

ORDINANCE NO. 3-04

**AN ORDINANCE APPROVING, ADOPTING AND ENACTING
AMERICAN LEGAL PUBLISHING'S OHIO BASIC CODE,
2004 EDITION, AS THE CODE OF ORDINANCES FOR THE
MUNICIPALITY OF THE VILLAGE OF SPENCER, OHIO,
AND DECLARING AN EMERGENCY**

WHEREAS, the present general and permanent ordinances of the Village of Spencer are inadequately arranged and classified and are insufficient in form and substance for the complete preservation of the public peace, health, safety and general welfare of the Village and for the proper conduct of its affairs.

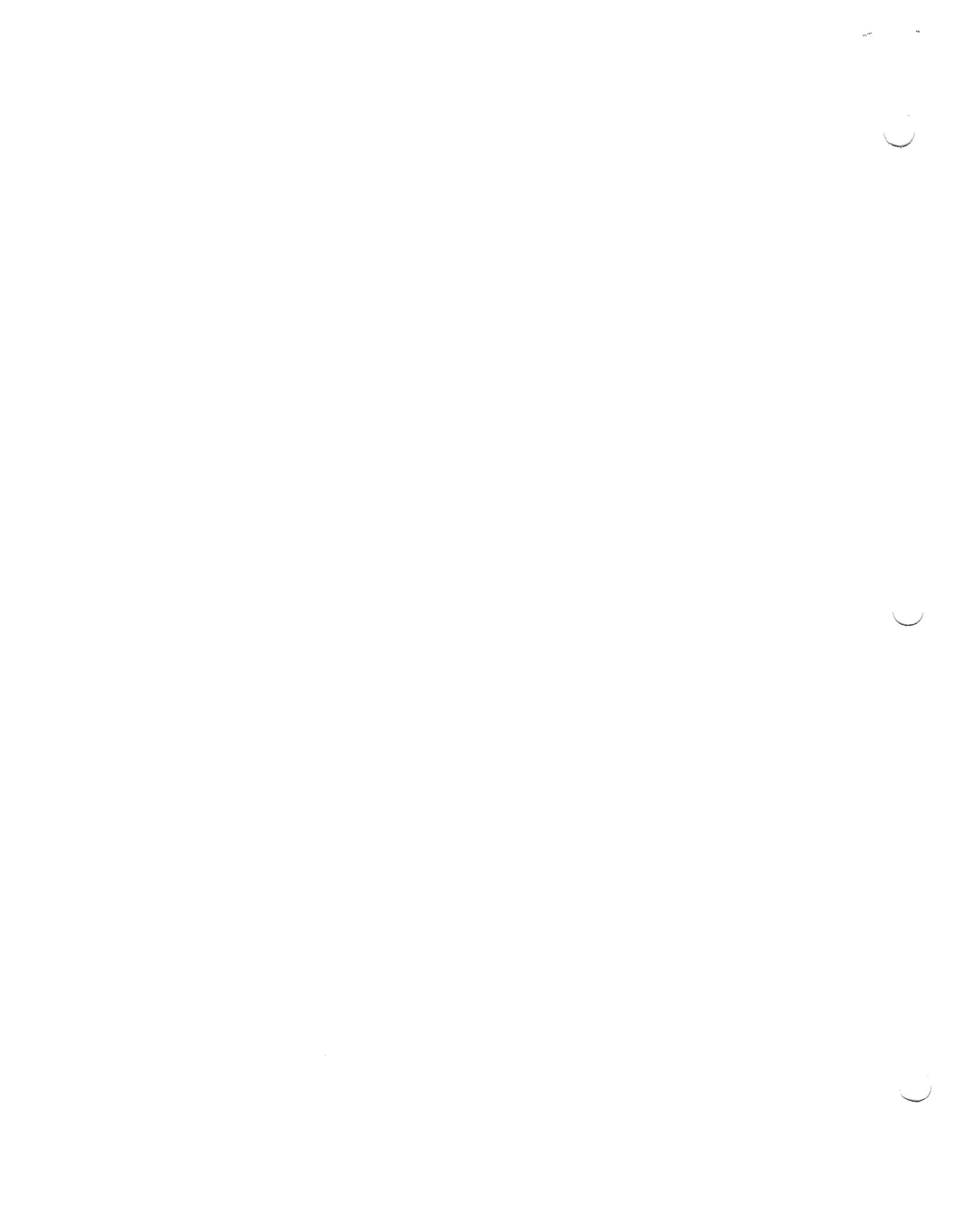
WHEREAS, American Legal Publishing Corporation publishes a Code of Ordinances suitable for adoption by municipalities in Ohio.

WHEREAS, it is necessary to provide for the usual daily operation of the Village of Spencer and for the immediate preservation of the public peace, health, safety, and general welfare of the Village that this Ordinance take effect at an early date.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Spencer, Ohio, as follows:

Section 1. American Legal Publishing's Ohio Basic Code, 2004 Edition, as reviewed and approved by the Council of the Village of Spencer, is hereby adopted and enacted. Any prior version of the Ohio Basic Code which may have been previously adopted by the Village is hereby repealed as obsolete and is hereby replaced in its entirety by this Ohio Basic Code, 2004 Edition.

Section 2. One copy of American Legal Publishing's Ohio Basic Code, 2004 Edition, certified as correct by the Mayor and Village Fiscal Officer of the Village of Spencer, as required by Ohio Revised Code § 731.23, shall be kept in its initial form on file in the office of the Village Fiscal Officer of the Village and retained as a permanent ordinance record of the Village. The Village Fiscal Officer of the Village is authorized and directed to publish a summary of all new matters contained in the Code of Ordinances as required by Ohio Revised Code § 731.23. Such summary is attached hereto and marked as "Exhibit A."

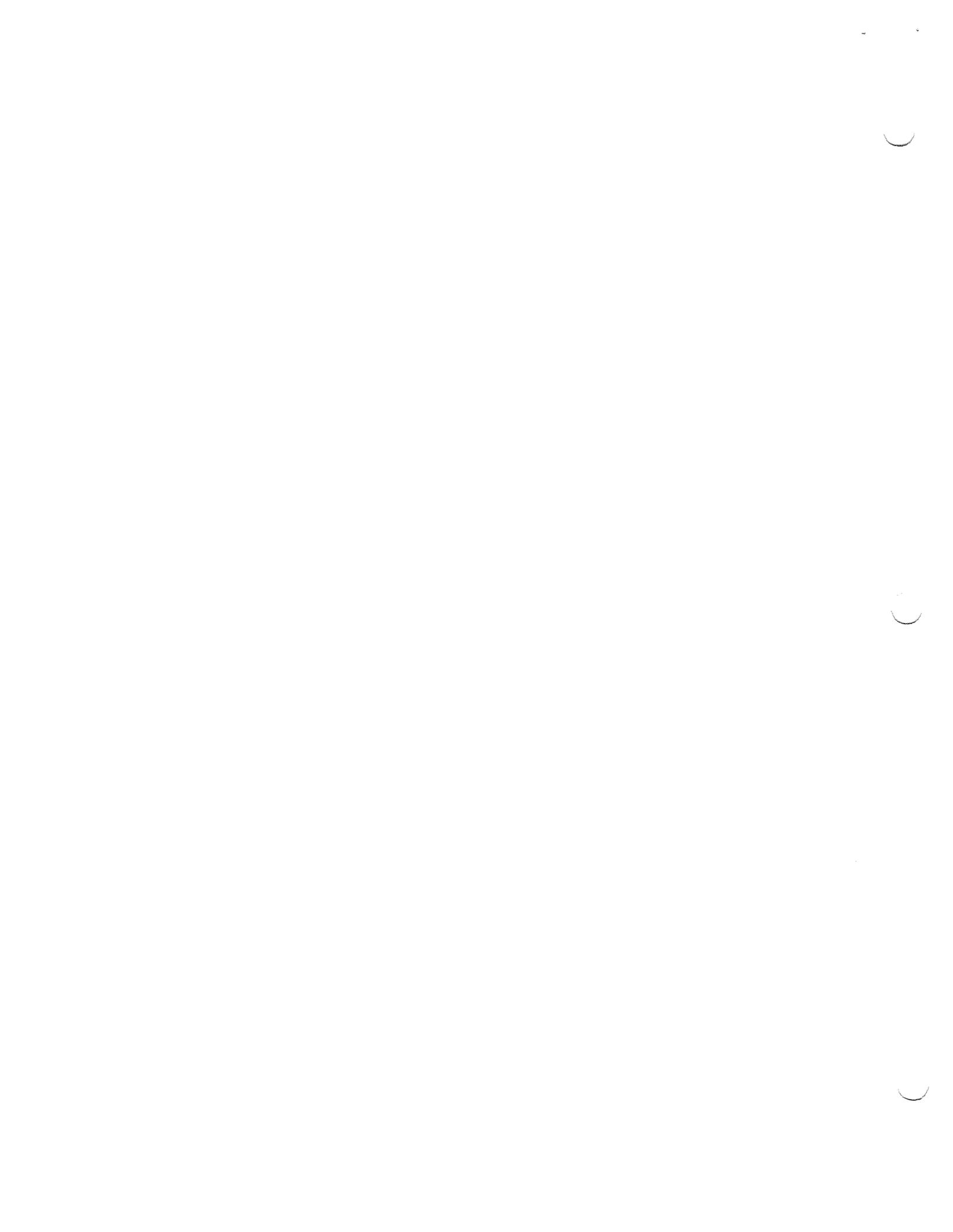


Section 3. All ordinances and resolutions or parts thereof which are in conflict or inconsistent with any provision of the Ohio Basic Code, 2004 Edition, as adopted in Section 1 hereof, are hereby repealed as of the effective date of this Ordinance, except as follows:

(A) The enactment of the Ohio Basic Code, 2004 Edition, shall not be construed to affect a right or liability accrued or incurred under any legislative provision prior to the effective date of such enactment, or an action or proceeding for the enforcement of such right or liability. Such enactment shall not be construed to relieve any person from punishment for an act committed in violation of any such legislative provision, nor to affect an indictment or prosecution therefor. For such purposes, any such legislative provision shall continue in full force notwithstanding its repeal for the purpose of revision and codification.

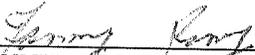
(B) The repeal provided above shall not affect:

- (1) The grant or creation of a franchise, license, right, easement or privilege;
- (2) The purchase, sale, lease or transfer of property;
- (3) The appropriation or expenditure of money or promise or guarantee of payment;
- (4) The assumption of any contract or obligation;
- (5) The issuance and delivery of any bonds, obligations or other instruments of indebtedness;
- (6) The levy or imposition of taxes, assessments or charges;
- (7) The establishment, naming, vacating or grade level of any street or public way;
- (8) The dedication of property or plat approval;
- (9) The annexation or detachment of territory;
- (10) Any legislation enacted subsequent to the adoption of this Ordinance;
- (11) Any legislation specifically superseding the provision of the Ohio Basic Code.



Section 4. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the peace, health, safety and general welfare of the people of the Village of Spencer, and shall take effect at the earliest date provided by law.

Passed: January 27, 2004

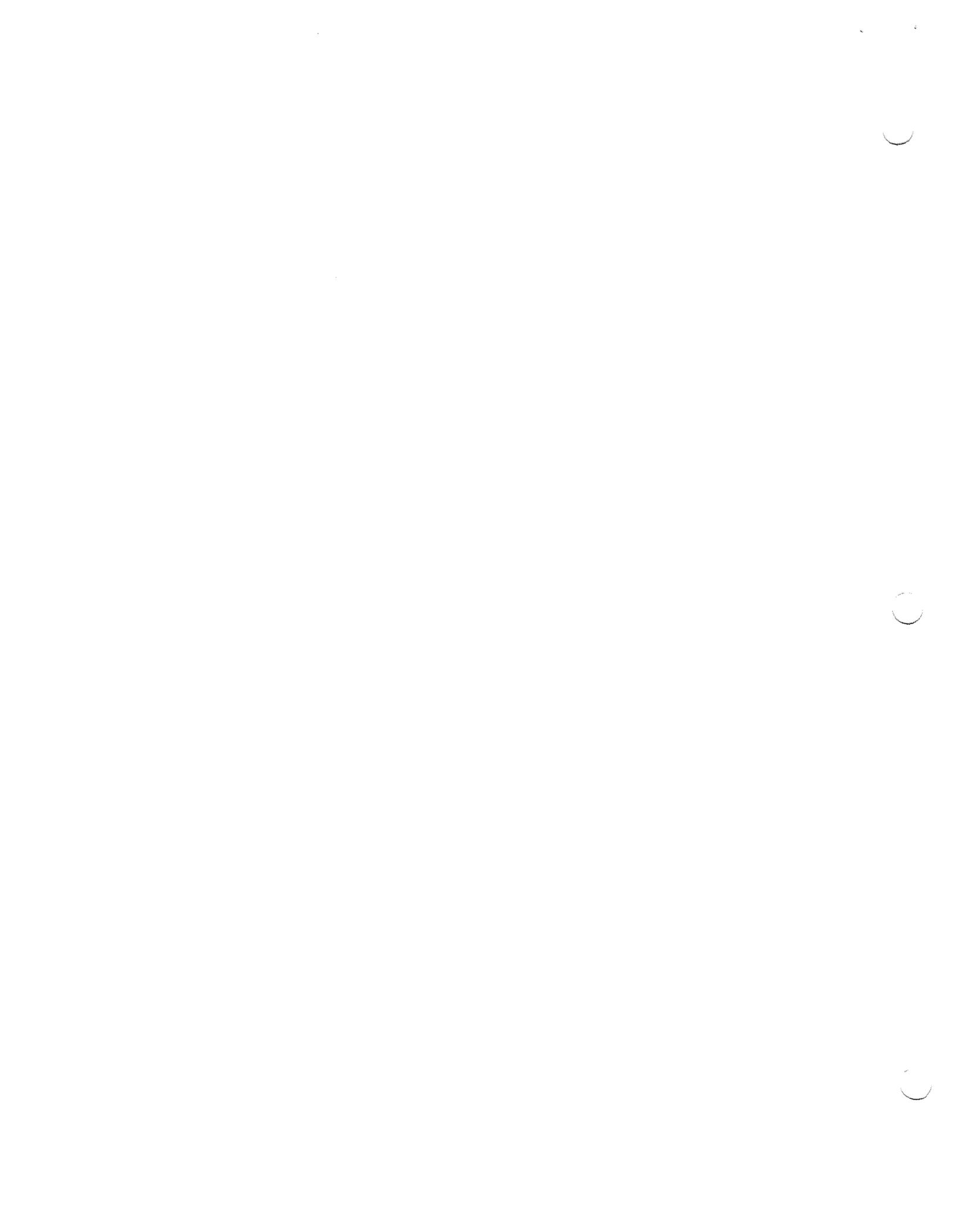


TOMMY RAMEY, Mayor

Attest:

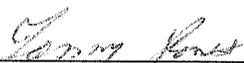


RHONDA R. RIFFLE, Village Fiscal Officer



CERTIFICATE OF CODIFIED ORDINANCES

We, Tommy Ramey, Mayor, and Rhonda R. Riffle, Village Fiscal Officer of the Village of Spencer, Ohio, pursuant to Ohio Revised Code §§ 731.23 and 731.42, hereby certify that the general and permanent ordinances of the Village of Spencer, as revised, rearranged, compiled, renumbered as to sections, codified and printed herewith in component codes and titles are correct as and constitute the Code of Ordinances for the Village of Spencer, Ohio.



TOMMY RAMEY, Mayor



RHONDA R. RIFFLE, Village Fiscal Officer

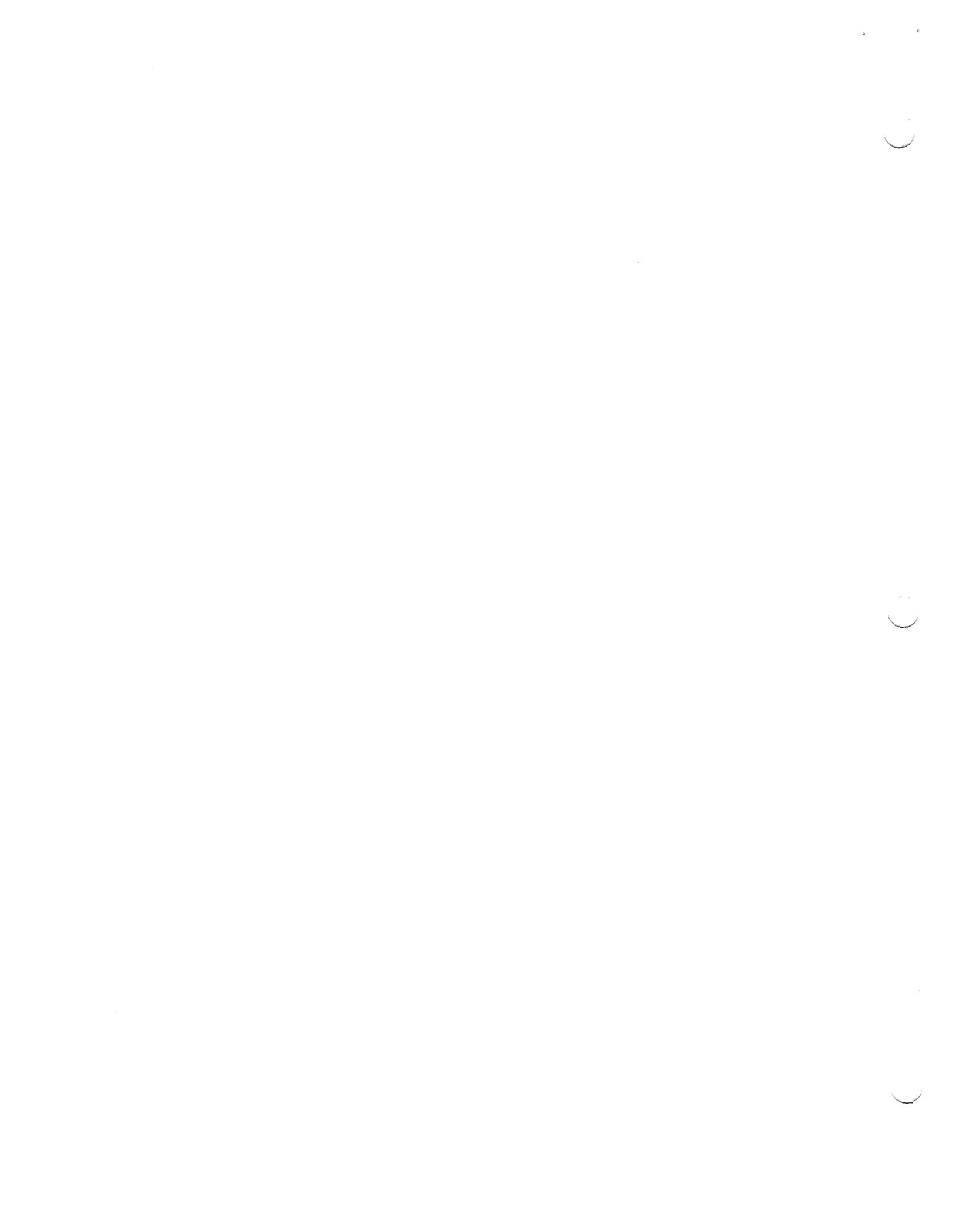


EXHIBIT A

OHIO BASIC CODE, 2004 EDITION – SUMMARY OF CONTENTS

Notice is hereby given that on the 27th day of January, 2004, there was enacted by the Council of the Village of Spencer, Ohio, an ordinance entitled "An Ordinance Approving, Adopting, and Enacting American Legal Publishing's Ohio Basic Code, 2004 Edition, as the Code of Ordinances for the Village of Spencer, Ohio."

A summary of the subjects, including all new matters contained in the Code of Ordinances, as adopted, are as follows. The majority of Basic Code provisions are based directly on state law.

TITLE I: GENERAL PROVISIONS

Chapter 10: General Provisions

Section

- 10.01 Short titles
 - 10.02 Definitions
 - 10.03 Rules of construction
 - 10.04 Revivor; effect of amendment or repeal
 - 10.05 Construction of section references
 - 10.06 Conflicting provisions
 - 10.07 Severability
 - 10.08 Reference to offices
 - 10.09 Errors and omissions
 - 10.10 Ordinances repealed
 - 10.11 Ordinances unaffected
 - 10.12 Ordinances saved
 - 10.13 Application to future ordinances
 - 10.14 Interpretation
 - 10.15 Amendments to code; amendatory language
 - 10.16 Statutory references
 - 10.17 Preservation of penalties, offenses, rights and liabilities
 - 10.18 Determination of legislative intent
 - 10.99 General penalty
-

TITLE III: ADMINISTRATION

Chapter 30: General Provisions

Section

- 30.01 Application of Title III
- 30.02 Qualifications; oath
- 30.03 Bonds of officers and employees; amount
- 30.04 Additional bond; where bonds recorded and kept
- 30.05 Approval of bonds
- 30.06 Sufficiency of form of bond
- 30.07 Filling vacancies in offices
- 30.08 Public records available
- 30.09 Records commission
- 30.10 Meetings of public bodies to be open; exceptions; notice
- 30.11 Municipal officers may attend conference or convention; expenses

Chapter 31: Executive Authority

Section

General Provisions

- 31.01 Executive power; where vested

Mayor

- 31.05 Term of Mayor; power and duties
- 31.06 General duties of the Mayor
- 31.07 Communications to the Legislative Authority
- 31.08 Protest against excess of expenditures
- 31.09 Supervision of conduct of officers
- 31.10 Annual report to the Legislative Authority
- 31.11 Mayor to file charges against delinquent officers
- 31.12 Vacancies in office of Mayor
- 31.13 Disposition of fines and other moneys

Clerk

- 31.20 Election, term, qualifications of the Clerk
- 31.21 Powers and duties of Clerk
- 31.22 Books and accounts; merger of offices
- 31.23 Seal of Clerk
- 31.24 Combined offices of Clerk and Treasurer; Fiscal Officer

Treasurer

- 31.30 Election, term, qualifications of the Treasurer
- 31.31 Accounts of Treasurer
- 31.32 Powers and duties
- 31.33 Quarterly account; annual report
- 31.34 Receipt and disbursement of funds
- 31.35 Duty of delivering money and property

Street Commissioner

- 31.40 Qualifications
- 31.41 General duties
- 31.42 Assistants

Other Officials

- 31.50 Legal counsel
- 31.51 Administrator
- 31.52 Board of Trustees of Public Affairs
- 31.53 Fire Engineer, Engineer and Superintendent of Markets

Chapter 32: Legislative Authority

Section

General Provisions

- 32.01 Members of the Legislative Authority; election; terms of office
- 32.02 President Pro Tempore; employees
- 32.03 Vacancy when President Pro Tempore becomes Mayor
- 32.04 Qualifications of members of the Legislative Authority
- 32.05 Compensation and bonds of municipal officers and employees
- 32.06 Vacancy
- 32.07 Judge of election and qualification of members; quorum and special meetings
- 32.08 Rules; journal; expulsion of members
- 32.09 Meetings
- 32.10 General powers
- 32.11 Failure to take oath or give bond
- 32.12 Notice when new bond required
- 32.13 Care, supervision and management of public institutions

Contracts, Bids and Proceedings

- 32.25 Contracts by the Legislative Authority or Administrator
- 32.26 Bids and proceedings
- 32.27 Alterations or modifications of contract
- 32.28 Contract restrictions
- 32.29 Award to lowest responsive and responsible bidder

Ordinances and Resolutions

- 32.40 Ordinances and resolutions as evidence
- 32.41 Passage procedure
- 32.42 Style of ordinances
- 32.43 Subject and amendment of ordinances and resolutions
- 32.44 Authentication and recording of ordinances and resolutions
- 32.45 Publication of ordinances and resolutions; proof of publication and circulation
- 32.46 Notice for proposed amendments to the municipal Charter
- 32.47 Times of publication required
- 32.48 Publication and certification of ordinances in book form
- 32.49 Adoption of technical ordinances and codes
- 32.50 Certificate of Clerk as to publication
- 32.51 Publication when no newspaper published in municipality
- 32.52 Effect of not making publication
- 32.53 Ordinances providing for appropriations or street improvements; emergency ordinances

Initiative and Referendum

- 32.70 Initiative petitions
- 32.71 Referendum petitions
- 32.72 More than one ordinance required; application of subchapter
- 32.73 Presentation of petitions
- 32.74 Copy of proposed ordinance or measure to be filed with Clerk
- 32.75 Words to be printed in red
- 32.76 Designation of committee filing petition; public inspection of petitions; ordinances passed or repealed prior to election
- 32.77 Itemized statement by circulator of petition
- 32.78 Prohibited practices relative to petitions
- 32.79 Accepting premiums for signing
- 32.80 Threats in securing signatures
- 32.81 Application of subchapter if Charter adopted

Chapter 33: Judicial Authority

Section

General Provisions

- 33.01 Jurisdiction in ordinance cases and traffic violations
- 33.02 Powers of Mayor and Mayor's Court Magistrate in criminal matters
- 33.03 Duties of Mayor and Mayor's Court Magistrate; fees; office; seal
- 33.04 Mayor's Court Magistrate
- 33.05 Powers to suspend driver's license in D.W.I. cases

Contempt of Court

- 33.20 Summary punishment for contempt
- 33.21 Acts in contempt of court
- 33.22 Hearing
- 33.23 Contempt action for failure to pay support, failure to comply or interference with a visitation order; summons
- 33.24 Right of accused to bail
- 33.25 Hearing on contempt; penalties; support orders; failure to withhold or deduct money pursuant to support order
- 33.26 Imprisonment until order obeyed
- 33.27 Proceedings when party released on bail fails to appear

- 33.28 Release of prisoner committed for contempt
- 33.29 Judgment final
- 33.30 Alternative remedy

Chapter 34: Police Department

Section

- 34.01 Marshal and Police Chief synonymous
- 34.02 Appointment of Marshal
- 34.03 Deputy marshals and police officers
- 34.04 Auxiliary police units
- 34.05 Offenses affecting employment of law enforcement officers; probationary period; final appointment
- 34.06 Removal proceedings; suspension; appeals
- 34.07 General powers
- 34.08 Powers and duties of Marshal
- 34.09 Disposition of fines and penalties
- 34.10 Property recovered by police
- 34.11 Disposition to claimant
- 34.12 Sale of unclaimed property; disposition of proceeds
- 34.13 Expenses of storage and sale; notice
- 34.14 (Reserved)
- 34.15 Peace officer administering oaths; acknowledging complaints, summonses, affidavits and returns of court orders
- 34.16 Contracts for police protection; nonresident service without contract

Chapter 35: Fire Department

Section

General Provisions

- 35.01 Municipal fire regulations; fire department
- 35.02 Fire Chief; Fire Prevention Officer; employment of firefighters; criminal records check for firefighters
- 35.03 Schooling of officers and firefighters of fire department
- 35.04 Legislative Authority may purchase engines and equipment
- 35.05 Buildings for department
- 35.06 Records
- 35.07 Maximum consecutive hours for firefighters on duty
- 35.08 Investigation of cause of fire
- 35.09 Right to examine buildings, premises, and vehicles
- 35.10 Burning buildings for firefighting instruction or research
- 35.11 Impersonating fire safety inspector
- 35.12 Standards for equipment
- 35.13 Persons entitled to be known as firefighters
- 35.14 Firefighting and emergency services agreements
- 35.15 Regulation of construction in fire limits

Volunteer Firefighters' Dependents Fund Board

- 35.30 Definitions
- 35.31 Establishment
- 35.32 Membership; vacancies
- 35.33 Election and term of members
- 35.34 Organization; rules and regulations; roster
- 35.35 Compensation and expenses of Board; legal advisor

Chapter 36: Civil Actions Against the Municipality

Section

- 36.01 Definitions
- 36.02 Nonliability of municipality; exceptions
- 36.03 Defenses and immunities
- 36.04 Limitation of actions
- 36.05 Damages
- 36.06 Satisfaction of judgments
- 36.07 Provision of employees' defense; consent judgments

- 36.08 Liability insurance
- 36.09 Certain actions unaffected
- 36.10 Certain charges against municipal officers filed with Probate Judge; proceedings

TITLE V: PUBLIC WORKS

[Reserved]

TITLE VII: TRAFFIC CODE

Chapter 70: General Provisions

Section

General Provisions

- 70.01 Definitions
- 70.02 Compliance with order of police officer
- 70.03 Emergency vehicles to proceed cautiously past red or stop signal
- 70.04 Exceptions generally; emergency, public safety and coroner vehicles exempt
- 70.05 Persons riding or driving animals upon roadways
- 70.06 Prohibitions against pedestrians and slow-moving vehicles on freeways
- 70.07 Use of private property for vehicular travel
- 70.08 Names of persons damaging real property by operation of vehicle to be provided to owner
- 70.09 Limited access highways; barriers along; vehicles to enter and leave at designated intersections
- 70.10 Through highways
- 70.11 Officer may remove ignition key

Traffic-Control Devices

- 70.20 Obeying traffic-control devices
- 70.21 Signal lights
- 70.22 Signals over reversible lanes
- 70.23 Ambiguous or non-working traffic signals
- 70.24 Pedestrian-control signals
- 70.25 Flashing traffic signals
- 70.26 Unauthorized signs and signals prohibited
- 70.27 Alteration, defacement, or removal prohibited
- 70.28 Unauthorized possession or sale of devices
- 70.99 Penalty

Chapter 71: Licensing Provisions

Section

Motor Vehicle Licensing

- 71.01 Display of license plates or validation stickers; registration
- 71.02 Improper use of noncommercial motor vehicle
- 71.03 Operating motor vehicle ordered immobilized; forfeiture
- 71.04 Operation or sale without certificate of title
- 71.05 Display of certificate of registration
- 71.06 Use of unauthorized plates
- 71.07 Operating without dealer or manufacturer license plates

Driver's Licenses

- 71.10 Prohibited acts
- 71.11 Permitting minor to operate vehicle prohibited; temporary instruction permit; probationary license
- 71.12 License required as driver or commercial driver on public or private property; nonresident exemption
- 71.13 Employment of a minor to operate a taxicab prohibited
- 71.14 Restriction against owner lending vehicle for use of another

- 71.15 Suspension or revocation of driver's licenses; license suspended or revoked by court of record
- 71.16 Display of license
- 71.17 Prohibition against false statements

Commercial Driver's Licenses

- 71.25 Definitions
- 71.26 Exclusions
- 71.27 Prohibited acts
- 71.28 Prerequisites to operation of commercial motor vehicle
- 71.29 Physical qualification to operate commercial motor vehicles
- 71.30 Criminal offenses: driving under the influence; leaving the scene of an accident; use of vehicle in commission of a felony; failure to submit to drug testing; violating out-of-service order
- 71.31 Application of federal regulations
- 71.32 Employment of drivers of commercial vehicles
- 71.99 Penalty

Chapter 72: Traffic Rules

Section

General Provisions

- 72.01 Lanes of travel upon roadways
- 72.02 Driving through safety zone
- 72.03 Vehicles traveling in opposite directions
- 72.04 Rules governing overtaking and passing of vehicles
- 72.05 Permission to overtake and pass on the right
- 72.06 Driving to left of center line
- 72.07 Prohibition against driving upon left side of roadway
- 72.08 Hazardous zones
- 72.09 One-way highways and rotary traffic islands
- 72.10 Rules for driving in marked lanes
- 72.11 Space between moving vehicles
- 72.12 Divided roadways
- 72.13 Rules for turns at intersections
- 72.14 U-turns and turning in roadway prohibited
- 72.15 Starting and backing vehicles
- 72.16 Turn and stop signals
- 72.17 Hand and arm signals

Right-of-Way

- 72.20 Right-of-way at intersections
- 72.21 Right-of-way when turning left
- 72.22 Right-of-way at through highways; stop signs; yield signs
- 72.23 Stop at sidewalk area; stop signs on private roads and driveways
- 72.24 Right-of-way on public highway
- 72.25 Pedestrian on sidewalk has right-of-way
- 72.26 Right-of-way of public safety vehicles
- 72.27 Funeral procession has right-of-way
- 72.28 Pedestrians yield right-of-way to public safety vehicle
- 72.29 Pedestrian on crosswalk has right-of-way
- 72.30 Right-of-way yielded to blind person
- 72.31 Right-of-way yielded by pedestrian

Pedestrians

- 72.35 Pedestrian movement in crosswalks
- 72.36 Pedestrian walking along highway
- 72.37 Prohibition against soliciting rides; riding on outside of vehicle
- 72.38 Pedestrian on bridge or railroad crossing
- 72.39 Persons operating motorized wheelchairs
- 72.40 Intoxicated or drugged pedestrian hazard on highway
- 72.41 Operation of electric personal assistive mobility devices

Grade Crossings

- 72.45 Stop signs at grade crossings
- 72.46 Driving vehicle across railroad grade crossing
- 72.47 Vehicles required to stop at grade crossings
- 72.48 Slow-moving vehicles or equipment crossing railroad tracks

Prohibitions

- 72.55 Obstruction and interference affecting view and control of driver
- 72.56 Occupying travel trailer while in motion
- 72.57 Driving upon closed highway prohibited
- 72.58 Driving upon sidewalk area or paths exclusively for bicycles
- 72.59 Obstructing passage of other vehicles
- 72.60 Following an emergency or public vehicle prohibited; approaching stationary public safety vehicle with caution
- 72.61 Driving over unprotected fire hose
- 72.62 Placing injurious material on highway or depositing litter from motor vehicle
- 72.63 Transporting child not in child-restraint system prohibited
- 72.64 Occupant restraining devices
- 72.65 (Reserved)
- 72.66 Operating motor vehicle while wearing earphones or earplugs
- 72.67 Chauffeured limousines and livery services
- 72.68 Operating traction engine upon improved highway
- 72.69 Cracking exhaust noises; peeling out
- 72.70 Shortcutting across private property

School Buses

- 72.80 Regulations concerning school buses
- 72.81 Violation of regulations; report; investigation; citation; warning
- 72.82 Restrictions on the operation of school buses
- 72.83 School bus inspection
- 72.84 School bus not used for school purposes
- 72.85 Licensing by Department of Public Safety
- 72.86 Registration and identification of school buses
- 72.87 School bus marking
- 72.88 Flashing light signal lamps
- 72.89 Occupant restraining device for operator

Chapter 73: Motor Vehicle Crimes

Section

General Provisions

- 73.01 Driving under the influence of alcohol or drugs
- 73.011 Implied consent
- 73.012 Physical control of vehicle while under the influence
- 73.02 Driving commercial vehicle with impaired alertness or ability; use of drugs

Reckless Operation

- 73.05 Reckless operation of vehicles
- 73.06 Reckless operation off streets and highways; competitive operation
- 73.07 Operator to be in reasonable control

Speed Regulations

- 73.10 Speed limits
- 73.11 Slow speed or stopping
- 73.12 Emergency vehicles excepted from speed limitation
- 73.13 Street racing defined; prohibited on public highways
- 73.14 Speed regulations on bridges

Resisting Officer

- 73.15 Prohibition against resisting officer
- 73.16 Presenting false name or information to officer

Stopping After Accident

- 73.20 Exchange of identity and vehicle registration
- 73.21 Accident involving injury to persons or property
- 73.22 Accident involving damage to realty
- 73.23 Failure to report accident

Chapter 74: Equipment and Loads

Section

Equipment

- 74.01 Unsafe vehicles, prohibition against operation
- 74.02 Bumpers on motor vehicles
- 74.03 Lighted lights required
- 74.04 Headlights
- 74.05 Tail lights and illumination of rear license plate
- 74.06 Red reflectors required
- 74.07 Safety lighting of commercial vehicles
- 74.08 Stoplight regulations
- 74.09 Obscured lights on vehicles
- 74.10 Red light or flag required
- 74.11 Lights on parked vehicles
- 74.12 Lights and emblem on slow-moving vehicles; lights and reflectors on multi-wheel agricultural tractors or farm machinery
- 74.13 Spotlight and auxiliary driving lights
- 74.14 Cowl, fender, and back-up lights
- 74.15 Two lights displayed
- 74.16 Headlights required
- 74.17 Lights of less intensity
- 74.18 Number of lights permitted; red and flashing lights
- 74.19 Standards for lights on snow removal equipment and oversize vehicles
- 74.20 Flashing lights permitted for certain types of vehicles
- 74.21 Lights and sign on transportation for preschool children
- 74.22 Focus and aim of headlights
- 74.23 Brake equipment; specifications
- 74.24 Brake fluid
- 74.25 Minimum standards for brakes and components
- 74.26 Horns, sirens, and warning devices
- 74.27 Mufflers; excessive smoke or gas
- 74.28 Rearview mirrors
- 74.29 Windshields and wipers
- 74.30 Solid tire requirements
- 74.31 Requirements for safety glass in motor vehicles; use of tinted glass or reflectorized material
- 74.32 Directional signals
- 74.33 Installation and sale of seat safety belts required; definition
- 74.34 Requirements for extra signal equipment
- 74.35 Display of warning devices on disabled vehicles
- 74.36 Requirements for vehicles transporting explosives
- 74.37 Studded tires; seasonal use permitted
- 74.38 Safety inspection decals for buses

Loads

- 74.40 Permit required to exceed load limits
- 74.41 Limitation of load extension on left side of vehicle
- 74.42 All loads shall be properly secured
- 74.43 Towing requirements
- 74.44 Weighing of vehicle; removal of excess load
- 74.45 Operation of vehicle exceeding weight limits prohibited

- 74.46 Load limits
- 74.47 Maximum width, height, and length
- 74.48 Statement of gross vehicle weight
- 74.49 Wheel protectors required on heavy commercial vehicles
- 74.50 Liability for damages; prosecution; application of monies
- 74.51 Weight exceptions for coal trucks, farm trucks, farm machinery and log trucks

Chapter 75: Bicycles, Motorcycles and Off-Road Vehicles

Section

General Provisions

- 75.01 Bicycles; application of Title VII
- 75.02 Operation of motorized bicycle
- 75.03 Rules for bicycles, motorcycles, and snowmobiles
- 75.04 Prohibition against attaching bicycles and sleds to vehicles
- 75.05 Riding bicycles; motorcycles abreast
- 75.06 Equipment of bicycles

Snowmobiles, Off-Highway Motorcycles, and All-Purpose Vehicles

- 75.25 Definitions
- 75.26 Equipment
- 75.27 Code application; prohibited operation
- 75.28 Permitted operation
- 75.29 Licensing requirements of operator
- 75.30 Maintenance of vehicles for hire
- 75.31 Accident reports
- 75.32 Impounding of vehicle
- 75.33 Local control within police power
- 75.34 Registration of vehicles
- 75.35 Display of registration number on snowmobiles
- 75.36 Certificate of title; prohibitions

Chapter 76: Parking Regulations

Section

- 76.01 Prohibition against parking on highways
- 76.02 Condition when motor vehicle left unattended
- 76.03 Police may remove illegally parked vehicle
- 76.04 Parking prohibitions
- 76.05 Parking near curb; privileges for persons with disabilities
- 76.06 Parking on private property in violation of posted prohibition
- 76.07 Selling, washing or repairing vehicle upon roadway
- 76.08 Truck loading zones
- 76.09 Bus stops and taxicab stands
- 76.10 Parking in alleys and narrow streets; exceptions
- 76.11 Registered owner prima facie liable for unlawful parking
- 76.12 Waiver

TITLE IX: GENERAL REGULATIONS

Chapter 90: Animals

Section

Animals Running at Large

- 90.01 Dogs or other animals running at large; dangerous or vicious dogs
- 90.02 Confining animal found at large; publication of notice; lien
- 90.03 Unavoidable escapes
- 90.04 Fees
- 90.05 Rabies quarantine orders of Mayor
- 90.06 Interfering with enforcement of quarantine orders
- 90.07 Reporting escape of exotic or dangerous animals required
- 90.08 Dogs may be killed for certain acts

Offenses Relating to Animals

- 90.10 Abandoning animals
- 90.11 Injuring animals
- 90.12 Poisoning animals
- 90.13 Cruelty to animals; cruelty to companion animals
- 90.14 Animal fights
- 90.15 Trapshooting
- 90.16 Loud dog
- 90.17 Dog tags
- 90.18 Dangerous and vicious dog defined; transfer of ownership certificate; form stating dog's prior behavior
- 90.19 Failure to register dog or dog kennel
- 90.20 Hindering the capture of unregistered dog
- 90.21 Unlawful tag
- 90.22 Rights of blind, deaf, or mobility impaired person with dog trained to assist
- 90.23 Retail sale and transportation of dogs
- 90.24 Coloring rabbits or baby poultry; regulation of sale and display
- 90.25 Jacklighting prohibited
- 90.99 Penalty

Chapter 91: Fireworks, Explosives, Fire Prevention

Section

Fireworks

- 91.01 Definitions
- 91.02 Possession, sale, and use of fireworks
- 91.03 Permit to use fireworks
- 91.04 Manufacturing or wholesale sale without a license; prohibitions
- 91.05 Purchasers to comply with law; unauthorized purchases
- 91.06 Exhibition without a license; prohibitions for exhibitions
- 91.07 Unauthorized transportation or shipping
- 91.08 Application of subchapter
- 91.09 Arrest of offender; seizure and forfeiture of fireworks; distribution of fines
- 91.10 Safety requirements for fireworks showroom structures

Explosives

- 91.20 Storage of explosives
- 91.21 Blasting permit

Fire Prevention

- 91.30 Removal of flammable materials or obstructions
- 91.31 Protective appliances
- 91.32 Compliance with order
- 91.33 Waste receptacles
- 91.34 Hotel to have fire warning device producing visible signal
- 91.35 Fire suppression systems
- 91.36 Violations of State Fire Code prohibited
- 91.37 Posting arson notices in hotels, motels and other places
- 91.38 Negligent burning
- 91.39 Spreading alarm of unfriendly fire
- 91.40 Unvented heaters

Open Burning

- 91.55 Definitions
- 91.56 Relations to other prohibitions
- 91.57 Open burning in restricted areas
- 91.58 Permission and notice to open burn
- 91.99 Penalty

Chapter 92: Intoxicating Liquors

Section

- 92.01 Definitions
- 92.02 Exemptions from chapter
- 92.03 Restrictions applicable to sale of beer and intoxicating liquor for consumption on the premises
- 92.04 Restrictions on sale of beer and liquor
- 92.05 Permit required; activities prohibited without permit
- 92.06 Illegal transportation prohibited
- 92.07 Open container prohibited; exception
- 92.08 Underage person shall not purchase intoxicating liquor or beer
- 92.09 Prohibitions; minors under 18 years; low-alcohol beverages
- 92.10 [Reserved]
- 92.11 Misrepresentation to obtain alcoholic beverage for a minor prohibited
- 92.12 Misrepresentation by a minor under 21 years
- 92.13 Sale to underage persons prohibited
- 92.14 Posting of card
- 92.15 Good faith acceptances of spurious identification
- 92.16 Consumption in motor vehicle prohibited
- 92.17 Hours of sale or consumption
- 92.18 Obstructing search of premises prohibited
- 92.19 Illegal possession of intoxicating liquor prohibited
- 92.20 Sale or possession of diluted liquor and refilled containers prohibited
- 92.21 Keeping place where beer or intoxicating liquors are sold in violation of law
- 92.22 Intoxicating liquors shall not be sold in brothels
- 92.23 Use of intoxicating liquor in a public dance hall prohibited; exceptions
- 92.24 Poisonously adulterated liquors
- 92.25 Tavern keeper permitting rioting or drunkenness
- 92.26 Notice of action to prohibit liquor business
- 92.27 Procedure when injunction violated
- 92.28 Liquor transaction scans
- 92.29 Affirmative defenses
- 92.99 Penalty

Chapter 93: Nuisances

Section

General Provisions

- 93.01 Application of the chapter
- 93.02 Definitions
- 93.03 Nuisances generally; injunctions; violation; contempt
- 93.04 Maintaining certain nuisances
- 93.05 Collection of cost of abating dangerous property condition; injunction; rehabilitation
- 93.06 Trimming of trees and shrubbery to prevent obstruction

Unclean Habitations

- 93.10 Permitting unclean habitations
- 93.11 When habitations are deemed unsanitary
- 93.12 Order for abatement or vacation of premises
- 93.13 Enforcement of vacation order by Fire Chief or Police Chief
- 93.14 Enforcement through court proceedings

Septic Tanks, Cesspools, and Refuse

- 93.20 Location of privy vaults, cesspools, and septic tanks
- 93.21 Unsanitary vaults
- 93.22 Removal of contents of vault
- 93.23 Deposit of dead animals, offal upon land or water
- 93.24 Defiling spring or well prohibited
- 93.25 Dumping of refuse in municipality prohibited
- 93.26 Abandoned refrigerators
- 93.27 Discarding litter prohibited
- 93.28 Power of municipality to fill or drain land

Weeds and Litter on Private Property

- 93.40 Keeping down weeds
- 93.41 Notice to owner to cut noxious weeds, remove litter; service
- 93.42 Fees for service and return
- 93.43 Procedure when owner fails to comply with notice
- 93.44 Written return to County Auditor; amount as a lien upon property
- 93.99 Penalty

Chapter 94: Streets and Sidewalks

Section

General Provisions

- 94.01 Conditions precedent to improving streets
- 94.02 Opening permit required
- 94.03 Application and cash deposit
- 94.04 Restoration of pavement
- 94.05 Barriers around excavations
- 94.06 Warning lights
- 94.07 Sidewalk construction by the municipality
- 94.08 Unloading on street or sidewalk
- 94.09 Street or sidewalk obstruction
- 94.10 Materials on street or sidewalk
- 94.11 Duty to keep sidewalks in repair and clean of ice and snow
- 94.12 Ramped curbing for persons with disabilities
- 94.13 Flagpole along right-of-way
- 94.14 Altering or injuring marker or monument

Construction and Repair

- 94.25 Construction and repair may be required
- 94.26 Resolution of necessity
- 94.27 Notice to construct or repair
- 94.28 Assessments of costs against owner
- 94.29 Proceedings may include different owners
- 94.30 Making and levying assessments

Changes in Streets

- 94.40 Change of name, vacating or narrowing streets by petition
- 94.41 Change of name, vacating or narrowing streets without petition
- 94.42 Notice; exception
- 94.43 Publication of notice
- 94.44 Effect of order of vacation
- 94.45 Effect on public utility easements
- 94.99 Penalty

Chapter 95: Unclaimed and Abandoned Vehicles

Section

- 95.01 Impounding motor vehicle on private property; requirements
- 95.02 Impounding abandoned motor vehicle on public property; notice; disposition
- 95.03 Disposition of vehicle ordered into storage
- 95.04 Disposition of abandoned junk motor vehicles
- 95.05 Abandonment of junk motor vehicle prohibited
- 95.06 Junk motor vehicle; order to cover or remove; notice; exceptions

Chapter 96: Watercraft

Section

- 96.01 Definitions
- 96.02 Failure to comply with law enforcement order; fleeing
- 96.03 Duty upon approach of law enforcement vessel
- 96.04 Flashing lights prohibited; exceptions

- 96.05 Siren prohibited; exceptions
- 96.06 Regulations for operation of powercraft of more than 10 horsepower
- 96.07 Restrictions on child operators; duty of supervisory adult
- 96.08 Reckless operation
- 96.09 Unsafe conditions
- 96.10 Marking of bathing and vessel areas
- 96.11 Mooring prohibited in certain areas
- 96.12 Operating under influence of alcohol or drugs prohibited
- 96.13 Implied consent
- 96.14 Incapacitated operators prohibited
- 96.15 Water skiing confined to ski zones
- 96.16 Observer required when towing skier
- 96.17 Water skiing after dark prohibited
- 96.18 Personal flotation device required for towed person
- 96.19 Ski jumps prohibited
- 96.20 Permit for special water events
- 96.21 Sale of single celled inflatable vessels prohibited
- 96.22 Sitting, standing, walking on moving vessels restricted
- 96.23 Engine warm-up required
- 96.24 Personal flotation devices for children under ten
- 96.25 Operation without personal flotation devices prohibited
- 96.26 Distress signal or flag required
- 96.27 Anchor requirements
- 96.28 Specification for fire extinguishers
- 96.29 Backfire flame control device required
- 96.30 Ventilation requirement on powercraft
- 96.31 Abandonment of junk vessels or outboard motors
- 96.32 Exhaust muffler required; noise levels; exceptions
- 96.33 Safety equipment on rental vessels
- 96.34 Capacity plate
- 96.35 Littering prohibited
- 96.36 Dwellings; sanitary systems
- 96.37 Prima facie evidence of negligence
- 96.38 Requirements for operating personal watercraft
- 96.39 Numbering
- 96.40 Registration
- 96.41 Tags indicating expiration date; attachment of identification number
- 96.42 Altering of serial numbers; false information prohibited
- 96.43 Accident reports
- 96.44 Enforcement
- 96.45 Firearms offenses; signaling devices
- 96.46 Tampering with navigation aid or vessel prohibited
- 96.47 Certificate of title; exceptions
- 96.48 Manufacturer's or importer's certificate
- 96.49 Prohibitions relating to certificates of title
- 96.50 Permanently displayed hull identification number
- 96.99 Penalty

TITLE XI: BUSINESS REGULATIONS

Chapter 110: General Provisions

- | Section | |
|---------|---|
| 110.01 | Licenses required to engage in certain businesses; exceptions |
| 110.02 | Application for license |
| 110.03 | Issuance of license |
| 110.04 | Date and duration of license |
| 110.05 | License not transferable |
| 110.06 | License certificate to be displayed |
| 110.07 | Revocation or suspension |
| 110.08 | Appeal and review |
| 110.99 | General penalty for Title XI |

Chapter 111: Taxicabs

Section

- 111.01 Definitions
- 111.02 Certificate of public convenience and necessity required
- 111.03 Application for certificate
- 111.04 Issuance of certificate
- 111.05 Liability insurance required
- 111.06 License fees
- 111.07 Transfer of certificates and licenses
- 111.08 Suspension and revocation of certificates
- 111.09 Taxicab driver's license
- 111.10 Application for driver's license
- 111.11 Examination of applicant; motor vehicle operator's permit required
- 111.12 Police investigation of applicant; traffic and police record
- 111.13 Consideration of application
- 111.14 Issuance of license; duration; annual fee
- 111.15 Display of license
- 111.16 Suspension and revocation of license
- 111.17 Failure to comply with federal, state and municipal laws
- 111.18 Vehicle equipment and maintenance
- 111.19 Designation of taxicabs
- 111.20 Taximeter and display of rates required
- 111.21 Number of passengers allowed
- 111.22 Articles left in vehicles
- 111.23 Vehicles from other municipalities
- 111.24 Receipts
- 111.25 Refusal of passenger to pay legal fare
- 111.26 Solicitation, acceptance and discharge of passengers
- 111.27 Open stands; use
- 111.28 Taxicab service
- 111.29 Manifests
- 111.30 Records and reports of holders
- 111.31 Police department; duty to enforce chapter
- 111.32 Disposition of vehicle license fees

Chapter 112: Peddlers, Itinerant Merchants, and Solicitors

Section

- 112.01 Definitions
- 112.02 License requirement
- 112.03 Application procedure
- 112.04 Standards for issuance
- 112.05 Revocation procedure
- 112.06 Standards for revocation
- 112.07 Appeal procedure
- 112.08 Exhibition of identification
- 112.09 Municipal policy on soliciting
- 112.10 Notice regulating soliciting
- 112.11 Duty of solicitors
- 112.12 Uninvited soliciting prohibited
- 112.13 Time limit on soliciting

Chapter 113: Commercial Amusements

Section

- 113.01 Bowling; billiards and pool
- 113.02 Circuses, carnivals, shows and other such entertainment
- 113.03 Deposit required
- 113.04 License fee for public entertainment or exhibition
- 113.05 License fee may be waived for civic interest

Chapter 114: Tattooing and Body Piercing Services

Section

- 114.01 Definitions
- 114.02 Prohibitions
- 114.03 Application for license; fees; issuance

- 114.04 Inspection of facilities
- 114.05 Suspension or revocation of license
- 114.06 Consent for performing procedures on persons under 18
- 114.07 Prohibitions relating to persons under 18
- 114.08 Defenses to violations
- 114.09 Training standards; records; safety and sanitation; equipment
- 114.10 Application of local regulation on chapter
- 114.99 Penalty

TITLE XIII: GENERAL OFFENSES

Chapter 130: General Provisions

Section

- 130.01 Application of Title XIII
- 130.02 Definitions
- 130.03 Classification of offenses
- 130.04 Common law offenses abrogated
- 130.05 Rules of construction
- 130.06 Limitation of criminal prosecutions
- 130.07 Requirements for criminal liability; voluntary intoxication
- 130.08 Culpable mental states
- 130.09 Organizational criminal liability
- 130.10 Personal accountability for organizational conduct
- 130.11 Attempt
- 130.12 Complicity
- 130.13 Presumption of innocence; proof of offense; affirmative defense
- 130.14 Battered woman syndrome
- 130.15 Delinquency adjudications deemed convictions
- 130.16 Criminal law jurisdiction
- 130.17 Disposition of property held by Police Department
- 130.18 Imposing sentence for misdemeanor
- 130.19 Multiple sentences
- 130.20 (Reserved)
- 130.21 Apprehension, detention, or arrest of persons on bond
- 130.99 Penalty for Title XIII

Chapter 131: Offenses Against Property

Section

- 131.01 Definitions
- 131.02 Arson; determining property value or amount of physical harm
- 131.03 Criminal damaging or endangering; vehicular vandalism
- 131.04 Criminal mischief
- 131.05 Damaging or endangering aircraft or airport operations
- 131.06 Criminal trespass; aggravated trespass
- 131.07 Tampering with coin machines
- 131.08 Theft
- 131.09 Unauthorized use of a vehicle
- 131.10 Unauthorized use of property, including telecommunication property and computers; possession of municipal property
- 131.11 Passing bad checks
- 131.12 Misuse of credit cards
- 131.13 Making or using slugs
- 131.14 Prima facie evidence of purpose to defraud
- 131.15 Tampering with records
- 131.16 Securing writings by deception
- 131.17 Defrauding creditors
- 131.18 Receiving stolen property
- 131.19 Value of stolen property
- 131.20 Degree of offense when certain property involved
- 131.21 Injuring vines, bushes, trees, or crops

- 131.22 Detention and arrest of shoplifters; protection of institutional property
- 131.23 Insurance fraud; workers' compensation fraud; medicaid fraud
- 131.24 Injury to property by hunters
- 131.25 Evidence of intent to commit theft of rented property; evidence of lack of capacity to consent
- 131.26 Forgery of identification cards
- 131.27 Criminal simulation
- 131.28 Personating an officer
- 131.29 Trademark counterfeiting
- 131.30 Identity fraud
- 131.31 Recording credit card, telephone or Social Security numbers
- 131.32 Prosecutions for theft of utilities

Chapter 132: Offenses Against Public Peace

Section

- 132.01 Riot
- 132.02 Failure to disperse
- 132.03 Justifiable use of force to suppress riot
- 132.04 Disorderly conduct
- 132.05 Disturbing a lawful meeting
- 132.06 Misconduct at an emergency
- 132.07 Telecommunications harassment
- 132.08 Inducing panic
- 132.09 Making false alarms
- 132.10 Inciting to violence
- 132.11 Unlawful display of law enforcement emblem
- 132.12 Impersonating a peace officer
- 132.13 Safety of crowds attending live entertainment performances
- 132.14 Misconduct involving a public transportation system

Chapter 133: Sex Offenses

Section

- 133.01 Definitions
- 133.02 Unlawful sexual conduct with a minor
- 133.03 Sexual imposition
- 133.04 [Reserved]
- 133.05 Voyeurism
- 133.06 Public indecency
- 133.07 Procuring
- 133.08 Soliciting; loitering to engage in
- 133.09 Prostitution
- 133.10 Disseminating matter harmful to juveniles
- 133.11 Displaying matter harmful to juveniles
- 133.12 Deception to obtain matter harmful to juveniles
- 133.13 Rules of evidence
- 133.14 Declaratory judgment
- 133.15 Injunction; abatement of nuisance
- 133.99 Sentencing for sexually oriented offenses; sexual predators; registration

Chapter 134: Gambling Offenses

Section

- 134.01 Definitions
- 134.02 Prohibitions against gambling; exception
- 134.03 Operating a gambling house
- 134.04 Public gaming
- 134.05 Cheating
- 134.06 Regulations concerning operation of licensed bingo game
- 134.07 Records to be kept
- 134.08 Requirements for bingo game operators
- 134.09 Bingo games for amusement only
- 134.10 Prohibitions where instant bingo game is conducted
- 134.11 Raffle drawings

- 134.12 Instant bingo other than at bingo sessions
- 134.13 Restrictions on owner or lessor of location at instant bingo

Chapter 135: Offenses Against Persons

Section

- 135.01 Definitions
- 135.02 Negligent homicide
- 135.03 Vehicular homicide; vehicular manslaughter
- 135.04 Assault; negligent assault
- 135.05 Injury to persons by hunters
- 135.06 Menacing; aggravated menacing; menacing by stalking
- 135.07 Unlawful restraint
- 135.08 Criminal child enticement
- 135.09 Coercion
- 135.10 Bigamy
- 135.11 Unlawful abortion; failure to perform viability testing
- 135.12 Abortion trafficking
- 135.13 Nonsupport of dependents
- 135.14 Endangering children
- 135.15 Interference with custody; interference with support orders
- 135.16 Domestic violence
- 135.17 Hazing prohibited
- 135.18 Contributing to unruliness or delinquency of a child
- 135.19 Failure to provide for functionally impaired person
- 135.20 Patient abuse or neglect; exceptions; false statements; retaliation
- 135.21 Interference with right of person to engage in housing transactions because of race, religion, or the like
- 135.22 Ethnic intimidation
- 135.23 Violating a protection order, consent agreement, anti-stalking protection order or order issued by a court of another state
- 135.24 Adulteration of food
- 135.25 Illegal distribution of cigarettes or other tobacco products; transaction scans
- 135.26 Nonsmoking areas in places of public assembly
- 135.27 Spreading contagion
- 135.28 Abuse of a corpse

Chapter 136: Offenses Against Justice and Administration

Section

- 136.01 Definitions
- 136.02 Falsification
- 136.03 Compounding a crime
- 136.04 Failure to report a crime
- 136.05 Failure to aid a law enforcement officer
- 136.06 Obstructing official business
- 136.07 Obstructing justice
- 136.08 Resisting arrest
- 136.09 Having an unlawful interest in a public contract
- 136.10 Soliciting or receiving improper compensation
- 136.11 Dereliction of duty
- 136.12 Interfering with civil rights
- 136.13 Illegal conveyance of prohibited items onto grounds of a detention facility or mental health or mental retardation and developmental disabilities facility
- 136.14 False report of child abuse or neglect
- 136.15 Assaulting police dog, horse, or handicapped assistance dog
- 136.16 Disclosure of confidential peace officer information
- 136.17 Intimidation of crime victim or witness
- 136.18 Using sham legal process
- 136.19 Making false allegation of peace officer misconduct
- 136.20 Misuse of 9-1-1 system

Chapter 137: Weapons Control

Section

- 137.01 Definitions
- 137.02 Carrying concealed weapons
- 137.03 Using weapons while intoxicated
- 137.04 Improperly handling firearms in a motor vehicle
- 137.05 Possessing criminal tools
- 137.06 Failure to secure dangerous ordnance
- 137.07 Unlawful transactions in weapons
- 137.08 Underage purchase of firearm or handgun
- 137.09 Pointing and discharging firearms and other weapons
- 137.10 License or permit to possess dangerous ordnance
- 137.11 Possession of an object indistinguishable from a firearm in a school safety zone
- 137.12 Possession of deadly weapon while under detention

Chapter 138: Drug Offenses

Section

- 138.01 Definitions
- 138.02 Trafficking in controlled substances; gift of marihuana
- 138.03 Drug abuse
- 138.04 Possessing drug abuse instruments
- 138.05 Permitting drug abuse
- 138.06 Illegal cultivation of marihuana
- 138.07 Abusing harmful intoxicants
- 138.08 Illegal dispensing of drug samples
- 138.09 Federal prosecution bar to municipal prosecution
- 138.10 Nitrous oxide: improper dispensing or distribution; possession in a motor vehicle
- 138.11 Laboratory report required
- 138.12 Counterfeit controlled substances
- 138.13 Use, possession, or sale of drug paraphernalia
- 138.14 Controlled substance or prescription labels
- 138.15 Possession, sale and disposal of hypodermics
- 138.16 Controlled substance schedules
- 138.17 Unlawful furnishing of prescription to enable persons to be issued handicapped parking placards or license plates

TITLE XV: LAND USAGE

Chapter 150: General Provisions

Section

Parks and Recreation

- 150.01 Recreation Board
- 150.02 Board of Park Trustees

Planning and Zoning

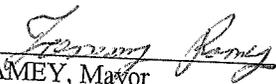
- 150.15 Planning Commission
- 150.16 Board of Zoning Appeals

PARALLEL REFERENCES

Ohio Legislative History References — Master Table
Justinian Model Ohio Municipal Code Comparative Table
Disposition Table

INDEX

This summary of contents has been verified and authorized for publication by the Council of the Village of Spencer, Ohio.

Signed: 
TOMMY RAMEY, Mayor


RHONDA R. RIFFLE, Village Fiscal Officer

