

ORDINANCE NO. 00-107 AC CMS

AN ORDINANCE TO APPROVE AND ADOPT THE CURRENT REPLACEMENT PAGES TO THE CODIFIED ORDINANCES

WHEREAS, certain provisions within the Codified Ordinances should be amended to conform with current State law as required by the Ohio Constitution; and

WHEREAS, various ordinances of a general and permanent nature have been passed by Council which should be included in the Codified Ordinances; and

WHEREAS, the City has heretofore entered into a contract with the Waller H. Drane Company to prepare and publish such revision which is presently before Council.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Oberlin, County of Lorain, State of Ohio, a majority of all members elected thereto concurring:

SECTION 1. That the ordinances of the City of Oberlin, Ohio, of a general and permanent nature, as revised, recodified, rearranged and consolidated into component codes, titles, chapters and sections within the 2000 Replacement Pages to the Codified Ordinances are hereby approved and adopted.

SECTION 2. That the following sections and chapters are hereby added, amended or repealed as respectively indicated in order to comply with current State law:

Traffic Code

| | |
|---------|--|
| 303.082 | Private Tow Away Zone. (Amended) |
| 303.083 | Release of Vehicle. (Amended) |
| 333.01 | Driving or Physical Control While Under the Influence. (Amended) |
| 337.02 | Lighted Lights Required. (Amended) |
| 337.18 | Motor Vehicles and Motorcycle Brakes. (Amended) |
| 337.24 | Motor Vehicle Stop Lights. (Amended) |
| 337.31 | Directional Signals Required. (Added) |
| 339.03 | Maximum Width, Height and Length. (Amended) |
| 375.03 | Snowmobile Prohibited Operation. (Amended) |

General Offenses Code

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| 501.04 | Rules of Construction. (Amended) |
| 501.07 | Requirements for Criminal Liability. (Amended) |
| 501.09 | Attempt. (Amended) |
| 509.03 | Disorderly Conduct. (Amended) |
| 509.05 | Misconduct At An Emergency. (Amended) |
| 513.03 | Controlled Substance Possession or Use. (Amended) |
| 513.05 | Permitting Drug Abuse. (Amended) |
| 513.06 | Illegal Cultivation of Marijuana. (Amended) |
| 513.08 | Illegally Dispensing Drug Samples. (Amended) |
| 513.12 | Drug Paraphernalia. (Amended) |
| 525.03 | Impersonation of Peace Officer or Private Police Officer. (Amended) |
| 525.07 | Obstructing Official Business. (Amended) |
| 525.12 | Dereliction of Duty. (Amended) |
| 529.07 | Open Container Prohibited. (Amended) |
| 533.03 | Sexual Conduct With a Minor. (Amended) |
| 533.06 | Voyeurism. (Amended) |
| 537.02 | Vehicular Homicide and Manslaughter. (Amended) |
| 537.051 | Menacing by Stalking. (Amended) |
| 537.07 | Endangering Children. (Amended) |

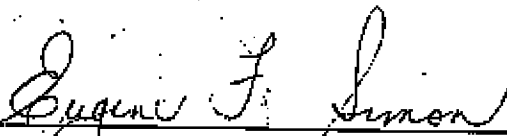
SECTION 3. The complete text of the sections of the Codified Ordinances listed above are set forth in the current Replacement Pages to the Codified Ordinance which are hereby attached to this ordinance as Exhibit A. Any summary publication of this ordinance shall include a complete listing of these sections. Notice of adoption of each new section by reference to its title shall constitute sufficient publication of new matter contained therein.

SECTION 4. It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 5. That this ordinance shall take effect at the earliest date allowed by law.

PASSED: 1st Reading - November 6, 2000
2nd Reading - November 20, 2000 (E)
3rd Reading -

ATTEST:


CLERK OF COUNCIL


CHAIR OF COUNCIL

POSTED: November 21, 2000

EFFECTIVE DATE: November 21, 2000

INSTRUCTIONS FOR INSERTING
2000 REPLACEMENT PAGES
FOR THE
CODIFIED ORDINANCES OF OBERLIN

All new replacement pages bear the footnote "2000 Replacement". Please discard old pages and insert these new replacement pages immediately as directed in the following table.

Discard Old Pages

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**CODIFIED
ORDINANCES
OF THE
CITY OF
OBERLIN, OHIO**



Complete to October 15, 2000

CERTIFICATION

We, Frances Baumann, Chairperson, and Eugene F. Simon, CMC, Clerk of the Council, of the City of Oberlin, Ohio, pursuant to Section IX of the City Charter and Ohio R.C. Sections 731.23 and 731.42, hereby certify that the general and permanent ordinances of the City of Oberlin, Ohio, as revised, arranged, compiled, numbered, codified and printed herewith in component codes, are correctly set forth and constitute the Codified Ordinances of the City of Oberlin, Ohio, 1977, complete to October 15, 2000.

/s/ Frances Baumann
Chairperson

/s/ Eugene F. Simon, CMC
Clerk of Council

CITY OF OBERLIN
ROSTER OF OFFICIALS
(2000)

COUNCIL

Frances Baumann, Chairperson

| | |
|----------------------------|----------------|
| James White | Phil Verda |
| Kenneth Sloane, Vice-Chair | Everett Tyree |
| Ronnie Rimbart | William Jindra |

Eugene F. Simon, CMC, Clerk of Council

OFFICIALS

| | |
|----------------------|---------------------------------|
| Robert DiSpirito | City Manager/Treasurer |
| Eric Severs | City Solicitor |
| Salvatore Talarico | City Auditor |
| Eugene F. Simon, CMC | City Clerk |
| (Position Vacant) | Police Chief |
| Dennis Kirin | Fire Chief |
| Marshall Whitehead | Code Administrator |
| Bill Kelso | Public Works Director |
| Gary Boyle | Director of Planning and Zoning |
| (Position Vacant) | Director, OMLPS |

THE WALTER H. DRANE COMPANY
expresses its appreciation to

ERIC R. SEVERS, ESQ.
City Solicitor

and

EUGENE F. SIMON, CMC
Clerk of Council/City Clerk

for their assistance in the
preparation of these
Codified Ordinances and periodic
Replacement Pages therefor.

GENERAL INDEX

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

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

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| | | | 95-68AC | 9-19-95 | 909.02, 909.05(d) |
| 95-26AC | 3-20-95 | 121.01 | 95-69AC | 9-19-95 | 911.11 |
| 95-36AC | 5-15-95 | 915.11 | 95-70AC | 9-19-95 | 913.04(f), 913.12 |
| | | | 95-71AC | 9-19-95 | 915.04 |
| Adopting Ordinance | | 301.063, 301.066, 301.12, 303.045, 303.06, 303.08, 303.082, 303.09, 303.99, 331.12, 331.21, 331.235, 331.40, 331.405, 333.01, 333.035, 335.01, 335.05, 335.07, 337.165, 337.18, 337.26, 337.27, 337.30, 339.01, 339.03, 339.13, 341.01, 341.03 to 341.09, 351.04, 373.16, 501.01, 501.09, 501.10, 505.03, 513.01 to 513.09, 513.12 to 513.14, 517.01, 517.02, 517.06, 517.09, 521.09, 525.01, 525.02, 525.091, 525.10, 529.01, 529.02, 529.03, 529.03, 529.06, | 95-72AC | 9-19-95 | 919.01 to 919.05 |
| | | | 95-73AC | 9-19-95 | 181.01 |
| | | | 95-98AC | 11-6-95 | 1501.01 |
| | | | 95-99AC | 11-6-95 | 1501.19 |
| | | | 96-24AC | 3-18-96 | Repeals 1193.01 to 1193.99 |
| | | | 96-54AC | 7-1-96 | 158.01 to 158.16, 158.99 |
| | | | 96-72AC | 7-8-96 | 751.02, 751.03(a), 751.04, 751.05, 751.08 |
| | | | 96-82AC | 9-16-96 | 1307.01 to 1307.06, 1309.01 to 1309.37, 1311.01 to 1311.06, 1313.01 to 1313.04, 1315.01 to 1315.17, 1317.01 to 1317.07, 1319.01 to 1319.99, 1321.01 to 1321.103, 1329.01, 1331.02, 1331.06, 1333.06, 1335.02, 1335.06, 1337.02, 1337.06, 1338.01 |

COMPARATIVE SECTION TABLE

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| <u>Ord. No.</u> | <u>Date</u> | <u>C.O. Section</u> | <u>Ord. No.</u> | <u>Date</u> | <u>C.O. Section</u> |
|-----------------|-------------|--|---|---|---|
| 96-82AC (Cont.) | | to 1338.06, 1341.01 to 1341.04, 1342.01 to 1342.04, 1343.01 to 1343.05, 1349.01, 1351.01 to 1351.99, 1355.01 to 1355.11, 1357.01 to 1357.09, repeals 1331.02(a)(8), (a)(9), 1333.02 (a)(4), (a)(9), 1335.02(a)(4), (a)(10), 1337.02 (a)(4), 1349.01 (g) | 98-70AC 98-79AC 98-80AC 98-82AC 98-87AC 98-98AC 99-17AC 99-29AC 99-35AC 99-40AC 99-76AC 00-01AC 00-12AC | 9-8-98 11-2-98 10-5-98 10-19-98 11-2-98 12-7-98 3-15-99 5-17-99 6-7-99 6-21-99 11-15-99 1-3-00 3-6-00 | 123.01 1315.13 927.01 351.99 1151.03 351.99 1501.01 185.08, 185.10 1341.03, 1355.10 373.12 to 373.14 351.17 185.01(b) 925.03, 925.06, 925.09, 925.10, 925.14, 925.16, 925.17 1501.01 Chap. 135 Ed. Note |
| 97-13AC | 1-21-97 | 145.09(a), (b) | 00-18AC | 2-22-00 | 1101.01, 1101.02 |
| 97-30AC | 4-7-97 | 1151.01, 1151.02, repeals 1151.03 to 1171.05 | 00-20AC | 3-6-00 | 1321.06, 1321.265, 1321.48, 1331.06, 1333.06, 1335.06, 1337.02, 1337.06, 1353.01, 1353.02, 1355.10, repeals 1321.51, 1331.02 (a)(2), 1333.02 (a)(2), 1335.02 (a)(2), (3), 1337.02 (a)(2), (3), 1335.10 (a) |
| 97-31AC | 4-7-97 | 1121.04, 1141.02 | 00-25AC | 4-3-00 | 1121.04, 1141.02 |
| 97-35AC | 4-21-97 | 1357.03(b)(3) | 00-30AC | 4-17-00 | 143.01 |
| 97-55AC | 6-16-97 | 1501.16 | | | 905.02 |
| 97-57AC | 6-16-97 | 1357.08 | | | 905.01, 905.06 |
| 97-64AC | 7-7-97 | 1187.03(c), 1187.04 | | | 1187.01 to 1187.09, 1187.99 |
| 97-66AC | 8-4-97 | 1353.01 to 1353.99 | | | |
| 97-97AC | 9-2-97 | 1351.09 | | | |
| 97-111AC | 11-17-97 | Ch. 181 Ed. Note | | | |
| 98-13AC | 2-2-98 | 1321.921 to 1321.925, 1343.04, 1355.10 | 00-36AC | 4-3-00 | |
| | | 521.12 | 00-46AC | 5-1-00 | |
| 98-15AC | 3-2-98 | Ch. 181 Ed. Note | 00-50AC | 6-5-00 | |
| 98-16AC | 2-2-98 | 143.01, 143.04 | 00-67AC | 6-5-00 | |
| 98-22AC | 2-17-98 | Ch. 135 Ed. Note | 00-95AC | 9-18-00 | |
| 98-23AC | 2-17-98 | 1173.01 | | | |
| 98-32AC | 3-16-98 | 1343.04 | | | |
| 98-41AC | 5-4-98 | 351.19, 351.99 | | | |
| 98-56AC | 8-3-98 | 927.00 to 927.28 | | | |
| 98-57AC | 9-8-98 | | | | |

CHAPTER 133
Recreation Commission

EDITOR'S NOTE: There are no sections in Chapter 133.
This chapter has been established to provide a place for cross
references and any future legislation.

CROSS REFERENCES

Charter provisions - see CHTR. Sec. XIX, A, B, F
Land appropriation for parks - see Ohio R.C. 715.21, 719.01
Power to regulate vehicle speed in parks - see Ohio R.C. 4511.07

CHAPTER 135

Civil Service Commission

EDITOR'S NOTE: Council, by Ordinance 655 AC, passed October 6, 1969, approved a set of Rules and Regulations promulgated by the Civil Service Commission and dated June, 1969. The Rules were amended by:

| <u>Ordinance</u> | <u>Passage Date</u> |
|------------------|---------------------|
| 1075AC | 10-7-74 |
| 1395AC | 9-18-78 |
| 98-23AC | 2-17-98 |
| 00-20AC | 3-6-00 |

Copies of these Rules and Regulations may be obtained, at cost, from the Clerk of Council.

There are no sections in Chapter 135. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

Civil service - see Ohio Const., Art. XV, Sec. 10
 Charter provisions - see CHTR. Sec. XIX, A,B,G
 Civil Service Law - see Ohio R.C. Ch. 124
 Approval of Position Classification Plan amendments - see ADM. 145.04

141.11 ELIGIBILITY; PATROLMAN AND CADET.

(a) Any person who is between twenty-one and thirty-six years of age, not having reached his thirty-sixth birthday and having reached his twenty-first birthday, is eligible for original appointment to the Police Department as a Patrol Officer; provided that he passes all the necessary civil service and physical examinations.

(b) Any person who is between eighteen and twenty-one years of age is eligible for appointment as a Cadet Policeman to the Police Department upon completion of the necessary physical examination and civil service examination. The Cadet Policeman shall not carry or use firearms in the performance of his duties.

(Ord. 678 AC. Passed 1-19-70.)

141.12 AUXILIARY POLICE UNIT.

(a) Pursuant to Ohio R.C. 737.051, there is hereby authorized and established an auxiliary police unit within the Police Department of the City.

(b) The purpose of the unit shall be to assist the Police Department with routine duties and to provide additional assistance and manpower during emergency situations. The auxiliary police shall not carry weapons, and shall serve without compensation.

(c) The proposed "Auxiliary Police Unit Department Manual" is hereby approved and incorporated herein by reference.

(Ord. 1766AC. Passed 3-5-84.)

(d) Members of the Auxiliary Police Unit shall, in addition to all other duties, have the authority to issue citations for violations of City ordinances relating to motor vehicle parking regulations, bicycle operation regulations, garbage and refuse regulations and animal running at large or barking dog prohibitions.

(Ord. 91-48AC. Passed 7-1-91.)

CHAPTER 143 Fire Department

- | | |
|---|---|
| <p>143.01 Department established; personnel.</p> <p>143.02 Duties of City Manager.</p> <p>143.03 Medical examination requirement.</p> <p>143.04 Eligibility; Fire Driver.</p> | <p>143.05 Emergency Hazardous Material Manager; responsibility for emergencies; cost recovery plan.</p> |
|---|---|

CROSS REFERENCES

Civil service application - see CHTR. Sec. XIX, G

Original appointment; probationary period and age; promotions - see Ohio R.C. 124.27, 124.30, 124.42

Reductions, suspension and removals - see Ohio R.C. 124.34 et seq., 737.12

Fire protection contracts - see Ohio R.C. 307.05, 505.44, 717.02

Composition and control; schooling, buildings and equipment - see Ohio R.C. 715.05, 737.08, 737.21, 737.23 et seq.

Fire Chief - see Ohio R.C. 737.09

General duties - see Ohio R.C. 737.11

Gas masks for firemen; requirements - see Ohio R.C. 3737.31

Employment provisions - see ADM. Ch. 145

143.01 DEPARTMENT ESTABLISHED; PERSONNEL.

Council hereby establishes a Fire Department in the City. The Fire Department shall consist of the following positions:

| <u>Full-Time</u> | <u>Part-Time</u> |
|-------------------|---------------------|
| 1 Chief | 1 Battalion Chief |
| 1 Assistant Chief | 6 Lieutenants |
| 3 Fire Drivers | 17-20 Fire Fighters |

If the Battalion Chief or any Lieutenant positions are occupied by a full-time fire driver, the number of fire fighter positions will be adjusted so as to provide at all times a total of twenty-four to twenty-seven part-time personnel.
(Ord. 00-46AC. Passed 5-1-00.)

143.02 DUTIES OF CITY MANAGER.

The City Manager shall act as head of the Fire Department and shall establish rules and regulations for the operation of the Department subject to the approval of Council.
(1957 Code §143.02)

CHAPTER 185
Transient Lodging Tax

| | | | |
|--------|--|--------|--|
| 185.01 | Establishment. | 185.07 | Tax to be separately stated and charged. |
| 185.02 | Definitions. | 185.08 | Registration. |
| 185.03 | Imposition. | 185.09 | Records; inspection; destruction. |
| 185.04 | Exemptions. | 185.10 | Reporting and remitting. |
| 185.05 | Prohibition against false evidence of tax exempt status. | | |
| 185.06 | Transient guest to pay tax. | | |

CROSS REFERENCES

Power to levy - see Ohio R.C. 5739.02 (C)

185.01 ESTABLISHMENT.

(a) There is hereby established a transient lodging tax, effective thirty days after the effective date of this section, or within thirty days after commencing business by the proprietor, whichever is later, to provide funds to promote the City to potential visitors, tourists and/or special event or meeting participants by means of advertising, news coverage, posters, brochures and other promotional techniques.
(Ord. 87-80AC. Passed 1-19-88.)

(b) The expenditure, pursuant to approved contract, of transient lodging tax monies to promote Oberlin by the additional means of salary and wage expenses for the 2000, 2001 and 2002 calendar years in the following maximum amounts is hereby authorized:

| | |
|------|-----------|
| 2000 | \$15,000. |
| 2001 | 12,000. |
| 2002 | 10,000. |

(Ord. 00-01AC. Passed 1-3-00.)

185.02 DEFINITIONS.

When used in this chapter and unless otherwise distinctly expressed, the following words and phrases shall have the meanings set out herein.

- (a) "Person" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust business, trust receiver, trustee, syndicate or any other group or combination acting as a unit.
- (b) "Auditor" means the Auditor of the City of Oberlin, Ohio.
- (c) "Hotel or motel" means every establishment kept, used, maintained, advertised or rented out to the public to be a place where sleeping accommodations are offered for a consideration of the guests, in which five or more rooms are used for the accommodation of such guests, whether such rooms are in one or several structures.

- (d) "Transient guests" means persons occupying a room or rooms for sleeping accommodations for less than thirty consecutive days.
- (e) "Rent" means the consideration received for occupancy valued in money, whether received in money or otherwise, including all receipts, cash, credits and property or services of any kind or nature, and also any amount for which the occupant is liable for the occupancy without any deduction therefrom whatsoever.
- (f) "Operator" means any person who is the proprietor of a hotel, whether in the capacity of owner-lessee, licensee or any other capacity. Where the operator performs his functions through a managing agent of any type or character, other than employees, a managing agent shall be deemed an operator for the purpose of this chapter and shall have the same duties and liabilities as his principal. Compliance with the provisions of this chapter by either the principal or the managing agent, however, shall be considered to be compliance by both.
- (g) "Occupancy" means the use or possession, or the right to the use or possession of any room or rooms or space or portion thereof in any hotel, dwelling or lodging for sleeping purposes. The use or possession or right to use or possess any room or any suite of connecting rooms or office space, banquet or private dining rooms or exhibits or sample on display shall not be considered occupancy within the meaning of this definition unless the person exercising occupancy uses or possesses, or has the right to use or possess all or any portion of such room or suite of rooms for dwelling, lodging or sleeping purposes.
(Ord. 87-80AC. Passed 1-19-88.)

185.03 IMPOSITION.

(a) For the purpose of providing revenue with which to meet the needs of the City, for the use of promoting the City to potential visitors, tourists and/or special event or meeting participants by means of advertising, news coverage, posters, brochures and other promotional techniques, an excise tax is hereby levied on transactions by which lodging by a hotel is or is to be furnished to transient guests. The tax is three percent (3%) on all rents paid or to be paid by the transient guest to the City, which is extinguished only by payment to the operator as trustees for the City, or to the City. The tax applies and is collectible at the time the lodging is furnished regardless of the time when the price is paid.

For the purposes of the proper administration of this chapter and to prevent the evasion of the tax, it is presumed that all lodging furnished by hotels in the City to transient guests is subject to the tax until the contrary is established.
(Ord. 87-80AC. Passed 1-19-88.)

(b) The expenditure, pursuant to approved contract, of transient lodging tax monies to promote Oberlin by the additional means of salary and wage expenses for the 1999, 2000, and 2001 calendar years in the following maximum amounts is hereby authorized:

| | | |
|------|-----------|---|
| 1999 | \$15,000. | pro rata, beginning with the effective date of Ordinance 99-29 AC CMS |
| 2000 | 12,000. | |
| 2001 | 10,000. | |

(Ord. 99-29AC. Passed 5-17-99.)

the court, to appear to answer to such violations. The pound operator shall release such vehicle upon the receipt of the release form and payment of all towage and storage charges. All such charges shall be the responsibility of the vehicle owner, and the City shall not assume any responsibility or costs thereof.

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

303.081 IMPOUNDING VEHICLES ON PRIVATE RESIDENTIAL OR AGRICULTURAL PROPERTY.

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

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

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

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

303.082 PRIVATE TOW-AWAY ZONES.

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

- (1) The owner posts on the owner's property a sign, that is at least eighteen inches by twenty-four inches in size, that is visible from all entrances to the property and that contains at least all of the following information:
 - A. A notice that the property is a private tow-away zone and that vehicles not authorized to park on the property will be towed away;
 - B. The telephone number of the person from whom a towed-away vehicle can be recovered, and the address of the place to which the vehicle will be taken and the place from which it may be recovered;
 - C. A statement that the vehicle may be recovered at any time during the day or night upon the submission of proof of ownership and the payment of a towing charge, in an amount not to exceed ninety dollars (\$90.00) and a storage charge, in an amount not to exceed twelve dollars (\$12.00) per twenty-four hour period; except that the charge for towing shall not exceed one hundred fifty dollars (\$150.00), and the storage charge shall not exceed twenty dollars (\$20.00) per twenty-four-hour period, if the vehicle has a manufacturer's gross vehicle weight rating in excess of 10,000 pounds and is a truck, bus or a combination of a commercial tractor and trailer or semitrailer.
- (2) The place to which the towed vehicle is taken and from which it may be recovered is conveniently located, is well lighted and is on or within a reasonable distance of a regularly scheduled route of one or more modes of public transportation, if any public transportation is available in the Municipality.

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

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

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

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

(f) No person shall remove or cause the removal of any vehicle from private property that is established as a private tow-away zone under this section other than in accordance with subsection (b) hereof. (ORC 4513.60)

303.083 RELEASE OF VEHICLE; RECORDS; CHARGES.

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

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

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

(c) Removal and Storage Charges. The owner of a motor vehicle that is ordered into storage pursuant to Section 303.081 or of a vehicle that is removed under authority of Section 303.082 may reclaim it upon payment of any expenses or charges incurred in its removal, in an amount not to exceed ninety dollars (\$90.00), and storage, in an amount not to exceed twelve dollars (\$12.00) per twenty-four hour period; except that the charge for towing shall not exceed one hundred fifty dollars (\$150.00), and the storage charge shall not exceed twenty dollars (\$20.00) per twenty-four-hour period, if the vehicle has a manufacturer's gross vehicle weight rating in excess of 10,000 pounds and is a truck, bus or a combination of a commercial tractor and trailer or semitrailer. Presentation of proof of ownership, which may be evidenced by a certificate of title to the motor vehicle or vehicle also shall be required for reclamation of the vehicle. If a motor vehicle that is ordered into storage pursuant to Section 303.081 remains unclaimed by the owner for thirty days, the procedures established by Ohio R.C. 4513.61 and 4513.62 shall apply. (ORC 4513.60)

303.09 WILLFULLY LEAVING VEHICLES ON PRIVATE OR PUBLIC PROPERTY.

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

(b) No person shall leave a vehicle, other than an abandoned junk motor vehicle, at a repair garage or place of storage for a longer period than that agreed upon by the owner of such garage or place of storage and the owner or person in custody or control of such vehicle.

(c) Subsections (a) through (d) hereof do not apply to any private residential or private agricultural property that is established as a private tow-away zone in accordance with Section 303.082.

(d) As used in subsections (a) through (c) hereof, "private residential property" means private property on which is located one or more structures that are used as a home, residence or sleeping place by one or more persons, if no more than three separate households are maintained in the structure or structures. "Private residential property" does not include any private property on which is located one or more structures that are used as a home, residence or sleeping place by two or more persons, if more than three separate households are maintained in the structure or structures. (ORC 4513.60, 4513.61)

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

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

(f) Whoever violates any of the provisions of this section is guilty of a minor misdemeanor and shall be subject to the penalty provided in Section 303.99(b) and shall also be assessed any costs incurred by the Municipality in disposing of a vehicle or abandoned junk motor vehicle, less any money accruing to the Municipality from such disposal. (ORC 4513.99(D))

303.10 LEAVING JUNK VEHICLES ON PRIVATE PROPERTY WITH PERMISSION OF OWNER.**(a) Definitions.** As used in this section:

- (1)** "Completely enclosed building" means any building with a solid roof and at least three solid walls. For purposes of this chapter, a carport is not a "completely enclosed building".
- (2)** "Junked motor vehicle" means any motor vehicle meeting all of the following requirements:
 - A.** Extensively damaged, such damage including but not limited to any of the following: a broken window or windshield, missing wheels, tires, motor or transmission.
 - B.** Apparently inoperable.
 - C.** Unable to meet all requirements necessary in order to be driven on the streets of the City.

(b) Junked Motor Vehicle Complaint. Upon complaint of a junked motor vehicle within the City boundaries the Code Administrator shall send a copy of this section by certified mail to the owner of the vehicle and the owner of the land on which the vehicle is located. The Code Administrator shall advise at the same time by letter that the junked motor vehicle in question must be moved as provided for in subsection (d) hereof within thirty days.

CHAPTER 333 DUI; Willful Misconduct; Speed

- | | |
|--|--|
| <p>333.01 Driving or physical control while under the influence; evidence.</p> <p>333.02 Operation in willful or wanton disregard of safety.</p> <p>333.03 Maximum speed limits; assured clear distance ahead.</p> <p>333.031 Approaching a stationary public safety vehicle.</p> <p>333.035 Speed limits on private roads and driveways.</p> <p>333.04 Stopping vehicle; slow speed; posted minimum speeds.</p> | <p>333.05 Speed limitations over bridges.</p> <p>333.06 Speed exceptions for emergency or safety vehicles.</p> <p>333.07 Street racing prohibited.</p> <p>333.08 Operation without reasonable control.</p> <p>333.09 Reckless operation on streets, public or private property.</p> <p>333.99 Penalty.</p> |
|--|--|

CROSS REFERENCES

See sectional histories for similar State law
 Drug of abuse defined - see Ohio R.C. 3719.011(A)
 Alcohol defined - see Ohio R.C. 4301.01(B)(1)
 Alteration of prima-facie speed limits - see Ohio R.C.
 4511.21, 4511.22(B), 4511.23
 Failure to control vehicle - see TRAF. 331.34
 Walking on highway while under the influence - see TRAF. 371.09

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

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

- (1) The person is under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse;
- (2) The person has a concentration of ten-hundredths of one per cent or more but less than seventeen-hundredths of one per cent by weight of alcohol in the person's blood;
- (3) The person has a concentration of ten-hundredths of one gram or more but less than seventeen-hundredths of one gram by weight of alcohol per two hundred ten liters of the person's breath;
- (4) The person has a concentration of fourteen-hundredths of one gram or more but less than two hundred thirty-eight-thousandths of one gram by weight of alcohol per one hundred milliliters of the person's urine;
- (5) The person has a concentration of seventeen-hundredths of one per cent or more by weight of alcohol in the person's blood;

- (6) The person has a concentration of seventeen-hundredths of one gram or more by weight of alcohol per two hundred ten liters of the person's breath;
- (7) The person has a concentration of two hundred thirty-eight-thousandths of one gram or more by weight of alcohol per one hundred milliliters of the person's urine.

(b) Operation After Under-Age Consumption. No person under twenty-one years of age shall operate any vehicle within this Municipality, if any of the following apply:

- (1) The person has a concentration of at least two-hundredths of one per cent but less than ten-hundredths of one per cent by weight of alcohol in the person's blood;
- (2) The person has a concentration of at least two-hundredths of one gram but less than ten-hundredths of one gram by weight of alcohol per two hundred ten liters of the person's breath;
- (3) The person has a concentration of at least twenty-eight one-thousandths of one gram but less than fourteen-hundredths of one gram by weight of alcohol per one hundred milliliters of the person's urine.

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

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

- (1) The person is under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse;
- (2) The person has a concentration of ten-hundredths of one per cent or more by weight of alcohol in the person's blood;
- (3) The person has a concentration of ten-hundredths of one gram or more by weight of alcohol per two hundred ten liters of the person's breath;
- (4) The person has a concentration of fourteen-hundredths of one gram or more by weight of alcohol per one hundred milliliters of the person's urine;

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

- (1) The person has a concentration of at least two-hundredths of one per cent but less than ten-hundredths of one per cent by weight of alcohol in the person's blood;
- (2) The person has a concentration of at least two-hundredths of one gram but less than ten-hundredths of one gram by weight of alcohol per two hundred ten liters of the person's breath;
- (3) The person has a concentration of at least twenty-eight one-thousandths of one gram but less than fourteen-hundredths of one gram by weight of alcohol per one hundred milliliters of the person's urine.

- (f) (1) Evidence; Tests; Immunity. In any criminal prosecution or juvenile court proceeding for a violation of this section, the court may admit evidence on the concentration of alcohol, drugs of abuse, or alcohol and drugs of abuse in the defendant's blood, breath, urine or other bodily substance at the time of the alleged violation as shown by chemical analysis of the defendant's blood, urine, breath or other bodily substance withdrawn within two hours of the time of the alleged violation.
- When a person submits to a blood test at the request of a police officer under Ohio R.C. 4511.191, only a physician, a registered nurse or a qualified technician or chemist shall withdraw blood for the purpose of determining its alcohol, drug, or alcohol and drug content. This limitation does not apply to the taking of breath or urine specimens. A physician, a registered nurse or a qualified technician or chemist may refuse to withdraw blood for the purpose of determining the alcohol, drug, or alcohol and drug content of the blood, if in the opinion of the physician, nurse, technician, or chemist the physical welfare of the person would be endangered by the withdrawing of blood.
- Such bodily substance shall be analyzed in accordance with methods approved by the Ohio Director of Health by an individual possessing a valid permit issued by the Director of Health pursuant to Ohio R.C. 3701.143.
- (2) In a criminal prosecution or juvenile court proceeding for violation of subsection (a) hereof if there was at the time the bodily substance was withdrawn a concentration of less than ten-hundredths of one percent (0.10%) by weight of alcohol in the defendant's blood, less than ten-hundredths (0.10) of one gram by weight of alcohol per 210 liters of the defendant's breath or less than fourteen-hundredths (0.14) of one gram by weight of alcohol per 100 milliliters of the defendant's urine, such fact may be considered with other competent evidence in determining the guilt or innocence of the defendant. This subsection does not limit or affect a criminal prosecution or juvenile court proceeding for a violation of subsection (b) hereof.
- (3) Upon the request of the person who was tested, the results of the chemical test shall be made available to the person or the person's attorney or agent, immediately upon the completion of the chemical test analysis. The person tested may have a physician, a registered nurse or a qualified technician or chemist of the person's own choosing administer a chemical test or tests in addition to any administered at the request of a police officer, and shall be so advised. The failure or inability to obtain an additional chemical test by a person shall not preclude the admission of evidence relating to the chemical test or tests taken at the request of a police officer.
- (4) Any physician, registered nurse or qualified technician or chemist who withdraws blood from a person pursuant to this section, and any hospital, first-aid station or clinic at which blood is withdrawn from a person pursuant to this section, is immune from criminal liability, and from civil liability that is based upon a claim of assault and battery or based upon any other claim that is not in the nature of a claim of malpractice, for any act performed in withdrawing blood from a person. (ORC 4511.19)

333.02 OPERATION IN WILLFUL OR WANTON DISREGARD OF SAFETY.

(a) No person shall operate a vehicle on any street or highway in willful or wanton disregard of the safety of persons or property. (ORC 4511.20)

(b) No person shall operate a vehicle on any public or private property other than streets or highways, in willful or wanton disregard of the safety of persons or property.

This subsection does not apply to the competitive operation of vehicles on public or private property when the owner of such property knowingly permits such operation thereon. (ORC 4511.201)

333.03 MAXIMUM SPEED LIMITS; ASSURED CLEAR DISTANCE AHEAD.

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

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

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

B. As used in this section, "school" means any school chartered under Ohio R.C. 3301.16 and any nonchartered school that during the preceding year filed with the Department of Education in compliance with rule 3301-35-08 of the Ohio Administrative Code, a copy of the school's report for the parents of the school's pupils certifying that the school meets Ohio minimum standards for nonchartered, non-tax-supported schools and presents evidence of this filing to the jurisdiction from which it is requesting the establishment of a school zone.

CHAPTER 335 Licensing; Accidents

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|---------|--|--------|--|
| 335.01 | Driver's license or commercial driver's license required. | 335.09 | Display of license plates; expired or unlawful plates. |
| 335.02 | Possession of more than one license prohibited. | 335.10 | License plates to be unobstructed. |
| 335.03 | Driving with temporary instruction permit; curfew. | 335.11 | Use of illegal license plates; transfer of registration. |
| 335.031 | Driving with probationary license; curfew. | 335.12 | Stopping after accident upon streets; collision with unattended vehicle. |
| 335.04 | Certain acts prohibited. | 335.13 | Stopping after accident upon property other than street. |
| 335.05 | Owner or operator allowing another to drive. | 335.14 | Vehicle accident resulting in damage to realty. |
| 335.06 | Display of license. | 335.99 | Penalty. |
| 335.07 | Driving under suspension or revocation or without proof of financial responsibility or in violation of license restrictions. | | |
| 335.08 | Operation or sale without certificate of title. | | |

CROSS REFERENCES

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

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

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

(b) No person shall permit the operation of a motor vehicle upon any public or private property used by the public for purposes of vehicular travel or parking knowing such operator does not have a valid driver's license issued to such operator by the Ohio Registrar of Motor Vehicles under Ohio R.C. Chapter 4507 or a valid commercial driver's license issued under Ohio R.C. Chapter 4506.

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

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

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

335.02 POSSESSION OF MORE THAN ONE LICENSE PROHIBITED.

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

335.03 DRIVING WITH TEMPORARY INSTRUCTION PERMIT; CURFEW.

(a) No holder of a temporary instruction permit issued under Ohio R.C. 4507.05(A) shall operate a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking in violation of the following conditions:

- (1) If the permit is issued to a person who is at least fifteen years and six months of age, but less than sixteen years of age:
 - A. The permit and identification card are in the holder's immediate possession;
 - B. The holder is accompanied by an eligible adult who actually occupies the seat beside the permit holder;
 - C. The total number of occupants of the vehicle does not exceed the total number of occupant restraining devices originally installed in the motor vehicle by its manufacturer, and each occupant of the vehicle is wearing all of the available elements of a properly adjusted occupant restraining device.
- (2) If the permit is issued to a person who is at least sixteen years of age:
 - A. The permit and identification card are in the holder's immediate possession;
 - B. The holder is accompanied by a licensed operator who is at least twenty-one years of age and is actually occupying a seat beside the driver;
 - C. The total number of occupants of the vehicle does not exceed the total number of occupant restraining devices originally installed in the motor vehicle by its manufacturer, and each occupant of the vehicle is wearing all of the available elements of a properly adjusted occupant restraining device.

(f) Except as otherwise provided in Ohio R.C. Chapter 4517 sell at wholesale a motor vehicle ownership of which is not evidenced by an Ohio certificate of title, or the current certificate of title issued for the motor vehicle, or the manufacturer's certificate of origin, and all the title assignments that evidence the seller's ownership of the motor vehicle, and an odometer disclosure statement that complies with Ohio R.C. 4505.06 and Subchapter IV of the "Motor Vehicle Information And Cost Savings Act," 86 Stat. 961 (1972), 15 U.S.C. 1981.

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

335.09 DISPLAY OF LICENSE PLATES; EXPIRED OR UNLAWFUL PLATES.

(a) No person who is the owner or operator of a motor vehicle shall fail to properly display in plain view on the front and rear of the motor vehicle the distinctive number and registration mark, including any county identification sticker and any validation sticker issued under Ohio R.C. 4503.19 and 4503.191, furnished by the Ohio Director of Public Safety, except that a manufacturer of motor vehicles or dealer therein, the holder of an intransit permit, and the owner or operator of a motorcycle, motorized bicycle, manufactured home, mobile home, trailer or semitrailer shall display on the rear only. A motor vehicle that is issued two license plates shall display the validation sticker on the rear license plate. A commercial tractor that does not receive an apportioned license plate under the international registration plan shall be issued one license plate and one validation sticker, which license plate and validation sticker shall be displayed on the front of the commercial tractor. An apportioned vehicle receiving an apportioned license plate under the international registration plan shall display the license plate only on the front of a commercial tractor and on the rear of all other vehicles. All license plates shall be securely fastened so as not to swing, and shall not be covered by any material that obstructs their visibility.

No person to whom a temporary license placard or windshield sticker has been issued for the use of a motor vehicle under Ohio R.C. 4503.182, and no operator of that motor vehicle, shall fail to display the temporary license placard in plain view from the rear of the vehicle either in the rear window or on an external rear surface of the motor vehicle, or fail to display the windshield sticker in plain view on the rear window of the motor vehicle. No temporary license placard or windshield sticker shall be covered by any material that obstructs its visibility.
(ORC 4503.21)

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

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

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

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

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

335.10 LICENSE PLATES TO BE UNOBSTRUCTED.

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

335.11 USE OF ILLEGAL LICENSE PLATES; TRANSFER OF REGISTRATION.

(a) No person shall operate or drive a motor vehicle upon the streets in this Municipality if it displays a license plate or a distinctive number or identification mark that meets any of the following criteria:

- (1) Is fictitious;
- (2) Is a counterfeit or an unlawfully made copy of any distinctive number or identification mark;
- (3) Belongs to another motor vehicle, provided that this section does not apply to a motor vehicle that is operated on the streets in this Municipality when the motor vehicle displays license plates that originally were issued for a motor vehicle that previously was owned by the same person who owns the motor vehicle that is operated on the streets in this Municipality, during the thirty-day period described in subsection (b) hereof. (ORC 4549.08)

(b) Upon the transfer of ownership of a motor vehicle, the registration of the motor vehicle expires, and the original owner shall immediately remove the license plates from the motor vehicle. The transfer of the registration and, where applicable, the license plates from the motor vehicle for which they originally were issued to a succeeding motor vehicle purchased by the same person in whose name the original registration and license plates were issued shall be done within a period not to exceed thirty days. During that thirty-day period, the license plates from the motor vehicle for which they originally were issued may be displayed on the succeeding motor vehicle, and the succeeding motor vehicle may be operated on the streets of the Municipality. (ORC 4503.12)

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

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

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

CHAPTER 337 Safety and Equipment

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|---------|--|--------|--|
| 337.01 | Driving unsafe vehicles. | 337.17 | Focus and aim of headlights. |
| 337.02 | Lighted lights; measurement of distances and heights. | 337.18 | Motor vehicle and motorcycle brakes. |
| 337.03 | Headlights on motor vehicles and motorcycles. | 337.19 | Horn, siren and theft alarm signal. |
| 337.04 | Tail light; illumination of rear license plate. | 337.20 | Muffler; muffler cutout; excessive smoke, gas or noise. |
| 337.05 | Rear red reflectors. | 337.21 | Rear-view mirror; clear view to front, both sides and rear. |
| 337.06 | Safety lighting on commercial vehicles. | 337.22 | Windshield and windshield wiper; sign or poster thereon. |
| 337.07 | Obscured lights on vehicles in combination. | 337.23 | Limited load extension on left side of passenger vehicle. |
| 337.08 | Red light or red flag on extended loads. | 337.24 | Motor vehicle stop lights. |
| 337.09 | Lights on parked or stopped vehicles. | 337.25 | Air cleaner required. |
| 337.10 | Lights on slow-moving vehicles; emblem required. | 337.26 | Child restraint system usage. |
| 337.11 | Spotlight and auxiliary lights. | 337.27 | Drivers and passengers required to wear seat belts; penalty. |
| 337.12 | Cowl, fender and back-up lights. | 337.28 | Use of sunscreening, nontransparent and reflectorized materials. |
| 337.13 | Display of lighted lights. | 337.29 | Bumper heights. |
| 337.14 | Use of headlight beams. | 337.30 | Ignition interlock devices. |
| 337.15 | Lights of less intensity on slow-moving vehicles. | 337.31 | Directional signals required. |
| 337.16 | Number of lights; limitations on flashing, oscillating or rotating lights. | 337.99 | Penalty. |
| 337.165 | Vehicles transporting preschool children. | | |

CROSS REFERENCES

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

337.01 DRIVING UNSAFE VEHICLES.

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

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

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

337.02 LIGHTED LIGHTS; MEASUREMENT OF DISTANCES AND HEIGHTS.

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

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

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

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

- (c) (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, traffic line strippers, snow plows, rural mail delivery vehicles, vehicles transporting preschool children as provided in Ohio R.C. 4513.182, Ohio Department of Transportation maintenance vehicles, funeral hearses, funeral escort vehicles and similar equipment operated by the Department or local authorities, which shall be equipped with and display, when used on a street or highway for the special purpose necessitating such lights, a flashing, oscillating or rotating amber light, but shall not display a flashing, oscillating or rotating light of any other color, nor to vehicles or machinery permitted by Section 337.10 to have a flashing red light.
- (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. (ORC 4513.17)

337.165 VEHICLES TRANSPORTING PRESCHOOL CHILDREN.

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

(b) No person shall operate a motor vehicle displaying the lights and sign required by this section for any purpose other than the transportation of preschool children as provided in this section. (ORC 4513.182)

337.17 FOCUS AND AIM OF HEADLIGHTS.

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

337.18 MOTOR VEHICLE AND MOTORCYCLE BRAKES.

The following requirements govern as to brake equipment on vehicles:

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

- (g) The same brake drums, brake shoes and lining assemblies, brake shoe anchors, and mechanical brake shoe actuation mechanism normally associated with the wheel brake assemblies may be used for both the service brakes and the parking brakes. If the means of applying the parking brakes and the service brakes are connected in any way, they shall be so constructed that failure of any one part shall not leave the vehicle without operative brakes.
- (h) Every motor vehicle or combination of motor-drawn vehicles shall be capable at all times and under all conditions of loading of being stopped on a dry, smooth, level road free from loose material, upon application of the service or foot brake, within the following specified distances, or shall be capable of being decelerated at a sustained rate corresponding to these distances:

From a speed of 20 miles per hour

| Stopping distance in feet | Deceleration in feet per second per second |
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| | | |
|-------------------------------|----|------|
| Brakes on all wheels | 30 | 14 |
| Brakes not on all four wheels | 40 | 10.7 |

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

337.19 HORN, SIREN AND THEFT ALARM SIGNAL.

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

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

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

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

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

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

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

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

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

337.22 WINDSHIELD AND WINDSHIELD WIPER; SIGN OR POSTER THEREON.

(a) No person shall drive any motor vehicle on a street or highway, other than a motorcycle or motorized bicycle, that is not equipped with a windshield.

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

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

337.23 LIMITED LOAD EXTENSION ON LEFT SIDE OF PASSENGER VEHICLE.

No passenger-type vehicle shall be operated on a street with any load carried on such vehicle which extends more than six inches beyond the line of the fenders on the vehicle's left side. (ORC 4513.30)

337.24 MOTOR VEHICLE STOP LIGHTS.

Every motor vehicle, trailer, semitrailer, and pole trailer when operated upon a street or highway shall be equipped with two or more stop lights, except that passenger cars manufactured or assembled prior to January 1, 1967, motorcycles, and motor-driven cycles shall be equipped with at least one stop light. Stop lights shall be mounted on the rear of the vehicle, actuated upon application of the service brake, and may be incorporated with other rear lights. Such stop lights when actuated shall emit a red light visible from a distance of five hundred feet to the rear, provided that in the case of a train of vehicles only the stop lights on the rear-most vehicle need be visible from the distance specified.

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

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

Historical motor vehicles as defined in Ohio R.C. 4503.181, not originally manufactured with stop lights, are not subject to this section. (ORC 4513.071)

337.25 AIR CLEANER REQUIRED.

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

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

337.26 CHILD RESTRAINT SYSTEM USAGE.

(a) When any child who is in either or both of the following categories is being transported in a motor vehicle, other than a taxicab or public safety vehicle, that is registered in this State, and is required by the United States Department of Transportation to be equipped with seat belts at the time of manufacture or assembly, the operator of the motor vehicle shall have the child properly secured in accordance with the manufacturer's instructions in a child restraint system that meets federal motor safety standards:

- (1) A child who is less than four years of age;
- (2) A child who weighs less than forty pounds.

(b) When any child who is in either or both of the following categories is being transported in a motor vehicle, other than a taxicab, that is registered in this State and is owned, leased or otherwise under the control of a nursery school, kindergarten, or day-care center, the operator of the motor vehicle shall have the child properly secured in accordance with the manufacturer's instructions in a child restraint system that meets federal motor vehicle safety standards:

- (1) A child who is less than four years of age;
- (2) A child who weighs less than forty pounds.

(c) The Ohio Director of Public Safety shall adopt such rules as are necessary to carry out this section.

(d) The failure of an operator of a motor vehicle to secure a child in a child restraint system as required by this section is not negligence imputable to the child, is not admissible as evidence in any civil action involving the rights of the child against any other person allegedly liable for injuries to the child, is not to be used as a basis for a criminal prosecution of the operator of the motor vehicle other than a prosecution for a violation of this section, and is not admissible as evidence in any criminal action involving the operator of the motor vehicle other than a prosecution for a violation of this section.

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

(f) If a person who is not a resident of this State is charged with a violation of subsection (a) or (b) hereof and does not prove to the court, by a preponderance of the evidence, that his use or nonuse of a child restraint system was in accordance with the law of the state of which he is a resident, the court shall impose the penalty provided under Section 337.99. (ORC 4511.81)

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

(a) As used in this section:

- (1) "Automobile" means any commercial tractor, passenger car, commercial car or truck that is required to be factory-equipped with an occupant restraining device for the operator or any passenger by regulations adopted by the United States Secretary of Transportation pursuant to the "National Traffic and Motor Vehicle Safety Act of 1966," 80 Stat. 719, 15 U.S.C.A. 1392.
- (2) "Occupant restraining device" means a seat safety belt, shoulder belt, harness or other safety device for restraining a person who is an operator of or passenger in an automobile and that satisfies the minimum Federal vehicle safety standards established by the United States Department of Transportation.
- (3) "Passenger" means any person in an automobile, other than its operator, who is occupying a seating position for which an occupant restraining device is provided.
- (4) "Commercial tractor," "passenger car," and "commercial car" have the same meanings as provided in Ohio R.C. 4501.01.
- (5) "Vehicle" and "motor vehicle", as used in the definitions of the terms set forth in subsection (a)(4) hereof, have the same meanings as provided in Chapter 301.
- (6) "Manufacturer" and "supplier" have the same meanings as in Ohio R.C. 2307.71.
- (7) "Tort action" means a civil action for damages for injury, death, or loss to person or property. "Tort action" includes a product liability claim but does not include a civil action for damages for a breach of contract or another agreement between persons.

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

- (1) Operate an automobile on any street or highway unless that person is wearing all of the available elements of a properly adjusted occupant restraining device, or operate a school bus that has an occupant restraining device installed for use in its operator's seat unless that person is wearing all of the available elements of the device, as properly adjusted;
- (2) Operate an automobile on any street or highway unless each passenger in the automobile who is subject to the requirement set forth in subsection (b)(3) hereof is wearing all of the available elements of a properly adjusted occupant restraining device;
- (3) Occupy, as a passenger, a seating position on the front seat of an automobile being operated on any street or highway unless that person is wearing all of the available elements of a properly adjusted occupant restraining device;
- (4) Operate a taxicab on any street or highway unless all factory-equipped occupant restraining devices in the taxicab are maintained in usable form.

(c) Any offender with restricted driving privileges who rents, leases or borrows a motor vehicle from another person shall notify the person who rents, leases or lends the motor vehicle to him or her that the offender has restricted driving privileges and of the nature of the restriction.

(d) Any offender with restricted driving privileges who is required to operate a motor vehicle owned by his or her employer in the course and scope of his or her employment may operate that vehicle without the installation of an ignition interlock device, provided that the employer has been notified that the offender has restricted driving privileges and of the nature of the restriction, and provided, further, that the offender has proof of the employer's notification in his or her possession while operating the employer's vehicle for normal business duties. A motor vehicle owned by a business that is partly or entirely owned or controlled by an offender with restricted driving privileges is not a motor vehicle owned by an employer, for purposes of this subsection.

(e) If a court, pursuant to Ohio R.C. 4507.16(F), imposes the use of an ignition interlock device as a condition of the granting of occupational driving privileges, the court shall require the offender to provide proof of compliance to the court at least once quarterly or more frequently as ordered by the court in its discretion. If a court imposes the use of an ignition interlock device as a condition of probation under Ohio R.C. 2951.02(I), the court shall require the offender to provide proof of compliance to the court or probation officer prior to issuing any driving privilege or continuing the probation status. In either case in which a court imposes the use of such a device, the offender, at least once quarterly or more frequently as ordered by the court in its discretion, shall have the device inspected as ordered by the court for accurate operation and shall provide the results of the inspection to the court or, if applicable, to the offender's probation officer.

(f) No offender with restricted driving privileges, during any period that he or she is required to operate only a motor vehicle equipped with an ignition interlock device, shall request or permit any other person to breathe into the device or start a motor vehicle equipped with the device, for the purpose of providing the offender with an operable motor vehicle.

(g) Except as provided in subsection (h) hereof, no person shall breathe into an ignition interlock device or start a motor vehicle equipped with an ignition interlock device for the purpose of providing an operable motor vehicle to an offender with restricted driving privileges.

(h) Subsection (g) hereof does not apply to an offender with restricted driving privileges who breathes into an ignition interlock device or starts a motor vehicle equipped with an ignition interlock device for the purpose of providing himself or herself with an operable motor vehicle.

(i) No unauthorized person shall tamper with or circumvent the operation of an ignition interlock device. (ORC 4511.83)

(j) Whoever violates or fails to comply with any of the provisions of this section is guilty of a misdemeanor of the first degree and shall be subject to the penalty provided in Section 303.99(b). (ORC 4511.99(J))

337.31 DIRECTIONAL SIGNALS REQUIRED.

- (a) (1) No person shall operate any motor vehicle manufactured or assembled on or after January 1, 1954, unless the vehicle is equipped with electrical or mechanical directional signals.
- (2) No person shall operate any motorcycle or motor-driven cycle manufactured or assembled on or after January 1, 1968, unless the vehicle is equipped with electrical or mechanical directional signals.

(b) "Directional signals" means an electrical or mechanical signal device capable of clearly indicating an intention to turn either to the right or to the left and which shall be visible from both the front and rear.

(c) All mechanical signal devices shall be self-illuminating devices when in use at the times mentioned in Section 337.02. (ORC 4513.261)

337.99 PENALTY.

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

- (3) 132 inches for traction engines;
 - (4) 102 inches for recreational vehicles, excluding safety devices and retracted awnings and other appurtenances of six inches or less in width and except that the Director may prohibit the operation of 102-inch recreational vehicles on designated State highways or portions of highways;
 - (5) 102 inches, including load, for all other vehicles, except that the Director may prohibit the operation of 102-inch vehicles on such State highways or portions thereof as the Director designates.
- (b) No such vehicle shall have a length in excess of:
- (1) 60 feet for passenger bus type vehicles operated by a regional transit authority pursuant to Ohio R.C. 306.30 to 306.54;
 - (2) 40 feet for all other passenger bus type vehicles;
 - (3) 53 feet for any semitrailer when operated in a commercial tractor-semitrailer combination, with or without load, except that the Director may, by journal entry, prohibit the operation of any such commercial tractor-semitrailer combination on such State routes or portions thereof as the Director designates;
 - (4) 28.5 feet for any semitrailer or trailer when operated in a commercial tractor-semitrailer-trailer or commercial tractor-semitrailer-semi-trailer combination, except that the Director may prohibit the operation of any such commercial tractor-semitrailer-trailer or commercial tractor-semitrailer-semi-trailer combination on such State routes or portions thereof as the Director designates;
 - (5) 75 feet for drive-away saddlemount vehicle transporter combinations and drive-away saddlemount with fullmount vehicle transporter combinations, not to exceed three saddlemounted vehicles, but which may include one fullmount.
 - (6) 65 feet for any other combination of vehicles coupled together, with or without load, except as provided in subsections (b)(3) and (4) and in subsection (d) hereof;
 - (7) 45 feet for recreational vehicles.
 - (8) 40 feet for all other vehicles except trailers and semitrailers, with or without load.
- (c) No such vehicle shall have a height in excess of thirteen feet six inches, with or without load.
- (d) An automobile transporter or boat transporter shall be allowed a length of sixty-five feet and a stinger-steered automobile transporter or stinger-steered boat transporter shall be allowed a length of seventy-five feet, except that the load thereon may extend no more than four feet beyond the rear of such vehicles and may extend no more than three feet beyond the front of such vehicles, and except further that the Director may prohibit the operation of any stinger-steered automobile transporter or stinger-steered boat transporter or a B-train assembly on any State highway or portion thereof that the Director designates.
- The width prescribed in subsection (a)(5) of this section shall not include automatic covering devices used by a vehicle hauling solid waste.

The lengths prescribed in subsections (b)(2) to (7) hereof shall not include safety devices, bumpers attached to the front or rear of such bus or combination, B-train assembly used between the first and second semitrailer of a commercial tractor-semitrailer-semi-trailer combination, energy conservation devices as provided in any regulations adopted by the Secretary of the United States Department of Transportation, or any noncargo-carrying refrigeration equipment attached to the front of trailers and semitrailers. In special cases, vehicles whose dimensions exceed those prescribed by this section may operate in accordance with rules adopted by the Ohio Director of Transportation.

- (e) This section does not apply to fire engines, fire trucks or other vehicles or apparatus belonging to any municipal corporation or to the volunteer fire department of any municipal corporation or used by such department in the discharge of its functions. This section does not apply to vehicles and pole trailers used in the transportation of wooden and metal poles, nor to the transportation of pipes or well-drilling equipment, nor to farm machinery and equipment. The owner or operator of any vehicle, machinery or equipment not specifically enumerated in this section but the dimensions of which exceed the dimensions provided by this section, when operating the same on the highways and streets of this State shall comply with the rules of the Director governing such movement, which the Director may adopt. Ohio R.C. 119.01 to 119.13 apply to any rules the Director adopts under this section, or the amendment or rescission thereof, and any person adversely affected shall have the same right of appeal as provided in those sections.
- This section does not require the State, the Municipality, County, township or any railroad or other private corporation to provide sufficient vertical clearance to permit the operation of such vehicle, or to make any changes in or about existing structures now crossing streets, roads and other public thoroughfares in the Municipality.
- (f) As used in this section, "recreational vehicle" has the same meaning as in Ohio R.C. 4501.01. (ORC 5577.05)

339.04 ROUTE AND LOAD INFORMATION.

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

339.05 WHEEL PROTECTORS.

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

(ORC 5577.11)

TITLE SEVEN - Parking
Chap. 351. Parking Generally.

CHAPTER 351
Parking Generally

| | | | |
|--------|---|--------|--|
| 351.01 | Police may remove unattended vehicle which obstructs traffic. | 351.11 | Parking in alleys and narrow streets; exceptions. |
| 351.02 | Registered owner prima-facie liable for unlawful parking. | 351.12 | Prohibition against parking on streets or highways. |
| 351.03 | Prohibited standing or parking places. | 351.13 | Night parking of commercial vehicles in residential districts. |
| 351.04 | Manner of parallel parking. | 351.14 | Overnight parking in business districts. |
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| 351.06 | Selling or repairing vehicle on roadway. | 351.16 | Parking on tree or curb lawn. |
| 351.07 | Unattended vehicle: duty to stop engine, remove key, set brake and turn wheels. | 351.17 | Parking in the Central Business District (CBD). |
| 351.08 | Opening vehicle door on traffic side. | 351.18 | Parking on posted private property. |
| 351.09 | Truck loading zones. | 351.19 | 48 hours parking in residential districts. |
| 351.10 | Bus stops and taxicab stands. | 351.99 | Penalty and waiver. |

CROSS REFERENCES

See sectional histories for similar State law

Police may remove ignition key from unattended vehicle - see TRAF. 303.03

Willfully leaving vehicles on private or public property - see TRAF. 303.09, 303.10

Parking near stopped fire apparatus - see TRAF. 331.27

Lights on parked or stopped vehicles - see TRAF. 337.09

Fire lanes - see FIRE PREV. 1501.01 (OFC 1301:7-7-03(N))

351.01 POLICE MAY REMOVE UNATTENDED VEHICLE WHICH OBSTRUCTS TRAFFIC.

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

351.02 REGISTERED OWNER PRIMA-FACIE LIABLE FOR UNLAWFUL PARKING.

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

351.03 PROHIBITED STANDING OR PARKING PLACES.

No person shall stand or park a vehicle, except when necessary to avoid conflict with other traffic or to comply with the provisions of this Traffic Code, or while obeying the directions of a police officer or a traffic control device, in any of the following places:

- (a) On a sidewalk or street lawn area, except a bicycle;
- (b) In front of a public or private driveway;
- (c) Within an intersection;
- (d) Within ten feet of a fire hydrant;
- (e) On a crosswalk;
- (f) Within twenty feet of a crosswalk at an intersection;
- (g) Within thirty feet of, and upon the approach to, any flashing beacon, stop sign or traffic control device;
- (h) Between a safety zone and the adjacent curb or within thirty feet of points on the curb immediately opposite the end of a safety zone, unless a different length is indicated by a traffic control device;
- (i) Within fifty feet of the nearest rail of a railroad crossing;
- (j) Within twenty feet of a driveway entrance to any fire station and, on the side of the street opposite the entrance to any fire station, within seventy-five feet of the entrance when it is properly posted with signs;
- (k) Alongside or opposite any street excavation or obstruction when such standing or parking would obstruct traffic;
- (l) Alongside any vehicle stopped or parked at the edge or curb of a street;
- (m) Upon any bridge or other elevated structure upon a street, or within a street tunnel;
- (n) At any place where signs prohibit stopping, standing or parking, or where the curbing 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 the devil strip or street lawn area, except when lawfully authorized.
(Ord. 1295AC. Passed 8-29-77.)
- (r) Upon or in the front yard area, as defined by the Zoning Code, of any parcel of land within residential districts in the corporate limits, which is not within the confines of any building, garage, carport or improved driveway. Improved driveway is hereby defined to be a paved or otherwise surfaced area of a durable, pervious or impervious material.
(Ord. 1279AC. Passed 9-19-77.)

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

375.04 PERMITTED OPERATION.

Snowmobiles, off-highway motorcycles, and all purpose vehicles may be operated as follows:

- (a) To make a crossing of a highway, other than a freeway or limited access highway, whenever the crossing can be made in safety and will not interfere with the movement of vehicular traffic approaching from any direction on the highway, and provided that the operator yields the right of way to any approaching traffic that presents an immediate hazard;
- (b) On highways in the County or Township road systems whenever the local authority having jurisdiction over such highway so permits;
- (c) Off and alongside a street or highway for limited distances from the point of unloading from a conveyance to the point at which the snowmobile, off-highway motorcycle, or all purpose vehicle is intended and authorized to be operated.
- (d) On the berm or shoulder of a highway, other than a highway as designated in Ohio R.C. 4519.40(A), when the terrain permits such operation to be undertaken safely and without the necessity of entering any traffic lane;
- (e) On the berm or shoulder of a county or township road, while traveling from one area of operation of the snowmobile, off-highway motorcycle, or all-purpose vehicle to another such area. (ORC 4519.41)

375.05 LICENSING REQUIREMENTS OF OPERATOR.

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

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

375.06 REGISTRATION OF VEHICLES.

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

375.07 ACCIDENT REPORTS.

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

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

375.08 CERTIFICATE OF TITLE.

No person shall do any of the following:

- (a) Operate in this Municipality an off-highway motorcycle or all-purpose vehicle without having a certificate of title for the off-highway motorcycle or all-purpose vehicle, if such a certificate is required by Ohio R.C. Chapter 4519 to be issued for the off-highway motorcycle or all-purpose vehicle;
- (b) Operate in this Municipality an off-highway motorcycle or all-purpose vehicle if a certificate of title to the off-highway motorcycle or all-purpose vehicle has been issued and then has been canceled;
- (c) Fail to surrender any certificate of title upon cancellation of the same by the Registrar of Motor Vehicles and notice thereof as prescribed in Ohio R.C. Chapter 4519;
- (d) Fail to surrender the certificate of title to the Clerk of the Court of Common Pleas as provided in Ohio R.C. Chapter 4519, in case of the destruction or dismantling of, or change in, the off-highway motorcycle or all-purpose vehicle described in the certificate of title;
- (e) Violate Ohio R.C. 4519.51 to 4519.70 or any lawful rules promulgated pursuant to those sections.
(ORC 4519.66)

375.09 OPERATION PROHIBITED ON CITY OR SCHOOL PROPERTY.

No person shall operate a snowmobile on any property owned or under the control of the City or upon the school property of the Oberlin public schools.
(Ord. 832 AC. Passed 2-21-72.)

375.99 PENALTY.

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

501.04 RULES OF CONSTRUCTION.

(a) Except as otherwise provided in subsection (c) hereof, sections of the Codified Ordinances defining offenses or penalties shall be strictly construed against the Municipality and liberally construed in favor of the accused.

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

(c) Any provision of a section of the Codified Ordinances that refers to a previous conviction of or plea of guilty to a violation of a section of the Codified Ordinances or Ohio Revised Code or of a division of a section of the Codified Ordinances or Ohio Revised Code shall be construed to also refer to a previous conviction of or plea of guilty to a substantially equivalent offense under an existing or former law of this State, another state, or the United States or under an existing or former municipal ordinance. (ORC 2901.04)

501.05 CRIMINAL LAW JURISDICTION.

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

- (1) The person commits an offense under the laws of this Municipality, any element of which takes place in this Municipality.
- (2) While in this Municipality, the person conspires or attempts to commit, or is guilty of complicity in the commission of an offense in another jurisdiction, which offense is an offense under both the laws of this Municipality and the other jurisdiction.
- (3) While out of this Municipality, the person conspires or attempts to commit, or is guilty of complicity in the commission of, an offense in this Municipality.
- (4) While out of this Municipality, the person omits to perform a legal duty imposed by the laws of this Municipality, which omission affects a legitimate interest of the Municipality in protecting, governing or regulating any person, property, thing, transaction or activity in this Municipality.
- (5) While out of this Municipality, the person unlawfully takes or retains property and subsequently brings any of the unlawfully taken or retained property into this Municipality.
- (6) While out of this Municipality, the person unlawfully takes or entices another and subsequently brings the other person into this Municipality.
- (7) The person, by means of a computer, computer system, computer network, telecommunication, telecommunications device, telecommunications service, or information service, causes or knowingly permits any writing, data, image, or other telecommunication to be disseminated or transmitted into this Municipality in violation of the law of this Municipality.

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

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

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

(e) As used in this section, "computer", "computer system", "computer network", "information service", "telecommunication", "telecommunications device", "telecommunications service", "data", and "writing" have the same meaning as in Ohio R.C. 2913.01. (ORC 2901.11)

501.06 LIMITATION OF CRIMINAL PROSECUTION.

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

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

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

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

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

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

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

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

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

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

501.07 REQUIREMENTS FOR CRIMINAL LIABILITY.

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

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

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

(c) Voluntary intoxication may not be taken into consideration in determining the existence of a mental state that is an element of a criminal offense. Voluntary intoxication does not relieve a person of a duty to act if failure to act constitutes a criminal offense. Evidence that a person was voluntarily intoxicated may be admissible to show whether or not the person was physically capable of performing the act with which the person is charged.

(d) As used in this section:

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

501.08 CULPABLE MENTAL STATES.

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

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

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

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

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

501.09 ATTEMPT.

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

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

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

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

(e) Whoever violates this section is guilty of an attempt to commit an offense. An attempt to commit a drug abuse offense for which the penalty is determined by the amount or number of unit doses of the controlled substance involved in the drug abuse offense is an offense of the same degree as the drug abuse offense attempted would be if that drug abuse offense had been committed and had involved an amount or number of unit doses of the controlled substance that is within the next lower range of controlled substance amounts than was involved in the attempt. An attempt to commit any other misdemeanor is a misdemeanor of the next lesser degree than the misdemeanor attempted. In the case of an attempt to commit an offense other than a violation of Ohio R.C. Chapter 3734 that is not specifically classified, an attempt is a misdemeanor of the first degree if the offense attempted is a felony under the Ohio Revised Code, and a misdemeanor of the fourth degree if the offense attempted is a misdemeanor. An attempt to commit a minor misdemeanor is not an offense under this section.

(f) As used in this section, "drug abuse offense" has the same meaning as in Ohio R.C. 2925.01. (ORC 2923.02)

501.10 COMPLICITY.

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

- (1) Solicit or procure another to commit the offense;
- (2) Aid or abet another in committing the offense;
- (3) Conspire with another to commit the offense in violation of Ohio R.C. 2923.01 (Conspiracy);
- (4) Cause an innocent or irresponsible person to commit the offense.

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

(c) No person shall be convicted of complicity under this section unless an offense is actually committed, but a person may be convicted of complicity in an attempt to commit an offense in violation of Section 606.21.

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

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

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

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

(f) Whoever violates this section is guilty of complicity in the commission of an offense, and shall be prosecuted and punished as if he or she were the principal offender. A charge of complicity may be stated in terms of this section or in terms of the principal offense.
(ORC 2923.03)

501.11 ORGANIZATIONAL CRIMINAL LIABILITY.

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

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

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

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

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

501.12 PERSONAL ACCOUNTABILITY FOR ORGANIZATIONAL CONDUCT.

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

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

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

501.13 CITATION TAGS.

(a) In addition to police officers, the Code Enforcement Officer, or his/her authorized assistant, is authorized to issue and use citation tags for the purpose of giving due notice and summons to the person or persons responsible for violation of any of the following Municipal Code sections:

- (1) General Offenses Code: Part Five - Chapter 506, Clean Indoor Air; Chapter 551, Trees, Weeds and Shrubbery;
- (2) Business Regulation Code: Part Seven - Chapter 781, Newsracks; Chapter 785, Garage Sales;
- (3) Streets, Utilities and Public Services Code: Part Nine - Chapter 925, Garbage and Rubbish Collection;
- (4) Building Code: Part Eleven - Titles 1 through 11;
- (5) Building Code: Part Eleven - Chapter 1193, Pollution Abatement at Construction Sites;
- (6) Planning and Zoning Code: Part Thirteen - Title 5.

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

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

- (e)
- (1) Whoever violates this section is guilty of disorderly conduct.
 - (2) Except as otherwise provided in this subsection (e)(3), disorderly conduct is a minor misdemeanor.
 - (3) Disorderly conduct is a misdemeanor of the fourth degree if any of the following applies:
 - A. The offender persists in disorderly conduct after reasonable warning or request to desist.
 - B. The offense is committed in the vicinity of a school or in a school safety zone.
 - C. The offense is committed in the presence of any law enforcement officer, firefighter, rescuer, medical person, emergency medical services person, or other authorized person who is engaged in the person's duties at the scene of a fire, accident, disaster, riot or emergency of any kind.
- (f) As used in this section:
- (1) "Emergency medical services person" is the singular of "emergency medical services personnel" as defined in Ohio R.C. 2133.21.
 - (2) "Committed in the vicinity of a school" has the same meaning as in Ohio R.C. 2925.01. (ORC 2917.11)

509.04 DISTURBING A LAWFUL MEETING.

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

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

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

509.05 MISCONDUCT AT AN EMERGENCY.

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

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

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

(c) Whoever violates this section is guilty of misconduct at an emergency. Except as otherwise provided in this subsection, misconduct at an emergency is a minor misdemeanor. If a violation of this section creates a risk of physical harm to persons or property, misconduct at an emergency is a misdemeanor of the first degree.

(d) "Emergency medical services person" is the singular of "emergency medical services personnel" as defined in Ohio R.C. 2133.21. (ORC 2917.13)

509.06 INDUCING PANIC.

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

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

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

(c) Whoever violates this section is guilty of inducing panic, a misdemeanor of the first degree. If inducing panic results in physical harm to any person, economic harm of five hundred dollars (\$500.00) or more, or if the public place involved in a violation of this section is a school, inducing panic is a felony and shall be prosecuted under appropriate State law.

(d) As used in this section:

- (1) "Economic harm" means all direct, incidental, and consequential pecuniary harm suffered by a victim as a result of criminal conduct. "Economic harm" includes, but is not limited to, all of the following:
 - A. All wages, salaries, or other compensation lost as a result of the criminal conduct;
 - B. The cost of all wages, salaries, or other compensation paid to employees for time those employees are prevented from working as a result of the criminal conduct;
 - C. The overhead costs incurred for the time that a business is shut down as a result of the criminal conduct;
 - D. The loss of value to tangible or intangible property that was damaged as a result of the criminal conduct.
- (2) "School" means any school operated by a board of education or any school for which the State Board of Education prescribes minimum standards under Ohio R.C. 3301.07, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted at the time a violation of this section is committed. (ORC 2917.31)

509.07 MAKING FALSE ALARMS.

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

- (1) Initiate or circulate a report or warning of an alleged or impending fire, explosion, crime or other catastrophe, knowing that the report or warning is false and likely to cause public inconvenience or alarm;

- (2) Knowingly cause a false alarm of fire or other emergency to be transmitted to or within any organization, public or private, for dealing with emergencies involving a risk of physical harm to persons or property;
- (3) Report to any law enforcement agency an alleged offense or other incident within its concern, knowing that such offense did not occur.

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

(c) Whoever violates this section is guilty of making false alarms, a misdemeanor of the first degree. If a violation of this section results in economic harm of five hundred dollars (\$500.00) or more, making false alarms is a felony and shall be prosecuted under appropriate State law.

(d) As used in this section, "economic harm" means all direct, incidental, and consequential pecuniary harm suffered by a victim as a result of criminal conduct. "Economic harm" includes, but is not limited to, all of the following:

- (1) All wages, salaries, or other compensation lost as a result of the criminal conduct;
 - (2) The cost of all wages, salaries, or other compensation paid to employees for time those employees are prevented from working as a result of the criminal conduct;
 - (3) The overhead costs incurred for the time that a business is shut down as a result of the criminal conduct;
 - (4) The loss of value to tangible or intangible property that was damaged as a result of the criminal conduct.
- (ORC 2917.32)

509.08 FALSE REPORTS.

(a) No person shall knowingly give a false or fictitious call or report to school officials or other persons in charge of locations where groups of persons assemble when the nature of such false or fictitious call or report results in law enforcement action.

(b) Whoever violates this section is guilty of a misdemeanor of the fourth degree.
(Ord. 1005AC. Passed 1-21-74.)

509.09 STATE OF EMERGENCY.

(a) Declaration Authority. The Chairman of Council is hereby authorized to declare a state of emergency in the City.

(b) Publication; Notice; Curfew. Upon declaration by the Chairman pursuant to subsection (a) hereof immediate publication and notice shall be given in the City by means of loudspeakers and any other type of available communication, including radio and after such publication no person shall be abroad in the City during the times fixed by the Chairman in the proclamation of emergency. However, in issuing the proclamation, the individual issuing such proclamation shall, as soon as possible and within thirty-six hours, call a special Council meeting where the emergency proclamation shall be ratified, amended or revoked.

The Chairman, in so designating the state of emergency, shall fix the times of each day during which the emergency exists and when he determines that the emergency no longer exists, he shall declare it ended.

(c) Succession of Power. In the absence from the City or the disability of the Chairman, the Vice-Chairman of Council shall have the same powers and authority as granted to the Chairman herein and upon the absence from the City or the disability of both the Chairman and the Vice-Chairman, the City Manager shall have the same powers and authority as the Chairman and Vice-Chairman have under this section.

(d) Whoever violates any provision of this section pertaining to curfew is guilty of a minor misdemeanor. (Ord. 1005AC. Passed 1-21-74.)

509.10 NOISE CONTROL.

(a) Sound-Amplification Devices.

- (1) No person shall generate or permit to be generated unreasonable noise or loud sound which is likely to cause inconvenience or annoyance to persons of ordinary sensibilities by means of a radio, phonograph, television, tape player, compact disc player, loudspeaker, megaphone or any other sound-amplifying device, or by means of any horn, drum, piano or other musical or percussion instrument, in such manner or at such volume that such noise or sound is plainly audible to persons other than those who are in the room or immediate surroundings in which such device or instrument is played and who voluntarily listen thereto.
- (2) No owner, agent or operator of a commercial enterprise located within a permanent structure or building shall use, set up or operate a sound-amplifying system which is audible outside the structure or building and which is used to transmit any type of music or message advertising products sold on the premises or inviting the public to patronize the establishment located on the premises.
- (3) No person shall make any unnecessary or unseemly noise or operate any instrument, device, agency or vehicle within fifty feet of any portion of the grounds and premises on which is located a hospital or other institution or facility reserved for the aged or infirm, or within fifty feet of any school, court house, church or building in which religious services are held during school hours, hours of holding court or hours of public worship, respectively. The area within 150 feet of a hospital, school, court house or church shall be a zone of quiet and the responsible department of the City shall place signs within such zones of quiet calling attention to the prohibition against unnecessary noise.

(b) Vehicles or Motorcycles. No owner, agent or operator shall operate any vehicles or motorcycles so as to create loud or unnecessary grating, grinding, rattling, backfiring or other noise.

(c) Sound-Amplification System in Motor Vehicles. No person operating or occupying a motor vehicle on a street, highway, alley, parking lot or driveway shall operate or permit the operation of any sound-amplification system from within the vehicle so that the sound is audible at a distance of fifty feet or more from the vehicle.

(d) Definitions. As used in this section:

- (1) "Sound-amplification system" means any radio, tape player, cassette player, compact disc player, loudspeaker, megaphone or other electronic device used for the amplification of the human voice.

- (2) "Plainly audible" means any sound produced by a sound-amplification system from within the vehicle, which clearly can be heard at a distance of fifty feet or more. Measurement standards shall be by the auditory senses, based upon direct line of sight. Words or phrases need not be discernible and bass reverberations are included. The motor vehicle may be stopped, standing, parked or moving on a street, highway, alley, parking lot, driveway or residential, business or commercial property.

(e) Affirmative Defense. It is affirmative defense to a charge under this section that the operator was not otherwise prohibited by law from operating the sound-amplification system and that any of the following applies:

- (1) Blowing of a horn was necessary to prevent an accident.
- (2) The system was being operated to request medical or vehicular assistance or to warn of a hazardous road or street condition.
- (3) The vehicle was an emergency or public safety vehicle.
- (4) The vehicle was owned and operated by the City of Oberlin's Public Utility, Communications or Refuse Department.
- (5) The system was used for the purpose of giving instructions, directions, lectures or any verbal announcements which were given prior approval by the City Manager or the Chief of Police.
- (6) The vehicle was used in an authorized public activity, such as a parade, fireworks display, sport event, musical production or other activity which has the prior approval of the City Manager or the Chief of Police.

(f) Penalty.

- (1) Whoever violates any of the provisions of this section is guilty of a minor misdemeanor for a first offense and a misdemeanor of the fourth degree for any subsequent offense.
- (2) Upon a first offense, the fine shall be not more than one hundred dollars (\$100.00) nor less than fifty dollars (\$50.00) and such fine shall not be suspended, waived or otherwise reduced below the amount of fifty dollars (\$50.00).
- (3) Upon a second or subsequent offense, the fine shall be not more than two hundred fifty dollars (\$250.00) nor less than one hundred dollars (\$100.00) and such fine shall not be suspended, waived or otherwise reduced below the amount of one hundred dollars (\$100.00).
- (4) A separate offense shall be deemed committed each day during or on which a violation occurs or continues.
(Ord. 94-80AC. Passed 10-17-94.)

509.11 SUSPICIOUS PERSONS PROHIBITED.

(a) No suspicious person shall be within the Municipality. The following shall be deemed suspicious persons:

- (1) Any person found loitering or strolling in, about or upon any street, public way or place, or at any public gathering in or around any business and commercial establishment or on any private property without lawful business and conducting himself in a lewd, wanton or lascivious manner in speech or behavior.

- (2) Any person who goes about begging, or places himself in or upon any public place to beg, or who lives idly and without visible means of support.
- (3) Any person upon whose person or in whose possession is found any instrument, tool or other implement for picking locks or pockets, or any implement that is usually employed or that reasonably may be inferred to have been designed to be employed in the commission of any felony, misdemeanor or the violation of any ordinance, and who fails to account satisfactorily for the possession of the same.
- (4) Any person wandering about and occupying, lodging or sleeping in any vacant or unoccupied barn, garage, shed, shop or other building, or in any automobile, truck, railroad car or other vehicle, without owning the same or without permission of the owner or person entitled to the possession of the same, or sleeping in any vacant lot during the hours of darkness and not giving satisfactory account of himself.
- (5) Any person who wanders about the streets or other public ways or who is found abroad at late or unusual hours in the night without any visible or lawful business, and who does not give satisfactory account of himself.
- (6) Any vagrant, prostitute, habitual disturber of the peace, known pickpocket, person known to obtain his living by criminal means and practices or who is known to be a companion and associate of criminals or other dissolute persons.

(b) Whoever violates this section is guilty of a misdemeanor in the fourth degree.
(Ord. 1005AC. Passed 1-21-74.)

509.99 PENALTY.

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

- (ii) An offense is "committed in the vicinity of a juvenile" if the offender commits the offense within one hundred feet of a juvenile or within the view of a juvenile, regardless of whether the offender knows the age of the juvenile, whether the offender knows the offense is being committed within one hundred feet of or within view of the juvenile, or whether the juvenile actually views the commission of the offense.
- (jj) "Hashish" means the resin or a preparation of the resin contained in marihuana, whether in solid form or in a liquid concentrate, liquid extract, or liquid distillate form. (ORC 2925.01)

513.02 GIFT OF MARIHUANA.

(a) No person shall knowingly give or offer to make a gift of twenty grams or less of marihuana.

(b) Whoever violates this section is guilty of trafficking in marihuana. Trafficking in marihuana is a minor misdemeanor for the first offense and, for any subsequent offense, it is a misdemeanor of the third degree. If the offense was committed in the vicinity of a school or the vicinity of a juvenile, trafficking in marihuana is a misdemeanor of the third degree. (ORC 2925.03)

513.03 DRUG ABUSE; CONTROLLED SUBSTANCE POSSESSION OR USE.

(a) No person shall knowingly obtain, possess or use a controlled substance.

(b) This section does not apply to the following:

- (1) Manufacturers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies and other persons whose conduct was in accordance with Ohio R.C. Chapters 3719, 4715, 4729, 4731 and 4741.
- (2) If the offense involves an anabolic steroid, any person who is conducting or participating in a research project involving the use of an anabolic steroid if the project has been approved by the United States Food and Drug Administration;
- (3) Any person who sells, offers for sale, prescribes, dispenses or administers for livestock or other nonhuman species an anabolic steroid that is expressly intended for administration through implants to livestock or other nonhuman species and approved for that purpose under the "Federal Food, Drug and Cosmetic Act", 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, and is sold, offered for sale, prescribed, dispensed or administered for that purpose in accordance with that Act;
- (4) Any person who obtained the controlled substance pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs.

- (c) Whoever violates subsection (a) hereof is guilty of one of the following:
- (1) If the drug involved in the violation is a compound, mixture, preparation, or substance included in Schedule III, IV, or V, whoever violates subsection (a) hereof is guilty of possession of drugs. Possession of drugs is a misdemeanor if the amount of the drug involved does not exceed the bulk amount. The penalty for the offense shall be determined as follows: possession of drugs is a misdemeanor of the third degree or, if the offender previously has been convicted of a drug abuse offense, a misdemeanor of the second degree. If the drug involved in the violation is an anabolic steroid included in Schedule III and if the offense is a misdemeanor of the third degree under this subsection, in lieu of sentencing the offender to a term of imprisonment in a detention facility, the court may place the offender on conditional probation pursuant to Ohio R.C. 2951.02(F).
 - (2) If the drug involved in the violation is marihuana or a compound, mixture, preparation, or substance containing marihuana other than hashish, whoever violates subsection (a) hereof is guilty of possession of marihuana. Possession of marihuana is a misdemeanor if the amount of the drug involved does not exceed 200 grams. The penalty for the offense shall be determined as follows:
 - A. Except as otherwise provided in subsection (c)(2)B. hereof, possession of marihuana is a minor misdemeanor.
 - B. If the amount of the drug involved equals or exceeds 100 grams but is less than 200 grams, possession of marihuana is a misdemeanor of the fourth degree.
 - (3) If the drug involved in the violation is hashish or a compound, mixture, preparation, or substance containing hashish, whoever violates subsection (a) hereof is guilty of possession of hashish. Possession of hashish is a misdemeanor if the amount of the drug involved does not exceed the maximum amount specified in subsection (c)(3)B. hereof. The penalty for the offense shall be determined as follows:
 - A. Except as otherwise provided in subsection (c)(3)B. hereof, possession of hashish is a minor misdemeanor.
 - B. If the amount of the drug involved equals or exceeds five grams but is less than ten grams of hashish in a solid form or equals or exceeds one gram but is less than two grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, possession of hashish is a misdemeanor of the fourth degree.

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

513.04 POSSESSING DRUG ABUSE INSTRUMENTS.

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

(b) This section does not apply to manufacturers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies and other persons whose conduct was in accordance with Ohio R.C. Chapters 3719, 4715, 4729, 4731 and 4741 or Ohio R.C. 4723.56.

(c) Whoever violates this section is guilty of possessing drug abuse instruments, a misdemeanor of the second degree. If the offender previously has been convicted of a drug abuse offense, violation of this section is a misdemeanor of the first degree. (ORC 2925.12)

513.05 PERMITTING DRUG ABUSE.

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

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

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

(d) Any premises or real estate that is permitted to be used in violation of subsection (b) hereof constitutes a nuisance subject to abatement pursuant to Ohio R.C. Chapter 3767. (ORC 2925.13)

513.06 ILLEGAL CULTIVATION OF MARIHUANA.

(a) No person shall knowingly cultivate marihuana.

(b) This section does not apply to any person listed in Ohio R.C. 2925.03(B)(1) to (3) to the extent and under the circumstances described in those divisions.

(c) Whoever commits a violation of subsection (a) hereof is guilty of illegal cultivation of marihuana. Illegal cultivation of marihuana is a misdemeanor if the amount of marihuana involved does not exceed 200 grams.

(1) Except as otherwise provided in subsection (c)(2) hereof, illegal cultivation of marihuana is a minor misdemeanor.

(2) If the amount of marihuana involved equals or exceeds 100 grams but is less than 200 grams, illegal cultivation of marihuana is a misdemeanor of the fourth degree.

(d) Arrest or conviction for a minor misdemeanor violation of this section does not constitute a criminal record and need not be reported by the person so arrested or convicted in response to any inquiries about the person's criminal record, including any inquiries contained in an application for employment, a license, or any other right or privilege or made in connection with the person's appearance as a witness. (ORC 2925.04)

513.07 POSSESSING OR USING HARMFUL INTOXICANTS.

(a) Except for lawful research, clinical, medical, dental or veterinary purposes, no person, with purpose to induce intoxication or similar physiological effects, shall obtain, possess or use a harmful intoxicant.

(b) Whoever violates this section is guilty of abusing harmful intoxicants, a misdemeanor of the first degree. If the offender previously has been convicted of a drug abuse offense, abusing harmful intoxicants is a felony and shall be prosecuted under appropriate State law. (ORC 2925.31)

513.08 ILLEGALLY DISPENSING DRUG SAMPLES.

(a) No person shall knowingly furnish another a sample drug.

(b) Subsection (a) hereof does not apply to manufacturers, wholesalers, pharmacists, owners of pharmacies, licensed health professionals authorized to prescribe drugs, and other persons whose conduct is in accordance with Ohio R.C. Chapters 3719, 4715, 4729, 4731, and 4741.

(c) Whoever violates this section is guilty of illegal dispensing of drug samples. If the drug involved in the offense is a dangerous drug or a compound, mixture, preparation, or substance included in Schedule III, IV, or V, or is marihuana, the penalty for the offense shall be determined as follows:

- (1) Except as otherwise provided in subsection (c)(2) hereof, illegal dispensing of drug samples is a misdemeanor of the second degree.
- (2) If the offense was committed in the vicinity of a school or in the vicinity of a juvenile, illegal dispensing of drug samples is a misdemeanor of the first degree. (ORC 2925.36)

513.09 CONTROLLED SUBSTANCE OR PRESCRIPTION LABELS.

(a) No person shall alter, deface or remove any label affixed by a manufacturer, wholesaler, pharmacist or licensed health professional authorized to prescribe drugs who dispenses a controlled substance in a package or container, as long as any of the original contents remain, except when lawfully filling a prescription. (ORC 3719.08)

- (5) A scale or balance for weighing or measuring a controlled substance;
- (6) A diluent or adulterant, such as quinine hydrochloride, mannitol, mannite, dextrose or lactose, for cutting a controlled substance;
- (7) A separation gin or sifter for removing twigs and seeds from, or otherwise cleaning or refining, marihuana;
- (8) A blender, bowl, container, spoon or mixing device for compounding a controlled substance;
- (9) A capsule, balloon, envelope or container for packaging small quantities of a controlled substance;
- (10) A container or device for storing or concealing a controlled substance;
- (11) A hypodermic syringe, needle or instrument for parenterally injecting a controlled substance into the human body;
- (12) An object, instrument or device for ingesting, inhaling or otherwise introducing into the human body, marihuana, cocaine, hashish or hashish oil, such as a metal, wooden, acrylic, glass, stone, plastic or ceramic pipe, with or without a screen, permanent screen, hashish head or punctured metal bowl; water pipe; carburetion tube or device; smoking or carburetion mask; roach clip or similar object used to hold burning material, such as a marihuana cigarette, that has become too small or too short to be held in the hand; miniature cocaine spoon, or cocaine vial; chamber pipe; carburetor pipe; electric pipe; air driver pipe; chillum; bong; or ice pipe or chiller.

(b) In determining if an object is drug paraphernalia, a court or law enforcement officer shall consider, in addition to other relevant factors, the following:

- (1) Any statement by the owner, or by anyone in control, of the object, concerning its use;
- (2) The proximity in time or space of the object, or of the act relating to the object, to a violation of any provision of this chapter or Ohio R.C. Chapter 2925;
- (3) The proximity of the object to any controlled substance;
- (4) The existence of any residue of a controlled substance on the object;
- (5) Direct or circumstantial evidence of the intent of the owner, or of anyone in control, of the object, to deliver it to any person whom the owner or person in control of the object knows intends to use the object to facilitate a violation of any provision of this chapter or Ohio R.C. Chapter 2925. A finding that the owner, or anyone in control, of the object, is not guilty of a violation of any other provision of this chapter or Ohio R.C. Chapter 2925, does not prevent a finding that the object was intended or designed by the offender for use as drug paraphernalia;
- (6) Any oral or written instruction provided with the object concerning its use;
- (7) Any descriptive material accompanying the object and explaining or depicting its use;
- (8) National or local advertising concerning the use of the object;

- (9) The manner and circumstances in which the object is displayed for sale;
 - (10) Direct or circumstantial evidence of the ratio of the sales of the object to the total sales of the business enterprise;
 - (11) The existence and scope of legitimate uses of the object in the community;
 - (12) Expert testimony concerning the use of the object.
- (c)
- (1) No person shall knowingly use, or possess with purpose to use, drug paraphernalia.
 - (2) No person shall knowingly sell, or possess or manufacture with purpose to sell, drug paraphernalia, if the person knows or reasonably should know that the equipment, product or material will be used as drug paraphernalia.
 - (3) No person shall place an advertisement in any newspaper, magazine, handbill or other publication that is published and printed and circulates primarily within this State, if the person knows that the purpose of the advertisement is to promote the illegal sale in the State of the equipment, product or material that the offender intended or designed for use as drug paraphernalia.

(d) This section does not apply to manufacturers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies and other persons whose conduct is in accordance with Ohio R.C. Chapters 3719, 4715, 4729, 4731, and 4741. This section shall not be construed to prohibit the possession or use of a hypodermic as authorized by Section 513.10.

(e) Notwithstanding Ohio R.C. 2933.42 and 2933.43, any drug paraphernalia that was used, possessed, sold or manufactured in violation of this section shall be seized, after a conviction for that violation shall be forfeited, and upon forfeiture shall be disposed of pursuant to Ohio R.C. 2933.41(D)(8).

- (f)
- (1) Whoever violates subsection (c)(1) hereof is guilty of illegal use or possession of drug paraphernalia, a misdemeanor of the fourth degree.
 - (2) Except as provided in subsection (f)(3) hereof, whoever violates subsection (c)(2) hereof is guilty of dealing in drug paraphernalia, a misdemeanor of the second degree.
 - (3) Whoever violates subsection (c)(2) hereof by selling drug paraphernalia to a juvenile is guilty of selling drug paraphernalia to juveniles, a misdemeanor of the first degree.
 - (4) Whoever violates subsection (c)(3) hereof is guilty of illegal advertising of drug paraphernalia, a misdemeanor of the second degree.
(ORC 2925.14)

513.13 COUNTERFEIT CONTROLLED SUBSTANCES.

(a) No person shall knowingly possess any counterfeit controlled substance.

(b) Whoever violates this section is guilty of possession of counterfeit controlled substances, a misdemeanor of the first degree. (ORC 2925.37)

513.99 PENALTY.

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

CHAPTER 525
Law Enforcement and Public Office

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CROSS REFERENCES

See sectional histories for similar State law
 Law enforcement officer defined - see GEN. OFF. 501.01(k)
 Misconduct at an emergency - see GEN. OFF. 509.05
 Making false alarms - see GEN. OFF. 509.07
 Personating an officer to defraud - see GEN. OFF. 545.16

525.01 DEFINITIONS.

As used in this chapter:

- (a) "Public official" means any elected or appointed officer, or employee, or agent of the State or any political subdivision thereof, whether in a temporary or permanent capacity, and includes, but is not limited to, legislators, judges and law enforcement officers.
- (b) "Public servant" means any of the following:
 - (1) Any public official;
 - (2) Any person performing ad hoc a governmental function, including, but not limited to, a juror, member of a temporary commission, master, arbitrator, advisor or consultant;
 - (3) A person who is a candidate for public office, whether or not the person is elected or appointed to the office for which the person is a candidate. A person is a candidate for purposes of this subsection if the person has been nominated according to law for election or appointment to public office, or if the person has filed a petition or petitions as required by law to have the person's name placed on the ballot in a primary, general or special election, or if the person campaigns as a write-in candidate in any primary, general or special election.

- (c) "Party official" means any person who holds an elective or appointive post in a political party in the United States or this State, by virtue of which the person directs, conducts or participates in directing or conducting party affairs at any level of responsibility.
- (d) "Official proceeding" means any proceeding before a legislative, judicial, administrative or other governmental agency or official authorized to take evidence under oath, and includes any proceeding before a referee, hearing examiner, commissioner, notary or other person taking testimony or a deposition in connection with an official proceeding.
- (e) "Detention" means arrest, confinement in any vehicle subsequent to an arrest, confinement in any public or private facility for custody of persons charged with or convicted of a 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; hospitalization, institutionalization or confinement in any public or private facility that is ordered pursuant to or under the authority of Ohio R.C. 2945.37, 2945.371, 2945.38, 2945.39 or 2945.40, 2945.401 or 2945.402; confinement in any vehicle for transportation to or from any facility of any of those natures; detention for extradition or deportation, except as provided in this subsection, supervision by any employee of any facility of any of those natures; that is incidental to hospitalization, institutionalization or confinement in the facility but that occurs outside the facility; or supervision by an employee of the Department of Rehabilitation and Correction of a person on any type of release from a State correctional institution. For a person confined in a county jail who participates in a county jail industry program pursuant to Ohio R.C. 5147.30, "detention" includes time spent at an assigned work site and going to and from the work site.
- (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" and "political party" have the same meanings as in Ohio R.C. 3517.01.
- (i) "Provider agreement" and "medical assistance program" have the same meanings as in Ohio R.C. 2913.40.
(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, aid to dependent children, disability assistance, retirement benefits, 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.

(b) It is no defense to a charge under subsection (a)(4) hereof that the oath or affirmation was administered or taken in an irregular manner.

(c) 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 (12) 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 five hundred dollars (\$500.00) or more, falsification in a theft offense is a felony and shall be prosecuted under appropriate State law.

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

525.03 IMPERSONATION OF PEACE OFFICER OR PRIVATE POLICE OFFICER.

(a) As used in this section:

- (1) "Peace officer" means a sheriff, deputy sheriff, marshal, deputy marshal, member of the organized police department of a municipal corporation or township constable who is employed by a political subdivision of this State, a member of a police force employed by a metropolitan housing authority under Ohio R.C. 3735.31(D), a member of a police force employed by a regional transit authority under Ohio R.C. 306.35(Y), a State university law enforcement officer appointed under Ohio R.C. 3345.04, an Ohio veterans' home police officer appointed under Ohio R.C. 5907.02, a special police officer employed by a port authority under Ohio R.C. 4582.04 or 4582.28, or a State highway patrol trooper and whose primary duties are to preserve the peace, to protect life and property and to enforce the laws, ordinances or rules of the State or any of its political subdivisions.
- (2) "Private police officer" means any security guard, special police officer, private detective or other person who is privately employed in a police capacity.
- (3) "Impersonate" means to act the part of, assume the identity of, wear the uniform or any part of the uniform of or display the identification of a particular person or of a member of a class of persons with purpose to make another person believe that the actor is that particular person or is a member of that class of persons.

(b) No person shall impersonate a peace officer or a private police officer.

(c) No person, by impersonating a peace officer or a private police officer, shall arrest or detain any person, search any person or search the property of any person.

(d) No person, with purpose to commit or facilitate the commission of an offense, shall impersonate a peace officer, a private police officer or an officer, agent or employee of the State or the Municipality.

(e) It is an affirmative defense to a charge under subsection (b) hereof that the impersonation of the peace officer was for a lawful purpose.

(f) Whoever violates subsection (b) hereof is guilty of a misdemeanor of the fourth degree. Whoever violates subsections (c) or (d) hereof is guilty of a misdemeanor of the first degree. If the purpose of a violation of subsection (d) hereof is to commit or facilitate the commission of a felony, such violation is a felony and shall be prosecuted under appropriate State law. (ORC 2921.51)

525.04 COMPOUNDING A CRIME.

(a) No person shall knowingly demand, accept or agree to accept anything of value in consideration of abandoning or agreeing to abandon a pending criminal prosecution.

(b) It is an affirmative defense to a charge under this section when both of the following apply:

- (1) The pending prosecution involved is for violation of Sections 545.05, 545.07, 545.09 or 545.10(b)(2), or Ohio R.C. 2913.02, 2913.11, 2913.21(B)(2) or 2913.47, of which the actor under this section was the victim.
- (2) The thing of value demanded, accepted or agreed to be accepted, in consideration of abandoning or agreeing to abandon the prosecution, did not exceed an amount that the actor reasonably believed due him as restitution for the loss caused him by the offense.

(c) When a prosecuting witness abandons or agrees to abandon a prosecution under subsection (b) hereof, the abandonment or agreement in no way binds the State or Municipality to abandoning the prosecution.

(d) Whoever violates this section is guilty of compounding a crime, a misdemeanor of the first degree. (ORC 2921.21)

525.05 FAILURE TO REPORT A CRIME, INJURY OR KNOWLEDGE OF DEATH.

(a) No person, knowing that a felony has been or is being committed, shall knowingly fail to report such information to law enforcement authorities.

(b) Except for conditions that are within the scope of subsection (e) hereof, no person who is a physician, limited practitioner, nurse or other person giving aid to a sick or injured person, shall negligently fail to report to law enforcement authorities any gunshot or stab wound that the physician, limited practitioner, nurse or person treated or observed, or any serious physical harm to persons that the physician, limited practitioner, nurse or person knows or has reasonable cause to believe resulted from an offense of violence.

(c) No person who discovers the body or acquires the first knowledge of the death of a person shall fail to report the death immediately to a physician whom the person knows to be treating the deceased for a condition from which death at such time would not be unexpected, or to a law enforcement officer, ambulance service, emergency squad or the coroner in a political subdivision in which the body is discovered, the death is believed to have occurred or knowledge concerning the death is obtained.

(d) No person shall fail to provide upon request of the person to whom a report required by subsection (c) hereof was made, or to any law enforcement officer who has reasonable cause to assert the authority to investigate the circumstances surrounding the death, any facts within the person's knowledge that may have a bearing on the investigation of the death.

- (e) (1) As used in this subsection (e), "burn injury" means any of the following:
- A. Second or third degree burns;
 - B. Any burns to the upper respiratory tract or laryngeal edema due to the inhalation of super-heated air;
 - C. Any burn injury or wound that may result in death.
- (2) No physician, nurse or limited practitioner who, outside a hospital, sanitarium or other medical facility, attends or treats a person who has sustained a burn injury inflicted by an explosion or other incendiary device, or that shows evidence of having been inflicted in a violent, malicious or criminal manner, shall fail to report the burn injury immediately to the local arson bureau, if there is such a bureau in the jurisdiction in which the person is attended or treated, or otherwise to local law enforcement authorities.
- (3) No manager, superintendent or other person in charge of a hospital, sanitarium or other medical facility in which a person is attended or treated for any burn injury inflicted by an explosion or other incendiary device, or that shows evidence of having been inflicted in a violent, malicious, or criminal manner, shall fail to report the burn injury immediately to the local arson bureau, if there is such a bureau in the jurisdiction in which the person is attended or treated, or otherwise to local law enforcement authorities.
- (4) No person who is required to report any burn injury under subsection (e)(2) or (3) hereof shall fail to file, within three working days after attending or treating the victim, a written report of the burn injury with the Office of the State Fire Marshal. The report shall be made on a form provided by the State Fire Marshal.
- (5) Anyone participating in the making of reports under subsection (e) hereof or anyone participating in a judicial proceeding resulting from the reports 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 pursuant to subsection (e) hereof.

- (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, professional clinical counselor, or professional counselor, 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 pursuant to subsection (f)(1) hereof, and the information may be admitted as evidence in accordance with the rules of evidence.
- (g) Subsection (a) or (d) hereof does not require disclosure of information, when any of the following applies:
- (1) The information is privileged by reason of the relationship between attorney and client, doctor and patient, licensed psychologist or licensed school psychologist and client, member of the clergy or rabbi or minister or priest and any person communicating information confidentially to the member of the clergy, rabbi, minister or priest for a religious counseling purpose in the professional character of the member of the clergy, rabbi, minister, or priest, 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 such by a person seeking the aid or counsel or 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 organization certified pursuant to Ohio R.C. 3793.06.
- (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 such 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) hereof is guilty of failure to report a crime. Violation of subsection (a) hereof is a misdemeanor of the fourth degree. Violation of subsection (b) hereof is a misdemeanor of the second degree.

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

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

525.06 FAILURE TO AID A LAW ENFORCEMENT OFFICER.

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

(b) Whoever violates this section is guilty of failure to aid a law enforcement officer, a minor misdemeanor. (ORC 2921.23)

525.07 OBSTRUCTING OFFICIAL BUSINESS.

(a) No person, without privilege to do so and with purpose to prevent, obstruct or delay the performance by a public official of any authorized act within the public official's official capacity, shall do any act that hampers or impedes a public official in the performance of the public official's lawful duties.

(b) Whoever violates this section is guilty of obstructing official business. Except as otherwise provided in this subsection (b), obstructing official business is a misdemeanor of the second degree. If a violation of this section creates a risk of physical harm to any person, obstructing official business is a felony and shall be prosecuted under appropriate State law.
(ORC 2921.31)

525.08 OBSTRUCTING JUSTICE.

(a) No person, with purpose to hinder the discovery, apprehension, prosecution, conviction, or punishment of another for a misdemeanor, or to assist another to benefit from the commission of a misdemeanor, and no person, with purpose to hinder the discovery, apprehension, prosecution, adjudication as a delinquent child, or disposition of a child for an act that if committed by an adult would be a misdemeanor or to assist a child to benefit from the commission of an act that if committed by an adult would be a misdemeanor, shall do any of the following:

- (1) Harbor or conceal the other person or child;
- (2) Provide the other person or child with money, transportation, a weapon, a disguise, or other means of avoiding discovery or apprehension;
- (3) Warn the other person or child of impending discovery or apprehension;
- (4) Destroy or conceal physical evidence of the misdemeanor, or act, or induce any person to withhold testimony or information or to elude legal process summoning the person to testify or supply evidence;
- (5) Communicate false information to any person.

- (b) (1) Whoever violates this section is guilty of obstructing justice.
- (2) If the crime committed by the person aided is a misdemeanor or if the act committed by the child aided would be a misdemeanor if committed by an adult, obstructing justice is a misdemeanor of the same degree as the misdemeanor committed by the person aided or a misdemeanor of the same degree that the act committed by the child aided would be if committed by an adult.

525.11 SOLICITING OR RECEIVING IMPROPER COMPENSATION.

(a) No public servant shall knowingly solicit or accept and no person shall knowingly promise or give to a public servant either of the following:

- (1) Any compensation, other than is allowed by Ohio R.C. 102.03(G), (H), and (I) or other provisions of law, to perform the public servant's official duties, to perform any other act or service in the public servant's public capacity, for the general performance of the duties of the public servant's public office or public employment, or as a supplement to the public servant's public compensation;
- (2) Additional or greater fees or costs than are allowed by law to perform the public servant's official duties.

(b) No public servant for the public servant's own personal or business use and no person for the person's own personal or business use or for the personal or business use of a public servant or party official, shall solicit or accept anything of value in consideration of either of the following:

- (1) Appointing or securing, maintaining or renewing the appointment of any person to any public office, employment or agency;
- (2) Preferring, or maintaining the status of, any public employee with respect to compensation, duties, placement, location, promotion or other material aspects of employment.

(c) No person for the benefit of a political party, campaign committee, legislative campaign fund, political action committee or political contributing entity shall coerce any contribution in consideration of either of the following:

- (1) Appointing or securing, maintaining or renewing the appointment of any person to any public office, employment or agency;
- (2) Preferring, or maintaining the status of, any public employee with respect to compensation, duties, placement, location, promotion or other material aspects of employment.

(d) Whoever violates this section is guilty of soliciting improper compensation, a misdemeanor of the first degree.

(e) A public servant who is convicted of a violation of this section is disqualified from holding any public office, employment or position of trust in this Municipality for a period of seven years from the date of conviction.

(f) Subsections (a), (b) and (c) hereof do not prohibit a person from making voluntary contributions to a political party, campaign committee, legislative campaign fund, political action committee or political contributing entity or prohibit a political party, campaign committee, legislative campaign fund, political action committee or political contributing entity from accepting voluntary contributions. (ORC 2921.43)

525.12 DERELICTION OF DUTY.

(a) No law enforcement officer shall negligently do any of the following:

- (1) Fail to serve a lawful warrant without delay;
- (2) Fail to prevent or halt the commission of an offense or to apprehend an offender, when it is in the law enforcement officer's power to do so alone or with available assistance.

(b) No law enforcement, ministerial or judicial officer shall negligently fail to perform a lawful duty in a criminal case or proceeding.

(c) No officer, having charge of a detention facility, shall negligently do any of the following:

- (1) Allow the detention facility to become littered or unsanitary;
- (2) Fail to provide persons confined in the detention facility with adequate food, clothing, bedding, shelter and medical attention;
- (3) Fail to control an unruly prisoner, or to prevent intimidation of or physical harm to a prisoner by another;
- (4) Allow a prisoner to escape;
- (5) Fail to observe any lawful and reasonable regulation for the management of the detention facility.

(d) No public official of the Municipality shall recklessly create a deficiency, incur a liability or expend a greater sum than is appropriated by the legislative authority of the Municipality for the use in any one year of the department, agency or institution with which the public official is connected.

(e) No public servant shall recklessly fail to perform a duty expressly imposed by law with respect to the public servant's office, or recklessly do any act expressly forbidden by law with respect to the public servant's office.

(f) Whoever violates this section is guilty of dereliction of duty, a misdemeanor of the second degree.

(g) As used in this section, "public servant" includes an officer or employee of a contractor as defined in Ohio R.C. 9.08.

525.13 INTERFERING WITH CIVIL RIGHTS.

(a) No public servant, under color of his office, employment or authority, shall knowingly deprive, or conspire or attempt to deprive any person of a constitutional or statutory right.

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

525.14 UNAUTHORIZED DISPLAY OF LAW ENFORCEMENT EMBLEMS ON MOTOR VEHICLES.

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

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

525.99 PENALTY.

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

On a second violation in which, for the second time, the offender presented to the permit holder or his or her employee or agent a false, fictitious or altered identification card, a false or fictitious driver's license purportedly issued by any state, or a driver's license that has been issued by any state and that has been altered, the offender is guilty of a misdemeanor of the first degree and shall be fined not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000) and may be sentenced to a term of imprisonment of not more than six months. The court may also suspend the offender's driver's or commercial driver's license or permit or nonresident operating privilege or deny the offender the opportunity to be issued a driver's or commercial driver's license for a period not exceeding sixty days.

On a third or subsequent violation in which, for the third or subsequent time, the offender presented to the permit holder or his or her employee or agent a false, fictitious or altered identification card, a false or fictitious driver's license purportedly issued by any state, or a driver's license that has been issued by any state and that has been altered, the offender is guilty of a misdemeanor of the first degree and shall be fined not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000) and may be sentenced to a term of imprisonment of not more than six months. The court shall also suspend the offender's driver's or commercial driver's license or permit or nonresident operating privilege or deny the offender the opportunity to be issued a driver's or commercial driver's license for a period of ninety days, and the court may order that the suspension or denial remain in effect until the offender attains the age of twenty-one years. The court may also order the offender to perform a determinate number of hours of community service, with the court determining the actual number of hours and the nature of the community service the offender shall perform. (ORC 4301.99(G))

(F) Whoever, being a minor, violates any of the provisions of this section, shall be dealt with in accordance with Juvenile Court law and procedure.

529.021 PURCHASE, CONSUMPTION OR POSSESSION BY MINOR; MISREPRESENTATION. (REPEALED)

(EDITOR'S NOTE: Section 529.021 was repealed as part of the 1995 updating and revision of these Codified Ordinances. See Section 529.02.)

529.03 SALES TO INTOXICATED PERSONS.

(a) No person shall sell intoxicating liquor to any individual who habitually drinks intoxicating liquor to excess.

(b) No permit holder and no agent or employee of a permit holder shall sell or furnish beer or intoxicating liquor to an intoxicated person. (ORC 4301.22)

(c) Whoever violates any of the provisions of this section is guilty of a misdemeanor of the third degree. (ORC 4301.99(F))

529.04 LIQUOR CONSUMPTION IN MOTOR VEHICLE.

(a) No person shall consume any beer or intoxicating liquor in a motor vehicle. This section does not apply to persons described in Section 529.07(d). (ORC 4301.64)

(b) Whoever violates subsection (a) hereof is guilty of a misdemeanor of the fourth degree. (ORC 4301.99)

529.05 PERMIT REQUIRED.

(a) No person by himself or by his clerk, agent or employee shall manufacture, manufacture for sale, offer, keep or possess for sale, furnish or sell, or solicit the purchase or sale of any beer or intoxicating liquor in this Municipality, or transport, import or cause to be transported or imported any beer, intoxicating liquor or alcohol on or into this Municipality for delivery, use or sale, unless such person has fully complied with Ohio R.C. Chapters 4301 and 4303 or is the holder of a permit issued by the Department of Liquor Control and in force at the time. (ORC 4303.25)

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

529.06 PRINTED WARNINGS TO BE POSTED.

(a) Except as otherwise provided in Ohio R.C. 4301.691, every place in the Municipality where beer, intoxicating liquor or any low-alcohol beverage is sold for beverage purposes shall display at all times, in a prominent place on the premises thereof, a printed card, which shall be furnished by the Department and which shall read substantially as follows:

WARNING TO PERSONS UNDER AGE

If you are under the age of 21

Under the statutes of the State of Ohio, if you order, pay for, share the cost of, or attempt to purchase or possess or consume beer or intoxicating liquor in any public place, or furnish false information as to name, age or other identification, you are subject to a fine of up to one thousand dollars, or imprisonment up to six months, or both.

If you are under the age of 18

Under the statutes of the State of Ohio, if you order, pay for, share the cost of, or attempt to purchase or possess or consume, any type of beer or wine that contains either no alcohol or less than one-half of one percent of alcohol by volume in any public place, or furnish false information as to name, age or other identification, you are subject to a fine of up to two hundred fifty dollars or to imprisonment up to thirty days, or both.

No person shall be subject to any criminal prosecution or any proceedings before the Department or the Ohio Liquor Control Commission for failing to display this card. No permit issued by the Department shall be suspended, revoked or canceled because of failure of the permit holder to display this card.

(b) Every place in this Municipality for which a D permit has been issued under Ohio R.C. Chapter 4303 shall be issued a printed card by the Department of Liquor Control that shall read substantially as follows:

WARNING

If you are carrying a firearm

Under the statutes of Ohio, if you possess a firearm in any room in which liquor is being dispensed in premises for which a D permit has been issued under Chapter 4303 of the Revised Code, you may be guilty of a felony and are subject to a term of actual incarceration of one or two years.

No person shall be subject to any criminal prosecution or any proceedings before the Department or the Ohio Liquor Control Commission for failing to display this card. No permit issued by the Department shall be suspended, revoked or canceled because of the failure of the permit holder to display this card. (ORC 4301.637)

529.07 OPEN CONTAINER PROHIBITED.

(a) As used in this section:

- (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) 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) 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) A person may have in the person's possession an opened container of any of the following:

- (1) 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, D-1, D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-7, E, F, or F-2 permit;
- (2) Beer, wine or mixed beverages served for consumption on the premises by the holder of an F-3 permit;
- (3) Beer or intoxicating liquor consumed on the premises of a convention facility as provided in Ohio R.C. 4303.201.

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.

(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.
(ORC 4301.62)

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

529.08 HOURS OF SALE OR CONSUMPTION.

(a) No beer or other malt beverages shall be sold by, delivered by, or be permitted to be consumed on weekdays, upon the premises of a C-1, C-2, D-1, D-2 or D-4 permit holder between the hours of 1:00 a.m. and 5:30 a.m. The above restriction on hours of operation shall also apply to retail sales by an A-1 permit holder.

No wine, prepared highballs, cocktails or other mixed drinks, as defined in the Liquor Control Act, shall be sold, delivered or be permitted to be consumed on weekdays, upon the premises of an A-2, C-2, D-2 or D-4 permit holder between the hours of 1:00 a.m. and 5:30 a.m.

No beer or intoxicating liquor shall be sold, delivered or be permitted to be consumed on weekdays on the premises of a D-3A, D-5, D-5A, or A-1-A permit holder between the hours of 2:30 a.m. and 5:30 a.m., and no intoxicating liquor shall be sold, delivered or be permitted to be consumed on weekdays on the premises of a D-3 permit holder between the hours of 1:00 a.m. and 5:30 a.m.

No beer or intoxicating liquor shall be sold, delivered, or be permitted to be consumed on weekdays on the premises of a D-4 permit holder between the hours of 1:00 a.m. and 5:30 a.m.

No intoxicating liquor may be sold by, delivered, or be permitted to be consumed on the premises of any permit holder during the hours between 1:00 a.m. on Sunday and Sunday midnight, except on the premises of a D-3A, D-5, D-5A or an A-1-A permit. As to holders of these excepted classes, no intoxicating liquor shall be sold or permitted to be consumed after 2:30 a.m. on Sunday.

No beer whether by the package or by the glass, shall be sold or delivered to be consumed on the premises of a permit holder on Sunday between the hours of 1:00 a.m. and 5:30 a.m. except on the premises of a holder of a D-3A permit who is also the holder of a D-1 permit or the holder of a D-5, D-5A or A-1-A permit. As to these excepted classes neither shall sell, deliver, or permit to be consumed on the premises, beer between the hours of 2:30 a.m. and 5:30 a.m.

The holder of a D-6 permit may sell or allow the consumption of intoxicating liquors, as authorized by his other permits, between the hours of 1:00 p.m. Sunday and Sunday at midnight for on the premises consumption only. (OAC 4301:1-1-49)

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

529.09 CONVEYING INTOXICATING LIQUOR OR CASH ONTO GROUNDS OF DETENTION FACILITIES OR OTHER INSTITUTIONS.

(a) No person shall knowingly convey, or attempt to convey, onto the grounds of a detention facility or of an institution that is under the control of the Ohio Department of Mental Health or the Ohio Department of Mental Retardation and Developmental Disabilities, any intoxicating liquor, as defined in Section 529.01.

(b) Subsection (a) hereof does not apply to any person who conveys or attempts to convey an item onto the grounds of a detention facility or of an institution under the control of the Ohio Department of Mental Health or the Ohio Department of Mental Retardation and Developmental Disabilities pursuant to the written authorization of the person in charge of the detention facility or the institution and in accordance with the written rules of the detention facility or the institution.

(c) No person shall knowingly deliver, or attempt to deliver, to any person who is confined in a detention facility or to any patient in an institution under the control of the Ohio Department of Mental Health or the Ohio Department of Mental Retardation and Developmental Disabilities, any intoxicating liquor as defined in Section 529.01.

(d) No person shall knowingly deliver, or attempt to deliver cash to any person who is confined in a detention facility.

CHAPTER 533 Obscenity and Sex Offenses

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| 533.01 | Definitions. | 533.091 | Loitering to engage in solicitation. |
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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 cavity 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) Any material or performance is "harmful to juveniles," if it is offensive to prevailing standards in the adult community with respect to what is suitable for juveniles, and if any of the following apply:
 - (1) It tends to appeal to the prurient interest of juveniles;
 - (2) It contains a display, description or representation of sexual activity, masturbation, sexual excitement or nudity;

- (3) It contains a display, description or representation of bestiality or extreme or bizarre violence, cruelty or brutality;
 - (4) It contains a display, description or representation of human bodily functions of elimination;
 - (5) It makes repeated use of foul language;
 - (6) It contains a display, description or representation in lurid detail of the violent physical torture, dismemberment, destruction or death of a human being;
 - (7) It contains a display, description or representation of criminal activity which tends to glorify or glamorize such activity, and which with respect to juveniles has a dominant tendency to corrupt.
- (f) When considered as a whole, and judged with reference to ordinary adults, or, if it is designed for sexual deviates or other specially susceptible group, judged with reference to such group, any material or performance is "obscene" if any of the following apply:
- (1) Its dominant appeal is to prurient interest;
 - (2) Its dominant tendency is to arouse lust by displaying or depicting sexual activity, masturbation, sexual excitement or nudity in a way which tends to represent human beings as mere objects of sexual appetite;
 - (3) Its dominant tendency is to arouse lust by displaying or depicting bestiality or extreme or bizarre violence, cruelty or brutality;
 - (4) Its dominant tendency is to appeal to scatological interest by displaying or depicting human bodily functions of elimination in a way which inspires disgust or revulsion in persons with ordinary sensibilities, without serving any genuine scientific, educational, sociological, moral or artistic purpose;
 - (5) It contains a series of displays or descriptions of sexual activity, masturbation, sexual excitement, nudity, bestiality, extreme or bizarre violence, cruelty or brutality, or human bodily functions of elimination, the cumulative effect of which is a dominant tendency to appeal to prurient or scatological interest, when the appeal to such interest is primarily for its own sake or for commercial exploitation, rather than primarily for a genuine scientific, educational, sociological, moral or artistic purpose.
- (g) "Sexual excitement" means the condition of human male or female genitals when in a state of sexual stimulation or arousal.
- (h) "Nudity" means the showing, representation or depiction of human male or female genitals, pubic area or buttocks with less than a full, opaque covering, or of a female breast with less than a full, opaque covering of any portion thereof below the top of the nipple, or of covered male genitals in a discernibly turgid state.
- (i) "Juvenile" means an unmarried person under the age of eighteen.

- (j) "Material" means any book, magazine, newspaper, pamphlet, poster, print, picture, figure, image, description, motion picture film, phonographic record or tape, or other tangible thing capable of arousing interest through sight, sound or touch.
- (k) "Performance" means any motion picture, preview, trailer, play, show, skit, dance or other exhibition performed before an audience.
- (l) "Spouse" means a person married to an offender at the time of an alleged offense, except that such person shall not be considered the spouse when any of the following apply:
 - (1) When the parties have entered into a written separation agreement authorized by Ohio R.C. 3103.06;
 - (2) During the pendency of an action between the parties for annulment, divorce, dissolution of marriage or legal separation;
 - (3) In the case of an action for legal separation, after the effective date of the judgment for legal separation.
- (m) "Minor" means a person under the age of eighteen years.
(ORC 2907.01)

533.02 PRESUMPTION OF KNOWLEDGE; ACTUAL NOTICE AND DEFENSE.

(a) An owner, or manager, or his agent or employee, of a bookstore, newsstand, theater or other commercial establishment engaged in selling materials or exhibiting performances, who, in the course of business does any of the acts prohibited by Section 533.11, is presumed to have knowledge of the character of the material or performance involved, if he has actual notice of the nature of such material or performance, whether or not he has precise knowledge of its contents.

(b) Without limitation on the manner in which such notice may be given, actual notice of the character of material or a performance may be given in writing by the chief legal officer of the jurisdiction in which the person to whom the notice is directed does business. Such notice, regardless of the manner in which it is given, shall identify the sender, identify the material or performance involved, state whether it is obscene or harmful to juveniles and bear the date of such notice.

(c) Section 533.11 does not apply to a motion picture operator or projectionist acting within the scope of his employment as an employee of the owner or manager of a theater or other place for the showing of motion pictures to the general public, and having no managerial responsibility or financial interest in his place of employment other than wages. (ORC 2907.35)

533.03 UNLAWFUL SEXUAL CONDUCT WITH A MINOR.

(a) No person, who is eighteen years of age or older, shall engage in sexual conduct with another, who is not the spouse of the offender, when the offender knows the other person is thirteen years of age or older but less than sixteen years of age, or the offender is reckless in that regard.

(b) Whoever violates this section is guilty of unlawful sexual conduct with a minor, a misdemeanor of the first degree. If the offender is four years older or more than the other person, or if the offender has previously been convicted of or pleaded guilty to a violation of Ohio R.C. 2907.02, 2907.03 or 2907.04, or former Ohio R.C. 2907.12, unlawful sexual conduct with a minor is a felony and shall be prosecuted under appropriate State law.
(ORC 2907.04)

533.04 SEXUAL IMPOSITION.

(a) No person shall have sexual contact with another, not the spouse of the offender; cause another, not the spouse of the offender, to have sexual contact with the offender; or cause two or more persons to have sexual contact when any of the following applies:

- (1) The offender knows that the sexual contact is offensive to the other person, or one of the other persons, or is reckless in that regard.
- (2) The offender knows that the other person's or one of the other person's ability to appraise the nature of or control the offender's or touching person's conduct is substantially impaired.
- (3) The offender knows that the other person or one of the other persons submits because of being unaware of the sexual contact.
- (4) The other person or one of the other persons is thirteen years of age or older but less than sixteen years of age, whether or not the offender knows the age of such person, and the offender is at least eighteen years of age and four or more years older than such other person.

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

(c) Whoever violates this section is guilty of sexual imposition, a misdemeanor of the third degree. If the offender previously has been convicted of a violation of Ohio R.C. 2907.02, 2907.03, 2907.04, 2907.05, 2907.06 or 2907.12, or a substantially similar municipal ordinance, a violation of this section is a misdemeanor of the first degree. (ORC 2907.06)

533.05 IMPORTUNING.

(a) No person shall solicit a person under thirteen years of age to engage in sexual activity with the offender, whether or not the offender knows the age of such person.

(b) No person shall solicit a person of the same sex to engage in sexual activity with the offender, when the offender knows such solicitation is offensive to the other person, or is reckless in that regard.

(c) No person shall solicit another, not the spouse of the offender, to engage in sexual conduct with the offender, when the offender is eighteen years of age or older and four or more years older than the other person, and the other person is over twelve but not over fifteen years of age, whether or not the offender knows the age of the other person.

(d) Whoever violates this section is guilty of importuning. Violation of subsection (a) or (b) hereof is a misdemeanor of the first degree. Violation of subsection (c) hereof is a misdemeanor of the fourth degree. (ORC 2907.07)

533.06 VOYEURISM.

(a) No person, for the purpose of sexually arousing or gratifying the person's self, shall commit trespass or otherwise surreptitiously invade the privacy of another, to spy or eavesdrop upon another.

(b) No person, for the purpose of sexually arousing or gratifying the person's self, shall commit trespass or otherwise surreptitiously invade the privacy of another to photograph the other person in a state of nudity.

(c) No person, for the purpose of sexually arousing or gratifying the person's self, shall commit trespass or otherwise surreptitiously invade the privacy of another to photograph the other person in a state of nudity if the other person is a minor.

(d) No person shall secretly or surreptitiously videotape, film, photograph, or otherwise record another person under or through the clothing being worn by that other person for the purpose of viewing the body of, or the undergarments worn by, that other person.

- (e) (1) Whoever violates this section is guilty of voyeurism.
- (2) A violation of subsection (a) hereof is a misdemeanor of the third degree.
- (3) A violation of subsection (b) hereof is a misdemeanor of the second degree.
- (4) A violation of subsection (c) or (d) hereof is a misdemeanor of the first degree. (ORC 2907.08)

533.07 PUBLIC INDECENCY.

(a) No person shall recklessly do any of the following, under circumstances in which his or her conduct is likely to be viewed by and affront others, not members of his or her household:

- (1) Expose his or her private parts, or engage in masturbation;
- (2) Engage in sexual conduct;
- (3) Engage in conduct that to an ordinary observer would appear to be sexual conduct or masturbation.

(b) Whoever violates this section is guilty of public indecency. Except as otherwise provided in this subsection (b), public indecency is a misdemeanor of the fourth degree. If the offender previously has been convicted of or pleaded guilty to one violation of Ohio R.C. 2907.09 or substantially similar municipal ordinance, public indecency is a misdemeanor of the third degree. If the offender previously has been convicted of or pleaded guilty to two violations of Ohio R.C. 2907.09 or substantially similar municipal ordinance, public indecency is a misdemeanor of the second degree. If the offender previously has been convicted of or pleaded guilty to three or more violations of Ohio R.C. 2907.09 or substantially similar municipal ordinance, public indecency is a misdemeanor of the first degree. (ORC 2907.09)

533.08 PROCURING.

(a) No person, knowingly and for gain, shall do either of the following:

- (1) Entice or solicit another to patronize a prostitute or brothel;
- (2) Procure a prostitute for another to patronize, or take or direct another at his or her request to any place for the purpose of patronizing a prostitute.

(b) No person, having authority or responsibility over the use of premises, shall knowingly permit such premises to be used for the purpose of engaging in sexual activity for hire.

(c) Whoever violates this section is guilty of procuring, a misdemeanor of the first degree. (ORC 2907.23)

533.09 SOLICITING.

(a) No person shall solicit another to engage with such other person in sexual activity for hire.

(b) Whoever violates this section is guilty of soliciting, a misdemeanor of the third degree. (ORC 2907.24)

533.091 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) Sell, deliver, furnish, disseminate, provide, exhibit, rent or present to a juvenile any material or performance that is obscene or harmful to juveniles;
- (2) Offer or agree to sell, deliver, furnish, disseminate, provide, exhibit, rent or present to a juvenile any material or performance that is obscene or harmful to juveniles;
- (3) Allow any juvenile to review or peruse any material or view any live performance that is harmful to juveniles.

(b) The following are affirmative defenses to a charge under this section, that involves material or a performance that is harmful to juveniles but not obscene:

- (1) The defendant is the parent, guardian or spouse of the juvenile involved.
- (2) The juvenile involved, at the time of the conduct in question, was accompanied by 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.

CHAPTER 537
Offenses Against Persons

| | | | |
|---------|---|--------|---|
| 537.01 | Negligent homicide. | 537.16 | Illegal distribution of cigarettes or other tobacco products. |
| 537.02 | Vehicular homicide and manslaughter. | 537.17 | Criminal child enticement. |
| 537.03 | Assault. | 537.18 | Contributing to unruliness or delinquency of a child. |
| 537.04 | Negligent assault. | 537.19 | Child stealing. |
| 537.05 | Aggravated menacing. | 537.20 | Nonsupport of dependents. |
| 537.051 | Menacing by stalking. | 537.21 | Interference with custody. |
| 537.06 | Menacing. | 537.22 | Safety of crowds attending live entertainment performances. |
| 537.07 | Endangering children. | 537.23 | Hazing. |
| 537.08 | Unlawful restraint. | 537.24 | Intimidation in connection with housing. |
| 537.09 | Coercion. | 537.25 | Failing to provide for a functionally impaired person. |
| 537.10 | Telecommunication harassment. | 537.99 | Penalty. |
| 537.11 | Threatening or harassing telephone calls. | | |
| 537.12 | Misuse of 9-1-1 system. | | |
| 537.13 | Adulterating of or furnishing adulterated food or confection. | | |
| 537.14 | Domestic violence. | | |
| 537.15 | Temporary protection order. | | |

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 NEGLIGENCE HOMICIDE.

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

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

537.02 VEHICULAR HOMICIDE AND MANSLAUGHTER.

(a) No person, while operating or participating in the operation of a motor vehicle, motorcycle, 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) Negligently;
- (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.
- (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 4507 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 prison term on an offender who is convicted of or pleads guilty to a violation of subsection (a)(1) 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 under Ohio R.C. Chapter 4507.
- (d) As used in this section:
- (1) "Mandatory prison term" has the same meaning 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.
- (e) 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)
- (f) The court imposing a sentence upon an offender for any violation of a municipal ordinance substantially equivalent to a violation of Ohio R.C. 2903.06 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 that is equivalent in length to the suspension required for a violation of Ohio R.C. 2903.06 under similar circumstances. (ORC 4507.1613)

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) Whoever violates this section is guilty of assault, a misdemeanor of the first degree. If the assault was committed under the circumstances provided in subsection (c)(1), (2) or (3) hereof, assault is a felony and shall be prosecuted under appropriate State law.

(1) 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.

(2) If the offense is committed in any of the following circumstances:

A. 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, the Department of Youth Services, or a probation department or is on the premises of the particular institution for business purposes or as a visitor, and the offense is committed by a person incarcerated in the State correctional institution, a person institutionalized in the Department of Youth Services institution pursuant to a commitment to the Department of Youth Services, by a probationer or 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.

B. 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.

C. 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 probationer or 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 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 probationer or 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.
 - E. 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.
- (3) If the victim of the offense is a peace officer, a firefighter, or a person performing emergency medical service, while in the performance of their official duties.
- (4) As used in this section:
- A. "Peace officer" has the same meaning as in Ohio R.C. 2935.01.
 - B. "Firefighter" has the same meaning as in Ohio R.C. 3937.41.
 - C. "Emergency medical service" has the same meaning as in Ohio R.C. 4765.01.
 - D. "Local correctional facility" means a county, multicounty, municipal, municipal-county or multicounty-municipal jail or workhouse. A minimum security jail established under Ohio R.C. 341.23 or 753.21, or another county, multicounty, municipal, municipal-county, or multicounty-municipal facility used for the custody of persons arrested for any crime or delinquent act, persons charged with or convicted of any crime, or persons alleged to be or adjudicated a delinquent child.
 - E. "Employee of a local correctional facility" means a person who is an employee of the political subdivision or of one or more of the affiliated political subdivisions that operates the local correctional facility and who operates or assists in the operation of the facility.
 - F. "School teacher or administrator" means either of the following:
 - 1. A person who is employed in the public schools of the State under a contract described in Ohio R.C. 3319.08 in a position in which the person is required to have a certificate issued pursuant to Ohio R.C. 3319.22 to 3319.311.

2. A person who is employed by a nonpublic school for which the State Board of Education prescribes minimum standards under Ohio R.C. 3301.07 and who is certified in accordance with Ohio R.C. 3301.071.
 - G. "Community control sanction" has the same meaning as in Ohio R.C. 2929.01.
 - H. "Escorted visit" means an escorted visit granted under Ohio R.C. 2967.27.
 - I. "Post-release control" and "transitional control" have the same meanings as in Ohio R.C. 2967.01.
- (ORC 2903.13)

537.04 NEGLIGENT ASSAULT.

(a) No person shall negligently, by means of a deadly weapon or dangerous ordnance as defined in Section 549.01 cause physical harm to another or to another's unborn.

(b) Whoever violates this section is guilty of negligent assault, a misdemeanor of the third degree. (ORC 2903.14)

537.05 AGGRAVATED MENACING.

(a) No person shall knowingly cause another to believe that the offender will cause serious physical harm to the person or property of such other person, such other person's unborn, or a member of the other person's immediate family.

(b) Whoever violates this section is guilty of aggravated menacing, a misdemeanor of the first degree. (ORC 2903.21)

537.051 MENACING BY STALKING.

(a) No person by engaging in a pattern of conduct shall knowingly cause another to believe that the offender will cause physical harm to the other person or cause mental distress to the other person.

(b) Whoever violates this section is guilty of menacing by stalking.

- (1) Except as otherwise provided in subsection (b)(2) hereof, menacing by stalking is a misdemeanor of the first degree.
- (2) Menacing by stalking is a felony if any of the following applies and shall be prosecuted under appropriate State law:
 - A. The offender previously has been convicted of or pleaded guilty to a violation of Ohio R.C. 2903.211 or 2911.211.
 - B. In committing the offense, the offender made a threat of physical harm to or against the victim.
 - C. In committing the offense, the offender 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, the offender had a deadly weapon on or about the offender's person or under the offender's control.
- 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, 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.
- I. Prior to committing the offense, the offender had been determined to represent 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.

(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. Actions or incidents that prevent, obstruct, or delay the performance by a public official, firefighter, rescuer, or emergency medical services person of any authorized act within the public official's, firefighter's, rescuer's or emergency medical services person's official capacity may constitute a "pattern of conduct".
- (2) "Mental distress" means any mental illness or condition that involves some temporary substantial incapacity or mental illness or condition that would normally require psychiatric treatment.
- (3) "Emergency medical services person" is the singular of "emergency medical services personnel" as defined in Ohio R.C. 2133.21.
- (4) "Public official" has the same meaning as in Ohio R.C. 2921.01.
(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 such other person, such other person's unborn, or a member of the other person's immediate family.

(b) Whoever violates this section is guilty of menacing, a misdemeanor of the fourth degree. (ORC 2903.22)

537.07 ENDANGERING CHILDREN.

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

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

- (c) (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 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 alcohol and a drug of abuse or for operating a vehicle with a prohibited concentration of alcohol in the blood, breath, or urine.
- (2) As used in subsection (c) hereof, "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).
- (e) (1) If a person violates subsection (c) hereof and if, at the time of the violation, there were two or more children under eighteen years of age in the motor vehicle involved in the violation, the offender may be convicted of a violation of subsection (c) hereof for each of the children, but the court may sentence the offender for only one of the violations.
- (2) A. If a person is convicted of or pleads guilty to a violation of subsection (c) hereof but the person is not also convicted of and does not also plead guilty to a separate charge charging the violation of Section 333.01(a) of the Traffic Code that was the basis of the charge of the violation of subsection (c) hereof, both of the following apply:
1. For purposes of the provisions of the Traffic Code penalty that set forth the penalties and sanctions for a violation of Section 333.01(a) of the Traffic Code, the conviction of or plea of guilty to the violation of subsection (c) hereof shall not constitute a violation of Section 333.01(a) of the Traffic Code.
 2. For purposes of any provision of law that refers to a conviction of or plea of guilty to a violation of Section 333.01(a) of the Traffic Code and that is not described in subsection (e)(2)A.1. hereof, the conviction of or plea of guilty to the violation of subsection (c) hereof shall constitute a conviction of or plea of guilty to a violation of Section 333.01(a) of the Traffic Code.
- B. If a person is convicted of or pleads guilty to a violation of subsection (c) hereof and the person also is convicted of or pleads guilty to a separate charge charging the violation of Section 333.01(a) of the Traffic Code that was the basis of the charge of the violation of subsection (c) hereof, the conviction of or plea of guilty to the violation of subsection (c) hereof shall not constitute, for purposes of any provision of law that refers to a conviction of or plea of guilty to a violation of Section 333.01(a) of the Traffic Code, a conviction of or plea of guilty to a violation of Section 333.01(a) of the Traffic Code.
- (ORC 2919.22)

(NOTE: The next printed page is page 76-I.)

CHAPTER 905 Sidewalks

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| <p>905.01 Property owners to repair or construct sidewalks.</p> <p>905.02 Duty of City Manager; notice to owner.</p> <p>905.03 Assessment by City.</p> | <p>905.04 Assessment payable in lumpsum or installments.</p> <p>905.05 Compliance with City specifications.</p> <p>905.06 Additional remedies of City.</p> |
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CROSS REFERENCES

Construction or repair at owner's expense - see Ohio R.C. 729.01 et seq.

Notice to construct or repair - see Ohio R.C. 729.03 et seq.

Snow removal, protection, obstructions and littering - see GEN. OFF. Ch. 521

Sidewalk excavations - see S.U. & P.S. Ch. 903

Sidewalks in new subdivisions - see P. & Z. 1317.03(f)

905.01 PROPERTY OWNERS TO REPAIR OR CONSTRUCT SIDEWALKS.

It shall be the responsibility of the property owner to construct, maintain and repair public sidewalks within the City. Once installed, the owner of the lot or land abutting the public sidewalk shall keep the sidewalk in good repair and free from nuisance conditions. Further, once installed, no public sidewalk or part thereof shall be removed without the consent of the City. (Ord. 00-67AC. Passed 6-5-00.)

905.02 DUTY OF CITY MANAGER; NOTICE TO OWNER.

(a) The City Manager shall periodically inspect all public sidewalks within the City. If an existing public sidewalk is deemed in need of maintenance, repair or replacement, the City Manager shall cause notice to be served upon the owner of the abutting property by certified mail at the owner's last known address. If the address is unknown, or the certified mail notice is returned undelivered, a copy of the notice shall be conspicuously posted on the property to which it relates and a copy of the notice shall be published once in a newspaper of general circulation in the City.

(b) The notice to be served upon the property owner shall include the following information:

- (1) The location of the sidewalk;
 - (2) Defect(s) noted and the extent of repair or replacement necessary;
 - (3) A statement that if the property owner does not complete the requested repair or replacement within sixty days of service of the notice, the City will proceed to initiate and complete the work and certify the actual cost of the same to the City Treasurer for collection.
- (Ord. 00-50AC. Passed 6-5-00.)

905.03 ASSESSMENT BY CITY.

If the actual cost to the City of the sidewalk repair or replacement is not paid within thirty days of notice of the same to the property owner, the City Treasurer shall certify the cost to the Lorain County Auditor for placement on the County tax duplicate and collection in the same manner as other taxes.

(Ord. 94-51AC. Passed 8-15-94.)

905.04 ASSESSMENT PAYABLE IN LUMP SUM OR INSTALLMENTS.

The assessment placed upon the tax duplicate by the City for the cost of the sidewalk repair or replacement shall be paid by the property owner in one lump sum or five equal annual installments, provided, however, that whenever the unpaid balance of an assessment is one hundred dollars (\$100.00) or less, it shall be fully due and payable upon the date of the next annual payment. Assessments paid in installments shall include an interest charge of four percent per annum of the original assessment amount. Upon proof satisfactory to the City that payment in five annual installments will create a serious economic hardship to the property owner, the City Treasurer may authorize a longer repayment period.

(Ord. 94-51AC. Passed 8-15-94.)

905.05 COMPLIANCE WITH CITY SPECIFICATIONS.

All public sidewalks shall be constructed, repaired or replaced in accordance with standards and specifications prescribed by the City Public Works Director.

(Ord. 94-51AC. Passed 8-15-94.)

905.06 ADDITIONAL REMEDIES OF CITY.

In addition to all other remedies at law or provided by these Codified Ordinances, for a violation hereof the City may:

- (a) Charge the violator with a minor misdemeanor;
- (b) Proceed to obtain injunctive relief through a court of appropriate jurisdiction.

(Ord. 00-67AC. Passed 6-5-00.)

CHAPTER 923
Municipal Reservoirs

EDITOR'S NOTE: Use of the Parson Road Reservoir for public fishing purposes is authorized by agreement with the State of Ohio pursuant to Ordinance 244AC, passed March 5, 1962.

923.01 Fishing areas.

CROSS REFERENCES

Pollution of reservoirs - see Ohio R.C. 743.25, 3767.18

State fishing licenses and regulations - see Ohio R.C.

1533.32 et seq.

Malicious injury to reservoir property - see GEN. OFF. 541.04

923.01 FISHING AREAS.

(a) All City-owned reservoirs are hereby reserved for fishing and recreational purposes only, excluding boating and swimming, except for boating in the Parsons Road Reservoir which shall be allowed pursuant to the agreement with the State.

(b) Whoever violates this section as it pertains to boating and swimming is guilty of a minor misdemeanor.

(c) A copy of this section shall be posted in conspicuous places around all Municipal reservoirs in order to apprise the public.
(Ord. 86-45. Passed 8-4-86.)

CHAPTER 925

Garbage and Rubbish Collection

EDITOR'S NOTE: Council, by Ordinance 739AC, passed December 7, 1970, authorized Lorain County to include the City of Oberlin in a Garbage and Refuse Disposal District created pursuant to and under authority of Ohio R.C. 343.01 et seq. Council also establishes rate schedules for commercial garbage and rubbish collection, which schedules, because of the frequency of change, are not codified herein.

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| 925.01 | Type of refuse collectible. (Repealed) | 925.10 | Rates. |
| 925.02 | Manner of depositing. | 925.11 | Scavenging of recyclable materials. |
| 925.03 | Type and volume of containers. | 925.12 | Refuse and recycling collection rules. |
| 925.04 | Schedule for regular weekly collections. (Repealed) | 925.13 | Materials prohibited. |
| 925.05 | Leaves; yard waste; open burning. | 925.14 | Temporary dumpsters. |
| 925.06 | Residential collection by City. | 925.15 | Resource Recovery Committee. |
| 925.07 | Paper to be separated. (Repealed) | 925.16 | Dumpster service in Central Business District. |
| 925.08 | Commercial collection. | 925.17 | Unauthorized use of dumpster. |
| 925.09 | Large trash pick-up. | 925.99 | Penalty. |

CROSS REFERENCES

Collection and disposal of garbage - see Ohio R.C. 715.43, 717.01

Employment of scavengers - see Ohio R.C. 3707.39

Disposal and transportation upon public ways - see Ohio R.C. 3767.20 et seq.

Vehicle dropping, sifting, tracking substances on street - see TRAF. 339.08

Deposit of garbage or refuse - see GEN. OFF. 521.08

Garbage disposal facilities or storage containers - see BLDG. 1159.08

Responsibilities of owners and occupants - see BLDG. 1167.04

Open burning - see FIRE PREV. Ch. 1505

925.01 TYPE OF REFUSE COLLECTIBLE. (REPEALED)

(EDITOR'S NOTE: Section 925.01 was repealed by Ordinance 94-2AC, passed February 22, 1994.)

925.02 MANNER OF DEPOSITING.

Household refuse, including garbage, paper, cardboard, cans and bottles, etc., may be placed in the same container. Garbage should be wrapped or placed in bags before depositing in containers. Yard waste shall not be placed in containers with household refuse.
(Ord. 94-2AC. Passed 2-22-94.)

925.03 TYPE AND VOLUME OF CONTAINERS.

Household refuse shall be placed in suitable containers not exceeding thirty gallons capacity. Weight of containers placed shall not exceed fifty pounds.
(Ord. 00-12AC. Passed 3-6-00.)

925.04 SCHEDULE FOR REGULAR WEEKLY COLLECTIONS. (REPEALED)

(EDITOR'S NOTE: Section 925.04 was repealed by Ordinance 94-2AC, passed February 22, 1994.)

925.05 LEAVES; YARD WASTE; OPEN BURNING.

Leaves may be raked to the curb lawn or gutter edge in the fall season only. At other times, leaves shall be treated as yard waste.

The City may schedule City yard collection of brush and branches and shall provide for annual fall leaf collection, both of which would be without additional fee or cost to the resident.

The City will collect bagged yard waste weekly on a fee-for-service basis. Yard waste shall be placed in bags not exceeding thirty gallons capacity and shall be placed at the curb no earlier than 12:00 noon of the day preceding the collection.

Open burning of refuse or yard waste is prohibited.
(Ord. 94-2AC. Passed 2-22-94.)

925.06 RESIDENTIAL COLLECTION BY CITY.

(a) The City, through its personnel or by contract, shall provide for the collection of garbage, trash, yard waste and recyclables from residential property according to a schedule published by the City.

(b) Such pick-up shall be at curbside or at such location as may be determined by the City and it shall be the obligation of the persons being served to place the garbage and/or trash on the curbside at the specified location at the proper time for such pick-up.

(c) It shall be the obligation of persons being served to place the containers no sooner than 12:00 noon on the day preceding the collection and to remove the containers by 12:00 midnight on the day of collection.

(d) Basic residential service shall entitle a customer to place up to three refuse containers and an unlimited amount of properly prepared recyclable materials for collection.

Owners of multi-family residences containing four or fewer units or of a rooming house may request service in excess of the basic residential service. Such additional service shall be in the form of multiples of the basic unit service and charge.
(Ord. 00-12AC. Passed 3-6-00.)

925.07 PAPER TO BE SEPARATED. (REPEALED)

(EDITOR'S NOTE: Section 925.07 was repealed by Ordinance 94-2AC, passed February 22, 1994.)

925.08 COMMERCIAL COLLECTION.

(a) The City exclusively shall provide for the collection of refuse and trash and recyclable materials at all commercial and industrial establishments, schools, offices, churches, apartment buildings, nursing homes and other institutions. Where the City cannot provide adequate service to a commercial or industrial establishment, as determined by the City, the City Manager shall be authorized to waive Municipal collection and approve the use of a private collection service. All costs associated with the use of such private collection service shall be borne by the customer. All waivers shall be reviewed on an annual basis.

This section shall not be construed as prohibiting the re-use or sale by a commercial or industrial establishment of recyclable materials resulting from the operations of the establishment.

(b) No person shall place any waste into a dumpster except as may be authorized by the part responsible for paying the collection charges thereof.
(Ord. 94-2AC. Passed 2-22-94.)

925.09 LARGE TRASH PICK-UP.

(a) Residents desiring large trash pick-up service shall be required to make an appointment for a pick-up.

(b) Items scheduled for large trash pick-up shall be placed on the curb lawn no sooner than 12:00 noon on the day preceding the collection, and any containers into which large trash has been placed shall be removed from the curb lawn by 12:00 midnight on the day of collection.

(c) The following items shall not be collected through the large trash pick-up service: refuse prohibited elsewhere in this chapter, yard wastes and recyclables, including newspapers, steel and aluminum cans, glass bottles, clear plastic milk and soft drink containers.

(d) Each residential property shall be entitled to one scheduled free large trash pick-up per year of up to two cubic yards. Additional large trash pick-up service shall be charged at the rate of eight dollars (\$8.00) per cubic yard.

(e) Large trash items placed for collection where a large trash collection has not been scheduled may, at the option of the City, be collected, and the resident or homeowner shall then be billed fifty dollars (\$50.00), or twelve dollars (\$12.00) per cubic yard, whichever is greater.

(f) Where refuse is greater than two yards, or where the nature of the refuse is such that loading by hand is impractical, the homeowner may be required, at the option of the City, to pay for the use of a temporary dumpster.
(Ord. 00-12AC. Passed 3-6-00.)

925.10 RATES.

(a) Residential Rates.

- (1) Commencing May 1, 2000, a basic residential rate of four dollars (\$4.00) per month shall be charged.
- (2) The basic residential service rate for all bills rendered on or after February 1 of each ensuing twelve-month period, beginning February 1, 2001 shall be determined by the formula:

$$RR = \frac{OM + C}{Q}$$

Where:

- A. "RR" means the basic residential service rate.
- B. "Q" means the number of residential customers as calculated by the Auditor's office for the calendar year immediately prior to the year in which the rate is to take effect.
- C. "OM" means that portion of the refuse operation and maintenance appropriation attributable to residential collection less the portion of refuse operating levies attributable to residential properties. For purposes of this section, forty-four percent (44%) of the cost of downtown trash receptacles shall be considered to be a cost attributable to residential collection.
- D. "C" means capital expense and reserve appropriations attributable to the residential collection.

(b) Commercial Rates.

- (1) Commencing May 1, 2000 commercial refuse rates shall be charged as follows:

| <u>Dumpster Size</u> | <u>Per Service</u> |
|----------------------|--------------------|
| 1 | \$ 3.90 |
| 2 | 7.40 |
| 3 | 10.20 |
| 4 | 12.40 |
| 6 | 17.40 |
| 8 | 21.60 |

- Customers whose service is less than one cubic yard and where a dumpster is not required shall pay ten dollars (\$10.00) per month.
- (2) Commencing April 1, 2001 the commercial rates shall be increased eight percent (8%) for 2001. Commencing April 1, 2002, and each year thereafter the commercial rates shall be increased six and one-half percent (6.5%), provided however that Council may decrease the percentage increase upon the recommendation of the City Manager and City Auditor. (Ord. 00-12AC. Passed 3-6-00.)

925.11 SCAVENGING OF RECYCLABLE MATERIALS.

Scavenging of recyclable materials placed for collection shall be prohibited. Recyclable material shall remain the property of the resident, business or industry collecting said material until such time as the material is placed at the curb or at another location for collection by the City. At the time the materials are placed by the resident, business or industry for collection by the City, said materials become the property of the City. (Ord. 94-2AC. Passed 2-22-94.)

925.12 REFUSE AND RECYCLING COLLECTION RULES.

The City Manager is authorized to promulgate and publish such rules as are necessary for the efficient and economical collection of refuse, recyclable materials and yard waste.
(Ord. 94-2AC. Passed 2-22-94.)

925.13 MATERIALS PROHIBITED.

The following materials shall not be included or otherwise introduced into residential or commercial refuse: hazardous or infectious wastes, tires, storage batteries, refrigerators or other appliances still containing freon or in which the freon was not removed by a person licensed to do so, brush, grass clippings or other yard waste, waste oil, bricks, rocks or concrete (other than a nominal amount incidental to other refuse), dirt or any material prohibited by State or Federal law from being landfilled.
(Ord. 94-2AC. Passed 2-22-94.)

925.14 TEMPORARY DUMPSTERS.

Temporary six-yard dumpsters may be requested by business, industrial or residential customers. Temporary dumpsters will be provided subject to availability and provided that the City can deliver, service and remove the dumpster without damage to trees, buildings and overhead wires.

Temporary dumpsters set at a customer's site are limited to a three-week maximum. The dumpster will be picked up by the City at the end of the prescribed time.

Persons ordering a temporary dumpster are required to pay in advance for the dumpster. Charges for temporary dumpsters shall be:

| | <u>Charges</u> |
|---|----------------|
| Delivery of a dumpster for a one week period and collection | \$ 50.00 |
| Additional pickups, each | 25.00 |
| Demurrage per week with 2-week additional maximum | 20.00 |

The City will make a single attempt to deliver the dumpster. If the dumpster cannot be set due to actions of the customer (e.g., cars in the way), a twenty-dollar (\$20.00) fee will be charged with balance of the prepayment refunded to the customer.
(Ord. 00-12AC. Passed 3-6-00.)

925.15 RESOURCE RECOVERY COMMITTEE.

Council shall appoint a Resource Recovery Committee consisting of five persons. The Resource Recovery Committee shall review proposed rules and shall advise Council regarding the City's refuse, recyclable materials and yard waste collection program.
(Ord. 94-2AC. Passed 2-22-94.)

925.16 DUMPSTER SERVICE IN CENTRAL BUSINESS DISTRICT.

The City shall make available sufficient dumpsters to provide refuse service in the downtown district for businesses, offices, and apartments that have not individually contracted for refuse service.

Businesses, offices and apartment units making use of these dumpsters shall be charged as follows:

| | |
|---|--|
| Apartment | Twice the basic residential service rate. |
| Small retail and small professional | Commercial rate for a 1-yard dumpster serviced once per week. |
| Medium professional services (office with more than 3 persons) | Commercial rate for a 2-yard dumpster serviced once per week. |
| Medium retail | Commercial rate for a 3-yard dumpster serviced once per week. |
| Large retail | Commercial rate for a 4-yard dumpster serviced once per week. |
| Restaurants | Commercial rate for a 6-yard dumpster serviced once per week. |
| Restaurants with bar | Commercial rate for an 8-yard dumpster serviced once per week. |

(Ord. 00-12AC. Passed 3-6-00.)

925.17 UNAUTHORIZED USE OF DUMPSTER.

No person shall place any waste into a dumpster except as may be authorized by the party responsible for paying the collection charges thereof.

For dumpsters placed pursuant to Section 925.16, no person shall place any waste in any such dumpster other than waste generated by an establishment located in the Central Business District and being charged for such service.

(Ord. 00-12AC. Passed 3-6-00.)

925.99 PENALTY.

Whoever violates any of the provisions of this chapter shall be fined not more than one hundred dollars (\$100.00).

(Ord. 94-2AC. Passed 2-22-94.)

CODIFIED ORDINANCES OF OBERLIN

PART ELEVEN - BUILDING CODE

TITLE ONE - Building Code

- Chap. 1101. OBOA One-, Two-, and Three-Family Dwelling Code.
- Chap. 1103. Residential Insulation Requirements.
- Chap. 1105. Fire Limits.

TITLE THREE - Administration

- Chap. 1111. Permit Fees.
- Chap. 1113. Responsibility for Permit.
- Chap. 1115. Contractor Registration.

TITLE FIVE - Plumbing Code

- Chap. 1121. General Provisions.
- Chap. 1123. Definitions.
- Chap. 1125. Plumbing Board.
- Chap. 1127. Licenses, Fees and Permits.
- Chap. 1129. Plumbing Installation Rules.
- Chap. 1131. Plumbing Regulations; Penalty.

TITLE SEVEN - Electrical Code

- Chap. 1141. General Purposes.
- Chap. 1143. Permits and Licenses.
- Chap. 1145. Materials, Inspections and Tests.
- Chap. 1147. Electric Examinations; Penalty.

TITLE NINE - Housing and Property Maintenance

- Chap. 1151. BOCA National Property Maintenance Code.
- Chap. 1173. Housing Renewal Commission.

TITLE ELEVEN - General Provisions

- Chap. 1183. Moving of Structures.
- Chap. 1185. Fair Housing Practices.
- Chap. 1187. Historic Landmarks and Buildings.
- Chap. 1189. Swimming Pools.
- Chap. 1191. Flood Damage Prevention.
- Chap. 1193. Pollution Abatement at Construction Sites.

CODIFIED ORDINANCES OF OBERLIN

PART ELEVEN- BUILDING CODE

TITLE ONE - Building Code

- Chap. 1101. OBOA One-, Two-, and Three-Family Dwelling Code.
 Chap. 1103. Residential Insulation Requirements.
 Chap. 1105. Fire Limits.
-

CHAPTER 1101

OBOA One-, Two-, and Three-Family Dwelling Code

- 1101.01 Adoption. 1101.02 Amendments.

CROSS REFERENCES

- Power to regulate building erection - see Ohio R.C. 715.26, 715.29,
 737.28, 737.37
 Adoption of technical codes - see Ohio R.C. 731.231
 Ohio Building Code inapplicable to one, two or three-family dwellings -
 see Ohio R.C. 3781.06
 Ohio Building Code - see Ohio R.C. 3781.10
 Excavation permits - see S. & P.S. Ch. 903
 Permit fees - see BLDG. Ch. 1111
 Responsibility for permit - see BLDG. Ch. 1113
 Construction within the fire limits - see BLDG. 1105.02
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1101.01 ADOPTION.

The City of Oberlin does hereby adopt and enact the Ohio Building Officials Association (OBOA) One-, Two-, and Three-Family Dwelling Code, 1996 edition, for the regulation of the erection, construction, enlargement, alteration, repair, location, and use of detached one-, two-, and three-family dwellings, their appurtenances and accessory structures in the City, and each and all of the regulations, provisions, penalties, conditions and terms of said Code are hereby referred to, adopted, and made a part hereof, as if fully set out herein, with the additions, insertions, deletions and changes, if any, as set forth hereinafter.
 (Ord. 00-25AC. Passed 4-3-00.)

1101.02 AMENDMENTS.

The following additions, insertions, deletions and changes are hereby made in the Ohio Building Officials Association (OBOA) One-, Two-, and Three-Family Dwelling Code (1996 edition) as adopted by the City:

Section 107.1 shall read as follows:

All appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of this Code shall be filed with and heard by the Oberlin Housing Renewal Commission, pursuant to the provisions of Chapter 1173 of the Codified Ordinances of the City of Oberlin.

Section 107.2 change "Board of Appeals" to "Housing Renewal Commission".
(Ord. 00-25AC. Passed 4-3-00.)

TITLE FIVE - Plumbing Code

- Chap. 1121. General Provisions.
- Chap. 1123. Definitions.
- Chap. 1125. Plumbing Board.
- Chap. 1127. Licenses, Fees and Permits.
- Chap. 1129. Plumbing Installation Rules.
- Chap. 1131. Plumbing Regulations; Penalty.

CHAPTER 1121 General Provisions

| | | | |
|---------|---------------------------------|---------|-----------------------------------|
| 1121.01 | Code adopted. | 1121.04 | Ohio State Plumbing Code adopted. |
| 1121.02 | Compliance with Code and rules. | 1121.05 | File and distribution copies. |
| 1121.03 | License required. | | |

CROSS REFERENCES

Power to license plumbers - see Ohio R.C. 715.27
 Adoption of technical codes - see Ohio R.C. 731.231
 Municipalities excepted from State inspection - see Ohio R.C. 3703.01

1121.01 CODE ADOPTED.

The provisions contained in Title Five of this Building Code are hereby adopted and shall be known as the Plumbing Code for the City.
 (1957 Code §1121.01)

1121.02 COMPLIANCE WITH CODE AND RULES.

All plumbing work and the connection of plumbing work and private drains with the public sewers of the City shall be made in accordance with the provisions of this Plumbing Code and such rules and regulations as the Board of Health may approve and Council may prescribe.
 (1957 Code §1121.02)

1121.03 LICENSE REQUIRED.

No person shall do any plumbing work or alter any plumbing work connected with or designed to be connected with any public sewer, or lay, alter or repair any cellar drain or sewer connected with or designed to be connected with any public sewer, or make any opening into or any connection with any public sewer unless regularly licensed by Council.
 (1957 Code §1121.03)

1121.04 OHIO STATE PLUMBING CODE ADOPTED.

Under the provisions of Ohio R.C. 731.231 there is hereby adopted by the City of Oberlin, and incorporated as if fully set out herein, for the purpose of prescribing requirements governing the inspection, design, construction, installation, alteration, repair, addition or replacement to drainage, plumbing and water-supply systems, that certain code known as the Ohio Plumbing Code (Chapter 4101-2-51 of the Ohio Basic Building Code), 1998 Edition as amended to the effective date of this section which is a Code prepared and promulgated by the Ohio Board of Building Standards pursuant to Ohio R.C. 3781.10.

(Ord. 97-31 AC. Passed 4-7-97; Ord. 00-36AC. Passed 4-3-00.)

1121.05 FILE AND DISTRIBUTION COPIES.

A complete copy of the Ohio Plumbing Code as adopted herein is on file with the Council Clerk and City Plumbing Inspector for inspection by the public and also on file in the Lorain County Law Library. The Council Clerk has copies available for distribution to the public at cost.

EDITOR'S NOTE: Ordinance 1331 as passed November 7, 1977, authorizes the Code Administrator to contract for electric improvement inspection services until such time as the City has on its full-time staff a qualified and licensed electric inspector.

TITLE SEVEN- Electrical Code

- Chap. 1141. General Purposes.
 Chap. 1143. Permits and Licenses.
 Chap. 1145. Materials, Inspections and Tests.
 Chap. 1147. Electric Examinations; Penalty.

**CHAPTER 1141
 General Purposes**

| | | | |
|---------|---|---------|--|
| 1141.01 | Incorporation; repeal; purpose. | 1141.04 | Permit required; annual permit |
| 1141.02 | National Electrical Code adopted; compliance; file and sale copies. | | in lieu of individual work permits. |
| 1141.03 | More restrictive provisions to control. | 1141.05 | Supervision by licensee; permit for home owner. |
| | | 1141.06 | Drawings and specifications. |
| | | 1141.07 | Permit fees; commencement and completion of work. |

CROSS REFERENCES

Power to license electricians - see Ohio R.C. 715.27
 Adoption of technical codes - see Ohio R.C. 721.231
 Municipal Light and Power Department - see S. & P. S. Ch. 913

1141.01 INCORPORATION; REPEAL; PURPOSE.

The provisions contained in Title Seven of this Building Code shall be the Electrical Code and shall repeal any and all codes or rules and regulations governing electrical work now in effect in the City.

The following provisions shall hereinafter regulate the installation of electrical work, provide for the licensing of electrical contractors and electricians and provide for the collection of licensing fees. (Ord. 94-67AC. Passed 9-19-94.)

1141.02 NATIONAL ELECTRICAL CODE ADOPTED; COMPLIANCE; FILE AND SALE COPIES.

Under the provisions of Ohio R.C. 731.231 there is hereby adopted by the City of Oberlin, and incorporated as if fully set out herein, for the purpose of prescribing basic minimum provisions considered necessary for the safety of persons and of buildings and their contents from hazards arising from the use of electricity for light, heat, power,

radio, signaling and for other purposes, that certain code known as the National Electrical Code recommended by the National Fire Protection Association, being particularly the 1999 Edition thereof. All electrical equipment and the installation thereof shall conform to the provisions of the National Electrical Code except as otherwise provided in this Title Seven.

A complete copy of the National Electrical Code as adopted herein is on file with the Council Clerk and City Electrical and Housing Inspectors for inspection by the public and also on file in the Lorain County Law Library. The Council Clerk has copies available for distribution to the public at cost. (Ord. 97-31 AC. Passed 4-7-97; Ord. 00-36AC. Passed 4-3-00.)

1141.03 MORE RESTRICTIVE PROVISIONS TO CONTROL.

No regulation herein is intended to conflict with provisions of the Ohio State Building Code governing installation of electrical work, except that the more restrictive regulations shall be enforced. (1957 Code §1141.03)

1141.04 PERMIT REQUIRED; ANNUAL PERMIT IN LIEU OF INDIVIDUAL WORK PERMITS.

No person, except under emergency conditions, shall engage in the business of installing, maintaining, altering or repairing for others any electrical wiring, devices, appliances or equipment unless such person first obtains a permit from the City. An individual performing emergency electrical work shall obtain a permit the first working day after the emergency. Permits shall be required for all electrical work except minor repairs as defined in BB-1-18 of the Ohio State Building Code and for all electrical maintenance work done by the employees of any person, firm or corporation that has a full-time electrical maintenance force.

Any person, firm or corporation that has a full-time electrical maintenance force shall, in lieu of the permits otherwise required, pay an annual permit fee in such amount as provided by ordinance. (Ord. 1048AC. Passed 6-17-74.)

1141.05 SUPERVISION BY LICENSEE; PERMIT FOR HOME OWNER.

All electrical work for which a permit is required shall be done by or under the direct supervision of persons licensed and authorized to do such work under applicable provisions of this Electrical Code concerning licensing. However, the owner of a single-family but not more than two-family residence now occupied or to be built for occupancy by him for a period of not less than six months may obtain a permit for the electrical work as may be required. The owner of a residence will not be required to obtain a license, but shall present in writing a statement that all the work shall be done by himself with or without the aid of qualified assistance. (1957 Code §1141.05)

1141.06 DRAWINGS AND SPECIFICATIONS.

Whenever it is determined necessary by the City to indicate or explain adequately the scope or manner of a proposed installation, alteration, replacement or repair of electrical wiring or equipment, the City may require the submission of drawings and/or specifications with the application for a permit. The drawings and/or specifications shall be in sufficient detail to enable the City to determine whether the proposed work will be in conformity with the provisions of this Electrical Code. (1957 Code §1141.06)

CHAPTER 1187
Historic Landmarks and Buildings

- | | |
|---|--|
| <p>1187.01 Statement of purpose.</p> <p>1187.02 Oberlin Historic Preservation Commission.</p> <p>1187.03 Duties of the Commission.</p> <p>1187.04 Definitions.</p> <p>1187.05 Standards for designating a landmark.</p> <p>1187.06 Standards for designating a historic district.</p> <p>1187.07 Procedures for designation of individual landmarks.</p> <p>1187.08 Procedures for designation of historic districts.</p> | <p>1187.09 Procedures for review of proposed alterations to historic landmarks and properties within historic districts.</p> <p>1187.99 Penalty.</p> <p>Appendix A The Secretary of the Interior's Standards for Rehabilitation.</p> <p>Appendix B The National Register of Historic Places and The Ohio Historic Inventory Defined.</p> |
|---|--|

1187.01 STATEMENT OF PURPOSE.

(a) The purpose of this chapter is to preserve Oberlin's distinctive character and its cultural, social, residential, commercial, industrial, educational, political or architectural heritage for the enjoyment, enrichment and benefit of the citizens of Oberlin.

(b) To foster economic vitality by publicly encouraging both private and public investment in Oberlin's older buildings, neighborhoods and districts.

(c) To foster civic pride in the beauty and notable accomplishments of the past.

(d) To provide guidance for preservation and enhancement of existing historical structures and new structures in historic districts.

(e) To act as liaison on behalf of the City of Oberlin to individuals and groups concerned with historic preservation, and help property owners to make judicious and historically correct decisions relating to proposed modifications and/or repairs to historic structures.

(f) To provide available preservation, restoration, and rehabilitation information to the citizens of Oberlin.

(Ord. 00-95. Passed 9-18-00.)

1187.02 OBERLIN HISTORIC PRESERVATION COMMISSION.

(a) The Oberlin Historic Preservation Commission is hereby created and shall consist of five (5) residents of Oberlin. Members shall be appointed in accordance with Section XIX of the Charter of the City.

(b) Commission members shall each serve five-year staggered terms. Any vacancy during the unexpired term of any appointed member shall be filled, within sixty (60) days if possible, by Council for the remainder of the term.

(c) All Commission members shall have a demonstrated special interest, experience, or knowledge of historic preservation, history, architecture or related disciplines. At least two members of the Commission shall be preservation related professionals in a field such as architecture, architectural history, history, archeology, planning or a related area, if such are available in Oberlin.

However, no more than two members shall be employees of or policy makers for any one non-governmental organization.

(d) Upon appointment, the Commission shall convene and select a chair and vice chair. The Commission may establish its own rules and regulations, subject to City Council approval.

(e) The Commission shall establish its schedule of meeting times and places, and shall meet at least four (4) times a year.

(f) All Commission meetings shall comply with federal, state, and local laws dealing with public meetings and shall provide adequate advance notice of meetings. Written minutes of Commission meetings shall be kept and made available for public inspection.

(g) Commission members shall be subject to Oberlin ordinances regarding conflict of interest and ethics as well as provisions on these subjects in the Ohio Revised Code.

(h) At least once a year the Commission shall submit a written report to City Council that summarizes its activities, cases, special projects, recommendations, and the qualifications of its members. Such reports shall be available for public inspection.

(i) All Commission documents and materials shall be available for public inspection in compliance with federal, state, and local "Freedom of Information" laws and policies. (Ord. 00-95. Passed 9-18-00.)

1187.03 DUTIES OF THE COMMISSION.

The Oberlin Historic Preservation Commission shall have the following responsibilities:

- (a) It will promote interest in historic preservation and educate Oberlin citizens about historic preservation by holding workshops and preparing informational material, as appropriate.

- (b) The Commission shall recommend to City Council the designation of landmarks and historic districts according to the procedures set forth for such matters in Sections 1187.07 and 1187.08. It shall keep a list of designated landmarks and historic districts; furnish the list to the Oberlin Code Administrator, the City Clerk, and pertinent City Commissions; and make it available to the public.
- (c) It shall issue Certificates of Appropriateness in response to applications for construction, preservation, restoration, reconstruction, rehabilitation, and/or demolition of any building, object or feature within any historic district, or of any designated landmark, according to the procedures set forth for such matters in Section 1187.09.
- (d) It shall use the Secretary of Interior's Standards for Rehabilitation (See Appendix A) and apply them within the City of Oberlin as deemed appropriate by the Commission.
- (e) It shall work with property owners to designate eligible Oberlin landmarks, buildings or structures on the National Register and to participate in the Ohio Historic Inventory (See Appendix B).
- (f) It shall review all proposed National Register nominations for properties within its jurisdiction.
- (g) It shall advise other officials and departments in Oberlin's city government regarding the protection of local cultural resources.
- (h) It shall act as a liaison on behalf of the local government to individuals and organizations concerned with historic preservation.
- (i) When the Commission considers a National Register nomination, or other action, which is normally evaluated by a professional in a specific discipline, and that discipline is not represented on the Commission, the Commission may, upon authorization of City Council, seek expertise in this area before rendering its decision. It may be advised by technical consultants, under contract executed by the City Manager, as City finances permit, to assist it in performing its functions.
- (j) It shall encourage its members to attend workshops, seminars, and other educational programs on historic preservation.
- (k) It shall be responsible for maintaining a system for the survey and inventory of historic properties and cultural resources. All inventory material shall be recorded according to Ohio Historic Preservation Office guidelines, maintained securely and made accessible to the public. The inventory shall be updated periodically to reflect alterations and demolitions.
(Ord. 00-95. Passed 9-18-00.)

1187.04 DEFINITIONS.

- (a) "Alteration" means any material change in the external architectural features of any designated landmark. Nothing in this chapter shall be construed to prevent ordinary maintenance or repair of any designated property provided such work involves no change in material, design, texture or exterior appearance; nor shall anything in this chapter be construed to prevent any change, including the construction, reconstruction, alteration or demolition of any feature which in the view of the Code Administrator or Fire Chief is required for the public safety because of an unsafe, insecure or dangerous condition.

(b) "Certificate of Appropriateness" means a certificate issued by the Oberlin Historic Preservation Commission indicating that a proposed alteration or demolition of a designated landmark or of a building or structure within a historic district is in accordance with the provisions of this chapter.

(c) "Cultural Resources" means the building, sites, objects, and districts that embody or convey Oberlin's history.

(d) "Demolition" means the removal or destruction in whole or in part of any designated landmark, building or structure, including those in historic districts.
(Ord. 00-95. Passed 9-18-00.)

1187.05 STANDARDS FOR DESIGNATING A LANDMARK.

(a) A Designated Landmark is any real property that has been designated as a historic landmark under the provisions of this chapter.

(b) To qualify as a designated landmark real property must have integrity of design, material, and workmanship, and have historic or cultural significance. Historically or culturally significant real property:

- (1) Is associated with an event(s) that has (have) made a significant contribution to the broad patterns of history; or
- (2) Is associated with the life of a person(s) significant in the past; or
- (3) Embodies the distinctive characteristics of a type, period or method of construction; or which embodies the distinguishing characteristics of an architectural style, or a work of a noted architect or builder;
- (4) Has yielded or is likely to yield information important to prehistory or history.

(c) Cemeteries, birthplaces or graves of historic figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past fifty (50) years shall not be considered to be of historic significance unless they are integral parts of districts that meet the above criteria or unless they fall within the following categories:

- (1) A religious property which is primarily significant for its architecture or secular history; or
- (2) A relocated building which has a high degree of architectural significance or which is the primary building or structure associated with an individual or an event; or
- (3) The birthplace site or grave site of a historical figure if no other built feature survives which is directly associated with his or her productive life; or

- (4) A cemetery primarily important because of its age, distinctive design features, association with the graves of persons of transcendent importance, or which is associated with historic events; or
- (5) A reconstructed building or structure when accurately represented in a suitable environment as part of a restoration master plan and when no other building or structure with the same association has survived; or
- (6) A property primarily commemorative in intent if design, age, tradition or symbolic value have given it significance; or
- (7) A property achieving significance within the past fifty (50) years if it is of exceptional importance or is unique in the City of Oberlin.
(Ord. 00-95. Passed 9-18-00.)

1187.06 STANDARDS FOR DESIGNATING A HISTORIC DISTRICT.

(a) A Historic District is any area which has been designated a historic district under the provisions of this chapter.

(b) In addition to meeting at least one of the above criteria for historic landmarks, proposed historic districts must also meet the following criteria:

- (1) The proposed area must be defined by boundaries that set the area off in relation to its surroundings;
- (2) The area within the proposed boundaries must have a high degree of historic integrity, without excessive loss of architectural or historic character;
- (3) The area within the proposed boundaries must have an internal historic cohesiveness in the sense of a shared common history of its inhabitants, historical development according to a master plan, shared architectural styles or designs, or a body of architecture illustrating the evolution of architectural styles over a period of time.
(Ord. 00-95. Passed 9-18-00.)

1187.07 PROCEDURES FOR DESIGNATION OF INDIVIDUAL LANDMARKS.

(a) When a proposal to designate an individual property as a landmark is received from a property owner or initiated by the Commission, the Commission shall consider the proposal in terms of the criteria defined in Section 1187.05 and make a recommendation to City Council.

(b) For proposed individual landmarks the following procedure shall be followed:

- (1) The owner(s) shall be notified by certified mail that the property is being considered for designation by the Commission. The notice shall include the date, time, and place of a public hearing relative to the proposed designation. The owner(s) shall be invited to comment in writing. The general public shall also be notified through the local newspaper.

- (2) No sooner than thirty (30) days after sending its notice to the owners and publishing a legal notice in the newspaper, the Commission shall conduct a public hearing and review any written comments received. The hearing shall be open for public comment. At the close of the hearing, and if there is no objection by the property owner, the Commission shall forward a copy of the minutes of the hearing, along with its recommendation for designation to City Council.
- (3) At the next regular City Council meeting occurring subsequent to the receipt of a recommendation from the Historic Preservation Commission to designate an individual landmark, Council shall vote by motion on the designation of the property(ies).
- (4) If Council does not approve the nomination(s), and if there is no objection from the property owner, then the Commission may revise and/or resubmit the nomination(s) to Council with any additional supportive information. The property owner shall be notified as to the date that City Council will be acting on the renomination.

(c) Immediately after the approval of the individual landmark by City Council, the Clerk of Council shall notify all affected property owner(s) of the decision in writing, add the individual landmark designation to the list of same, and forward a copy of the information to the City Manager and Code Administrator and all pertinent City Commissions.

(d) The Commission may recommend that Council remove from the landmarks list properties that no longer meet the criteria of this chapter.
(Ord. 00-95. Passed 9-18-00.)

1187.08 PROCEDURES FOR DESIGNATION OF HISTORIC DISTRICTS.

(a) When a proposal to create a historic district is received or initiated by the Commission, the Commission shall consider the proposal in terms of the criteria defined in Section 1187.06 and make a recommendation to City Council.

(b) For proposed historic districts, the following procedures shall be followed:

- (1) All property owners within the proposed historic district shall be notified by certified mail that the property is being considered for designation within an historic district. The notice shall include the date, time, and place of a public hearing relative to the proposed designation. The owners shall be invited to comment in writing. The general public shall also be notified through the local newspaper.

- (2) No sooner than thirty (30) days after sending its notice to the owners and publishing a legal notice in the newspaper, the Commission shall conduct a public hearing and review any written comments received. The hearing shall be open for public comment. The Commission shall explain the effects of designation, why landmark status is being sought, and record the comments of persons in attendance. At the close of the hearing, and if there is no objection by fifty-one percent (51%) or more of the property owners, the Commission shall forward a copy of the minutes of the hearing, along with its recommendation for designation to City Council.
- (3) At the next regular City Council meeting occurring subsequent to the receipt of a recommendation from the Historic Preservation Commission to designate an historic district, Council shall vote by motion on the designation of the district.
- (4) If Council does not approve the nomination, and if owners pose no objections, then the Commission may revise and/or resubmit the nomination to Council with any additional supportive information. The property owners shall be notified as to the date that City Council will be acting on the renomination.

(c) Immediately after the approval of the historic district by City Council, the Clerk of Council shall notify all property owners in the district of the decision in writing, add the historic district designation to the list of same, and forward a copy of the information to the City Manager, Code Administrator and all pertinent City Commissions. The Clerk shall keep a copy of the list on file for public inspection.
(Ord. 00-95. Passed 9-18-00.)

1187.09 PROCEDURES FOR REVIEW OF PROPOSED ALTERATIONS TO HISTORIC LANDMARKS AND PROPERTIES WITHIN HISTORIC DISTRICTS.

(a) The Commission, assisted by City personnel, shall be available to applicants as a source of information and assistance before an application is made. Applicants are encouraged to make use of this service.

(b) No person shall make any exterior alteration to or demolish any historic structure or part thereof which is a designated City landmark or lies within a local historic district without first obtaining a Certificate of Appropriateness. A Certificate of Appropriateness must be obtained for new construction on vacant sites within historic districts.

(c) Application(s) for a Certificate of Appropriateness shall be filed with the Code Administrator in such form as may be prescribed by the Commission and approved by the City Manager. The Code Administrator is responsible for ensuring that any construction to be undertaken is in accordance with the Certificate of Appropriateness.

(d) The Commission shall approve or reject an application for a Certificate of Appropriateness within forty-five (45) days of the filing of a complete application. If the Commission fails to act within the time period, the application for a Certificate of Appropriateness shall be deemed approved.

(e) Each case will require careful consideration of all relevant factors, including earlier changes, existing conditions and surrounding properties. Some flexibility is often necessary to accommodate the property owner. The Commission shall approve, or approve with conditions, the Certificate of Appropriateness if it finds that the proposal conforms to the Secretary of the Interior's Standards for Rehabilitation.

(f) In the case of the denial of a Certificate of Appropriateness, the Commission shall state the reasons for denial in writing and include findings of fact in support of the decision. Copies of the decision shall be mailed to the applicant. The Commission may suggest changes which can result in approval, and offer to continue to meet with the owner to achieve a mutually satisfactory compromise.

The property owner may, within ten (10) days of receipt of the decision of the Historic Preservation Commission, appeal to City Council by filing a written notice of appeal with the Commission and the Clerk of Council. City Council shall hear the appeal and render a decision within thirty (30) days of the filing of the notice of appeal. City Council may affirm, reverse, or modify the decision of the Historic Preservation Commission. The property owner shall receive written notification of Council's decision.

(Ord. 00-95. Passed 9-18-00.)

1187.99 PENALTY.

Any person, firm or corporation who violates any of the provisions of this chapter shall, upon conviction thereof in a court of competent jurisdiction, be fined not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00) for each violation. Each and every day that a violation continues shall constitute a separate offense, up to a period of one year.

In addition, the City may institute a civil action in a court of competent jurisdiction to enjoin any violations of this chapter.

(Ord. 00-95. Passed 9-18-00.)

APPENDIX A
THE SECRETARY OF THE INTERIOR'S STANDARDS FOR REHABILITATION

The following Standards are to be applied to specific rehabilitation projects in a reasonable manner, taking into consideration economic and technical feasibility:

- (1) A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
- (2) The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
- (3) Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
- (4) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
- (5) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
- (6) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
- (7) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
- (8) Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
- (9) New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
- (10) New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

APPENDIX B
THE NATIONAL REGISTER OF HISTORIC PLACES AND
THE OHIO HISTORIC INVENTORY DEFINED

The National Register of Historic Places is the official list of properties recognized by the federal government as worthy of preservation for their local, state, or national significance in American history, architecture, archaeology, engineering, or culture.

The Ohio Historic Inventory is an accurate, continuing record of the architectural and historic properties of the state. The Ohio Historic Inventory form records basic information on historic properties in Ohio. The form succinctly and accurately describes a building, site, structure or object and its history. By including a photo and a map, each form summarizes both graphic and written information about a property.

TITLE FIVE - Zoning Ordinance

- Chap. 1321. Definitions.
- Chap. 1323. Permits, Enforcement, and Penalty.
- Chap. 1325. Zoning Board of Appeals.
- Chap. 1327. Amendments.
- Chap. 1329. Zoning District and Map; Compliance.
- Chap. 1331. "R-1A" Single-Family Dwelling District.
- Chap. 1333. "R-1B" Single-Family Dwelling District.
- Chap. 1335. "R-1" Single-Family Dwelling District.
- Chap. 1337. "R-2" Dwelling District.
- Chap. 1338. "PD" Planned Development District.
- Chap. 1339. "P-1" Public Park and Recreation District.
- Chap. 1341. "C-1" Central Business District.
- Chap. 1342. "C-2" General Business District.
- Chap. 1343. "M-1" Light Industrial District.
- Chap. 1344. Flood Plain Combining District.
- Chap. 1345. Exemptions and Modifications.
- Chap. 1347. Nonconforming Uses.
- Chap. 1349. Off-Street Parking and Loading.
- Chap. 1351. Signs.
- Chap. 1353. Rooming Houses.
- Chap. 1355. Conditional Use Permits.
- Chap. 1357. Site Plan Review.

CHAPTER 1321 **Definitions**

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CROSS REFERENCES

Platting definitions - see P. & Z. Ch. 1309

Rooming house defined - see P. & Z. 1353.01

1321.01 GENERAL PROVISIONS.

For the purpose of this Zoning Ordinance, certain terms and words are defined as follows: words used in the present tense include the future; words in the singular number include the plural number, and words in the plural number include the singular number; the word "building" includes the word "structure", and the word "shall" is mandatory and not directory. Terms not defined herein shall have the meaning customarily assigned to them.
(Ord. 96-82 AC. Passed 9-16-96.)

1321.02 ALLEY.

"Alley" means a right-of-way not exceeding thirty feet in width which affords a secondary means of access to abutting property.
(Ord. 96-82 AC. Passed 9-16-96.)

1321.03 APARTMENT.

"Apartment" means a room or suite of rooms intended or designed for use as a residence by a single family. (Ord. 96-82 AC. Passed 9-16-96.)

1321.04 APARTMENT, GARDEN.

"Garden apartment" means an apartment complex or series of apartments, not more than two stories high, with the apartment and auxiliary buildings covering no more than thirty-five percent of the lot area and with a gross residential density not exceeding fourteen units per acre.
(Ord. 96-82 AC. Passed 9-16-96.)

1321.05 BASEMENT.

"Basement" means a story having not more than one-half of its height above grade.
(Ord. 96-82 AC. Passed 9-16-96.)

1321.06 BED AND BREAKFAST INN.

"Bed and breakfast inn" means an owner-occupied dwelling unit where transient occupancy, (accommodations for less than thirty days) including room and meal, is provided.
(Ord. 00-30AC. Passed 4-17-00.)

1321.07 BUFFER.

"Buffer" means an open space, fence, wall, plant material, earthen berm, or other configuration of land, buildings, and site features designed to eliminate or reduce the impacts of one use upon another.
(Ord. 96-82 AC. Passed 9-16-96.)

1321.08 BUILDING.

"Building" means any structure designed or built for the support, enclosure, shelter or protection of persons, animals, chattels or property of any kind. When separated by division walls from the ground up, and without an interconnecting opening, each portion of the building shall be deemed a separate building.
(Ord. 96-82 AC. Passed 9-16-96.)

1321.09 BUILDING, ACCESSORY.

"Accessory building" means a separate subordinate building, the use of which is incidental to that of the dominant use of the main building or land.
(Ord. 96-82 AC. Passed 9-16-96.)

1321.10 BUILDING, COMMUNITY.

"Community building" means building or structure under the jurisdiction of City officials by reason of ownership, or lease or agreement for a total term of not less than two years, which may be used for purposes of assembly, recreation or such other civic uses as the responsible officials shall deem appropriate.

(Ord. 96-82 AC. Passed 9-16-96.)

1321.11 BUILDING, HEIGHT OF.

"Height of building" means the vertical distance measured from the average of the original or natural ground elevation (which is the average of the original or natural ground elevations at the center of all walls of a building) to the highest point of the roof for flat roofs, to the deck line for mansard roofs, and to the mean height level (between eaves and ridge) for gable, hip, and gambrel roofs. (Ord. 96-82 AC. Passed 9-16-96.)

1321.12 BUILDING, LINE OF.

"Line of building" means the line of the main body of the building, including sun parlors, sleeping porches, carports and attached garages one story or less in height.

(Ord. 96-82 AC. Passed 9-16-96.)

1321.13 BUILDING, PROFESSIONAL OFFICE.

"Professional office building" means a building containing the necessary facilities for the occupants therein to serve their clientele.

(Ord. 96-82 AC. Passed 9-16-96.)

1321.14 BUILDING SETBACK LINE.

"Building setback line" means the line indicating the horizontal distance between the street easement or right-of-way line and buildings, or any projection thereof, other than steps or permanently open porches unless otherwise specifically defined.

(Ord. 96-82 AC. Passed 9-16-96.)

1321.141 BUSINESS OR COMMERCE.

"Business" or "Commerce" means the engaging in the purchase, sale, barter or exchange of goods, wares, merchandise or services and the maintenance or operation of offices or recreational amusement enterprises.

(Ord. 96-82 AC. Passed 9-16-96.)

1321.15 CARPORT.

"Carport" means an open attached shelter, one story or less in height, for not more than two automobiles. (See also Section 1321.42 [Garage, Private].)

(Ord. 96-82 AC. Passed 9-16-96.)

1321.16 CITY.

"City" means the City of Oberlin, Ohio.

(Ord. 96-82 AC. Passed 9-16-96.)

1321.17 CITY COUNCIL.

"City Council" or "Council" means the City Council of the City of Oberlin.

(Ord. 96-82 AC. Passed 9-16-96.)

1321.18 CITY ENGINEER.

"City Engineer" means the City Engineer or Consulting Engineer of the City of Oberlin or a Consulting Engineer engaged by the City to perform the duties of the City Engineer.
(Ord. 96-82 AC. Passed 9-16-96.)

1321.19 CITY MANAGER.

"City Manager" means the Chief Executive Officer of the City of Oberlin.
(Ord. 96-82 AC. Passed 9-16-96.)

1321.20 CITY SOLICITOR.

"City Solicitor" means the City Solicitor of the City of Oberlin.
(Ord. 96-82 AC. Passed 9-16-96.)

1321.21 CLINIC.

"Clinic" means an establishment where patients who are not lodged overnight are admitted for examination and treatment.
(Ord. 96-82 AC. Passed 9-16-96.)

1321.22 CLUB.

"Club" means buildings and facilities owned or operated by a corporation, association, person or persons for social, educational or recreational purposes, but not primarily for profit or to render a service which is customarily carried on as a business.
(Ord. 96-82 AC. Passed 9-16-96.)

1321.23 CODE ADMINISTRATOR.

"Code Administrator" means the Code Administrator of the City of Oberlin or such other city official designated by the City Manager to perform the duties ascribed to the Code Administrator in this Zoning Ordinance.
(Ord. 96-82 AC. Passed 9-16-96.)

1321.24 COMPREHENSIVE PLAN.

"Comprehensive Plan" means the plan or plans made and adopted by the Planning Commission indicating the intended location, extent, purpose, features or characteristics of public and private development, including land use, structures, roads and other transportation, community facilities, housing, utilities, drainage facilities, services, and other aspects of the goals, objectives, and recommendations therefor.
(Ord. 96-82 AC. Passed 9-16-96.)

1321.25 CONDITIONAL USE OR CONDITIONALLY PERMITTED USE.

"Conditional use" or "conditionally permitted use" means a use which is listed in one or more districts as being a use which is eligible to be established in such district subject to a conditional use permit; and a use of a lot approved and maintained in conformance with a conditional use permit.
(Ord. 96-82 AC. Passed 9-16-96.)

1321.26 DISTRICT.

"District" means any section of the City of Oberlin for which the zoning regulations governing the use of buildings and premises, the height of buildings, the size of yards and the intensity of use are uniform. (Ord. 430 AC. Passed 11-29-65.)

"Commercial district" means a district in which business activities, such as retail or wholesale sales, offices, and personal services, are the predominant permitted uses, but not including industrial districts.

"Industrial district" means a district in which business activities, such as manufacturing, repair, storage, wholesaling, and distribution, are the predominant permitted uses.

"Planned development district" means a district in which land development is carried out in conformance with an approved development plan.

"Residential district" means a district in which dwellings are the predominant permitted use. (Ord. 96-82 AC. Passed 9-16-96.)

1321.265 DORMITORY.

A "dormitory" means a building or spaces in buildings owned or managed by a college, university or a private school where group or individual sleeping accommodations are provided for at least sixteen persons who are not members of the same family in one room or in a series of closely associated rooms under joint occupancy and single management, with or without meals, but without individual cooking facilities.
(Ord. 00-30AC. Passed 4-17-00.)

1321.27 DRIVE-IN ESTABLISHMENT.

"Drive-in establishment" means any use which by design of physical facilities encourages or permits customers to receive a service, obtain a product, or use or consume a service or product while remaining in an automobile or other vehicle, including but not limited to drive-up food service, auto washes, bank tellers, and book or tape drop-offs.
(Ord. 96-82 AC. Passed 9-16-96.)

1321.28 DWELLING.

"Dwelling" means any building or portion thereof which is designed for or used for residential purposes. (Ord. 96-82 AC. Passed 9-16-96.)

1321.29 DWELLING, MULTIPLE.

"Multiple dwelling" means a building designed for or occupied by three or more families.
(Ord. 96-82 AC. Passed 9-16-96.)

1321.30 DWELLING, SINGLE-FAMILY.

"Single-family dwelling" means a building designed for or occupied exclusively by one family. (Ord. 96-82 AC. Passed 9-16-96.)

1321.31 DWELLING, TWO-FAMILY.

"Two-family dwelling" means a building designed for or occupied exclusively by two families. (Ord. 96-82 AC. Passed 9-16-96.)

1321.32 DWELLING UNIT.

"Dwelling unit" means space within a building designed or used exclusively as living quarters for one family, its household employees and not more than two boarders or roomers, and which includes cooking, bathing and toilet facilities.
(Ord. 96-82 AC. Passed 9-16-96.)

1321.33 EASEMENT.

"Easement" means a grant by a property owner of a specific use of his/her land.
(Ord. 96-82 AC. Passed 9-16-96.)

1321.47 HOME, REST.

See Section 1321.46 (Nursing Home).
(Ord. 96-82 AC. Passed 9-16-96.)

1321.48 HOTEL.

A "hotel" means a building or group of buildings, except college and school dormitories under the same management in which there are sleeping accommodations for more than sixteen persons provided for compensation, and which is used primarily by transients (those occupying accommodations for less than thirty days), and which has a common entrance or entrances. This definition would apply to such uses as motels, inns, clubs or any other name operated or described. (Ord. 00-30AC. Passed 4-17-00.)

1321.49 HOTEL, APARTMENT.

"Apartment hotel" means an establishment having the character of a hotel but in which at least fifty percent (50%) of the accommodations are for occupancy by guests staying thirty consecutive days or more. (Ord. 96-82 AC. Passed 9-16-96.)

1321.50 HOUSE, APARTMENT.

See Section 1321.29 (Dwelling, Multiple).
(Ord. 96-82 AC. Passed 9-16-96.)

1321.51 HOUSE, BOARDING.

(EDITOR'S NOTE: Former Section 1321.51 was repealed by Ordinance 00-30AC, passed April 17, 2000.)

1321.52 HOUSE, ROOMING.

See Section 1355.01. (Conditional Use Permits).
(Ord. 96-82 AC. Passed 9-16-96.)

1321.53 INSTITUTION.

"Institution" means a non-profit corporation or a non-profit establishment for public use.
(Ord. 96-82 AC. Passed 9-16-96.)

1321.54 INTENSITY USE OF LOT.

"Intensity use of lot" means that percentage of the area of a lot which is occupied or may be occupied under this Zoning Ordinance by buildings and their accessory buildings. That area enclosed by the foundation or slab, excluding uncovered porches or patios, shall be considered occupied. (Ord. 96-82 AC. Passed 9-16-96.)

1321.55 LANDSCAPING.

"Landscaping" means plants, earth, rocks, fences, walls, mulch, and other similar materials designed and installed in the development of a lot.
(Ord. 96-82 AC. Passed 9-16-96.)

1321.56 LOADING SPACE, OFF-STREET.

"Off-street loading space" means a completely off-street space or berth, located on the same lot except as otherwise permitted herein, for the loading or unloading of freight carries. (Ord. 96-82 AC. Passed 9-16-96.)

1321.57 LODGING HOUSE.

(EDITOR'S NOTE: Former Section 1321.57 was repealed by Ordinance 1289 AC. Passed September 6, 1977.)

1321.58 LOT.

"Lot" means a parcel of land legally existing under the laws of the City of Oberlin and intended as a unit for the purpose, whether immediate or future, of transfer of ownership or for building development. (Ord. 96-82 AC. Passed 9-16-96.)

1321.59 LOT, CORNER.

"Corner lot" means a lot having frontage on two or more streets at their intersection. (Ord. 96-82 AC. Passed 9-16-96.)

1321.60 LOT, DEPTH.

"Lot Depth" means the mean horizontal distance between the front line and the rear line of the lot. (Ord. 96-82 AC. Passed 9-16-96.)

1321.60 LOT OF RECORD.

"Lot of record" means a lot which is part of a subdivision, the map of which has been recorded in the office of the Lorain County Recorder, or a parcel of land, the deed of which was recorded in the office of the Lorain County Recorder. (Ord. 96-82 AC. Passed 9-16-96.)

1321.61 LOT, WIDTH OF.

"Width of lot" means the width of the lot measured at the line of setback. (Ord. 96-82 AC. Passed 9-16-96.)

1321.62 MAP, ZONING.

"Zoning Map" means the official zoning map of the City of Oberlin which indicates the locations and extent of the districts as determined by ordinances adopted by City Council. (Ord. 96-82 AC. Passed 9-16-96.)

1321.63 MINI-STORAGE.

"Mini-storage" shall mean the use of a parcel of land for rental to the public of self-contained, fully enclosed and separately accessed storage units within a single structure or more than one structure. (Ord. 96-82 AC. Passed 9-16-96.)

CHAPTER 1331
"R-1A" Single-Family Dwelling District

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|----------------|---------------------------------|----------------|--------------------------|
| 1331.01 | Regulations established. | 1331.05 | Area regulations. |
| 1331.02 | Permitted uses. | 1331.06 | Conditional uses. |
| 1331.03 | Parking regulations. | | |
| 1331.04 | Height regulations. | | |

CROSS REFERENCES

Established - see P. & Z. 1329.01
 Exceptions and modifications - see P. & Z. Ch. 1345
 Nonconforming uses - see P. & Z. Ch. 1347
 Off-street parking - see P. & Z. Ch. 1349
 Signs - see P. & Z. 1351.05

1331.01 REGULATIONS ESTABLISHED.

The regulations set forth in this chapter or set forth elsewhere in this Zoning Ordinance, when referred to in this chapter, are the district regulations in the "R- 1A" Single-Family Dwelling District (15,000 square feet minimum lot size).
 (Ord. 430 AC. Passed 11-29-65.)

1331.02 PERMITTED USES.

- (a) A building or premises shall be used only for the following purposes:
- (1) Single-family dwelling.
 - (2) (EDITOR'S NOTE: Former subsection (a)(2) was repealed by Ordinance 00-30AC, passed April 17, 2000.)
 - (3) Park, playground or community building owned and operated by a public agency.
 - (4) Public school, elementary and high, or private school having a curriculum the same as ordinarily given in a public elementary school or public high school, and having no rooms regularly used for housing or sleeping purposes.
 - (5) Church or temple.
 - (6) Agriculture, horticulture and truck gardening, provided, however, that no agricultural buildings shall be located nearer than one hundred feet to any side lot line and provided that produce is not offered for sale on the premises.
 - (7) Home occupation.
 (Ord. 1193 AC. Passed 5-17-76; Ord. 96-82 AC. Passed 9-16-96.)

1331.03 PARKING REGULATIONS.

Adequate off-street parking space shall be provided for all the uses listed in Section 1331.02 and in specific categories as follows:

- (a) Single-family dwelling: at least one parking space.
- (b) Church and temple: at least one parking space for each five seats or bench seating in the main auditorium.
- (c) School, community or public building: at least one parking space for every six seats or every fifty square feet of assembly area in the main auditorium, stadium, gym or other place of public assembly.
(Ord. 430 AC. Passed 11-29-65.)

1331.04 HEIGHT REGULATIONS.

No building shall exceed two and one-half stories, nor shall it exceed thirty-five feet in height. (Ord. 430 AC. Passed 11-29-65.)

1331.05 AREA REGULATIONS.

(a) Front Yard. There shall be a front yard of not less than thirty feet, except that on streets where uniform front yards have hitherto been maintained by buildings erected on one-half or more of the frontage of the block, the uniform front yard shall be continued; where regulations are specified in deeds in certain allotments as to the distance or front yard for all dwellings, the requirements shall be complied with, provided they are not less than thirty feet. Further, no building may be constructed less than sixty feet from the center line of the street right of way. On corner lots the required front yard shall be provided on each street. Accessory buildings shall not be placed nearer the street line than the building of primary use.

(b) Side Yards. There shall be a side yard on each side of the building of not less than twelve feet. Side yard requirements shall not apply to a private garage or accessory building when located on the rear one-third of the lot.

(c) Intensity of Use of Lot. No building with its accessory buildings shall occupy in excess of twenty percent of an interior lot, nor in excess of twenty-five percent of the area of a corner lot.

(d) Lot Area per Family. Every dwelling shall be located upon a lot having a frontage of at least ninety feet and containing an area of not less than 15,000 square feet, except that if a lot has less area or frontage than herein required and was of record on the effective date of this Zoning Ordinance (Ordinance 430 AC, passed November 29, 1965), that lot may be used for purposes permitted in the "R-1A" Single-Family Dwelling District.

(e) Residential Floor Area Regulations. The main residential structure erected upon any lot shall have a ground floor area of not less than 1,200 square feet.

(f) Combining Contiguous Lots. Where two or more contiguous lots under one ownership individually do not meet the minimum standards under this Zoning Ordinance but can be combined to meet the minimum standards under this Zoning Ordinance, such lots shall be treated as one lot. (Ord. 430 AC. Passed 11-29-65; Ord. 442 AC. Passed 1-24-66.)

1331.06 CONDITIONAL USES.

The following uses may be established in the R1-A District if approved by the Planning Commission according to the procedures and standards for a Conditional Use Permit:

(Ord. 96-82AC. Passed 9-16-96.)

- (a) Limited conversion of a single-family dwelling existent at the time of passage of this Zoning Ordinance (Ordinance 430 AC, passed November 29, 1965.)
(Ord. 00-30AC. Passed 4-17-00.)

- (b) Place of Worship, Church, or School

- (c) Bed and Breakfast Inn.

(Ord. 96-82 AC. Passed 9-16-96.)

CHAPTER 1333
"R-1B" Single-Family Dwelling District

| | | | |
|---------|--------------------------|---------|---------------------|
| 1333.01 | Regulations established. | 1333.04 | Height regulations. |
| 1333.02 | Permitted uses. | 1333.05 | Area regulations. |
| 1333.03 | Parking regulations. | 1333.06 | Conditional uses. |

CROSS REFERENCES

Established - see P. & Z. 1329.01
 Exceptions and modifications - see P. & Z. Ch. 1345
 Nonconforming uses - see P. & Z. Ch. 1347
 Off-street parking - see P. & Z. Ch. 1349
 Signs - see P. & Z. 1351.05

1333.01 REGULATIONS ESTABLISHED.

The regulations set forth in this chapter, or set forth elsewhere in this Zoning Ordinance, when referred to in this chapter, are the district regulations in the "R- 1B" Single-Family Dwelling District (11,250 square feet minimum lot size).
 (Ord. 430 AC. Passed 11-29-65.)

1333.02 PERMITTED USES.

- (a) A building or premises shall be used only for the following purposes:
- (1) Single-family dwelling.
 - (2) (EDITOR'S NOTE: Former subsection (a)(2) was repealed by Ordinance 00-30AC, passed April 17, 2000.)
 - (3) Park, playground or community building owned and operated by a public agency. (Ord. 430 AC. Passed 11-29-65.)
 - (4) (EDITOR'S NOTE: Former subsection (a)(4) was repealed by Ordinance 96-82 AC, passed September 16, 1996.)
 - (5) Public school, elementary and high, or private school having a curriculum the same as ordinarily given in a public elementary school or public high school and having no rooms regularly used for housing or sleeping purposes.
 - (6) Church or temple.

- (7) Agriculture, horticulture and truck gardening, provided, however, that no agricultural buildings shall be located nearer than one hundred feet to any side lot line and provided that produce is not offered for sale on the premises.
- (8) Home occupation.
(Ord. 430 AC. Passed 11-29-65; Ord. 96-82 AC. Passed 9-16-96.)

1333.03 PARKING REGULATIONS.

(EDITOR'S NOTE: Section 1333.03 was repealed by Ordinance 620 AC, passed April 14, 1969. See Chapter 1349 for regulations concerning off-street parking and loading.)

1333.04 HEIGHT REGULATIONS.

No building shall exceed two and one-half stories, nor shall it exceed thirty-five feet in height. (Ord. 430 AC. Passed 11-29-65.)

1333.05 AREA REGULATIONS.

(a) Front Yard. There shall be a front yard of not less than thirty feet, except that on streets where uniform front yards have hitherto been maintained by buildings erected on one-half or more of the frontage of the block, the uniform front yard shall be continued; where regulations are specified in deeds in certain allotments as to the distance or front yard for all dwellings, the requirements shall be complied with, provided they are not less than thirty feet. Further, no building may be constructed less than sixty feet from the center line of the street right of way. On corner lots the required front yard shall be provided on each street. Accessory buildings shall not be placed nearer the street line than the building of primary use.

(b) Side Yards. There shall be a side yard on each side of the building of not less than twelve feet. Side yard requirements shall not apply to a private garage or accessory building when located on the rear one-third of the lot.

(c) Intensity of Use of Lot. No building with its accessory buildings shall occupy in excess of thirty percent of the area of an interior lot, nor in excess of thirty-five percent of the area of a corner lot.

(d) Lot Area per Family. Every dwelling shall be located upon a lot having a frontage of at least seventy-five feet and shall contain an area of not less than 11,250 square feet, except that if a lot has less area or frontage than herein required and was of record on the effective date of this Zoning Ordinance (Ordinance 430 AC, passed November 29, 1965), that lot may be used for purposes permitted in the "R-1B" Single-Family Dwelling District.

(e) Residential Regulations. The main residential structure erected upon any lot shall have a ground floor area of not less than 1,000 square feet.

(f) Combining Contiguous Lots. Where two or more contiguous lots under one ownership individually do not meet the minimum standards under this Zoning Ordinance but can be combined to meet the minimum standards under this Zoning Ordinance, such lots shall be treated as one lot. (Ord. 430 AC. Passed 11-29-65.)

1333.06 CONDITIONAL USES.

The following uses may be established in the R1-B District if approved by the Planning Commission according to the procedures and standards for a Conditional Use Permit:

(Ord. 96-82AC. Passed 9-16-96.)

- (a) Limited conversion of a single-family dwelling existent at the date of passage of this Zoning Ordinance (Ordinance 430 AC, passed November 29, 1965.)
(Ord. 00-30AC. Passed 4-17-00.)

- (b) Place of Worship, Church, School

- (c) Bed and Breakfast Inn.

(Ord. 96-82 AC. Passed 9-16-96.)

CHAPTER 1335
"R-1" Single-Family Dwelling District

| | | | |
|----------------|---------------------------------|----------------|--------------------------|
| 1335.01 | Regulations established. | 1335.05 | Area regulations. |
| 1335.02 | Permitted uses. | 1335.06 | Conditional uses. |
| 1335.03 | Parking regulations. | | |
| 1335.04 | Height regulations. | | |

CROSS REFERENCES

Established - see P. & Z. 1329.01
 Exceptions and modifications - see P. & Z. Ch. 1345
 Nonconforming uses - see P. & Z. Ch. 1347
 Off-street parking - see P. & Z. Ch. 1349
 Signs - see P. & Z. 1351.05

1335.01 REGULATIONS ESTABLISHED.

The regulations set forth in this chapter, or set forth elsewhere in this Zoning Ordinance, when referred to in this chapter, are the district regulations in the "R-1" Single-Family Dwelling District (9,000 square feet minimum lot size).
 (Ord. 430 AC. Passed 11-29-65.)

1335.02 PERMITTED USES.

- (a) A building or premises shall be used only for the following purposes:
- (1) Single-family dwelling.
 - (2) (EDITOR'S NOTE: Former subsection (a)(2) was repealed by Ordinance 00-30AC, passed April 17, 2000.)
 - (3) (EDITOR'S NOTE: Former subsection (a)(3) was repealed by Ordinance 00-30AC, passed April 17, 2000.)
 - (4) (EDITOR'S NOTE: Former subsection (a)(4) was repealed by Ordinance 96-82 AC, passed September 16, 1996.)
 - (5) Park, playground or community building owned and operated by a public agency.
 - (6) Public school, elementary and high, or private school having a curriculum the same as ordinarily given in a public elementary school or public high school and having no rooms regularly used for housing or sleeping purposes.

- (7) Church or temple.
- (8) Agriculture, horticulture and truck gardening, provided, however, that no agricultural buildings shall be located nearer than one hundred feet to any side lot line and provided that produce is not offered for sale on the premises.
- (9) Home occupation.
(Ord. 430 AC. Passed 11-29-65; Ord. 96-82 AC. Passed 9-16-96.)

1335.03 PARKING REGULATIONS.

(EDITOR'S NOTE: Section 1335.03 was repealed by Ordinance 620 AC, passed April 14, 1969. See Chapter 1349 for regulations concerning off-street parking and loading.)

1335.04 HEIGHT REGULATIONS.

No building shall exceed two and one-half stories, nor shall it exceed thirty-five feet in height. (Ord. 430 AC. Passed 11-29-65.)

1335.05 AREA REGULATIONS.

(a) Front Yard. There shall be a front yard of not less than thirty feet, except that on streets where uniform front yards have hitherto been maintained by buildings erected on one-half or more of the frontage of the block, the uniform front yard shall be continued; where regulations are specified in deeds in certain allotments as to the distance or front yard for all dwellings, the requirements shall be complied with, provided they are not less than thirty feet. Further, no building may be constructed less than sixty feet from the center line of the street right of way. On corner lots the required front yard shall be provided on each street. Accessory buildings shall not be placed nearer the street line than the building of primary use.

(b) Side Yards. There shall be a side yard on each side of the building as follows:

| <u>Lot Frontage (Feet)</u> | <u>Required Minimum Side Yard Width (Feet)</u> |
|----------------------------|--|
| 60 to 70 | 8 |
| 70 or more | 12 |

For lots of separate ownership having a frontage of less than sixty feet, duly recorded in the office of the Recorder of Deeds of the County, on the effective date of this Zoning Ordinance (Ordinance 430 AC CMS, passed November 29, 1965), there shall be a side yard on each side of the building of not less than eight feet.

Side yard restrictions shall not apply to a private garage or accessory building when located on the rear one-third of the lot. (Ord. 1394AC. Passed 9-5-78.)

(c) Intensity of Use of Lot. No building with its accessory buildings shall occupy in excess of thirty percent of the area of an interior lot, nor in excess of thirty-five percent of the area of a corner lot.

(d) Lot Area per Family. Every dwelling shall be located upon a lot having a frontage of at least sixty feet and shall contain an area of not less than 9,000 square feet, except that if a lot has less area or frontage than herein required and was of record on the effective date of this Zoning Ordinance (Ordinance 430 AC, passed November 29, 1965), that lot may be used for purposes permitted in the "R-1" Single-Family or Two-Family Dwelling District.

(e) Residential Floor Area Regulations. The main residential structure erected upon any lot shall have a ground floor area of not less than 720 square feet.

(f) Combining Contiguous Lots. Where two or more contiguous lots under one ownership individually do not meet the minimum standards under this Zoning Ordinance but can be combined to meet the minimum standards under this Zoning Ordinance, such lots shall be treated as one lot. (Ord. 430 AC. Passed 11-29-65.)

1335.06 CONDITIONAL USES.

The following uses may be established in the R-1 District if approved by the Planning Commission according to the procedures and standards for a Conditional Use Permit:
(Ord. 96-82AC. Passed 9-16-96.)

- (a) Limited conversion of a single-family dwelling district existent at the time of passage of this Zoning Ordinance (Ordinance 430 AC, passed November 29, 1965.)
(Ord. 00-30AC. Passed 4-17-00.)
- (b) Place of Worship, Church, School
- (c) Bed and Breakfast Inn.
(Ord. 96-82 AC. Passed 9-16-96.)
- (d) Two-Family Dwelling. (Ord. 00-30AC. Passed 4-17-00.)

CHAPTER 1337
"R-2" Dwelling District

| | | | |
|----------------|---------------------------------|----------------|--------------------------|
| 1337.01 | Regulations established. | 1337.05 | Area regulations. |
| 1337.02 | Permitted uses. | 1337.06 | Conditional uses. |
| 1337.03 | Parking regulations. | | |
| 1337.04 | Height regulations. | | |

CROSS REFERENCES

Established - see P. & Z. 1329.01
 Exceptions and modifications - see P. & Z. Ch. 1345
 Nonconforming uses - see P. & Z. Ch. 1347
 Off-street parking - see P. & Z. Ch. 1349
 Signs - see P. & Z. 1351.05

1337.01 REGULATIONS ESTABLISHED.

The regulations set forth in this chapter, or set forth elsewhere in this Zoning Ordinance, when referred to in this chapter are the district regulations in the "R-2" Dwelling District (9,000 square feet minimum lot size).
 (Ord. 430 AC. Passed 11-29-65.)

1337.02 PERMITTED USES.

- (a) A building or premises shall be used only for the following purposes:
- (1) Any use permitted in "R-1A", "R-1B" and "R-1" Single-Family Dwelling Districts.
 - (2) (EDITOR'S NOTE: Former subsection (a)(2) was repealed by Ordinance 00-30AC, passed April 17, 2000.)
 - (3) (EDITOR'S NOTE: Former subsection (a)(3) was repealed by Ordinance 00-30AC, passed April 17, 2000.)
 - (4) (EDITOR'S NOTE: Former subsection (a)(4) was repealed by Ordinance 96-82 AC, passed September 16, 1996.)
 - (5) Institutions of a religious, educational, eleemosynary or philanthropic nature, but not penal or mental institutions.
 - (6) Hospital, except a criminal, mental or animal hospital.
 - (7) Private club or lodge, except those the chief activity of which is a service customarily carried on as a business and provided that the lot to be used for such purpose shall have a minimum area of 12,000 square feet.
 - (8) Tourist home.

- (9) Nursing home.
- (10) School of commerce.
- (11) The office of a physician, dentist, artist, musician, lawyer, architect or teacher for individual treatment, instruction or practice in his/her place of abode, provided that not more than one-fourth of the area of the individual's living unit shall be used for such purpose.
- (12) Professional office buildings for the following professional practitioners, together with the necessary office personnel for conducting such professional operation: dentists, attorneys, architects, musician, certified public accountants, opticians, optometrists, chiropodists, physicians and surgeons (M. D. and/or osteopathic), chiropractors.
- (13) Accessory use of buildings and uses customarily incidental to any of the above uses, including storage garages, on a lot occupied by a rooming house, hospital or institutional building.
(Ord. 430 AC. Passed 11-29-65.)

1337.03 PARKING REGULATIONS.

(EDITOR'S NOTE: Section 1337.03 was repealed by Ordinance 620 AC, passed April 14, 1969. See Chapter 1349 for regulations concerning off-street parking and loading.)

1337.04 HEIGHT REGULATIONS.

No building shall exceed two and one-half stories, nor shall it exceed thirty-five feet in height. (Ord. 430 AC. Passed 11-29-65.)

1337.05 AREA REGULATIONS.

(a) Front Yard. There shall be a front yard of not less than thirty feet, except that on streets where uniform front yards have hitherto been maintained by buildings erected on one-half or more of the frontage of the block, the uniform front yard shall be continued; where regulations are specified in deeds in certain allotments as to the distance or front yard for all structures, the requirements shall be complied with, provided they are not less than thirty feet. Further, no building may be constructed less than sixty feet from the center line of the street right of way. On corner lots, the required front yard shall be provided on each street. Accessory buildings shall not be placed nearer the street line than the building of primary use.

(b) Side Yards. There shall be a side yard on each side of the building as follows:

| Lot Frontage (Feet) | Required Minimum Side Yard Width (Feet) |
|---------------------|---|
| 60 to 70 | 8 |
| 70 or more | 12 |

For lots of separate ownership having a frontage of less than sixty feet, duly recorded in the office of the Recorder of Deeds of Lorain County, Ohio, on the effective date of this Zoning Ordinance (Ordinance 430 AC, passed November 29, 1965), there shall be a side yard on each side of the building of not less than eight feet.

Side yard restrictions shall not apply to a private garage or accessory building when located on the rear one-third of the lot.

(c) Intensity of Use of Lot. No building with its accessory buildings shall occupy in excess of forty percent of the area of an interior lot, nor in excess of fifty percent of the area of a corner lot.

(d) Lot Area

(e) Combining Contiguous Lots. Where two or more contiguous lots under one ownership individually do not meet the minimum standards under this Zoning Ordinance but can be combined to meet the minimum standards under this Zoning Ordinance, such lots shall be treated as one lot. (Ord. 430 AC. Passed 11-29-65.)

(f) Lot Area per Family. Every dwelling shall be located upon a lot having a frontage of at least sixty feet and shall contain not less than the following area:

- (1) 9,000 square feet for each single-family dwelling.
- (2) 10,000 square feet per family for a two-family dwelling.

If a lot has less area or frontage than herein required and was of record on the effective date of this Zoning Ordinance (Ordinance 430 AC, passed November 29, 1965), that lot may be used for purposes permitted in "R-2" Dwelling District.

(g) Residential Floor Area Regulations. The main residential structure erected upon any lot shall have the following floor area:

- (1) A single-family structure shall have not less than 720 square feet of ground floor area.
- (2) A two-family dwelling shall have a ground floor area of not less than 480 square feet per family.

1337.06 CONDITIONAL USES.

The following uses may be established in the R-2 District if approved by the Planning Commission according to the procedures and standards for a Conditional Use Permit: (Ord. 96-82AC. Passed 9-16-96.)

- (a) Limited conversion of a single-family dwelling existent at the date of passage of this Zoning Ordinance (Ordinance 430 AC, passed November 29, 1965.) (Ord. 00-30AC. Passed 4-17-00.)
- (b) Place of Worship, Church, School
- (c) Bed and Breakfast Inn. (Ord. 96-82 AC. Passed 9-16-96.)
- (d) Two-Family Dwelling. (Ord. 00-30AC. Passed 4-17-00.)

CHAPTER 1353 **Rooming Houses**

| | | | |
|----------------|--|----------------|---|
| 1353.01 | Rooming house definition. | 1353.08 | Egress. |
| 1353.02 | License required; display; location restricted. | 1353.09 | Maintenance; responsibility of operator. |
| 1353.03 | Change of ownership; expiration of licenses. | 1353.10 | Fire extinguishers. |
| 1353.04 | License fees; inspections. | 1353.11 | Exit signs. |
| 1353.05 | Issuance and suspension of licenses; hearings. | 1353.12 | Bedfast and feeble persons. |
| 1353.06 | Plumbing requirements. | 1353.99 | Penalty. |
| 1353.07 | Area and ventilation requirements; health, safety and sanitation. | | |

CROSS REFERENCE

Smoke detection and alarm devices - see FIRE PREV. 1501.16

1353.01 ROOMING HOUSE DEFINITION.

A rooming house shall be any building in which sleeping room(s) are occupied by individuals not related to each other by blood or marriage which provides sleeping accommodations for at least five but not more than sixteen persons residing on a transient or permanent basis with or without meals, but without separate cooking facilities for individual occupants. (Ord. 00-30AC. Passed 4-17-00.)

1353.02 LICENSE REQUIRED; DISPLAY; LOCATION RESTRICTED.

(a) License Required. No person shall operate a rooming house unless he/she holds a valid rooming house license issued by the Code Administrator in the name of the operator. (Ord. 00-30AC. Passed 4-17-00.)

(b) Display. The rooming house license shall be displayed in a conspicuous place within the rooming house at all times. The license shall not be transferable.

(c) Location Restricted. A rooming house license shall be issued only for a dwelling house, building or other structure located in the zoning districts as provided in the Zoning Code.

(Ord. 97-66 AC. Passed 8-4-97.)

1353.03 CHANGE OF OWNERSHIP; EXPIRATION OF LICENSES.

Every person holding a rooming house license shall give notice in writing to the Code Administrator within five days after having sold, transferred, given away or otherwise disposed of ownership or control of such rooming house. Every rooming house license shall expire on June 30 of each year unless suspended or revoked earlier as hereinafter provided. An annual inspection and renewal is required. Renewal of licenses may be approved by the Code Administrator and is not subject to the review of the Planning Commission unless there is a structural change made to the rooming house or there is proposed increase in the number of occupants.

(Ord. 97-66 AC. Passed 8-4-97.)

1353.04 LICENSE FEES; INSPECTIONS.

The initial fee for a rooming house license, as well as the renewal fee, shall be such amount as provided by ordinance. If, upon inspection it is found that the rooming house does not meet the requirements of this chapter and of the applicable Housing, Building and Fire Codes, the operator shall be informed in writing of the deficiencies and a date shall be set for compliance and reinspection thereof. If the reinspection reveals that the deficiencies have not been corrected the license shall be denied and the fee not returned. In such an event, a new application and fee must be filed and paid for each inspection required before the premises are found to meet all the rules and regulations set forth in this chapter and in the applicable Housing, Building and Fire Codes. An annual inspection is required but the renewal fee shall be reduced to such amount as provided by ordinance if the rooming house passes inspection on the first inspection for the renewal.

The amount of all fees hereinbefore established shall be doubled if at the time application is made, such applicant is operating a rooming house without a license or with an expired license. There shall be extended a sixty-day grace period in renewing a license.

(Ord. 97-66 AC. Passed 8-4-97.)

1353.05 ISSUANCE AND SUSPENSION OF LICENSES; HEARINGS.

(a) Any person whose application for a license renewal to operate a rooming house has been denied or suspended by the Code Administrator for reasons set forth in this chapter, may request and shall be granted a hearing on the matter before the Planning Commission and in the same manner as an appeal for violation as set forth in subsection (b) hereof.

(b) Whenever, upon inspection of any rooming house, conditions or practices are found to exist which are in violation of any provision of the applicable Housing, Building or Fire Codes or of any rule or regulation adopted pursuant thereto, the Code Administrator shall give notice in writing to the operator of the rooming house and the Planning Commission that unless such conditions or practices are corrected within thirty days, the operator's rooming house license shall be suspended. At the end of the period, upon reinspection of the rooming house, and if the conditions or practices have not been corrected, the Code Administrator shall give notice in writing to the operator and the Planning Commission that the latter's license has been suspended.

(d) **Amendment of Permit.** The owner of a property for which a conditional use permit is in effect may request amendment of the permit. Amendment shall be accomplished according to the procedures, requirements, and standards of this ordinance applicable for a new conditional use permit.

(e) **Re-Application.** Subsequent to disapproval of an application for a conditional use permit, a period of at least one year shall elapse before another application for the same conditional use on the same site may be considered by the Planning Commission.
(Ord. 96-82 AC. Passed 9-16-96.)

1355.09 STANDARDS AND REQUIREMENTS FOR ALL CONDITIONAL USES.

In review of a conditional use permit application, the Planning Commission shall consider whether there is adequate evidence that the proposed conditional use is consistent with the following standards:

- (a) The proposed conditional use shall be in harmony with the existing or intended character of the neighborhood and shall not change the essential character of the neighborhood.
- (b) The proposed conditional use shall not adversely affect the use of adjacent property.
- (c) The proposed conditional use shall not adversely affect the health, safety, or welfare of persons residing or working in the neighborhood.
- (d) The proposed conditional use shall be served adequately by public facilities and services such as, but not limited to, roads, pedestrian and bike facilities, police and fire protection, storm water facilities, water, sanitary sewer, or schools.
- (e) The proposed conditional use shall be in accord with the general and specific objectives, and the purpose and intent of this Zoning Ordinance and the Comprehensive Plan and any other plans and ordinances of the City.
- (f) The proposed use shall be found to be consistent with a use specifically stated as a conditional use in the district in which it is proposed to be located.
(Ord. 96-82 AC. Passed 9-16-96.)

1355.10 SUPPLEMENTARY REQUIREMENTS FOR CONDITIONAL USES.

In addition to the other requirements of this chapter, the following conditional uses shall meet additional requirements. The Planning Commission may vary any requirements it determines to be an unnecessary hardship on the property owner and in the best interest of the City:

- (a) (EDITOR'S NOTE: Former subsection (a) was repealed by Ordinance 00-30AC, passed April 17, 2000.)

(b) **VEHICLE SALES, SERVICE, RENTAL, LEASING**

The following regulations, in addition to those stated at 1355.09, shall apply to conditional use permits for vehicle sales, service, rental, or leasing.

- (1) Outdoor storage or parking areas for vehicles for sale, rent, lease, serviced or to be serviced, or in storage shall be paved with asphalt or concrete and shall not be located closer to the public right-of-way than ten (10) feet. The area between the right-of-way and the vehicle parking or storage area shall be landscaped according to the approved site plan.
- (2) The application shall specifically state the types and maximum number of the vehicles to be sold, service, rented, or leased, including automobiles, vans, trucks (pickup, light hauling, semi tractors, etc.).
- (3) All repair, testing, cleaning, and other service activities shall be performed within an enclosed building unless the nature and location of such activities outdoors are specifically described in the approved site plan.
- (4) All door openings in all structures shall be identified in the site plan and shall be located to direct equipment noise away from nearby residential areas.
- (5) Temporary outdoor storage of discarded materials, vehicle parts, scrap and other waste shall only be permitted within a storage area completely surrounded by a gated masonry wall six (6) feet in height or other screening approved by the Planning Commission. Such screening shall be set back from residential districts at least six (6) feet and landscaped according to the approved site plan. Damaged or partially dismantled vehicles shall only be stored in locations screened from view from adjoining properties and public rights-of-way.
- (6) Exterior loudspeakers shall not be permitted.

(c) **FILLING STATION, SERVICE STATION, GAS STATION**

The following regulations, in addition to those stated at 1355.09, shall apply to conditional use permits for a filling station.

- O. Any owner of a tower whose use will be discontinued shall submit a written report to the Planning Commission indicating the date on which such use shall cease. If at any time the use of the facility is discontinued for 180 days (excluding any dormancy period between construction and the initial use of the facility), the Commission may declare the facility abandoned. The tower owner and the owner of the property upon which the tower is located shall receive written instruction from the Commission to either reactivate the use within 180 days or dismantle and remove the facility.

If reactivation does not occur within said period, the City may thereafter proceed to remove the facility and assess the costs of removal to the owner as well as certify those costs to the County Auditor as a lien against the property.

In addition to the foregoing requirements, the following standards, subsections (i)(2)P. through S. shall apply to conditional use permits for wireless or cellular telecommunications facilities permitted on a property with an existing use.

- P. The existing use on the property may be any permitted use or lawful nonconforming use in the M-1 Light Industrial District, and said use need not be affiliated with the wireless/cellular telecommunication provider.
- Q. The telecommunication facility shall be fully automated and unattended on a daily basis, and shall be visited only for periodic maintenance.
- R. The vehicular access to the equipment building shall, whenever feasible, be provided along the circulation driveways of the existing use.
- S. Subsequent to approval of a conditional use permit for a telecommunication tower, the owner shall submit building permit applications to the City for any additional antennae proposed to be placed on the tower. Such permit applications may be approved by the Codes Administrator, except that he/she may refer such applications to the Commission if he/she determines that such additions do not conform with the Conditional Use Permit.
(Ord. 98-13 AC. Passed 2-2-98.)

- (j) Farmers' Markets. The following regulations, in addition to those stated in Section 1355.09, shall apply to conditional use permits for a farmers' market:

- (1) A farmers' market shall only operate within the months, days and hours specified by the Planning Commission in order to ensure that it is a seasonal market.
- (2) A minimum setback distance of ten feet is required from the public street right-of-way line and twenty-five feet from any residentially zoned property. Notwithstanding these setback requirements, nothing in this regulation shall preclude the operation of a farmers' market within a public right of way or on publicly-owned land if approved by Council.
- (3) The applicant shall specify the number of vendor spaces on the application form and on a site plan drawing, and the number of spaces shall be such as to not create overcrowding.
- (4) All activities relating to the operation of the farmers' market shall be conducted on an improved surface.

- (5) The applicant shall specify the types of goods offered for sale and they shall be restricted to grown or baked goods produced by the vendor.
- (6) Commercially manufactured goods or products shall not be offered for sale.
- (7) Any signage shall be restricted to a maximum display area of twenty-five square feet and any sign must be set back a minimum distance of ten feet from a public street right of way.
- (8) The use of loudspeakers and amplified music shall be prohibited.
- (9) Proof of liability insurance shall be provided to the City.
(Ord. 99-35AC. Passed 6-7-99.)

(k) **SIMILAR USES**

The following regulations, in addition to those stated at 1355.09, shall apply to uses requested to be interpreted as similar uses and requested for approval of a conditional use permit:

- (1) The Planning Commission shall consider the information submitted with regard to the use requested to be interpreted as a similar use and shall determine if such use is or is not similar based on the following standards:
 - (a) Such use is not listed in any other district as a permitted use;
 - (b) Such use has characteristics and impacts consistent with those of one or more of the permitted uses in the district; and such use has characteristics and impacts more consistent with those of the permitted uses of the subject district than with the permitted uses of any other district;
 - (c) The establishment of such use in the district will not significantly alter the nature of the district;
 - (d) Such use does not create dangers to health and safety and does not create offensive noise, vibration, dust, heat, smoke, odor, glare, traffic, or other objectionable impacts or influences to an extent greater than normally resulting from permitted uses listed in the subject district;
 - (e) Such use does not typically require site conditions or features, building bulk or mass, parking areas, or other requirements dissimilar from permitted uses; and the typical development of site and buildings for such use is compatible with those required for permitted uses and can be constructed in conformance with the standard regulations for height, lot dimensions, setbacks, etc. of the district.

The Planning Commission shall make a recommendation to City Council that a proposed use should be or should not be determined to be a similar use for the subject district. City Council shall consider the recommendation of the Commission and shall determine that the proposed use either is or is not a similar use for the subject district. The effect of a determination that a proposed use is a similar use shall be to make such use a conditional use for the subject district.

- (2) Subsequent to a determination by City Council that the proposed use is a similar use, the Planning Commission shall consider the application for a conditional use permit and take action in the manner required by this ordinance.
(Ord. 96-82 AC. Passed 9-16-96.)

(l) **LIMITED CONVERSION OF SINGLE-FAMILY DWELLING**

The following regulations, in addition to those stated in Section 1355.09, shall apply to conditional use permits for the limited conversion of a single-family dwelling:

- (1) The subject property shall have the minimum lot frontage and area specified for the zoning district in which the property is located without exception for lots recorded prior to the passage of this Zoning Ordinance (Ordinance No. 430 AC, passed on November 29, 1965.)
- (2) The minimum required number of off-street parking spaces shall be provided on the subject property.
- (3) The proposed conversion shall be in compliance in all respects with regard to local ordinances. The Code Administrator and Fire Chief shall submit written reports to the Planning Commission indicating that they have reviewed the proposal and whether they have found it to comply with the requirements of the Building, Housing and Fire Codes.
- (4) Site improvements such as trees, shrubs, planting beds, and lawns shall be installed and maintained on the lot in a manner consistent with good quality residential landscape design in order to ensure consistency with and a positive contribution to the aesthetic character of the neighborhood. Such improvements shall be detailed on the site plan for approval by the Planning Commission.
- (5) An area, surrounded by a screen fence or other material as approved on the site plan, shall be provided for exterior storage of waste containers. No other exterior storage, except for automobiles, bicycles, and seasonal outdoor furnishings, shall be permitted.
- (6) Off-street parking spaces shall be screened from the view of abutting properties through landscape plantings or opaque fencing.
- (7) All on-site service walks and street sidewalks shall be installed, repaired, and maintained in sound and safe condition.
- (8) The exterior condition of all surfaces and appurtenances of all structures on the property shall be maintained in sound condition, including but not limited to sound and complete roof shingles, sound and weatherproof paint or siding, complete and functioning windows and doors.

(m) **TWO-FAMILY DWELLINGS**

The following regulations, in addition to those stated in Section 1355.09, shall apply to conditional use permits for the use, conversion or construction of a two-family dwelling:

- (1) The subject property shall have the minimum lot frontage and area specified for the zoning district in which the property is located without exception for lots recorded prior to the passage of this Zoning Ordinance (Ordinance No. 430 AC, passed November 29, 1965.)
- (2) The minimum required number of off-street parking spaces shall be provided on the subject property.
- (3) Any two-family use shall be in compliance in all respects with regard to local ordinances. The Code Administrator and Fire Chief shall submit written reports to the Planning Commission indicating that they have reviewed the proposal and whether they have found it to comply with the requirements of the Building, Housing and Fire Codes.

- (4) Site improvements such as trees, shrubs, planting beds, and lawns shall be installed and maintained on the two-family dwelling property in a manner consistent with good quality residential landscape design in order to ensure consistency with and a positive contribution to the aesthetic character of the neighborhood. Such improvements shall be detailed on the site plan for approval by the Planning Commission.
- (5) An area, surrounded by a screen fence or other material as approved on the site plan, shall be provided for exterior storage of waste containers. No other exterior storage, except for automobiles, bicycles, and seasonal outdoor furnishings, shall be permitted.
- (6) Off-street parking spaces shall be screened from views of abutting properties through landscape plantings or opaque fencing.
- (7) All on-site service walks and street sidewalks shall be installed, repaired, and maintained in sound and safe condition.
- (8) The exterior condition of all surfaces and appurtenances of all structures on the property shall be maintained in sound condition, including, but not limited to sound and complete roof shingles, sound and weatherproof paint or siding, complete and functioning windows and doors.
(Ord. 00-30AC. Passed 4-17-00.)

1355.11 FEES.

Fees, in amounts as required by ordinance of the City, shall be submitted with applications for conditional use permits. (Ord. 96-82 AC. Passed 9-16-96.)

CODIFIED ORDINANCES OF OBERLIN
PART FIFTEEN - FIRE PREVENTION CODE

CHAPTER 1501
Ohio Fire Code

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| 1501.01 | Adoption. | 1501.11 | Copies. |
| 1501.02 | Purpose. | 1501.12 | Conflict. |
| 1501.03 | Application. | 1501.13 | Storage of flammable liquids, liquefied petroleum gas and explosives. |
| 1501.04 | Enforcement. | 1501.14 | Aboveground storage restricted. |
| 1501.05 | Compliance. | 1501.15 | Liquefied petroleum gas. |
| 1501.06 | Posting arson laws. | 1501.16 | Smoke detectors and alarm devices. |
| 1501.07 | Setting fires which spread. | 1501.17 | Appeals. |
| 1501.08 | Unfriendly fires in buildings; alarm duties. | 1501.18 | Rapid entry key box system (lock box). |
| 1501.09 | Disclosure of true Fire Safety Inspector status. | 1501.19 | Fire lanes. |
| 1501.10 | Fire equipment sale or use; certification of installers. | 1501.99 | Penalty. |

CROSS REFERENCES

See sectional histories for similar State law
 Appeals of orders - see Ohio R.C. 119.12
 State certification of firefighters - see Ohio R.C. 737.08,
 737.22, 737.33
 State certification of Fire Safety Inspectors - see Ohio R.C.
 737.01(C), 737.34
 Fire investigation - see Ohio R.C. 737.27, 737.24 et seq.
 Entry and Inspection - see Ohio R.C. 737.34 et seq.,
 737.14, 737.41, 737.42
 Common Pleas Court jurisdiction - see Ohio R.C. 3737.44(A),
 3737.51(H)
 Ohio Fire Code - see Ohio R.C. 3737.82 et seq.; OAC Ch.
 1301:7-1 et seq.
 Fire extinguishing and alarm systems in rest and nursing
 homes - see Ohio R.C. 3721.071
 Self-service filling stations - see Ohio R.C. 3741.14
 Fireworks exhibitions - see Ohio R.C. 3743.50 et seq.

1501.01 ADOPTION.

Pursuant to Ohio R.C. 731.231, there is hereby adopted by and for the City, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the 2000 Ohio Fire Code (OFC) as adopted by the State of Ohio, Department of Commerce, Division of State Fire Marshal, effective January 3, 2000, and as published in Division 1301:7 of the Ohio Administrative Code (OAC), save and except such portions as are hereinafter amended or deleted.

(Ord. 00-18AC. Passed 2-22-00.)

1501.02 PURPOSE.

The purpose of the Ohio Fire Code as adopted herein is to prescribe minimum standards and regulations governing conditions hazardous to life and property from fire or explosion.

1501.03 APPLICATION.

The Ohio Fire Code as adopted herein applies to the use of all lands and properties within the Municipality and such other lands or properties owned by the Municipality which are situated outside the corporate limits thereof.

1501.04 ENFORCEMENT.

(a) No person shall serve as Municipal Fire Safety Inspector unless he has received a certificate issued by the Ohio Superintendent of Public Instruction under Ohio R.C. 3303.07 evidencing his satisfactory completion of a fire safety inspection training program.
(ORC 3737.34)

(b) For Municipal criminal proceedings, the complaint, warrant or summons, or the issuance of a citation in minor misdemeanor cases shall be, as is prescribed in the Ohio Rules of Criminal Procedure, by referencing the numerical designation of the applicable Municipal ordinance, including the specific provision of the Ohio Fire Code, or any order issued pursuant thereto, provided such order fixes a reasonable time for abatement of the violation. State enforcement proceedings for violation of Ohio R.C. Chapter 3737 or the Ohio Fire Code shall be as is prescribed in Ohio R.C. 3737.41 to 3737.46.

(c) A copy of such complaint or citation shall be prominently posted at or near each place a violation referred to occurs.

(d) Upon request of the Municipal Fire Safety Inspector, the Municipal Legal Officer shall institute and prosecute any necessary action or proceeding to enforce this chapter or Ohio R.C. Chapter 3737.

1501.05 COMPLIANCE.

(a) No person shall knowingly violate any provision of the Ohio Fire Code as adopted herein or any order issued pursuant thereto.
(ORC 3737.51(A))