a) If no owner or custodian can be found at the land or lot in question, then the notice shall be published once in a newspaper or general circulation in the Village. Thereafter, the Village may cut and remove such weeds or grasses. If such cutting and removing is done by the Village for the preceding reason or any other proper reason, such cutting and removing shall be at the owner's expense and the costs shall be assessed against the lot or land.
- (b) Notice of such assessment shall be given to the owner of the lot or land charged therewith or his agent, either in person or left at the usual place of residence or sent by mail, and all assessments not paid within ten days after the giving of such notice be certified, together with

an administrative charge of five percent by the Clerk of Council to the County Auditor to be placed on the tax duplicate and collected as other taxes are collected.

- (c) The remedy provided for herein shall be in addition to the penalty provided in Section 553.99.

553.05 – RESPONSIBILITY OF ADJACENT OWNER

The owner, occupant or custodian of each lot adjacent to a street or alley shall be responsible for the area between the curb and sidewalk, or between the edge of the street and the property line where there is no curb or sidewalk, and the area between the center line of the alley and the property line.

Chapter 701 – Village Utilities

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701.01 – Water Rates

The Board of Public Affairs of this Village are hereby empowered and directed to charge all consumers of water of this village at a rate of \$ 8.00 per month.

701.02 – Water Tap in Fees

The Board of Public Affairs of this Village are hereby empowered and directed to charge the sum of \$500 00 to all consumers who desire to tap into the Village water system.

701.03 – Garbage

No person shall collect, haul or dispose of garbage or shall collect, haul or dispose of refuse, for hire, within the territorial limits of the Village or transport, cart or convey the same over or through the streets of the Village unless such persons shall have received from the Mayor a license to do so. This section shall not apply to any person hauling, transporting or disposing of garbage or refuse produced on the premises of such person.

701.04 – Obtaining License

Each person engaged in or about to engage in the business of hauling, collecting or disposing of garbage or refuse, shall, upon application to the Mayor, be entitled, subject to the conditions of Section 701.05, to obtain and receive a license permitting such person to engage

in that business. No fee shall be required of a person obtaining a license under this Chapter. A license issued under this chapter shall not be transferable and will have an unlimited term so long as the conditions and restrictions herein are adhered to.

701.05 – Conditions & Restrictions upon Party Applying for License

- (a) No such license herein provided shall be issued until and unless the applicant has satisfied the following conditions and restrictions:
- (b) Each applicant engaged in the business described in this chapter shall provide and use in the activities described in this chapter an enclosed, packer-type vehicle for transporting and hauling the garbage or refuse.
- (c) No license shall be issued to any person operating a vehicle which is a flatbed truck, pickup truck or any vehicle, which is not covered and which does not have packer-type equipment.
- (d) Each applicant must show to the Mayor that he has been licensed by the Miami County Board of Health for conducting the business mentioned in this chapter.
- (e) Each applicant must present to the Mayor evidence that he is carrying sufficient liability insurance insuring against both personal injury and property damage.
- (f) Each applicant must conduct the business described in this chapter during the daylight hours.
- (g) Each applicant must secure a performance bond, securing the faithful performance of the business described in this chapter.

701.06 – Penalty

Whoever violates any provisions of this Chapter shall be fined not more than \$45.00. Each day's continued violation shall constitute a separate offense.

Chapter 703 – Junk Vehicles

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703.01 – Definitions

- (a) "Person" shall mean any person, firm, partnership, association, corporation, company, or organization of any kind.
- (b) "Vehicle" shall mean a machine propelled by power other than human power designated to travel along the ground by use of wheels, treads, runners, or slides and transport persons or property or pull machinery and shall include, without limitation, automobile, truck, trailer, motorcycle, tractor, buggy, and wagon.
- (c) "Street or highway" shall mean the entire width between the boundary lines of every way publicly maintained when any part
- (d) thereof is open to the use of the public for purposes of vehicular travel.
- (e) "Property" shall mean any real property within the Village which is not a street or highway.
- (f) "Junk" shall mean discarded articles of all kinds which reasonably appear to be discarded or of no intrinsic value.

703.02 – Abandonment of Vehicles

No person shall abandon any vehicle within the Village and no person shall leave any vehicle at any place within the Village for such time and under such circumstances as to cause such vehicle reasonably to appear to have been abandoned.

703.03 – Leaving of Wrecked, Non-Operating Vehicle on Street.

No person shall leave any partially dismantled, non-operating, wrecked, or junked vehicle on any street or highway within the Village.

703.04 – Disposition of Wrecked or Discarded Vehicles.

No person in charge or control of any property within the Village whether as owner, tenant, occupant, lessee, or otherwise, shall allow any junk to remain on such property longer than 48 hours except that this section shall not apply with regard to junk in an enclosed building or in a container; or junk on the premises of a business enterprise operated in a lawful place and manner when necessary to the operation of such business enterprise.

703.05 – Impounding

The Chief or Police or any member of his Department designated by him is hereby authorized to remove or have removed any vehicle left at any place within the Village which reasonably appears to be in violation of this Ordinance or lost, stolen, or unclaimed. Such vehicle shall be impounded until lawfully claimed or disposed or in accordance with the Revised Code of the State of Ohio.

703.06 – Notice to Remove Junk

The Chief of Police or any member of his Department designed by him upon being apprised of a violation of Section 703.04 shall notify the person in charge or control of such property to remove junk on said property within 24 hours; provided, however, that in the event the Chief of Police is unable to locate the person in charge or control of any property within 24 hours, the Chief of Police or any member of his Department is hereby authorized to remove or have removed any junk from such property.

703.07 – Penalties

Any person violating any of the provisions of this Ordinance or failing to comply with an order of the Chief of Police issued pursuant to Section 703.06 shall be deemed guilty of a misdemeanor and shall be fined an amount not exceeding Forty-Five Dollars (\$45.00). Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.