

2  
3 CITY OF CUYAHOGA FALLS, OHIO

4  
5 ORDINANCE NO. 23 -2015

6  
7 AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE  
8 CODIFIED ORDINANCES TO CONFORM TO STATE LAW,  
9 APPROVING THE 2014 REPLACEMENT PAGES TO THE  
10 CODIFIED ORDINANCES OF THE CITY OF CUYAHOGA FALLS,  
11 AND DECLARING AN EMERGENCY.  
12

13 WHEREAS, Article XVIII, Section 3 of the Ohio Constitution provides that municipalities shall  
14 have the authority to enforce local police, sanitary and other similar regulations as are not in  
15 conflict with general laws, and  
16

17 WHEREAS, certain provisions within the Codified Ordinances of the City of Cuyahoga Falls  
18 should be amended to conform to current State laws that have been amended, so as to avoid  
19 conflict in matters that are not subject to the City's powers of local self-government; and  
20

21 WHEREAS, various ordinances and ordinance amendments of a general and permanent  
22 nature have been passed by this Council which should be included in the published Codified  
23 Ordinances; and  
24

25 WHEREAS, the City has heretofore entered into a contract with the Walter H. Drane  
26 Company to prepare and publish such revisions as are approved by this Council,  
27

28 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga Falls, County  
29 of Summit and State of Ohio, that:  
30

31 Section 1. The Ordinances of the City of Cuyahoga Falls, Ohio, of a general and permanent  
32 nature, as revised, recodified, rearranged and consolidated into component codes, titles, chapters  
33 and sections within the 2014 Replacement Pages to the Codified Ordinances, are hereby approved  
34 and adopted.  
35

36 Section 2. The following sections and chapters are hereby added, amended or repealed as  
37 respectively indicated in order to comply with current State law.  
38

39 Traffic Code

- 40
- 41 301.161 Highway Maintenance Vehicle. (Added)
- 42 301.162 Highway Traffic Signal. (Added)
- 43 303.02 Road Workers, Motor Vehicles and Equipment Excepted. (Amended)
- 44 333.01 Driving or Physical Control While Under the Influence. (Amended)
- 45 333.03 Maximum Speed Limits. (Amended)
- 46 333.031 Approaching a Stationary Public Safety, Emergency or Road Service  
47 Vehicle. (Amended)
- 48 337.16 Number of Lights; Limitations on Flashing. (Amended)
- 49 337.17 Focus and Aim of Headlights. (Amended)
- 50 339.01 Oversize or Overweight Vehicle on State Routes. (Amended)
- 51 351.04 Parking Near Curb; Handicapped Parking. (Amended)
- 52 373.02 Riding Upon Seats; Handle Bars; Helmets and Glasses. (Amended)
- 53

54 General Offenses Code

- 55
- 56 505.081 Cruelty to Companion Animals. (Amended)
- 57 525.01 Law Enforcement and Public Office Definitions. (Amended)

58	525.05	Failure to Report a Crime, Injury or Knowledge of Death. (Amended)
59	529.01	Liquor Control Definitions. (Amended)
60	529.07	Open Container Prohibited. (Amended)
61	533.09	Soliciting. (Amended)
62	533.14	Unlawful Advertising of Massage. (Added)
63	537.03	Assault. (Amended)
64	537.05	Aggravated Menacing. (Amended)
65	537.051	Menacing by Stalking. (Added)
66	537.06	Menacing. (Amended)
67	537.12	Misuse of 9-1-1 System. (Amended)
68	537.16	Illegal Distribution of Cigarettes, Other Tobacco Products or Alternate Nicotine Products. (Amended)
69		
70	537.18	Criminal Child Enticement. (Amended)
71	545.01	Theft and Fraud Definitions. (Amended)
72	545.02	Determining Property Value in Theft Offense. (Amended)
73	545.05	Petty Theft. (Amended)
74	545.15	Securing Writings by Deception. (Amended)
75	553.03	Duties of Locomotive Engineer. (Amended)

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Section 3. The complete text of the sections listed above are set forth in full in the current replacement pages to the Codified Ordinances which are hereby attached to this ordinance as Exhibit A. The listing above of each new section by reference to its title shall constitute sufficient publication of new matter contained therein.

Section 4. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including Chapter 107 of the Codified Ordinances.

Section 5. This ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health and safety of the Municipality and its inhabitants for the reason that there exists an imperative necessity for the earliest publication and distribution of current Replacement Pages to the officials and residents of the Municipality, so as to facilitate administration, daily operation and avoid practical and legal entanglements, and provided that it receives the affirmative vote of two-thirds of the members elected or appointed to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor, otherwise, it shall take effect and be in force at the earliest period allowed by law.

Passed: 4/13/2015

May Ellen Pyke  
President of Council

David Cowin  
Clerk of Council

Approved: 4-14-15

[Signature]  
Mayor

**CODIFIED  
ORDINANCES  
OF THE  
CITY OF  
CUYAHOGA FALLS  
OHIO**



Complete to January 1, 2015

Exhibit A

CERTIFICATION

We, Donald S. Walters, Mayor, and Paul Janis, Council Clerk, of Cuyahoga Falls, Ohio, pursuant to City Charter Article III, Section 3, and Ohio Revised Code 731.23 and 731.42, hereby certify that the general and permanent ordinances of the City of Cuyahoga Falls, Ohio, as revised, rearranged, compiled, renumbered as to sections, codified and printed herewith in component codes are correctly set forth and constitute the Codified Ordinances of the City of Cuyahoga Falls, Ohio, 1998, as amended to January 1, 2015.

/s/ Donald S. Walters  
Mayor

/s/ Paul Janis  
Council Clerk

Codified, edited and prepared for  
publication by  
THE WALTER H. DRANE COMPANY  
Cleveland, Ohio

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## CITY OF CUYAHOGA FALLS

## ROSTER OF OFFICIALS

(2015)

COUNCIL

Carol Klinger	Councilor-at-Large
Carrie Hummel Snyder	Councilor-at-Large
Jeff Iula, Pro Tem	Councilor-at-Large
Vincent Rubino	First Ward
Mary Ellen Pyke, President	Second Ward
Victor Pallotta, Sergeant at Arms	Third Ward
Bob Weinhardt	Fourth Ward
Michael Brillhart	Fifth Ward
Gary DeRemer	Sixth Ward
Jerry James	Seventh Ward
Terry Mader, Chaplain	Eighth Ward
Paul Janis	Clerk

ADMINISTRATION

Donald S. Walters	Mayor
Russell W. Balthis	Law Director
Bryan J. Hoffman	Finance Director
Eric M. Czetli	Service Director
Diane M. Sheridan	Community Development Director
Tony V. Demasi	City Engineer
Paul Moledor	Fire Chief
Jack H. Davis	Police Chief
Fred Guerra	Planning Director

The publisher  
expresses his appreciation  
to  
all officers and employees who  
gave time and counsel in the preparation  
of the 1998 Codified Ordinances and  
current replacement pages.

## GENERAL INDEX

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

- (a) The comparative Section Table which indicates in the Codified Ordinances the disposition of the ordinances or resolutions integrated therein.
- (b) The table of contents preceding each component code, and the sectional analysis preceding each chapter.
- (c) The cross references to related material following each chapter analysis.

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**CHAPTER 129**  
**Police Department**

<b>129.01</b>	<b>Composition.</b>	<b>129.04</b>	<b>Disposition of property held by the Police Department.</b>
<b>129.02</b>	<b>Community Service Officer.</b>	<b>129.05</b>	<b>Special police.</b>
<b>129.03</b>	<b>Charges for copies and lodging prisoners.</b>	<b>129.06</b>	<b>Control of uniforms; appeal.</b>
		<b>129.07</b>	<b>Parking Enforcement Unit.</b>

**CROSS REFERENCES**

Mayor as executive head - see CHTR. Art. II, Sec. 3J  
 Composition and civil service application - see CHTR. Art. III, Sec. 7; Art. VII, Sec. 3  
 Board of Trustees of Police Relief and Pension Fund created - see CHTR. Art. IV, Sec. 10  
 Resisting a police officer - see GEN. OFF. 525.06 et seq.  
 Impersonating a police officer - see GEN. OFF. 525.03  
 Registration of convicted persons - see GEN. OFF. Ch. 507

**129.01 COMPOSITION.**

(a) Subject to the sufficiency of annual or supplemental appropriations for personal services, the Police Department shall be composed of the following sworn officers and other personnel:

Sworn Officers:

1 Chief  
 1 Captain  
 5 Lieutenants  
 10 Sergeants  
 56 Patrol Officers

Civilian Employees:

1 Community Service Officer  
 1 Secretary II  
 2 Secretary I  
 6 Regular Part-Time Laborers  
 1 Juvenile Diversion Caseworker

(b) When sufficient appropriations are available and a valid civil service eligible list exists, vacancies in classifications in the Police Department shall be filled from a certified list of candidates within thirty (30) days. If there is no eligible list for a vacant position, the Director of Public Safety shall forthwith request that the Civil Service Commission conduct the needed examinations for the purpose of producing an eligible list. An appointment to fill the vacancy shall be made within thirty (30) days after the Commission certifies a list of candidates from a new eligible list. Nothing in this subsection shall be construed to apply to appointments to the unclassified service or to limit the Commission's authority to waive competitive examinations in accordance with its rules.

(Ord. 105-2012. Passed 12-27-12.)

**129.02 COMMUNITY SERVICE OFFICER.**

(a) The position of Community Service Officer is hereby authorized and created. The Community Service Officer shall be attached to the Police Department and shall be under the normal direction and control of the Police Department and the chain-of-command presently in effect.

(b) Community Service Officers shall act in a parapolice capacity to aid and supplement the police force, as directed by the police supervisors, Police Chief and Safety Director. Their duties shall include the above and also the enforcement of parking regulations, directing traffic, animal regulations enforcement, equipment maintenance, assisting sworn officers, administrative duties, aiding prisoner handling and any other functions authorized by law. (Ord. 194-1980. Passed 12-22-80.)

**129.03 CHARGES FOR SERVICES OF THE POLICE DEPARTMENT.**

The following rates are hereby set forth for the furnishing of the following services:

Lodging of prisoner (per day or part thereof)	An amount equal to the daily rate contained in the agreement by and between the City of Cuyahoga Falls and the County of Summit for housing prisoners at the Summit County Jail in effect at the time of incarceration in the Cuyahoga Falls jail.
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(Ord. 155-1994. Passed 12-12-94; Ord. 99-2001. Passed 5-29-01.)

**129.04 DISPOSITION OF PROPERTY HELD BY THE POLICE DEPARTMENT.**

(a) Weapons brought into or acquired by the Police Department for safekeeping shall be returned to the lawful owner no earlier than thirty days later and only upon proper proof of ownership thereof and demand therefor, unless the Police Department has reasonable cause to believe that the weapon may be used to commit an offense or that the circumstances under which the weapon was given for safekeeping still exist, in which event the Police may continue to hold such weapon for an additional thirty day period.

(b) All property in custody of the Police Department shall be disposed of in accordance with Ohio R.C. 2933.41. (Ord. 59-1987. Passed 3-9-87.)

**129.05 SPECIAL POLICE.**

(a) The Mayor is hereby enabled to augment the Police Department by empowering the Chief of Police with permission to employ not more than fifty special police, such police to have accreditation and jurisdictional duties of existing patrolmen. (Ord. 197-1970. Passed 9-14-70.)

(b) (1) Special Police for the Municipal Court shall serve as Security Officers for the Court and may seek the assistance of other appropriate law enforcement officers. The Special Police of the Court shall have limited police powers of arrest as set forth under Ohio R.C. 2935.04. They will take an oath administered by the Mayor. The Cuyahoga Falls Police Department will carry their commissions and the Chief of Police shall be consulted and have final approval before any Special Police are employed by the Court, which shall otherwise be responsible for the hiring and dismissal of such persons.

- (2) The Special Police will wear the uniform of the Cuyahoga Falls Police Department or such variation as approved by the Chief of Police with badges denoting their position as "Special Police". Such officers will have completed twenty years of active duty as a peace officer in accordance with Ohio R.C. 109.78 and will abide by the Rules and Regulations of the Cuyahoga Falls Police Department where not inconsistent with the directions of the Court.
- (3) Any person employed as a Special Police Officer by the Court shall be deemed a "public employee" as defined in Ohio R.C. 145.01. Such Special Police Officers for the Court shall not be considered employees of the Police Department for purposes of any staffing or appropriations ordinances. Such Special Police Officers for the Court shall be employees of the Court and paid by the Court in accordance with any ordinances pertaining thereto.  
(Ord. 100-2001. Passed 5-29-01.)

#### **129.06 CONTROL OF UNIFORMS; APPEAL.**

(a) The following are the rules regulating and controlling the uniforms to be worn by special police and/or private agencies:

- (1) No person not a member of the Cuyahoga Falls Police Department shall wear a uniform, cap, badge or buttons in imitation of the official uniform, cap, badge or buttons at the time in use by the members of the Cuyahoga Falls Police Department.
- (2) No person desiring to provide special police or private patrol watchmen, either for himself or for hire, shall use or wear any distinctive uniform, cap, badge or buttons unless the specifications thereof shall be approved by the Chief of Police.

(b) The Chief of Police is hereby granted the right and permission to control and regulate the type of uniform that may be worn by a member of a special police department, private police or detective agency in conformance with the aforementioned rules.

(c) Any decision of the Chief of Police may be appealed to an Appeal Board hereby created consisting of the presiding Judge of the Municipal Court, the chairman of the Public Affairs Committee of Council and the Mayor. Such appeal shall be filed within ten days of the date of such decision by any person adversely affected thereby. Such appeal shall be perfected by the appellant filing with the Mayor a written notice of his intention to appeal, together with a deposit of twenty-five dollars (\$25.00), which sum shall be refunded to the appellant in case the Appeal Board renders a decision in favor of the appellant, otherwise, such deposit shall be forfeited to the City. The decision of the Appeal Board shall be rendered within fifteen days from hearing, and shall be final.

(Ord. 37-1970. Passed 3-23-70.)

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

**129.07 PARKING ENFORCEMENT UNIT.**

(a) There is hereby created within the Department of Public Safety of the City a Parking Enforcement Unit within the Police Department of the City with members appointed by the Mayor as Director of Public Safety or his designated representative. Members of the Parking Enforcement Unit shall be unpaid volunteers.

(b) The Parking Enforcement Officers shall serve as long as the Director of Public Safety may direct or until their resignation submitted by such officer shall be accepted by the Director of Public Safety.

(c) The Chief of Police shall be the executive head of the Parking Enforcement Unit, and shall make all recommendations for appointments and removals of Parking Enforcement Officers, subject to any general rules prescribed by the Legislative Authority by ordinance, and shall provide for the rules for the organization, training, administration, control and conduct of the Parking Enforcement Unit.

(d) The Police Chief shall be the commander of the Parking Enforcement Unit.

(e) The authority of the Parking Enforcement Officers shall be limited to the enforcement of ordinances governing parking in handicap parking locations and fire lanes and other parking ordinances specified in these Codified Ordinances.

(f) Parking Enforcement Officers shall have no other powers.

(g) The training that the Parking Enforcement Officers shall receive shall include instruction in general administrative rules and procedures governing the Parking Enforcement Unit, the role of the judicial system as it relates to parking regulation and enforcement, proper techniques and methods relating to the enforcement of parking ordinances, human interaction skills, and first aid.

(h) The Director of Public Safety is authorized to prescribe the type of uniform or part thereof to be worn by the Parking Enforcement Officers.

(i) The Director of Public Safety is hereby authorized and directed to promulgate such executive orders, rules and regulations as, in his discretion, are either necessary or desirable in the administration of such Parking Enforcement Unit.  
(Ord. 11-2014. Passed 1-27-14.)

## CODIFIED ORDINANCES OF CUYAHOGA FALLS

### PART THREE - TRAFFIC CODE

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#### TITLE ONE - Administration

- Chap. 301. Definitions.
- Chap. 303. Enforcement, Impounding and Penalty.
- Chap. 305. Traffic Control.
- Chap. 307. Enforcement and Accidents.
- Chap. 309. Parades and Public Assemblies.

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#### CHAPTER 301 Definitions

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| <p>301.01 Meaning of words and phrases.</p> <p>301.02 Agricultural tractor.</p> <p>301.03 Alley.</p> <p>301.031 Beacon; hybrid beacon.</p> <p>301.04 Bicycle; motorized bicycle.</p> <p>301.05 Bus.</p> <p>301.06 Business district.</p> <p>301.07 Commercial tractor.</p> <p>301.08 Controlled-access highway.</p> <p>301.09 Crosswalk.</p> <p>301.10 Driver or operator.</p> <p>301.11 Emergency vehicle.</p> <p>301.12 Explosives.</p> <p>301.13 Expressway.</p> <p>301.14 Flammable liquid.</p> <p>301.15 Freeway.</p> <p>301.16 Gross weight.</p> <p>301.161 Highway maintenance vehicle.</p> <p>301.162 Highway traffic signal.</p> <p>301.17 Intersection.</p> <p>301.18 Laned street or highway.</p> <p>301.181 Median.</p> <p>301.19 Motorcycle.</p> <p>301.20 Motor vehicle.</p> <p>301.201 Operate.</p> <p>301.21 Park or parking.</p> <p>301.22 Pedestrian.</p> <p>301.23 Person.</p> <p>301.24 Pole trailer.</p> <p>301.25 Police officer.</p> <p>301.251 Predicate motor vehicle or traffic offense.</p> <p>301.26 Private road or driveway.</p> | <p>301.27 Public safety vehicle.</p> <p>301.28 Railroad.</p> <p>301.29 Railroad sign or signal.</p> <p>301.30 Railroad train.</p> <p>301.31 Residence district.</p> <p>301.32 Right of way.</p> <p>301.321 Road service vehicle.</p> <p>301.33 Roadway.</p> <p>301.34 Safety zone.</p> <p>301.35 School bus.</p> <p>301.36 Semitrailer.</p> <p>301.361 Shared-use path.</p> <p>301.37 Sidewalk.</p> <p>301.38 State route.</p> <p>301.39 Stop (when required).</p> <p>301.40 Stopping or standing.</p> <p>301.41 Stop intersection.</p> <p>301.42 Street or highway;<br/>arterial street.</p> <p>301.43 Through street or highway.</p> <p>301.44 Thruway.</p> <p>301.45 Traffic.</p> <p>301.46 Traffic control devices.</p> <p>301.47 Traffic control signal.</p> <p>301.48 Trailer.</p> <p>301.49 Truck.</p> <p>301.50 Urban district.</p> <p>301.51 Vehicle.</p> <p>301.52 Wheelchair, motorized.</p> |
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**CROSS REFERENCES**

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

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**301.01 MEANING OF WORDS AND PHRASES.**

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

**301.02 AGRICULTURAL TRACTOR.**

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

**301.03 ALLEY.**

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

**301.031 BEACON; HYBRID BEACON.**

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

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

**301.04 BICYCLE; MOTORIZED BICYCLE.**

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

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



**301.05 BUS.**

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

**301.06 BUSINESS DISTRICT.**

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

**301.07 COMMERCIAL TRACTOR.**

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

**301.08 CONTROLLED-ACCESS HIGHWAY.**

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

**301.09 CROSSWALK.**

"Crosswalk" means:

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

**301.10 DRIVER OR OPERATOR.**

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

**301.11 EMERGENCY VEHICLE.**

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

**301.12 EXPLOSIVES.**

"Explosives" means any chemical compound or mechanical mixture that is intended for the purpose of producing an explosion that contains any oxidizing and combustible units or other ingredients in such proportions, quantities or packing that an ignition by fire, by friction, by concussion, by percussion or by a detonator of any part of the compound or mixture may cause

such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects, or of destroying life or limb.

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

### **301.13 EXPRESSWAY.**

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

### **301.14 FLAMMABLE LIQUID.**

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

### **301.15 FREEWAY.**

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

### **301.16 GROSS WEIGHT.**

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

### **301.161 HIGHWAY MAINTENANCE VEHICLE.**

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

### **301.162 HIGHWAY TRAFFIC SIGNAL.**

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

### **301.17 INTERSECTION.**

"Intersection" means:

- (a) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, the lateral boundary lines of the roadways of two highways that join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways that join at any other angle might come into conflict. The junction of an alley or driveway with a roadway or highway does not constitute an intersection unless the roadway or highway at the junction is controlled by a traffic control device.
- (b) If a highway includes two roadways that are thirty feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway constitutes a separate intersection. If both intersecting highways include two roadways thirty feet or more apart, then every crossing of any two roadways of such highways constitutes a separate intersection.

**CHAPTER 303**  
**Enforcement, Impounding and Penalty**

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|---|---|
| 303.01 Officer may remove ignition key.                             | 303.07 Impounding of vehicles; notice to owner.       |
| 303.02 Road workers, motor vehicles and equipment excepted.         | 303.08 Return of impounded vehicles; bond.            |
| 303.03 Emergency vehicles or public safety vehicles exempt.         | 303.09 Authorized towing companies; place of storage. |
| 303.04 Application to persons riding, driving animals upon roadway. | 303.10 Towing, storage and administrative fees.       |
| 303.05 Freeway use prohibited by pedestrians, bicycles and animals. | 303.11 Providing false information to police officer. |
| 303.06 Application to drivers of government vehicles.               | 303.99 General Traffic Code penalties.                |

**CROSS REFERENCES**

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

**303.01 OFFICER MAY REMOVE IGNITION KEY.**

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

**303.02 ROAD WORKERS, MOTOR VEHICLES AND EQUIPMENT EXCEPTED.**

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

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

- (c) (1) This section does not exempt a driver of a highway maintenance vehicle from civil liability arising from a violation of Sections 331.01 to 331.04, 331.06 to 331.08, 331.31, 333.04, 337.01 or Ohio R.C. 4511.66 or 5577.01 to 5577.09.
- (2) This section does not exempt the driver of a vehicle that is engaged in the transport of highway maintenance equipment from criminal liability for a violation of Ohio R.C. 5577.01 to 5577.09.  
(ORC 4511.04)

**303.03 EMERGENCY VEHICLES OR PUBLIC SAFETY VEHICLES EXEMPT.**

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

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

- C. A copy of a notarized statement by the laboratory director or a designee of the director that contains the name of each certified analyst or test performer involved with the report, the analyst's or test performer's employment relationship with the laboratory that issued the report, and a notation that performing an analysis of the type involved is part of the analyst's or test performer's regular duties;
  - D. An outline of the analyst's or test performer's education, training, and experience in performing the type of analysis involved and a certification that the laboratory satisfies appropriate quality control standards in general and, in this particular analysis, under rules of the Department of Health.
- (2) Notwithstanding any other provision of law regarding the admission of evidence, a report of the type described in subsection (f)(1) of this section is not admissible against the defendant to whom it pertains in any proceeding, other than a preliminary hearing or a grand jury proceeding, unless the prosecutor has served a copy of the report on the defendant's attorney or, if the defendant has no attorney, on the defendant.
  - (3) A report of the type described in subsection (f)(1) of this section shall not be prima-facie evidence of the contents, identity, or amount of any substance if, within seven days after the defendant to whom the report pertains or the defendant's attorney receives a copy of the report, the defendant or the defendant's attorney demands the testimony of the person who signed the report. The judge in the case may extend the seven-day time limit in the interest of justice.

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

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

(h) General OVI Penalty.

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

- A. Except as otherwise provided in subsections (h)(1)B., C., D. or E. of this section, the offender is guilty of a misdemeanor of the first degree, and the court shall sentence the offender to all of the following:
1. If the sentence is being imposed for a violation of subsections (a)(1)A., B., C., D., E., or J. of this section, a mandatory jail term of three consecutive days. As used in this subsection, three consecutive days means seventy-two consecutive hours. The court may sentence an offender to both an intervention program and a jail term. The court may impose a jail term in addition to the three-day mandatory jail term or intervention program. However, in no case shall the cumulative jail term imposed for the offense exceed six months.  
The court may suspend the execution of the three-day jail term under this subsection if the court, in lieu of that suspended term, places the offender under a community control sanction pursuant to Ohio R.C. 2929.25 and requires the offender to attend, for three consecutive days, a drivers' intervention program certified under Ohio R.C. 5119.38.  
The court also may suspend the execution of any part of the three-day jail term under this subsection if it places the offender under a community control sanction pursuant to Ohio R.C. 2929.25 for part of the three days, requires the offender to attend for the suspended part of the term a drivers' intervention program so certified, and sentences the offender to a jail term equal to the remainder of the three consecutive days that the offender does not spend attending the program. The court may require the offender, as a condition of community control and in addition to the required attendance at a drivers' intervention program, to attend and satisfactorily complete any treatment or education programs that comply with the minimum standards adopted pursuant to Ohio R.C. Chapter 5119 by the Director of Mental Health and Addiction Services that the operators of the drivers' intervention program determine that the offender should attend and to report periodically to the court on the offender's progress in the programs. The court also may impose on the offender any other conditions of community control that it considers necessary.
  2. If the sentence is being imposed for a violation of subsection (a)(1)F., G., H. or I. or (a)(2) of this section, except as otherwise provided in this subsection, a mandatory jail term of at least three consecutive days and a requirement that the offender attend, for three consecutive days, a drivers' intervention program that is certified pursuant to Ohio R.C. 5119.38. As used in this subsection, three consecutive days means seventy-two consecutive hours. If the court determines that the offender is not conducive to treatment in

a drivers' intervention program, if the offender refuses to attend a drivers' intervention program, or if the jail at which the offender is to serve the jail term imposed can provide a drivers' intervention program, the court shall sentence the offender to a mandatory jail term of at least six consecutive days.

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

3. In all cases, a fine of not less than three hundred seventy-five dollars (\$375.00) and not more than one thousand seventy-five dollars (\$1,075).
  4. In all cases, a class five license suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege from the range specified in division (A)(5) of Ohio R.C. 4510.02. The court may grant limited driving privileges relative to the suspension under Ohio R.C. 4510.021 and 4510.13.
- B. Except as otherwise provided in subsection (h)(1)E. of this section, an offender who, within six years of the offense, previously has been convicted of or pleaded guilty to one violation of subsection (a) or (b) of this section or one other equivalent offense is guilty of a misdemeanor of the first degree. The court shall sentence the offender to all of the following:
1. If the sentence is being imposed for a violation of subsection (a)(1)A., B., C., D., E., or J. of this section, a mandatory jail term of ten consecutive days. The court shall impose the ten-day mandatory jail term under this subsection unless, subject to subsection (h)(3) of this section, it instead imposes a sentence under that subsection consisting of both a jail term and a term of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring. The court may impose a jail term in addition to the ten-day mandatory jail term. The cumulative jail term imposed for the offense shall not exceed six months.

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

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

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

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



4. In all cases, a class four license suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(4) of Ohio R.C. 4510.02. The court may grant limited driving privileges relative to the suspension under Ohio R.C. 4510.021 and 4510.13. (ORC 4511.19)
  5. In all cases, if the vehicle is registered in the offender's name, immobilization of the vehicle involved in the offense for ninety days in accordance with Ohio R.C. 4503.233 and impoundment of the license plates of that vehicle for ninety days. (ORC 4511.193)
- C. Except as otherwise provided in subsection (h)(1)E. of this section, an offender who, within six years of the offense, previously has been convicted of or pleaded guilty to two violations of subsection (a) or (b) of this section or other equivalent offenses is guilty of a misdemeanor. The court shall sentence the offender to all of the following:
1. If the sentence is being imposed for a violation of subsection (a)(1)A., B., C., D., E., or J. of this section, a mandatory jail term of thirty consecutive days. The court shall impose the thirty-day mandatory jail term under this subsection unless, subject to subsection (h)(3) of this section, it instead imposes a sentence under that subsection consisting of both a jail term and a term of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring. The court may impose a jail term in addition to the thirty-day mandatory jail term. Notwithstanding the jail terms set forth in Section 303.99, the additional jail term shall not exceed one year, and the cumulative jail term imposed for the offense shall not exceed one year.
  2. If the sentence is being imposed for a violation of subsection (a)(1)F., G., H. or I. or (a)(2) of this section, a mandatory jail term of sixty consecutive days. The court shall impose the sixty-day mandatory jail term under this subsection unless, subject to subsection (h)(3) of this section, it instead imposes a sentence under that subsection consisting of both a jail term and a term of electronically monitored house arrest with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring. The court may impose a jail term in addition to the sixty-day mandatory jail term. Notwithstanding the terms of imprisonment set forth in Section 303.99, the additional jail term shall not exceed one year, and the cumulative jail term imposed for the offense shall not exceed one year.
  3. In all cases, notwithstanding the fines set forth in Section 303.99, a fine of not less than eight hundred fifty dollars (\$850.00) and not more than two thousand seven hundred fifty dollars (\$2,750).

4. In all cases, a class three license suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(3) of Ohio R.C. 4510.02. The court may grant limited driving privileges relative to the suspension under Ohio R.C. 4510.021 and 4510.13. (ORC 4511.19)
  5. In all cases, if the vehicle is registered in the offender's name, criminal forfeiture of the vehicle involved in the offense in accordance with Ohio R.C. 4503.234. Subsection (h)(5) of this section applies regarding any vehicle that is subject to an order of criminal forfeiture under this subsection. (ORC 4511.193)
  6. In all cases, the court shall order the offender to participate with a community addiction services provider authorized by Ohio R.C. 5119.21, subject to subsection (k) of this section, and shall order the offender to follow the treatment recommendations of the services provider. The operator of the services provider shall determine and assess the degree of the offender's alcohol dependency and shall make recommendations for treatment. Upon the request of the court, the services provider shall submit the results of the assessment to the court, including all treatment recommendations and clinical diagnoses related to alcohol use.
- D. Except as otherwise provided in subsection (h)(1)E. of this section, an offender who, within six years of the offense, previously has been convicted of or pleaded guilty to three or four violations of subsection (a) or (b) of this section or other equivalent offenses or an offender who, within twenty years of the offense, previously has been convicted of or pleaded guilty to five or more violations of that nature is guilty of a felony of the fourth degree and shall be prosecuted under appropriate state law.
- E. An offender who previously has been convicted of or pleaded guilty to a violation of Ohio R.C. 4511.19(A) that was a felony, regardless of when the violation and the conviction or guilty plea occurred, is guilty of a felony of the third degree and shall be prosecuted under appropriate state law.
- (2) An offender who is convicted of or pleads guilty to a violation of subsection (a) of this section and who subsequently seeks reinstatement of the driver's or occupational driver's license or permit or nonresident operating privilege suspended under this section as a result of the conviction or guilty plea shall pay a reinstatement fee as provided in division (F)(2) of Ohio R.C. 4511.191.
  - (3) If an offender is sentenced to a jail term under subsection (h)(1)B.1. or 2. or (h)(1)C.1. or 2. of this section and if, within sixty days of sentencing of the offender, the court issues a written finding on the record that, due to the unavailability of space at the jail where the offender is required to serve the term, the offender will not be able to begin serving that term within the sixty-day period following the date of sentencing, the court may impose an alternative sentence under this subsection that includes a term of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring.

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

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

- (1) No court shall sentence an offender to an alcohol treatment program under this section unless the treatment program complies with the minimum standards for alcohol treatment programs adopted under Ohio R.C. Chapter 5119 by the Director of Mental Health and Addiction Services.
- (2) An offender who stays in a driver's intervention program or in an alcohol treatment program under an order issued under this section shall pay the cost of the stay in the program. However, if the court determines that an offender who stays in an alcohol treatment program under an order issued under this section is unable to pay the cost of the stay in the program, the court may order that the cost be paid from the court's indigent drivers' alcohol treatment fund.

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

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

- (1) The person obtained the controlled substance pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs.
- (2) The person injected, ingested, or inhaled the controlled substance in accordance with the health professional's directions.

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

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

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

(q) Definitions. As used in this section:

- (1) "Equivalent offense" means any of the following:
  - A. A violation of division (A) or (B) of Ohio R.C. 4511.19;
  - B. A violation of a municipal OVI ordinance;
  - C. A violation of Ohio R.C. 2903.04 in a case in which the offender was subject to the sanctions described in division (D) of that section;
  - D. A violation of division (A)(1) of Ohio R.C. 2903.06 or 2903.08 or a municipal ordinance that is substantially equivalent to either of those divisions;
  - E. A violation of division (A)(2), (3) or (4) of Ohio R.C. 2903.06, division (A)(2) of Ohio R.C. 2903.08, or former Ohio R.C. 2903.07, or a municipal ordinance that is substantially equivalent to any of those divisions or that former section, in a case in which a judge or jury as the trier of fact found that the offender was under the influence of alcohol, a drug of abuse, or a combination of them;
  - F. A violation of division (A) or (B) of Ohio R.C. 1547.11;
  - G. A violation of a municipal ordinance prohibiting a person from operating or being in physical control of any vessel underway or from manipulating any water skis, aquaplane or similar device on the waters of this State while under the influence of alcohol, a drug of abuse, or a combination of them or prohibiting a person from operating or being in physical control of any vessel underway or from manipulating any water skis, aquaplane or similar device on the waters of this State with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath or urine;
  - H. A violation of an existing or former municipal ordinance, law of another state, or law of the United States that is substantially equivalent to division (A) or (B) of Ohio R.C. 4511.19 or division (A) or (B) or Ohio R.C. 1547.11;
  - I. A violation of a former law of this State that was substantially equivalent to division (A) or (B) of Ohio R.C. 4511.19 or division (A) or (B) of Ohio R.C. 1547.11;
- (2) "Mandatory jail term" means the mandatory term in jail of three, six, ten, twenty, thirty, or sixty days that must be imposed under subsection (h)(1)A., B. or C. upon an offender convicted of a violation of subsection (a) hereof and in relation to which all of the following apply:
  - A. Except as specifically authorized under this section, the term must be served in a jail.
  - B. Except as specifically authorized under this section, the term cannot be suspended, reduced or otherwise modified pursuant to Ohio R.C. 2929.21 to 2929.28, or any other provision of the Ohio Revised Code.

- D. As used in this subsection, "crosswalk" has the meaning given that term in Section 301.09. The Director may, upon request by resolution of Council, and upon submission by the Municipality of such engineering, traffic and other information as the Director considers necessary, designate a school zone on any portion of a State route lying within the Municipality that includes a crosswalk customarily used by children going to or leaving a school during recess and opening and closing hours, whenever the distance, as measured in a straight line, from the school property line nearest the crosswalk to the nearest point of the crosswalk is no more than 1,320 feet. Such a school zone shall include the distance encompassed by the crosswalk and extending 300 feet on each approach direction of the State route;
- (2) Twenty-five miles per hour in all other portions of the Municipality, except on State routes outside business districts, through highways outside business districts and alleys;
  - (3) Thirty-five miles per hour on all State routes or through highways within the Municipality outside business districts, except as provided in subsections (b)(4) and (5) hereof;
  - (4) Fifty miles per hour on controlled-access highways and expressways within the Municipality;
  - (5) Fifty miles per hour on State routes within the Municipality outside urban districts unless a lower prima-facie speed is established as further provided in this section;
  - (6) Fifteen miles per hour on all alleys within the Municipality;
  - (7) Fifty-five miles per hour at all times on freeways with paved shoulders inside the Municipality other than freeways as provided in subsection (b)(10) and (12);
  - (8) Sixty miles per hour for operators of any motor vehicle at all times on all portions of rural divided highways;
  - (9) Sixty-five miles per hour for operators of any motor vehicle at all times on rural expressways without traffic control signals;
  - (10) Seventy miles per hour for operators of any motor vehicle at all times on all rural freeways.
  - (11) Fifty-five miles per hour for operators of any motor vehicle at all times on all portions of freeways in congested areas as determined by the Director and that are part of the interstate system and are located within a municipal corporation or within an interstate freeway outerbelt;
  - (12) Sixty-five miles per hour for operators of any motor vehicle at all times on all portions of freeways in urban areas as determined by the Director and that are part of the interstate system and are part of an interstate freeway outerbelt;

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

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

(e) In every charge of violation of this section the affidavit and warrant shall specify the time, place and speed at which the defendant is alleged to have driven, and in charges made in reliance upon subsection (c) hereof also the speed which subsections (b)(1)A. to (b)(6) hereof, or a limit declared or established pursuant to this section declares is prima-facie lawful at the time and place of such alleged violation, except that in affidavits where a person is alleged to have driven at a greater speed than will permit the person to bring the vehicle to a stop within the assured clear distance ahead the affidavit and warrant need not specify the speed at which the defendant is alleged to have driven.

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

(g) Points shall be assessed for violation of a limitation under subsection (d) hereof in accordance with Ohio R.C. 4510.036.

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

(i) As used in this section:

- (1) "Interstate system" has the same meaning as in 23 U.S.C.A. 101.
- (2) "Commercial bus" means a motor vehicle designed for carrying more than nine passengers and used for the transportation of persons for compensation.
- (3) "Noncommercial bus" includes but is not limited to a school bus, or a motor vehicle operated solely for the transportation of persons associated with a charitable or nonprofit organization.
- (4) "Outerbelt" means a portion of a freeway that is part of the interstate system and is located in the outer vicinity of a major municipal corporation or group of municipal corporations, as designated by the Director.
- (5) "Rural" means outside urbanized areas, as designated in accordance with 23 USC 101, and outside of a business or urban district.

(j) (1) A violation of any provision of this section is one of the following:

- A. Except as otherwise provided in subsections (j)(1)B., (1)C., (2) and (3) of this section, a minor misdemeanor;
  - B. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to two violations of any provision of this section or of any provision of Ohio R.C. 4511.21 or a municipal ordinance that is substantially similar to any provision of this section, a misdemeanor of the fourth degree;
  - C. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to three or more violations of any provision of this section or of any provision of Ohio R.C. 4511.21 or a municipal ordinance that is substantially similar to any provision of this section, a misdemeanor of the third degree.
- (2) If the offender has not previously been convicted of or pleaded guilty to a violation of any provision of Ohio R.C. 4511.21 or of any provision of a municipal ordinance that is substantially similar to Ohio R.C. 4511.21 and operated a motor vehicle faster than thirty-five miles an hour in a business district of a municipal corporation, faster than fifty miles an hour in other portions of a municipal corporation, or faster than thirty-five miles an hour in a school zone during recess or while children are going to or leaving school during the school's opening or closing hours, a misdemeanor of the fourth degree.
- (3) Notwithstanding subsection (j)(1) of this section, if the offender operated a motor vehicle in a construction zone where a sign was then posted in accordance with Ohio R.C. 4511.98, the court, in addition to all other penalties provided by law, shall impose upon the offender a fine of two times the usual amount imposed for the violation. No court shall impose a fine of two times the usual amount imposed for the violation upon an offender if the offender alleges, in an affidavit filed with the court prior to the offender's sentencing, that the offender is indigent and is unable to pay the fine imposed pursuant to this subsection and if the court determines that the offender is an indigent person and unable to pay the fine.  
(ORC 4511.21)

**333.031 APPROACHING A STATIONARY PUBLIC SAFETY, EMERGENCY OR ROAD SERVICE VEHICLE.**

(a) The driver of a motor vehicle, upon approaching a stationary public safety vehicle, emergency vehicle, road service vehicle, vehicle used by the Public Utilities Commission to conduct motor vehicle inspections in accordance with Ohio R.C. 4923.04 and 4923.06 or a highway maintenance vehicle that is displaying the appropriate visual signals by means of flashing, oscillating or rotating lights, as prescribed in Section 337.16, shall do either of the following:

- (1) If the driver of the motor vehicle is traveling on a street or highway that consists of at least two lanes that carry traffic in the same direction of travel as that of the driver's motor vehicle, the driver shall proceed with due caution and, if possible with due regard to the road, weather, and traffic conditions, shall change lanes into a lane that is not adjacent to that of the stationary public safety vehicle, emergency vehicle, road service vehicle, vehicle used by the Public Utilities Commission to conduct motor vehicle inspections in accordance with Ohio R.C. 4923.04 and 4923.06 or a highway maintenance vehicle.
- (2) If the driver is not traveling on a street or highway of a type described in subsection (a)(1) of this section, or if the driver is traveling on a highway of that type but it is not possible to change lanes or if to do so would be unsafe, the driver shall proceed with due caution, reduce the speed of the motor vehicle, and maintain a safe speed for the road, weather and traffic conditions.

(b) This section does not relieve the driver of a public safety vehicle, emergency vehicle, road service vehicle, vehicle used by the Public Utilities Commission to conduct motor vehicle inspections in accordance with Ohio R.C. 4923.04 and 4923.06, or a highway maintenance vehicle from the duty to drive with due regard for the safety of all persons and property upon the highway.

(c) No person shall fail to drive a motor vehicle in compliance with subsection (a)(1) or (2) of this section when so required by subsection (a) of this section.

- (d)
  - (1) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.
  - (2) Notwithstanding Section 303.99(b), upon a finding that a person operated a motor vehicle in violation of subsection (c) of this section, the court, in addition to all other penalties provided by law, shall impose a fine of two times the usual amount imposed for the violation. (ORC 4511.213)



- (c) (1) Flashing lights are prohibited on motor vehicles, except as a means for indicating a right or a left turn, or in the presence of a vehicular traffic hazard requiring unusual care in approaching, or overtaking or passing. This prohibition does not apply to emergency vehicles, road service vehicles servicing or towing a disabled vehicle, rural mail delivery vehicles, vehicles transporting preschool children as provided in Ohio R.C. 4513.182, highway maintenance vehicles, funeral hearses, funeral escort vehicles and similar equipment operated by the Department or local authorities, which shall be equipped with and display, when used on a street or highway for the special purpose necessitating such lights, a flashing, oscillating or rotating amber light, but shall not display a flashing, oscillating or rotating light of any other color, nor to vehicles or machinery permitted by Section 337.10 to have a flashing red light.
- (2) When used on a street or highway, farm machinery and vehicles escorting farm machinery may be equipped with and display a flashing, oscillating, or rotating amber light, and the prohibition contained in subsection (c)(1) hereof does not apply to such machinery or vehicles. Farm machinery also may display the lights described in Section 337.10.

(d) Except a person operating a public safety vehicle, as defined in Section 301.27, or a school bus, no person shall operate, move or park upon or permit to stand within the right of way of any public street or highway any vehicle or equipment that is equipped with and displaying a flashing red or a flashing combination red and white light, or an oscillating or rotating red light, or a combination red and white oscillating or rotating light; and except a public law enforcement officer, or other person sworn to enforce the criminal and traffic laws of the State or Municipality, operating a public safety vehicle when on duty, no person shall operate, move or park upon, or permit to stand within the right of way of any street or highway any vehicle or equipment that is equipped with, or upon which is mounted, and displaying a flashing blue or a flashing combination blue and white light, or an oscillating or rotating blue light, or a combination blue and white oscillating or rotating light.

(e) This section does not prohibit the use of warning lights required by law or the simultaneous flashing of turn signals on disabled vehicles or on vehicles being operated in unfavorable atmospheric conditions in order to enhance their visibility. This section also does not prohibit the simultaneous flashing of turn signals or warning lights either on farm machinery or vehicles escorting farm machinery, when used on a street or highway.

(f) Whoever violates this section is guilty of a minor misdemeanor.  
(ORC 4513.17)

### **337.17 FOCUS AND AIM OF HEADLIGHTS.**

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

(b) The headlights on any motor vehicle shall comply with the headlamp color requirements contained in federal motor vehicle safety standard number 108, 49 C.F.R. 571.108. No person shall operate a motor vehicle in violation of this subsection.

(c) Whoever violates this section is guilty of a minor misdemeanor.  
(ORC 4513.19)

**337.18 MOTOR VEHICLE AND MOTORCYCLE BRAKES.**

- (a) The following requirements govern as to brake equipment on vehicles:
- (1) Every motor vehicle, other than a motorcycle, when operated upon a street or highway, shall be equipped with brakes adequate to control the movement of and to stop and hold such motor vehicle, including two separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two wheels. If these two separate means of applying the brakes are connected in any way, then on such motor vehicles manufactured or assembled after January 1, 1942, they shall be so constructed that failure of any one part of the operating mechanism shall not leave the motor vehicle without brakes on at least two wheels.
  - (2) Every motorcycle, when operated upon a street or highway, shall be equipped with at least one adequate brake, which may be operated by hand or by foot.
  - (3) Every motorized bicycle shall be equipped with brakes meeting the rules adopted by the Ohio Director of Public Safety under Ohio R.C. 4511.521.
  - (4) When operated upon the streets or highways of this Municipality, the following vehicles shall be equipped with brakes adequate to control the movement of and to stop and to hold the vehicle designed to be applied by the driver of the towing motor vehicle from its cab, and also designed and connected so that, in case of a breakaway of the towed vehicle, the brakes shall be automatically applied:
    - A. Except as otherwise provided in this section, every trailer or semitrailer, except a pole trailer, with an empty weight of two thousand pounds or more, manufactured or assembled on or after January 1, 1942;
    - B. Every manufactured home or travel trailer with an empty weight of two thousand pounds or more, manufactured or assembled on or after January 1, 2001.
  - (5) Every watercraft trailer with a gross weight or manufacturer's gross vehicle weight rating of three thousand pounds or more that is manufactured or assembled on or after January 1, 2008, shall have separate brakes equipped with hydraulic surge or electrically operated brakes on two wheels.
  - (6) In any combination of motor-drawn trailers or semitrailers equipped with brakes, means shall be provided for applying the rearmost brakes in approximate synchronism with the brakes on the towing vehicle, and developing the required braking effort on the rearmost wheels at the fastest rate; or means shall be provided for applying braking effort first on the rearmost brakes; or both of the above means, capable of being used alternatively, may be employed.
  - (7) Every vehicle and combination of vehicles, except motorcycles and motorized bicycles, and except trailers and semitrailers of a gross weight of less than 2,000 pounds, and pole trailers, shall be equipped with parking brakes adequate to hold the vehicle on any grade on which it is operated, under all conditions of loading, on a surface free from snow, ice or loose material. The parking brakes shall be capable of being applied in conformance with the foregoing requirements by the driver's muscular

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| <p><b>339.01</b> Oversize or overweight vehicle operation on State routes; State permit.</p> <p><b>339.02</b> Use of local streets and truck routes; bridge weight limits.</p> <p><b>339.03</b> Maximum width, height and length.</p> <p><b>339.04</b> Route and load information.</p> <p><b>339.05</b> Wheel protectors.</p> <p><b>339.06</b> Vehicles transporting explosives.</p> | <p><b>339.07</b> Towing requirements.</p> <p><b>339.08</b> Loads dropping or leaking; removal required; tracking mud.</p> <p><b>339.09</b> Shifting load; loose loads.</p> <p><b>339.10</b> Vehicles with spikes, lugs and chains.</p> <p><b>339.11</b> Use of studded tires and chains.</p> <p><b>339.12</b> Commercial vehicle operation in curb lane; exceptions.</p> <p><b>339.13</b> Weighing of loads; removal of unlawful portion.</p> <p><b>339.99</b> Penalty.</p> |
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**CROSS REFERENCES**

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

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

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

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

- (b) (1) No person shall violate the terms of a permit issued under this section that relate to gross load limits.
- (2) No person shall violate the terms of a permit issued under this section that relate to axle load by more than 2000 pounds per axle or group of axles.
- (3) No person shall violate the terms of a permit issued under this section that relate to an approved route except upon order of a law enforcement officer or authorized agent of the issuing authority.

(c) Whoever violates any provision of this section for which no other penalty is provided is guilty of a minor misdemeanor. (ORC 4513.99)

**339.02 USE OF LOCAL STREETS AND TRUCK ROUTES; BRIDGE WEIGHT LIMITS.**

(a) No person shall operate any vehicle exceeding a size as specified in Section 339.03 or exceeding a gross weight of five tons upon the streets of the City, except upon State and Federal routes, whether temporary or permanent, and the following streets which are designated truck routes:

- (1) Portage Trail;
- (2) Graham Road;
- (3) State Road;
- (4) Howe Road; and
- (5) Front Street north of the expressway.

(b) Subsection (a) hereof shall not apply to school buses, vehicles owned or operated by the City nor to vehicles being driven upon any street for the shortest possible distance from the above designated streets to the place of storage, loading or unloading.

(c) No person shall operate any vehicle over a bridge exceeding a gross weight as posted on the bridge.

(d) The Director of Public Safety is authorized and directed to erect and place traffic control devices in conformance with this section.

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

**339.03 MAXIMUM WIDTH, HEIGHT AND LENGTH.**

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

- (i) Within fifty feet of the nearest rail of a railroad crossing;
- (j) Within twenty feet of a driveway entrance to any fire station and, on the side of the street opposite the entrance to any fire station, within seventy-five feet of the entrance when it is properly posted with signs;
- (k) Alongside or opposite any street excavation or obstruction when such standing or parking would obstruct traffic;
- (l) Alongside any vehicle stopped or parked at the edge or curb of a street;
- (m) Upon any bridge or other elevated structure upon a street, or within a street tunnel;
- (n) At any place where signs prohibit stopping, standing or parking, or where the curbing or street is painted yellow, or at any place in excess of the maximum time limited by signs;
- (o) Within one foot of another parked vehicle;
- (p) On the roadway portion of a freeway, expressway or thruway.  
(ORC 4511.68)
- (q) In front of the entrance of any theater or hotel;
- (r) In front of or adjacent to any school property between the hours of 7:30 a.m. and 4:30 p.m. on days when school is in session;
- (s) In front of any funeral home;
- (t) On City streets or any other public property when the purpose of such parking is demonstrating such vehicle or any article for sale, or for the purpose of advertising;
- (u) In such temporary nonparking areas as may be required by public improvements, traffic conditions or other emergencies, when so designated and posted by the Director of Public Safety;
- (v) Backed up to the curb unless it is actually loading or unloading and in such case not longer than twenty minutes unless a permit therefor is obtained from the Director of Public Safety allowing an extension of time, but such extension in no case shall exceed one hour.  
(Ord. 68-1941. Passed 10-15-41.)
- (w) On any street, when properly posted, for a period of time in excess of one hour, except from 6:00 p.m. to 7:00 a.m. or except where lawfully parked at a parking meter. (Ord. 160-1991. Passed 11-11-91.)
- (x) In a fire lane as provided in Section 351.10.
- (y) So as to block postal vehicle access to any curb side mail box or gang mail box between the hours of 8:00 a.m. to 5:00 p.m., except Sundays or holidays on which mail is not delivered. It shall be an affirmative defense to a prosecution under this section that at the time of the citation the mail for that day had already been delivered to the mailbox blocked.  
(Ord. 102-93. Passed 9-27-93.)

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

- (a) Every vehicle stopped or parked upon a roadway where there is an adjacent curb shall be stopped or parked with the curb side wheels of the vehicle parallel with and not more than twelve inches from the curb, unless it is impossible to approach so close to the curb; in such case the stop shall be as close to the curb as possible and only for the time necessary to discharge and receive passengers or to load or unload merchandise.
- (b) (1) This subsection does not apply to streets or parts thereof where angle parking is lawfully permitted. However, no angle parking shall be permitted on a state route unless an unoccupied roadway width of not less than twenty-five feet is available for free-moving traffic.

- (2) A. No angled parking space that is located on a state route within a municipal corporation is subject to elimination, irrespective of whether there is or is not at least twenty-five feet of unoccupied roadway width available for free-moving traffic at the location of that angled parking space, unless the municipal corporation approves of the elimination of the angled parking space.
- B. Replacement, repainting or any other repair performed by or on behalf of the municipal corporation of the lines that indicate the angled parking space does not constitute an intent by the municipal corporation to eliminate the angled parking space.
- (c) (1) A. Except as provided in subsection (c)(1)B. hereof, no vehicle shall be stopped or parked on a road or highway with the vehicle facing in a direction other than the direction of travel on that side of the road or highway.
- B. The operator of a motorcycle may back the motorcycle into an angled parking space so that when the motorcycle is parked it is facing in a direction other than the direction of travel on the side of the road or highway.
- (2) The operator of a motorcycle may back the motorcycle into a parking space that is located on the side of, and parallel to, a road or highway. The motorcycle may face any direction when so parked. Not more than two motorcycles at a time shall be parked in a parking space as described in subsection (c)(2) of this section irrespective of whether or not the space is metered.

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

(e) Special parking locations and privileges for persons with disabilities that limit or impair the ability to walk, also known as handicapped parking spaces or disability parking spaces shall be provided and designated by the Municipality and all agencies and instrumentalities thereof at all offices and facilities, where parking is provided, whether owned, rented or leased, and at all publicly owned parking garages. The locations shall be designated through the posting of an elevated sign, whether permanently affixed or movable, imprinted with the international symbol of access and shall be reasonably close to exits, entrances, elevators and ramps. All elevated signs posted in accordance with this subsection and Ohio R.C. 3781.111 (C) shall be mounted on a fixed or movable post, and the distance from the ground to the bottom edge of the sign shall measure not less than five feet. If a new sign or a replacement sign designating a special parking location is posted on or after October 14, 1999, there also shall be affixed upon the surface of that sign or affixed next to the designating sign a notice that states the fine applicable for the offense of parking a motor vehicle in the special designated parking location if the motor vehicle is not legally entitled to be parked in that location.

- (f) (1) No person shall stop, stand or park any motor vehicle at special parking locations provided under subsection (e) hereof, or at special clearly marked parking locations provided in or on privately owned parking lots, parking garages, or other parking areas and designated in accordance with subsection (e) hereof, unless one of the following applies:

- A. The motor vehicle is being operated by or for the transport of a person with a disability that limits or impairs the ability to walk and is displaying a valid removable windshield placard or special license plates;
  - B. The motor vehicle is being operated by or for the transport of a handicapped person and is displaying a parking card or special handicapped license plates.
- (2) Any motor vehicle that is parked in a special marked parking location in violation of subsection (f)(1) of this section may be towed or otherwise removed from the parking location by the Police Department. A motor vehicle that is so towed or removed shall not be released to its owner until the owner presents proof of ownership of the motor vehicle and pays all towing and storage fees normally imposed by the Municipality for towing and storing motor vehicles. If the motor vehicle is a leased vehicle, it shall not be released to the lessee until the lessee presents proof that that person is the lessee of the motor vehicle and pays all towing and storage fees normally imposed by the Municipality for towing and storing motor vehicles.
- (3) If a person is charged with a violation of subsection (f)(1) of this section, it is an affirmative defense to the charge that the person suffered an injury not more than seventy-two hours prior to the time the person was issued the ticket or citation and that, because of the injury, the person meets at least one of the criteria contained in Ohio R.C. 4503.44(A)(1).

(g) When a motor vehicle is being operated by or for the transport of a person with a disability that limits or impairs the ability to walk and is displaying a removable windshield placard or a temporary removable windshield placard or special license plates, or when a motor vehicle is being operated by or for the transport of a handicapped person and is displaying a parking card or special handicapped license plates, the motor vehicle is permitted to park for a period of two hours in excess of the legal parking period permitted by local authorities, except where local ordinances or police rules provide otherwise or where the vehicle is parked in such a manner as to be clearly a traffic hazard.

(h) As used in this section:

- (1) "Handicapped person" means any person who has lost the use of one or both legs, or one or both arms, who is blind, deaf or so severely handicapped as to be unable to move without the aid of crutches or a wheelchair, or whose mobility is restricted by a permanent cardiovascular, pulmonary or other handicapping condition.
- (2) "Person with a disability that limits or impairs the ability to walk" has the same meaning as in Ohio R.C. 4503.44.
- (3) "Special license plates" and "removable windshield placard" mean any license plates or removable windshield placard or temporary removable windshield placard issued under Ohio R.C. 4503.41 or 4503.44, and also mean any substantially similar license plates or removable windshield placard or temporary removable windshield placard issued by a state, district, country or sovereignty.  
(ORC 4511.69)

### **351.05 FREE PARKING PRIVILEGES WITH VETERAN'S PLATE.**

All veterans displaying special Veteran's State of Ohio license plates are hereby granted free parking privileges in the City. (Ord. 210-1972. Passed 9-25-72.)

**351.06 PARKING WITHIN MARKED PARKING SPACES.**

When individual parking spaces are designated and marked by lines on streets or other City property, no person shall park any vehicle except entirely within such individual marked parking space.

**351.07 MAXIMUM CONSECUTIVE TIME LIMIT.**

No person shall park any motor vehicle upon any street or highway in excess of twenty-four consecutive hours or upon any other public property, whether owned or controlled by the City or Board of Education, County, State or Federal government, in excess of forty-eight consecutive hours.

**351.08 PARKING ON NARROW STREETS.**

Where the limited parking provisions of the Traffic Control Map and Traffic Control File do not otherwise govern and regulate parking on any street within the City and where signs are properly posted on any street advising of the following limitations, hereinafter mentioned regulations of parking shall prevail upon each dedicated street within the City:

- (a) No parking shall be allowed on any street where the traveled portion thereof is less than twenty-six feet in width.
- (b) Parking on any one side of a street within the City shall be permitted when the traveled portion is between twenty-six feet and thirty-three feet in width.  
When designated by properly posted signs, there shall be no parking on that side of any street within the City to which are assigned even address numbers, provided the same is not in conflict with the Traffic Control Map and the Traffic Control File.
- (c) Parking on both sides of any street within the City shall be permitted when the width of the traveled portion is thirty-three feet or greater provided the same is not in conflict with the Traffic Control Map and Traffic Control File.
- (d) For the purposes of this section, a variation of two percent (2%) is permitted in measuring street widths as heretofore provided.  
(Ord. 105-1984. Passed 7-23-84.)

**351.09 PARKING ON DEVIL STRIPS PROHIBITED.**

(a) No person shall park a motor vehicle on the devil strip of any property used for residential purposes or zoned residentially, except where there is a nonconforming business use in a residentially zoned area.

(b) No person shall park a motor vehicle on the devil strip of property used for other than residential purposes unless:

- (1) The parking area is surfaced with asphaltic or concrete materials and curb cuts are made, both in conformance with City Engineering Department standards.
- (2) The use of the area will not endanger or interfere with motoring or pedestrian traffic.
- (3) The purpose of such parking is not to demonstrate such motor vehicle, or any article for sale or for purposes of advertising, except when the expressed consent of the owner or person in lawful possession of the property bordering the devil strip.

(c) "Devil strip" is synonymous with "curb strip" and "treelawn" and means that area between the edge of the sidewalk that is closest to the roadway, to the curb of the roadway, or if there is no curb, to the shoulder or berm of the roadway.

(Ord. 134-1985. Passed 10-28-85.)



**351.10 PARKING PROHIBITED IN FIRE LANES.**

No person shall park a motor vehicle in a designated fire lane on any public or private property, when such fire lane is distinctly marked by appropriate signs.

**351.11 PARKING ON PRIVATE PROPERTY.**

(a) No person shall park a motor vehicle on private property used for residential purposes between the front building line (or the side building line on a corner lot) and the street line unless the motor vehicle is parked on a driveway. "Front building line" and "side building line" shall have the same meanings as provided in Section 1133.04 of these Ordinances.

(b) Nothing in subsection (a) shall be construed to alter the requirements for long-term outdoor storage of vehicles as provided in Section 1133.04 of these Ordinances.

(c) No person shall be cited under subsection (a) hereof if the owner of the property has been granted a variance under Section 1113.16 of these Ordinances to use the front or side yard for vehicle parking, and the parking is in strict compliance with the terms of the variance. The existence of an applicable variance and strict compliance with the terms thereof is a full defense to a citation.

(d) No person shall park a motor vehicle so as to obstruct a private driveway or private street.

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

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

(f) No person shall park a commercial vehicle with a gross weight in excess of 10,000 pounds on any property in a residential zoning district, except for loading or unloading. (Ord. 27-2014. Passed 3-24-14.)

**351.12 CITY LOT AND NATATORIUM PARKING.**

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

- (1) "Patron" means a person using the services of the Natatorium for the purposes of swimming or exercise or observing the use by others, excepting high school students participating in courses at the Natatorium.
- (2) "Staff" means an employee or member of the Park and Recreation Department of the City.

(b) Prohibitions.

- (1) No person shall stop or park a vehicle in any City-owned parking lot in violation of any condition or regulation designated by the Director of Public Safety and posted in a conspicuous manner.
- (2) No person shall stand or park a vehicle in the parking area of the Natatorium unless such person is a patron or member of the Natatorium staff. (Ord. 51-1989. Passed 3-13-89.)

**351.13 UTILITY BILL PAYMENT PARKING.**

No person shall park for a period in excess of ten minutes at those spaces in the parking lot of the City Building which are designated as being for the payment of utility bills.

**351.14 PARKING IN RESIDENTIAL AREAS.**

No person shall park any vehicle bearing commercial truck license plates, farm license plates, house vehicle license plates and/or trailer license plates as required by the State on the residential streets of the City between the hours of 6:00 p.m. and 7:00 a.m.

(Ord. 246. Passed 11-25-74.)

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

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

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

**351.16 OPENING VEHICLE DOOR ON TRAFFIC SIDE.**

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

(ORC 4511.70(C))

**351.17 EMERGENCY PARKING BAN DURING HEAVY SNOW.**

(a) Whenever during any period of twenty-four hours or less, snow falls in the City or a part thereof to a depth of two inches or more, an emergency is declared to exist in that such a heavy snow constitutes a serious public hazard impairing transportation, the moving of food and fuel supplies, medical care, fire, health and police protection and other vital facilities of the City. Such emergency shall continue until an announcement by the Mayor, as Director of Public Safety, that snow plowing operations have been completed, which announcement should be made in the same manner as outlined in subsection (b) hereof.

(b) Whenever such an emergency exists, the Director of Public Safety shall request the cooperation of the local press and radio and television stations to announce the emergency and the time that emergency parking regulations shall become effective, which time shall be no sooner than one hour after the first announcement to the above named news media and such announcement to the news media shall constitute notice to the general public of the existence of the emergency. However, the owners and operators of motor vehicles shall have full responsibility to determine existing weather conditions and to comply with emergency parking regulations.

(c) During the period of the emergency, the Director of Public Safety may prohibit the parking of any vehicles upon any or all of the City streets. During the emergency it shall be unlawful for any person to park or cause to be parked or permit to be parked, or to abandon or to leave unattended any vehicle of any kind or description upon such streets. However, vehicles may be parked for a period of not longer than three minutes for actual loading or unloading of passengers or thirty minutes for actual loading or unloading of property, provided that no other ordinance restricting parking as to place or time is violated thereby.

(d) All provisions of this Traffic Code concerning parking fines and impounding of illegally parked vehicles apply to this section. (Ord. 224-1964. Passed 10-26-64.)

**351.18 JUNK MOTOR VEHICLES.**

(a) No person shall park or keep any junk motor vehicle on any public property or property open to the public for vehicular travel.

(b) No person shall park or keep any junk motor vehicle in any place other than a lawful private garage or parking garage, as defined in Section 1122.03 of the Planning and Zoning Code.

(c) It shall be an affirmative defense to subsection (b) of this section if:

- (1) The junk motor vehicle was improperly kept or parked for less than twenty-four consecutive hours; or
- (2) The person was engaged in the lawful operation of an impounding storage area, repair garage, junkyard or scrap metal processing facility.

(d) "Junk motor vehicle" as used herein does not include a collector's vehicle as defined in Ohio R.C. 4501.01(F) but includes any vehicle that:

- (1) Does not have current lawful license plates, has not been moved for forty-eight consecutive hours and is apparently inoperable; or
- (2) Is not roadworthy including, but not limited to: missing motor, transmission, headlight, door, hood, windshield, wheel or tires, extensively damaged body, broken axle, wheel, windshield or windows.  
(Ord. 70-1991. Passed 5-13-91.)

### **351.19 REGULATING UNLICENSED MOTOR VEHICLES.**

No person shall park, store or leave or permit the parking or storage of any unlicensed motor vehicle of any kind, for a period in excess of forty-eight hours, whether attended or not, upon any property within the City, unless the vehicle is parked or stored pursuant to court-ordered immobilization, or pursuant to Ohio R.C. 4507.38, 4511.195, 4503.233 or substantially equivalent ordinance, or unless the vehicle is enclosed within a building, garage or carport or further, is connected with and essential to the operation of a business enterprise conducted in a lawful place and manner and properly licensed. For every day such violation shall exist it shall be deemed to constitute a separate offense.

(Ord. 52-1994. Passed 4-11-94.)

### **351.99 PENALTY.**

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

- (a) General Penalty. Whoever violates any section of this chapter for which no other penalty is provided herein is guilty of a minor misdemeanor and shall be fined not less than fifteen dollars (\$15.00) by the Court; provided that, if the person pleads guilty within five days after the commission of the offense, the offender shall be fined not less than ten dollars (\$10.00). If, within sixty days prior to the offense, the offender has been convicted or pleaded guilty to a violation of any section of this chapter, the offender shall be fined not less than twenty-five dollars (\$25.00).  
(Ord. 72-1996. Passed 5-14-96.)
- (b) Parking in Handicapped Space. Whoever violates Section 351.04(f) is guilty of a minor misdemeanor and shall be fined not less than fifty dollars (\$50.00).  
(Ord. 21-1995. Passed 2-27-95.)
- (c) Junk Motor Vehicles. Whoever violates Section 351.18 is guilty of a minor misdemeanor, and shall also be assessed any costs incurred by the City in disposing of such junk motor vehicle, less any money accruing to the City from such disposal.



**505.04 ANNUAL REGISTRATION OF DOGS; TAGS REQUIRED.**

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

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

**505.05 ABANDONING ANIMALS.**

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

(b) Whoever violates this section is guilty of a misdemeanor of the second degree on a first offense and a misdemeanor of the first degree on each subsequent offense.  
(ORC 959.99)

**505.06 KILLING OR INJURING ANIMALS.**

(a) No person shall maliciously, or willfully, and without the consent of the owner, kill or injure a farm animal, dog, cat or other domestic animal that is the property of another. This section does not apply to a licensed veterinarian acting in an official capacity or any law enforcement officer. (ORC 959.02)

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

**505.07 POISONING ANIMALS.**

(a) No person shall maliciously, or willfully and without the consent of the owner, administer poison, except a licensed veterinarian acting in such capacity, to a farm animal, dog, cat, poultry or other domestic animal that is the property of another; and no person shall, willfully and without the consent of the owner, place any poisoned food where it may be easily found and eaten by any of such animals, either upon his own lands or the lands of another.  
(ORC 959.03)

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

**505.08 CRUELTY TO ANIMALS GENERALLY.**

(a) No person shall:

- (1) Torture an animal, deprive one of necessary sustenance, unnecessarily or cruelly beat, needlessly mutilate or kill, or impound or confine an animal without supplying it during its 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, snow, rain or excessive direct sunlight if it can reasonably be expected that the animal would otherwise become sick or in some other way suffer;

- (3) Carry or convey an animal in a cruel or inhuman manner;
- (4) Keep animals in an enclosure without wholesome exercise and change of air.

(b) Whoever violates this section is guilty of a misdemeanor of the second degree.  
(Ord. 130-1980. Passed 9-8-80.)

**505.081 CRUELTY TO COMPANION ANIMALS.**

(a) As used in this section:

- (1) "Companion animal" means any animal that is kept inside a residential dwelling and any dog or cat regardless of where it is kept. "Companion animal" does not include livestock or any wild animal.
- (2) "Cruelty", "torment" and "torture" have the same meanings as in Ohio R.C. 1717.01.
- (3) "Residential dwelling" means a structure or shelter or the portion of a structure or shelter that is used by one or more humans for the purpose of a habitation.
- (4) "Practice of veterinary medicine" has the same meaning as in Ohio R.C. 4741.01.
- (5) "Wild animal" has the same meaning as in Ohio R.C. 1531.01.
- (6) "Federal animal welfare act" means the "Laboratory Animal Act of 1966", Pub. L. No. 89-544, 80 Stat. 350 (1966), 7 U.S.C.A. 2131 et seq., as amended by the "Animal Welfare Act of 1970", Pub. L. No. 91-579, 84 Stat. 1560 (1970), the "Animal Welfare Act Amendments of 1976", Pub. L. No. 94-279, 90 Stat. 417 (1976), and the "Food Security Act of 1985", Pub. L. No. 99-198, 99 Stat. 1354 (1985), and as it may be subsequently amended.
- (7) "Dog kennel" means an animal rescue for dogs that is registered under Ohio R.C. 956.06, a boarding kennel or a training kennel.

(b) No person shall knowingly torture, torment, needlessly mutilate or maim, cruelly beat, poison, needlessly kill, or commit an act of cruelty against a companion animal.

(c) No person who confines or who is the custodian or caretaker of a companion animal shall negligently do any of the following:

- (1) Commit any act by which unnecessary or unjustifiable pain or suffering is caused, permitted or allowed to continue, when there is a reasonable remedy or relief, against the companion animal;
- (2) Omit any act of care by which unnecessary or unjustifiable pain or suffering is caused, permitted or allowed to continue, when there is a reasonable remedy or relief, against the companion animal;
- (3) Commit any act of neglect by which unnecessary or unjustifiable pain or suffering is caused, permitted or allowed to continue, when there is a reasonable remedy or relief, against the companion animal;
- (4) Needlessly kill the companion animal;
- (5) Deprive the companion animal of necessary sustenance, confine the companion animal without supplying it during the confinement with sufficient quantities of good, wholesome food and water, or impound or confine the companion animal without affording it, during the impoundment or confinement, with access to shelter from heat, cold, wind, rain, snow, or excessive direct sunlight, if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the deprivation, confinement, or impoundment in any of those specified manners.

(d) No owner, manager, or employee of a dog kennel who confines or is the custodian or caretaker of a companion animal shall negligently do any of the following:

- (1) Commit any act by which unnecessary or unjustifiable pain or suffering is caused, permitted or allowed to continue, when there is a reasonable remedy or relief, against the companion animal;
- (2) Omit any act of care by which unnecessary or unjustifiable pain or suffering is caused, permitted, or allowed to continue, when there is a reasonable relief, against the companion animal;
- (3) Commit any act of neglect by which unnecessary or unjustifiable pain or suffering is caused, permitted or allowed to continue, when there is a reasonable remedy or relief, against the companion animal;
- (4) Needlessly kill the companion animal;
- (5) Deprive the companion animal of necessary sustenance, confine the companion animal without supplying it during the confinement with sufficient quantities of good, wholesome food and water, or impound or confine the companion animal without affording it, during the impoundment or confinement, with access to shelter from heat, cold, wind, rain, snow or excessive direct sunlight if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the deprivation, confinement, or impoundment or confinement in any of those specified manners.

(e) Subsections (b), (c) and (d) of this section do not apply to any of the following:

- (1) A companion animal used in scientific research conducted by an institution in accordance with the federal animal welfare act and related regulations;
- (2) The lawful practice of veterinary medicine by a person who has been issued a license, temporary permit, or registration certificate to do so under Ohio R.C. Chapter 4741;
- (3) Dogs being used or intended for use for hunting or field trial purposes, provided that the dogs are being treated in accordance with usual and commonly accepted practices for the care of hunting dogs;
- (4) The use of common training devices, if the companion animal is being treated in accordance with usual and commonly accepted practices for the training of animals;
- (5) The administering of medicine to a companion animal that was properly prescribed by a person who has been issued a license, temporary permit, or registration certificate under Ohio R.C. Chapter 4741.  
(ORC 959.131)

- (f)
- (1) Whoever violates subsection (b) hereof is guilty of a misdemeanor of the first degree on a first offense. On each subsequent offense such person is guilty of a felony and shall be prosecuted under appropriate State law.
  - (2) Whoever violates subsection (c) hereof is guilty of a misdemeanor of the second degree on a first offense and a misdemeanor of the first degree on each subsequent offense.
  - (3) Whoever violates subsection (d) hereof is guilty of a misdemeanor of the first degree.
  - (4) A. A court may order a person who is convicted of or pleads guilty to a violation of this section to forfeit to an impounding agency, as defined in Ohio R.C. 959.132, any or all of the companion animals in that person's ownership or care. The court also may prohibit or place limitations on the person's ability to own or care for any companion animals for a specified or indefinite period of time.

- B. A court may order a person who is convicted of or pleads guilty to a violation of this section to reimburse an impounding agency for the reasonably necessary costs incurred by the agency for the care of a companion animal that the agency impounded as a result of the investigation or prosecution of the violation, provided that the costs were not otherwise paid under Ohio R.C. 959.132.
- (5) If a court has reason to believe that a person who is convicted of or pleads guilty to a violation of this section suffers from a mental or emotional disorder that contributed to the violation, the court may impose as a community control sanction or as a condition of probation a requirement that the offender undergo psychological evaluation or counseling. The court shall order the offender to pay the costs of the evaluation or counseling. (ORC 959.99)

**505.09 NUISANCE CONDITIONS PROHIBITED.**

(a) No person shall keep or harbor any animal or fowl in the Municipality including that portion of the Municipality formerly known as Northampton Township:

- (1) So as to create offensive odors or unsanitary conditions which are a menace to the health, comfort or safety of the public.
- (2) Which, by frequent and habitual barking, howling, yelping or any other nuisance, 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.
- (3) Which by its very presence and the nature of its temperament creates, or could so create, a menace to the health, comfort or safety of the public.

(b) This section shall not be construed so as to limit or restrict the animal type or number of animals otherwise permitted to be kept in the area of the City formerly known as Northampton Township nor shall the section be construed as to inhibit any lawful dog kennel operating in a reasonable manner.

(c) Whoever violates subsection (a)(3) hereof may be ordered to remove any such animal immediately from the corporate limits to a location where such animals are normally found.

(d) Whoever violates this section is guilty of a minor misdemeanor.  
(Ord. 175-1990. Passed 11-3-90.)



- (f) "Detention facility" means any public or private place used for the confinement of a person charged with or convicted of any crime in this State or another state or under the laws of the United States or alleged or found to be a delinquent child or unruly child in this State or another state or under the laws of the United States.
- (g) "Valuable thing or valuable benefit" includes, but is not limited to, a contribution. This inclusion does not indicate or imply that a contribution was not included in those terms before September 17, 1986.
- (h) "Campaign committee," "contribution," "political action committee," "legislative campaign fund", "political party" and "political contributing entity" have the same meanings as in Ohio R.C. 3517.01.
- (i) "Provider agreement" has the same meaning as in Ohio R.C. 5164.01.  
(ORC 2921.01)

#### **525.02 FALSIFICATION.**

(a) No person shall knowingly make a false statement, or knowingly swear or affirm the truth of a false statement previously made, when any of the following applies:

- (1) The statement is made in any official proceeding.
- (2) The statement is made with purpose to incriminate another.
- (3) The statement is made with purpose to mislead a public official in performing the public official's official function.
- (4) The statement is made with purpose to secure the payment of unemployment compensation; Ohio works first; prevention, retention and contingency benefits and services; disability financial assistance; retirement benefits or health care coverage from a state retirement system; economic development assistance as defined in Ohio R.C. 9.66; or other benefits administered by a governmental agency or paid out of a public treasury.
- (5) The statement is made with purpose to secure the issuance by a governmental agency of a license, permit, authorization, certificate, registration, release or provider agreement.
- (6) The statement is sworn or affirmed before a notary public or another person empowered to administer oaths.
- (7) The statement is in writing on or in connection with a report or return that is required or authorized by law.
- (8) The statement is in writing, and is made with purpose to induce another to extend credit to or employ the offender, or to confer any degree, diploma, certificate of attainment, award of excellence or honor on the offender, or to extend to or bestow upon the offender any other valuable benefit or distinction, when the person to whom the statement is directed relies upon it to that person's detriment.
- (9) The statement is made with purpose to commit or facilitate the commission of a theft offense.
- (10) The statement is knowingly made to a probate court in connection with any action, proceeding or other matter within its jurisdiction, either orally or in a written document, including, but not limited to, an application, petition, complaint or other pleading, or an inventory, account or report.
- (11) The statement is made on an account, form, record, stamp, label or other writing that is required by law.
- (12) The statement is made in a document or instrument of writing that purports to be a judgment, lien, or claim of indebtedness and is filed or recorded with the Secretary of State, a county recorder, or the clerk of a court of record.

(13) The statement is required under Ohio R.C. 5743.71 in connection with the person's purchase of cigarettes or tobacco products in a delivery sale.

(b) It is no defense to a charge under subsection (a)(6) hereof that the oath or affirmation was administered or taken in an irregular manner.

(c) If contradictory statements relating to the same fact are made by the offender within the period of the statute of limitations for falsification, it is not necessary for the prosecution to prove which statement was false, but only that one or the other was false.

- (d) (1) Whoever violates any provision of subsection (a)(1) to (8) or (10) to (13) hereof is guilty of falsification, a misdemeanor of the first degree.
- (2) Whoever violates subsection (a)(9) hereof is guilty of falsification in a theft offense, a misdemeanor of the first degree. If the value of the property or services stolen is one thousand dollars (\$1,000) or more, falsification in a theft offense is a felony and shall be prosecuted under appropriate State law.

(e) A person who violates this section is liable in a civil action to any person harmed by the violation for injury, death, or loss to person or property incurred as a result of the commission of the offense and for reasonable attorney's fees, court costs, and other expenses incurred as a result of prosecuting the civil action commenced under this section. A civil action under this section is not the exclusive remedy of a person who incurs injury, death, or loss to person or property as a result of a violation of this section.  
(ORC 2921.13)

#### **525.021 GIVING FALSE INFORMATION TO LAW ENFORCEMENT OFFICERS.**

(a) No person shall furnish information that the offender knows to be false to a law enforcement officer when:

- (1) The offender has the intent to initiate an investigation of an alleged criminal matter; or
- (2) The offender has the intent to impede the investigation of an actual criminal matter.

(b) No person shall use or give a false or fictitious name, address or date of birth to any law enforcement officer investigating any alleged violation of the motor vehicle laws.

(c) Where contradictory information is given by the offender within the period of the statute of limitations for giving false information, it is not necessary for the prosecution to prove which information was false, but only that one or the other was false.

(d) Definitions. "Actual criminal matters" means the existence of particular facts and circumstances that would lead a reasonable person to believe that criminal activity was afoot.

(e) Whoever violates this section is guilty of giving false information, a misdemeanor of the third degree. (Ord. 94-1988. Passed 5-9-88.)

- B. Any burns to the upper respiratory tract or laryngeal edema due to the inhalation of superheated air;
  - C. Any burn injury or wound that may result in death;
  - D. Any physical harm to persons caused by or as the result of the use of fireworks, novelties and trick noisemakers, and wire sparklers, as each is defined by Ohio R.C. 3743.01.
- (2) No physician, nurse, or limited practitioner who, outside a hospital, sanitarium, or other medical facility, attends or treats a person who has sustained a burn injury that is inflicted by an explosion or other incendiary device, or that shows evidence of having been inflicted in a violent, malicious, or criminal manner, shall fail to report the burn injury immediately to the local arson, or fire and explosion investigation, bureau, if there is a bureau of this type in the jurisdiction in which the person is attended or treated, or otherwise to local law enforcement authorities.
  - (3) No manager, superintendent or other person in charge of a hospital, sanitarium or other medical facility in which a person is attended or treated for any burn injury that is inflicted by an explosion or other incendiary device, or that shows evidence of having been inflicted in a violent, malicious, or criminal manner, shall fail to report the burn injury immediately to the local arson, or fire and explosion investigation, bureau, if there is a bureau of this type in the jurisdiction in which the person is attended or treated, or otherwise to local law enforcement authorities.
  - (4) No person who is required to report any burn injury under subsection (e)(2) or (3) of this section shall fail to file, within three working days after attending or treating the victim, a written report of the burn injury with the office of the State Fire Marshal. The report shall comply with the uniform standard developed by the State Fire Marshal pursuant to Ohio R.C. 3737.22(A)(15).
  - (5) Anyone participating in the making of reports under subsection (e) of this section or anyone participating in a judicial proceeding resulting from the reports is immune from any civil or criminal liability that otherwise might be incurred or imposed as a result of such actions. Notwithstanding Ohio R.C. 4731.22, the physician-patient relationship is not a ground for excluding evidence regarding a person's burn injury or the cause of the burn injury in any judicial proceeding resulting from a report submitted under subsection (e) of this section.
- (f)
    - (1) Any doctor of medicine or osteopathic medicine, hospital intern or resident, registered or licensed practical nurse, psychologist, social worker, independent social worker, social work assistant, licensed professional clinical counselor, licensed professional counselor, independent marriage and family therapist or marriage and family therapist who knows or has reasonable cause to believe that a patient or client has been the victim of domestic violence, as defined in Ohio R.C. 3113.31, shall note that knowledge or belief and the basis for it in the patient's or client's records.
    - (2) Notwithstanding Ohio R.C. 4731.22, the doctor-patient privilege shall not be a ground for excluding any information regarding the report containing the knowledge or belief noted under subsection (f)(1) of this section, and the information may be admitted as evidence in accordance with the Rules of Evidence.
  - (g) Subsections (a) and (d) of this section do not require disclosure of information, when any of the following applies:

- (1) The information is privileged by reason of the relationship between attorney and client; doctor and patient; licensed psychologist or licensed school psychologist and client; licensed professional clinical counselor, licensed professional counselor, independent social worker, social worker, independent marriage and family therapist, or marriage and family therapist and client; member of the clergy, rabbi, minister, or priest and any person communicating information confidentially to the member of the clergy, rabbi, minister, or priest for a religious counseling purpose of a professional character; husband and wife; or a communications assistant and those who are a party to a telecommunications relay service call.
- (2) The information would tend to incriminate a member of the actor's immediate family.
- (3) Disclosure of the information would amount to revealing a news source, privileged under Ohio R.C. 2739.04 or 2739.12.
- (4) Disclosure of the information would amount to disclosure by a member of the ordained clergy of an organized religious body of a confidential communication made to that member of the clergy in that member's capacity as a member of the clergy by a person seeking the aid or counsel of that member of the clergy.
- (5) Disclosure would amount to revealing information acquired by the actor in the course of the actor's duties in connection with a bona fide program of treatment or services for drug dependent persons or persons in danger of drug dependence, which program is maintained or conducted by a hospital, clinic, person, agency, or services provider certified pursuant to Ohio R.C. 5119.36.
- (6) Disclosure would amount to revealing information acquired by the actor in the course of the actor's duties in connection with a bona fide program for providing counseling services to victims of crimes that are violations of Ohio R.C. 2907.02 or 2907.05 or to victims of felonious sexual penetration in violation of former Ohio R.C. 2907.12. As used in this subsection, "counseling services" include services provided in an informal setting by a person who, by education or experience, is competent to provide those services.

(h) No disclosure of information pursuant to this section gives rise to any liability or recrimination for a breach of privilege or confidence.

(i) Whoever violates subsection (a) or (b) of this section is guilty of failure to report a crime. Violation of subsection (a)(1) of this section is a misdemeanor of the fourth degree. Violation of subsection (a)(2) or (b) of this section is a misdemeanor of the second degree.

(j) Whoever violates subsection (c) or (d) of this section is guilty of failure to report knowledge of a death, a misdemeanor of the fourth degree.

- (k) (1) Whoever negligently violates subsection (e) of this section is guilty of a minor misdemeanor.
- (2) Whoever knowingly violates subsection (e) of this section is guilty of a misdemeanor of the second degree. (ORC 2921.22)

#### **525.06 FAILURE TO AID A LAW ENFORCEMENT OFFICER.**

(a) No person shall negligently fail or refuse to aid a law enforcement officer, when called upon for assistance in preventing or halting the commission of an offense, or in apprehending or detaining an offender, when such aid can be given without a substantial risk of physical harm to the person giving it.

**CHAPTER 529**  
**Liquor Control**

<p><b>529.01</b> Definitions.</p> <p><b>529.02</b> Sales to and use by underage persons; securing public accommodations.</p> <p><b>529.021</b> Purchase by minor; misrepresentation.</p> <p><b>529.03</b> Sales to intoxicated persons.</p> <p><b>529.04</b> Liquor consumption in motor vehicle.</p>	<p><b>529.05</b> Permit required.</p> <p><b>529.06</b> Low-alcohol beverages: sale to and purchase by underage persons prohibited.</p> <p><b>529.07</b> Open container prohibited.</p> <p><b>529.08</b> Hours of sale or consumption.</p> <p><b>529.99</b> Penalty.</p>
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**CROSS REFERENCES**

See sectional histories for similar State law  
 Prohibiting sale of intoxicating liquor on Sunday - see  
     Ohio R.C. 4301.22(D)  
 Local option - see Ohio R.C. 4301.32 et seq., 4303.29  
 Disorderly conduct; intoxication - see GEN. OFF. 509.03  
 Using weapons while intoxicated - see GEN. OFF. 549.03

**529.01 DEFINITIONS.**

As used in the Codified Ordinances:

- (a) "Alcohol" means ethyl alcohol, whether rectified or diluted with water or not, whatever its origin may be, and includes synthetic ethyl alcohol. Such term excludes denatured alcohol and wood alcohol.
- (b) "Intoxicating liquor" and "liquor" include all liquids and compounds, other than beer as defined in subsection (c) hereof, containing one half of one percent (0.5%) or more of alcohol by volume which are fit to use for beverage purposes, from whatever source and by whatever process produced, by whatever name called and whether they are medicated, proprietary or patented. Such phrase includes cider and alcohol and all solids and confections which contain one-half of one percent or more of alcohol by volume.
- (c) "Beer" includes all beverages brewed or fermented wholly or in part from malt products and containing one-half of one percent (0.5%) or more, but not more than twelve percent (12%) of alcohol by volume.
- (d) "Person" includes firms and corporations.
- (e) "Low-alcohol beverage" means any brewed or fermented malt product, or any product made from the fermented juices of grapes, fruits, or other agricultural products, that contains either no alcohol or less than one-half of one percent (0.5%) of alcohol by volume. The beverages described in subsection (e) hereof do not include a soft drink such as root beer, birch beer, or ginger beer.  
 (ORC 4301.01)

**529.02 SALES TO AND USE BY UNDERAGE PERSONS; SECURING PUBLIC ACCOMMODATIONS.**

(a) Except as otherwise provided in this chapter or Ohio R.C. Chapter 4301, no person shall sell beer or intoxicating liquor to an underage person, or shall buy beer or intoxicating liquor for an underage person, or shall furnish it to, an underage person, unless given by a physician in the regular line of his practice or given for established religious purposes, or unless the underage person is supervised by a parent, spouse who is not an underage person or legal guardian.

In proceedings before the Liquor Control Commission, no permit holder, or no employee or agent of a permit holder, charged with a violation of this subsection shall be charged, for the same offense, with a violation of Ohio R.C. 4301.22(A)(1).

(b) No person who is the owner or occupant of any public or private place shall knowingly allow any underage person to remain in or on the place while possessing or consuming beer or intoxicating liquor, unless the intoxicating liquor or beer is given to the person possessing or consuming it by that person's parent, spouse who is not an underage person or legal guardian and the parent, spouse who is not an underage person or legal guardian is present at the time of the person's possession or consumption of the beer or intoxicating liquor.

An owner of a public or private place is not liable for acts or omissions in violation of this subsection that are committed by a lessee of that place, unless the owner authorizes or acquiesces in the lessee's acts or omissions.

(c) No person shall engage or use accommodations at a hotel, inn, cabin, campground or restaurant when he knows or has reason to know either of the following:

- (1) That beer or intoxicating liquor will be consumed by an underage person on the premises of the accommodations that the person engages or uses, unless the person engaging or using the accommodations is the spouse of the underage person and is not an underage person, or is the parent or legal guardian of all of the underage persons, who consume beer or intoxicating liquor on the premises and that person is on the premises at all times when beer or intoxicating liquor is being consumed by an underage person;
- (2) That a drug of abuse will be consumed on the premises of the accommodations by any person, except a person who obtained the drug of abuse pursuant to a prescription issued by a practitioner and has the drug of abuse in the original container in which it was dispensed to the person.

**529.07 OPEN CONTAINER PROHIBITED.**

- (a) As used in this section:
- (1) "Chauffeured limousine" means a vehicle registered under Ohio R.C. 4503.24.
  - (2) "Street," "highway" and "motor vehicle" have the same meanings as in Ohio R.C. 4511.01.
- (b) No person shall have in the person's possession an opened container of beer or intoxicating liquor in any of the following circumstances:
- (1) In a State liquor store;
  - (2) Except as provided in subsection (c) hereof, on the premises of the holder of any permit issued by the Division of Liquor Control;
  - (3) In any other public place;
  - (4) Except as provided in subsection (d) or (e) hereof, while operating or being a passenger in or on a motor vehicle on any street, highway or other public or private property open to the public for purposes of vehicular travel or parking;
  - (5) Except as provided in subsection (d) or (e) hereof, while being in or on a stationary motor vehicle on any street, highway or other public or private property open to the public for purposes of vehicular travel or parking.
- (c) (1) A person may have in the person's possession an opened container of any of the following:
- A. Beer or intoxicating liquor that has been lawfully purchased for consumption on the premises where bought from the holder of an A-1-A, A-2, A-3a, D-1, D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, D-7, D-8, E, F, F-2, F-5, F-7 or F-8 permit;
  - B. Beer, wine or mixed beverages served for consumption on the premises by the holder of an F-3 permit or wine served for consumption on the premises by the holder of an F-4 or F-6 permit;
  - C. Beer or intoxicating liquor consumed on the premises of a convention facility as provided in Ohio R.C. 4303.201;
  - D. Beer or intoxicating liquor to be consumed during tastings and samplings approved by rule of the Liquor Control Commission.
  - E. Spirituous liquor to be consumed for purposes of a tasting sample, as defined in Ohio R.C. 4301.171.
- (2) A person may have in the person's possession on an F liquor permit premises an opened container of beer or intoxicating liquor that was not purchased from the holder of the F permit if the premises for which the F permit is issued is a music festival and the holder of the F permit grants permission for that possession on the premises during the period for which the F permit is issued. As used in this section, "music festival" means a series of outdoor live musical performances, extending for a period of at least three consecutive days and located on an area of land of at least forty acres.
- (3) A. A person may have in the person's possession on a D-2 liquor permit premises an opened or unopened container of wine that was not purchased from the holder of the D-2 permit if the premises for which the D-2 permit is issued is an outdoor performing arts center, the person is attending an orchestral performance, and the holder of the D-2 permit grants permission for the possession and consumption of wine in certain predesignated areas of the premises during the period for which the D-2 permit is issued.

- B. As used in subsection (c)(3)A. of this section:
1. "Orchestral performance" means a concert comprised of a group of not fewer than forty musicians playing various musical instruments.
  2. "Outdoor performing arts center" means an outdoor performing arts center that is located on not less than one hundred fifty acres of land and that is open for performances from the first day of April to the last day of October of each year.

(4) A person may have in the person's possession an opened or unopened container of beer or intoxicating liquor at an outdoor location at which the person is attending an orchestral performance as defined in subsection (c)(3)B.1. hereof if the person with supervision and control over the performance grants permission for the possession and consumption of beer or intoxicating liquor in certain predesignated areas of that outdoor location.

(5) A person may have in the person's possession on an F-9 liquor permit premises an opened or unopened container of beer or intoxicating liquor that was not purchased from the holder of the F-9 permit if the person is attending an orchestral performance and the holder the F-9 permit grants permission for the possession and consumption of beer or intoxicating liquor in certain predesignated areas of the premises during the period for which the F-9 permit is issued.

As used in subsection (c)(5) hereof, "orchestral performance" has the same meaning as in subsection (c)(3)B. of this section.

(6) A. A person may have in the person's possession on the property of an outdoor motorsports facility an opened or unopened container of beer or intoxicating liquor that was not purchased from the owner of the facility if both of the following apply:

1. The person is attending a racing event at the facility; and
2. The owner of the facility grants permission for the possession and consumption of beer or intoxicating liquor on the property of the facility;

B. As used in subsection (c)(6)A. of this section:

1. "Racing event" means a motor vehicle racing event sanctioned by one or more motor racing sanctioning organizations.
2. "Outdoor motorsports facility" means an outdoor racetrack to which all of the following apply:
  - a. It is two and four-tenths miles or more in length.
  - b. It is located on two hundred acres or more of land.
  - c. The primary business of the owner of the facility is the hosting and promoting of racing events.
  - d. The holder of a D-1, D-2 or D-3 permit is located on the property of the facility.

(d) This section does not apply to a person who pays all or a portion of the fee imposed for the use of a chauffeured limousine pursuant to a prearranged contract, or the guest of such a person, when all of the following apply:

- (1) The person or guest is a passenger in the limousine;
- (2) The person or guest is located in the limousine, but is not occupying a seat in the front compartment of the limousine where the operator of the limousine is located;



- (3) The limousine is located on any street, highway, or other public or private property open to the public for purposes of vehicular travel or parking.

(e) An opened bottle of wine that was purchased from the holder of a permit that authorizes the sale of wine for consumption on the premises where sold is not an opened container for the purposes of this section if both of the following apply:

- (1) The opened bottle of wine is securely resealed by the permit holder or an employee of the permit holder before the bottle is removed from the premises. The bottle shall be secured in such a manner that it is visibly apparent if the bottle has been subsequently opened or tampered with.
- (2) The opened bottle of wine that is resealed in accordance with subsection (e)(1) of this section is stored in the trunk of a motor vehicle or, if the motor vehicle does not have a trunk, behind the last upright seat or in an area not normally occupied by the driver or passengers and not easily accessible by the driver. (ORC 4301.62)

(f) Whoever violates this section is guilty of a minor misdemeanor.  
(ORC 4301.99(A))

#### **529.08 HOURS OF SALE OR CONSUMPTION.**

(a) This rule shall apply to the retail sale of beer, wine, mixed beverages, or spirituous liquor.

(b) No beer, wine, mixed beverages, or spirituous liquor shall be sold or delivered by an A-1, A-2, B-1, B-2, B-4, B-5, C-1, C-2, C-2X, D-1, D-2, D-2X, D-3 when issued without a D-3A, D-3X, D-4, D-5G, D-5H, D-5K, D-8, F, F-1, F-2, F-3, F-4, F-5, F-6, G or I permit holder:

- (1) From Monday to Saturday between the hours of one a.m. and five thirty a.m.
- (2) On Sunday between the hours of one a.m. and Sunday midnight, unless statutorily authorized otherwise.
- (3) Consumption of beer, wine, mixed beverages, or spirituous liquor is also prohibited during the above hours upon the premises of the above permit holders who are authorized by their permit to sell beer, wine, mixed beverages, or spirituous liquor for on-premises consumption.

(c) No beer, wine, mixed beverages, or spirituous liquid shall be sold or delivered by an A-1A, D-3 when issued with a D-3A, D-4A, D-5, D-5A, D-5B, D-5C, D-5D, D-5E, D-5F, D-5I, D-5J, or D-7 permit holder:

- (1) From Monday to Saturday between the hours of two thirty a.m. and five thirty a.m.
- (2) On Sunday between the hours of two thirty a.m. and Sunday midnight, unless statutorily authorized otherwise.
- (3) Consumption of beer, wine, mixed beverages, or spirituous liquor is also prohibited during the above hours upon the premises of the above permit holders who are authorized by their permit to sell beer, wine, mixed beverages or spirituous liquor for on-premises consumption.

(d) Permit holders authorized to sell beer, wine, mixed beverages, or spirituous liquor at retail who are not specifically identified in subsection (b) or (c) above shall be subject to the provisions of subsection (b), unless statutorily authorized otherwise.

(e) The hours on Sunday during which sales, delivery, or consumption of alcoholic beverages may take place are established by statute, but in no event shall they begin prior to five thirty a.m. (OAC 4301:1-1-49)

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

**529.99 PENALTY.**

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

**CHAPTER 533**  
**Obscenity and Sex Offenses**

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| <p><b>533.01</b> Definitions.</p> <p><b>533.02</b> Presumption of knowledge; actual notice and defense.</p> <p><b>533.03</b> Unlawful sexual conduct with a minor.</p> <p><b>533.04</b> Sexual imposition.</p> <p><b>533.05</b> Importuning.</p> <p><b>533.06</b> Voyeurism.</p> <p><b>533.07</b> Public indecency.</p> <p><b>533.08</b> Procuring.</p> <p><b>533.09</b> Soliciting.</p> | <p><b>533.091</b> Loitering to engage in solicitation.</p> <p><b>533.10</b> Prostitution.</p> <p><b>533.11</b> Disseminating matter harmful to juveniles.</p> <p><b>533.12</b> Deception to obtain matter harmful to juveniles.</p> <p><b>533.13</b> Displaying matter harmful to juveniles.</p> <p><b>533.14</b> Unlawful advertising of massage.</p> <p><b>533.99</b> Penalty.</p> |
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**CROSS REFERENCES**

See sectional histories for similar State law  
 Complicity - see GEN. OFF. 501.10  
 Offensive conduct - see GEN. OFF. 509.03  
 Telephone harassment - see GEN. OFF. 537.10  
 Criminal trespass - see GEN. OFF. 541.05

**533.01 DEFINITIONS.**

As used in this chapter:

- (a) "Sexual conduct" means vaginal intercourse between a male and female; anal intercourse, fellatio and cunnilingus between persons regardless of sex; and, without privilege to do so, the insertion, however slight, of any part of the body or any instrument, apparatus or other object into the vaginal or anal opening of another. Penetration, however slight, is sufficient to complete vaginal or anal intercourse.
- (b) "Sexual contact" means any touching of an erogenous zone of another, including without limitation the thigh, genitals, buttock, pubic region, or, if such person is a female, a breast, for the purpose of sexually arousing or gratifying either person.
- (c) "Sexual activity" means sexual conduct or sexual contact, or both.
- (d) "Prostitute" means a male or female who promiscuously engages in sexual activity for hire, regardless of whether the hire is paid to the prostitute or to another.
- (e) "Harmful to juveniles" means that quality of any material or performance describing or representing nudity, sexual conduct, sexual excitement, or sado-masochistic abuse in any form to which all of the following apply:

- (1) The material or performance, when considered as a whole, appeals to the prurient interest of juveniles in sex.
  - (2) The material or performance is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable for juveniles.
  - (3) The material or performance, when considered as a whole, lacks serious literary, artistic, political and scientific value for juveniles.
- (f) When considered as a whole, and judged with reference to ordinary adults, or, if it is designed for sexual deviates or other specially susceptible group, judged with reference to such group, any material or performance is "obscene" if any of the following apply:
- (1) Its dominant appeal is to prurient interest;
  - (2) Its dominant tendency is to arouse lust by displaying or depicting sexual activity, masturbation, sexual excitement or nudity in a way which tends to represent human beings as mere objects of sexual appetite;
  - (3) Its dominant tendency is to arouse lust by displaying or depicting bestiality or extreme or bizarre violence, cruelty or brutality;
  - (4) Its dominant tendency is to appeal to scatological interest by displaying or depicting human bodily functions of elimination in a way which inspires disgust or revulsion in persons with ordinary sensibilities, without serving any genuine scientific, educational, sociological, moral or artistic purpose;
  - (5) It contains a series of displays or descriptions of sexual activity, masturbation, sexual excitement, nudity, bestiality, extreme or bizarre violence, cruelty or brutality, or human bodily functions of elimination, the cumulative effect of which is a dominant tendency to appeal to prurient or scatological interest, when the appeal to such interest is primarily for its own sake or for commercial exploitation, rather than primarily for a genuine scientific, educational, sociological, moral or artistic purpose.
- (g) "Sexual excitement" means the condition of human male or female genitals when in a state of sexual stimulation or arousal.
- (h) "Nudity" means the showing, representation or depiction of human male or female genitals, pubic area or buttocks with less than a full, opaque covering, or of a female breast with less than a full, opaque covering of any portion thereof below the top of the nipple, or of covered male genitals in a discernibly turgid state.
- (i) "Juvenile" means an unmarried person under the age of eighteen.

- (3) Except as otherwise provided in subsection (c)(3) of this section, a violation of subsection (a)(2) or (3) of this section is a misdemeanor of the third degree. If the offender previously has been convicted of or pleaded guilty to one violation of this section, a violation of subsection (a)(2) or (3) of this section is a misdemeanor of the second degree or, if any person who was likely to view and be affronted by the offender's conduct was a minor, a misdemeanor of the first degree. If the offender previously has been convicted of or pleaded guilty to two or more violations of this section, a violation of subsection (a)(2) or (3) of this section is a misdemeanor of the first degree or, if any person who was likely to view and be affronted by the offender's conduct was a minor, a felony which shall be prosecuted under appropriate state law.
- (4) Except as otherwise provided in subsection (c)(4) of this section, a violation of subsection (b)(1), (2) or (3) of this section is a misdemeanor of the second degree. If the offender previously has been convicted of or pleaded guilty to one violation of this section, a violation of subsection (b)(1), (2) or (3) of this section is a misdemeanor of the first degree. If the offender previously has been convicted of or pleaded guilty to two or more violations of this section, a violation of subsection (b)(1), (2) or (3) of this section is a felony and shall be prosecuted under appropriate state law.
- (5) A violation of subsection (b)(4) of this section is a misdemeanor of the first degree unless the offender previously has been convicted of or pleaded guilty to any violation of this section in which case the violation is a felony and shall be prosecuted under appropriate state law. (ORC 2907.09)

#### **533.08 PROCURING.**

- (a) No person, knowingly and for gain, shall do either of the following:
  - (1) Entice or solicit another to patronize a prostitute or brothel;
  - (2) Procure a prostitute for another to patronize, or take or direct another at his or her request to any place for the purpose of patronizing a prostitute.
- (b) No person, having authority or responsibility over the use of premises, shall knowingly permit such premises to be used for the purpose of engaging in sexual activity for hire.
- (c) Whoever violates this section is guilty of procuring. Except as otherwise provided in this subsection (c), procuring is a misdemeanor of the first degree. If the prostitute who is procured, patronized or otherwise involved in a violation of subsection (a)(2) of this section is under sixteen years of age at the time of the violation, regardless of whether the offender who violates subsection (a)(2) of this section knows the prostitute's age, or if a prostitute who engages in sexual activity for hire in premises used in violation of subsection (b) of this section is under sixteen years of age at the time of the violation, regardless of whether the offender who violates subsection (b) of this section knows the prostitute's age, procuring is a felony and shall be prosecuted under appropriate state law. If the prostitute who is procured, patronized or otherwise involved in a violation of subsection (a)(2) of this section is sixteen or seventeen years of age at the time of the violation or if a prostitute who engages in sexual activity for hire in premises used in violation of subsection (b) of this section is sixteen or seventeen years of age at the time of the violation, procuring is a felony and shall be prosecuted under appropriate state law. (ORC 2907.23)

#### **533.09 SOLICITING.**

- (a) No person shall solicit another who is eighteen years of age or older to engage with such other person in sexual activity for hire.

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

(c) If a person is convicted of or pleads guilty to a violation of any provision of this section or an attempt to commit a violation of any provision of this section, and if the person, in committing or attempting to commit the violation, was in, was on, or used a motor vehicle, the court, in addition to or independent of all other penalties imposed for the violation, shall impose upon the offender a class six suspension of the person's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(6) of Ohio R.C. 4510.02. In lieu of imposing upon the offender the class six suspension, the court instead may require the offender to perform community service for a number of hours determined by the court.

(d) As used in this section, "sexual activity for hire" means an implicit or explicit agreement to provide sexual activity in exchange for anything of value paid to the person engaging in such sexual activity, to any person trafficking that person, or to any person associated with either such person. (ORC 2907.24)

#### **533.091 LOITERING TO ENGAGE IN SOLICITATION.**

(a) No person, with purpose to solicit another to engage in sexual activity for hire and while in or near a public place, shall do any of the following:

- (1) Beckon to, stop or attempt to stop another;
- (2) Engage or attempt to engage another in conversation;
- (3) Stop or attempt to stop the operator of a vehicle or approach a stationary vehicle;
- (4) If the offender is the operator of or a passenger in a vehicle, stop, attempt to stop, beckon to, attempt to beckon to, or entice another to approach or enter the vehicle of which the offender is the operator or in which the offender is the passenger;
- (5) Interfere with the free passage of another.

(b) As used in this section:

- (1) "Vehicle" has the same meaning as in Ohio R.C. 4501.01.
- (2) "Public place" means any of the following:
  - A. A street, road, highway, thoroughfare, bikeway, walkway, sidewalk, bridge, alley, alleyway, plaza, park, driveway, parking lot, or transportation facility;
  - B. A doorway or entrance way to a building that fronts on a place described in subsection (b)(2)A. hereof;
  - C. A place not described in subsection (b)(2)A. or B. hereof that is open to the public.

(c) Whoever violates subsection (a) hereof is guilty of loitering to engage in solicitation, a misdemeanor of the third degree. (ORC 2907.241)

#### **533.10 PROSTITUTION.**

(a) No person shall engage in sexual activity for hire.

(b) Whoever violates this section is guilty of prostitution, a misdemeanor of the third degree. (ORC 2907.25)

#### **533.11 DISSEMINATING MATTER HARMFUL TO JUVENILES.**

(a) No person, with knowledge of its character or content, shall recklessly do any of the following:

- (1) Directly sell, deliver, furnish, disseminate, provide, exhibit, rent or present to a juvenile, a group of juveniles, a law enforcement officer posing as a juvenile, or a group of law enforcement officers posing as juveniles any material or performance that is obscene or harmful to juveniles;
  - (2) Directly offer or agree to sell, deliver, furnish, disseminate, provide, exhibit, rent or present to a juvenile, a group of juveniles, a law enforcement officer posing as a juvenile, or a group of law enforcement officers posing as juveniles any material or performance that is obscene or harmful to juveniles;
  - (3) While in the physical proximity of the juvenile or law enforcement officer posing as a juvenile, allow any juvenile or law enforcement officer posing as a juvenile to review or peruse any material or view any live performance that is harmful to juveniles.
- (b) The following are affirmative defenses to a charge under this section, that involves material or a performance that is harmful to juveniles but not obscene:
- (1) The defendant is the parent, guardian or spouse of the juvenile involved.
  - (2) The juvenile involved, at the time of the conduct in question, was accompanied by the juvenile's parent or guardian who, with knowledge of its character, consented to the material or performance being furnished or presented to the juvenile.
  - (3) The juvenile exhibited to the defendant or the defendant's agent or employee a draft card, driver's license, birth certificate, marriage license, or other official or apparently official document purporting to show that the juvenile was eighteen years of age or over or married, and the person to whom that document was exhibited did not otherwise have reasonable cause to believe that the juvenile was under the age of eighteen and unmarried.
- (c)
- (1) It is an affirmative defense to a charge under this section, involving material or a performance that is obscene or harmful to juveniles, that the material or performance was furnished or presented for a bona fide medical, scientific, educational, governmental, judicial or other proper purpose, by a physician, psychologist, sociologist, scientist, teacher, librarian, clergyman, prosecutor, judge or other proper person.
  - (2) Except as provided in subsection (b)(3) hereof, mistake of age is not a defense to a charge under this section.
- (d)
- (1) A person directly sells, delivers, furnishes, disseminates, provides, exhibits, rents, or presents or directly offers or agrees to sell, deliver, furnish, disseminate, provide, exhibit, rent, or present material or a performance to a juvenile, a group of juveniles, a law enforcement officer posing as a juvenile, or a group of law enforcement officers posing as juveniles in violation of this section by means of an electronic method of remotely transmitting information if the person knows or has reason to believe that the person receiving the information is a juvenile or the group of persons receiving the information are juveniles.
  - (2) A person remotely transmitting information by means of a method of mass distribution does not directly sell, deliver, furnish, disseminate, provide, exhibit, rent, or present or directly offer or agree to sell, deliver, furnish, disseminate, provide, exhibit, rent, or present the material or performance in question to a juvenile, a group of juveniles, a law enforcement officer posing as a juvenile, or a group of law enforcement officers posing as juveniles in violation of this section if either of the following applies:

- A. The person has inadequate information to know or have reason to believe that a particular recipient of the information or offer is a juvenile.
- B. The method of mass distribution does not provide the person the ability to prevent a particular recipient from receiving the information.

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

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

#### **533.12 DECEPTION TO OBTAIN MATTER HARMFUL TO JUVENILES.**

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

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

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

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

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

#### **533.13 DISPLAYING MATTER HARMFUL TO JUVENILES.**

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

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



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

**533.14 UNLAWFUL ADVERTISING OF MASSAGE.**

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

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

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

**533.99 PENALTY.**

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



1

**CHAPTER 537**  
**Offenses Against Persons**

<b>537.01</b>	<b>Negligent homicide.</b>	<b>537.101</b>	<b>Use of improper, indecent or obscene language toward a teacher, school employee, student or other person.</b>
<b>537.02</b>	<b>Vehicular homicide and manslaughter.</b>	<b>537.11</b>	<b>(Reserved).</b>
<b>537.021</b>	<b>Vehicular assault in a construction zone.</b>	<b>537.12</b>	<b>Misuse of 9-1-1 system.</b>
<b>537.03</b>	<b>Assault.</b>	<b>537.13</b>	<b>Adulterating of or furnishing adulterated food or confection.</b>
<b>537.04</b>	<b>Negligent assault.</b>	<b>537.14</b>	<b>Domestic violence.</b>
<b>537.05</b>	<b>Aggravated menacing.</b>	<b>537.15</b>	<b>Temporary protection order.</b>
<b>537.051</b>	<b>Menacing by stalking.</b>	<b>537.16</b>	<b>Illegal distribution of cigarettes, other tobacco products or alternate nicotine products.</b>
<b>537.06</b>	<b>Menacing.</b>	<b>537.17</b>	<b>Contributing to unruliness or delinquency of a child.</b>
<b>537.07</b>	<b>Endangering children.</b>	<b>537.18</b>	<b>Criminal child enticement.</b>
<b>537.08</b>	<b>Unlawful restraint.</b>	<b>537.99</b>	<b>Penalty.</b>
<b>537.09</b>	<b>Coercion.</b>		
<b>537.10</b>	<b>Assault, threats upon a teacher, school employee, student or other persons; disrupting a class or school activity.</b>		

**CROSS REFERENCES**

See sectional histories for similar State law

Physical harm to persons defined - see GEN. OFF. 501.01 (c), (e)

Fighting; provoking violent response - see GEN. OFF. 509.03

**537.01 NEGLIGENT HOMICIDE.**

(a) No person shall negligently cause the death of another by means of a deadly weapon or dangerous ordnance as defined in Section 549.01.

(b) Whoever violates this section is guilty of negligent homicide, a misdemeanor of the first degree. (ORC 2903.05)

**537.02 VEHICULAR HOMICIDE AND MANSLAUGHTER.**

(a) No person, while operating or participating in the operation of a motor vehicle, motorcycle, snowmobile, locomotive, watercraft, or aircraft, shall cause the death of another or the unlawful termination of another's pregnancy in any of the following ways:

- (1) A. Negligently;
- B. As the proximate result of committing, while operating or participating in the operation of a motor vehicle or motorcycle in a construction zone, a speeding offense, provided that this subsection applies only if the person whose death is caused or whose pregnancy is unlawfully terminated is in the construction zone at the time of the offender's commission of the speeding offense in the construction zone and does not apply as described in subsection (d) of this section.

- (2) As the proximate result of committing a violation of any provision of any section contained in Title XLV of the Ohio Revised Code that is a minor misdemeanor or of a municipal ordinance that, regardless of the penalty set by ordinance for the violation, is substantially equivalent to any provision of any section contained in Title XLV of the Ohio Revised Code that is a minor misdemeanor.
- (b) (1) Whoever violates subsection (a)(1) of this section is guilty of vehicular homicide. Except as otherwise provided in this subsection, vehicular homicide is a misdemeanor of the first degree. Vehicular homicide is a felony and shall be prosecuted under appropriate State law if, at the time of the offense, the offender was driving under a suspension or revocation imposed under Ohio R.C. Chapter 4507 or any other provision of the Ohio Revised Code or if the offender previously has been convicted of or pleaded guilty to a violation of this section or any traffic-related homicide, manslaughter or assault offense. The court shall impose a mandatory jail term on the offender when required by Ohio R.C. 2903.06(E).
- (2) Whoever violates subsection (a)(2) of this section is guilty of vehicular manslaughter. Except as otherwise provided in this subsection, vehicular manslaughter is a misdemeanor of the second degree. Vehicular manslaughter is a misdemeanor of the first degree if, at the time of the offense, the offender was driving under a suspension imposed under Ohio R.C. Chapter 4510 or any other provision of the Ohio Revised Code or if the offender previously has been convicted of or pleaded guilty to a violation of this section or any traffic-related homicide, manslaughter, or assault offense.
- (c) The court shall impose a mandatory jail term of at least fifteen days on an offender who is convicted of or pleads guilty to a violation of subsection (a)(1)B. of this section and may impose upon the offender a longer jail term as authorized pursuant to Section 501.99. The court shall impose a mandatory prison term on an offender who is convicted of or pleads guilty to a violation of subsection (a)(1)A. hereof if either of the following applies:
- (1) The offender previously has been convicted of or pleaded guilty to a violation of this section or Ohio R.C. 2903.06 or 2903.08.
- (2) At the time of the offense, the offender was driving under suspension or cancellation under Ohio R.C. Chapter 4510 or any other provision of the Ohio Revised Code or was operating a motor vehicle or motorcycle, did not have a valid driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege, and was not eligible for renewal of the offender's driver's license or commercial driver's license without examination under Ohio R.C. 4507.10.
- (d) Subsection (a)(1)B. does not apply in a particular construction zone unless signs of the type described in Ohio R.C. 2903.081 are erected in that construction zone in accordance with the guidelines and design specifications established by the Director of Transportation under Ohio R.C. 5501.27. The failure to erect signs of the type described in Ohio R.C. 2903.081 in a particular construction zone in accordance with those guidelines and design specifications does not limit or affect the application of subsections (a)(1)A. or (a)(2) of this section in that construction zone or the prosecution of any person who violates any of those subsections in that construction zone.

- (e) As used in this section:
- (1) "Mandatory prison term" and "mandatory jail term" have the same meanings as in Ohio R.C. 2929.01.
  - (2) "Traffic-related homicide, manslaughter or assault offense" means a violation of Ohio R.C. 2903.04 in circumstances in which division (D) of that section applies, a violation of Ohio R.C. 2903.06 or 2903.08, or a violation of Ohio R.C. 2903.06, 2903.07 or 2903.08 as they existed prior to March 23, 2000.
  - (3) "Construction zone" has the same meaning as in Ohio R.C. 5501.27.
  - (4) "Speeding offense" means a violation of Ohio R.C. 4511.21 or a municipal ordinance pertaining to speed.

(f) For the purposes of this section, when a penalty or suspension is enhanced because of a prior or current violation of a specified law or a prior or current specified offense, the reference to the violation of the specified law or the specified offense includes any violation of any substantially equivalent municipal ordinance, former law of this State, or current or former law of another state or the United States. (ORC 2903.06)

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

#### **537.021 VEHICULAR ASSAULT IN A CONSTRUCTION ZONE.**

(a) No person, while operating or participating in the operation of a motor vehicle, motorcycle, snowmobile, locomotive, watercraft, or aircraft, shall cause serious physical harm to another person or another's unborn as the proximate result of committing, while operating or participating in the operation of a motor vehicle or motorcycle in a construction zone, a speeding offense. This subsection applies only if the person to whom the serious physical harm is caused or to whose unborn the serious physical harm is caused is in the construction zone at the time of the offender's commission of the speeding offense in the construction zone and does not apply as described in subsection (d) hereof.

(b) Whoever violates this section is guilty of vehicular assault. Except as provided in this subsection, vehicular assault is a misdemeanor of the first degree. Vehicular assault is a felony if, at the time of the offense, the offender was driving under a suspension imposed under Ohio R.C. Chapter 4510, or any other provision of the Ohio Revised Code or if the offender previously has been convicted of or pleaded guilty to a violation of this section or any traffic-related homicide, manslaughter, or assault offense, and shall be prosecuted under appropriate state law.

In addition to any other sanctions imposed, the court shall impose upon the offender a class four suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(4) of Ohio R.C. 4510.02.

(c) The court shall impose a mandatory jail term of at least seven days on an offender who is convicted of or pleads guilty to a violation of this section and may impose upon the offender a longer jail term as authorized pursuant to Section 501.99.

(d) This section does not apply in a particular construction zone unless signs of the type described in Ohio R.C. 2903.081 are erected in that construction zone in accordance with the guidelines and design specifications established by the Director of Transportation under Ohio R.C. 5501.27.

(e) As used in this section:

- (1) "Mandatory jail term" has the same meaning as in Ohio R.C. 2929.01.
- (2) "Traffic-related homicide, manslaughter or assault offense" has the same meaning as in Ohio R.C. 2903.06.
- (3) "Construction zone" has the same meaning as in Ohio R.C. 5501.27.
- (4) "Speeding offense" has the same meaning as in Ohio R.C. 2903.06.

(f) For the purposes of this section, when a penalty or suspension is enhanced because of a prior or current violation of a specified law or a prior or current specified offense, the reference to the violation of the specified law or the specified offense includes any violation of any substantially equivalent municipal ordinance, former law of this State, or current or former law of another state or the United States. (ORC 2903.08)

#### **537.03 ASSAULT.**

(a) No person shall knowingly cause or attempt to cause physical harm to another or to another's unborn.

(b) No person shall recklessly cause serious physical harm to another or to another's unborn.

- (c)
- (1) Whoever violates this section is guilty of assault, a misdemeanor of the first degree, and the court shall sentence the offender as provided in subsection (c) hereof. If the assault was committed under the circumstances provided in subsection (c)(2), (3), (4), (5), (6), (7), (8) or (9) hereof, assault is a felony and shall be prosecuted under appropriate State law.
  - (2) Except as otherwise provided in this subsection, if the offense is committed by a caretaker against a functionally impaired person under the caretaker's care.
  - (3) If the offense occurs in or on the grounds of a State correctional institution or an institution of the Department of Youth Services, the victim of the offense is an employee of the Department of Rehabilitation and Correction or the Department of Youth Services, and the offense is committed by a person incarcerated in the State correctional institution or by a person institutionalized in the Department of Youth Services Institution pursuant to a commitment to the Department of Youth Services.
  - (4) If the offense is committed in any of the following circumstances:
    - A. The offense occurs in or on the grounds of a local correctional facility, the victim of the offense is an employee of the local correctional facility or a probation department or is on the premises of the facility for business purposes or as a visitor, and the offense is committed by a person who is under custody in the facility subsequent to the person's arrest for any crime or delinquent act, subsequent to the person's being charged with or convicted of any crime, or subsequent to the person's being alleged to be or adjudicated a delinquent child.

- B. The offense occurs off the grounds of a State correctional institution and off the grounds of an institution of the Department of Youth Services, the victim of the offense is an employee of the Department of Rehabilitation and Correction, the Department of Youth Services, or a probation department, the offense occurs during the employee's official work hours and while the employee is engaged in official work responsibilities, and the offense is committed by a person incarcerated in a State correctional institution or institutionalized in the Department of Youth Services who temporarily is outside of the institution for any purpose, by a parolee, by an offender under transitional control, under a community control sanction, or on an escorted visit, by a person under post-release control, or by an offender under any other type of supervision by a government agency.
  - C. The offense occurs off the grounds of a local correctional facility, the victim of the offense is an employee of the local correctional facility or a probation department, the offense occurs during the employee's official work hours and while the employee is engaged in official work responsibilities, and the offense is committed by a person who is under custody in the facility subsequent to the person's arrest for any crime or delinquent act, subsequent to the person being charged with or convicted of any crime, or subsequent to the person being alleged to be or adjudicated a delinquent child and who temporarily is outside of the facility for any purpose or by a parolee, by an offender under transitional control, under a community control sanction, or on an escorted visit, by a person under post-release control, or by an offender under any other type of supervision by a government agency.
  - D. The victim of the offense is a school teacher or administrator or a school bus operator, and the offense occurs in a school, on school premises, in a school building, on a school bus or while the victim is outside of school premises or a school bus and is engaged in duties or official responsibilities associated with the victim's employment or position as a school teacher or administrator or a school bus operator, including, but not limited to, driving, accompanying, or chaperoning students at or on class or field trips, athletic events, or other school extracurricular activities or functions outside of school premises.
- (5) If the victim of the offense is a peace officer or an investigator of the Bureau of Criminal Identification and Investigation, a firefighter, or a person performing emergency medical service, while in the performance of their official duties.
  - (6) If the victim of the offense is a peace officer or an investigator of the Bureau of Criminal Identification and Investigation and if the victim suffered serious physical harm as a result of the commission of the offense.
  - (7) If the victim of the offense is an officer or employee of a public children services agency or a private child placing agency and the offense relates to the officer's or employee's performance or anticipated performance of official responsibilities or duties.

- (8) If the victim of the offense is a health care professional of a hospital, a health care worker of a hospital, or a security officer of a hospital whom the offender knows or has reasonable cause to know is a health care professional of a hospital; a health care worker of a hospital, or a security officer of a hospital, if the victim is engaged in the performance of the victim's duties, and if the hospital offers de-escalation or crisis intervention training for such professionals, workers or officers, assault is one of the following:
- A. Except as otherwise provided in subsection (c)(8)B. of this section, assault committed in the specified circumstances is a misdemeanor of the first degree. Notwithstanding the fine specified in division (A)(2)(b) of Ohio R.C. 2929.28 for a misdemeanor of the first degree, in sentencing the offender under this subsection and if the court decides to impose a fine, the court may impose upon the offender a fine of not more than five thousand dollars (\$5,000).
  - B. If the offender previously has been convicted of or pleaded guilty to one or more assault or homicide offenses committed against hospital personnel, assault committed in the specified circumstances is a felony.
- (9) If the victim of the offense is a judge, magistrate, prosecutor or court official or employee whom the offender knows or has reasonable cause to know is a judge, magistrate, prosecutor or court official or employee, and if the victim is engaged in the performance of the victim's duties, assault is one of the following:
- A. Except as otherwise provided in subsection (c)(9)B. of this section, assault committed in the specified circumstances is a misdemeanor of the first degree. In sentencing the offender under this subsection, if the court decides to impose a fine, notwithstanding the fine specified in division (A)(2)(b) of Ohio R.C. 2929.28 for a misdemeanor of the first degree, the court may impose upon the offender a fine of not more than five thousand dollars (\$5,000).
  - B. If the offender previously has been convicted of or pleaded guilty to one or more assault or homicide offenses committed against justice system personnel, assault committed in the specified circumstances is a felony.
- (10) If an offender who is convicted of or pleads guilty to assault when it is a misdemeanor also is convicted of or pleads guilty to a specification as described in Ohio R.C. 2941.1423 that was included in the indictment, count in the indictment or information charging the offense, the court shall sentence the offender to a mandatory jail term as provided in division (G) of Ohio R.C. 2929.24.
- (d) As used in this section:
- (1) "Peace officer" has the same meaning as in Ohio R.C. 2935.01.
  - (2) "Firefighter" has the same meaning as in Ohio R.C. 3937.41.



**537.05 AGGRAVATED MENACING.**

(a) No person shall knowingly cause another to believe that the offender will cause serious physical harm to the person or property of the other person, the other person's unborn, or a member of the other person's immediate family. In addition to any other basis for the other person's belief that the offender will cause serious physical harm to the person or property of the other person, the other person's unborn, or a member of the other person's immediate family, the other person's belief may be based on words or conduct of the offender that are directed at or identify a corporation, association or other organization that employs the other person or to which the other person belongs.

(b) Whoever violates this section is guilty of aggravated menacing. Except as otherwise provided in this subsection (b), aggravated menacing is a misdemeanor of the first degree. If the victim of the offense is an officer or employee of a public children services agency or a private child placing agency and the offense relates to the officer's or employee's performance or anticipated performance of official responsibilities or duties, or, if the offender previously has been convicted of or pleaded guilty to an offense of violence, the victim of that prior offense was an officer or employee of a public children services agency or private child placing agency, and that prior offense related to the officer's or employee's performance or anticipated performance of official responsibilities or duties, aggravated menacing is a felony and shall be prosecuted under appropriate State law.

(c) As used in this section, "organization" includes an entity that is a governmental employer. (ORC 2903.21)

**537.051 MENACING BY STALKING.**

- (a) (1) No person by engaging in a pattern of conduct shall knowingly cause another person to believe that the offender will cause physical harm to the other person or cause mental distress to the other person. In addition to any other basis for the other person's belief that the offender will cause physical harm to the other person or the other person's mental distress, the other person's belief or mental distress may be based on words or conduct of the offender that are directed at or identify a corporation, association or other organization that employs the other person or to which the other person belongs.
- (2) No person, through the use of any electronic method of remotely transferring information, including, but not limited to, any computer, computer network, computer program, or computer system, shall post a message with purpose to urge or incite another to commit a violation of subsection (a)(1) of this section.
- (3) No person, with sexual motivation, shall violate subsection (a)(1) or (2) of this section.
- (b) Whoever violates this section is guilty of menacing by stalking.
- (1) Except as otherwise provided in subsections (b)(2) and (3) of this section, menacing by stalking is a misdemeanor of the first degree.

- (2) Menacing by stalking is a felony and shall be prosecuted under appropriate State law if any of the following applies:
- A. The offender previously has been convicted of or pleaded guilty to a violation of this section or a violation of Section 541.051.
  - B. In committing the offense under subsection (a)(1), (2), or (3) of this section, the offender made a threat of physical harm to or against the victim, or as a result of an offense committed under subsection (a)(2) or (3) of this section, a third person induced by the offender's posted message made a threat of physical harm to or against the victim.
  - C. In committing the offense under subsection (a)(1), (2), or (3) of this section, the offender trespassed on the land or premises where the victim lives, is employed, or attends school, or as a result of an offense committed under subsection (a)(2) or (3) of this section, a third person induced by the offender's posted message trespassed on the land or premises where the victim lives, is employed, or attends school.
  - D. The victim of the offense is a minor.
  - E. The offender has a history of violence toward the victim or any other person or a history of other violent acts toward the victim or any other person.
  - F. While committing the offense under subsection (a)(1) of this section or a violation of subsection (a)(3) of this section is based on conduct in violation of subsection (a)(1) of this section, the offender had a deadly weapon on or about the offender's person or under the offender's control. Subsection (b)(2)F. of this section does not apply in determining the penalty for a violation of subsection (a)(2) of this section or a violation of subsection (a)(3) of this section based on conduct in violation of subsection (a)(1) of this section.
  - G. At the time of the commission of the offense, the offender was the subject of a protection order issued under Ohio R.C. 2903.213 or 2903.214, regardless of whether the person to be protected under the order is the victim of the offense or another person.
  - H. In committing the offense under subsection (a)(1), (2), or (3) of this section, the offender caused serious physical harm to the premises at which the victim resides, to the real property on which that premises is located, or to any personal property located on that premises, or as a result of an offense committed under subsection (a)(2) of this section, or an offense committed under subsection (a)(3) of this section based on a violation of subsection (a)(2) of this section, a third person induced by the offender's posted message caused serious physical harm to that premises, that real property, or any personal property on that premises.
  - I. Prior to committing the offense, the offender had been determined to represent a substantial risk of physical harm to others as manifested by evidence of then-recent homicidal or other violent behavior, evidence of then-recent threats that placed another in reasonable fear of violent behavior and serious physical harm, or other evidence of then-present dangerousness.

- (3) If the victim of the offense is an officer or employee of a public children services agency or a private child placing agency and the offense relates to the officer's or employee's performance or anticipated performance of official responsibilities or duties, or, if the offender previously has been convicted of or pleaded guilty to an offense of violence, the victim of that prior offense was an officer or employee of a public children services agency or private child placing agency, and that prior offense related to the officer's or employee's performance or anticipated performance of official responsibilities, or duties, menacing by stalking is a felony and shall be prosecuted under appropriate State law.
- (c) Ohio R.C. 2919.271 applies in relation to a defendant charged with a violation of this section.
- (d) As used in this section:
- (1) "Pattern of conduct" means two or more actions or incidents closely related in time, whether or not there has been a prior conviction based on any of those actions or incidents, or two or more actions or incidents closely related in time, whether or not there has been a prior conviction based on any of those actions or incidents, directed at one or more persons employed by or belonging to the same corporation, association, or other organization. Actions or incidents that prevent, obstruct, or delay the performance by a public official, firefighter, rescuer, emergency medical services person, or emergency facility person of any authorized act within the public official's, firefighter's, rescuer's, emergency medical services person's, or emergency facility person's official capacity, or the posting of messages or receipts of information or data through the use of an electronic method of remotely transferring information, including, but not limited to, a computer, computer network, computer program, computer system, or telecommunications device, may constitute a "pattern of conduct".
  - (2) "Mental distress" means any of the following:
    - A. Any mental illness or condition that involves some temporary substantial incapacity;
    - B. Any mental illness or condition that would normally require psychiatric treatment, psychological treatment, or other mental health services, whether or not any person requested or received psychiatric treatment, psychological treatment, or other mental health services.
  - (3) "Emergency medical services person" is the singular of "emergency medical services personnel" as defined in Ohio R.C. 2133.21.
  - (4) "Emergency facility person" is the singular of "emergency facility personnel" as defined in Ohio R.C. 2909.04.
  - (5) "Public official" has the same meaning as in Ohio R.C. 2921.01.
  - (6) "Computer", "computer network", "computer program", "computer system" and "telecommunications device" have the same meanings as in Ohio R.C. 2913.01.

- (7) "Post a message" means transferring, sending, posting, publishing, disseminating or otherwise communicating, or attempting to transfer, send, post, publish, disseminate or otherwise communication, any message or information, whether truthful or untruthful, about an individual, and whether done under one's own name, under the name of another, or while impersonating another.
- (8) "Third person" means, in relation to conduct as described in subsection (a)(2) of this section, an individual who is neither the offender nor the victim of the conduct.
- (9) "Sexual motivation" has the same meaning as in Ohio R.C. 2971.01.
- (10) "Organization" includes an entity that is a governmental employer.

(e) The Municipality does not need to prove in a prosecution under this section that a person requested or received psychiatric treatment, psychological treatment, or other mental health services in order to show that the person was caused mental distress as described in subsection (d)(2)B. of this section.

- (f)
  - (1) This section does not apply to a person solely because the person provided access or connection to or from an electronic method of remotely transferring information not under that person's control, including having provided capabilities that are incidental to providing access or connection to or from the electronic method of remotely transferring the information, and that do not include the creation of the content of the material that is the subject of the access or connection. In addition, any person providing access or connection to or from an electronic method of remotely transferring information not under that person's control shall not be liable for any action voluntarily taken in good faith to block the receipt or transmission through its service of any information that it believes is, or will be sent, in violation of this section.
  - (2) Subsection (f)(1) of this section does not create an affirmative duty for any person providing access or connection to or from an electronic method of remotely transferring information not under that person's control to block the receipt or transmission through its service of any information that it believes is, or will be sent, in violation of this section except as otherwise provided by law.
  - (3) Subsection (f)(1) of this section does not apply to a person who conspires with a person actively involved in the creation or knowing distribution of material in violation of this section or who knowingly advertises the availability of material of that nature. (ORC 2903.211)

#### **537.06 MENACING.**

(a) No person shall knowingly cause another to believe that the offender will cause physical harm to the person or property of the other person, the other person's unborn, or a member of the other person's immediate family. In addition to any other basis for the other person's belief that the offender will cause physical harm to the person or property of the other person, the other person's unborn, or a member of the other person's immediately family, the other person's belief may be based on words or conduct of the offender that are directed at or identify a corporation, association or other organization that employs the other person or to which the other person belongs.

(b) Whoever violates this section is guilty of menacing. Except as otherwise provided in this subsection (b), menacing is a misdemeanor of the fourth degree. If the victim of the offense is an officer or employee of a public children services agency or a private child placing agency and the offense relates to the officer's or employee's performance or anticipated performance of official responsibilities or duties, or, if the offender previously has been convicted of or pleaded guilty to an offense of violence, the victim of that prior offense was an officer or employee of a public children services agency or private child placing agency, and that prior offense related to the officer's or employee's performance or anticipated performance of official responsibilities or duties, menacing is a felony and shall be prosecuted under appropriate State law.

(c) As used in this section, "organization" includes an entity that is a governmental employer. (ORC 2903.22)

#### **537.07 ENDANGERING CHILDREN.**

(a) No person, who is the parent, guardian, custodian, person having custody or control, or person in loco parentis of a child under eighteen years of age or a mentally or physically handicapped child under twenty-one years of age, shall create a substantial risk to the health or safety of the child, by violating a duty of care, protection or support. It is not a violation of a duty of care, protection or support under this subsection when the parent, guardian, custodian or person having custody or control of a child treats the physical or mental illness or defect of the child by spiritual means through prayer alone, in accordance with the tenets of a recognized religious body.

(b) No person shall abuse a child under eighteen years of age or a mentally or physically handicapped child under twenty-one years of age.

(c) (1) No person shall operate a vehicle in violation of Section 333.01(a) of the Traffic Code when one or more children under eighteen years of age are in the vehicle. Notwithstanding any other provision of law, a person may be convicted at the same trial or proceeding of a violation of subsection (c) hereof and a violation of Section 333.01(a) of the Traffic Code that constitutes the basis of the charge of the violation of subsection (c) hereof. For purposes of Ohio R.C. 4511.191 to 4511.197 and all related provisions of law, a person arrested for a violation of subsection (c) hereof shall be considered to be under arrest for operating a vehicle while under the influence of alcohol, a drug of abuse, or a combination of them or for operating a vehicle with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath, or urine.

(2) As used in subsection (c) hereof:

A. "Controlled substance" has the same meaning as in Ohio R.C. 3719.01.

B. "Vehicle" has the same meaning as in Ohio R.C. 4511.01.

- (d) Whoever violates this section is guilty of endangering children.
- (1) Whoever violates subsection (a) or (b) hereof is guilty of a misdemeanor of the first degree. If the violation results in serious physical harm to the child involved, or if the offender previously has been convicted of an offense under this section, Ohio R.C. 2919.22 or of any offense involving neglect, abandonment, contributing to the delinquency of or physical abuse of a child, endangering children is a felony and shall be prosecuted under appropriate State law.
  - (2) Whoever violates subsection (c) hereof is guilty of a misdemeanor of the first degree. Endangering children is a felony and shall be prosecuted under appropriate State law if either of the following applies:
    - A. The violation results in serious physical harm to the child involved or the offender previously has been convicted of an offense under Ohio R.C. 2919.22 or any offense involving neglect, abandonment, contributing to the delinquency of, or physical abuse of a child.
    - B. The violation results in serious physical harm to the child involved and the offender previously has been convicted of a violation of Ohio R.C. 2919.22(C) or subsection (c) hereof, Ohio R.C. 2903.06, or 2903.08, Section 2903.07 as it existed prior to March 23, 2000, or Ohio R.C. 2903.04 in a case in which the offender was subject to the sanctions described in division (D) of that section.
  - (3) In addition to any term of imprisonment, fine, or other sentence, penalty, or sanction it imposes upon the offender pursuant to subsection (d)(2) hereof, or pursuant to any other provision of law, the court also may impose upon the offender any of the sanctions provided under Ohio R.C. 2919.22(E)(5)(d).

- (3) Preventing another from taking action for which the actor reasonably believed the other person to be disqualified;
  - (4) Compelling another to take action that the actor reasonably believed the other person to be under a duty to take.
- (d) Whoever violates this section is guilty of coercion, a misdemeanor of the second degree.
- (e) As used in this section:
- (1) "Threat" includes a direct threat and a threat by innuendo.
  - (2) "Community control sanction" has the same meaning as in Ohio R.C. 2929.01. (ORC 2905.12)

**537.10 ASSAULT, THREATS UPON A TEACHER, SCHOOL EMPLOYEE, STUDENT OR OTHER PERSONS; DISRUPTING A CLASS OR SCHOOL ACTIVITY.**

(a) No person shall unlawfully assault, strike, threaten or menace a teacher, instructor, person in charge of a class of students, or any employee of any school while in the performance of his duties, and no person shall disrupt, disturb or interfere with the teaching of any class of students, and no person shall disrupt, disturb or interfere with any activity including but not limited to authorized sports events conducted in any school building, or upon grounds thereof, or in any public place, and no person shall improperly and unlawfully assault, strike, threaten, menace, follow, pursue or lay hands upon a student or other person in any school, or upon the grounds thereof, or in any public place, and no person shall improperly and unlawfully assault, strike, threaten, menace, follow, pursue or lay hands upon a student or other person in any school or upon the grounds or upon the way to or from any school, or on the way to or from any school-sponsored activity.

(b) Whoever violates this section is guilty of assault, threats upon a teacher, school employee, student or other persons; disrupting a class or school activity, a misdemeanor of the first degree. (Ord. 10-1974. Passed 1-7-74.)

**537.101 USE OF IMPROPER, INDECENT OR OBSCENE LANGUAGE TOWARD A TEACHER, SCHOOL EMPLOYEE, STUDENT OR OTHER PERSON.**

(a) No person shall use improper, indecent or obscene language toward a teacher, instructor, professor, person in charge of a class of students, or employee of any school, while in the performance of their duties, or toward a student or other person in a school or upon the grounds thereof, or upon the way to or from any school-sponsored activity.

(b) Whoever violates this section is guilty of use of improper, indecent or obscene language toward a teacher, school employee, student or other person, a misdemeanor of the fourth degree. (Ord. 10-1974. Passed 1-7-74.)

**537.11 (RESERVED)**

**537.12 MISUSE OF 9-1-1 SYSTEM.**

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

(b) No person shall knowingly use the telephone number of the 9-1-1 system established under Ohio R.C. Chapter 128 to report an emergency if he knows that no emergency exists.

(c) No person shall knowingly use a 9-1-1 system for a purpose other than obtaining emergency service.

(d) No person shall disclose or use any information concerning telephone numbers, addresses, or names obtained from the data base that serves the public safety answering point of a 9-1-1 system established under Ohio R.C. Chapter 128, except for any of the following purposes or under any of the following circumstances:

- (1) For the purpose of the 9-1-1 system;
- (2) For the purpose of responding to an emergency call to an emergency service provider;
- (3) In the circumstance of the inadvertent disclosure of such information due solely to technology of the wireline telephone network portion of the 9-1-1 system not allowing access to the data base to be restricted to 9-1-1 specific answering lines at a public safety answering point;
- (4) In the circumstance of access to a data base being given by a telephone company that is a wireline service provider to a public utility or municipal utility in handling customer calls in times of public emergency or service outages. The charge, terms, and conditions for the disclosure or use of such information for the purpose of such access to a data base shall be subject to the jurisdiction of the steering committee.
- (5) In the circumstance of access to a data base given by a telephone company that is a wireline service provider to a state and local government in warning of a public emergency, as determined by the steering committee. The charge, terms, and conditions for the disclosure or use of that information for the purpose of access to a data base is subject to the jurisdiction of the steering committee.  
(ORC 128.32)

- (e) (1) Whoever violates subsection (b) hereof is guilty of a misdemeanor of the fourth degree.
- (2) Whoever violates subsection (c) or (d) hereof is guilty of a misdemeanor of the fourth degree on a first offense. For each subsequent offense such person is guilty of a felony and shall be prosecuted under appropriate State law. (ORC 128.99)

### **537.13 ADULTERATING OF OR FURNISHING ADULTERATED FOOD OR CONFECTION.**

(a) No person shall do either of the following, knowingly or having reasonable cause to believe that any person may suffer physical harm or be seriously inconvenienced or annoyed thereby:

- (1) Place a pin, needle, razor blade, glass, laxative, drug of abuse, or other harmful or hazardous object or substance in any food or confection;
- (2) Furnish to any person any food or confection which has been adulterated in violation of subsection (a)(1) hereof. (ORC 3716.11)

(b) Whoever violates this section is guilty of a misdemeanor of the first degree.  
(ORC 3716.99(C))

### **537.14 DOMESTIC VIOLENCE.**

(a) No person shall knowingly cause or attempt to cause physical harm to a family or household member.



paid out of funds from the reparations fund created pursuant to Ohio R.C. 2743.191. The total amount paid from the reparations fund created pursuant to Ohio R.C. 2743.191 for electronic monitoring under this section and Ohio R.C. 2151.34 and 2903.214 shall not exceed three hundred thousand dollars per year.

(c) It is an affirmative defense to a charge under subsection (a)(3) of this section that the protection order issued by a court of another state does not comply with the requirements specified in 18 U.S.C. 2265(b) for a protection order that must be accorded full faith and credit by a court of this State or that it is not entitled to full faith and credit under 18 U.S.C. 2265(c).

(d) As used in this section, "protection order issued by a court of another state" means an injunction or another order issued by a criminal court of another state for the purpose of preventing violent or threatening acts or harassment against, contact or communication with, or physical proximity to another person, including a temporary order, and means an injunction or order of that nature issued by a civil court of another state, including a temporary order and a final order issued in an independent action or as a pendente lite order in a proceeding for other relief, if the court issued it in response to a complaint, petition or motion filed by or on behalf of a person seeking protection. "Protection order issued by a court of another state" does not include an order for support or for custody of a child. (ORC 2919.27)

#### **537.16 ILLEGAL DISTRIBUTION OF CIGARETTES, OTHER TOBACCO PRODUCTS, OR ALTERNATE NICOTINE PRODUCTS.**

(a) As used in this section:

- (1) "Age verification" means a service provided by an independent third party (other than a manufacturer, producer, distributor, wholesaler, or retailer of cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes) that compares information available from a commercially available database, or aggregate of databases, that regularly are used by government and businesses for the purpose of age and identity verification to personal information provided during an internet sale or other remote method of sale to establish that the purchaser is eighteen years of age or older.
- (2) A. "Alternative nicotine product" means, subject to subsection (a)(2)B. of this section, an electronic cigarette or any other product or device that consists of or contains nicotine that can be ingested into the body by any means, including, but not limited to, chewing, smoking, absorbing, dissolving or inhaling.  
 B. "Alternative nicotine product" does not include any of the following:
  1. Any cigarette or other tobacco product;
  2. Any product that is a "drug" as that term is defined in 21 U.S.C. 321(g)(1);
  3. Any product that is a "device" as that term is defined in 21 U.S.C. 321(h);
  4. Any product that is a "combination product" as described in 21 U.S.C. 353(g).
- (3) "Child" has the same meaning as in Ohio R.C. 2151.011.
- (4) "Cigarette" includes clove cigarettes and hand-rolled cigarettes.
- (5) "Distribute" means to furnish, give, or provide cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes to the ultimate consumer of the cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes.

- (6) A. "Electronic cigarette" means, subject to subsection (a)(6)B. of this section, any electronic product or device that produces a vapor that delivers nicotine or any other substance to the person inhaling from the device to simulate smoking and that is likely to be offered to or purchased by consumers as an electronic cigarette, electronic cigar, electronic cigarillo or electronic pipe.
- B. "Electronic cigarette" does not include any item, product or device described in subsections (a)(2)B.1. to 4. of this section.
- (7) "Proof of age" means a driver's license, a commercial driver's license, a military identification card, a passport, or an identification card issued under Ohio R.C. 4507.50 to 4507.52 that shows that a person is eighteen years of age or older.
- (8) "Tobacco product" means any product that is made from tobacco, including, but not limited to, a cigarette, a cigar, pipe tobacco, chewing tobacco or snuff.
- (9) "Vending machine" has the same meaning as "coin machine" in Ohio R.C. 2913.01.

(b) No manufacturer, producer, distributor, wholesaler, or retailer of cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes, no agent, employee, or representative of a manufacturer, producer, distributor, wholesaler, or retailer of cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes, and no other person shall do any of the following:

- (1) Give, sell or otherwise distribute cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes to any child;
- (2) Give away, sell or distribute cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes in any place that does not have posted in a conspicuous place a sign stating that giving, selling or otherwise distributing cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes to a person under eighteen years of age is prohibited by law;
- (3) Knowingly furnish any false information regarding the name, age or other identification of any child with purpose to obtain cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes for that child;
- (4) Manufacture, sell or distribute in this state any pack or other container of cigarettes containing fewer than twenty cigarettes or any package of roll-your-own tobacco containing less than six-tenths of one ounce of tobacco;
- (5) Sell cigarettes or alternative nicotine products in a smaller quantity than that placed in the pack or other container by the manufacturer;
- (6) Give, sell or otherwise distribute alternative nicotine products, papers used to roll cigarettes, or tobacco products other than cigarettes over the internet or through another remote method without age verification.

(c) No person shall sell or offer to sell cigarettes, other tobacco products or alternative nicotine products by or from a vending machine, except in the following locations:

- (1) An area within a factory, business, office, or other place not open to the general public;
- (2) An area to which children are not generally permitted access;
- (3) Any other place not identified in subsection (c)(1) or (2) of this section, upon all of the following conditions:

- A. The vending machine is located within the immediate vicinity, plain view, and control of the person who owns or operates the place, or an employee of that person, so that all cigarettes, other tobacco product and alternative nicotine product purchases from the vending machine will be readily observed by the person who owns or operates the place or an employee of that person. For the purpose of this section, a vending machine located in any unmonitored area, including an unmonitored coatroom, restroom, hallway or outer-waiting area, shall not be considered located within the immediate vicinity, plain view, and control of the person who owns or operates the place, or an employee of that person.
  - B. The vending machine is inaccessible to the public when the place is closed.
- (d) The following are affirmative defenses to a charge under subsection (b)(1) of this section:
- (1) The child was accompanied by a parent, spouse who is eighteen years of age or older, or legal guardian of the child.
  - (2) The person who gave, sold or distributed cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes to a child under subsection (b)(1) of this section is a parent, spouse who is eighteen years of age or older, or legal guardian of the child.
- (e) It is not a violation of subsection (b)(1) or (2) of this section for a person to give or otherwise distribute to a child cigarettes, other tobacco products, alternative nicotine products or papers used to roll cigarettes while the child is participating in a research protocol if all of the following apply:
- (1) The parent, guardian or legal custodian of the child has consented in writing to the child participating in the research protocol;
  - (2) An institutional human subjects protection review board, or an equivalent entity, has approved the research protocol;
  - (3) The child is participating in the research protocol at the facility or location specified in the research protocol.
- (f) (1) Whoever violates subsection (b)(1), (2), (4), (5) or (6) or (c) of this section is guilty of illegal distribution of cigarettes, other tobacco products, or alternative nicotine products. Except as otherwise provided in this subsection, illegal distribution of cigarettes, other tobacco products, or alternative nicotine products is a misdemeanor of the fourth degree. If the offender previously has been convicted of a violation of subsection (b)(1), (2), (4), (5) or (6) or (c) of this section, illegal distribution of cigarettes, other tobacco products, or alternative nicotine products is a misdemeanor of the third degree.
- (2) Whoever violates subsection (b)(3) of this section is guilty of permitting children to use cigarettes, other tobacco products, or alternative nicotine products. Except as otherwise provided in this subsection, permitting children to use cigarettes, other tobacco products, or alternative nicotine products is a misdemeanor of the fourth degree. If the offender previously has been convicted of a violation of subsection (b)(3) of this section, permitting children to use cigarettes, other tobacco products, or alternative nicotine products is a misdemeanor of the third degree.

(g) Any cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes that are given, sold or otherwise distributed to a child in violation of this section and that are used, possessed, purchased or received by a child in violation of Ohio R.C. 2151.87 are subject to seizure and forfeiture as contraband under Ohio R.C. Chapter 2981. (ORC 2927.02)

**537.17 CONTRIBUTING TO UNRULINESS OR DELINQUENCY OF A CHILD.**

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

- (1) Aid, abet, induce, cause, encourage or contribute to a child or a ward of the juvenile court becoming an unruly child as defined in Ohio R.C. 2151.022, or a delinquent child as defined in Ohio R.C. 2152.02.
- (2) Act in a way tending to cause a child or a ward of the juvenile court to become an unruly child as defined in Ohio R.C. 2151.022 or a delinquent child as defined in Ohio R.C. 2152.02.
- (3) If the person is the parent, guardian, or custodian of a child who has the duties under Ohio R.C. Chapters 2152 and 2950 to register, to register a new residence address, and to periodically verify a residence address and if the child is not emancipated, as defined in Ohio R.C. 2919.121, fail to ensure that the child complies with those duties under Ohio R.C. Chapters 2152 and 2950.

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

**537.18 CRIMINAL CHILD ENTICEMENT.**

(a) No person, by any means and without privilege to do so, shall knowingly solicit, coax, entice or lure any child under fourteen years of age to accompany the person in any manner, including entering into any vehicle, or onto any vessel, whether or not the offender knows the age of the child, if both of the following apply:

- (1) The actor does not have the express or implied permission of the parent, guardian or other legal custodian of the child in undertaking the activity;
- (2) The actor is not a law enforcement officer, medic, firefighter, or other person who regularly provides emergency services, and is not an employee or agent of, or a volunteer acting under the direction of any Board of Education, or the actor is any of such persons, but, at the time the actor undertakes the activity, the actor is not acting within the scope of the actor's lawful duties in that capacity.

(b) No person, with a sexual motivation, shall violate subsection (a) of this section.

(c) No person, for any unlawful purpose other than, or in addition to, that proscribed by subsection (a) of this section, shall engage in any activity described in subsection (a) of this section.

(d) It is an affirmative defense to a charge under subsection (a) hereof that the actor undertook the activity in response to a bona fide emergency situation or that the actor undertook the activity in a reasonable belief that it was necessary to preserve the health, safety or welfare of the child.

(e) Whoever violates this section is guilty of criminal child enticement, a misdemeanor of the first degree. If the offender has previously been convicted of a violation of this section or Ohio R.C. 2905.05, 2907.02, or 2907.03, or former Section 2907.12, or Ohio R.C. 2905.01 or 2907.05 when the victim of that prior offense was under seventeen years of age at the time of the offense, criminal child enticement is a felony and shall be prosecuted under appropriate State law.

(f) As used in this section:

- (1) "Sexual motivation" has the same meaning as in Ohio R.C. 2971.01.
- (2) "Vehicle" has the same meaning as in Ohio R.C. 4501.01.
- (3) "Vessel" has the same meaning as in Ohio R.C. 1547.01.

(ORC 2905.05)

**537.99 PENALTY.**

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



- (l) "Computer services" includes, but is not limited to, the use of a computer system, computer network, computer program, data that is prepared for computer use or data that is contained within a computer system or computer network.
- (m) "Computer" means an electronic device that performs logical, arithmetic and memory functions by the manipulation of electronic or magnetic impulses. "Computer" includes, but is not limited to, all input, output, processing, storage, computer program or communication facilities that are connected or related, in a computer system or network to an electronic device of that nature.
- (n) "Computer system" means a computer and related devices, whether connected or unconnected, including, but not limited to, data input, output and storage devices, data communications links, and computer programs and data that make the system capable of performing specified special purpose data processing tasks.
- (o) "Computer network" means a set of related and remotely connected computers and communication facilities that includes more than one computer system that has the capability to transmit among the connected computers and communication facilities through the use of computer facilities.
- (p) "Computer program" means an ordered set of data representing coded instructions or statements that when executed by a computer cause the computer to process data.
- (q) "Computer software" means computer programs, procedures and other documentation associated with the operation of a computer system.
- (r) "Data" means a representation of information, knowledge, facts, concepts or instructions that are being or have been prepared in a formalized manner and that are intended for use in a computer, computer system or computer network. For purposes of Section 545.07, "data" has the additional meaning set forth in subsection (a) of that section.
- (s) "Cable television service" means any services provided by or through the facilities of any cable television system or other similar closed circuit coaxial cable communications system, or any microwave or similar transmission service used in connection with any cable television system or other similar closed circuit coaxial cable communications system.
- (t) "Gain access" means to approach, instruct, communicate with, store data in, retrieve data from or otherwise make use of any resources of a computer, computer system or computer network.
- (u) "Credit card" includes, but is not limited to, a card, code, device or other means of access to a customer's account for the purpose of obtaining money, property, labor or services on credit, or for initiating an electronic fund transfer at a point-of-sale terminal, an automated teller machine or a cash dispensing machine.
- (v) "Electronic fund transfer" has the same meaning as in 92 Stat. 3728, 15 U.S.C.A. 1693a, as amended.
- (w) "Rented property" means personal property in which the right of possession and use of the property is for a short and possibly indeterminate term in return for consideration; the rentee generally controls the duration of possession of the property, within any applicable minimum or maximum term; and the amount of consideration generally is determined by the duration of possession of the property.
- (x) "Telecommunication" means the origination, emission, dissemination, transmission, or reception of data, images, signals, sounds, or other intelligence or equivalence of intelligence or any nature over any communications system by any method, including, but not limited to, a fiber optic, electronic, magnetic, optical, digital, or analog method.

- (y) "Telecommunications device" means any instrument, equipment, machine, or other device that facilitates telecommunication, including, but not limited to, a computer, computer network, computer chip, computer circuit, scanner, telephone, cellular telephone, pager, personal communications device, transponder, receiver, radio, modem, or device that enables the use of a modem.
- (z) "Telecommunications service" means the providing, allowing, facilitating, or generating of any form of telecommunication through the use of a telecommunications device over a telecommunications system.
- (aa) "Counterfeit telecommunications device" means a telecommunications device that, alone or with another telecommunications device, has been altered, constructed, manufactured, or programmed to acquire, intercept, receive, or otherwise facilitate the use of a telecommunications service or information service without the authority or consent of the provider of the telecommunications service or information service. "Counterfeit telecommunications device" includes, but is not limited to, a clone telephone, clone microchip, tumbler telephone, or tumbler microchip; a wireless scanning device capable of acquiring, intercepting, receiving, or otherwise facilitating the use of telecommunications service or information service without immediate detection; or a device, equipment, hardware, or software designed for, or capable of, altering or changing the electronic serial number in a wireless telephone.
- (bb) (1) "Information service" means, subject to subsection (bb)(2) hereof, the offering of a capability for generating, acquiring, storing, transforming, processing, retrieving, utilizing, or making available information via telecommunications, including, but not limited to, electronic publishing.
- (2) "Information service" does not include any use of a capability of a type described in subsection (bb)(1) hereof for the management, control, or operation of a telecommunications system or the management of a telecommunications service.
- (cc) "Elderly person" means a person who is sixty-five years of age or older.
- (dd) "Disabled adult" means a person who is eighteen years of age or older and has some impairment of body or mind that makes the person unfit to work at any substantially remunerative employment that the person otherwise would be able to perform and that will, with reasonable probability, continue for a period of at least twelve months without any present indication of recovery from the impairment, or who is eighteen years of age or older and has been certified as permanently and totally disabled by an agency of this State or the United States that has the function of so classifying persons.
- (ee) "Firearm" and "dangerous ordnance" have the same meanings as in Ohio R.C. 2923.11.
- (ff) "Motor vehicle" has the same meaning as in Ohio R.C. 4501.01.
- (gg) "Dangerous drug" has the same meaning as in Ohio R.C. 4729.01.
- (hh) "Drug abuse offense" has the same meaning as in Ohio R.C. 2925.01.
- (ii) "Police dog or horse" has the same meaning as in Ohio R.C. 2921.321.
- (jj) "Anhydrous ammonia" is a compound formed by the combination of two gaseous elements, nitrogen and hydrogen, in the manner described in this subsection. Anhydrous ammonia is one part nitrogen to three parts hydrogen (NH<sub>3</sub>). Anhydrous ammonia by weight is fourteen parts nitrogen to three parts hydrogen, which is approximately eighty-two per cent nitrogen to eighteen per cent hydrogen.
- (kk) "Assistance dog" has the same meaning as in Ohio R.C. 955.011.
- (ll) "Active duty service member" means any member of the armed forces of the United States performing active duty under Title 10 of the United States Code. (ORC 2913.01)



**545.02 DETERMINING PROPERTY VALUE IN THEFT OFFENSE.**

(a) If more than one item of property or service is involved in a theft offense, the value of the property or services involved for the purpose of determining the value is the aggregate value of all property or services involved in the offense.

- (b) (1) When a series of offenses under Section 545.05, or a series of violations of, attempts to commit a violation of, conspiracies to violate, or complicity in violations of Section 545.05, 545.06, or 545.08, 545.10(b)(1) or (2), or Section 545.15 or 545.20 involving a victim who is an elderly person or disabled adult, is committed by the offender in the offender's same employment, capacity, or relationship to another, all of those offenses shall be tried as a single offense. When a series of offenses under Section 545.05, or a series of violations of, attempts to commit a violation of, conspiracies to violate, or complicity in violations of Sections 545.05 or 545.15 involving a victim who is an active duty service member or spouse of an active duty service member is committed by the offender in the offender's same employment, capacity or relationship to another, all of those offenses shall be tried as a single offense. The value of the property or services involved in the series of offenses for the purpose of determining the value is the aggregate value of all property and services involved in all offenses in the series.
- (2) If an offender commits a series of offenses under Section 545.05 that involves a common course of conduct to defraud multiple victims, all of the offenses may be tried as a single offense. If an offender is being tried for the commission of a series of violations of, attempts to commit a violation of, conspiracies to violate, or complicity in violations of Section 545.05, 545.06 or 545.08, Section 545.10(b)(1) or (2), or Section 545.15 or 545.20, whether committed against one victim or more than one victim, involving a victim who is an elderly person or disabled adult, pursuant to a scheme or course of conduct, all of those offenses may be tried as a single offense. If the offender is being tried for the commission of a series of violations of, attempts to commit a violation of, conspiracies to violate, or complicity in violations of Section 545.05 or 545.15, whether committed against one victim or more than one victim, involving a victim who is an active duty service member or spouse of an active duty service member pursuant to a scheme or course of conduct, all of those offenses may be tried as a single offense. If the offenses are tried as a single offense, the value of the property or services involved for the purpose of determining the value is the aggregate value of all property and services involved in all of the offenses in the course of conduct.
- (3) In prosecuting a single offense under subsection (b)(1) or (2), it is not necessary to separately allege and prove each offense in the series. Rather, it is sufficient to allege and prove that the offender, within a given span of time, committed one or more theft offenses in the offender's same employment, capacity, or relationship to another as described in subsection (b)(1) of this section or that involve a common course of conduct to defraud multiple victims or a scheme or course of conduct as described in subsection (b)(2) of this section. While it is not necessary to separately allege and prove each offense in the series in order to prosecute a single offense under subsection (b)(1) or (2) hereof, it remains necessary in prosecuting them as a single offense to prove the aggregate value of the property or services in order to meet the requisite statutory offense level sought by the prosecution.

(c) The following criteria shall be used in determining the value of property or services involved in a theft offense:

- (1) The value of an heirloom, memento, collector's item, antique, museum piece, manuscript, document, record or other thing that has intrinsic worth to its owner and that is either irreplaceable or is replaceable only on the expenditure of substantial time, effort or money, is the amount that would compensate the owner for its loss.
- (2) The value of personal effects and household goods, and of materials, supplies, equipment and fixtures used in the profession, business, trade, occupation or avocation of its owner, which property is not covered under subsection (c)(1) hereof, and which retains substantial utility for its purpose regardless of its age or condition, is the cost of replacing the property with new property of like kind and quality.
- (3) The value of any real or personal property that is not covered under subsections (c)(1) or (2) hereof, and the value of services, is the fair market value of the property or services. As used in this section, "fair market value" is the money consideration that a buyer would give and a seller would accept for property or services, assuming that the buyer is willing to buy and the seller is willing to sell, that both are fully informed as to all facts material to the transaction, and that neither is under any compulsion to act.

(d) Without limitation on the evidence that may be used to establish the value of property or services involved in a theft offense:

- (1) When the property involved is personal property held for sale at wholesale or retail, the price at which the property was held for sale is prima-facie evidence of its value.
- (2) When the property involved is a security or commodity traded on an exchange, the closing price or, if there is no closing price, the asked price, given in the latest market quotation prior to the offense, is prima-facie evidence of the value of the security or commodity.
- (3) When the property involved is livestock, poultry or raw agricultural products for which a local market price is available, the latest local market price prior to the offense is prima-facie evidence of the value of the livestock, poultry or products.
- (4) When the property involved is a negotiable instrument, the face value is prima-facie evidence of the value of the instrument.
- (5) When the property involved is a warehouse receipt, bill of lading, pawn ticket, claim check or other instrument entitling the holder or bearer to receive property, the face value or, if there is no face value, the value of the property covered by the instrument less any payment necessary to receive the property, is prima-facie evidence of the value of the instrument.
- (6) When the property involved is a ticket of admission, ticket for transportation, coupon, token or other instrument entitling the holder or bearer to receive property or services, the face value or, if there is no face value, the value of the property or services that may be received by the instrument, is prima-facie evidence of the value of the instrument.
- (7) When the services involved are gas, electricity, water, telephone, transportation, shipping or other services for which the rate is established by law, the duly established rate is prima-facie evidence of the value of the services.

- (8) When the services involved are services for which the rate is not established by law, and the offender has been notified prior to the offense of the rate for the services, either in writing or orally, or by posting in a manner reasonably calculated to come to the attention of potential offenders, the rate contained in the notice is prima-facie evidence of the value of the services. (ORC 2913.61)

#### **545.03 PROPERTY EXCEPTIONS AS FELONY OFFENSE.**

Regardless of the value of the property involved, and regardless of whether the offender has previously been convicted of a theft offense, the provisions of Section 545.05 or 545.18 do not apply if the property involved is any of the following:

- (a) A credit card;
- (b) A printed form for a check or other negotiable instrument, that on its face identifies the drawer or maker for whose use it is designed or identifies the account on which it is to be drawn, and that has not been executed by the drawer or maker or on which the amount is blank;
- (c) A firearm or dangerous ordnance as defined in Ohio R.C. 2923.11;
- (d) A motor vehicle identification license plate as prescribed by Ohio R.C. 4503.22, a temporary license placard or windshield sticker as prescribed by Ohio R.C. 4503.182, or any comparable license plate, placard or sticker as prescribed by the applicable law of another state or the United States;
- (e) A blank form for a certificate of title or a manufacturer's or importer's certificate to a motor vehicle, as prescribed by Ohio R.C. 4505.07;
- (f) A blank form for any license listed in Ohio R.C. 4507.01(A).  
(ORC 2913.71)

#### **545.04 DETENTION OF SHOPLIFTERS; RIGHTS OF MUSEUMS AND LIBRARIES.**

(a) A merchant, or his employee or agent, who has probable cause to believe that items offered for sale by a mercantile establishment have been unlawfully taken by a person, may, for the purposes set forth in subsection (c) hereof, detain the person in a reasonable manner for a reasonable length of time within the mercantile establishment or its immediate vicinity.

(b) Any officer, employee or agent of a library, museum or archival institution may, for the purposes set forth in subsection (c) hereof or for the purpose of conducting a reasonable investigation of a belief that the person has acted in a manner described in subsections (b)(1) and (2) hereof, detain a person in a reasonable manner for a reasonable length of time within, or in the immediate vicinity of the library, museum or archival institution, if the officer, employee or agent has probable cause to believe that the person has either:

- (1) Without privilege to do so, knowingly moved, defaced, damaged, destroyed or otherwise improperly tampered with property owned by or in the custody of the library, museum or archival institution; or
- (2) With purpose to deprive the library, museum or archival institution of property owned by it or in its custody, knowingly obtained or exerted control over the property without the consent of the owner or person authorized to give consent, beyond the scope of the express or implied consent of the owner or person authorized to give consent, by deception, or by threat.

(c) An officer, agent or employee of a library, museum or archival institution pursuant to subsection (b) hereof or a merchant or his employee or agent pursuant to subsection (a) hereof may detain another person for any of the following purposes:

- (1) To recover the property that is the subject of the unlawful taking, criminal mischief or theft;
- (2) To cause an arrest to be made by a peace officer;

- (3) To obtain a warrant of arrest.
- (4) To offer the person, if the person is suspected of the unlawful taking, criminal mischief, or theft and notwithstanding any other provision of this General Offenses or the Ohio Revised Code, an opportunity to complete a pretrial diversion program and to inform the person of the other legal remedies available to the library, museum, archival institution or merchant.

(d) The officer, agent or employee of the library, museum or archival institution, or the merchant or his employee or agent acting under subsection (a) or (b) hereof shall not search the person, search or seize any property belonging to the person detained without the person's consent, or use undue restraint upon the person detained.

(e) Any peace officer may arrest without a warrant any person that he has probable cause to believe has committed any act described in subsection (b)(1) or (2) hereof or that he has probable cause to believe has committed an unlawful taking in a mercantile establishment. An arrest under this subsection shall be made within a reasonable time after the commission of the act or unlawful taking.

(f) As used in this section:

- (1) "Archival institution" means any public or private building, structure or shelter in which are stored historical documents, devices, records, manuscripts or items of public interest, which historical materials are stored to preserve the materials or the information in the materials, to disseminate the information contained in the materials, or to make the materials available for public inspection or for inspection by certain persons who have a particular interest in, use for or knowledge concerning the materials.
- (2) "Museum" means any public or private nonprofit institution that is permanently organized for primarily educational or aesthetic purposes, owns or borrows objects or items of public interest, and cares for and exhibits to the public the objects or items.
- (3) "Pretrial diversion program" means a rehabilitative, educational program designed to reduce recidivism and promote personal responsibility that is at least four hours in length and that has been approved by any court in this State. (ORC 2935.041)

#### **545.05 PETTY THEFT.**

(a) No person, with purpose to deprive the owner of property or services, shall knowingly obtain or exert control over either the property or services in any of the following ways:

- (1) Without the consent of the owner or person authorized to give consent;
- (2) Beyond the scope of the express or implied consent of the owner or person authorized to give consent;
- (3) By deception;
- (4) By threat;
- (5) By intimidation.

(b) Whoever violates this section is guilty of petty theft, a misdemeanor of the first degree. Petty theft is a felony and shall be prosecuted under appropriate State law if:

- (1) The value of the property or services stolen is one thousand dollars (\$1,000) or more; or
- (2) The victim of the offense is an elderly person, disabled adult, active duty service member, or spouse of an active duty service member, or
- (3) The property stolen is a firearm or dangerous ordnance, or

- (4) The property stolen is a motor vehicle, or
- (5) The property stolen is any dangerous drug, or
- (6) The property stolen is a police dog or horse or an assistance dog and the offender knows or should know that the property stolen is a police dog or horse or an assistance dog, or
- (7) The property stolen is anhydrous ammonia, or
- (8) The property stolen is a special purpose article as defined in Ohio R.C. 4737.04 or a bulk merchandise container as defined in Ohio R.C. 4737.012.

(c) In addition to the penalties described in subsection (b) of this section, if the offender committed the violation by causing a motor vehicle to leave the premises of an establishment at which gasoline is offered for retail sale without the offender making full payment for gasoline that was dispensed into the fuel tank of the motor vehicle or into another container, the court may do one of the following:

- (1) Unless subsection (c)(2) of this section applies, suspend for not more than six months the offender's driver's license, probationary driver's license, commercial driver's license, temporary instruction permit, or nonresident operating privilege;
- (2) If the offender's driver's license, probationary driver's license, commercial driver's license, temporary instruction permit, or nonresident operating privilege has previously been suspended pursuant to subsection (c)(1) of this section, impose a class seven suspension of the offender's license, permit, or privilege from the range specified in Ohio R.C. 4510.02(A)(7), provided that the suspension shall be for at least six months.
- (3) The court, in lieu of suspending the offender's driver's or commercial driver's license, probationary driver's license, temporary instruction permit, or nonresident operating privilege pursuant to subsections (c)(1) or (2) of this section, instead may require the offender to perform community service for a number of hours determined by the court.

(d) In addition to the penalties described in subsection (b) hereof, if the offender committed the violation by stealing rented property or rental services, the court may order that the offender make restitution pursuant to Ohio R.C. 2929.18 or 2929.28. Restitution may include, but is not limited to, the cost of repairing or replacing the stolen property, or the cost of repairing the stolen property and any loss of revenue resulting from deprivation of the property due to theft of rental services that is less than or equal to the actual value of the property at the time it was rented. Evidence of intent to commit theft of rented property or rental services shall be determined pursuant to the provisions of Ohio R.C. 2913.72.

(e) The sentencing court that suspends an offender's license, permit, or nonresident operating privilege under subsection (c) of this section may grant the offender limited driving privileges during the period of the suspension in accordance with Ohio R.C. Chapter 4510. (ORC 2913.02)

#### **545.06 UNAUTHORIZED USE OF A VEHICLE; VEHICLE TRESPASS.**

(a) No person shall knowingly use or operate an aircraft, motor vehicle, motorcycle, motorboat or other motor-propelled vehicle without the consent of the owner or person authorized to give consent.

(b) This section does not apply to property removed from the State or if possession is kept for more than forty-eight hours.

(c) The following are affirmative defenses to a charge under this section:

- (1) At the time of the alleged offense, the actor, though mistaken, reasonably believed that the actor was authorized to use or operate the property.
- (2) At the time of the alleged offense, the actor reasonably believed that the owner or person empowered to give consent would authorize the actor to use or operate the property.

(d) No person shall knowingly enter into or upon a motor vehicle, motorcycle or other motor-propelled vehicle without the consent of the owner or person authorized to give consent.

(e) Whoever violates subsection (a) hereof is guilty of unauthorized use of a vehicle, a misdemeanor of the first degree. If the victim of the offense is an elderly person or disabled adult and if the victim incurs a loss as a result of the violation, a violation of subsection (a) hereof is a felony and shall be prosecuted under appropriate State law. (ORC 2913.03)

(f) Whoever violates subsection (d) hereof is guilty of vehicle trespass, a misdemeanor of the fourth degree.

#### **545.07 INSURANCE FRAUD.**

(a) As used in this section:

- (1) "Data" has the same meaning as in Section 545.01 and additionally includes any other representation of information, knowledge, facts, concepts or instructions that are being or have been prepared in a formalized manner.
- (2) "Deceptive" means that a statement, in whole or in part, would cause another to be deceived because it contains a misleading representation, withholds information, prevents the acquisition of information or by any other conduct, act or omission creates, confirms or perpetuates a false impression, including, but not limited to, a false impression as to law, value, state of mind or other objective or subjective fact.
- (3) "Insurer" means any person that is authorized to engage in the business of insurance in this State under Title XXXIX of the Ohio Revised Code; The Ohio Fair Plan Underwriting Association created under Ohio R.C. 3929.43; any health insuring corporation; and any legal entity that is self-insured and provides benefits to its employees or members.
- (4) "Policy" means a policy, certificate, contract or plan that is issued by an insurer.
- (5) "Statement" includes, but is not limited to, any notice, letter or memorandum; proof of loss; bill of lading; receipt for payment; invoice, account or other financial statement; estimate of property damage; bill for services; diagnosis or prognosis; prescription; hospital, medical or dental chart or other record; X-Ray, photograph, videotape or movie film; test result; other evidence of loss, injury or expense; computer-generated document; and data in any form.

(b) No person, with purpose to defraud or knowing that the person is facilitating a fraud, shall do either of the following:

- (1) Present to, or cause to be presented to, an insurer any written or oral statement that is part of, or in support of, an application for insurance, a claim for payment pursuant to a policy or a claim for any other benefit pursuant to a policy, knowing that the statement, or any part of the statement, is false or deceptive;
- (2) Assist, aid, abet, solicit, procure or conspire with another to prepare or make any written or oral statement that is intended to be presented to an insurer as part of, or in support of, an application for insurance, a claim for payment pursuant to a policy, or a claim for any other benefit pursuant

to a policy, knowing that the statement, or any part of the statement, is false or deceptive.

(c) Whoever violates this section is guilty of insurance fraud a misdemeanor of the first degree. If the amount of the claim that is false or deceptive is one thousand dollars (\$1,000) or more, insurance fraud is a felony and shall be prosecuted under appropriate State law.

(d) This section shall not be construed to abrogate, waive or modify Ohio R.C. 2317.02(A). (ORC 2913.47)

#### **545.08 UNAUTHORIZED USE OF PROPERTY.**

(a) No person shall knowingly use or operate the property of another without the consent of the owner or person authorized to give consent.

(b) The affirmative defenses contained in Section 545.06(c) are affirmative defenses to a charge under this section.

(c) Whoever violates this section is guilty of unauthorized use of property. Except as provided in subsection (d) hereof, unauthorized use of property is a misdemeanor of the fourth degree.

(d) If unauthorized use of property is committed for the purpose of devising or executing a scheme to defraud or to obtain property or services, unauthorized use of property is a misdemeanor of the first degree. Unauthorized use of property is a felony and shall be prosecuted under appropriate State law if:

- (1) Unauthorized use of property is committed for the purpose of devising or executing a scheme to defraud or to obtain property or services, and if the value of the property is one thousand dollars (\$1,000) or more; or
- (2) If the victim of the offense is an elderly person or disabled adult.  
(ORC 2913.04)

#### **545.09 PASSING BAD CHECKS.**

(a) As used in this section:

- (1) "Check" includes any form of debit from a demand deposit account, including, but not limited to any of the following:
  - A. A check, bill of exchange, draft, order of withdrawal, or similar negotiable or nonnegotiable instrument;
  - B. An electronic check, electronic transaction, debit card transaction, check card transaction, substitute check, web check, or any form of automated clearing house transaction.
- (2) "Issue a check" means causing any form of debit from a demand deposit account.

(b) No person, with purpose to defraud, shall issue or transfer or cause to be issued or transferred a check or other negotiable instrument, knowing that it will be dishonored or knowing that a person has ordered or will order stop payment on the check or other negotiable instrument.

(c) For purposes of this section, a person who issues or transfers a check or other negotiable instrument is presumed to know that it will be dishonored, if either of the following occurs:

- (1) The drawer had no account with the drawee at the time of issue or the stated date, whichever is later.

- (2) The check or other negotiable instrument was properly refused payment for insufficient funds upon presentment within thirty days after issue or the stated date, whichever is later, and the liability of the drawer, indorser or any party who may be liable thereon is not discharged by payment or satisfaction within ten days after receiving notice of dishonor.

(d) For purposes of this section, a person who issues or transfers a check, bill of exchange or other draft is presumed to have the purpose to defraud if the drawer fails to comply with Ohio R.C. 1349.16 by doing any of the following when opening a checking account intended for personal, family or household purposes at a financial institution:

- (1) Falsely stating that the drawer has not been issued a valid driver's or commercial driver's license or identification card issued under Ohio R.C. 4507.50;
- (2) Furnishing such license or card, or another identification document that contains false information;
- (3) Making a false statement with respect to the drawer's current address or any additional relevant information reasonably required by the financial institution.

(e) In determining the value of the payment for purposes of subsection (f) of this section, the court may aggregate all checks and other negotiable instruments that the offender issued or transferred or caused to be issued or transferred in violation of subsection (a) of this section within a period of one hundred eighty consecutive days.

(f) Whoever violates this section is guilty of passing bad checks. Except as otherwise provided in this subsection, passing bad checks is a misdemeanor of the first degree. If the check or checks or other negotiable instrument or instruments are issued or transferred to a single vendor or single other person for the payment of one thousand dollars (\$1,000) or more or if the check or checks or other negotiable instrument or instruments are issued or transferred to multiple vendors or persons for the payment of one thousand five hundred dollars (\$1,500) or more, passing bad checks is a felony and shall be prosecuted under appropriate State law. (ORC 2913.11)

#### **545.10 MISUSE OF CREDIT CARDS.**

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

- (1) Practice deception for the purpose of procuring the issuance of a credit card, when a credit card is issued in actual reliance thereon;
- (2) Knowingly buy or sell a credit card from or to a person other than the issuer.

(b) No person, with purpose to defraud, shall do any of the following:

- (1) Obtain control over a credit card as security for a debt;
- (2) Obtain property or services by the use of a credit card, in one or more transactions, knowing or having reasonable cause to believe that the card has expired or been revoked, or was obtained, is retained or is being used in violation of law;
- (3) Furnish property or services upon presentation of a credit card, knowing that the card is being used in violation of law;
- (4) Represent or cause to be represented to the issuer of a credit card that property or services have been furnished, knowing that the representation is false.

(c) No person, with purpose to violate this section, shall receive, possess, control or dispose of a credit card.



(d) Whoever violates this section is guilty of misuse of credit cards, a misdemeanor of the first degree. Misuse of credit cards is a felony and shall be prosecuted under appropriate State law if:

- (1) The cumulative retail value of the property and services involved in one or more violations of subsection (b)(2), (3) or (4) hereof, which violations involve one or more credit card accounts and occur within a period of ninety consecutive days commencing on the date of the first violation, is one thousand dollars (\$1,000) or more; or
- (2) The victim of the offense is an elderly person or disabled adult and the offense involves a violation of subsection (b)(1) or (2) hereof.  
(ORC 2913.21)

#### **545.11 MAKING OR USING SLUGS.**

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

- (1) Insert or deposit a slug in a coin machine, with purpose to defraud;
- (2) Make, possess or dispose of a slug, with purpose of enabling another to defraud by inserting or depositing it in a coin machine.

(b) Whoever violates this section is guilty of making or using slugs, a misdemeanor of the second degree. (ORC 2913.33)

#### **545.12 TAMPERING WITH COIN MACHINES.**

(a) No person, with purpose to commit theft or to defraud, shall knowingly enter, force an entrance into, tamper with or insert any part of an instrument into any coin machine.

(b) Whoever violates this section is guilty of tampering with coin machines, a misdemeanor of the first degree. If the offender has previously been convicted of a violation of Ohio R.C. 2911.32 or of any theft offense, tampering with coin machines is a felony and shall be prosecuted under appropriate State law. (ORC 2911.32)

#### **545.13 CRIMINAL SIMULATION.**

(a) No person, with purpose to defraud, or knowing that the person is facilitating a fraud, shall do any of the following:

- (1) Make or alter any object so that it appears to have value because of antiquity, rarity, curiosity, source, or authorship, which it does not in fact possess;
- (2) Practice deception in making, retouching, editing, or reproducing any photograph, movie film, video tape, phonograph record, or recording tape;
- (3) Falsely or fraudulently make, simulate, forge, alter, or counterfeit any wrapper, label, stamp, cork, or cap prescribed by the Liquor Control Commission under Ohio R.C. Chapters 4301 and 4303, falsely or fraudulently cause to be made, simulated, forged, altered, or counterfeited any wrapper, label, stamp, cork, or cap prescribed by the Liquor Control Commission under Ohio R.C. Chapters 4301 and 4303, or use more than once any wrapper, label, stamp, cork, or cap prescribed by the Liquor Control Commission under Ohio R.C. Chapters 4301 and 4303.
- (4) Utter, or possess with purpose to utter, any object that the person knows to have been simulated as provided in subsection (a)(1), (2) or (3) of this section.

(b) Whoever violates this section is guilty of criminal simulation, a misdemeanor of the first degree. If the loss to the victim is one thousand dollars (\$1,000) or more, criminal simulation is a felony and shall be prosecuted under appropriate State law.  
(ORC 2913.32)

**545.14 TAMPERING WITH RECORDS.**

(a) No person, knowing the person has no privilege to do so, and with purpose to defraud or knowing that the person is facilitating a fraud, shall do any of the following:

- (1) Falsify, destroy, remove, conceal, alter, deface or mutilate any writing, computer software, data, or record;
- (2) Utter any writing or record, knowing it to have been tampered with as provided in subsection (a)(1) hereof.

(b) Whoever violates this section is guilty of tampering with records, a misdemeanor of the first degree. If the violation involves data or computer software the value of which or loss to the victim is one thousand dollars (\$1,000) or more, or if the writing or record is a will unrevoked at the time of the offense, tampering with records is a felony and shall be prosecuted under appropriate State law. (ORC 2913.42)

**545.15 SECURING WRITINGS BY DECEPTION.**

(a) No person, by deception, shall cause another to execute any writing that disposes of or encumbers property, or by which a pecuniary obligation is incurred.

(b) Whoever violates this section is guilty of securing writings by deception, a misdemeanor of the first degree. Securing writings by deception is a felony and shall be prosecuted under appropriate State law if:

- (1) The value of the property or obligation involved is one thousand dollars (\$1,000) or more; or
- (2) The victim of the offense is an elderly person, disabled adult, active duty service member or spouse of an active duty service member.  
(ORC 2913.43)

**545.16 PERSONATING AN OFFICER.**

(a) No person, with purpose to defraud or knowing that he is facilitating a fraud, or with purpose to induce another to purchase property or services, shall personate a law enforcement officer, or an inspector, investigator or agent of any governmental agency.

(b) Whoever violates this section is guilty of personating an officer, a misdemeanor of the first degree. (ORC 2913.44)

**545.17 DEFRAUDING CREDITORS.**

(a) No person, with purpose to defraud one or more of the person's creditors, shall do any of the following:

- (1) Remove, conceal, destroy, encumber, convey or otherwise deal with any of the person's property.
- (2) Misrepresent or refuse to disclose to a fiduciary appointed to administer or manage the person's affairs or estate, the existence, amount or location of any of the person's property, or any other information regarding such property that the person is legally required to furnish to the fiduciary.

(b) Whoever violates this section is guilty of defrauding creditors, a misdemeanor of the first degree. If the value of the property involved is one thousand dollars (\$1,000) or more, defrauding creditors is a felony and shall be prosecuted under appropriate State law. (ORC 2913.45)

**545.18 RECEIVING STOLEN PROPERTY.**

(a) No person shall receive, retain or dispose of property of another, knowing or having reasonable cause to believe that the property has been obtained through commission of a theft offense.

(b) It is not a defense to a charge of receiving stolen property in violation of this section that the property was obtained by means other than through the commission of a theft offense if the property was explicitly represented to the accused person as being obtained through the commission of a theft offense.

(c) Whoever violates this section is guilty of receiving stolen property, a misdemeanor of the first degree. Receiving stolen property is a felony and shall be prosecuted under appropriate State law if:

- (1) The value of the property involved is one thousand dollars (\$1,000) or more; or
- (2) The property involved is:
  - A. Listed in Section 545.03; or
  - B. A motor vehicle as defined in Ohio R.C. 4501.01; or
  - C. A dangerous drug as defined in Ohio R.C. 4729.01.
  - D. A special purchase article as defined in Ohio R.C. 4737.04 or a bulk merchandise container as defined in Ohio R.C. 4737.012.  
(ORC 2913.51)

#### **545.19 POSSESSION OF CRIMINAL TOOLS.**

(a) No person shall possess or have under the person's control any substance, device, instrument, or article, with purpose to use it criminally.

- (b) Each of the following constitutes prima-facie evidence of criminal purpose:
- (1) Possession or control of any dangerous ordnance, or the materials or parts for making dangerous ordnance, in the absence of circumstances indicating the dangerous ordnance, materials, or parts are intended for legitimate use;
  - (2) Possession or control of any substance, device, instrument, or article designed or specially adapted for criminal use;
  - (3) Possession or control of any substance, device, instrument, or article commonly used for criminal purposes, under circumstances indicating the item is intended for criminal use.

(c) Whoever violates this section is guilty of possessing criminal tools, a misdemeanor of the first degree unless the circumstances indicate that the substance, device, instrument, or article involved in the offense was intended for use in the commission of a felony.  
(ORC 2923.24)

#### **545.20 FORGERY OF IDENTIFICATION CARDS.**

- (a) No person shall knowingly do either of the following:
- (1) Forge an identification card;
  - (2) Sell or otherwise distribute a card that purports to be an identification card, knowing it to have been forged.
  - (3) As used in this section, "identification card" means a card that includes personal information or characteristics of an individual, a purpose of which is to establish the identity of the bearer described on the card, whether the words "identity," "identification," "identification card" or other similar words appear on the card.

(b) Whoever violates subsection (a) hereof is guilty of forging identification cards or selling or distributing forged identification cards. Except as otherwise provided in this subsection, forging or selling or distributing forged identification cards is a misdemeanor of the first degree. If the offender previously has been convicted of a violation of this section or Ohio R.C. 2913.31 (B), forging identification cards or selling or distributing forged identification cards is a misdemeanor of the first degree and, in addition, the court shall impose upon the offender a fine of not less than two hundred fifty dollars (\$250.00).  
(ORC 2913.31)

#### **545.21 PRICING CONSUMER GOODS.**

(a) No supplier of any item of goods offered for sale in connection with a consumer transaction shall purposely fail to conspicuously, clearly and plainly display, in Arabic numerals, on or near the item, the price at which such item of goods is offered for sale.  
(Ord. 225-1975. Passed 12-8-75.)

(b) As used in this section, "consumer", "consumer transaction" and "supplier" shall have the same meanings as in Ohio R.C. 1345.01.

(c) This section shall not apply to any item of goods that is:

- (1) Subject to the packaging or labeling requirements of the Federal Alcohol Administration or to any pricing requirements established by Federal law;
- (2) An item of goods actually offered for sale through a vending machine;
- (3) An item of goods sold only by prescription.

(d) Whoever violates this section is guilty of a misdemeanor of the fourth degree. If the offender has previously been convicted of an offense under this section, a violation shall be a misdemeanor of the third degree. (Ord. 170-1975. Passed 9-8-75.)

#### **545.22 IDENTITY FRAUD.**

(EDITOR'S NOTE: Former Section 545.22 has been deleted from the Codified Ordinances. Ohio R.C. 2913.49, from which Section 545.22 was derived, has been reclassified from a misdemeanor to a felony offense.)

#### **545.99 PENALTY.**

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

**CHAPTER 553**  
**Railroads**

<b>553.01</b> Obstructing streets by railroad companies.	<b>553.04</b> Railroad guards for malfunctioning crossing signals.
<b>553.011</b> Obstructing streets by abandoning the locomotive.	<b>553.05</b> Railroad vandalism.
<b>553.02</b> Climbing upon railroad cars.	<b>553.06</b> Grade crossing device vandalism.
<b>553.03</b> Duties of locomotive engineer.	<b>553.99</b> Penalty.

**CROSS REFERENCES**

See sectional histories for similar State law  
Lighting railroads - see Ohio R.C. 723.33 et seq.  
Power to regulate train speed - see Ohio R.C. 723.48  
Vehicular homicide - see GEN. OFF. 537.02  
Criminal mischief - see GEN. OFF. 541.04

**553.01 OBSTRUCTING STREETS BY RAILROAD COMPANIES.**

- (a) (1) No railroad company shall obstruct or permit or cause to be obstructed a public street, road or highway by permitting a railroad car, locomotive or other obstruction to remain upon or across it for longer than five minutes to the hindrance or inconvenience of travelers or a person passing along or upon such street, road or highway.
- (2) At the end of each five minute period of obstruction of a public street, road or highway, each railroad company shall cause such railroad car, locomotive or other obstruction to be removed for sufficient time, not less than three minutes, to allow the passage of persons and vehicles waiting to cross.
- (3) This section does not apply to obstruction of a public street, road or highway by a continuously moving through train or caused by circumstances wholly beyond the control of the railroad company, but does apply to other obstructions, including without limitation those caused by stopped trains and trains engaged in switching, loading or unloading operations.
- (4) If a railroad car, locomotive, or other obstruction is obstructing a public street, road, or highway in violation of subsection (a)(1) hereof and the violation occurs in the unincorporated area of one or more counties, or in one or more municipal corporations, the officers and employees of each affected county or municipal corporation may charge the railroad company with only one violation of the law arising from the same facts and circumstances and the same act.

(5) Upon the filing of an affidavit or complaint for violation of this subsection (a)(1) hereof, summons shall be issued to the railroad company pursuant to Ohio R.C. 2935.10(B), which summons shall be served on the regular ticket or freight agent of the company in the county where the offense occurred. (ORC 5589.21)

(b) For purposes of this section, "railroad company" includes the officers, employees and agents of such company.

(c) Whoever violates this section is guilty of a misdemeanor of the first degree and shall be fined one thousand dollars (\$1,000).

**553.011 OBSTRUCTING STREETS BY ABANDONING THE LOCOMOTIVE.**

(a) No railroad company shall obstruct, or permit or cause to be obstructed, a public street, road, or highway, by permitting any part of a train whose crew has abandoned the locomotive to remain across it for longer than five minutes to the hindrance or inconvenience of travelers or a person passing along or upon the street, road, or highway, unless the safety of the train crew requires them to abandon the locomotive.

(b) Upon the filing of an affidavit or complaint for violation of this section, summons shall be issued to the railroad company pursuant to Ohio R.C. 2935.10(B), which summons shall be served on the regular ticket or freight agent of the company in the county where the offense occurred. (ORC 5589.211)

(c) Whoever violates this section is guilty of a misdemeanor of the first degree and shall be fined five thousand dollars (\$5,000).  
(ORC 5589.99)

**553.02 CLIMBING UPON RAILROAD CARS.**

(a) No person shall climb, jump, step or stand upon or cling or attach himself to a locomotive, engine or car upon the track of a railroad, unless in compliance with law or by permission under the rules of the corporation managing such railroad.

(b) Whoever violates this section is guilty of a minor misdemeanor.  
(ORC 4999.02)

**553.03 DUTIES OF LOCOMOTIVE ENGINEER.**

(a) No person in charge of a locomotive shall fail to bring the locomotive to a full stop at least 200 feet before arriving at a crossing with another track, or proceed through the crossing before signaled to do so or before the way is clear.

(b) Whoever violates this section is guilty of a misdemeanor of the fourth degree. If violation of this misdemeanor causes physical harm to any person, whoever violates this section is guilty of a misdemeanor of the third degree.  
(ORC 4999.04)

**CHAPTER 767**  
**Ambulances and Emergency Medical Services**

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| <p><b>767.01</b> Definitions.</p> <p><b>767.02</b> Emergency Medical Services.</p> <p><b>767.03</b> License required; exceptions.</p> <p><b>767.04</b> Ambulance service companies located in the City limits; license application.</p> <p><b>767.05</b> Determination of public convenience and necessity. (Repealed)</p> <p><b>767.06</b> Issuance of ambulance service license.</p> <p><b>767.07</b> Operator's insurance. (Repealed)</p> <p><b>767.08</b> Registration of Paramedics, ADV-EMT-A's, and EMT-A's. (Repealed)</p> | <p><b>767.09</b> Ambulance licensing. (Repealed)</p> <p><b>767.10</b> Fees.</p> <p><b>767.11</b> Referrals of ambulance requests from the City Communications Center.</p> <p><b>767.12</b> Regulations.</p> <p><b>767.13</b> Prohibited practices.</p> <p><b>767.14</b> License suspension or revocation.</p> <p><b>767.99</b> Penalty.</p> |
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**CROSS REFERENCES**

Reports of unusual or violent deaths - see Ohio R.C. 313.12  
 Joint ambulance districts - see Ohio R.C. 505.71 et seq.  
 Emergency medical service - see Ohio R.C. 4731.82 et seq.  
 Vehicle operation at stop sign - see TRAF. 331.20  
 Right of way - see TRAF. 331.21  
 Speed - see TRAF. 333.06  
 False reports - see GEN. OFF. 509.07

**767.01 DEFINITIONS.**

Definitions as used in this chapter shall be as outlined in Section 4765.01 of the Ohio Revised Code, unless otherwise expressly stated:

- (a) (1) "Emergency Medical Technician-Basic" or "EMT-Basic" means a trained or qualified person holding a current, valid certificate issued under Section 4765.30 of the Ohio Revised Code to practice as an Emergency Medical Technician-Ambulance.
- (2) "Emergency Medical Technician-Intermediate" or "EMT-I" means a trained or qualified person holding a current, valid certificate issued under section 4765.30 of the Ohio Revised Code to practice as an Emergency Medical Technician.
- (3) "Emergency Medical Technician-Paramedic" means a trained or qualified person holding a current, valid certificate issued under Section 4765.30 of the Ohio Revised Code to practice as an Emergency Medical Technician-Paramedic.

- (b) "Advanced Life Support" or "ALS" means treatment described in Section 4765.39 of the Ohio Revised Code that a Paramedic is certified to perform.
- (c) "Ambulance" means any privately owned, leased or operated motor vehicle that is used or intended to be used for the transportation upon the streets or highways of this City persons who are seriously ill, injured, wounded, or otherwise incapacitated or helpless, or used for administering emergency medical service to patients before, during, or after transportation. "Ambulance" does not include a vehicle designed and used solely for the transportation of non-stretcher-bound or handicapped persons, whether ambulatory or confined to a wheelchair.
- (d) "Ambulance Service" means any individual, proprietorship, partnership, limited partnership, association, joint stock association, company, corporation, lessee, trustee or receiver owning, controlling, operating or managing any ambulance or emergency medical service or ambulance service or ambulance company that uses EMT-Basic's, EMT-I'S or Paramedics, or a combination thereof, and ambulances to provide emergency medical service and transportation to persons who are seriously ill, injured, wounded, or otherwise incapacitated or helpless.
- (e) "Basic Life Support" or "BLS" means treatment described in Section 4765.37 of the Ohio Revised Code that an EMT-Basic is certified to perform.
- (f) "City Communications Center" means the dispatch center for the City of Cuyahoga Falls Police and Fire Departments.
- (g) "Contagious diseases" means those diseases listed by the Ohio Department of Health in their manual on Communicable Diseases Regulations, effective April 1, 1963, and any revisions thereof.
- (h) "Disaster situation" means any condition or situation described by rule of the Ohio Ambulance Licensing Board as a mass casualty, major emergency, natural disaster, or national emergency.
- (i) "Emergency call" means any call for which an immediate response is required, unless otherwise known to be a routine/scheduled trip.
- (j) "Emergency Medical Service" or "Ambulance Service" or "Ambulance Company" means a private organization that uses EMT-Basic's, EMT-I's or Paramedics, or a combination thereof, to provide medical care to victims of illness or injury. An Emergency Medical Service includes, but is not limited to, a commercial ambulance service, a hospital, and a funeral home.
- (k) "Exposure Control Plan" and "Infection Control Manual" mean those documents maintained by an ambulance company which are written in accordance with OSHA guidelines set forth in Title 29 CFR (Code of Federal Regulations) part 1910-(Amended) Subpart z-(Amended), and any revisions thereof, that deal with procedures to be followed after transporting a person suspected of suffering a contagious disease.
- (l) "Immediate dispatch" means those response requests which are not routine/scheduled trips. In the context of immediate dispatch a Code III request is for an ambulance estimated response time of eight minutes fifty-nine seconds (8' 59") or less, and may normally require the use of red lights and siren. A Code II request is for an ambulance estimated response time of fourteen minutes fifty-nine seconds (14'59") or less, and shall not require the use of red lights and siren.



- (m) "Incident Command Officer" means that officer designated as the officer with the responsibility for overall management of the incident. This officer will either directly or through assigned officers direct all activities at the incident.
- (n) "Major emergency" means any incident requiring the use of additional resources beyond those normally used in resolving emergency medical incidents.
- (o) "Mass casualty" means an emergency event that results in ten or more persons being injured, incapacitated, made ill, or killed.
- (p) "Medical emergency" means an unforeseen event affecting an individual in such a manner that a need for immediate medical evaluation and/or care is created.
- (q) "Patient" means any individual who, as a result of illness or injury, needs medical evaluation and/or care, whose physical or mental condition is such that he is in imminent danger of loss of life or significant health impairment, or who may be otherwise incapacitated or helpless as a result of a physical or mental condition, or who is sick, injured or wounded.
- (r) "Person" includes any individual, proprietorship, partnership, limited partnership, association, joint stock association, company, corporation, lessee, trustee or receiver.
- (s) "Renewal license" means continuous renewal (each year) of current license in effect.
- (t) "Routine/scheduled trips" means those ambulance trips which are not a medical emergency.  
(Ord. 35-2014. Passed 4-14-14.)

#### **767.02 EMERGENCY MEDICAL SERVICES COMMISSION.**

(a) The Fire Chief or designee shall have, in addition to those powers specifically granted herein, the power to investigate matters in the realm of emergency medical service and to make recommendations to the Mayor thereon, and to administer those duties delegated to it by the Mayor. These matters shall include but not be limited to:

- (1) Licensing of companies located in the City limits that will provide ambulance service.
- (2) Improvements in emergency medical services.
- (3) Monitoring State of Ohio and Federal legislation related to Emergency Medical Service and Ambulance Service and making recommendations to the Mayor to assure that relevant provisions of this chapter are current and in compliance with guidelines set forth by State and Federal programs.
- (4) Investigating, recommending and administering all other matters brought before him, including complaints, involving the delivery of emergency medical service.

The Fire Chief is granted all powers necessary and proper to the performance of his duties. (Ord. 35-2014. Passed 4-14-14.)

**767.03 LICENSE REQUIRED; EXCEPTIONS.**

No person shall furnish, operate, conduct, maintain, advertise, engage in or propose or profess to engage in or operate a business-related emergency medical service or ambulance service or an ambulance company using City streets without first obtaining a license to provide ambulance service. However, no such licenses or registrations shall be required for an ambulance, emergency medical service or ambulance service or ambulance company or EMT-Basic, EMT-I or Paramedic which:

- (a) Upon request of the Safety Director, or his designee, is rendering assistance to the City in the case of a mass casualty, major emergency, natural disaster, or other eventuality requiring additional ambulance service to protect the public safety; or,
  - (b) Is operated from a business location, office or headquarters outside of the City.
  - (c) Is licensed for basic life-support pursuant to Ohio R.C. Chapter 4766 and is transporting a patient on a routine/scheduled trip.
- (Ord. 35-2014. Passed 4-14.14)

**767.04 AMBULANCE SERVICE COMPANIES LOCATED IN THE CITY LIMITS; LICENSE APPLICATION.**

Each calendar year between the dates of September 1 and October 31, each person desiring a license to provide ambulance service in the City for the year commencing on the next January 1, shall complete application forms supplied by the Fire Chief. The application forms shall be signed by the license applicant, notarized and submitted to the Fire Chief for action. The application form shall include the following:

- (a) An agreement by the applicant that he assumes the duty of dispatching any available ambulance and crew to each emergency call, and that all EMT-Basic's, EMT-I's and/or Paramedics answering such an emergency call shall undertake to render first aid and/or treatment to the patient when necessary.
- (b) An agreement by the applicant that upon receipt of an emergency call, he assumes the duty of immediately notifying the City Communications Center if an ambulance is not available for immediate dispatch.
- (c) A written certification by the applicant that it has complied, and will continue to comply, with all licensing provisions of Chapters 4765 and 4766 of the Ohio Revised Code, all provisions of this chapter, and rules and policies promulgated by the Ohio Ambulance Licensing Board.
- (d) A written certification by the applicant that it has a written Exposure Control Plan and Infection Control Manual, both of which follow OSHA guidelines set forth in Title 29 CFR (Code of Federal Regulations) part 1910-(Amended) Subpart z-(Amended), and any revisions thereof.
- (e) A written certification that the applicant has a written policy providing for the implementation and management of a drug free work place.
- (f) An agreement by the applicant that the City shall not be liable for the payment of ambulance service fees incurred by the initiation of such a call by the City Communications Center on behalf of any person or persons not in the custody or care of the City.

- (g) An agreement by the applicant to keep updated copies of rate schedules on file with the Fire Chief.
- (h) An agreement by the applicant to furnish to the Fire Chief, upon the request of any of its members, a copy of any billing related to an emergency call originating within the City.
- (i) An agreement by the applicant to furnish ambulances and personnel, in accordance with the provisions of this chapter, on a twenty-four hours per day, seven days per week basis.  
(Ord. 35-2014. Passed 4-14-14.)

**767.05 DETERMINATION OF PUBLIC CONVENIENCE AND NECESSITY.**

(EDITOR'S NOTE: Former Section 767.05 was repealed by Ordinance 158-1998, passed December 14, 1998.)

**767.06 ISSUANCE OF AMBULANCE SERVICE LICENSE.**

The Mayor may grant an initial license after a finding by the Fire Chief as provided herein that public convenience and necessity require the proposed ambulance service, or a renewal license to operate an ambulance service using City streets if satisfied, based on the recommendation of the Fire Chief, compliance with Chapters 4765 and 4766 of the Ohio Revised Code and the provisions of this chapter.  
(Ord. 35-2014. Passed 4-14-14.)

**767.07 OPERATOR'S INSURANCE.**

(EDITOR'S NOTE: Former Section 767.07 was repealed by Ordinance 35-2014.)

**767.08 REGISTRATION OF PARAMEDICS, ADV-EMT-A'S OR EMT-A'S.**

(EDITOR'S NOTE: Former Section 767.08 was repealed by Ordinance 35-2014.)

**767.09 AMBULANCE LICENSING.**

(EDITOR'S NOTE: Former Section 767.09 was repealed by Ordinance 35-2014.)

**767.10 FEES.**

(a) The application fee to apply for a license to operate an ambulance service shall be five hundred dollars (\$500.00). The license shall permit its holder to operate the licensed ambulance service for a period ending on the 31st of December next following the date of issuance, unless sooner revoked for cause by the Mayor.  
(Ord. 35-2014. Passed 4-14-14.)

**767.11 REFERRALS OF AMBULANCE REQUESTS FROM THE CITY COMMUNICATIONS CENTER.**

(a) The Mayor, with the advice of the Chief of the Fire Department, shall determine which company will receive referrals of ambulance requests from the City Communications Center when the patient or family does not indicate the choice of a specific licensed ambulance company.

(b) If it is determined that more than one company is to receive referrals, the Mayor, with the advice of the Chief of the Fire Department, shall designate the method by which the licensed companies will receive referrals of ambulance requests from the City Communications Center when the patient or family does not indicate the choice of a specific licensed ambulance company. This designation shall be based on the service needs of the community and may be altered or changed based on performance criteria as established by the Mayor. This designation may include a primary and secondary responder, an assigned geographical area, a combination of the above, or other assignment methods as may seem best meets the needs of the community. (Ord. 35-2014. Passed 4-14-14.)

**767.12 REGULATIONS.**

(a) The ambulance service, on a twenty-four hour per day, seven day a week basis, shall maintain availability of ambulances and crews in sufficient number that will permit response to calls initiated by the City Communications Center ninety-eight percent (98%) of the time.

(b) Immediately after the receipt of an emergency call, but in any event no longer than one minute thereafter, an ambulance service shall notify the City Communications Center as to the nature of the emergency and shall keep records of the call in accordance with the following:

- (1) A written report stating the impression/diagnosis, as best ascertained, of every patient, and the treatment and care that was rendered at the scene and during transport of the patient. A copy of this report shall be kept with the ambulance company's permanent records.
- (2) A written report of response times and other information, which report shall be made available to the Fire Chief upon request.  
The report shall contain:
  - A. Time the call was received;
  - B. Time the City Communications Center was notified;
  - C. Time the ambulance was dispatched;
  - D. Location of ambulance at time of dispatch;
  - E. Time the ambulance arrived at the location of patient;
  - F. Time the ambulance left for the hospital;

- G. Time the ambulance arrived at the hospital;
- H. Time the ambulance was again available for service;
- I. Name of hospital;
- J. Name and address of patient;
- K. Name of the ambulance driver and name of Paramedic, EMT-I or EMT-Basic in patient compartment.

(c) No ambulance service shall accept or hold an emergency call for emergency medical service when such company does not have available an ambulance for immediate dispatch. When a Code III or Code II response is requested and the estimated response time may exceed the required time limits, the City Communications Center must be notified of the estimated response time.

(d) No ambulance service shall fail to immediately notify the City Communications Center if an ambulance and crew are not available for immediate dispatch.

(e) No ambulance service shall fail to immediately notify the City Communications Center of an emergency run or the nature of the emergency, which originates within the City limits; or any routine scheduled trip which becomes an emergency.

(f) No ambulance service shall fail to record the response times as required by this chapter.

(g) No ambulance service shall use a name on an ambulance or advertise under any name other than the name in which the license is issued.

(h) Each ambulance service shall retain for thirty days voice recordings of all its dispatch telephone lines and its two-way radio traffic.

(i) Each ambulance shall have at least two EMT-As, ADV-EMT-As or Paramedics.

(j) While in service, ambulances and equipment shall comply with the provisions of Section 4766.03 and Section 4766.07 of the Ohio Revised Code and all rules promulgated by the Ohio Ambulance Licensing Board pursuant thereto.

(k) After transporting a person suffering a contagious disease, each ambulance shall be decontaminated using methods established by the ambulance company's Exposure Control Plan and Infection Control Manual, both of which shall follow OSHA guidelines set forth in Title 29 CFR (Code of Federal Regulations) part 1910-(Amended) Subpart z-(Amended), and any revisions thereof. Further, the ambulance company's Exposure Control Plan and Infection Control Manual shall be submitted to the Emergency Medical Services Commission upon request.

(l) Only licensed ambulances that are equipped for Advanced Life Support and that are manned with at least one Paramedic, who shall act as the technician in the patient compartment, may respond to immediate dispatch requests.  
(Ord. 35-2014. Passed 4-14-14.)

#### **767.13 PROHIBITED PRACTICES.**

No person shall:

- (a) Make false statements on the application for a license;
- (b) Operate an ambulance without a current, valid Ohio driver's license, appropriate for the vehicle in accordance with Sections 4507.01 through 4507.39 of the Ohio Revised Code.  
(Ord. 35-2014. Passed 4-14-14.)

#### **767.14 LICENSE SUSPENSION OR REVOCATION.**

The Mayor shall have the authority to suspend or revoke a license issued for an ambulance service or ambulance vehicle, after notice and hearing before the Mayor or his authorized representative, if:

- (a) The licensee or its employees are guilty of neglect of duty or misconduct;
- (b) The licensee or its employees fail to comply with the regulations promulgated by the Mayor upon the advice of the Fire Chief; or
- (c) The licensee, its employees or equipment are otherwise in violation of this chapter or the Ohio Revised Code.

Any decision of the Mayor concerning licensing shall constitute a final appealable order for purposes of Chapter 2506 of the Ohio Revised Code.  
(Ord. 35-2014. Passed 4-14-14.)

#### **767.99 PENALTY.**

(a) Whoever violates or fails to comply with the provisions of this chapter shall be deemed guilty of a misdemeanor of the first degree, and fined or imprisoned pursuant to Section 501.99 of the Codified Ordinances of the City of Cuyahoga Falls.

(b) Each day any violation of or failure to comply with this chapter is committed or continues shall constitute a separate offense and shall be punishable as such.  
(Ord. 35-2014. Passed 4-14-14.)

NOTE: The next printed page is page 49.

**CHAPTER 777  
Secondhand Dealers**

<p><b>777.01</b> Definitions; scope of provisions.</p> <p><b>777.02</b> Secondhand dealer's license required and fee.</p> <p><b>777.03</b> Inspections and tests of weights and measures.</p> <p><b>777.04</b> Records, tagging and records inspections.</p> <p><b>777.05</b> Police Chief may require weekly reports.</p> <p><b>777.06</b> Minimum holding period.</p>	<p><b>777.07</b> Hold order by Chief of Police.</p> <p><b>777.08</b> Purchases from minors; hours of operation.</p> <p><b>777.09</b> Advertisement.</p> <p><b>777.10</b> Responsibility of the licensee.</p> <p><b>777.11</b> License revocation; appeals.</p> <p><b>777.99</b> Penalty.</p>
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**CROSS REFERENCES**

Power to regulate - see Ohio R. C. 715.61  
Secondhand dealers - see Ohio R.C. Ch. 4737

**777.01 DEFINITIONS; SCOPE OF PROVISIONS.**

As used in this Chapter:

- (a) "Secondhand"- means that which has been used or which has been previously traded or sold by a retailer.
- (b) "Selling"- includes sale on consignment, delivery, barter, exchange, gift, or offer thereof.
- (c) "Secondhand dealer" means any person, firm, or corporation dealing in the purchase and sale of any of the following articles:
  - (1) Secondhand furs;
  - (2) Secondhand office machinery and equipment, including, without limitation, computer equipment, typewriters, adding machines, calculators, copy machines, printers, fax machines, telephones, check signing equipment, and address machines;
  - (3) Secondhand tools of artisans, mechanics, or laborers;
  - (4) Secondhand musical instruments;
  - (5) Secondhand precious stones or manufactured articles composed wholly or in substantial part of gold, silver, platinum, or other precious metal;
  - (6) Secondhand lawn, garden and construction equipment;

- (7) Secondhand computers, electronic, audio, visual and/or entertainment equipment or devices including, without limitation, laptops, docking stations, televisions, video monitors, DVD players, record players, tape players, recording devices, other stereo equipment, five or more DVD's, compact discs or records from any one source within a seven day time period, cameras, camcorders, webcams, video game systems, consoles or accessories, video game discs and cartridges; cell phones and cell phone accessories, satellite phones, smartphones, digital music players, tablets or similar devices, MP3 players, radio receivers or transmitters, pagers, chargers, GPS units or systems, radar detectors, electronic organizers, Bluetooth devices, and DVD or CD burners, and other similar electronic devices;
  - (8) Secondhand plumbing fixtures, builders' hardware or lighting fixtures;
  - (9) Pawnbrokers' tickets or other evidence of pledged articles; or
  - (10) Used or secondhand motor vehicle or vehicle parts or accessories not received by the buyer for credit upon the purchase of similar new merchandise.
- (d) A person, firm, or corporation meeting one or more of the following shall not be considered a "secondhand dealer" under the terms of this Chapter:
- (1) A not-for-profit entity recognized as tax exempt by the Internal Revenue Service and registered with the Ohio Secretary of State as a not-for-profit entity; or
  - (2) A person conducting a garage or yard sale; or
  - (3) A retail business whose inventory consists primarily (ninety-five percent or more) of items which are at least thirty years old and which are considered "antiques" or "collectibles"; and
  - (4) A retail business which would be classified as a "secondhand dealer" only by virtue of selling secondhand computers, electronic, audio, visual and/or entertainment equipment or devices as specified in subsection (c)(7), above, when the proprietor is able to establish that all of the computers, electronic, audio, visual and/or entertainment equipment sold are at least twelve years old.
- (Ord. 19-2014. Passed 3-10-14.)

#### **777.02 SECONDHAND DEALER'S LICENSE REQUIRED AND FEE.**

No person, partnership, corporation, or other entity shall operate as a secondhand dealer without first obtaining a license from the Mayor or his designee. The annual nonrefundable license fee for each secondhand dealer is One Hundred Dollars (\$100.00) annually. Additionally, the applicant shall pay all costs of criminal background checks for the applicant and each employee. All licenses shall expire on December 31 of the year of issuance. The nonrefundable fee for a first license issued after June 1 of any calendar year shall be Sixty-Five Dollars (\$65.00) in addition to the costs of background checks.

(Ord. 19-2014. Passed 3-10-14.)



**777.03 INSPECTIONS AND TESTS OF WEIGHTS AND MEASURES.**

Every license applicant must obtain an inspection and test from the appropriate county fiscal officer or auditor of any and all scales, balances, or other instruments and devices for weighing and measuring, and any appliances and accessories associated with any or all such instruments and devices used at the location indicated on the application. The applicant shall provide proof of the inspection and test satisfactory to the Chief of Police, if applicable. (Ord. 19-2014. Passed 3-10-14.)

**777.04 RECORDS, TAGGING, AND RECORDS INSPECTIONS.**

(a) Every dealer in secondhand articles shall keep a book or catalog in which shall be legibly written in English at the time of every purchase or sale, a description of every article so purchased or sold that includes the number or numbers and any monograms, inscriptions, or other marks of identification that may appear on the article, a description of the articles or pieces comprising old gold, silver, platinum, or other metals, and any monogram, inscription, or marks of identification thereon and a photograph thereof; the name, residence, and general description of the person from whom such purchase was made or to whom sold and a photocopy of photo identification such as a drivers license or state issued ID; and the day and hour of the purchase or sale. The holder of a Federal license to smelt precious metals shall not be held by reason thereof to be exempt from the provisions of this Chapter.

(b) Every licensee under the provisions of this Chapter, at the time of acquiring through purchase or exchange of any secondhand article, shall attach a tag with a designating number thereon, legibly printed in ink, in the English language, to each article, and shall make an entry of such number in the book or catalog.

(c) Such book or catalog shall at all reasonable times be open to the inspection of any law enforcement officer during regular business hours. Such book or catalog shall be maintained in a manner as directed or authorized by the Chief of Police. In addition to such book or catalog, every person licensed at the time of such purchase shall fill out on a blank form, a 3 x 5 index card, unless otherwise directed by the Chief of Police, information including the driver's license number and state of issuance, or the identifying number on a state ID, or other picture identification, and on the back of the card or other designated form, the seller, in his own handwriting, shall write his name, age, and address. No entry in such book or on such card shall be erased, obliterated, altered, or defaced. (Ord. 19-2014. Passed 3-10-14.)

**777.05 POLICE CHIEF MAY REQUIRE WEEKLY REPORTS.**

The Chief of Police may require that every licensed secondhand dealer shall make out a weekly report on a form to be furnished by the police department. For that purpose, a legible and correct copy of the record required to be kept shall contain all the particulars of all purchases of such articles made during the preceding business week. The licensee shall deliver such report to the Chief of Police or his authorized designee, together with the blank forms furnished, properly filled out and signed by the seller. The Chief may designate that the reports be mailed or delivered electronically. (Ord. 19-2014. Passed 3-10-14.)

**777.06 MINIMUM HOLDING PERIOD.**

(a) No person licensed as a secondhand dealer shall sell or offer to sell or remove, disassemble, clean, repair, paint, take apart, or change the appearance or form of any secondhand good, article, or thing which has been purchased by the licensee for a period of at least fourteen days from the day of acquisition.

(b) Any of the goods, articles, or things which are set forth in this Chapter, in the possession of any licensee, shall be made available at any time for the inspection by any member of the Cuyahoga Falls Police Department.

(Ord. 19-2014. Passed 3-10-14.)

**777.07 HOLD ORDER BY CHIEF OF POLICE.**

The Chief of Police may place a hold order for a period of 30 days upon any property acquired by the secondhand dealer in the course of his business and upon release of such property the Chief of Police may require the secondhand dealer to keep a true record of such property and include therewith the true name and address of the person to whom such property was sold, or a record of any other method of disposition. The secondhand dealer shall keep for two years any record required under this section.

(Ord. 19-2014. Passed 3-10-14.)

**777.08 PURCHASES FROM MINORS; HOURS OF OPERATION.**

No person shall receive, by sale, barter, exchange, or otherwise, any article mentioned in this Chapter from a minor under the age of eighteen years. There shall not be any purchase from any person or persons between the hours of 10:00 p.m. and 8:00 a.m. on every day of the week. (Ord. 19-2014. Passed 3-10-14.)

**777.09 ADVERTISEMENT.**

No business licensed under the provisions of this Chapter shall be advertised through the use of any medium, without including within the advertisement the license number from the license received from the Mayor or his designee.

(Ord. 19-2014. Passed 3-10-14.)

**777.10 RESPONSIBILITY OF THE LICENSEE.**

Every act or omission on an agent or employee which constitutes a violation of any provision of this Chapter shall be deemed the act or omission of the licensee if such act or omission occurs with the authorization, knowledge, or approval of the licensee, or as a result of the licensee's negligent failure to supervise the agent's or employee's conduct. The licensee shall also be punished for such act or omission in the same manner as if the licensee committed the act or caused the omission.

(Ord. 19-2014. Passed 3-10-14.)

**777.11 LICENSE REVOCATION; APPEALS.**

(a) The Mayor may at any time revoke or suspend any license granted under the authority of this Chapter for failure to comply with the terms of this Chapter or any law or ordinance applicable to the business so licensed.

(b) The Mayor shall revoke any license granted under the authority of this Chapter if the licensee has been convicted of receiving stolen property.

(c) In case of the refusal to issue or renew a license by the Mayor or the revocation or suspension of a license by the Mayor, the applicant or licensee may appeal to a Review Board consisting of the Chairperson of the Public Affairs Committee of Council, the Director of Finance, and the Director of Law. Notice of appeal shall be in writing, with the reasons for the appeal specified therein, and shall be filed with the Mayor or his designee within ten (10) days from the date of the Mayor's action. Within ten (10) days after the filing of such notice, the Board shall proceed to hear such appeal, at which hearing all parties interested shall be afforded an opportunity to be heard. The Board shall render a decision within ten (10) days of the conclusion of the hearing. The Board may sustain, reverse, or modify the action of the Mayor or his designee.

(d) In the absence of conditions posing an imminent threat to health, safety, or property, as determined by the Director of Law, or unless a license has been revoked by the Mayor because the licensee has been convicted of receiving stolen property as provided in paragraph (b) herein, a licensee who is lawfully operating but whose license is subject to revocation or suspension, or which the Mayor or his designee has refused to renew, may continue operating during the pendency of an appeal under this section.  
(Ord. 19-2014. Passed 3-10-14.)

**777.99 PENALTY.**

Whoever violates any of the provisions of this Chapter shall be guilty of a misdemeanor of the fourth degree and in addition to any other penalty provided by law shall be fined not less than two hundred fifty dollars (\$250.00). Each day during which noncompliance or a violation continues shall constitute a separate offense.  
(Ord. 19-2014. Passed 3-10-14.)



- C. A nonresidential building, structure or other facility, the daily sewage flow of which is not set forth in "Suggested Sewage Flow Guide", shall be assigned such number of capital surcharge benefits or portions thereof to the nearest one-hundredths as determined by the Director of Public Service who shall review the preliminary plans of the building, structure, or other facility together with other pertinent information, and based upon accepted engineering practices, determine the anticipated average daily sewage flow to be generated by such building, structure, or other facility. The quantity divided by 400 shall be the number of surcharge benefits units assigned.  
(Ord. 102-1996. Passed 7-8-96.)
- (2) The surcharge amount shall be in effect for and apply to all users located in the surcharge area depicted in Exhibit A attached to original Ordinance 102-1996. The surcharge amount shall be paid by all such users in the surcharge area depicted in such Exhibit A prior to connection to the system, and said surcharge amount shall be equal to the following amounts for each calendar year in which a tap-in permit is obtained.

<u>Year</u>	<u>Base Surcharge</u>
1996	\$5,100.00
1997	5,406.00
1998	5,730.36
1999	6,074.18
2000	6,438.63
2001	6,824.95
2002	7,234.45
2003	7,668.52
2004	8,128.63
2005	8,616.35
2006	9,133.33
2007	9,681.33
2008	10,262.21
2009	10,877.94
2010	11,530.80
2011	12,222.65
2012	12,956.01
2013	13,733.37
2014	14,557.37
2015	15,430.81
2016	16,356.66
2017	17,338.06
2018	18,378.34
2019	19,481.04
2020	20,649.91
2021	21,888.90
2022	23,202.24

<u>Year (Cont.)</u>	<u>Base Surcharge(Cont.)</u>
2023	24,594.37
2024	26,070.03
2025	27,634.23
2026	29,292.29
2027	31,049.82
2028	32,912.81
2029	34,887.58
2030	36,980.84

Any person planning to connect to the City's sanitary sewer system may pay the entire surcharge amount by March 31 of the year of connection in an amount equal to the amount that would apply in the year prior to connection; provided, however, if the use of applicable property changes by the date of the actual connection, the amount due will be adjusted. The owner of a property connecting to the City's sanitary sewer shall have an option of paying the surcharge in 120 monthly installment payments, which payments increase each calendar year. The installment payments to be made each calendar year shall be calculated by dividing the lump sum surcharge which would apply as if a connection had been made in the year the payment is due by 120. At any time a user determine to prepay the remaining installments due by paying an amount calculated by dividing the remaining installment payments due by 120 and multiplying the quotient by the applicable lump sum surcharge for the year in which the prepayment is made.

In the event a property owner moves before making all 120 payments, the new owner of the property shall be responsible for all remaining surcharge payments due under this section. The owner of each property is responsible for the payment of the surcharge in the event of failure of a tenant to make such payment.

In the event that within ten years following the payment of all or any portion of a surcharge there is a substantial change in the usage of or substantial development of any property or facility served by the connection to the City's sanitary sewer system which does not result in a new connection to the City's system, the Director of Public Service shall determine in his discretion whether a new surcharge or an additional surcharge amount shall be imposed. (Ord. 43-2014. Passed 4-28-14.)

(b) Upon completion of construction of all lines and facilities necessary to serve the Woodridge Sanitary Sewer System, and at five year intervals thereafter, City Council shall evaluate the costs of construction, the revenue being generated, and the projected development within the Surcharge Areas and may determine to modify the amount of the surcharge, to extend the time for payment of the surcharge, or to discontinue the surcharge as Council determines to be appropriate to accomplish the equitable reimbursement of the City's actual costs of the improvements in the Surcharge Areas as set out herein.

(c) The tap-in service charge provided in Chapter 931 will be waived to the extent Lump Sum Surcharge payments under this section have been paid or to the extent improvements are constructed at no cost to the City to the extent provided by ordinances enacted by City Council. (Ord. 102-1996. Passed 7-8-96.)

**CHAPTER 933**  
**Electricity**

- |                |   |                |  |
|----------------|---|----------------|--|
| <b>933.01</b>  | <b>Rate schedules established.</b>                          | <b>933.11</b>  | <b>Supplying electricity.</b>                                      |
| <b>933.02</b>  | <b>Schedule RS - Residential Service.</b>                   | <b>933.12</b>  | <b>Service to government institutions.</b>                         |
| <b>933.021</b> | <b>Schedule RS/AE-Residential Service/All Electric.</b>     | <b>933.121</b> | <b>Power cost factor.</b>  |
| <b>933.03</b>  | <b>Schedule GSS - General Service, Small, Single Phase.</b> | <b>933.122</b> | <b>Renewable energy surcharge.</b>                                 |
| <b>933.04</b>  | <b>Schedule GSM - General Service, Medium, Three Phase.</b> | <b>933.123</b> | <b>Demand response aggregation.</b>                                |
| <b>933.05</b>  | <b>Schedule GSL - General Service, Large.</b>               | <b>933.13</b>  | <b>Application for electric service; deposits. (Repealed)</b>      |
| <b>933.06</b>  | <b>Schedule GSD - General Service, Distribution.</b>        | <b>933.14</b>  | <b>Unpaid bills. (Repealed)</b>                                    |
| <b>933.07</b>  | <b>Schedule SBS - Standby Service.</b>                      | <b>933.15</b>  | <b>Authority of Director of Public Service.</b>                    |
| <b>933.08</b>  | <b>Schedule SCS - Schools and City Service.</b>             | <b>933.16</b>  | <b>Underground wiring construction costs.</b>                      |
| <b>933.09</b>  | <b>Service charges. (Repealed)</b>                          | <b>933.17</b>  | <b>Charges for street light service to political subdivisions.</b> |
| <b>933.10</b>  | <b>Rates outside the City.</b>                              | <b>933.18</b>  | <b>Free light bulbs to system customers.</b>                       |
|                |   | <b>933.19</b>  | <b>Underground wiring required; exceptions.</b>                    |
|                |   | <b>933.20</b>  | <b>Underground wiring district.</b>                                |

**CROSS REFERENCES**

- Power to establish electric light and power rates - see Ohio R. C. 715.03, 715.06
- Power to furnish light, power and heat - see Ohio R. C. 715. 06, 717. 01
- Street excavations; permit and fee; approval of location plan - see S.U. & P.S. 901.01, 901.02
- Interference with utility meters - see S. U. & P.S. 921.01
- Underground wiring required; exceptions - see S. U. & P. S. 921.03
- Electrical requirements- see BLDG. Ch. 1327
- Electricity in dwellings - see BLDG. 1357.05

**933.01 RATE SCHEDULES ESTABLISHED.**

The following rate schedules in this chapter for the sale of electric service, to the consumers thereof within the corporate limits, by the electric utility of the City are hereby established.

(Ord. 100-2014. Passed 12-22-14.)

**933.02 SCHEDULE RS-RESIDENTIAL SERVICE.**

(a) Availability. Available where secondary distribution lines are adjacent to the premises to be served. Applies to electric service, other than three phase service, all domestic purposes in private residences and single occupancy apartments. Where a portion of a residential unit is used for a purpose of commercial or public nature, the appropriate general service rate applies to all service. However, if the wiring is so arranged that the service for residential purposes can be metered separately this rate shall be applied to the residential service. The residential service rate does not apply to a commercial, institutional or industrial establishment.

(b) Service. Alternating current, sixty hertz, single phase, nominal 120/240 volts.

(c) Monthly Charge. The monthly charge per customer shall be computed in accordance with the following rates:

	<u>Effective 1-1-15</u>	<u>Effective 1-1-16</u>
Customer charge	\$3.75 per month	\$5.75 per month
All KWH	10.411¢ per KWH	10.355¢ per KWH
	<u>Effective 1-1-17</u>	
Customer charge	\$7.75 per month	
All KWH	10.3025¢ per KWH	

(d) Minimum Charge. Shall be the customer charge.

(e) Power Cost Adjustment. The monthly charge shall be adjusted according to the Power Cost Factor (PCF).

(f) Contract. A written application is required.

(g) Rules and Regulations. This rate schedule is subject to the general rules and regulations of the electric utility which rules and regulations are a part of this schedule, the same as if copied herein verbatim.  
(Ord. 100-2014. Passed 12-22-14.)

**933.021 SCHEDULE RS/AE-RESIDENTIAL SERVICE/ALL ELECTRIC.**

(a) Availability. Available where secondary distribution lines are adjacent to the premises to be served. Applies to electric service to all-electric homes, other than three phase service, for all domestic purposes in private residences and single occupancy apartments where electricity is the primary source of space heating utilizing electric heat pumps, electric baseboard heat, or other permanent type of electric heating system. Where a portion of a residential unit is used for a purpose of commercial or public nature, the appropriate general service rate applies to all service. However, if the wiring is so arranged that the service for residential purposes can be metered separately, this rate shall be applied to the residential service. The residential service rate does not apply to a commercial, institutional or industrial establishment.



- (b) Service. Alternating current, sixty hertz, single phase, nominal 120/140 volts.
- (c) Monthly Charge. In each month as delineated below the charge per customer shall be computed in accordance with the following rates:

- (1) Winter Months (October through May)

	<u>1-1-15</u>	<u>1-1-16</u>	<u>1-1-17</u>
Customer charge	\$3.75 per month	\$5.75 per month	\$7.75 per month
First 900 KWH	10.411¢ per KWH	10.355¢ per KWH	10.302¢ per KWH
Balance of KWH	7.890¢ per KWH	8.327¢ per KWH	8.675¢ per KWH

- (2) Summer Months (June, July, August, and September)

	<u>1-1-15</u>	<u>1-1-16</u>	<u>1-1-17</u>
Customer charge	\$3.75 per month	\$5.75 per month	\$7.75 per month
All KWH	10.411¢ per KWH	10.355¢ per KWH	10.302¢ per KWH

- (d) Minimum Charge. Shall be the customer charge.
- (e) Power Cost Adjustment. The monthly charge shall be adjusted according to the Power Cost Factor (PCF).
- (f) Contract. A written application is required.

(g) Rules and Regulations. This rate schedule is subject to the general rules and regulations of the electric utility which rules and regulations are a part of this schedule, the same as if copied herein verbatim.  
(Ord. 100-2014. Passed 12-22-14.)

**933.03 SCHEDULE GSS- GENERAL SERVICE, SMALL, SINGLE PHASE.**

(a) Availability. Available where secondary distribution lines are adjacent to the premises to be served. Applies to electric service supplied at one point on one premises. This rate does not apply to standby service.

(b) Service. Alternating current, sixty hertz, and where available, single phase, nominal 120/240 volts.

(c) Monthly Charge. The monthly charge per customer shall be computed in accordance with the following rates:

	<u>Effective 1-1-15</u>	<u>Effective 1-1-16</u>
Customer charge	\$12.00 per month	\$16.00 per month
All KWH	10.863¢ per KWH	10.815¢ per KWH
	<u>Effective 1-1-17</u>	
Customer charge	\$20.00 per month	
All KWH	10.775¢ per KWH	

- (d) Minimum Charge. Shall be the customer charge.
- (e) Power Cost Adjustment. The monthly charge shall be adjusted according to the Power Cost Factor (PCF).
- (f) Contract. A written application is required.
- (g) Rules and Regulations. This rate schedule is subject to the general rules and regulations of the electric utility, which rules and regulations are a part of this rate schedule, the same as if copied herein verbatim.  
(Ord. 100-2014. Passed 12-22-14.)

**933.04 SCHEDULE GSM- GENERAL SERVICE, MEDIUM, THREE PHASE.**

- (a) Availability. Available where secondary distribution lines are adjacent to the premises to be served. Applies to electric service supplied at one point on one premises. This rate does not apply to standby service.
- (b) Service. Alternating current, sixty hertz, and where available, three phase, nominal 480 volts, 240 volts or 120/208 volts. This rate also applies to temporary service poles.
- (c) Monthly Charge. The monthly charge per customer shall be computed in accordance with the following rates:

	<u>Effective 1-1-15</u>	<u>Effective 1-1-16</u>
Customer charge	\$14.00 per month	\$19.50 per month
All KWH	10.848¢ per KWH	10.785¢ per KWH
	<u>Effective 1-1-17</u>	
Customer charge	\$25.00 per month	
All KWH	10.725¢ per KWH	

- (d) Minimum Charge. Shall be the customer charge.
- (e) Power Cost Adjustment. The monthly charge shall be adjusted according to the Power Cost Factor (PCF).
- (f) Contract. A written application is required.
- (g) Rules and Regulations. This rate schedule is subject to the general rules and regulations of the electric utility, which rules and regulations are a part of this rate schedule, the same as if copied herein verbatim.  
(Ord. 100-2014. Passed 12-22-14.)

**933.05 SCHEDULE GSL - GENERAL SERVICE, LARGE.**

(a) Availability. Available where secondary distribution lines are adjacent to the premises, where the billing demand is greater than fifty KW. This rate does not apply to standby service.

(b) Service. Alternating current, sixty hertz, and where available, three phase, four wire, 240 volts, 480 volts or 120/208 volts.

(c) Monthly Charge. The monthly charge per customer shall be the sum of the demand and energy charges in accordance with the following rate:

<u>Demand Charge</u>	<u>Effective 1-1-15</u>	<u>Effective 1-1-16</u>
First 100 KW demand per month	\$13.58	\$14.30
All over 100 KW	12.55	13.30

	<u>Effective 1-1-17</u>
First 100 KW demand per month	\$14.80
All over 100 KW demand per month	13.80

<u>Energy Charge</u>	<u>Effective 1-1-15</u>	<u>Effective 1-1-16</u>
First 260 KWH per KW billing demand	6.395¢	6.330¢
Next 150 per KWH per KW billing demand	6.095¢	6.026¢
All additional KWH	5.556¢	5.479¢

	<u>Effective 1-1-17</u>
First 250 KWH per KW billing demand	6.341¢
Next 150 per KWH per KW billing demand	6.023¢
All additional KWH	
First 100 KW	5.455¢

(d) Kilowatt (KW) Billing Demand. The minimum charge shall be the demand charge. The billing demand for the month shall be the greatest of:

- (1) The highest measured fifteen minute KW demand during the month.
- (2) Sixty percent (60%) of the highest billing demand during the preceding eleven months.
- (3) Fifty KW. When metering capable of measuring on-peak and off-peak demands is in use, the customer's measured demand shall be the greater of the on-peak demand or twenty-five percent (25%) of the off-peak demand. On-peak periods are from 8:00 a. m. to 9:00 p.m. On normal business days. All other periods shall be off-peak.

(e) Power Cost Adjustment. The monthly charge shall be adjusted according to the Power Cost Factor (PCF).

(f) Power Factor. The customer shall so arrange and equip his installation that the power factor of his load at the time of maximum demand will be not less than 0.8 lagging. However, if the power factor as determined by measurement is less than 0.8 the measured demand shall be modified by the ratio of 0.8 to the measured power factor.

(g) Metering. In the event the electric utility elects to meter the service on the high voltage side of the transformation equipment, the kilowatt-hours as registered on the meter and read by the meter reader will be reduced in quantity by three percent (3%) prior to calculating the monthly charge.

(h) Contract. A written application is required.

(i) Rules and Regulations. This rate schedule is subject to the general rules and regulations of the electric utility which rules and regulations are a part of this rate schedule, the same as if copied herein verbatim.  
(Ord. 100-2014. Passed 12-22-14.)

### 933.06 SCHEDULE GSD- GENERAL SERVICE, DISTRIBUTION.

(a) Availability. Available where distribution lines are adjacent to the premises to be served. Applies to electric service supplied at one point on one premises where the demand is greater than fifty KW and where the consumer owns and maintains all transforming, controlling, regulating and protective equipment. This rate does not apply to standby-service.

(b) Service. Alternating current, sixty hertz, and where available, 3 phase nominal 2400/4160 volts, three phase, 4 wire, grounded, 7200/12,470 volts, 4 wire grounded or 13,800/23,900 volts, 4 wire grounded.

(c) Monthly Charge. The monthly charge per customer shall be the sum of the demand and energy charges in accordance with the following rates:

<u>Demand Charge</u>	<u>Effective 1-1-15</u>	<u>Effective 1-1-16</u>
First 100 KW demand per month	\$12.70	\$13.00
All over 100 KW	11.90	12.10
	<u>Effective 1-1-17</u>	
First 100 KW demand per month	\$13.10	
All over 100 KW demand per month	12.25	

<u>Energy Charge</u>	<u>Effective 1-1-15</u>	<u>Effective 1-1-16</u>
First 250 KWH per KW billing demand	6.253¢	6.252¢
Next 150 per KWH per KW billing demand	6.071¢	6.144¢
All additional KWH	5.527¢	5.640¢
	<u>Effective 1-1-17</u>	
First 250 KWH per KW billing demand	6.231¢	
Next 150 per KWH per KW billing demand	6.201¢	
All additional KWH	5.736¢	

(d) Kilowatt (KW) Billing Demand. The minimum charge shall be the demand charge. The billing demand for the month shall be the greatest of:

- (1) The highest measured fifteen minute KW demand during the month.
- (2) Sixty percent (60%) of the highest billing demand during the preceding eleven months.
- (3) Fifty KW.

When metering capable of measuring on-peak and off-peak demands is in use, the customer's measured demand shall be the greater of the on-peak demand or twenty-five percent (25%) of the off-peak demand. On-peak periods are from 8:00 a.m. to 9:00 p.m. on normal business days. All other periods shall be off-peak.

(e) Minimum Charge. The minimum charge shall be the demand charge. The minimum demand shall be sixty percent (60%) of the highest demand during the preceding eleven months or fifty KW whichever is greater.

(f) Power Cost Adjustment. The monthly charge shall be adjusted according to the Power Cost Factor (PCF).

(g) Power Factor. The customer shall so arrange and equip his installation that the power factor of his load at the time of maximum demand will be not less than 0.8 lagging. However, if the power factor as determined by measurement is less than 0.8 lagging, the measured demand shall be modified by the ratio of 0.8 to the measured power factor.

(h) Contract. A written application is required.

(i) Rules and Regulations. This rate schedule is subject to the general rules and regulations of the electric utility which rules and regulations are a part of this rate schedule, the same as if copied herein verbatim.  
(Ord. 100-2014. Passed 12-22-14.)

**933.07 SCHEDULE SBS - STANDBY SERVICE.**

(EDITOR’S NOTE: Former Section 933.07 was deleted by Ordinance 100-2014.)

**933.08 SCHEDULE SCS - SCHOOLS AND CITY SERVICE.**

All public schools and property within the City corporation limits and under the jurisdiction of the City Board of Education and all parochial or sectarian schools within the City corporation limits shall be considered subject to the rules and regulations same as provided for the rate schedules applicable to the type of service rendered, except that the charge shall be:

	<u>Effective 1-1-15</u>	<u>Effective 1-1-16</u>
Per KWH: Meter and billed monthly	9.674¢	9.955¢
	<u>Effective 1-1-17</u>	
Per KWH: Metered and billed monthly	10.235¢	

Education institutions for children of pre-school age are specifically excluded from this rate classification.

The Taylor Memorial Library, a public library, shall be charged the electric rate of school or City service.

Chargeable City services may use this schedule or the appropriate rate schedule.

Power Cost Adjustment. The monthly charge shall be adjusted according to the Power Cost Factor (PCF). (Ord. 100-2014. Passed 12-22-14.)

**933.09 SERVICE CHARGES. (REPEALED)**

(EDITOR'S NOTE: Former Section 933.09 was repealed by Ordinance 79-2007, passed June 18, 2007.)

**933.10 RATES OUTSIDE THE CITY.**

The rates, charges and fees for the sale of electric service to the consumers thereof, on the lines of the Electric Utility outside the corporate limits, shall be the same as the rate schedules applying to electric service to consumers thereof within the corporate limits, except that Rate Schedule RS - Residential Service and the Rate Schedule GSS - General Service Small, and GSM - General Service Medium, shall be five percent greater than the rate schedules applying to electric service to consumers within the corporate limits. In addition the bills of all customers outside the corporate limits, regardless of rate class, will include the amount of kilowatt-hour tax levied on the distribution company by Ohio R.C. 5727.81 beginning with the billing period that encompasses May 1, 2001.

(Ord. 100-2014. Passed 12-22-14.)

**933.11 SUPPLYING ELECTRICITY.**

The electric utility shall supply electric service for street lighting purposes, for the use of the City Municipal Building, for the use of the Fire and Police Departments including their respective signal systems and for public parks and playgrounds free of charge. The use of electric service for the above purposes in the City constitutes a use for public purposes, free use of which is authorized by Ohio R.C. 743.27.

(Ord. 100-2014. Passed 12-22-14.)

**933.12 SERVICE TO GOVERNMENT INSTITUTIONS.**

(a) The electric utility will supply electric service to any state, county or other governmental institution located within the corporate limits but such governmental units shall be billed for electric current consumed in the same manner as other customers and in accordance with the rates established herein.

(b) Power Cost Factor. The Power Cost Factor (PCF) will be determined monthly by dividing the monthly kilowatt-hour sales to ultimate consumers into the difference between the monthly charge for wholesale purchases and the product derived by multiplying the monthly kilowatt-hours purchased by 4.98 cents/KWH.

(Ord. 100-2014. Passed 12-22-14.)

**933.121 POWER COST FACTOR.**

(a) The Power Cost Factor (PCF) will be determined monthly by multiplying the monthly number of kilowatt hours purchased by the Set Cost (SC), subtracting this product from the cost of the monthly power purchased, which may include energy efficiency programs and dividing this difference by the monthly number of kilowatt hours purchased. (Ord. 70-2014. Passed 7-28-14.)

Effective starting January, 2015, the Power Cost Factor (PCF) will be determined monthly by summing the previous 6 months of power purchase costs, which may include energy efficiency programs, dividing that sum by the sum of the number of KWH sold to customers in those same 6 months and then subtracting the Set Cost (SC) from that quotient.

(b) The Set Cost (SC) shall initially be 4.5 cents. Effective in 2015, the Set Cost (SC) shall be \$0.0789. Effective starting in 2016, the Set Cost (SC) shall be \$0.08. The Set Cost may be adjusted upon approval of City Council. (Ord. 100-2014. Passed 12-22-14.)

**933.122 RENEWABLE ENERGY SURCHARGE.**

To the extent available, a renewable energy choice may be procured by the City and made available at cost to customers wishing to participate. For those customers choosing the renewable energy product, the monthly charge will be surcharged at the rate then currently experienced by the City in procuring the renewable energy product. Participating customers shall be informed of the surcharge rate in advance, and the customer's participation in the program shall be noted on each bill. The customer will be provided at least thirty (30) days notice of any changes in the surcharge rate. Customers may terminate participation in the renewable energy program upon giving thirty (30) days notice to the City. (Ord. 42-2011. Passed 4-25-11.)

**933.123 DEMAND RESPONSE AGGREGATION**

(a) The City or its authorized designee shall be the sole entity permitted to aggregate retail electric customers' demand response and bid demand response on behalf of retail electric customers of the City directly into any independent system operator's or regional transmission organization's organized electric markets, as approved by the Federal Energy Regulatory Commission ("FERC").

(b) Retail electric customers on the City's electric system desiring to bid their demand response into a FERC-approved independent system operator's or regional transmission organization's organized electric markets may do so only by participating in the Demand Response Aggregation program established by the City or its authorized designee.

(c) The City or its authorized designee is the sole entity permitted to bid demand response on behalf of retail customers of the City directly into any FERC-approved independent system operator's or regional transmission organization's organized markets for energy imbalance, spinning reserves, supplemental reserves, reactive power and voltage control, or regulation and frequency response ancillary services (or its functional equivalent in the FERC-approved independent system operator's or regional transmission organization's tariff).

(d) Retail customers of the City's electric system desiring to bid their demand response into a FERC-approved independent system operator's or regional transmission organization's organized markets for energy imbalance, spinning reserves, supplemental reserves, reactive power and voltage control, or regulation and frequency response ancillary services (or its functional equivalent in the FERC-approved independent system operator's or regional transmission organization's tariff) may do so only by participating in the program established by the Municipality or its authorized designee.



**CHAPTER 947**  
**Medical Transport Services**

<b>947.01</b>	<b>Definitions.</b>	<b>947.05</b>	<b>Board of Review.</b>
<b>947.02</b>	<b>Fees.</b>	<b>947.06</b>	<b>Disbursement of funds</b>
<b>947.03</b>	<b>Duties of Director of Finance.</b>		<b>collected.</b>
<b>947.04</b>	<b>Rules and regulations.</b>		

**947.01 DEFINITIONS.**

For the purposes of this chapter, words and phrases shall be defined and construed in accordance with the most current version of the Medicare Part B Medical Policy Manual. To the extent not inconsistent with said Manual, the following terms shall have the following meanings:

- (a) "Advanced Life Support 1 Transport" shall mean transportation by ground ambulance vehicle, medically necessary supplies and services and either an Advanced Life Support assessment by Advanced Life Support personnel or the provision of at least one Advanced Life Support intervention.
- (b) "Advanced Life Support 2 Transport" shall mean transportation by ground ambulance vehicle, medically necessary supplies and services, and the administration of at least three medications by intravenous push/bolus or by continuous infusion excluding crystalloid, hypotonic, isotonic, and hypertonic solutions (Dextrose, Normal Saline, Ringer's Lactate); or transportation, medically necessary supplies and services, and the provision of at least one of the following Advanced Life Support procedures:
  - (1) Manual defibrillation/cardioversion.
  - (2) Endotracheal intubation.
  - (3) Central venous line.
  - (4) Cardiac pacing.
  - (5) Chest decompression.
  - (6) Surgical airway.
  - (7) Intraosseous line.
- (c) "Basic Life Support Transport" shall mean transportation by ground ambulance vehicle and medically necessary supplies and services, plus the provision of Basic Life Support ambulance services by an individual who is qualified in accordance with State and local laws as an emergency medical technician.
- (d) "Director of Finance" shall mean the Director of Finance of the City of Cuyahoga Falls, or a designee.
- (e) "Loaded Mile" shall mean the number of miles the patient is transported in the ambulance unit. (Ord. 59-2004. Passed 3-15-04.)

**947.02 FEES.**

(a) The fees for all medical transport services provided by the Cuyahoga Falls Fire Department shall be as follows:

Advanced Life Support 1 Transport	\$550.00
Advanced Life Support 2 Transport	\$650.00
Basic Life Support Transport	\$450.00

(b) A fee of ten dollars (\$10.00) for each loaded mile shall also be assessed for each transport by the medical transport services of the Cuyahoga Falls Fire Department, provided that, if two or more patients are transported in the same ambulance, this mileage charge shall be divided equally among the patients being transported.  
(Ord. 69-2010. Passed 6-28-10.)

**947.03 DUTIES OF DIRECTOR OF FINANCE.**

It shall be the duty of the Director of Finance to enforce of the provisions of this chapter, to receive the fees imposed by this chapter in the manner prescribed herein, to keep an accurate record thereof, and to report all moneys so received. The Director may retain professional billing and collection services to assist in the discharge of these duties. The Director of Finance is authorized to arrange for the payment of unpaid fees on a schedule of installment payments when satisfied that, due to certain hardship conditions, the responsible party is unable to pay the full amount of the fee due. Subject to the consent of the Board of Review or pursuant to regulation approved by the Board, the Director shall have the power to compromise any fees imposed by this chapter. (Ord. 23-1999. Passed 1-25-99.)

**947.04 RULES AND REGULATIONS.**

The Director of Finance shall have the power to adopt rules and regulations not inconsistent with the terms of this chapter for carrying out and enforcing the payment, collection and remittance of the fees herein levied. All rules and regulations and amendments or changes thereto which are adopted by the Director under the authority conferred by this chapter must be approved by the Board of Review and Council before the same becomes effective. Copies of all rules and regulations shall be made available in the office of the Director of Finance. (Ord. 23-1999. Passed 1-25-99.)

**947.05 BOARD OF REVIEW.**

(a) A Board of Review is hereby created consisting of three members: one member of Council appointed by the President, the Fire Chief, and the Director of Law. A majority of the members of the Board shall constitute a quorum. The Board shall adopt its own procedural rules and shall keep a record of its transactions.

(b) Any person dissatisfied with any ruling or decision of the Director of Finance which is made under the authority conferred by this chapter may appeal therefrom to the Board of Review within thirty days from the announcement of such ruling or decision by the Director of Finance by delivering an appeal in writing to the office of the Director of Finance. The Board shall, on hearing have jurisdiction to affirm, reverse or modify any such ruling or decision, or any part thereof. (Ord. 34-2014. Passed 4-14-14.)