



Regular Council Meeting
Tuesday, September 6, 2022 - 6:30 PM
AGENDA

1. Call to Order
2. Roll Call
3. Invocation - Ms. Hendren
4. Pledge of Allegiance
5. Action on Minutes
 - a. August 16, 2022
6. Citizen comments on matters not on the agenda
7. Council Committee reports
 - a. **Planning & Zoning:** Met 8/23/22; Next 9/13/22 @ 6:30 pm Council Chambers
 - b. **Design Review Board:** Next 9/13/22 @ 5:00 pm Council Chambers
 - c. **Safety & Service:** Next 9/20/22 @ 5:00 pm Council Chambers
 - d. **Finance:** 9/6/22; Next 9/27/22 Special Meeting @ 5:00 pm Council Chambers
 - e. **Economic Development:** Next 10/7/22 @ 9:00 am Admin conference room
 - f. **Park & Rec:** Next 9/20/22 @ 10:00 am Admin conference room
 - g. **Tree Commission:** Met 8/23/22; Next 10/25/22 @ 5:00 pm Council Chambers
 - h. **Events Committee:** Next TBD
 - i. **School District Liaison:** Next TBD
8. Director Reports
 - a. Service Department Reports: Street, Water, Wastewater
 - b. Manager Reports
9. Tabled Legislation - None
10. Public Hearings of Legislation
 - a. **ORDINANCE 16-2022** AN ORDINANCE APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES OF JOHNSTOWN, OHIO, AND DECLARING AN EMERGENCY.
 - b. **RESOLUTION 2022-31** A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE LICKING COUNTY BOARD OF COMMISSIONERS
 - c. **RESOLUTION 2022-32** A RESOLUTION TO TENTATIVELY AWARD A CONSTRUCTION CONTRACT FOR THE CITY OF JOHNSTOWN ROLLING MEADOWS SANITARY SEWER REHABILITATION PROJECT

11. Introduction of Legislation

- a. **ORDINANCE 17-2022** AN ORDINANCE ADOPTING WAGE AND SALARY STRUCTURES FOR THE CITY OF JOHNSTOWN

12. Other Business

- a. Set date and time for Trick-or-Treat

13. Executive Session to consider the appointment, employment or compensation of a public employee

14. Adjourn

Next Council Meeting September 20, 2022



Regular Council
Tuesday, August 16, 2022 - 6:30 PM
MINUTES

1. Call to Order

Mayor Chip Dutcher called to Order the City of Johnstown Regular Council Meeting for August 16, 2022 at 6:33 PM.

2. Roll Call

Present - Mayor Chip Dutcher, Doug Lehner, Marvin Block, Sharon Hendren, Ryan Green, Donald Barnard, Jon Merriman
Absent - None

Staff present - Sean Staneart - Assistant City Manager, Rusty Smart - Interim Chief of Police, Teresa Monroe - Clerk of Council

Public present - Jamie Hartsough, Lewie Main, Connie Ryan, Peggy Dearth, Terry Feters, Jim Dietzel, Mary Queen Cool, Mary Wiswell, Barbara Knoepfler, Stephanie Giannini, Elizabeth Whipple, Glenn C. Ronken, Travis McIntyre, Linda Borghese, Kent Mallett, Aaron Steffan, David Cool

3. Invocation - Mayor Dutcher

4. Pledge of Allegiance

5. Action on Minutes

a. August 3, 2022

b. August 8, 2022 Special meeting

ACTION: Sharon Hendren moved to approve en bloc; Marvin Block seconded and the vote was as follows:

AYES: Mayor Dutcher, Doug Lehner, Marvin Block, Sharon Hendren, Ryan Green, Don Barnard, Jon Merriman

NOES: None

ABSTAIN: None

Passed 7 - 0

6. Presentation; Miles Estate

Mayor Chip Dutcher said they have been informed that the Trustees of the Miles Estate have filed a document with the probate court and there is an evidentiary hearing on the 13th of September where the judge will review the filings; he said he has been in contact with our legal counsel to put them on notice that we want to protect the city's rights in dealing with the Miles Estate. Said the city was named specifically in the General's will and we have been watching the Trustees not do anything for over sixty years and it is time that be brought to a conclusion. The General's wishes were very specific that it would be for the citizens and children of Johnstown, Monroe Township and Liberty Township. Mr. Dutcher said we need to protect the city's rights and others including the school and the heirs and protect the General's wish that Johnstown be in receipt of the farm and the sizable estate. At this point attorneys are working on what their filing is going to be, how best to preserve our rights, will have more at the next Council meeting. Added that he has been in touch with the heirs, the School Board and the Monroe Township Trustees, and all are on board once there is a plan, all will participate in filing with the court. On the 13th the Judge will review documents filed and at that point she has a number of options. If we do not like the judge's decision, we will have a right to appeal.

Siblings Connie Ryan, Terry Feters, Jim Dietzel and Peggy Dearth, descendants of James Longwell, who owned and lived on the property, attended to provide history of the estate. Ms. Ryan stated that after Mr. Longwell's passing, the property was ultimately given to General Perry Miles, Ms. Ryan said General Miles was a veteran who served in the Spanish-American war, a recipient of the Purple Heart, Silver medal, and a distinguished service medal. He served in WWI and was a backup to General McArthur in WWII and then became a speaker for Veterans, traveling all over the world and publishing two books. His wishes were that the house, all of the property, one hundred and seventy-one acres, valued at over one million dollars, and the trust also over a million dollars, be left to the Village of Johnstown, Liberty Township Trustees and surrounding areas to be used for education, recreation, religious and museum purposes. Ms. Ryan described the family frustration with the deplorable condition of the house and artifacts within and the fact that nothing has ever been done to care for the estate. Added that they have come to find out that the Liberty Township Trustee who was granted the trust was giving it all to Licking County parks. Ms. Ryan said the family would like their grandfather's first cousins' wishes to be honored and for Johnstown to keep this property.

7. Citizen comments on matters not on the agenda

1. Jamie Hartsough - 169 Stonehedge Row

- Said there seems to be a problem with sign placement across the street, it was meant to be on the land owners property and not the easement, if she needs to move it back, she would like 24 hours. Said she did not appreciate being threatened by a city worker leaving the parking lot today saying he was going to saw it down; it is her property, if she is given notice, she will get it moved.

2. David Cool; 108 Maple Leaf Drive

- Regarding the Coughlin project next to them, they are very pleased that their original list of twenty-four items of concern has been worked down to four.
- Heard about the 4-3 vote to put a sidewalk in; would like another vote to reverse

that decision as they do not want it.

- Thinks the exits have been resolved
- Do not want any construction equipment on their driveways
- They want to have a perimeter fence around the whole property (Jon Merriman confirmed he meant screening between the two properties)

3. Elizabeth Whipple; 100 N. Main Street

- Said she would like to address some factual inaccuracies that were stated and approved in the minutes from the last special work session. Said it was stated that the prior Chief had requested \$500,000 for a workout facility for his officers, that is not the case. Said if someone is arrested the only method of securing the arrested person is to chain them to a wall in the Johnstown Police station, concern for civil liabilities; so the discussion was on improving the facility overall, not just for a gym.
- Addressed Councilmen Barnard, Merriman and Green saying that as part of the prior Chief's forced resignation, he was told he would not have his unemployment benefits challenged; asked if they were aware of that. Mr. Green said something would be in the paperwork. Ms. Whipple asked if they were part of the decision to challenge his unemployment benefits after the agreement stated the City of Johnstown would not do that. Mr. Barnard said he has no idea about his unemployment benefits, Mr. Merriman said he did not either. Ms. Whipple asked if they were then not aware of the investigation that the Ohio Department of Job and Family Services (ODJFS) did into his separation with Johnstown. Said that all Council members are supposed to have equal authority, yet it sounds like there are certain members of council who take it upon themselves to make actions without informing anybody else and asks that moving forward they look hard at what is happening behind their backs because the investigation was completed at the end of June. Said she had a quote from ODJFS; Clerk noted the three minute time limit.

Mayor Dutcher said if she had something from ODJFS, he would like a copy. Some discussion on who with the city would have received any correspondence from ODJFS.

4. Stephanie Giannini, 118 Parkdale Drive

- Said she would like to yield her time to Elizabeth Whipple.

Mayor Dutcher said that is not our rule and asked Ms. Whipple to sit down. Ms. Whipple said no, she will read the statement and began to read a statement. Mayor Dutcher again asked Ms. Whipple to sit down, Mr. Barnard said please, Chief Smart said he would take care of the Police Department.

There were no further public comments and Mayor Dutcher closed the floor.

8. Council Committee reports

a. **Planning & Zoning:** Met 8/9/22; Next 8/23/22 @ 6:30 pm Council Chambers

Vision Statement: The City of Johnstown is dedicated to providing a secure community environment that fosters cultural, recreational, educational and economic opportunities while preserving our unique historical character

An application for an apartment complex was tabled (Redwood); also tabled discussion of GCC-1 pending review of GCC-2 and Design Standards. Mr. Green said he would like to have an informational meeting on the Leafy Dell apartment complex, working to get the HOA's together, the condos and representation from Coughlin.

b. **Design Review Board:** 8/9/22 Cancelled; Next 9/13/22 @ 5:00 pm Council Chambers

c. **Safety & Service:** Next 9/20/22 @ 5:00 pm Council Chambers

d. **Finance:** 8/16/22; Next 9/6/22 @ 5:00 pm Council Chambers

Ben Lee came to update the committee on the Fireworks Event, a request for \$10,000 will be worked into the budget for the 2023 event. Committee review on the Siekmans contract, no action at this time, have asked them to attend Finance Committee on September 6th to answer some questions before recommendation. Committee review of Training Marbles, no action on their contract, will continue on month to month for sixteen hours per month versus the new contract which would be twenty-five hours per month. Discussed ensuring that work from the original contract has been completed. Talked about the state audit schedule which should be out in the next two weeks. Mr. Barnard will be preparing schedules and workbooks to get out to department heads in preparation for budget 2023. A special work session will be held on October 4th with Council, Finance and Safety & Service Committees to go through the budget. Committee discussion on future Finance Department staffing, resumes received are being reviewed.

Mr. Barnard said after much research, the Finance Committee recommends going to UAN for financial software, it will be cheaper at \$375 per month and the State uses UAN, that fee also covers the payroll module and equipment needed. Noted research showed cities up to 20,000 use this software with no problem. Will need to get another utility billing software, MuniLink has been suggested, a demo will be set up for staff before a recommendation is given. Mr. Barnard noted that it was part of the agreement with Integrity that they would transition us to this software, cost is \$20-30,000 for the transition and would not take place until January. Sean Staneart noted that there was money already appropriated in this year's budget for an upgrade so this will not be a new expenditure. Mr. Barnard said MuniLink would be \$795 per month, with the two programs combined we would be looking at under \$15,000 yearly for the two software systems and now we are paying \$17,000 for maintenance with SSI. Added that both are cloud based.

ACTION: Donald Barnard moved that the council accept the contract for UAN and switch the accounting software; Jon Merriman seconded and the vote was as follows:

AYES: Don Barnard, Jon Merriman, Ryan Green, Marvin Block, Mayor Dutcher, Doug Lehner, Sharon Hendren

NOES: None

ABSTAIN: None

Passed 7 - 0

Additionally reviewed in committee was the salary structure and potential for annual COLA increase; also an increase in pay of \$1.90 per hour to keep an officer, Committee has

recommended that the City Manager and HR look at this.

A member of the audience said it was previously stated that May's financial statement was not closed and asked if that was true. Mr. Barnard said he had spoken to Mr. Liggett about this, that May financial statements were closed, that it was the May bank reconciliation that was not completed and June's financial statement was not closed as the former Finance Director left prior to the end of the month. The miscommunication was that the City Manager was told the month of May was not closed, it was closed, it was just the bank reconciliation that was not done.

- e. **Economic Development:** Met 8/5/22; Next 9/2/22 @ 9:00 am Admin conference room
Mr. Lehner shared there is a potential buyer for the Enterprise Center, Sean Stanearth to meet with Port Authority's Rick Platt. Shared three new banks will be coming to town. Discussed scheduling a School Board Liaison Committee meeting, and email was sent last month.
- f. **Park & Rec:** 8/16/22; Next 9/20/22 @ 10:00 am Admin conference room
Some discussion on the Miles Estate. Talked about partial funding received from the State of Ohio for a Splash Park and Amphitheatre, Siekman's reported that money may be used for purchase of property, committee recommendation to Council is to use grant money to buy three lots adjoining Hannahs Park. Both projects would be done in phases, the city would have two years to use the money. Mayor Dutcher said the original plan was to put the Splash Park at Trailhead Park but have since come to believe it would be better next to the playground equipment at Hannahs Park. Mayor Dutcher said the three lots are available, the city bid on these lots years ago but were outbid. Now that the lots are available again, the city could use some of the money for that purpose, to add to the park. Mr. Barnard asked how much the lots were, Mayor Dutcher said \$150,000 for all three. Mr. Merriman asked if the lots had an easement, Mr. Block said that was to be determined. Mr. Merriman said they should find out first because if they are land-locked then value decreases for the seller. Mr. Merriman said he thinks we should have legitimate plans before they look at anything, that there is an estimated \$150,000 needed for drawings and engineering. Mr. Barnard said his concern is buying it before they know all the details, what if the engineer says the property is not conducive for a water park. Mr. Merriman said it feels like they are putting the cart before the horse. Questions asked about whether they buy the land and then never raise funds to finish the water park. Mr. Merriman said he almost guarantees that if Terry Henson puts that property up for sale, it would sit for a long time.

ACTION:	Marvin Block moved to explore getting the funding released from ODNR for purchase of the lots and negotiate the property purchase further; Sharon Hendren seconded and the vote was as follows:
AYES:	Chip Dutcher, Doug Lehner, Marvin Block, Sharon Hendren
NOES:	Ryan Green, Donald Barnard, Jon Merriman
ABSTAIN:	None

Passed 4 - 3

g. **Tree Commission:** Next 8/23/22 @ 5:00 pm Council Chambers

h. **Events Committee:** Next 8/18/22 at 5:00 pm Admin Conference Room

Ben Lee attended to provide an update on the fireworks event, feedback was that the event turned out great and was well attended. Mr. Lee attended Finance Committee to discuss budget for 2023 and to ensure they had the same amount applied toward the budget for next year, they came in under the \$10,000 budgeted for 2022 but wanted to add another \$10,000 in for 2023 to ensure as the event continues to grow, the entirety of the production is covered. They will be looking into sponsorship to defer some increased costs and scope. Thanked City Council for their support of the event.

The mental health round table on stress and anxiety held August 8th was a success with a tremendous panel of experts available including the Mental Health and Recovery Board of Licking and Knox County, Behavior Health Care Partners, Chief Smart with Johnstown P.D., Mental Health America of Licking County, three counselors from Johnstown Schools, Pastor Van Winkle from the Methodist church representing all faith based organizations within the community. Meeting video with all the resources given is available on the city YouTube page.

i. **School District Liaison:** Next TBD

9. Director Reports

a. Police

Interim Police Chief Smart reviewed his report and answered questions from the Council on Project Lifesaver equipment. Mr. Lehner asked Chief Smart to check the flashing lights at the crosswalk at SR 37 and Edwards Road, it was brought to his attention they were not working when the button is pressed. The Clerk noted that a resident had also previously reported, there may already be a work order for that.

b. Finance

Report given during committee report.

10. Tabled Legislation - None

11. Public Hearings of Legislation

a. **RESOLUTION 2022-30** A RESOLUTION TO APPROVE AN AMMENDMENT TO THE EMPLOYEE HANDBOOK

This amends the shift differential rate for employees, will eliminate headache of different shifts being on different rates when doing payroll; all shifts will be paid \$1.50.

Public Hearing: There were no comments either for or against the legislation.

ACTION: Jon Merriman moved to approve; Ryan Green seconded and the vote was as follows:

AYES: Jon Merriman, Ryan Green, Marvin Block, Mayor Dutcher, Doug Lehner, Sharon Hendren, Don Barnard

NOES: None
ABSTAIN: None

Passed 7 - 0

12. Introduction of Legislation - None

13. Other Business

1. Mr. Green asked where we were at with the Chamber of Commerce renovation. Mr. Merriman said he was looking for bids.

14. Adjourn

ACTION: Ryan Green moved to adjourn; Sharon Hendren seconded and all were in favor.

AYES: Mayor Dutcher, Doug Lehner, Marvin Block, Sharon Hendren, Ryan Green, Don Barnard, Jon Merriman

NOES: None

ABSTAIN: None

Passed 7 - 0

The meeting adjourned at 7:51 pm

Next Council Meeting September 6, 2022



Street Department Report

August 2022

CITY OF JOHNSTOWN, OHIO

City of Johnstown
Administrative Offices



599 S. Main Street
Johnstown, Ohio 43031
Telephone: 740-967-3177

Misc.

- Equipment maintenance
- Street Lights
 - (2) lights switched over to LED bulbs

Street Maintenance

- Cold patching holes
- Sign repair/replacement
- Street sweeping (Weekly)
- 100ft of Curb repair (Tyler Station)
- Cutting of berm on Edwards, Jersey, and Commerce BLVD.
- Traffic light bulb replaced
- School signs reprogrammed for 2022-23 school year

Water Maintenance

- Assisted in water shut-offs (Monthly)
- OUPS Locates (Daily)
- Fire Hydrant repair

Stormwater Maintenance

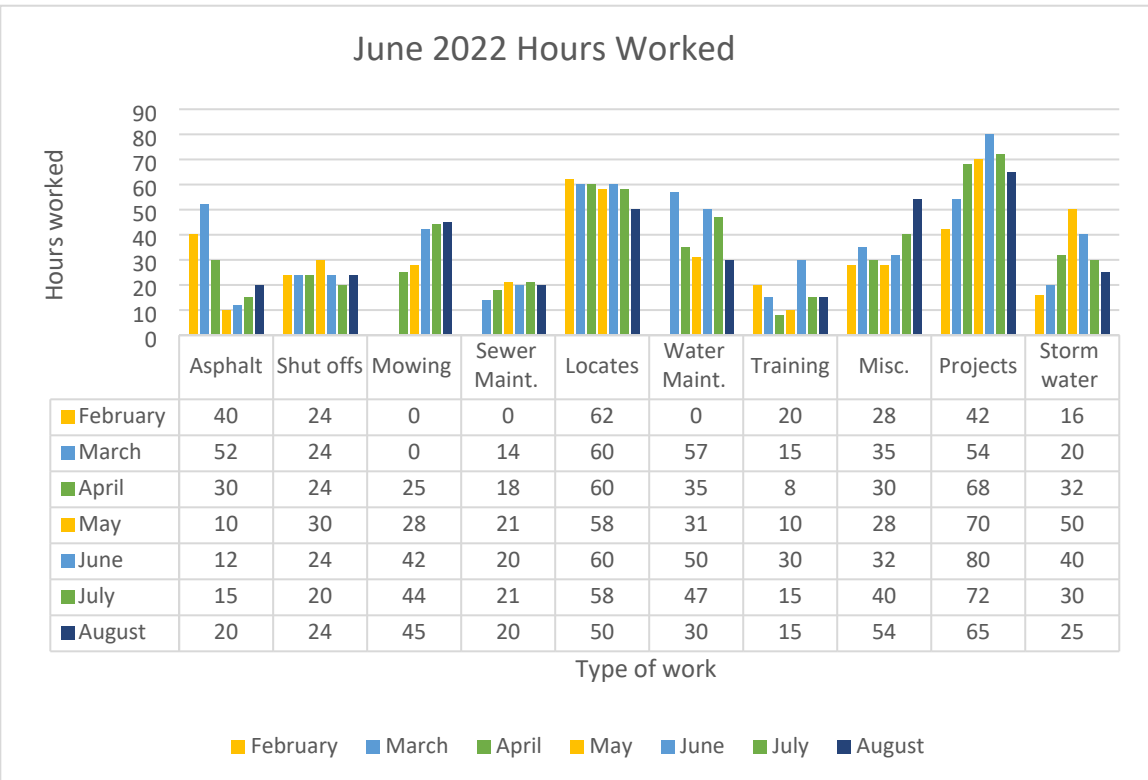
- Storm inlet cleaning
- Catch basin repair (Trail head park, Woodgate CT.)
- OUPS Locates (Daily)

Park Maintenance

- Trash pickup (weekly)
- Trail head toilet checked and cleaned (weekly)
- Mowing and trimming (weekly)
- Painted parking lines at the Trail Head parking lot
- Added new Mulch at Hannah's park
- Tree trimming

Sewer Maintenance

- OUPS Locates (Daily)
- Hauling of sewer sludge



Date	Dept.	Equipment	Mileage	Repair Type	Parts Costs	Labor Hours	Vendor Comparable Costs	Condition	Tools Purchased	Tools Needed	Next PM Due
8/1/22	Water	scag2		Monthly Inspection lube /Blades	\$0.00	1.00	\$59.00	good		Metric Impact set	
8/1/22	Waste Water	scag3		Monthly Inspection lube /Blades	\$0.00	1.00	\$59.00	good		Metric Impact set	
8/2/22	Street	Scag 1		Monthly Inspection lube /Blades	\$0.00	1.00	\$59.00	good		Misc tools	
8/3/22	Waste Water	Floater Truck		Pm Inspection	\$119.00	4.00	\$699.00	good		Misc tools	
8/4/22	Waste Water	Floater Truck		Fluids and lubrication		3.00	\$55.00	good			
8/5/22	Water	Utility Truck		Check brake dragging		2.00	\$150.00	old		Lift - Tools	
8/5/22	Waste Water	Iworx		Gather mileage update Iworx		1.00					
8/8/22	Street	Bucket truck		Diag. Interlock		2.00	\$150.00	old		Lift - Tools	
8/8/22	Street	Scag 1		Repete Oil leak Issue		2.00	\$50.00	good			
8/9/22	Street	Bucket truck		Repair wiring	\$5.00	2.00	\$180.00	old		Lift	
8/9/22	Street	Truck 9		Tire + Inspection	\$284.00	2.00	\$350.00	Down-Not Safe for Road useage	Front end-Axles-Hyd tank-Rust bucket		
8/10/22	Street	Bucket truck		Repair wiring	\$15.00	2.00	\$400.00	old		Lift +	
8/11/22	Waste Water	Fusion		LOF Inspection	\$29.00	2.00	\$79.00	good		Lift +	
8/11/22	Street	Scag 1		Oil leak Issue		2.00	\$45.00	good		Metric Impact set	
8/12/22	Waste Water	Floater		Finish lube		2.00	\$95.00	good			
8/12/22	Water	Milage		Update Iworx		3.00					
8/15/22		Off			\$0.00						
8/16/22		Off			\$0.00						
8/17/22	Waste Water	Trash Pump		Inspection + Lube	\$23.00	3.00	\$399.00	good			
8/18/22	Water	Utility Truck		Brakes locked up		1.00		Old		Lift +	
8/18/22	Waste Water	Back hoe		Lube + inspect	\$3.00	2.00	\$99.00	new			
8/19/22	Water	Utility Truck		Inspection + Lube		2.00		Old		Lift	
8/23/22	Water	Utility Truck		R-Brakes - Parts+installation	\$217.00	3.00	\$599.00	old		Lift	
8/24/22	Street	scag 1		order parts remove oil cooler		1.00		old		metric Impact	
8/24/22	Water	Fusion		Install butchered lug nuts + plus headlight	\$98.00	2.00	\$199.00	good		Lift	
8/25/22	Water	Utility Truck		Brakes	\$54.00	3.00	\$120.00	old		Lift	
8/26/22		Admin Reports		Monthly+Apropriati ons		2.00					
					\$847.00		\$3,846.00				



August 2022

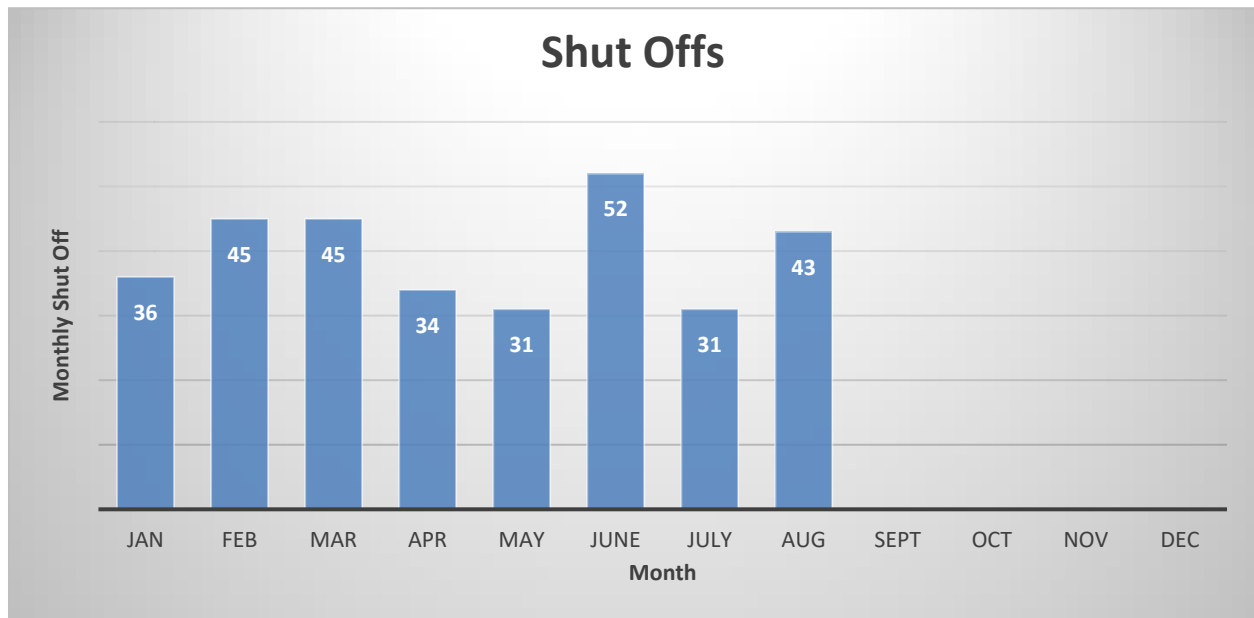
Water Council Report



Water Plant August 2022

- 1) As of August 31st, the flow is 21.496 MG.
- 2) Worked on shut offs.
- 3) Worked on work-orders.
- 4) Mowed Grass.
- 5) The Water Plant staff completed 2.5 hours of training.
- 6) Attended meeting with Jacob's, Eagon and NWS to discuss the well field on 8-17-2022.
- 7) On 8-24-2022 Terry Nichols had a phone meeting with 120Water concerning grants for lead mapping for E.P.A.
- 8) Changed lime feeder #2 to lime feeder #1 and cleaned lime feeder #2.

Thank you,
Terry Nichols
Chief Water Operator
City of Johnstown



Water Plant Daily Tap Test Results

Date	Phenol		Total	Total	Free
	pH	Alkalinity	Alkalinity	Hardness	Chlorine
Aug-01	7.97	0	49	145	1.12
Aug-02	8.02	0	53	146	0.90
Aug-03	8.03	0	45	142	0.91
Aug-04	7.86	0	50	148	0.96
Aug-05	8.14	0	51	148	0.94
Aug-06	8.05	0	50	147	1.00
Aug-07	8.11	0	45	143	1.10
Aug-08	7.80	0	56	153	0.90
Aug-09	8.06	0	49	147	0.92
Aug-10	7.93	0	49	145	0.92
Aug-11	7.94	0	48	144	1.06
Aug-12	8.02	0	47	144	0.94
Aug-13	7.93	0	50	145	1.01
Aug-14	7.95	0	54	148	1.12
Aug-15	7.85	0	52	148	1.01
Aug-16	7.97	0	55	150	1.02
Aug-17	7.98	0	54	148	0.98
Aug-18	7.98	0	55	150	0.95
Aug-19	8.04	0	49	145	0.91
Aug-20	8.21	0	49	143	0.90
Aug-21	8.05	0	48	142	1.04
Aug-22	8.03	0	49	143	0.88
Aug-23	8.17	0	52	148	0.97
Aug-24	7.98	0	48	145	0.95
Aug-25	7.94	0	50	146	1.00
Aug-26	7.91	0	48	144	1.02
Aug-27	8.05	0	52	146	1.17
Aug-28	8.00	0	49	145	1.10
Aug-29	7.95	0	48	143	1.08
Aug-30	7.95	0	50	144	1.09
Aug-31	7.90	0	48	141	1.06

Treatment Parameters Goals

pH: 7.8 – 8.5

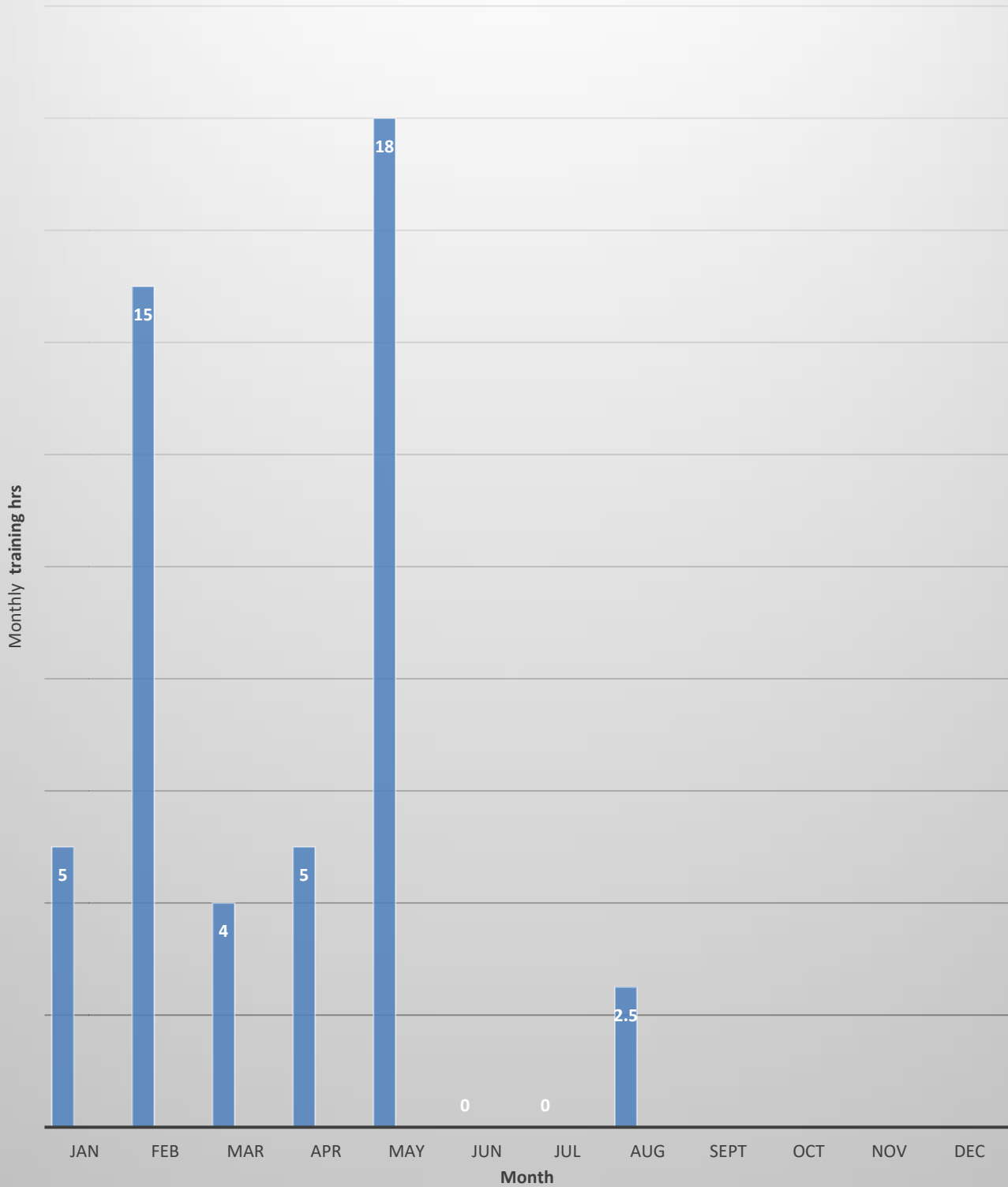
Phenol Alkalinity: 0-2 mg/L

Total Alkalinity: 35-55 mg/L

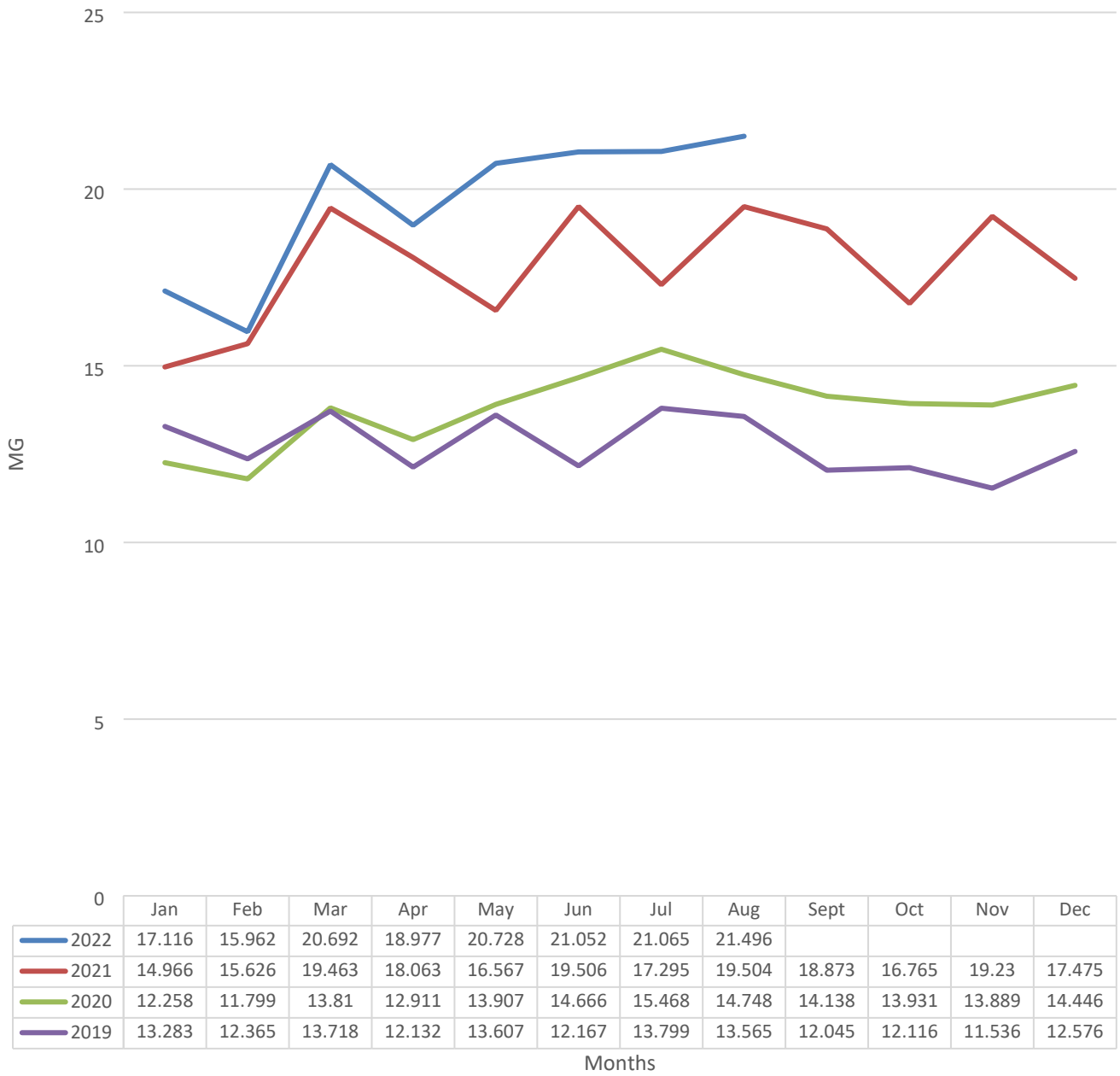
Hardness: 135 – 150 mg/L (Higher hardness is due to running # 2 L.S. well pulling water from deeper part of the aquifer)

Free Chlorine: 0.85-1.10 mg/L

Training Hours



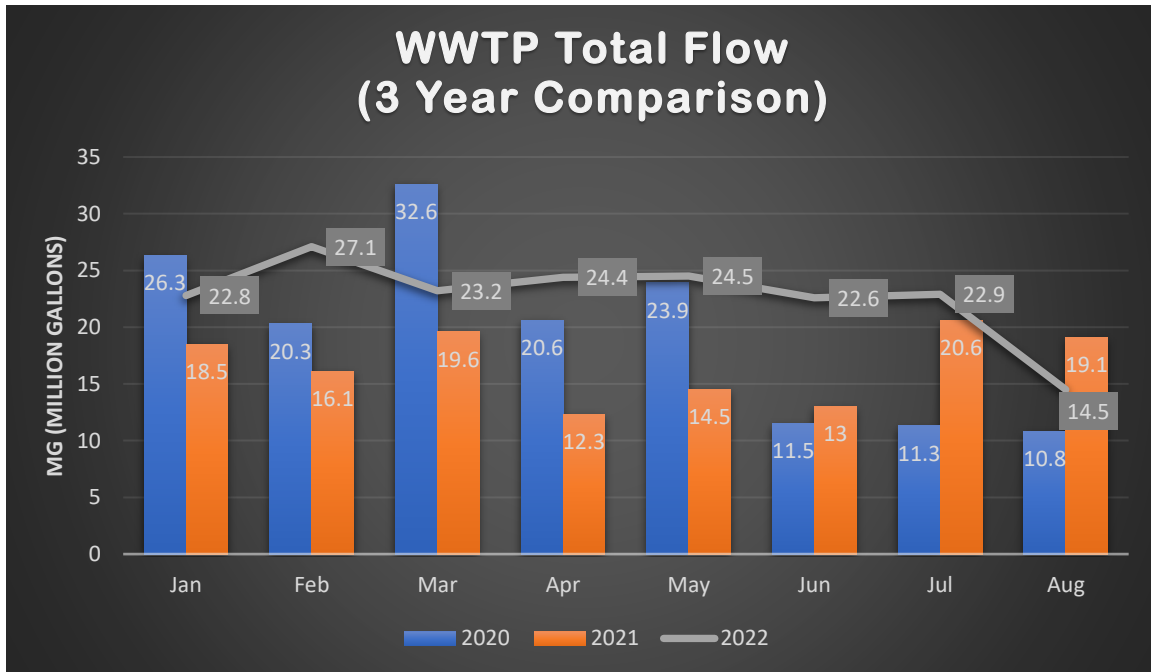
Monthly Influent MG



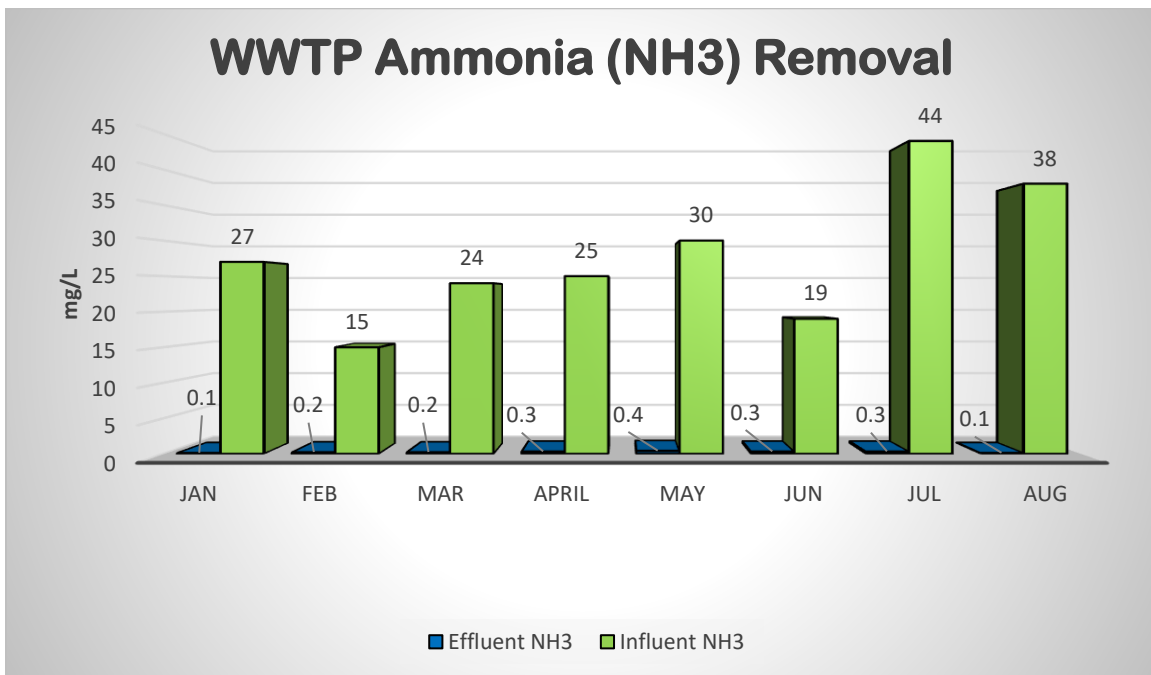


August 2022

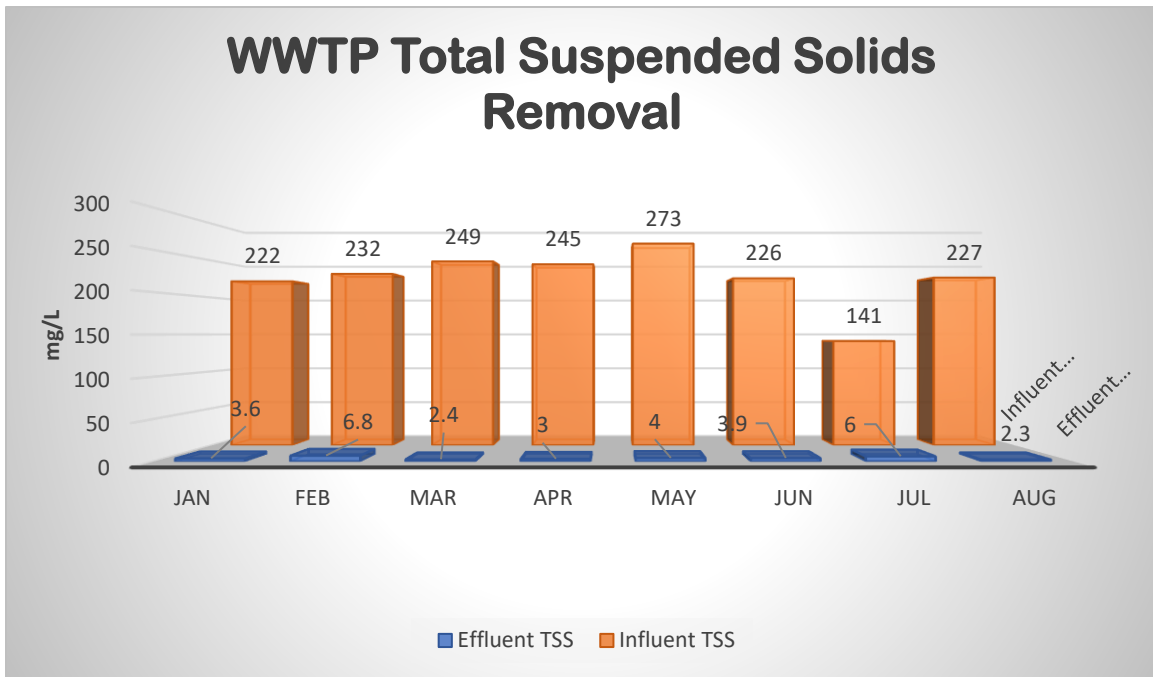
Sewer Council Report



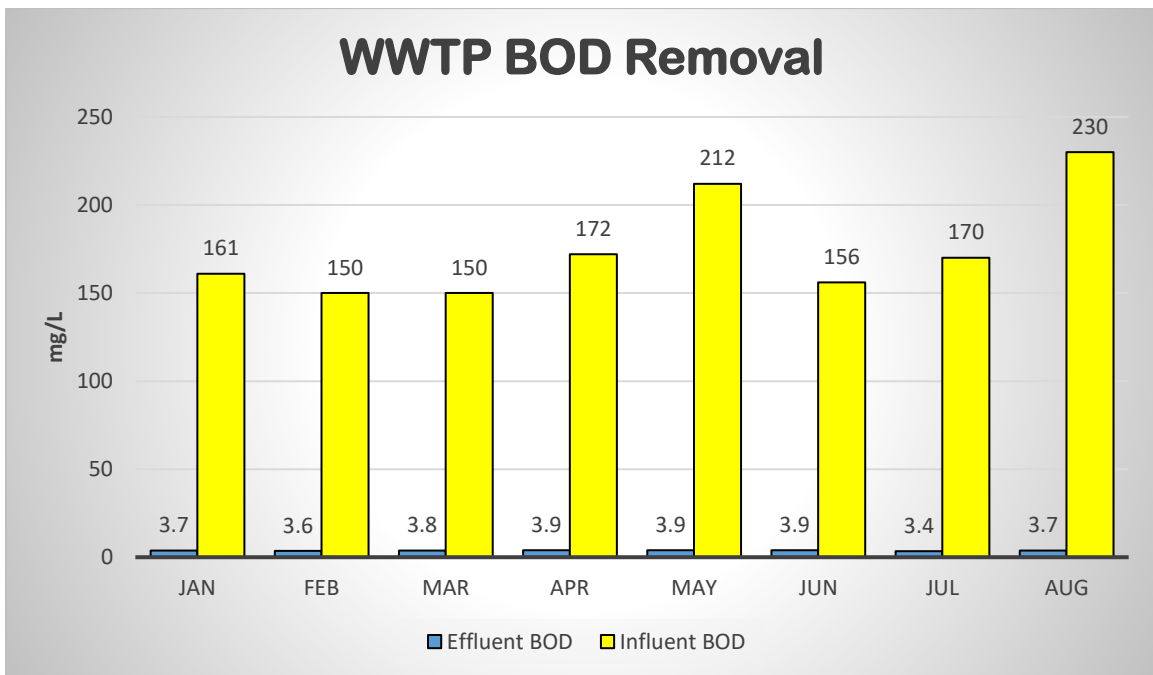
Plant Efficiency Charts



Average % of NH₃ removed for the month = **99%**



Average % of TSS removed for the month = **99%**



Average % of BOD removed for the month = **98%**

Work Highlights

- Sewer Inspections

- o 7 new build inspections completed

- Amount of sludge pressed (dewatered) – 251,445 gallons

- Replaced grit classifier liners

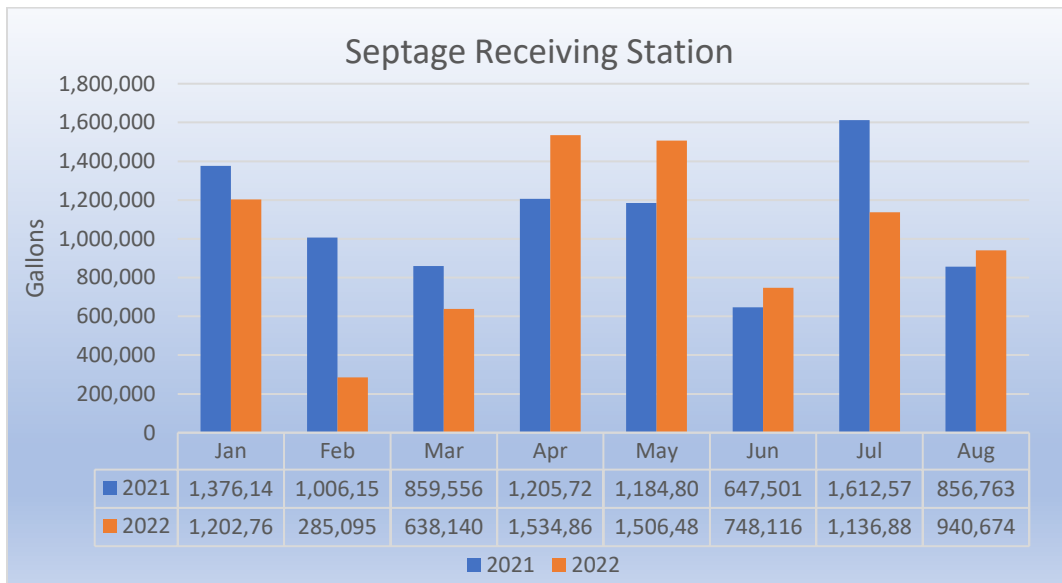
- Routine monthly maintenance and biannual mixer greasing

- Installed a new chlorine/peroxide drip system into one of our lift stations to help with odor control. We have received odor complaints from residents in the area and are trying to do our best to reduce the odors. We have discovered this odor is mainly being caused by waste discharged from New Day Farms. However, they are also doing their part to help control odor at the farm and are currently in the process of installing a drip system on their end as well.

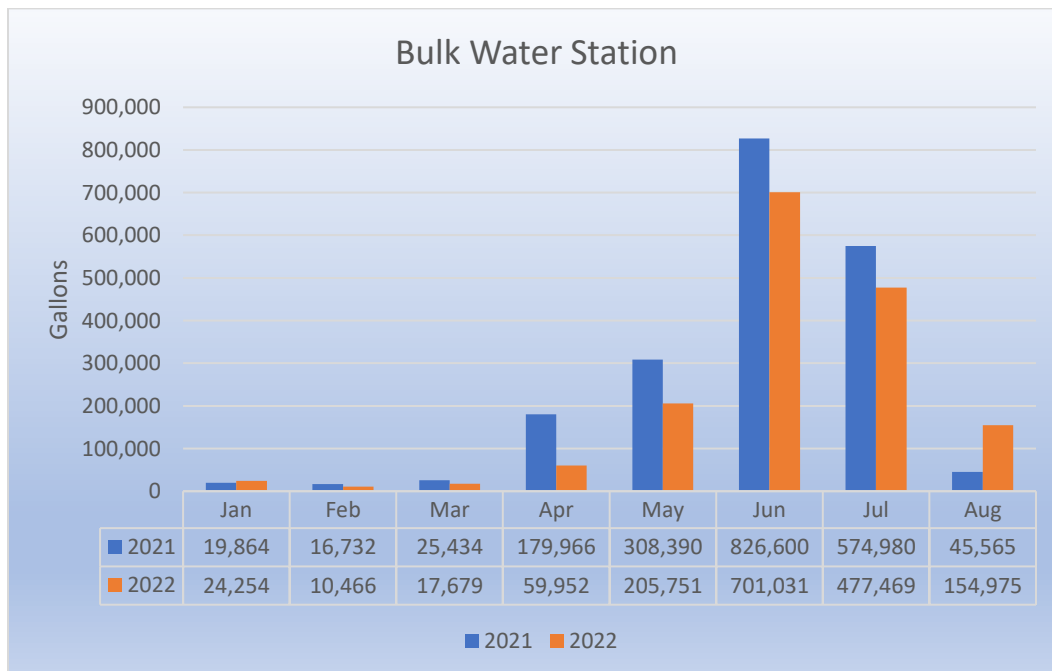


BULK SEWER & WATER

The following chart shows the total amount of waste in gallons brought into Johnstown for the current year and past year by the egg farms and bulk septage haulers.



The chart below shows the total amount of bulk water in gallons purchased each month for the current year and past year. NOTE: This graph contains only gallons of bulk water purchased from the fill station onsite.



Rick Fitch
Chief Wastewater Operator



ORDINANCE 16-2022

AN ORDINANCE APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES OF JOHNSTOWN, OHIO, AND DECLARING AN EMERGENCY.

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

WHEREAS, numerous sections in the Traffic and General Offenses Codes need to be updated in order to comply with State law;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOHNSTOWN, LICKING COUNTY, OHIO:

SECTION ONE

That the editing, arrangement and numbering of those ordinances from July 6, 2021 to July 5, 2022, as listed below, are hereby approved and adopted as printed in the July 2022 Replacement Pages to the Codified Ordinances so as to achieve uniformity of style and classification. A copy of such replacement pages are attached to this ordinance and incorporated as a part hereof.

<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>
27-2021	7-20-21	1105.04
32-2021	9-22-21	1195.05
33-2021	8-17-21	1133.03, 1137.05, 1181.09
34-2021	11-16-21	1183.01 to 1183.13, 1183.99
35-2021	8-17-21	1187.05, 1187.07
39-2021	10-5-21	1155.03
42-2021	10-19-21	1187.05
43-2021	11-3-21	1121.02(35), (90)
44-2021	11-3-21	1155.03, 1157.03, 1167.03, 1169.03
45-2021	11-3-21	1142.04, 1143.04, 1145.04, 1147.04, 1149.04, 1151.04
50-2021	12-14-21	194.01 to 194.13, 194.90, 194.99
08-2022	5-4-22	1183.01 to 1183.14, 1183.99
10-2022	5-17-22	1151.01 to 1151.04
12-2022	7-5-22	1179.01 to 1179.08
13-2022	7-5-22	1177.01 to 1177.15, 1177.99
14-2022	7-5-22	1170.01 to 1170.06

SECTION TWO

That the following sections of the Traffic and General Offenses Codes, as amended, are hereby approved and adopted as amended or enacted so as to conform to enactments of the Ohio General Assembly:

Administrative Code

101.03 Rules of Construction. (Amended)

Traffic Code

- 303.082 Private Tow-Away Zones. (Amended)
- 303.083 Impounding Vehicles on Public Property. (Added)
- 331.211 Report of Vehicle Failing to Yield Right of Way to Public Safety Vehicle. (Amended)
- 333.03 Maximum Speed Limits. (Amended)
- 335.02 Permitting Operation Without Valid License; One License Permitted. (Amended)
- 335.021 Ohio Driver's License Required for In State Residents. (Amended)
- 335.09 Display of License Plates or Validation Stickers; Temporary License Placard. (Amended)
- 371.13 Operation of Personal Delivery Device on Sidewalks and Crosswalks. (Added)

General Offenses Code

- 513.01 Drug Abuse Control Definitions. (Amended)
- 513.15 Sale of Dextromethorphan. (Added)
- 517.01 Gambling Definitions. (Amended)
- 517.02 Gambling. (Amended)
- 517.06 Methods of Conducting a Bingo Game; Prohibitions. (Amended)
- 517.08 Raffles. (Amended)
- 517.09 Charitable Instant Bingo Organizations. (Amended)
- 517.11 Bingo or Game of Chance Records. (Amended)
- 517.13 Bingo Exceptions. (Amended)
- 517.14 Instant Bingo Conduct by a Veteran's or Fraternal Organization. (Amended)
- 517.15 Skill-Based Amusement Machines. (Amended)
- 517.16 Electronic Instant Bingo; Prohibited Conduct. (Added)
- 525.13 Interfering with Civil Rights. (Amended)
- 529.01 Liquor Control Definitions. (Amended)
- 529.07 Open Container Prohibited. (Amended)
- 537.19 Hazing Prohibited. (Added)
- 545.03 Property Exceptions as Felony Offense. (Amended)
- 545.09 Passing Bad Checks. (Amended)

General Offenses Code (Cont.)

- 549.02 Carrying Concealed Weapons. (Amended)
- 549.04 Improperly Handling Firearms in a Motor Vehicle. (Amended)
- 549.12 Possessing Replica Firearm in School. (Amended)
- 549.14 Concealed Handgun Licenses; Possession of Revoked or Suspended License; Additional Restrictions; Posting Signs Prohibiting Possession. (Added)

Fire Prevention Code

1519.01	Fireworks Definitions. (Amended)
1519.04	Possession, Sale or Discharge Prohibited; Exceptions. (Amended)
1519.05	Application. (Amended)
1519.06	Safety Requirements for Fireworks Showroom Structures. (Added)
1519.07	Manufacturing or Wholesale Sale Without a License; Prohibitions. (Added)
1519.08	Purchase to Comply with Law; Unauthorized Purchases. (Added)

SECTION THREE

The complete text of the Traffic and General Offenses Code sections listed above are set forth in full in the July 2022 Replacement Pages to the Codified Ordinances 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 FOUR

In order to preserve the public peace, health, welfare and safety, and for the further reason that the editing and inclusion of certain legislation in the Codified Ordinances is necessary for immediate publication, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after the earliest period allowed by law.

SECTION FIVE

It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that meetings of any of its committees that resulted in such formal action where meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code and the Charter for the CITY OF JOHNSTOWN.

Date of Introduction: September 6, 2022
Public Hearing/Vote: September 6, 2022
Effective Date:

BY: _____

Mayor Chip Dutcher

ATTEST TO:

APPROVED AS TO FORM:

Teresa Monroe, Clerk of Council

Yazan Ashrawi, Law Director

INSTRUCTIONS FOR INSERTING
JULY 2022 REPLACEMENT PAGES
FOR THE
CODIFIED ORDINANCES OF JOHNSTOWN

All new replacement pages bear the footnote "July 2022 Replacement". Please discard old pages and insert these new replacement pages immediately as directed in the following table.

Discard Old Pages

Insert New Pages

PRELIMINARY UNIT

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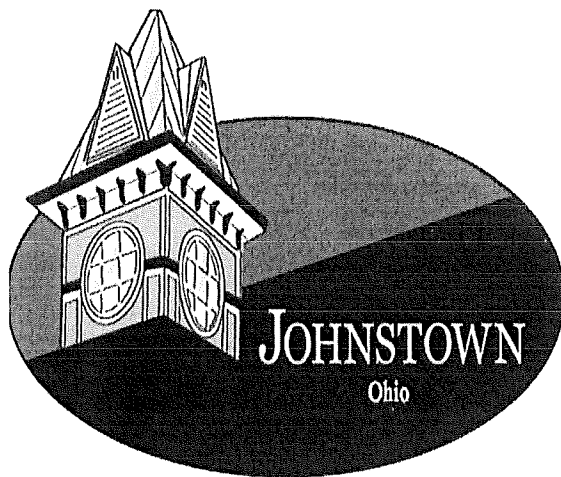
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Local legislation current through July 5, 2022

State legislation current through April 6, 2022

CERTIFICATION

We, Chip Dutcher, Mayor and Teresa Monroe, Clerk of Council, of Johnstown, Ohio, pursuant to Ohio R.C Section 731.23 and 731.42, hereby certify that the general and permanent ordinances of the City of Johnstown, Ohio, as revised, rearranged, compiled, renumbered as to sections, codified and printed herewith in component codes are correctly set forth and constitute the Codified Ordinances of Johnstown, Ohio, 1985, as amended to July 5, 2022.

/s/ Chip Dutcher
Mayor

/s/ Teresa Monroe
Clerk of Council

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publication by
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JOHNSTOWN, OHIO
ROSTER OF OFFICIALS
(2022)

COUNCIL

Jon Merriman	Chip Dutcher, Mayor	Marvin Block
Donald Barnard		Doug Lehner
Ryan Green		Sharon Hendren

ADMINISTRATION

Jack Liggett	Interim City Manager
Sean Staneart	Assistant City Manager
Rusty Smart	Interim Chief of Police
Teresa Monroe	Clerk of Council/Executive Assistant
Integrity Finance	Interim Finance Director
Bailey Morlan	City Planner
Jim Blair	Zoning Inspector
Lora Cain	Utility Billing Clerk/ Administrative Assistant
Yazan S. Ashrawi/Frost Brown Todd	Law Director
Tracy Van Winkle	Magistrate
Mark Gardner	Prosecutor
Megan Ward	Clerk of Courts

The publisher
expresses their appreciation
to

all Village officials who gave
their time and counsel to the preparation
of the July 2022 Replacement Pages

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20-2018	6-19-18	1184.01 to 1184.04	22-2021	6-15-21	921.06
01-2019	2-5-19	921.05	25-2021	7-6-21	1187.02 to 1187.07, 1187.11 to 1187.15
02-2019	2-5-19	925.05			
07-2019	3-5-19	921.18	26-2021	7-6-21	925.035
13-2019	4-2-19	1197.01 to 1197.18, 1197.99, 1198.01 to 1198.10, 1199.01 to 1199.14, 1199.99	27-2021	7-20-21	1105.04
			29-2021	7-6-21	921.06
15-2019	4-16-19	1127.01 to 1127.09, 1131.01 to 1131.09, 1179.01 to 1179.08	32-2021	9-22-21	1195.05
			33-2021	8-17-21	1133.03, 1137.05, 1181.09
19-2019	6-7-19	931.01 to 931.19, 931.99	34-2021	11-16-21	1183.01 to 1183.13, 1183.99
20-2019	10-31-19	730.01 to 730.11, 730.99	35-2021	8-17-21	1187.05, 1187.07
24-2019	2-6-20	1121.02(a)(89)	39-2021	10-5-21	1155.03
27-2019	8-2-19	1169.03	42-2021	10-19-21	1187.05
30-2019	8-15-19	1169.02	43-2021	11-3-21	1121.02(35)(90)
35-2019	10-1-19	1159.04(b), (c)	44-2021	11-3-21	1155.03, 1157.03, 1167.03, 1169.03
39-2019	12-19-19	1159.02(a) to (e), 1159.04(d) to (h)	45-2021	11-3-21	1142.04, 1143.04, 1145.04, 1147.04, 1149.04, 1151.04
43-2019	2-6-20	1159.04(i)			
02-2020	3-20-20	1141.04, 1142.01 to 1142.04	50-2021	12-14-21	194.01 to 194.13, 194.90, 194.99
04-2020	4-2-20	925.05(a) to (c)	08-2022	5-4-22	1183.01 to 1183.14, 1183.99
05-2020	4-2-20	921.17	10-2022	5-17-22	1151.01 to 1151.04
06-2020	4-2-20	925.01	12-2022	7-5-22	1179.01 to 1179.08
07-2020	4-2-20	925.18	13-2022	7-5-22	1177.01 to 1177.15, 1177.99
16-2020	7-2-20	509.03, 509.031	14-2022	7-5-22	1170.01 to 1170.06
17-2020	7-16-20	1159.04(d) to (j)			

CODIFIED ORDINANCES OF JOHNSTOWN

PART ONE - ADMINISTRATIVE CODE

TITLE ONE - General Provisions

- Chap. 101. Codified Ordinances.
- Chap. 103. Official Standards.
- Chap. 105. Public Records Policy.
- Chap. 107. Acquisition of Services and Materials.
- Chap. 109. Division of Purchase, Construction and Repair.
- Chap. 110. Surplus Property.

TITLE THREE - Legislative

- Chap. 121. Council.
- Chap. 123. Ordinances and Resolutions.
- Chap. 125. Notice of Public Meetings.

TITLE FIVE - Administrative

- Chap. 131. Mayor.
- Chap. 133. Clerk-Treasurer/Clerk of Council.
- Chap. 134. Director of Finance.
- Chap. 135. Director of Law.
- Chap. 137. Manager.
- Chap. 138. Department of Public Safety.
- Chap. 139. Police Department.
- Chap. 141. Fire Department.
- Chap. 143. Service Department.
- Chap. 145. Department of Utilities.
- Chap. 147. Planning and Zoning Commission.
- Chap. 148. Personnel Board of Review.
- Chap. 149. Recreation Department.
- Chap. 150. Records Commission.
- Chap. 151. Employment Provisions.
- Chap. 153. Community Development Commission.
- Chap. 155. Enterprise Zone; Community Reinvestment Areas.

TITLE SEVEN - Judicial

- Chap. 171. Mayor's Court.

TITLE NINE - Taxation

- Chap. 191. Income Tax Effective January 1, 2016.
- Chap. 193. Motor Vehicle License Tax.
- Chap. 194. Transient Occupancy Tax.

- (v) "Whoever" includes all persons, natural and artificial; partners; principals, agents and employees; and all officials, public or private.
(ORC 1.02(A))
- (w) "Written" or "in writing" includes any representation of words, letters, symbols or figures. This provision does not affect any law relating to signatures.
(ORC 1.59(J))

101.03 RULES OF CONSTRUCTION.

(a) Common and Technical Usage. Words and phrases shall be read in context and construed according to the rules of grammar and common usage. Words and phrases that have acquired a technical or particular meaning, whether by legislative definition or otherwise, shall be construed accordingly.
(ORC 1.42)

(b) Singular and Plural; Gender; Tense. As used in the Codified Ordinances, unless the context otherwise requires:

- (1) The singular includes the plural, and the plural includes the singular.
- (2) Words of one gender include the other genders.
- (3) Words in the present tense include the future.
(ORC 1.43)

(c) Calendar; Computation of Time.

(1) Definitions.

- A. "Week" means seven consecutive days.
- B. "Year" means twelve consecutive months.
(ORC 1.44)

(2) If a number of months is to be computed by counting the months from a particular day, the period ends on the same numerical day in the concluding month as the day of the month from which the computation is begun, unless there are not that many days in the concluding month, in which case the period ends on the last day of that month.
(ORC 1.45)

- (3) A. The time within which an act is required by law to be done shall be computed by excluding the first and including the last day; except that when the last day falls on Sunday or a legal holiday, then the act may be done on the next succeeding day that is not a Sunday or a legal holiday.
- B. When a public office, in which an act required by law is to be performed, is closed to the public for the entire day that constitutes the last day for doing the act or before its usual closing time on that day, the act may be performed on the next succeeding day that is not a Sunday or a legal holiday.
- C. As used in subsections (c)(1) and (c)(2) of this section, legal holiday means the following days:
 - 1. The first day of January, known as New Year's Day;
 - 2. The third Monday in January, known as Martin Luther King, Jr. Day;
 - 3. The third Monday in February, known as Washington-Lincoln Day;
 - 4. The day designated in the "Act of June 28, 1968", 82 Stat. 250, 5 U.S.C. § 6103, as amended, for the commemoration of Memorial Day;

5. The nineteenth day of June, known as Juneteenth day;
6. The fourth day of July, known as Independence Day;
7. The first Monday in September, known as Labor Day;
8. The second Monday in October, known as Columbus Day;
9. The eleventh day of November, known as Veteran's Day;
10. The fourth Thursday in November, known as Thanksgiving Day;
11. The twenty-fifth day of December, known as Christmas Day; and
12. Any day appointed and recommended by the Governor of this state or the President of the United States as a holiday.

D. If any day designated in this section as a legal holiday falls on a Sunday, the next succeeding day is a legal holiday.
(ORC 1.14)

- (4) When legislation is to take effect or become operative from and after a day named, no part of that day shall be included. (ORC 1.15)
- (5) In all cases where the law shall require any act to be done in a reasonable time or reasonable notice to be given, such reasonable time or notice shall mean such time only as may be necessary for the prompt performance of such duty or compliance with such notice.

(d) Authority. When the law requires an act to be done which may by law as well be done by an agent as by the principal, such requirement shall be construed to include all such acts when done by an authorized agent.

(e) Joint Authority. All words purporting to give joint authority to three or more municipal officers or other persons shall be construed as giving such authority to a majority of such officers or other persons, unless it shall be otherwise expressly declared in the law giving the authority or inconsistent with State statute or Charter provisions.

(f) Exceptions. The rules of construction shall not apply to any law which shall contain any express provision excluding such construction, or when the subject matter or context of such law may be repugnant thereto.

101.04 REVIVOR; EFFECT OF AMENDMENT OR REPEAL.

(a) The repeal of a repealing ordinance does not revive the ordinance originally repealed nor impair the effect of any saving clause therein.
(ORC 1.57)

(b) An ordinance which is re-enacted or amended is intended to be a continuation of the prior ordinance and not a new enactment, so far as it is the same as the prior ordinance.
(ORC 1.54)

(c) The re-enactment, amendment or repeal of an ordinance does not, except as provided in subsection (d) hereof:

- (1) Affect the prior operation of the ordinance or any prior action taken thereunder;
- (2) Affect any validation, cure, right, privilege, obligation or liability previously acquired, accrued, accorded or incurred thereunder;
- (3) Affect any violation thereof or penalty, forfeiture or punishment incurred in respect thereto, prior to the amendment or repeal;

- (4) Affect any investigation, proceeding or remedy in respect of any such privilege, obligation, liability, penalty, forfeiture or punishment; and the investigation, proceeding or remedy may be instituted, continued or enforced, and the penalty, forfeiture or punishment imposed, as if the ordinance had not been repealed or amended.

(d) If the penalty, forfeiture or punishment for any offense is reduced by a re-enactment or amendment of an ordinance, the penalty, forfeiture or punishment, if not already imposed, shall be imposed according to the ordinance as amended.
(ORC 1.58)

101.05 CONSTRUCTION OF SECTION REFERENCES.

(a) A reference to any portion of the Codified Ordinances applies to all re-enactments or amendments thereof. (ORC 1.55)

(b) If a section refers to a series of numbers or letters, the first and the last numbers or letters are included. (ORC 1.56)

(c) Wherever in a penalty section reference is made to a violation of a series of sections or of subsections of a section, such reference shall be construed to mean a violation of any section or subsection included in such reference.

References in the Codified Ordinances to action taken or authorized under designated sections of the Codified Ordinances include, in every case, action taken or authorized under the applicable legislative provision which is superseded by the Codified Ordinances.
(ORC 1.23)

101.06 CONFLICTING PROVISIONS.

(a) If there is a conflict between figures and words in expressing a number, the words govern. (ORC 1.46)

(b) If a general provision conflicts with a special or local provision, they shall be construed, if possible, so that effect is given to both. If the conflict between the provisions is irreconcilable, the special or local provision prevails as an exception to the general provision, unless the general provision is the later adoption and the manifest intent is that the general provision prevail.
(ORC 1.51)

- (c)
 - (1) If ordinances enacted at different meetings of Council are irreconcilable, the ordinance latest in date of enactment prevails.
 - (2) If amendments to the same ordinance are enacted at different meetings of Council, one amendment without reference to another, the amendments are to be harmonized, if possible, so that effect may be given to each. If the amendments are substantively irreconcilable, the latest in date of enactment prevails. The fact that a later amendment restates language deleted by an earlier amendment, or fails to include language inserted by an earlier amendment, does not of itself make the amendments irreconcilable. Amendments are irreconcilable only when changes made by each cannot reasonably be put into simultaneous operation.
(ORC 1.52)

101.07 DETERMINATION OF LEGISLATIVE INTENT.

(a) In enacting an ordinance, it is presumed that:

- (1) Compliance with the constitutions of the State and of the United States is intended;
 - (2) The entire ordinance is intended to be effective;
 - (3) A just and reasonable result is intended;
 - (4) A result feasible of execution is intended.
- (ORC 1.47)

(b) An ordinance is presumed to be prospective in its operation unless expressly made retrospective. (ORC 1.48)

(c) If an ordinance is ambiguous, the court, in determining the intention of Council may consider among other matters:

- (1) The object sought to be attained;
 - (2) The circumstances under which the ordinance was enacted;
 - (3) The legislative history;
 - (4) The common law or former legislative provisions, including laws upon the same or similar subjects;
 - (5) The consequences of a particular construction;
 - (6) The administrative construction of the ordinance.
- (ORC 1.49)

101.08 SEVERABILITY.

If any provision of a section of the Codified Ordinances or the application thereof to any person or circumstance is held invalid, the invalidity does not affect the other provisions or applications of the section or related sections which can be given effect without the invalid provision or application, and to this end the provisions are severable.
(ORC 1.50)

101.99 GENERAL PENALTY.

Whenever, in the Codified Ordinances or in any ordinance of the Municipality, any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is otherwise provided, whoever violates any such provision shall be punished by a fine not exceeding one hundred dollars (\$100.00). A separate offense shall be deemed committed each day during or on which a violation continues or occurs.

TITLE NINE - Taxation

Chap. 191. Income Tax Effective January 1, 2016.

Chap. 193. Motor Vehicle License Tax.

Chap. 194. Transient Occupancy Tax.

CHAPTER 191

Income Tax Effective January 1, 2016

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|---------|--|---------|---|
| 191.01 | Authority to levy tax; purpose of tax; rate. | 191.19 | Interest and penalties. |
| 191.011 | Authority to levy tax. | 191.20 | Authority of Tax Administrator; verification of information. |
| 191.012 | Purpose of tax; rate. | 191.201 | Authority. |
| 191.013 | Allocation of funds. | 191.202 | Verification of accuracy of returns and determination of liability. |
| 191.014 | Statement of procedural history; state mandated changes to Municipal income tax. | 191.203 | Identification information. |
| 191.02 | Effective date. | 191.21 | Request for opinion of the Tax Administrator. |
| 191.03 | Definitions. | 191.22 | Board of Tax Review. |
| 191.04 | Imposition of tax. | 191.23 | Authority to create rules and regulations. |
| 191.041 | Determining Municipal taxable income for individuals. | 191.24 | Rental and leased property. |
| 191.042 | Determining Municipal tax for businesses. | 191.25 | Savings clause. |
| 191.05 | Collection at source. | 191.26 | Collection of tax after termination of ordinance. |
| 191.051 | Withholding provisions. | 191.27 | Adoption of RITA rules and regulations. |
| 191.052 | Occasional entrant - withholding. | 191.28 | Filing net profit taxes; election to be subject to provisions of chapter. |
| 191.06 | Annual return; filing. | 191.29 | Definitions. |
| 191.061 | Annual return. | 191.30 | Applicability; taxable situs; apportionment. |
| 191.062 | Filing via Ohio Business Gateway. | 191.31 | Information provided to tax administrators; confidentiality. |
| 191.063 | Extension for service in or for the armed forces. | 191.32 | Filing of annual return; remittance; disposition of funds. |
| 191.064 | Consolidated Municipal Income Tax Return. | 191.33 | Electronic filing. |
| 191.07 | Credit for tax paid to other municipalities. | 191.34 | Consolidated returns. |
| 191.08 | Estimated taxes. | 191.35 | Failure to pay tax. |
| 191.09 | Rounding of amounts. | 191.36 | Declaration of estimated taxes. |
| 191.10 | Requests for refunds. | 191.37 | Additional penalties. |
| 191.11 | Second municipality imposing tax after time period allowed for refund. | 191.38 | Assessments against taxpayer. |
| 191.12 | Amended returns. | 191.39 | Refund applications. |
| 191.13 | Limitations. | 191.40 | Amended returns. |
| 191.14 | Audits. | 191.41 | Examination of records and other documents and persons. |
| 191.15 | Service of assessment. | 191.42 | Credits. |
| 191.16 | Administration of claims. | 191.43 | Reckless violations; penalties. |
| 191.17 | Tax information confidential. | 191.99 | Violations; penalties. |
| 191.18 | Fraud. | | |

CROSS REFERENCES

Payroll deductions - see Ohio R.C. 9.42

Municipal income taxes - see Ohio R.C. Ch. 718

State income tax - see Ohio R.C. Ch. 5747

191.01 AUTHORITY TO LEVY TAX; PURPOSE OF TAX; RATE.

191.011 AUTHORITY TO LEVY TAX.

(A) The tax on income and the withholding tax established by this Chapter 191 are authorized by Article XVIII, Section 3 of the Ohio Constitution. The tax on income and the withholding tax established by this Chapter 191 are deemed to be levied in accordance with, and to be consistent with, the provisions and limitations of Ohio Revised Code 718 (ORC 718). This Chapter is deemed to incorporate the provisions of ORC 718.

(B) The tax is an annual tax levied on the income of every person residing in or earning or receiving income in the municipal corporation, and shall be measured by municipal taxable income. The Municipality shall tax income at a uniform rate. The tax is levied on Municipal Taxable Income, as defined herein. (Ord. 20-2015. Passed 11-3-15.)

191.012 PURPOSE OF TAX; RATE.

(A) In order to provide for the purposes of general municipal operations, maintenance, new equipment, and capital improvements and to provide for the payment of principal and interest on certain bond issues of the Municipality, the Village of Johnstown hereby levies an annual municipal income tax on income, qualifying wages, commissions and other compensation, and on net profits as hereinafter provided.

(B) (1) The annual tax is levied at a rate of 1% (one percent). The tax is levied at a uniform rate on all persons residing in or earning or receiving income in Village of Johnstown. The tax is levied on income, qualifying wages, commissions and other compensation, and on net profits as hereinafter provided in Section 191.04 of this Chapter and other sections as they may apply. (Ord. 20-2015. Passed 11-3-15.)

191.013 ALLOCATION OF FUNDS.

All funds collected through the income tax shall be receipted into the Municipality's General Fund. The Finance Director shall cause 28% (twenty-eight percent) of all income tax funds collected to be transferred from the Municipality's General Fund to the Municipality's Capital Improvement Fund and Debt Service Fund on a regular basis. The Debt Service Fund will be funded first up to the amount necessary to fulfill the current year debt obligations. The remaining funds from the 28% allocation will be funded to the Capital Improvements Fund. (Ord. 20-2015. Passed 11-3-15.)

191.014 STATEMENT OF PROCEDURAL HISTORY; STATE MANDATED CHANGES TO MUNICIPAL INCOME TAX.

(A) Significant and wide-ranging amendments to ORC 718 were enacted by Am Sub HB 5, passed by the 130th General Assembly, and signed by Governor Kasich on December 19, 2014, and H.B. 5 required municipal corporations to conform to and adopt the provisions of ORC 718 in order to have the authority to impose, enforce, administer and collect a municipal income tax.

CHAPTER 194 Transient Occupancy Tax

194.01	Definitions.	194.09	Tax paid by transient guest; false evidence of tax-exemption.
194.02	Imposition of tax.	194.10	Vendor to collect tax; prohibition against rebates.
194.03	Transient guest to pay tax.	194.11	Report filings.
194.04	Refund of illegal or erroneous payments.	194.12	Personal liability of corporate officers or employees.
194.05	Required records.	194.13	Interest on unpaid collected taxes.
194.06	Returns required.	194.90	Violations.
194.07	Liability, assessment and petition for reassessment: penalties.	194.99	Penalties.
194.08	Limitation for assessments.		

194.01 DEFINITIONS.

Accommodations remarketer: means a person that reserves, arranges for, conveys, or furnishes occupancy, whether directly or indirectly, to a transient guest for a rental amount determined by the accommodations remarketer, directly or indirectly, whether pursuant to a written or other agreement, or who contracts with a vendor to market the hotel or transient accommodation and to accept payment from the transient guest for the accommodation. Examples of accommodations remarketers include, but are not limited to, online travel companies and discount travel services.

Exempted entity: means the government of the United States, the government of the State of Ohio, the governments of States other than Ohio, the governments of political subdivisions in the State of Ohio, the governments of political subdivisions of states other than Ohio, and organizations that are exempt from federal income taxation under Internal Revenue Code Section 501(c)(3).

Hotel: means every establishment kept, used, maintained, advertised or held out to the public to be a place where sleeping accommodations are offered to guest(s), in which five (5) or more rooms are used for the accommodation of such guests, whether such rooms are in one (1) or several structures. The term "Hotel" shall include "Motel".

Transient accommodations: means every establishment kept, used, maintained, advertised or held out to the public to be a place where sleeping accommodations are offered to guests in which four (4) or fewer rooms are used for the accommodation of such guests, whether such rooms are in one (1) or several structures.

Transient guests: means person(s) occupying a room or rooms for sleeping accommodations for less than thirty (30) consecutive days.

Vendor: means the person who is the owner or operator of the hotel or transient accommodation and who furnishes the lodging.
(Ord. 50-2021. Passed 12-14-21.)

194.02 IMPOSITION OF TAX.

(a) To provide for the purposes of general municipal operations, capital improvements, maintenance and repair of equipment, streets and other physical properties, purchase of new equipment, and the payment of principal and interest on bonds issued by the city, an excise tax of three percent (3%) is hereby levied on transactions by which lodging by a hotel or transient accommodations is or is to be furnished to transient guests, pursuant to Ohio R.C. 5739.08(A) and furthermore, an additional excise tax of three percent (3%) is hereby levied on transactions by which lodging by a hotel or transient accommodation is or is to be furnished to transient guests pursuant to Ohio R.C. 5739.08(B). Purchase of a room or rooms by a transient guest through an accommodations remarketer is a transaction by which a hotel or transient accommodation is to be furnished to transient guests and is subject to tax at the price paid by the transient guest to the accommodations remarketer.

(b) Although the above levies are separate and distinct for purposes of determining distribution, the combined amounts of six percent (6%) are hereby referred to as the "Hotel/Motel Excise Taxes".

(c) The tax applies and is collectible at the time the lodging is furnished regardless of the time when the price is paid. The tax does not apply to lodging furnished to exempted entities. Lodging shall be considered to be furnished to an exempted entity only if the lodging is purchased by an agent of the exempted entity and directly purchased with the exempted entity's funds. For purposes of this section, lodging purchased with a credit card on which the exempted entity is the primary accountholder shall be considered to have been directly purchased with the exempted entity's funds.

(d) For the purpose of the proper administration of this chapter, and to prevent the evasion of the tax it is presumed that all transactions for lodging furnished by hotels or transient accommodations in the city to transient guests are subject to tax until the contrary is established by the transient guest.

(e) All revenues generated by this excise tax will be distributed as follows:

- (1) The entire excise tax collected pursuant to Ohio R.C. 5739.08(A) shall be deposited into the general fund.
- (2) The additional excise tax collected pursuant to Ohio R.C. 5739.08(B) to be distributed as follows: fifty percent (50%) shall be deposited into the Johnstown Visitors' Bureau Fund, which is hereby created, and which shall be spent solely to make contributions to convention and visitors' bureaus operating within Licking County as directed by city council. The remaining fifty percent (50%) shall be deposited into the general fund.
(Ord. 50-2021. Passed 12-14-21.)

194.03 TRANSIENT GUEST TO PAY TAX.

(a) The tax imposed by this chapter shall be paid by the transient guest to the vendor and each vendor shall collect from the transient guest the full and exact amount of the tax payable on each taxable lodging.

(b) If the tax is claimed to be exempt, the transient guest must furnish to the vendor, and the vendor must obtain from the transient guest, a statement specifying the reason that the sale is not legally subject to the tax. If no statement is obtained, it shall be presumed the tax applied. (Ord. 50-2021. Passed 12-14-21.)

194.04 REFUND OF ILLEGAL OR ERRONEOUS PAYMENTS.

The Director of Finance shall refund to vendors the amount of taxes paid illegally or erroneously or paid on any illegal or erroneous assessment where the vendor has not reimbursed himself from the transient guest. When such illegal or erroneous payment or assessment was not paid to a vendor but was paid by the transient guest directly to the City, the Finance Director shall refund the appropriate amount to the transient guest. Applications shall be filed with the Finance Director on the form prescribed by the Finance Director, within ninety (90) days of the date it is ascertained that the assessment or payment was illegal or erroneous. However, in any event such application for refund must be filed with the Finance Director within four (4) years from the date of the illegal or erroneous payment of the tax. On filing of such application, the Finance Director shall determine the amount of refund due and issue the refund to the person claiming such refund. (Ord. 50-2021. Passed 12-14-21.)

194.05 REQUIRED RECORDS.

Each vendor shall keep complete and accurate records of lodging furnished, together with a record of the tax collected thereon, which shall be the amount due under this chapter and shall keep all invoices and such other pertinent documents. If the vendor furnishes lodging not subject to the tax, the vendor's records shall show the identity of the transient guests, if the sale was exempted by reason of such identify, or the nature of the transaction if exempted for any other reason. Such records and other documents shall be open during business hours to the inspection of the Finance Director and shall be preserved for a period of not less than four (4) years, unless the Finance Director, in writing, consents to their destruction within that period, or by order requires that they be kept longer. (Ord. 50-2021. Passed 12-14-21.)

194.06 RETURNS REQUIRED.

Each vendor shall file a quarterly return on forms prescribed by the Finance Director showing receipts from furnishing lodging, the amount of tax due from the vendor to the city for the period covered by the return, and such other information as the Finance Director deems necessary for the proper administration of this chapter. The quarterly return is due on or before the 15 th day of the following month during a calendar year. The Finance Director may extend the time for making and filing returns. Returns shall be filed by mailing the same to the Finance Director, together with payment of the amount of tax shown to be due thereon. The Finance Director shall record the date and amount of payment received with the return. Any vendor who fails to file a return under this chapter shall forfeit and pay into the City treasury the sum of one percent (1%) of the tax due. The Director of Finance, if deemed necessary in order to ensure the payment of the tax imposed by this chapter, may require returns and payments to be made for other than in quarterly periods. The returns shall be signed by the vendor or authorized agent. (Ord. 50-2021. Passed 12-14-21.)

194.07 LIABILITY, ASSESSMENT AND PETITION FOR REASSESSMENT:
PENALTIES.

(a) If any vendor collects the tax imposed by or pursuant to this chapter and fails to remit the same to the City as prescribed, such vendor shall be personally liable for any amount collected which he failed to remit. The Finance Director may make an assessment against such vendor based upon any information in the Finance Director's possession. If any vendor fails to collect the tax or any transient guest fails to pay the tax imposed by or pursuant to this chapter on any transaction subject to the tax, such vendor or transient guest shall be personally liable for the amount of the tax applicable to the transaction. The Finance Director may make an assessment against either the vendor or transient guest as the fact may require, based upon any information in the Finance Director's possession. An assessment against a vendor in cases where the tax imposed by or pursuant to this chapter has not been collected or paid, shall not discharge the transient guest's liability to reimburse the vendor for the tax applicable to such transaction.

(b) In each case the Finance Director shall give to the vendor or transient guest assessed written notice of such assessment. Such notice may be served upon the vendor or transient guest personally or by registered or certified mail. An assessment issued against either pursuant to the provisions of this chapter shall not be considered an election of remedies, nor a bar to an assessment against the other for the tax applicable to the same transaction, provided that no assessment shall be issued against any vendor or transient guest for the tax due on a particular transaction if said tax has actually been paid by another.

(c) The Director of Finance may make an assessment against any vendor who fails to file a return required by this chapter or fails to remit the proper amount for the tax in accordance with this chapter. When information in the possession of the Director of Finance indicates that the amount required to be collected is, or should be, greater than the amount remitted by the vendor, the Director of Finance may, upon the basis of test checks of a vendor's business for a representative period, which are hereby authorized, determine the ratio which the tax required to be collected under this chapter bears to the hotel's or transient accommodations' lodging which determination shall be the basis of an assessment as herein provided in this chapter. Notice of such assessment shall be made in the manner prescribed in this chapter.

(d) Unless the vendor or transient guest, to whom said notice of assessment is directed, files within thirty (30) days after service thereof, either personally or by registered or certified mail a petition, in writing, verified under oath by said vendor, transient guest, or his authorized agent, having knowledge of the facts, setting forth with particularity the items of said assessment objected to, together with the reasons for such objections, said assessment shall become conclusive and the amount thereof shall be due and payable, from the vendor or transient guest so assessed, to the Director of Finance. When a petition for reassessment is filed, the Director of Finance shall assign a time and place for the hearing of same and shall notify the petitioner thereof by registered or certified mail, but the Director of Finance may continue the hearings from time to time if necessary.

(e) A penalty of ten percent (10%) shall be added to the amount of every assessment made under this chapter. The Director of Finance may adopt and promulgate rules and regulations providing for the remission of penalties added to assessments made under this chapter.

(f) When any vendor or transient guest files a petition for reassessment as provided in this chapter, the assessment made by the Finance Director, together with penalties thereon, shall become due and payable within three (3) days after notice of the finding made at the hearing has been served, either personally or by registered or certified mail, upon the party assessed. (Ord. 50-2021. Passed 12-14-21.)

194.08 LIMITATION FOR ASSESSMENTS.

No assessment shall be made or issued against a vendor or transient guest for any tax imposed by or pursuant to this chapter more than four (4) years after the return date for the period in which the lodging was furnished, or more than four (4) years after the return for such period is filed, whichever is later. This section does not bar an assessment:

- (a) When the Director of Finance has substantial evidence of amounts of taxes collected by a vendor from transient guest's lodging that were not returned to the city.
- (b) When the vendor assessed failed to file a return as required.
- (c) When the Director of Finance and the vendor or guest waives the limitation in writing. (Ord. 50-2021. Passed 12-14-21.)

194.09 TAX PAID BY TRANSIENT GUEST; FALSE EVIDENCE OF TAX-EXEMPTION.

No transient guest shall refuse to pay the full and exact tax as required by this chapter, or present to the vendor false evidence indicating that the lodging as furnished is not subject to the tax. (Ord. 50-2021. Passed 12-14-21.)

194.10 VENDOR TO COLLECT TAX; PROHIBITION AGAINST REBATES.

No vendor shall fail to collect the full and exact tax as required by this chapter. No vendor shall refund, remit or rebate to a transient guest, either directly or indirectly any of the tax levied pursuant to this chapter, or make in any form of advertising, verbal or otherwise, any statements which might imply that he is absorbing the tax, or paying the tax for the transient guest by an adjustment of prices, or furnishing lodging at a price including the tax, or rebating the tax in any other manner. (Ord. 50-2021. Passed 12-14-21.)

194.11 REPORT FILINGS.

(a) No person, including any officer of a corporation or employee of a corporation having control or supervision of or charged with the responsibility of filing returns, shall fail to file any return or report required to be filed by this chapter, or file or cause to be filed any incomplete, false or fraudulent return, report or statement.

(b) If any vendor required to file returns under this chapter fails on two (2) consecutive quarters, to file such returns when due or to pay the tax thereon, or if any other vendor authorized by the Finance Director to file returns at less frequent intervals, fails on two (2) or more occasions within a twenty-four (24) month period, to file such returns when due or to pay the tax due thereon, the Finance Director may: require such vendor to furnish security in an amount equal to the average tax liability of the vendor for a period of one (1) year, as determined by the Finance Director from a review of returns or other information pertaining to such vendor, which amount shall in no event be less than one thousand dollars (\$1,000.00).

The security may be in the form of a payment to be applied to pay the tax due on subsequent returns, or a corporate surety bond, satisfactory to the Finance Director, conditioned upon payment of the tax due with the returns from the vendor. The security must be filed within ten (10) days following the vendor's receipt of the notice from the Finance Director of its requirements.

(c) A corporate surety bond filed under this section shall be returned to the vendor if, for a period of twelve (12) consecutive months following the date the bond was filed, the vendor has filed all returns and remitted payment therewith within the time prescribed in this chapter. (Ord. 50-2021. Passed 12-14-21.)

194.12 PERSONAL LIABILITY OF CORPORATE OFFICERS OR EMPLOYEES.

If any vendor corporation required to file returns and to remit tax due to the City under the provisions of the chapter, fails for any reasons to make such filing or payment, any of its officers or employees charged with the responsibility of filing returns and making payments shall be personally liable for such failure. The dissolution of a corporation shall not discharge an officer or employee's liability for a prior failure of the corporation to file returns or remit tax due. The sum due for such liability may be collected by assessment in the manner provided in this chapter. (Ord. 50-2021. Passed 12-14-21.)

194.13 INTEREST ON UNPAID COLLECTED TAXES.

All taxes collected by a vendor from a transient guest and remaining unpaid after they become due pursuant to this chapter shall bear interest computed daily on the amount of such unpaid taxes at the maximum statutory rate permitted by Ohio R.C. 5703.47. (Ord. 50-2021. Passed 12-14-21.)

194.90 VIOLATIONS.

(a) No transient guest shall fail, neglect or refuse to pay the tax, interest and penalties imposed by this chapter.

(b) No vendor shall fail, neglect or refuse to collect from a transient guest the taxes imposed by this chapter.

(c) No vendor shall fail, neglect or refuse to pay the taxes collected from a transient guest or the interest and penalties imposed by this chapter.

(d) No person shall violate any of the provisions of this chapter. (Ord. 50-2021. Passed 12-14-21.)

194.99 PENALTIES.

- (a) (1) Except as otherwise provided herein, a violation of Section 194.90(a), (b), or (d) shall be a minor misdemeanor as defined in Chapter 501 of the Codified Ordinances. The court shall sentence the offender to a fine of not less than fifty dollars (\$50.00) for each violation.
- (2) If the offender has previously been convicted of or pleaded guilty to a violation of Section 194.90(a), (b), (c), or (d), a violation of Section 194.90 (a), (b), or (d) shall be a misdemeanor of the third degree as defined in Chapter 501 of the Codified Ordinances. The court shall sentence the offender to a fine of not less than one hundred dollars (\$100.00) for each violation.

- (b) (1) Except as otherwise provided herein, a violation of Section 194.90(c) shall be a misdemeanor of the third degree as defined in Chapter 501 of the Codified Ordinances. The court shall sentence the offender to a fine of not less than one hundred dollars (\$100.00) for each violation.
- (2) If the offender has previously been convicted of or pleaded guilty to a violation of Section 194.90(a), (b), (c), or (d), a violation of Section 194.90(c), shall be a misdemeanor of the first degree as defined in Chapter 501 of the Codified Ordinances. The court shall sentence the offender to a fine of not less than two hundred dollars (\$200.00) for each violation. (Ord. 50-2021. Passed 12-14-21.)

CHAPTER 303 Enforcement, Impounding and Penalty

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| <p>303.01 Compliance with lawful order of police officer; fleeing.</p> <p>303.02 Traffic direction in emergencies; obedience to school guard.</p> <p>303.03 Officer may remove ignition key.</p> <p>303.04 Road workers, motor vehicles and equipment excepted.</p> <p>303.041 Emergency, public safety and coroner's vehicles exempt.</p> <p>303.05 Application to persons riding, driving animals upon roadway.</p> <p>303.06 Freeway use prohibited by pedestrians, bicycles and animals.</p> <p>303.07 Application to drivers of government vehicles.</p> | <p>303.08 Impounding of vehicles; redemption.</p> <p>303.081 Impounding vehicles on private residential or agricultural property.</p> <p>303.082 Private tow-away zones.</p> <p>303.083 Impounding vehicles on public property.</p> <p>303.09 Leaving junk and other vehicles on private or public property without permission or notification.</p> <p>303.10 Leaving junk vehicles on private property with permission of owner.</p> <p>303.11 Providing false information to police officer.</p> <p>303.99 General Traffic Code penalties.</p> <p>303.991 Committing an offense while distracted penalty.</p> |
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CROSS REFERENCES

See sectional histories for similar State law

Disposition of unclaimed vehicles - see Ohio R.C. 737.32, 4513.62 et seq.

Citations for minor misdemeanors - see Ohio R.C. 2935.26 et seq.

Power of trial court of record to suspend or revoke license for certain violations - see Ohio R.C. 4507.16, 4507.34

State point system suspension - see Ohio R.C. 4507.40

Uniform application of Ohio Traffic Law - see Ohio R.C. 4511.06

Marking motor vehicles used by traffic officers - see Ohio R.C. 4549.13

Distinctive uniform required for traffic officers - see Ohio R.C. 4549.15

Exceptions for emergency or public safety vehicles - see TRAF. 331.20, 333.06

303.01 COMPLIANCE WITH LAWFUL ORDER OF POLICE OFFICER; FLEEING.

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

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

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

(c) Whoever violates this section is guilty of failure to comply with an order or signal of a police officer. A violation of subsection (a) is a misdemeanor of the first degree. Except as hereinafter provided, a violation of subsection (b) is a misdemeanor of the first degree. A violation of subsection (b) is a felony if the jury or judge as trier of fact finds any one of the following by proof beyond a reasonable doubt:

- (1) In committing the offense, the offender was fleeing immediately after the commission of a felony;
- (2) The operation of the motor vehicle by the offender was a proximate cause of serious physical harm to persons or property;
- (3) The operation of the motor vehicle by the offender caused a substantial risk of serious physical harm to persons or property.

(d) In addition to any other sanction imposed for a violation of subsection (a) of this section or a misdemeanor violation of subsection (b) of this section, the court shall impose a class five suspension from the range specified in Ohio R.C. 4510.02(A)(5). If the offender previously has been found guilty of an offense under this section, in addition to any other sanction imposed for the offense, the court shall impose a class one suspension as described in division (A)(1) of that section. The court may grant limited driving privileges to the offender on a suspension imposed for a misdemeanor violation of this section as set forth in Ohio R.C. 4510.021. No judge shall suspend the first three years of suspension under a class two suspension of an offender's license, permit or privilege required by this division on any portion of the suspension under a class one suspension of an offender's license, permit, or privilege required by this subsection.
(ORC 2921.331)

303.02 TRAFFIC DIRECTION IN EMERGENCIES; OBEDIENCE TO SCHOOL GUARD.

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

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

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

303.03 OFFICER MAY REMOVE IGNITION KEY.

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

- D. The telephone number and the address of the place from which a towed vehicle may be recovered at any time during the day or night;
- E. A statement that the failure to recover a towed vehicle may result in the loss of title to the vehicle as provided in division (B) of Ohio R.C. 4505.101.

In order to comply with the requirements of subsection (a)(1) of this section, the owner of a private property may modify an existing sign by affixing to the existing sign stickers or an addendum in lieu of replacing the sign.

- (2) A towing service ensures that a vehicle towed under this section is taken to a location from which it may be recovered that complies with all of the following:
 - A. It is located within twenty-five linear miles of the location of the private tow-away zone, unless it is not practicable to take the vehicle to a place of storage within twenty-five linear miles.
 - B. It is well-lighted.
 - C. It 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 municipal corporation or township in which the private tow-away zone is located.
- (b)
 - (1) If a vehicle is parked on private property that is established as a private tow-away zone in accordance with subsection (a) of this section, without the consent of the owner of the private property or in violation of any posted parking condition or regulation, the owner of the private property may cause the removal of the vehicle by a towing service. The towing service shall remove the vehicle in accordance with this section. The vehicle owner and the operator of the vehicle are considered to have consented to the removal and storage of the vehicle, to the payment of the applicable fees established by the Public Service Commission in rules adopted under Ohio R.C. 4921.25, and to the right of a towing service to obtain title to the vehicle if it remains unclaimed as provided in Ohio R.C. 4505.101. The owner or lienholder of a vehicle that has been removed under this section, subject to subsection (c) of this section, may recover the vehicle in accordance with subsection (g) of this section.
 - (2) If a municipal corporation requires tow trucks and tow truck operators to be licensed, no owner of a private property located within the municipal corporation shall cause the removal and storage of any vehicle pursuant to subsection (b) of this section by an unlicensed tow truck or unlicensed tow truck operator.
 - (3) No towing service shall remove a vehicle from a private tow-away zone except pursuant to a written contract for the removal of vehicles entered into with the owner of the private property on which the private tow-away zone is located.

(c) If the owner or operator of a vehicle that is being removed under authority of subsection (b) of this section, arrives after the vehicle has been prepared for removal, but prior to the actual removal from the property, the towing service shall give the vehicle owner or operator oral or written notification at the time of such arrival that the vehicle owner or operator may pay a fee of not more than one-half of the fee for the removal of the vehicle established by the Public Service Commission in rules adopted under Ohio R.C. 4921.25, in order to obtain release of the vehicle. That fee may be paid by use of a major credit card unless the towing service uses a mobile credit card processor and mobile service is not available at the time of the

transaction. Upon payment of that fee, the towing service shall give the vehicle owner or operator a receipt showing both the full amount normally assessed and the actual amount received and shall release the vehicle to the owner or operator. Upon its release the owner or operator immediately shall move the vehicle so that the vehicle is not parked on the private property established as a private tow-away zone without the consent of the owner of the private property or in violation of any posted parking condition or regulation.

- (d) (1) Prior to towing a vehicle under subsection (b) of this section, a towing service shall make all reasonable efforts to take as many photographs as necessary to evidence that the vehicle is clearly parked on private property in violation of a private tow-away zone established under subsection (a) of this section.
The towing service shall record the time and date of the photographs taken under this section. The towing service shall retain the photographs and the record of the time and date, in electronic or printed form, for at least thirty days after the date on which the vehicle is recovered by the owner or lienholder or at least two years after the date on which the vehicle was towed, whichever is earlier.
- (2) A towing service shall deliver a vehicle towed under subsection (b) of this section to the location from which it may be recovered not more than two hours after the time it was removed from the private tow-away zone, unless the towing service is unable to deliver the motor vehicle within two hours due to an uncontrollable force, natural disaster, or other event that is not within the power of the towing service.
- (e) (1) If an owner of a private property that is established as a private tow-away zone in accordance with subsection (a) of this section causes the removal of a vehicle from that property by a towing service under subsection (b) of this section, the towing service, within two hours of removing the vehicle, shall provide notice to the Police Department concerning all of the following:
 - A. The vehicle's license number, make, model and color;
 - B. The location from which the vehicle was removed;
 - C. The date and time the vehicle was removed;
 - D. The telephone number of the person from whom the vehicle may be recovered;
 - E. The address of the place from which the vehicle may be recovered.
- (2) The Chief of Police shall maintain a record of any vehicle 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 this section. The record shall include all information submitted by the towing service. The Chief shall provide any information in the record that pertains to a particular vehicle to a person who, either in person or pursuant to a telephone call, identifies self as the owner, operator or lienholder of the vehicle, and requests information pertaining to the vehicle.
- (f) (1) When a vehicle is removed from private property in accordance with this section, within three business days of the removal, the towing service or storage facility from which the vehicle may be recovered shall cause a search to be made of either of the following to ascertain the identity of the owner and any lienholder of the vehicle:

- A. The records of the Bureau of Motor Vehicles;
 - B. The records of any vendor or vendors, approved by the Registrar of Motor Vehicles, that are capable of providing real-time access to owner and lienholder information.
 - (2) The towing service or storage facility may search the National Motor Vehicle Title Information System in order to determine the state in which the vehicle is titled. The entity that provides the record of the owner and any lienholder under this division shall ensure that such information is provided in a timely manner.
 - (3) Subject to subsection (f)(6) of this section, the towing service or storage facility shall send notice to the vehicle owner and any known lienholder as follows:
 - A. Within five business days after the applicable entity provides the identity of the owner and any lienholder of the motor vehicle, if the vehicle remains unclaimed, to the owner's and lienholder's last known address by certified or express mail with return receipt requested, by certified mail with electronic tracking, or by a commercial carrier service utilizing any form of delivery requiring a signed receipt.
 - B. If the vehicle remains unclaimed thirty days after the first notice is sent, in the manner required under subsection (f)(3)A. of this section.
 - (4) Sixty days after any notice sent pursuant to subsection (f)(3) of this section is received, as evidenced by a receipt signed by any person, or the towing service or storage facility has been notified that delivery was not possible, the towing service or storage facility, if authorized under Ohio R.C. 4505.101(B), may initiate the process for obtaining a certificate of title to the motor vehicle as provided in that section.
 - (5) A towing service or storage facility that does not receive a signed receipt of notice, or a notification that delivery was not possible, shall not obtain, and shall not attempt to obtain, a certificate of title to the motor vehicle under Ohio R.C. 4505.101(B).
 - (6) With respect to a vehicle concerning which a towing service or storage facility is not eligible to obtain title under Ohio R.C. 4505.101, the towing service or storage facility need only comply with the initial notice required under subsection (f)(3)A. of this section.
- (g) (1) The owner or lienholder of a vehicle that is removed under subsection (b) of this section may reclaim it upon both of the following:
- A. Presentation of proof of ownership, which may be evidenced by a certificate of title to the vehicle, a certificate of registration for the motor vehicle or a lease agreement;
 - B. Payment of the following fees:
 - 1. All applicable fees established by the Public Utilities Commission in rules adopted under Ohio R.C. 4921.25, except that the lienholder of a vehicle may retrieve the vehicle without paying any storage fee for the period of time that the vehicle was in the possession of the towing service or storage facility prior to the date the lienholder received the notice sent under subsection (f)(1)A. of this section;
 - 2. If notice has been sent to the owner and lienholder as described in subsection (f) of this section, a processing fee of twenty-five dollars (\$25.00).

- (2) A towing service or storage facility in possession of a vehicle that is removed under authority of subsection (b) of this section shall show the vehicle owner, operator or lienholder who contests the removal of the vehicle all photographs taken under subsection (d) of this section. Upon request, the towing service or storage facility shall provide a copy of all photographs in the medium in which the photographs are stored, whether paper, electronic, or otherwise.
- (3) When the owner of a vehicle towed under this section retrieves the vehicle, the towing service or storage facility in possession of the vehicle shall give the owner written notice that if the owner disputes that the motor vehicle was lawfully towed, the owner may be able to file a civil action under Ohio R.C. 4513.611.
- (4) Upon presentation of proof of ownership, which may be evidenced by a certificate of title to the vehicle, a certificate of registration for the motor vehicle or a lease agreement, the owner of a vehicle that is removed under authority of subsection (b) of this section may retrieve any personal items from the vehicle without retrieving the vehicle and without paying any fee. The owner of the vehicle shall not retrieve any personal items from a vehicle if it would endanger the safety of the owner, unless the owner agrees to sign a waiver of liability. For purposes of subsection (g)(4) of this section, "personal items" do not include any items that are attached to the vehicle.

(h) 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, or store such a vehicle other than in accordance with this section, or otherwise fail to comply with any applicable requirement of this section.

(i) This section does not affect or limit the operation of Ohio R.C. 4513.60 or Ohio R.C. 4513.61 to 4613.65 as they relate to property other than private property that is established as a private tow-away zone under subsection (a) of this section.

(j) Whoever violates subsection (h) of this section is guilty of a minor misdemeanor.

(k) As used in this section, "owner of a private property" or "owner of the private property" includes, with respect to a private property, any of the following:

- (1) Any person who holds title to the property;
- (2) Any person who is a lessee or sublessee with respect to a lease or sublease agreement for the property;
- (3) A person who is authorized to manage the property;
- (4) A duly authorized agent of any person listed in subsections (k)(1) to (3) of this section. (ORC 4513.601)

303.083 IMPOUNDING VEHICLES ON PUBLIC PROPERTY.

(a) The County Sheriff or Chief of Police, within the Sheriff's or Chief's respective territorial jurisdiction, or a state highway patrol trooper, upon notification to the Sheriff or Chief of Police of such action and of the location of the place of storage, may order into storage any motor vehicle, including an abandoned junk motor vehicle as defined in Ohio R.C. 4513.63, that:

- (1) Has come into the possession of the Sheriff, Chief of Police, or state highway patrol trooper as a result of the performance of the Sheriff's, Chief's or trooper's duties; or

- (2) Has been left 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 Sheriff or Chief of Police of the reasons for leaving the motor vehicle in such place. However, when such a motor vehicle constitutes an obstruction to traffic it may be ordered into storage immediately unless either of the following applies:
 - A. The vehicle was involved in an accident and is subject to Ohio R.C. 4513.66, or any substantially equivalent municipal ordinance;
 - B. The vehicle is a commercial motor vehicle. If the vehicle is a commercial motor vehicle, the Sheriff, Chief of Police, or state highway patrol trooper shall allow the owner or operator of the vehicle the opportunity to arrange for the removal of the motor vehicle within a period of time specified by the Sheriff, Chief of Police, or state highway patrol trooper. If the Sheriff, Chief of Police, or state highway patrol trooper determines that the vehicle cannot be removed within the specified period of time, the Sheriff, Chief of Police, or state highway patrol trooper shall order the removal of the vehicle.
- (3) Subject to subsection (c) of this section, the Sheriff or Chief of Police shall designate the place of storage of any motor vehicle so ordered removed.

(b) If the Sheriff, Chief of Police, or a state highway patrol trooper issues an order under subsection (a) of this section and arranges for the removal of a motor vehicle by a towing service, the towing service shall deliver the motor vehicle to the location designated by the Sheriff or Chief of Police not more than two hours after the time it is removed.

- (c)
 - (1) The Sheriff or Chief of Police shall cause a search to be made of the records of an applicable entity listed in Ohio R.C. 4513.601(F)(1) to ascertain the identity of the owner and any lienholder of a motor vehicle ordered into storage by the Sheriff or Chief of Police, or by a state highway patrol trooper within five business days of the removal of the vehicle. Upon obtaining such identity, the Sheriff or Chief of Police shall send or cause to be sent to the owner or lienholder at the owner's or lienholder's last known address by certified or express mail with return receipt requested, by certified mail with electronic tracking, or by a commercial carrier service utilizing any form of delivery requiring a signed receipt. The notice shall inform the owner or lienholder that the motor vehicle will be declared a nuisance and disposed of if not claimed within ten days of the date of the sending of the notice.
 - (2)
 - A. The owner or lienholder of the motor vehicle may reclaim the motor vehicle upon payment of any expenses or charges incurred in its removal and storage, and presentation of proof of ownership, which may be evidenced by a certificate of title or memorandum certificate of title to the motor vehicle, a certificate of registration for the motor vehicle, or a lease agreement. Upon presentation of proof of ownership evidenced as provided above, the owner of the motor vehicle also may retrieve any personal items from the vehicle without retrieving the vehicle and without paying any fee. However, a towing service or storage facility may charge an after-hours retrieval

fee established by the Public Utilities Commission in rules adopted under Ohio R.C. 4921.25 if the owner retrieves the personal items after hours, unless the towing service or storage facility fails to provide the notice required under Ohio R.C. 4513.69(B)(3), if applicable. However, the owner shall not do either of the following:

1. Retrieve any personal item that has been determined by the Sheriff, Chief of Police, or a state highway patrol trooper, as applicable, to be necessary to a criminal investigation;
2. Retrieve any personal item from a vehicle if it would endanger the safety of the owner, unless the owner agrees to sign a waiver of liability.

B. For purposes of subsection (c)(2) of this section, "personal items" do not include any items that are attached to the vehicle.

- (3) If the owner or lienholder of the motor vehicle reclaims it after a search of the applicable records has been conducted and after notice has been sent to the owner or lienholder as described in this section, and the search was conducted by the place of storage, and the notice was sent to the motor vehicle owner by the place of storage, the owner or lienholder shall pay to the place of storage a processing fee of twenty-five dollars (\$25.00), in addition to any expenses or charges incurred in the removal and storage of the vehicle.

(d) If the owner or lienholder makes no claim to the motor vehicle within ten days of the date of sending the notice, and if the vehicle is to be disposed of at a public auction as provided in Ohio R.C. 4513.62 or any substantially equivalent municipal ordinance, the Sheriff or Chief of Police, without charge to any party, shall file with the Clerk of Courts of the county in which the place of storage is located an affidavit showing compliance with the requirements of this section. Upon presentation of the affidavit, the Clerk, without charge, shall issue a salvage certificate of title, free and clear of all liens and encumbrances, to the Sheriff or Chief of Police. If the vehicle is to be disposed of to a motor vehicle salvage dealer or other facility as provided in Ohio R.C. 4513.62 or any substantially equivalent municipal ordinance, the Sheriff or Chief of Police shall execute in triplicate an affidavit, as prescribed by the Registrar of Motor Vehicles, describing the motor vehicle and the manner in which it was disposed of, and that all requirements of this section have been complied with. The Sheriff or Chief of Police shall retain the original of the affidavit for the Sheriff's or Chief's records, and shall furnish two copies to the motor vehicle salvage dealer or other facility. Upon presentation of a copy of the affidavit by the motor vehicle salvage dealer, the Clerk of Courts, within thirty days of the presentation, shall issue a salvage certificate of title, free and clear of all liens and encumbrances.

(e) Whenever a motor vehicle salvage dealer or other facility receives an affidavit for the disposal of a motor vehicle as provided in this section, the dealer or facility shall not be required to obtain an Ohio certificate of title to the motor vehicle in the dealer's or facility's own name if the vehicle is dismantled or destroyed and both copies of the affidavit are delivered to the Clerk of Courts.

(f) No towing service or storage facility shall fail to comply with this section.
(ORC 4513.61)

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

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

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

(b) Whoever violates this section is guilty of a minor misdemeanor and shall also be assessed any costs incurred by the Municipality in disposing of an abandoned junk motor vehicle that is the basis of the violation, less any money accruing to the Municipality from this disposal of the vehicle. (ORC 4513.64)

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

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

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

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

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

(b) Whoever violates this section is guilty of a minor misdemeanor. (ORC 4513.65)

303.11 PROVIDING FALSE INFORMATION TO POLICE OFFICER.

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

(b) Whoever violates this section is guilty of a misdemeanor of the first degree. (ORC 4513.361)

303.99 GENERAL TRAFFIC CODE PENALTIES.

(a) General Misdemeanor Classifications. Whoever violates any provision of this Traffic Code for which violation no penalty is otherwise provided, is guilty of a minor misdemeanor.
(ORC 4513.99)

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

<u>Classification of Misdemeanor</u>	<u>Maximum Term of Imprisonment</u>	<u>Maximum Fine</u>
First degree	180 days	\$1,000.00
Second degree	90 days	750.00
Third degree	60 days	500.00
Fourth degree	30 days	250.00
Minor	No imprisonment	150.00

(ORC 2929.24; 2929.28)

303.991 COMMITTING AN OFFENSE WHILE DISTRACTED PENALTY.

(a) As used in this section and each section of the Traffic Code where specified, all of the following apply:

- (1) "Distracted" means doing either of the following while operating a vehicle:
 - A. Using a handheld electronic wireless communications device, as defined in Ohio R.C. 4511.204 except when utilizing any of the following:
 1. The device's speakerphone function;
 2. A wireless technology standard for exchanging data over short distances;
 3. A "voice-operated or hands-free" device that allows the person to use the electronic wireless communications device without the use of either hand except to activate, deactivate, or initiate a feature or function;
 4. Any device that is physically or electronically integrated into the motor vehicle.
 - B. Engaging in any activity that is not necessary to the operation of a vehicle and impairs, or reasonably would be expected to impair, the ability of the operator to drive the vehicle safely.
- (2) "Distracted" does not include operating a motor vehicle while wearing an earphone or earplug over or in both ears at the same time. A person who so wears earphones or earplugs may be charged with a violation of Section 331.43.
- (3) "Distracted" does not include conducting any activity while operating a utility service vehicle or a vehicle for or on behalf of a utility, provided that the driver of the vehicle is acting in response to an emergency, power outage or a circumstance affecting the health or safety of individuals.
As used in subsection (a)(3) of this section:
 - A. "Utility" means an entity specified in division (A), (C), (D), (E) or (G) of Ohio R.C. 4905.03.
 - B. "Utility service vehicle" means a vehicle owned or operated by a utility.

(b) If an offender violates any section of this Traffic Code which provides for an enhanced penalty for an offense committed while distracted and the distracting activity is a contributing factor to the commission of the violation, the offender is subject to the applicable penalty for the violation and, notwithstanding Ohio R.C. 2929.28, is subject to an additional fine of not more than one hundred dollars (\$100.00) as follows:

- (1) Subject to Traffic Rule 13, if a law enforcement officer issues an offender a ticket, citation or summons for a violation of any section of the Traffic Code that indicates that the offender was distracted while committing the violation and that the distracting activity was a contributing factor to the commission of the violation, the offender may enter a written plea of guilty and waive the offender's right to contest the ticket, citation or summons in a trial provided that the offender pays the total amount of the fine established for the violation and pays the additional fine of one hundred dollars (\$100.00).

In lieu of payment of the additional fine of one hundred dollars (\$100.00), the offender instead may elect to attend a distracted driving safety course, the duration and contents of which shall be established by the Ohio Director of Public Safety. If the offender attends and successfully completes the course, the offender shall be issued written evidence that the offender successfully completed the course. The offender shall be required to pay the total amount of the fine established for the violation, but shall not be required to pay the additional fine of one hundred dollars (\$100.00), so long as the offender submits to the court both the offender's payment in full and such written evidence.

- (2) If the offender appears in person to contest the ticket, citation or summons in a trial and the offender pleads guilty to or is convicted of the violation, the court, in addition to all other penalties provided by law, may impose the applicable penalty for the violation and may impose the additional fine of not more than one hundred dollars (\$100.00).

If the court imposes upon the offender the applicable penalty for the violation and an additional fine of not more than one hundred dollars (\$100.00), the court shall inform the offender that, in lieu of payment of the additional fine of not more than one hundred dollars (\$100.00), the offender instead may elect to attend the distracted driving safety course described in subsection (b)(1) of this section. If the offender elects the course option and attends and successfully completes the course, the offender shall be issued written evidence that the offender successfully completed the course. The offender shall be required to pay the total amount of the fine established for the violation, but shall not be required to pay the additional fine of not more than one hundred dollars (\$100.00), so long as the offender submits to the court the offender's payment and such written evidence.

(ORC 4511.991)

(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code.

(ORC 4511.03)

331.21 RIGHT OF WAY OF PUBLIC SAFETY OR CORONER'S VEHICLE.

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

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

(c) This section applies to a coroner's vehicle only when the vehicle is operated in accordance with Ohio R.C. 4513.171. As used in this section, "coroner's vehicle" means a vehicle used by a coroner, deputy coroner or coroner's investigator that is equipped with a flashing, oscillating or rotating red or blue light and a siren, exhaust whistle, or bell capable of giving an audible signal.

(d) Except as otherwise provided in this subsection or Section 331.211, whoever violates subsection (a) of this section is guilty of a misdemeanor of the fourth degree on a first offense. On a second offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree, and, on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the second degree. (ORC 4511.45)

331.211 REPORT OF VEHICLE FAILING TO YIELD RIGHT OF WAY TO PUBLIC SAFETY VEHICLE.

(a) When the failure of a motor vehicle operator to yield the right-of-way to a public safety vehicle as required by Section 331.21(a) impedes the ability of the public safety vehicle to respond to an emergency, any emergency personnel in the public safety vehicle may report the license plate number and a general description of the vehicle and the operator of the vehicle to the law enforcement agency exercising jurisdiction over the area where the alleged violation occurred.

- (b) (1) Upon receipt of a report under subsection (a) of this section, the law enforcement agency may conduct an investigation to attempt to determine or confirm the identity of the operator of the vehicle at the time of the alleged violation.
- (2) If the identity of the operator at the time of an alleged violation of Section 331.21(a) is established, the law enforcement agency has probable cause to issue either a written warning or a citation for that violation, and the agency shall issue a written warning or a citation to the operator.

- (3) If the identity of the operator of the vehicle at the time of the alleged violation cannot be established, the law enforcement agency may issue a warning to the person who owned the vehicle at the time of the alleged violation. However, in the case of a leased or rented vehicle, the law enforcement agency shall issue the written warning to the person who leased or rented the vehicle at the time of the alleged violation.
- (c)
 - (1) Whoever violates Section 331.21(a) based on a report filed under subsection (a) of this section is guilty of a minor misdemeanor and shall be fined one hundred fifty dollars (\$150.00).
 - (2) If a person who is issued a citation for a violation of Section 331.21(a) based on a report filed under subsection (a) of this section does not enter a written plea of guilty and does not waive the person's right to contest the citation but instead appears in person in the proper court to answer the charge, the trier of fact cannot find beyond a reasonable doubt that the person committed that violation unless the emergency personnel who filed the report appears in person in the court and testifies.
- (d) As used in this section:
 - (1) "License plate" includes any temporary motor vehicle license registration issued under Ohio R.C. 4503.182 or similar law of another jurisdiction.
 - (2) "Public safety vehicle" does not include an unmarked public safety vehicle or a vehicle used by a public law enforcement officer or other person sworn to enforce the criminal and traffic laws of the State or a vehicle used by the Motor Carrier Enforcement Unit for the enforcement of orders and rules of the Public Utilities Commission. (ORC 4511.454)

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

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

(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code.
(ORC 4511.44)

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

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

- A. Except as specifically authorized under this section, the term must be served in a jail.
 - B. Except as specifically authorized under this section, the term cannot be suspended, reduced or otherwise modified pursuant to Ohio R.C. 2929.21 to 2929.28, or any other provision of the Ohio Revised Code.
- (3) “Municipal OVI ordinance” and “municipal OVI offense” mean any municipal ordinance prohibiting a person from operating a vehicle while under the influence of alcohol, a drug of abuse, or a combination of them or prohibiting a person from operating a vehicle with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum, or plasma, breath or urine.
- (4) “Community residential sanction”, “continuous alcohol monitoring”, “jail”, “mandatory prison term”, “mandatory term of local incarceration”, “sanction” and “prison term” have the same meanings as in Ohio R.C. 2929.01.
- (5) “Drug of abuse” has the same meaning as in Ohio R.C. 4506.01.
- (6) “Equivalent offense that is vehicle-related” means an equivalent offense that is any of the following:
- A. A violation described in subsection (q)(1), (2), (3), (4) or (5) hereof;
 - B. A violation of an existing or former municipal ordinance, law of another state, or law of the United States that is substantially equivalent to division (A) or (B) of Ohio R.C. 4511.19;
 - C. A violation of a former law of this state that was substantially equivalent to division (A) or (B) of Ohio R.C. 4511.19.
- (ORC 4511.181)

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.

(c) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.
(ORC 4511.201)

(d) Whenever a person is found guilty under this section of operating a motor vehicle in violation of this section relating to reckless operation, the trial court of any court of record, in addition to or independent of all other penalties provided by law, may impose a class five suspension of the offender’s driver’s or commercial driver’s license or permit or nonresident operating privilege from the range specified in division (A)(5) of Ohio R.C. 4510.02.
(ORC 4510.15)

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 the person 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 or established 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 all of the following:

1. Any school chartered under Ohio R.C. 3301.16;
2. Any nonchartered school that during the preceding year filed with the Department of Education in compliance with O.A.C. § 3301-35-08, a copy of the school's report for the parents of the school's pupils certifying that the school meets state minimum standards for nonchartered, nontax-supported schools and presents evidence of this filing to the jurisdiction from which it is requesting the establishment of a school zone;
3. Any special elementary school that in writing requests the County Engineer to create a school zone at the location of the school. Upon receipt of such written request, the County Engineer shall create a school zone at that location by erecting appropriate signs;
4. Any preschool education program operated by an educational service center that is located on a street or highway with a speed limit of forty-five miles per hour or more, when the educational service center in writing requests that the County Engineer create a school zone at the location of that program. Upon receipt of such a written request, the County Engineer shall create a school zone at that location by erecting the appropriate signs.

- C. As used in this section, "school zone" means that portion of a street or highway passing a school fronting upon the street or highway that is encompassed by projecting the school property lines to the fronting street or highway. Upon request from the Municipality for streets and highways under its jurisdiction, the Ohio Director of Transportation may extend the traditional school zone boundaries. The distances in subsections (b)(1)C.1. to 3. hereof shall not exceed 300 feet per approach per direction and are bounded by whichever of the following distances or combinations thereof the Director approves as most appropriate:
1. The distance encompassed by projecting the school building lines normal to the fronting highway and extending a distance of 300 feet on each approach direction;
 2. The distance encompassed by projecting the school property lines intersecting the fronting highway and extending a distance of 300 feet on each approach direction;
 3. The distance encompassed by the special marking of the pavement for a principal school pupil crosswalk plus a distance of 300 feet on each approach direction of highway;
- Nothing in this section shall be construed to invalidate the Director's initial action on August 9, 1976, establishing all school zones at the traditional school zone boundaries defined by projecting school property lines, except when those boundaries are extended as provided in subsections (b)(1)A. and C. hereof.
- D. As used in this subsection, "crosswalk" has the meaning given that term in Section 301.09. The Director may, upon request by resolution of Council, and upon submission by the Municipality of such engineering, traffic and other information as the Director considers necessary, designate a school zone on any portion of a State route lying within the Municipality that includes a crosswalk customarily used by children going to or leaving a school during recess and opening and closing hours, whenever the distance, as measured in a straight line, from the school property line nearest the crosswalk to the nearest point of the crosswalk is no more than 1,320 feet. Such a school zone shall include the distance encompassed by the crosswalk and extending 300 feet on each approach direction of the State route;
- (2) Twenty-five miles per hour in all other portions of the Municipality, except on State routes outside business districts, through highways outside business districts and alleys;
 - (3) Thirty-five miles per hour on all State routes or through highways within the Municipality outside business districts, except as provided in subsections (b)(4) and (5) hereof;
 - (4) Fifty miles per hour on controlled-access highways and expressways within the Municipality, except as provided in subsections (b)(8) to (b)(12) of this section;
 - (5) Fifty miles per hour on State routes within the Municipality outside urban districts unless a lower prima-facie speed is established as further provided in this section;
 - (6) Fifteen miles per hour on all alleys within the Municipality;
 - (7) Fifty-five miles per hour on freeways with paved shoulders inside the Municipality other than freeways as provided in subsection (b)(10) and (12);

- (8) Sixty miles per hour on rural expressways with traffic control signals and on all portions of rural divided highways, except as provided in subsections (b)(9) and (10) of this section;
- (9) Sixty-five miles per hour on all rural expressways without traffic control signals;
- (10) Seventy miles per hour on all rural freeways;
- (11) Fifty-five miles per hour on all portions of freeways or expressways in congested areas as determined by the Director and that are located within a municipal corporation or within an interstate freeway outerbelt, except as provided in subsection (b)(12) of this section;
- (12) Sixty-five miles per hour on all portions of freeways or expressways without traffic control signals in urbanized areas.

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

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

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

(f) When a speed in excess of both a prima-facie limitation and a limitation in subsection (d) hereof is alleged, the defendant shall be charged in a single affidavit, alleging a single act, with a violation indicated of both subsections (b)(1)A. to (b)(6) hereof, or of a limit declared or established pursuant to this section by the Director or local authorities, and of the limitation in subsection (d) hereof. If the court finds a violation of subsection (b)(1)A. to (b)(6) hereof, or a limit declared or established pursuant to this section has occurred, it shall enter a judgment of conviction under such subsection and dismiss the charge under subsection (d) hereof.

If it finds no violation of subsections (b)(1)A. to (b)(6) hereof or a limit declared or established pursuant to this section, it shall then consider whether the evidence supports a conviction under subsection (d) hereof.

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

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

(i) As used in this section:

- (1) "Interstate system" has the same meaning as in 23 U.S.C.A. 101.
- (2) "Commercial bus" means a motor vehicle designed for carrying more than nine passengers and used for the transportation of persons for compensation.
- (3) "Noncommercial bus" includes but is not limited to a school bus, or a motor vehicle operated solely for the transportation of persons associated with a charitable or nonprofit organization.
- (4) "Outerbelt" means a portion of a freeway that is part of the interstate system and is located in the outer vicinity of a major municipal corporation or group of municipal corporations, as designated by the Director.
- (5) "Rural" means an area outside urbanized areas and outside of a business or urban district, and areas that extend within urbanized areas where the roadway characteristics remain mostly unchanged from those outside the urbanized areas.
- (6) "Urbanized area" has the same meaning as in 23 U.S.C. 101.
- (7) "Divided" means a roadway having two or more travel lanes for vehicles moving in opposite directions and that is separated by a median of more than four feet, excluding turn lanes.

- (j) (1) A violation of any provision of this section is one of the following:
- A. Except as otherwise provided in subsections (j)(1)B., (1)C., (2) and (3) of this section, a minor misdemeanor;
 - B. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to two violations of any provision of this section or of any provision of Ohio R.C. 4511.21 or a municipal ordinance that is substantially similar to any provision of this section, a misdemeanor of the fourth degree;
 - C. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to three or more violations of any provision of this section or of any provision of Ohio R.C. 4511.21 or a municipal ordinance that is substantially similar to any provision of this section, a misdemeanor of the third degree.
- (2) If the offender has not previously been convicted of or pleaded guilty to a violation of any provision of Ohio R.C. 4511.21 or of any provision of a municipal ordinance that is substantially similar to Ohio R.C. 4511.21 and operated a motor vehicle faster than thirty-five miles an hour in a business district of a municipal corporation, faster than fifty miles an hour in other

portions of a municipal corporation, or faster than thirty-five miles an hour in a school zone during recess or while children are going to or leaving school during the school's opening or closing hours, a misdemeanor of the fourth degree.

- (3) Notwithstanding subsection (j)(1) of this section, if the offender operated a motor vehicle in a construction zone where a sign was then posted in accordance with Ohio R.C. 4511.98, the court, in addition to all other penalties provided by law, shall impose upon the offender a fine of two times the usual amount imposed for the violation. No court shall impose a fine of two times the usual amount imposed for the violation upon an offender if the offender alleges, in an affidavit filed with the court prior to the offender's sentencing, that the offender is indigent and is unable to pay the fine imposed pursuant to this subsection and if the court determines that the offender is an indigent person and unable to pay the fine.
- (4) If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code. (ORC 4511.21)

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

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

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

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

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

The failure of an offender to complete a term of community service imposed by the court may be punished as indirect criminal contempt under division (A) of Ohio R.C. 2705.02 that may be filed in the underlying case. If the offender previously has been convicted of or pleaded guilty to any violation of Ohio R.C. 4510.12 or a substantially equivalent municipal ordinance, the offense is a misdemeanor of the first degree.

- (2) If the offender's driver's or commercial driver's license or permit or, in a case involving the operation of a motorcycle by the offender, the offender's driver's or commercial driver's license bearing the motorcycle endorsement or the offender's restricted license was expired at the time of the offense, except as otherwise provided in this subsection, the offense is a minor misdemeanor. If, within three years of the offense, the offender previously has been convicted of or pleaded guilty to two or more violations of Ohio R.C. 4510.12 or a substantially equivalent municipal ordinance, the offense is a misdemeanor of the first degree.

(d) The court shall not impose a license suspension for a first violation of this section or if more than three years have passed since the offender's last violation of Ohio R.C. 4510.12 or a substantially equivalent municipal ordinance.

(e) If the offender is sentenced under subsection (c)(2) hereof, if within three years of the offense the offender previously was convicted of or pleaded guilty to one or more violations of Ohio R.C. 4510.12 or a substantially equivalent municipal ordinance, and if the offender's license was expired for more than six months at the time of the offense, the court may impose a class seven suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(7) of Ohio R.C. 4510.02.
(ORC 4510.12)

335.02 PERMITTING OPERATION WITHOUT VALID LICENSE; ONE LICENSE PERMITTED.

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

- (b) (1) No person shall receive a driver's license, or a motorcycle operator's endorsement of a driver's or commercial driver's license, temporary instruction permit, or identification card unless and until the person surrenders to the Registrar or a deputy registrar all valid licenses, temporary instruction permits, and identification cards issued to the person by another jurisdiction recognized by this state.
- (2) The Registrar shall report the cancellation of a license, temporary instruction permit, or identification card to the issuing authority, together with information that the license, temporary instruction permit, or identification card is now issued in this state. The Registrar or a deputy registrar shall destroy any such license, temporary instruction permit, or identification card that is not returned to the issuing authority.
- (3) No person shall possess more than one valid license, temporary instruction permit, or identification card at any time.
(ORC 4507.02(A))

- (c) (1) Except as otherwise provided in this subsection, whoever violates subsection (a) hereof is guilty of an unclassified misdemeanor. When the offense is an unclassified misdemeanor, the offender shall be sentenced pursuant to Ohio R.C. 2929.21 to 2929.28, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to Ohio R.C. 2929.26; notwithstanding division (A)(2)(a) of Ohio R.C. 2929.28, the offender may be fined up to one thousand dollars (\$1,000) and, notwithstanding division (A)(3) of Ohio R.C. 2929.27, the offender may be ordered pursuant to division (C) of that section to serve a term of community service of up to five hundred hours. The failure of an offender to complete a term of community service imposed by the court may be punished as indirect criminal contempt under division (A) of Ohio R.C. 2705.02 that may be filed in the underlying case. If, within three years of the offense, the offender previously has been convicted of or pleaded guilty to two or more violations of Ohio R.C. 4507.02 or a substantially equivalent municipal ordinance, the offense is a misdemeanor of the first degree.
- (2) Whoever violates subsection (b) hereof is guilty of a misdemeanor of the first degree. (ORC 4507.02; 4507.99)

335.021 OHIO DRIVER'S LICENSE REQUIRED FOR IN STATE RESIDENTS.

(a) Any person who becomes a resident of this State, within thirty days of becoming a resident, shall surrender any driver's license, temporary instruction permit, or identification card issued by another state to the Registrar of Motor Vehicles or a Deputy Registrar. If such a person intends to operate a motor vehicle upon the public roads or highways, the person shall apply for a temporary instruction permit or driver's license in this State. If the person fails to apply for a driver's license or temporary instruction permit within thirty days of becoming a resident, the person shall not operate any motor vehicle in this municipality under a license or permit issued by another state.

- (b) (1) Whoever violates subsection (a) of this section is guilty of a minor misdemeanor.
 - (2) The offense established under subsection (b)(1) of this section is a strict liability offense and strict liability is a culpable mental state for purposes of Ohio R.C. 2901.20. The designation of this offense as a strict liability offense shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is not a strict liability offense.
- (c) For purposes of subsection (a) of this section, "resident" means any person to whom any of the following applies:
- (1) The person maintains their principal residence in this State and does not reside in this State as a result of the person's active service in the United States Armed Forces.
 - (2) The person is determined by the Registrar of Motor Vehicles to be a resident in accordance with standards adopted by the Registrar under Ohio R.C. 4507.01. (ORC 4507.213)

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 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 and does not have a prohibited concentration of alcohol in the whole blood, blood serum or plasma, breath, or urine as provided in Ohio R.C. 4511.19(A);
 - 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 and does not have a prohibited concentration of alcohol in the whole blood, blood serum or plasma, breath, or urine as provided in Ohio R.C. 4511.19(A);
 - 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.

(b) Except as provided in subsection (b) hereof, no holder of a temporary instruction permit that is issued under Ohio R.C. 4507.05(A) and that is issued on or after July 1, 1998, and who has not attained the age of eighteen years, 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 between the hours of midnight and six a.m.

The holder of a permit issued under Ohio R.C. 4507.05(A) on or after July 1, 1998, who has not attained the age of eighteen years, may operate a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking between the hours of midnight and six a.m. if, at the time of such operation, the holder is accompanied by the holder's parent, guardian, or custodian, and the parent, guardian or custodian holds a current valid driver's or commercial driver's license issued by this State and is actually occupying a seat beside the permit holder, and does not have a prohibited concentration of alcohol in the whole blood, blood serum or plasma, breath, or urine as provided in Section 333.01(a).

(c) As used in this section:

(1) "Eligible adult" means any of the following:

- A. An instructor of a driver education course approved by the Department of Education or a driver training course approved by the Department of Public Safety;
- B. Any of the following persons who holds a current valid driver's or commercial driver's license issued by this State:
 - 1. A parent, guardian or custodian of the permit holder;
 - 2. A person twenty-one years of age or older who acts in loco parentis of the permit holder.

(2) "Occupant restraining device" has the same meaning as in Ohio R.C. 4513.263.

(d) Whoever violates this section is guilty of a minor misdemeanor. (ORC 4507.05)

335.031 DRIVING WITH PROBATIONARY LICENSE; CURFEW.

- (a) (1) A. No holder of a probationary driver's license who has held the license for less than twelve months 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 between the hours of midnight and six a.m. unless the holder is accompanied by the holder's parent or guardian.
- B. No holder of a probationary driver's license who has held the license for twelve months or longer 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 between the hours of one a.m. and five a.m. unless the holder is accompanied by the holder's parent or guardian.
- (2) A. Subject to subsection (c)(1) of this section, subsection (a)(1)A. of this section does not apply to the holder of a probationary driver's license who is doing either of the following:
 - 1. Traveling to or from work between the hours of midnight and six a.m. provided that the holder has in the holder's immediate possession written documentation from the holder's employer.
 - 2. Traveling to or from an official function sponsored by the school the holder attends between the hours of midnight and six a.m., provided that the holder has in the holder's immediate possession written documentation from an appropriate official of the school;
 - 3. Traveling to or from an official religious event between the hours of midnight and six a.m., provided that the holder has in the holder's immediate possession written documentation from an appropriate official affiliated with the event.
- B. Subsection (a)(1)B. of this section does not apply to the holder of a probationary driver's license who is doing either of the following:
 - 1. Traveling to or from work between the hours of one a.m. and five a.m., provided that the holder has in the holder's immediate possession written documentation from the holder's employer.
 - 2. Traveling to or from an official function sponsored by the school the holder attends between the hours of one a.m. and five a.m., provided that the holder has in the holder's immediate possession written documentation from an appropriate official of the school;
 - 3. Traveling to or from an official religious event between the hours of one a.m. and five a.m., provided that the holder has in the holder's immediate possession written documentation from an appropriate official affiliated with the event.
- (3) An employer, school official or official affiliated with a religious event is not liable in damages in a civil action for any injury, death or loss to person or property that allegedly arises from, or is related to, the fact that the employer, school official, or official affiliated with a religious event provided the holder of a probationary driver's license with the written documentation described in subsection (a)(2) of this section.

The Registrar of Motor Vehicles shall make available at no cost a form to serve as the written documentation described in subsection (a)(2) of this section, and employers, school officials, officials affiliated with religious events, and holders of probationary driver's licenses may utilize that form or may choose to utilize any other written documentation to meet the requirements of that subsection.

- (4) No holder of a probationary driver's license who has held the license for less than twelve months 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 with more than one person who is not a family member occupying the vehicle unless the probationary license holder is accompanied by the probationary license holder's parent, guardian or custodian.

(b) It is an affirmative defense to a violation of subsection (a)(1)A. or B. of this section if, at the time of the violation, an emergency existed that required the holder of the probationary driver's license to operate a motor vehicle in violation of subsection (a)(1)A. or B. of this section; or the holder was an emancipated minor.

- (c)
 - (1) If a person is issued a probationary driver's license prior to attaining the age of seventeen years and the person pleads guilty to, is convicted of, or is adjudicated in juvenile court of having committed a moving violation during the six-month period commencing on the date on which the person is issued the probationary driver's license, the court with jurisdiction over the violation may order that the holder must be accompanied by the holder's parent or guardian whenever the holder is operating a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking for a period not to exceed six months or the date the holder attains the age of seventeen years, whichever occurs first.
 - (2) Any person who is subject to the operating restrictions established under subsection (c)(1) of this section as a result of a first moving violation may petition the court for driving privileges without being accompanied by the holder's parent or guardian during the period of time determined by the court under that subsection. In granting the driving privileges, the court shall specify the purposes of the privileges and shall issue the person appropriate forms setting forth the privileges granted. If a person is convicted of, pleads guilty to, or is adjudicated in juvenile court of having committed a second or subsequent moving violation, the court with jurisdiction over the violation may terminate any driving privileges previously granted under this division.
 - (3) No person shall violate any operating restriction imposed under subsection (c)(1) or (2) of this section.

(d) No holder of a probationary license 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 unless 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.

(e) Notwithstanding any other provision of law to the contrary, no law enforcement officer shall cause the operator of a motor vehicle being operated on any street or highway to stop the motor vehicle for the sole purpose of determining whether each occupant of the motor vehicle is wearing all of the available elements of a properly adjusted occupant restraining device as required by subsection (d) hereof, or for the sole purpose of issuing a ticket, citation, or summons if the requirement in that subsection has been or is being violated, or for causing the arrest of or commencing a prosecution of a person for a violation of that requirement.

(f) Notwithstanding any other provision of law to the contrary, no law enforcement officer shall cause the operator of a motor vehicle being operated on any street or highway to stop the motor vehicle for the sole purpose of determining whether a violation of subsection (a)(1)A. or B. hereof has been or is being committed or for the sole purpose of issuing a ticket, citation, or summons for such a violation or for causing the arrest of or commencing a prosecution of a person for such violation.

(g) As used in this section:

- (1) "Occupant restraining device" has the same meaning as in Ohio R.C. 4513.263.
- (2) "Family member" of a probationary license holder includes any of the following:
 - A. A spouse;
 - B. A child or stepchild;
 - C. A parent, stepparent, grandparent, or parent-in-law;
 - D. An aunt or uncle;
 - E. A sibling, whether or the whole or half blood or by adoption, a brother-in-law or a sister-in-law;
 - F. A son or daughter of the probationary license holder's stepparent if the stepparent has not adopted the probationary license holder;
 - G. An eligible adult, as defined in Ohio R.C. 4507.05.
- (3) "Moving violation" means any violation of any statute or ordinance that regulates the operation of vehicles, streetcars, or trackless trolleys on the highways or streets. "Moving violation" does not include a violation of Ohio R.C. 4513.263 or a substantially equivalent municipal ordinance, or a violation of any statute or ordinance regulating pedestrians or the parking of vehicles, vehicle size or load limitations, vehicle fitness requirements, or vehicle registration.

(h) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4507.071)

335.032 USE OF ELECTRONIC WIRELESS COMMUNICATION DEVICE PROHIBITED WHILE DRIVING.

(a) No holder of a temporary instruction permit who has not attained the age of eighteen years and no holder of a probationary driver's license shall drive a motor vehicle on any street, highway, or property used by the public for purposes of vehicular traffic or parking while using in any manner an electronic wireless communications device.

(b) Subsection (a) of this section does not apply to either of the following:

- (1) A person using an electronic wireless communications device for emergency purposes, including an emergency contact with a law enforcement agency, hospital or health care provider, fire department, or other similar emergency agency or entity;

- (2) A person using an electronic wireless communications device whose motor vehicle is in a stationary position and the motor vehicle is outside a lane of travel;
 - (3) A person using a navigation device in a voice-operated or hands-free manner who does not manipulate the device while driving.
- (c)
- (1) Except as provided in subsection (c)(2) of this section, whoever violates subsection (a) of this section shall be fined one hundred fifty dollars (\$150.00). In addition, the court shall impose a class seven suspension of the offender's driver's license or permit for a definite period of sixty days.
 - (2) If the person previously has been adjudicated a delinquent child or a juvenile traffic offender for a violation of this section, whoever violates this section shall be fined three hundred dollars (\$300.00). In addition, the court shall impose a class seven suspension of the person's driver's license or permit for a definite period of one year.

(d) The filing of a sworn complaint against a person for a violation of Ohio R.C. 4511.205 does not preclude the filing of a sworn complaint for a violation of a substantially equivalent municipal ordinance for the same conduct. However, if a person is adjudicated a delinquent child or a juvenile traffic offender for a violation of Ohio R.C. 4511.205 and is also adjudicated a delinquent child or a juvenile traffic offender for a violation of a substantially equivalent municipal ordinance for the same conduct, the two offenses are allied offenses of similar import under Ohio R.C. 2941.25.

(e) As used in this section, "electronic wireless communications device" includes any of the following:

- (1) A wireless telephone;
- (2) A personal digital assistant;
- (3) A computer, including a laptop computer and a computer tablet;
- (4) A text-messaging device;
- (5) Any other substantially similar electronic wireless device that is designed or used to communicate via voice, image, or written word.
(ORC 4511.205)

335.04 CERTAIN ACTS PROHIBITED.

- (a) No person shall do any of the following:
- (1) Display, or cause or permit to be displayed, or possess any identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license temporary instruction permit knowing the same to be fictitious, or to have been canceled, suspended or altered;
 - (2) Lend to a person not entitled thereto, or knowingly permit a person not entitled thereto to use any identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license temporary instruction permit issued to the person so lending or permitting the use thereof;
 - (3) Display or represent as one's own, any identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license temporary instruction permit not issued to the person so displaying the same;
 - (4) Fail to surrender to the Registrar of Motor Vehicles, upon the Registrar's demand, any identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license temporary instruction permit that has been suspended or canceled;

- (5) In any application for an identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license temporary instruction permit, or any renewal, reprint, or duplicate thereof, knowingly conceal a material fact, or present any physician's statement required under Ohio R.C. 4507.08 or 4507.081 when knowing the same to be false or fictitious.
- (b) Whoever violates this section is guilty of a misdemeanor of the first degree. (ORC 4507.30)

335.05 WRONGFUL ENTRUSTMENT OF A MOTOR VEHICLE.

(a) No person shall permit a motor vehicle owned by the person or under the person's control to be driven by another if any of the following apply:

- (1) The offender knows or has reasonable cause to believe that the other person does not have a valid driver's or commercial driver's license or permit or valid nonresident driving privileges.
- (2) The offender knows or has reasonable cause to believe that the other person's driver's or commercial driver's license or permit or nonresident operating privileges have been suspended or canceled under Ohio R.C. Chapter 4510, or any other provision of the Ohio Revised Code or this Traffic Code.
- (3) The offender knows or has reasonable cause to believe that the other person's act of driving the motor vehicle would violate any prohibition contained in Ohio R.C. Chapter 4509.
- (4) The offender knows or has reasonable cause to believe that the other person's act of driving would violate Ohio R.C. 4511.19 or any substantially equivalent municipal ordinance.
- (5) The offender knows or has reasonable cause to believe that the vehicle is the subject of an immobilization waiver order issued under Ohio R.C. 4503.235 and the other person is prohibited from operating the vehicle under that order.

(b) Without limiting or precluding the consideration of any other evidence in determining whether a violation of subsection (a)(1), (2), (3), (4) or (5) of this section has occurred, it shall be prima-facie evidence that the offender knows or has reasonable cause to believe that the operator of the motor vehicle owned by the offender or under the offender's control is in a category described in subsection (a)(1), (2), (3), (4) or (5) of this section if any of the following applies:

- (1) Regarding an operator allegedly in the category described in subsection (a)(1), (3) or (5) of this section, the offender and the operator of the motor vehicle reside in the same household and are related by consanguinity or affinity.
- (2) Regarding an operator allegedly in the category described in subsection (a)(2) of this section, the offender and the operator of the motor vehicle reside in the same household, and the offender knows or has reasonable cause to believe that the operator has been charged with or convicted of any violation of law or ordinance, or has committed any other act or omission, that would or could result in the suspension or cancellation of the operator's license, permit or privilege.
- (3) Regarding an operator allegedly in the category described in subsection (a)(4) of this section, the offender and the operator of the motor vehicle occupied the motor vehicle together at the time of the offense.

(c) Whoever violates this section is guilty of wrongful entrustment of a motor vehicle and shall be punished as provided in subsections (c) to (h) of this section.

- (1) Except as provided in subsection (c)(2) of this section, whoever violates subsection (a)(1), (2) or (3) of this section is guilty of an unclassified misdemeanor. When the offense is an unclassified misdemeanor, the offender shall be sentenced pursuant to Ohio R.C. 2929.21 to 2929.28, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to Ohio R.C. 2929.26; notwithstanding division (A)(2)(a) of Ohio R.C. 2929.28, the offender may be fined up to one thousand dollars (\$1,000); and, notwithstanding division (A)(3) of Ohio R.C. 2929.27, the offender may be ordered pursuant to division (C) of that section to serve a term of community service of up to five hundred hours. The failure of an offender to complete a term of community service imposed by the court may be punished as indirect criminal contempt under division (A) of Ohio R.C. 2705.02.
- (2)
 - A. If, within three years of a violation of subsection (a)(1), (2) or (3) of this section, the offender previously has pleaded guilty to or been convicted of two or more violations of division (A)(1), (2) or (3) of Ohio R.C. 4511.203 or a substantially equivalent municipal ordinance, the offender is guilty of a misdemeanor of the first degree.
 - B. Whoever violates subsection (a)(4) or (5) of this section is guilty of a misdemeanor of the first degree.
- (3) For any violation of this section, in addition to the penalties imposed under Section 303.99, the court may impose a class seven suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license or nonresident operating privilege from the range specified in division (A)(7) of Ohio R.C. 4510.02, and, if the vehicle involved in the offense is registered in the name of the offender, the court may order one of the following:
 - A. Except as otherwise provided in subsection (c)(3)B. or C. of this section, the court may order, for thirty days, the immobilization of the vehicle involved in the offense and the impoundment of that vehicle's license plates. If issued, the order shall be issued and enforced under Ohio R.C. 4503.233.
 - B. If the offender previously has been convicted of or pleaded guilty to one violation of Ohio R.C. 4511.203 or a substantially equivalent municipal ordinance, the court may order, for sixty days, the immobilization of the vehicle involved in the offense and the impoundment of that vehicle's license plates. If issued, the order shall be issued and enforced under Ohio R.C. 4503.233.
 - C. If the offender previously has been convicted of or pleaded guilty to two or more violations of Ohio R.C. 4511.203 or a substantially equivalent municipal ordinance, the court may order the criminal forfeiture to the state of the vehicle involved in the offense. If issued, the order shall be issued and enforced under Ohio R.C. 4503.234.

If title to a motor vehicle that is subject to an order for criminal forfeiture under this subsection is assigned or transferred and division (B)(2) or (3) of Ohio R.C. 4503.234 applies, in addition to or independent of any other penalty established by law, the court may fine the offender the value of the vehicle as determined by publications of the national automobile dealer's association. The proceeds from any fine imposed under this subsection shall be distributed in accordance with division (C)(2) of Ohio R.C. 4503.234.

(d) If a court orders the immobilization of a vehicle under subsection (c) of this section, the court shall not release the vehicle from the immobilization before the termination of the period of immobilization ordered unless the court is presented with current proof of financial responsibility with respect to that vehicle.

(e) If a court orders the criminal forfeiture of a vehicle under subsection (c) of this section, upon receipt of the order from the court, neither the Registrar of Motor Vehicles nor any deputy registrar shall accept any application for the registration or transfer of registration of any motor vehicle owned or leased by the person named in the order. The period of denial shall be five years after the date the order is issued, unless, during that five-year period, the court with jurisdiction of the offense that resulted in the order terminates the forfeiture and notifies the Registrar of the termination. If the court terminates the forfeiture and notifies the Registrar, the Registrar shall take all necessary measures to permit the person to register a vehicle owned or leased by the person or to transfer the registration of the vehicle.

(f) This section does not apply to motor vehicle rental dealers or motor vehicle leasing dealers, as defined in Ohio R.C. 4549.65.

(g) Evidence of a conviction of, plea of guilty to, or adjudication as a delinquent child for a violation of this section or a substantially similar municipal ordinance shall not be admissible as evidence in any civil action that involves the offender or delinquent child who is the subject of the conviction, plea, or adjudication and that arises from the wrongful entrustment of a motor vehicle.

(h) For purposes of this section, a vehicle is owned by a person if, at the time of a violation of this section, the vehicle is registered in the person's name.
(ORC 4511.203)

335.06 DISPLAY OF LICENSE.

(a) The operator of a motor vehicle shall display the operator's driver's license, or furnish satisfactory proof that the operator has a driver's license, upon demand of any peace officer or of any person damaged or injured in any collision in which the licensee may be involved. When a demand is properly made and the operator has the operator's driver's license on or about the operator's person, the operator shall not refuse to display the license. A person's failure to furnish satisfactory evidence that the person is licensed under Ohio R.C. Chapter 4507 when the person does not have the person's license on or about the person's person shall be prima-facie evidence of the person's not having obtained a driver's license.

- (b) (1) Except as provided in subsection (b)(2) hereof, whoever violates this section is guilty of an unclassified misdemeanor. When the offense is an unclassified misdemeanor, the offender shall be sentenced pursuant to Ohio R.C. 2929.21 to 2929.28, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to Ohio R.C. 2929.26; notwithstanding division (A)(2)(a) of Ohio R.C. 2929.28, the offender may be fined up to one thousand dollars (\$1,000); and, notwithstanding division (A)(3) of Ohio R.C. 2929.27, the offender may be ordered pursuant to division (C) of that section to serve a term of community service of up to five hundred hours. The failure of an offender to complete a term of community service imposed by the court may be punished as indirect criminal contempt under division (A) of Ohio R.C. 2705.02 that may be filed in the underlying case.
- (2) If, within three years of the offense, the offender previously has been convicted of or pleaded guilty to two or more violations of Ohio R.C. 4507.35 or a substantially equivalent municipal ordinance, the offense is a misdemeanor of the first degree. (ORC 4507.35)

335.07 DRIVING UNDER SUSPENSION OR LICENSE RESTRICTION.

(a) Except as provided under subsection (b) hereof and Sections 335.072 and 335.074, no person whose driver's or commercial driver's license or permit or nonresident operating privilege has been suspended under any provision of the Ohio Revised Code, other than Ohio R.C. Chapter 4509, or under any applicable law in any other jurisdiction in which the person's license or permit was issued shall operate any motor vehicle upon the public roads and highways or upon any public or private property used by the public for purposes of vehicular travel or parking within this Municipality during the period of suspension unless the person is granted limited driving privileges and is operating the vehicle in accordance with the terms of the limited driving privileges.

(b) No person shall operate any motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking in this Municipality in violation of any restriction of the person's driver's or commercial driver's license or permit imposed under division (D) of Ohio R.C. 4506.10 or under Ohio R.C. 4507.14.

(c) Upon the request or motion of the prosecuting authority, a noncertified copy of the law enforcement automated data system report or a noncertified copy of a record of the Registrar of Motor Vehicles that shows the name, date of birth, and social security number of a person charged with a violation of subsection (a) or (b) of this section may be admitted into evidence as prima-facie evidence that the license of the person was under suspension at the time of the alleged violation of subsection (a) of this section or the person operated a motor vehicle in violation of a restriction at the time of the alleged violation of subsection (b) of this section. The person charged with a violation of subsection (a) or (b) of this section may offer evidence to rebut this prima-facie evidence.

- (d) (1) Whoever violates subsection (a) or (b) hereof, is guilty of a misdemeanor of the first degree. The court may impose upon the offender a class seven suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(7) of Ohio R.C. 4510.02.

- (2) A. Except as provided in subsection (d)(2)B. or C. of this section, the court, in addition to any other penalty that it imposes on the offender and if the vehicle is registered in the offender's name and if, within three years of the offense, the offender previously has been convicted of or pleaded guilty to one violation of Ohio R.C. 4510.11 or Ohio R.C. 4510.111 or 4510.16, or a substantially equivalent municipal ordinance, the court, in addition to or independent of any other sentence that it imposes upon the offender, may order the immobilization of the vehicle involved in the offense for thirty days and the impoundment of that vehicle's license plates for thirty days in accordance with Ohio R.C. 4503.233.
- B. If the vehicle is registered in the offender's name and if, within three years of the offense, the offender previously has been convicted of or pleaded guilty to two violations of Ohio R.C. 4510.11 or any combination of two violations of Ohio R.C. 4510.11 or Ohio R.C. 4510.111 or 4510.16, or of a substantially similar municipal ordinance, the court, in addition to any other sentence that it imposes on the offender may order the immobilization of the vehicle involved in the offense for sixty days and the impoundment of that vehicle's license plates for sixty days in accordance with Ohio R.C. 4503.233.
- C. If the vehicle is registered in the offender's name and if, within three years of the offense, the offender previously has been convicted of or pleaded guilty to three or more violations of Ohio R.C. 4510.11, or any combination of three or more violations of Ohio R.C. 4501.11 or Ohio R.C. 4510.111 or 4510.16, or of a substantially similar municipal ordinance, the court, in addition to any other sentence that it imposes on the offender may order the criminal forfeiture of the vehicle involved in the offense to the State.

(e) Any order for immobilization and impoundment under this section shall be issued and enforced under Ohio R.C. 4503.233 and 4507.02, as applicable. The court shall not release a vehicle from immobilization ordered under this section unless the court is presented with current proof of financial responsibility with respect to that vehicle.

(f) Any order of criminal forfeiture under this section shall be issued and enforced under Ohio R.C. 4503.234. Upon receipt of the copy of the order from the court, neither the Ohio Registrar of Motor Vehicles nor a deputy registrar shall accept any application for the registration or transfer of registration of any motor vehicle owned or leased by the person named in the declaration of forfeiture. The period of registration denial shall be five years after the date of the order, unless, during that period, the court having jurisdiction of the offense that lead to the order terminates the forfeiture and notifies the Registrar of the termination. The Registrar shall then take necessary measures to permit the person to register a vehicle owned or leased by the person or to transfer registration of the vehicle.

(g) The offender shall provide the court with proof of financial responsibility as defined in Ohio R.C. 4509.01. If the offender fails to provide that proof of financial responsibility, then, in addition to any other penalties provided by law, the court may order restitution pursuant to Ohio R.C. 2929.28 in an amount not exceeding five thousand dollars (\$5,000) for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the vehicle before, during, or after committing the offense for which the offender is sentenced under this section. (ORC 4510.11)

(h) Any person whose driver's or commercial driver's license or permit or nonresident operating privileges are suspended as a repeat traffic offender under this section and who, during the suspension, operates any motor vehicle upon any public roads and highways is guilty of driving under a twelve-point suspension, a misdemeanor of the first degree. The court shall sentence the offender to a minimum term of three days in jail. No court shall suspend the first three days of jail time imposed pursuant to this subsection. (ORC 4510.037)

335.071 DRIVING UNDER OVI SUSPENSION.

(a) No person whose driver's or commercial driver's license or permit or nonresident operating privilege has been suspended under Ohio R.C. 4511.19, 4511.191, or 4511.196 or under Ohio R.C. 4510.07 for a conviction of a violation of a municipal OVI ordinance shall operate any motor vehicle upon the public roads or highways within this Municipality during the period of the suspension.

(b) Whoever violates this section is guilty of driving under OVI suspension. The court shall sentence the offender under Ohio R.C. Chapter 2929, subject to the differences authorized or required by this section.

- (1) Except as otherwise provided in subsection (b)(2) or (3) of this section, driving under OVI suspension is a misdemeanor of the first degree. The court shall sentence the offender to all of the following:
 - A. A mandatory jail term of three consecutive days. The three-day term shall be imposed, unless, subject to subsection (c) of this section, the court instead imposes a sentence of not less than thirty consecutive days of house arrest with electronic monitoring. A period of house arrest with electronic monitoring imposed under this subsection shall not exceed six months. If the court imposes a mandatory three-day jail term under this subsection, the court may impose a jail term in addition to that term, provided that in no case shall the cumulative jail term imposed for the offense exceed six months.
 - B. A fine of not less than two hundred fifty dollars (\$250.00) and not more than one thousand dollars (\$1,000).
 - C. A license suspension under subsection (e) of this section.
- (2) If, within six years of the offense, the offender previously has been convicted of or pleaded guilty to one violation of this section or one equivalent offense, driving under OVI suspension is a misdemeanor of the first degree. The court shall sentence the offender to all of the following:
 - A. A mandatory jail term of ten consecutive days. Notwithstanding the jail terms provided in Ohio R.C. Chapter 2929, the court may sentence the offender to a longer jail term of not more than one year. The ten-day mandatory jail term shall be imposed unless, subject to subsection (c) of this section, the court instead imposes a sentence of not less than ninety consecutive days of house arrest with electronic monitoring. The period of house arrest with electronic monitoring shall not exceed one year.
 - B. Notwithstanding the fines provided for in Ohio R.C. Chapter 2929, a fine of not less than five hundred dollars (\$500.00) and not more than two thousand five hundred dollars (\$2,500).
 - C. A license suspension under subsection (e) of this section.
- (3) If, within six years of the offense, the offender previously has been convicted of or pleaded guilty to two or more violations of this section or two or more equivalent offenses, driving under OVI suspension is a misdemeanor of the first degree. The court shall sentence the offender to all of the following:

- A. A mandatory jail term of thirty consecutive days. Notwithstanding the jail terms provided in Ohio R.C. Chapter 2929, the court may sentence the offender to a longer jail term of not more than one year. The court shall not sentence the offender to a term of house arrest with electronic monitoring in lieu of the mandatory portion of the jail term.
- B. Notwithstanding the fines set forth in Ohio R.C. Chapter 2929, a fine of not less than five hundred dollars (\$500.00) and not more than two thousand five hundred dollars (\$2,500).
- C. A license suspension under subsection (e) of this section.

(c) No court shall impose an alternative sentence of house arrest with electronic monitoring under subsection (b)(1) or (2) of this section unless, within sixty days of the date of sentencing, the court issues a written finding on the record that, due to the unavailability of space at the jail where the offender is required to serve the jail term imposed, the offender will not be able to begin serving that term within the sixty-day period following the date of sentencing.

An offender sentenced under this section to a period of house arrest with electronic monitoring shall be permitted work release during that period.

(d) Fifty per cent of any fine imposed by a court under subsection (b)(1), (2) or (3) of this section shall be deposited into the county indigent drivers alcohol treatment fund or municipal indigent drivers alcohol treatment fund under the control of that court, as created by the county or municipal corporation pursuant to division (H) of Ohio R.C. 4511.191.

(e) In addition to or independent of all other penalties provided by law or ordinance, the trial judge of any court of record or the mayor of a mayor's court shall impose on an offender who is convicted of or pleads guilty to a violation of this section a class seven suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege from the range specified in division (A)(7) of Ohio R.C. 4510.02.

When permitted as specified in Ohio R.C. 4510.021, if the court grants limited driving privileges during a suspension imposed under this section, the privileges shall be granted on the additional condition that the offender must display restricted license plates, issued under Ohio R.C. 4503.231, on the vehicle driven subject to the privileges, except as provided in division (B) of that section.

A suspension of a commercial driver's license under this section shall be concurrent with any period of suspension or disqualification under Ohio R.C. 3123.58 or 4506.16. No person who is disqualified for life from holding a commercial driver's license under Ohio R.C. 4506.16 shall be issued a driver's license under Ohio R.C. Chapter 4507 during the period for which the commercial driver's license was suspended under this section, and no person whose commercial driver's license is suspended under this section shall be issued a driver's license under Ohio R.C. Chapter 4507 during the period of the suspension.

(f) The offender shall provide the court with proof of financial responsibility as defined in Ohio R.C. 4509.01. If the offender fails to provide that proof of financial responsibility, then, in addition to any other penalties provided by law, the court may order restitution pursuant to Ohio R.C. 2929.28 in an amount not exceeding five thousand dollars (\$5,000) for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the vehicle before, during, or after committing the offense that is a misdemeanor of the first degree under this section for which the offender is sentenced. (ORC 4510.14)

- (g) (1) If a person is convicted of or pleads guilty to a violation of a municipal ordinance that is substantially equivalent to Ohio R.C. 4510.14, the court, in addition to and independent of any sentence that it imposes upon the offender for the offense, if the vehicle the offender was operating at the time of the offense is registered in the offender's name, shall do whichever of the following is applicable:
- A. If, within six years of the current offense, the offender has not been convicted of or pleaded guilty to a violation of Ohio R.C. 4510.14 or former division (D)(2) of Ohio R.C. 4507.02, or a municipal ordinance that is substantially equivalent to that section or former division, the court shall order the immobilization for thirty days of the vehicle involved in the offense and the impoundment for thirty days of the license plates of that vehicle in accordance with Ohio R.C. 4503.233.
 - B. If, within six years of the current offense, the offender has been convicted of or pleaded guilty to one violation of Ohio R.C. 4510.14 or former division (D)(2) of Ohio R.C. 4507.02, or a municipal ordinance that is substantially equivalent to that section or former division, the court shall order the immobilization for sixty days of the vehicle involved in the offense and the impoundment for sixty days of the license plates of that vehicle in accordance with Ohio R.C. 4503.233.
 - C. If, within six years of the current offense, the offender has been convicted of or pleaded guilty to two or more violations of Ohio R.C. 4510.14 or former division (D)(2) of Ohio R.C. 4507.02 or a municipal ordinance that is substantially equivalent to that section or former division, the court shall order the criminal forfeiture to the State of the vehicle the offender was operating at the time of the offense.
- (2) An order for immobilization and impoundment of a vehicle under this section shall be issued and enforced in accordance with Ohio R.C. 4503.233 and 4507.02, as applicable. The court shall not release a vehicle from immobilization ordered under this section unless the court is presented with current proof of financial responsibility with respect to that vehicle.
- (3) An order for criminal forfeiture of a vehicle under this section shall be issued and enforced under Ohio R.C. 4503.234. Upon receipt of a copy of the order from the court, neither the Registrar of Motor Vehicles nor a Deputy Registrar shall accept any application for the registration or transfer of registration of any motor vehicle owned or leased by the person named in the declaration of forfeiture. The period of registration denial shall be five years after the date of the order unless, during that period, the court having jurisdiction of the offense that led to the order terminates the forfeiture and notifies the Registrar of the termination. The Registrar then shall take the necessary measures to permit the person to register a vehicle owned or leased by the person or to transfer registration of the vehicle. (ORC 4510.161)
- (h) As used in this section:
- (1) "Electronic monitoring" has the same meaning as in Ohio R.C. 2929.01.
 - (2) "Equivalent offense" means any of the following:
 - A. A violation of a municipal ordinance, law of another state, or law of the United States that is substantially equivalent to subsection (a) of this section;

- B. A violation of a former law of this State that was substantially equivalent to subsection (a) of this section.
- (3) "Jail" has the same meaning as in Ohio R.C. 2929.01.
- (4) "Mandatory jail term" means the mandatory term in jail of three, ten, or thirty consecutive days that must be imposed under subsection (b)(1), (2) or (3) of this section upon an offender convicted of a violation of subsection (a) of this section and in relation to which all of the following apply:
 - A. Except as specifically authorized under this section, the term must be served in a jail.
 - B. Except as specifically authorized under this section, the term cannot be suspended, reduced, or otherwise modified pursuant to any provision of the Ohio Revised Code.
(ORC 4510.14)

**335.072 DRIVING UNDER FINANCIAL RESPONSIBILITY LAW
SUSPENSION OR CANCELLATION; DRIVING UNDER A
NONPAYMENT OF JUDGMENT SUSPENSION.**

(a) No person, whose driver's or commercial driver's license or temporary instruction permit or nonresident's operating privilege has been suspended or canceled pursuant to Ohio R.C. Chapter 4509, shall operate any motor vehicle within this Municipality, or knowingly permit any motor vehicle owned by the person to be operated by another person in the Municipality, during the period of the suspension or cancellation, except as specifically authorized by Ohio R.C. Chapter 4509. No person shall operate a motor vehicle within this Municipality, or knowingly permit any motor vehicle owned by the person to be operated by another person in the Municipality, during the period in which the person is required by Ohio R.C. 4509.45 to file and maintain proof of financial responsibility for a violation of Ohio R.C. 4509.101, unless proof of financial responsibility is maintained with respect to that vehicle.

(b) No person shall operate any motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking in this Municipality if the person's driver's or commercial driver's license or temporary instruction permit or nonresident operating privilege has been suspended pursuant to Ohio R.C. 4509.37 or 4509.40 for nonpayment of a judgment.

(c) Upon the request or motion of the prosecuting authority, a noncertified copy of the law enforcement automated data system report or a noncertified copy of a record of the Registrar of Motor Vehicles that shows the name, date of birth and social security number of a person charged with a violation of subsection (a) or (b) of this section may be admitted into evidence as prima-facie evidence that the license of the person was under either a financial responsibility law suspension at the time of the alleged violation of subsection (a) of this section or a nonpayment of judgment suspension at the time of the alleged violation of subsection (b) of this section. The person charged with a violation of subsection (a) or (b) of this section may offer evidence to rebut this prima-facie evidence.

(d) Whoever violates subsection (a) of this section is guilty of driving under financial responsibility law suspension or cancellation and shall be punished as provided in subsection (d) hereof. Whoever violates subsection (b) of this section is guilty of driving under a nonpayment of judgment suspension and shall be punished as provided in subsection (d) hereof.

- (1) Except as otherwise provided in subsection (d)(2) of this section, the offense is an unclassified misdemeanor. When the offense is an unclassified misdemeanor, the offender shall be sentenced pursuant to Ohio R.C. 2929.21 to 2929.28, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to Ohio R.C. 2929.26; notwithstanding division (A)(2)(a) of Ohio R.C. 2929.28, the offender may be fined up to one thousand dollars (\$1,000); and, notwithstanding division (A)(3) of Ohio R.C. 2929.27, the offender may be ordered pursuant to division (C) of that section to serve a term of community service of up to five hundred hours. The failure of an offender to complete a term of community service imposed by the court may be punished as indirect criminal contempt under division (A) of Ohio R.C. 2705.02 that may be filed in the underlying case.
- (2) If, within three years of the offense, the offender previously was convicted of or pleaded guilty to two or more violations of Ohio R.C. 4510.16, or any combination of two violations of Ohio R.C. 4510.16 or Ohio R.C. 4510.11 or 4510.111, or a substantially equivalent municipal ordinance, the offense is a misdemeanor of the fourth degree.
- (3) The offender shall provide the court with proof of financial responsibility as defined in Ohio R.C. 4509.01. If the offender fails to provide that proof of financial responsibility, then in addition to any other penalties provided by law, the court may order restitution pursuant to Ohio R.C. 2929.28 in an amount not exceeding five thousand dollars (\$5,000) for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the vehicle before, during or after committing the offense for which the offender is sentenced under this section. (ORC 4510.16)

(e) No person who has knowingly failed to maintain proof of financial responsibility in accordance with Ohio R.C. 4509.101 shall produce any document or present to a peace officer an electronic wireless communications device that is displaying any text or images with the purpose to mislead a peace officer upon the request of a peace officer for proof of financial responsibility made in accordance with Ohio R.C. 4509.101. Whoever violates this subsection (e) hereof is guilty of falsification, a misdemeanor of the first degree. (ORC 4509.102)

335.073 DRIVING WITHOUT COMPLYING WITH LICENSE REINSTATEMENT REQUIREMENTS.

(a) No person whose driver's license, commercial driver's license, temporary instruction permit, or nonresident's operating privilege has been suspended shall operate any motor vehicle upon a public road or highway or any public or private property after the suspension has expired unless the person has complied with all license reinstatement requirements imposed by the court, the Bureau of Motor Vehicles, or another provision of the Ohio Revised Code.

(b) Upon the request or motion of the prosecuting authority, a noncertified copy of the law enforcement automated data system report or a noncertified copy of a record of the Registrar of Motor Vehicles that shows the name, date of birth, and social security number of a person charged with a violation of subsection (a) of this section may be admitted into evidence as prima-facie evidence that the license of the person had not been reinstated by the person at the time of the alleged violation of subsection (a) hereof. The person charged with a violation of subsection (a) hereof may offer evidence to rebut this prima-facie evidence.

(c) Whoever violates this section is guilty of failure to reinstate a license and shall be punished as follows:

- (1) Except as provided in subsection (c)(2) of this section, whoever violates subsection (a) hereof is guilty of an unclassified misdemeanor. When the offense is an unclassified misdemeanor, the offender shall be sentenced pursuant to Ohio R.C. 2929.21 to 2929.28, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to Ohio R.C. 2929.26; notwithstanding division (A)(2)(a) of Ohio R.C. 2929.28, the offender may be fined up to one thousand dollars (\$1,000); and, notwithstanding division (A)(3) of Ohio R.C. 2929.27, the offender may be ordered pursuant to division (C) of that section to serve a term of community service of up to five hundred hours. The failure of an offender to complete a term of community service imposed by the court may be punished as indirect criminal contempt under division (A) of Ohio R.C. 2705.02 that may be filed in the underlying case.
- (2) If, within three years of a violation of subsection (a) of this section, the offender previously has pleaded guilty to or been convicted of two or more violations of Ohio R.C. 4510.21(A) or a substantially equivalent municipal ordinance, the offender is guilty of a misdemeanor of the first degree.
- (3) In all cases, the court may impose upon the offender a class seven suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary driver's license, or nonresident operating privilege from the range specified in division (A)(7) of Ohio R.C. 4510.02. (ORC 4510.21)

335.074 DRIVING UNDER LICENSE FORFEITURE OR CHILD SUPPORT SUSPENSION.

(a) No person shall operate any motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking in this Municipality whose driver's or commercial driver's license has been suspended pursuant to Ohio R.C. 2151.354, 2151.87, 2935.27, 3123.58, 4301.99, 4510.032, 4510.22 or 4510.33.

(b) Upon the request or motion of the prosecuting authority, a noncertified copy of the law enforcement automated data system report or a noncertified copy of a record of the Registrar of Motor Vehicles that shows the name, date of birth, and social security number of a person charged with a violation of subsection (a) of this section may be admitted into evidence as prima-facie evidence that the license of the person was under suspension at the time of the alleged violation of subsection (a) of this section. The person charged with a violation of subsection (a) of this section may offer evidence to rebut this prima-facie evidence.

(c) Whoever violates subsection (a) of this section is guilty of driving under suspension and shall be punished as provided in subsection (c) of this section.

- (1) Except as otherwise provided in subsection (c)(2) of this section, the offense is an unclassified misdemeanor. The offender shall be sentenced pursuant to Ohio R.C. 2929.21 to 2929.28, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to Ohio R.C. 2929.26; notwithstanding division (A)(2)(a) of Ohio R.C. 2929.28, the offender may be fined up to one thousand dollars (\$1,000); and, notwithstanding division (A)(3) of Ohio R.C. 2929.27, the offender may be ordered pursuant to division (C) of that section to serve a term of community service of up to five hundred hours. The failure of an offender to complete a term of community service imposed by the court may be punished as indirect criminal contempt under division (A) of Ohio R.C. 2705.02 that may be filed in the underlying case.

- (2) If, within three years of the offense, the offender previously was convicted of or pleaded guilty to two or more violations of subsection (A) of Ohio R.C. 4510.111, or any combination of two or more violations of subsection (A) of Ohio R.C. 4510.111, or Ohio R.C. 4510.11 or 4510.16, or a substantially equivalent municipal ordinance, the offense is a misdemeanor of the fourth degree and the offender shall provide the court with proof of financial responsibility as defined in Ohio R.C. 4509.01. If the offender fails to provide that proof of financial responsibility, then in addition to any other penalties provided by law, the court may order restitution pursuant to Ohio R.C. 2929.28 in an amount not exceeding five thousand dollars (\$5,000) for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the vehicle before, during or after committing the offense for which the offender is sentenced under this section. (ORC 4510.111)

335.08 OPERATION OR SALE WITHOUT CERTIFICATE OF TITLE.

- (a) No person shall do any of the following:
 - (1) Operate in this Municipality a motor vehicle for which a certificate of title is required without having that certificate in accordance with Ohio R.C. Chapter 4505 or, if a physical certificate of title has not been issued for a motor vehicle, operate the motor vehicle in this Municipality knowing that the ownership information relating to the vehicle has not been entered into the automated title processing system by a clerk of a court of common pleas;
 - (2) Display or display for sale or sell as a dealer or acting on behalf of a dealer, a motor vehicle without having obtained a manufacturer's or importer's certificate, a certificate of title, or an assignment of a certificate of title for it as provided in Ohio R.C. Chapter 4505;
 - (3) Fail to surrender any certificate of title or any certificate of registration or license plates upon cancellation of the same by the Registrar of Motor Vehicles and notice of the cancellation as prescribed in Ohio R.C. Chapter 4505;
 - (4) Fail to surrender the certificate of title to a clerk of a court of common pleas as provided in Ohio R.C. Chapter 4505 in case of the destruction or dismantling or change of a motor vehicle in such respect that it is not the motor vehicle described in the certificate of title;
 - (5) Violate any rules adopted pursuant to Ohio R.C. Chapter 4505;
 - (6) Except as otherwise provided in Ohio R.C. Chapter 4505 and Chapter 4517, sell at wholesale a motor vehicle the 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 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;
 - (7) Operate in this Municipality a motor vehicle knowing that the certificate of title to the vehicle or ownership of the vehicle as otherwise reflected in the automated title processing system has been canceled.

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

(c) Whoever violates this section shall be fined not more than two hundred dollars (\$200.00) or imprisoned not more than ninety days, or both.
(ORC 4505.18)

**335.09 DISPLAY OF LICENSE PLATES OR VALIDATION STICKERS;
REGISTRATION.**

- (a) (1) No person who is the owner or operator of a motor vehicle shall fail to display in plain view on the rear of the motor vehicle a license plate that displays the distinctive number and registration mark assigned to the motor vehicle by the Ohio Director of Public Safety, including any county identification sticker and any validation sticker when required by and issued under Ohio R.C. 4503.19 and 4503.191. However a commercial tractor shall display the license plate on the front of the commercial tractor.
- (2) The license plate shall be securely fastened so as not to swing, and shall not be covered by any material that obstructs its visibility.
- (3) No person to whom a temporary motor vehicle license registration 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 motor vehicle license registration in plain view from the rear of the vehicle either in the rear window or on an external rear surface of the motor vehicle.
- (4) No person shall cover a temporary motor vehicle license registration by any material that obstructs its visibility.
(ORC 4503.21(A))
- (b) (1) Whoever violates subsection (a) of this section is guilty of a minor misdemeanor.
- (2) The offenses established under subsection (a) of this section are strict liability offenses and Ohio R.C. 2901.20 does not apply. The designation of these offenses as strict liability offenses shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is not a strict liability offense.
(ORC 4503.21(B), (C))

**335.091 OPERATING WITHOUT DEALER OR MANUFACTURER
LICENSE PLATES.**

(a) No person shall operate or cause to be operated upon a public road or highway a motor vehicle of a manufacturer or dealer unless the vehicle carries and displays a placard, except as provided in Ohio R.C. 4503.21, issued by the Director of Public Safety that displays the registration number of its manufacturer or dealer.

(b) Whoever violates subsection (a) of this section is guilty of illegal operation of a manufacturer's or dealer's motor vehicle, a minor misdemeanor.
(ORC 4549.10)

335.10 EXPIRED OR UNLAWFUL LICENSE PLATES.

(a) 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)

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

(c) No person who is the owner of a motor vehicle and a resident of Ohio shall operate, drive or park the 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)

(d) 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.

(e) 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.

- (f) (1) Whoever violates subsection (a) hereof is guilty of a minor misdemeanor.
(2) Whoever violates subsection (b) hereof is guilty of a minor misdemeanor on a first offense and a misdemeanor of the fourth degree on each subsequent offense.
(3) Whoever violates any provision of this section for which no other penalty is provided is guilty of a minor misdemeanor.
(ORC 4549.11; 4549.12)

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 (c) hereof.

(b) Whoever violates subsection (a)(1), (2) or (3) of this section is guilty of operating a motor vehicle bearing an invalid license plate or identification mark, a misdemeanor of the fourth degree on a first offense and a misdemeanor of the third degree on each subsequent offense. (ORC 4549.08)

(c) 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.

(d) Whoever violates subsection (c) of this section is guilty of a misdemeanor of the fourth degree. (ORC 4503.12)

335.111 REGISTRATION WITHIN THIRTY DAYS OF RESIDENCY.

(a) Within thirty days of becoming a resident of this State, any person who owns a motor vehicle operated or driven upon the public roads or highways shall register the vehicle in this State. If such a person fails to register a vehicle owned by the person, the person shall not operate any motor vehicle in this Municipality under a license issued by another state.

- (b) (1) Whoever violates subsection (a) of this section is guilty of a minor misdemeanor.
- (2) The offense established under subsection (b)(1) of this section is a strict liability offense and strict liability is a culpable mental state for purposes of Ohio R.C. 2901.20. The designation of this offense as a strict liability offense shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is not a strict liability offense.

(c) For purposes of subsection (a) of this section, "resident" means any person to whom any of the following applies:

- (1) The person maintains their principal residence in this State and does not reside in this State as a result of the person's active service in the United States Armed Forces.
- (2) The person is determined by the Registrar of Motor Vehicles to be a resident in accordance with standards adopted by the Registrar under Ohio R.C. 4507.01. (ORC 4503.111)

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

- (a) (1) In the case of a motor vehicle accident or collision with persons or property on a public road or highway, the operator of the motor vehicle, having knowledge of the accident or collision, immediately shall stop the operator's motor vehicle at the scene of the accident or collision. The operator shall remain at the scene of the accident or collision until the operator has given the operator's name and address and, if the operator is not the owner, the name and address of the owner of that motor vehicle, together with the registered number of that motor vehicle, to all of the following:
 - A. Any person injured in the accident or collision;
 - B. The operator, occupant, owner or attendant of any motor vehicle damaged in the accident or collision;
 - C. The police officer at the scene of the accident or collision.
- (2) In the event an injured person is unable to comprehend and record the information required to be given under subsection (a)(1) of this section, the other operator involved in the accident or collision shall notify the nearest police authority concerning the location of the accident or collision, and the operator's name, address and the registered number of the motor vehicle the operator was operating. The operator shall 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.
- (3) If the accident or collision is with an unoccupied or unattended motor vehicle, the operator who collides with the motor vehicle shall securely attach the information required to be given in this section, in writing, to a conspicuous place in or on the unoccupied or unattended motor vehicle.

- (b) (1) Whoever violates subsection (a) of this section is guilty of failure to stop after an accident. Except as otherwise provided in subsection (b)(2) or (3) of this section, failure to stop after an accident is a misdemeanor of the first degree.
- (2) If the accident or collision results in serious physical harm to a person, failure to stop after an accident is a felony and shall be prosecuted under appropriate State law.
- (3) If the accident or collision results in the death of a person, failure to stop after an accident is a felony and shall be prosecuted under appropriate State law.
- (4) In all cases, the court, in addition to any other penalties provided by law, shall impose upon the offender a class five suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(5) of Ohio R.C. 4510.02. No judge shall suspend the first six months of suspension of an offender's license, permit, or privilege required by this subsection.

The offender shall provide the court with proof of financial responsibility as defined in Ohio R.C. 4509.01. If the offender fails to provide that proof of financial responsibility, then, in addition to any other penalties provided by law, the court may order restitution pursuant to Ohio R.C. 2929.18 or 2929.28 in an amount not exceeding five thousand dollars (\$5,000) for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the motor vehicle before, during or after committing the offense charged under this section. (ORC 4549.02)

335.13 STOPPING AFTER ACCIDENT UPON PROPERTY OTHER THAN STREET.

- (a) (1) In the case of a motor vehicle accident or collision resulting in injury or damage to persons or property on any public or private property other than a public road or highway, the operator of the motor vehicle, having knowledge of the accident or collision, shall stop at the scene of the accident or collision. Upon request of any person who is injured or damaged, or any other person, the operator shall give that person the operator's name and address, and, if the operator is not the owner, the name and address of the owner of that motor vehicle, together with the registered number of that motor vehicle, and, if available, exhibit the operator's driver's or commercial driver's license.
 - (2) If the operator of the motor vehicle involved in the accident or collision does not provide the information specified in subsection (a)(1) of this section, the operator shall give that information, within twenty-four hours after the accident or collision, to the Police Department.
 - (3) If the accident or collision is with an unoccupied or unattended motor vehicle, the operator who collides with the motor vehicle shall securely attach the information required under subsection (a)(1) of this section, in writing, to a conspicuous place in or on the unoccupied or unattended motor vehicle.
- (b) (1) Whoever violates subsection (a) of this section is guilty of failure to stop after a nonpublic road accident. Except as otherwise provided in subsection (b)(2) or (3) of this section, failure to stop after a nonpublic road accident is a misdemeanor of the first degree.

- (2) If the accident or collision results in serious physical harm to a person, failure to stop after a nonpublic road accident is a felony and shall be prosecuted under appropriate State law.
- (3) If the accident or collision results in the death of a person, failure to stop after a nonpublic road accident is a felony and shall be prosecuted under appropriate State law.
- (4) In all cases, the court, in addition to any other penalties provided by law, shall impose upon the offender a class five suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(5) of Ohio R.C. 4510.02. No judge shall suspend the first six months of suspension of an offender's license, permit, or privilege required by this subsection.

The offender shall provide the court with proof of financial responsibility as defined in Ohio R.C. 4509.01. If the offender fails to provide that proof of financial responsibility, then, in addition to any other penalties provided by law, the court may order restitution pursuant to Ohio R.C. 2929.18 or 2929.28 in an amount not exceeding five thousand dollars (\$5,000) for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the motor vehicle before, during or after committing the offense charged under this section. (ORC 4549.021)

335.14 VEHICLE ACCIDENT RESULTING IN DAMAGE TO REALTY.

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

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

(b) Whoever violates subsection (a) of this section is guilty of failure to stop after an accident involving the property of others, a misdemeanor of the first degree.

The offender shall provide the court with proof of financial responsibility as defined in Ohio R.C. 4509.01. If the offender fails to provide that proof of financial responsibility, then, in addition to any other penalties provided by law, the court may order restitution pursuant to Ohio R.C. 2929.28 in an amount not exceeding five thousand dollars (\$5,000) for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the motor vehicle before, during or after committing the offense charged under this section. (ORC 4549.03)

- B. A red reflector facing the rear that is visible from all distances from one hundred feet to six hundred feet when directly in front of lawful lower beams of head lamps on a motor vehicle.
- (4) Operate the device on any portion of a street or highway that has an established speed limit of fifty-five miles per hour or more;
- (5) Operate the device upon any path set aside for the exclusive use of pedestrians or other specialized use when an appropriate sign giving notice of the specialized use is posted on the path;
- (6) If under eighteen years of age, operate the device unless wearing a protective helmet on the person's head with the chin strap properly fastened;
- (7) If under sixteen years of age, operate the device unless, during the operation, the person is under the direct visual and audible supervision of another person who is eighteen years of age or older and is responsible for the immediate care of the person under sixteen years of age.

(c) No person who is under fourteen years of age shall operate an electric personal assistive mobility device.

(d) No person shall distribute or sell an electric personal assistive mobility device unless the device is accompanied by a written statement that is substantially equivalent to the following: "WARNING: TO REDUCE THE RISK OF SERIOUS INJURY, USE ONLY WHILE WEARING FULL PROTECTIVE EQUIPMENT - HELMET, WRIST GUARDS, ELBOW PADS, AND KNEE PADS". (ORC 4511.512)

(e) "Electric personal assistive mobility device" means a self-balancing two non-tandem wheeled device that is designed to transport only one person, has an electric propulsion system of an average of seven hundred fifty watts, and when ridden on a paved level surface by an operator who weighs one hundred seventy pounds has a maximum speed of less than twenty miles per hour. (ORC 4501.01)

(f) Whoever violates subsection (b) or (c) hereof is guilty of a minor misdemeanor and shall be punished as follows:

- (1) The offender shall be fined ten dollars (\$10.00).
- (2) If the offender previously has been convicted of or pleaded guilty to a violation of division (B) or (C) of Ohio R.C. 4511.512 or a substantially similar municipal ordinance, the court, in addition to imposing the fine required under subsection (f)(1) hereof, shall do one of the following:
 - A. Order the impoundment for not less than one day but not more than thirty days of the electric personal assistive mobility device that was involved in the current violation of that section. The court shall order the device to be impounded at a safe indoor location designated by the court and may assess storage fees of not more than five dollars (\$5.00) per day, provided the total storage, processing, and release fees assessed against the offender or the device in connection with the device's impoundment or subsequent release shall not exceed fifty dollars (\$50.00).

- B. If the court does not issue an impoundment order pursuant to subsection (f)(2)A. hereof, issue an order prohibiting the offender from operating any electric personal assistive mobility device on the public streets, highways, sidewalks, and paths and portions of roadways set aside for the exclusive use of bicycles for not less than one day but not more than thirty days.

(g) Whoever violates subsection (d) hereof is guilty of a minor misdemeanor.
(ORC 4511.512)

371.13 OPERATION OF PERSONAL DELIVERY DEVICE ON SIDEWALKS AND CROSSWALKS.

- (a) As used in this section:
- (1) "Eligible entity" means a corporation, partnership, association, firm, sole proprietorship, or other entity engaged in business.
 - (2) "Personal delivery device" means an electrically powered device to which all of the following apply:
 - A. The device is intended primarily to transport property and cargo on sidewalks and crosswalks.
 - B. The device weighs less than 250 pounds excluding any property or cargo being carried in the device.
 - C. The device has a maximum speed of ten miles per hour.
 - D. The device is equipped with technology that enables the operation of the device with active control or monitoring by a person, without active control or monitoring by a person, or both with or without active control or monitoring by a person.
 - (3) "Personal delivery device operator" means an agent of an eligible entity who exercises direct physical control over, or monitoring of, the navigation and operation of a personal delivery device. The phrase does not include, with respect to a delivery or other service rendered by a personal delivery device, the person who requests the delivery or service. The phrase also does not include a person who only arranges for and dispatches a personal delivery device for a delivery or other service.
- (b) An eligible entity may operate a personal delivery device on sidewalks and crosswalks so long as all of the following requirements are met:
- (1) The personal delivery device is operated in accordance with all regulations, if any, established by each local authority within which the personal delivery device is operated.
 - (2) A personal delivery device operator is actively controlling or monitoring the navigation and operation of the personal delivery device.
 - (3) The eligible entity maintains an insurance policy that includes general liability coverage of not less than one hundred thousand dollars (\$100,000) for damages arising from the operation of the personal delivery device by the eligible entity and any agent of the eligible entity.
 - (4) The device is equipped with all of the following:
 - A. A marker that clearly identifies the name and contact information of the eligible entity operating the personal delivery device and a unique identification number;
 - B. A braking system that enables the personal delivery device to come to a controlled stop;

CHAPTER 513 Drug Abuse Control

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| <p>513.01 Definitions.</p> <p>513.02 Gift of marihuana.</p> <p>513.03 Drug abuse; controlled substance possession or use.</p> <p>513.04 Possessing drug abuse instruments.</p> <p>513.05 Permitting drug abuse.</p> <p>513.06 Illegal cultivation of marihuana.</p> <p>513.07 Possessing or using harmful intoxicants.</p> <p>513.08 Illegally dispensing drug samples.</p> <p>513.09 Controlled substance or prescription labels.</p> | <p>513.10 Hypodermic possession, display and dispensing.</p> <p>513.11 Harmful intoxicants; possessing nitrous oxide in motor vehicle.</p> <p>513.12 Drug paraphernalia.</p> <p>513.121 Marihuana drug paraphernalia.</p> <p>513.13 Counterfeit controlled substances.</p> <p>513.14 Offender may be required to pay for controlled substance tests.</p> <p>513.15 Sale of dextromethorphan.</p> <p>513.99 Penalty.</p> |
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CROSS REFERENCES

See sectional histories for similar State law

Federal prosecution bar to local prosecution - see Ohio R.C. 2925.50, 3719.19

Analysis report and notarized statement as evidence - see Ohio R.C. 2925.51

Criteria for granting probation - see Ohio R.C. 3719.70(B)

Adulterating food with drug of abuse - see GEN. OFF. 537.13

Using weapons while under the influence - see GEN. OFF. 549.03.

513.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Words, terms and phrases and their derivatives used in this chapter which are not defined in this section shall have the meanings given to them in the Ohio Revised Code.

- (a) "Administer." Has the same meaning as in Ohio R.C. 3719.01.
- (b) "Adulterate." To cause a drug to be adulterated as described in Ohio R.C. 3715.63.
- (c) "Alcohol and Drug Addiction Services". Has the same meaning as in Ohio R.C. 5119.01.

- (d) “Bulk amount.” Of a controlled substance, means any of the following:
- (1) For any compound, mixture, preparation, or substance included in Schedule I, Schedule II, or Schedule III, with the exception of any controlled substance analog, marihuana, cocaine, L.S.D., heroin, any fentanyl-related compound, and hashish and except as provided in subsection (c)(2), (5), or (6) of this definition, whichever of the following is applicable:
 - A. An amount equal to or exceeding ten grams or twenty-five unit doses of a compound, mixture, preparation or substance that is or contains any amount of a Schedule I opiate or opium derivative;
 - B. An amount equal to or exceeding ten grams of a compound, mixture, preparation or substance that is or contains any amount of raw or gum opium;
 - C. An amount equal to or exceeding thirty grams or ten unit doses of a compound, mixture, preparation or substance that is or contains any amount of a Schedule I hallucinogen other than tetrahydrocannabinol or lysergic acid amide, or a Schedule I stimulant or depressant;
 - D. An amount equal to or exceeding twenty grams or five times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation or substance that is or contains any amount of a Schedule II opiate or opium derivative;
 - E. An amount equal to or exceeding five grams or ten unit doses of a compound, mixture, preparation or substance that is or contains any amount of phencyclidine;
 - F. An amount equal to or exceeding 120 grams or thirty times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation or substance that is or contains any amount of a Schedule II stimulant that is in a final dosage form manufactured by a person authorized by the Federal Food, Drug and Cosmetic Act (21 U.S.C. 301 et seq., as amended) and the federal drug abuse control laws, as defined in this section, that is or contains any amount of a Schedule II depressant substance or a Schedule II hallucinogenic substance;
 - G. An amount equal to or exceeding three grams of a compound, mixture, preparation, or substance that is or contains any amount of a Schedule II stimulant, or any of its salts or isomers, that is not in a final dosage form manufactured by a person authorized by the Federal Food, Drug and Cosmetic Act (21 U.S.C. 301 et seq., as amended) and the federal drug abuse control laws;
 - (2) An amount equal to or exceeding 120 grams or thirty times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation or substance that is or contains any amount of a Schedule III or IV substance other than an anabolic steroid or a Schedule III opiate or opium derivative;
 - (3) An amount equal to or exceeding twenty grams or five times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation or substance that is or contains any amount of a Schedule III opiate or opium derivative;
 - (4) An amount equal to or exceeding 250 milliliters or 250 grams of a compound, mixture, preparation or substance that is or contains any amount of a Schedule V substance;

- (5) An amount equal to or exceeding 200 solid dosage units, sixteen grams, or sixteen milliliters of a compound, mixture, preparation or substance that is or contains any amount of a Schedule III anabolic steroid;
- (6) For any compound, mixture, preparation, or substance that is a combination of a fentanyl-related compound and any other compound, mixture, preparation, or substance included in Schedule III, Schedule IV, or Schedule V, if the defendant is charged with a violation of Ohio R.C. 2925.11 and the sentencing provisions set forth in Ohio R.C. 2925.11(C)(10)(b) and (C)(11) will not apply regarding the defendant and the violation, the bulk amount of the controlled substance for purposes of the violation is the amount specified in division (1), (2), (3), (4), or (5) of this definition for the other Schedule III, Schedule IV, or Schedule V controlled substance that is combined with the fentanyl-related compound.
- (e) “Certified grievance committee.” A duly constituted and organized committee of the Ohio State Bar Association or of one or more local bar associations of the state that complies with the criteria set forth in Rule V, Section 6 of the Rules for the Government of the Bar of Ohio.
- (f) “Cocaine.” Any of the following:
 - (1) A cocaine salt, isomer or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine.
 - (2) Coca leaves or a salt, compound, derivative or preparation of coca leaves, including ecgonine, a salt, isomer or derivative of ecgonine, or a salt of an isomer or derivative of ecgonine.
 - (3) A salt, compound, derivative or preparation of a substance identified in subsection (e)(1) or (2) of this definition that is chemically equivalent to or identical with any of those substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves if the extractions do not contain cocaine or ecgonine.
- (g) “Committed in the vicinity of a juvenile.” An offense is “committed in the vicinity of a juvenile” if the offender commits the offense within 100 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 100 feet of or within view of the juvenile, or whether the juvenile actually views the commission of the offense.
- (h) “Committed in the vicinity of a school.” An offense is “committed in the vicinity of a school” if the offender commits the offense on school premises, in a school building, or within 1,000 feet of the boundaries of any school premises, regardless of whether the offender knows the offense is being committed on school premises, in a school building, or within 1,000 feet of the boundaries of any school premises.
- (i) “Committed in the vicinity of a substance addiction services provider or a recovering addict”. An offense is “committed in the vicinity of a substance addiction services provider or a recovering addict” if either of the following apply:
 - (1) The offender commits the offense on the premises of a substance addiction services provider’s facility, including a facility licensed prior to June 29, 2019, under Ohio R.C. 5119.391 to provide methadone treatment or an opioid treatment program licensed on or after that date under Ohio R.C. 5119.37, or within 500 feet of the premises of a substance addiction services provider’s facility and the offender knows or should know that the offense is being committed within the vicinity of the substance addiction services provider’s facility.

- (2) The offender sells, offers to sell, delivers, or distributes the controlled substance or controlled substance analog to a person who is receiving treatment at the time of the commission of the offense, or received treatment within 30 days prior to the commission of the offense, from a substance addiction services provider and the offender knows that the person is receiving or received that treatment.
- (j) “Controlled substance.” Has the same meaning as in Ohio R.C. 3719.01.
- (k) “Controlled substance analog.” Has the same meaning as in Ohio R.C. 3719.01.
- (l) “Counterfeit controlled substance.” Any of the following:
 - (1) Any drug that bears, or whose container or label bears, a trademark, trade name or other identifying mark used without authorization of the owner of rights to the trademark, trade name or identifying mark.
 - (2) Any unmarked or unlabeled substance that is represented to be a controlled substance manufactured, processed, packed or distributed by a person other than the person that manufactured, processed, packed or distributed it.
 - (3) Any substance that is represented to be a controlled substance but is not a controlled substance or is a different controlled substance.
 - (4) Any substance other than a controlled substance that a reasonable person would believe to be a controlled substance because of its similarity in shape, size and color, or its markings, labeling, packaging, distribution or the price for which it is sold or offered for sale.
- (m) “Cultivate.” Includes planting, watering, fertilizing or tilling.
- (n) “Dangerous drug.” Has the same meaning as in Ohio R.C. 4729.01.
- (o) “Deception.” Has the same meaning as in Ohio R.C. 2913.01.
- (p) “Disciplinary counsel.” The disciplinary counsel appointed by the Board of Commissioners on Grievances and Discipline of the Ohio Supreme Court under the Rules for the Government of the Bar of Ohio.
- (q) “Dispense.” Has the same meaning as in Ohio R.C. 3719.01.
- (r) “Distribute.” Has the same meaning as in Ohio R.C. 3719.01.
- (s) “Drug.” Has the same meaning as in Ohio R.C. 4729.01.
- (t) “Drug abuse offense.” Any of the following:
 - (1) A violation of Ohio R.C. 2913.02(A) that constitutes theft of drugs, or any violation of Ohio R.C. 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36 or 2925.37.
 - (2) A violation of an existing or former law of any municipality, state or of the United States, that is substantially equivalent to any section listed in subsection (r)(1) of this definition.
 - (3) An offense under an existing or former law of any municipality, state or of the United States, of which planting, cultivating, harvesting, processing, making, manufacturing, producing, shipping, transporting, delivering, acquiring, possessing, storing, distributing, dispensing, selling, inducing another to use, administering to another, using or otherwise dealing with a controlled substance is an element.
 - (4) A conspiracy to commit, attempt to commit, or complicity in committing or attempting to commit, any offense under subsection (r)(1), (2) or (3) of this definition.
- (u) “Drug dependent person.” Has the same meaning as in Ohio R.C. 3719.011.
- (v) “Drug of abuse.” Has the same meaning as in Ohio R.C. 3719.011.
- (w) “Felony drug abuse offense.” Any drug abuse offense that would constitute a felony under the laws of this state, any other state or the United States.

- (x) "Fentanyl-related compound." Any of the following:
- (1) Fentanyl;
 - (2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);
 - (3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-piperidiny]l-N-phenylpropanamide);
 - (4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4-piperidiny]l-N-phenylpropanamide);
 - (5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidiny]l-N-phenylpropanamide);
 - (6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]l-N-phenylpropanamide);
 - (7) 3-methylthiofentanyl (N-[3-methyl-1-[2-(thienyl)ethyl]-4-piperidiny]l--phenylpropanamide);
 - (8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidiny]lpropanamide);
 - (9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidiny]l-propanamide);
 - (10) Alfentanil;
 - (11) Carfentanil;
 - (12) Remifentanil;
 - (13) Sufentanil;
 - (14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidiny]l-N-phenylacetamide); and
 - (15) Any compound that meets all of the following fentanyl pharmacophore requirements to bind at the mu receptor, as identified by a report from an established forensic laboratory, including acetylfentanyl, furanylfentanyl, valerylfentanyl, butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl, para-fluorobutyrylfentanyl, acrylfentanyl, and ortho-fluorofentanyl:
 - A. A chemical scaffold consisting of both of the following:
 1. A five, six, or seven member ring structure containing a nitrogen, whether or not further substituted;
 2. An attached nitrogen to the ring, whether or not that nitrogen is enclosed in a ring structure, including an attached aromatic ring or other lipophilic group to that nitrogen.
 - B. A polar functional group attached to the chemical scaffold, including but not limited to a hydroxyl, ketone, amide, or ester;
 - C. An alkyl or aryl substitution off the ring nitrogen of the chemical scaffold; and
 - D. The compound has not been approved for medical use by the United States food and drug administration.
- (y) "Harmful intoxicant." Does not include beer or intoxicating liquor, but means any of the following:
- (1) Any compound, mixture, preparation or substance the gas, fumes or vapor of which when inhaled can induce intoxication, excitement, giddiness, irrational behavior, depression, stupefaction, paralysis, unconsciousness, asphyxiation or other harmful physiological effects, and includes but is not limited to any of the following:
 - A. Any volatile organic solvent, plastic cement, model cement, fingernail polish remover, lacquer thinner, cleaning fluid, gasoline or other preparation containing a volatile organic solvent.

- B. Any aerosol propellant.
- C. Any fluorocarbon refrigerant.
- D. Any anesthetic gas.
- (2) Gamma Butyrolactone;
- (3) 1,4 Butanediol.
- (z) "Hashish".
 - (1) A resin or a preparation of a resin to which both of the following apply:
 - A. It is contained in or derived from any part of the plant of the genus cannabis, whether in solid form or in a liquid concentrate, liquid extract, or liquid distillate form.
 - B. It has a delta-9 tetrahydrocannabinol concentration of more than 0.3%.
 - (2) The term does not include a hemp byproduct in the possession of a licensed hemp processor under Ohio R.C. Chapter 928, provided that the hemp byproduct is being produced, stored, and disposed of in accordance with rules adopted under Ohio R.C. 928.03.
- (aa) "Hypodermic." Has the same meaning as in Ohio R.C. 3719.01.
- (bb) "Juvenile." A person under eighteen years of age.
- (cc) "Licensed health professional authorized to prescribe drugs." Has the same meaning as in Ohio R.C. 4729.01.
- (dd) "L.S.D." Lysergic acid diethylamide.
- (ee) "Major drug offender." Has the same meaning as in Ohio R.C. 2929.01.
- (ff) "Mandatory prison term." Has the same meaning as in Ohio R.C. 2929.01.
- (gg) "Manufacture." To plant, cultivate, harvest, process, make, prepare or otherwise engage in any part of the production of a drug, by propagation, extraction, chemical synthesis or compounding, or any combination of the same, and includes packaging, repackaging, labeling and other activities incident to production.
- (hh) "Manufacturer." Has the same meaning as in Ohio R.C. 3719.01.
- (ii) "Marihuana." Has the same meaning as in Ohio R.C. 3719.01, except that it does not include hashish.
- (jj) "Methamphetamine." Methamphetamine, any salt, isomer or salt of an isomer of methamphetamine, or any compound, mixture, preparation or substance containing methamphetamine or any salt, isomer or salt of an isomer of methamphetamine.
- (kk) "Minor drug possession offense." Either of the following:
 - (1) A violation of Ohio R.C. 2925.11, as it existed prior to July 1, 1996, or a substantially equivalent municipal ordinance.
 - (2) A violation of Ohio R.C. 2925.11, as it exists on and after July 1, 1996, or a substantially equivalent municipal ordinance, that is a misdemeanor or a felony of the fifth degree.
- (ll) "Official written order." Has the same meaning as in Ohio R.C. 3719.01.
- (mm) "Person." Has the same meaning as in Ohio R.C. 3719.01.
- (nn) "Pharmacist." Has the same meaning as in Ohio R.C. 3719.01.
- (oo) "Pharmacy." Has the same meaning as in Ohio R.C. 3719.01.
- (pp) "Possess" or "possession." Having control over a thing or substance but may not be inferred solely from mere access to the thing or substance through ownership or occupation of the premises upon which the thing or substance is found.
- (qq) "Premises of a substance addiction services provider's facility". Means the parcel of real property on which any substance addiction service provider's facility is situated.
- (rr) "Prescription." Has the same meaning as in Ohio R.C. 4729.01.

- (ss) “Presumption for a prison term” or “presumption that a prison term shall be imposed.” A presumption as described in Ohio R.C. 2929.13(D) that a prison term is a necessary sanction for a felony in order to comply with the purposes and principles of sentencing under Ohio R.C. 2929.11.
- (tt) “Professional license.” Any license, permit, certificate, registration, qualification, admission, temporary license, temporary permit, temporary certificate or temporary registration that is described in Ohio R.C. 2925.01(W)(1) to (W)(37) and that qualifies a person as a professionally licensed person.
- (uu) “Professionally licensed person.” Any of the following:
 - (1) A person who has received a certificate or temporary certificate as a certified public accountant or who has registered as a public accountant under Ohio R.C. Chapter 4701 and who holds an Ohio permit issued under that chapter;
 - (2) A person who holds a certificate of qualification to practice architecture issued or renewed and registered under Ohio R.C. Chapter 4703;
 - (3) A person who is registered as a landscape architect under Ohio R.C. Chapter 4703 or who holds a permit as a landscape architect issued under that chapter;
 - (4) A person licensed under Ohio R.C. Chapter 4707;
 - (5) A person who has been issued a certificate of registration as a registered barber under Ohio R.C. Chapter 4709;
 - (6) A person licensed and regulated to engage in the business of a debt pooling company by a legislative authority, under authority of Ohio R.C. Chapter 4710;
 - (7) A person who has been issued a cosmetologist’s license, hair designer’s license, manicurist’s license, esthetician’s license, natural hair stylist’s license, advanced cosmetologist’s license, advanced hair designer’s license, advanced manicurist’s license, advanced esthetician’s license, advanced natural hair stylist’s license, cosmetology instructor’s license, hair design instructor’s license, manicurist instructor’s license, esthetics instructor’s license, natural hair style instructor’s license, independent contractor’s license, or tanning facility permit under Ohio R.C. Chapter 4713;
 - (8) A person who has been issued a license to practice dentistry, a general anesthesia permit, a conscious sedation permit, a limited resident’s license, a limited teaching license, a dental hygienist’s license or a dental hygienist’s teacher’s certificate under Ohio R.C. Chapter 4715;
 - (9) A person who has been issued an embalmer’s license, a funeral director’s license, a funeral home license or a crematory license, or who has been registered for an embalmer’s or funeral director’s apprenticeship under Ohio R.C. Chapter 4717;
 - (10) A person who has been licensed as a registered nurse or practical nurse, or who has been issued a certificate for the practice of nurse-midwifery under Ohio R.C. Chapter 4723;
 - (11) A person who has been licensed to practice optometry or to engage in optical dispensing under Ohio R.C. Chapter 4725;
 - (12) A person licensed to act as a pawnbroker under Ohio R.C. Chapter 4727;
 - (13) A person licensed to act as a precious metals dealer under Ohio R.C. Chapter 4728;
 - (14) A person licensed under Ohio R.C. Chapter 4729 as a pharmacist or pharmacy intern or registered under that chapter as a registered pharmacy technician, certified pharmacy technician, or pharmacy technician trainee;

- (15) A person licensed under Ohio R.C. Chapter 4729 as a manufacturer of dangerous drugs, outsourcing facility, third-party logistics provider, repackager of dangerous drugs, wholesale distributor of dangerous drugs, or terminal distributor of dangerous drugs;
- (16) A person who is authorized to practice as a physician assistant under Ohio R.C. Chapter 4730;
- (17) A person who has been issued a license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery under Ohio R.C. Chapter 4731 or has been issued a certificate to practice a limited branch of medicine under that chapter;
- (18) A person licensed as a psychologist or school psychologist under Ohio R.C. Chapter 4732;
- (19) A person registered to practice the profession of engineering or surveying under Ohio R.C. Chapter 4733;
- (20) A person who has been issued a license to practice chiropractic under Ohio R.C. Chapter 4734;
- (21) A person licensed to act as a real estate broker or real estate salesperson under Ohio R.C. Chapter 4735;
- (22) A person registered as a registered environmental health specialist under Ohio R.C. Chapter 4736;
- (23) A person licensed to operate or maintain a junkyard under Ohio R.C. Chapter 4737;
- (24) A person who has been issued a motor vehicle salvage dealer's license under Ohio R.C. Chapter 4738;
- (25) A person who has been licensed to act as a steam engineer under Ohio R.C. Chapter 4739;
- (26) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches, or who is registered as a graduate animal technician under Ohio R.C. Chapter 4741;
- (27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under Ohio R.C. Chapter 4747;
- (28) A person who has been issued a class A, class B or class C license or who has been registered as an investigator or security guard employee under Ohio R.C. Chapter 4749;
- (29) A person licensed to practice as a nursing home administrator under Ohio R.C. Chapter 4751;
- (30) A person licensed to practice as a speech-language pathologist or audiologist under Ohio R.C. Chapter 4753;
- (31) A person issued a license as an occupational therapist or physical therapist under Ohio R.C. Chapter 4755;
- (32) A person who is licensed as a licensed professional clinical counselor, licensed professional counselor, social worker, independent social worker, independent marriage and family therapist, or marriage and family therapist, or registered as a social work assistant under Ohio R.C. Chapter 4757;
- (33) A person issued a license to practice dietetics under Ohio R.C. Chapter 4759;
- (34) A person who has been issued a license or limited permit to practice respiratory therapy under Ohio R.C. Chapter 4761;
- (35) A person who has been issued a real estate appraiser certificate under Ohio R.C. Chapter 4763;

- (36) A person who has been issued a home inspector license under Ohio R.C. Chapter 4764;
- (37) A person who has been admitted to the bar by order of the Ohio Supreme Court in compliance with its prescribed and published rules.
- (vv) "Public premises." Any hotel, restaurant, tavern, store, arena, hall or other place of public accommodation, business, amusement or resort.
- (ww) "Sale." Has the same meaning as in Ohio R.C. 3719.01.
- (xx) "Sample drug." A drug or pharmaceutical preparation that would be hazardous to health or safety if used without the supervision of a licensed health professional authorized to prescribe drugs, or a drug of abuse, and that, at one time, had been placed in a container plainly marked as a sample by a manufacturer.
- (yy) "Schedule I", "Schedule II", "Schedule III", "Schedule IV" or "Schedule V." Have the same meaning as in Ohio R.C. 3719.01.
- (zz) "School." Any school operated by a board of education, any community school established under Ohio R.C. Chapter 3314, or any nonpublic school for which the State Board of Education prescribes minimum standards under Ohio R.C. 3301.07, whether or not any instruction, extracurricular activities or training provided by the school is being conducted at the time a criminal offense is committed.
- (aaa) "School building." Any building in which any of the instruction, extracurricular activities or training provided by a school is conducted, whether or not any instruction, extracurricular activities or training provided by the school is being conducted in the school building at the time a criminal offense is committed.
- (bbb) "School premises." Either of the following:
 - (1) The parcel of real property on which any school is situated, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the premises at the time a criminal offense is committed.
 - (2) Any other parcel of real property that is owned or leased by a board of education of a school, the governing authority of a community school established under Ohio R.C. Chapter 3314, or the governing body of a nonpublic school for which the State Board of Education prescribes minimum standards under Ohio R.C. 3301.07 and on which some of the instruction, extracurricular activities or training of the school is conducted, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the parcel of real property at the time a criminal offense is committed.
- (ccc) "Standard Pharmaceutical Reference Manual." The current edition, with cumulative changes if any, of references that are approved by the State Board of Pharmacy.
- (ddd) "Substance Addiction Services Provider". Means an agency, association, corporation or other legal entity, individual, or program that provides one or more of the following at a facility:
 - (1) Either alcohol addiction services, or drug addiction services, or both such services that are certified by the Ohio Director of Mental Health and Addiction Services under Ohio R.C. 5119.36;
 - (2) Recovery supports that are related to either alcohol addiction services, or drug addiction services, or both such services and paid for with federal, state, or local funds administered by the Ohio Department of Mental Health and Addiction Services or a board of alcohol, drug addiction, and mental health services.

- (eee) "Unit dose." An amount or unit or a compound, mixture or preparation containing a controlled substance that is separately identifiable and in a form that indicates that it is the amount or unit by which the controlled substance is separately administered to or taken by an individual.
- (fff) "Wholesaler." Has the same meaning as in Ohio R.C. 3719.01.
(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.

(c) The court may by order suspend for not more than five years the driver's or commercial driver's license or permit of any person who is convicted of or pleads guilty to any violation of this section. However, if the offender pleaded guilty to or was convicted of a violation of Ohio R.C. 4511.19 or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit in accordance with Ohio R.C. 2925.03(G). If an offender's driver's or commercial driver's license or permit is suspended pursuant to this subsection, the offender, at any time after the expiration of two years from the day on which the offender's sentence was imposed, may file a motion with the sentencing court requesting termination of the suspension; upon the filing of such a motion and the court's finding of good cause for the termination, the court may terminate the suspension.
(ORC 2925.03)

513.03 DRUG ABUSE; CONTROLLED SUBSTANCE POSSESSION OR USE.

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

- (b) (1) This section does not apply to the following:
 - A. 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, 4730, 4731 and 4741.
 - B. 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;
 - C. 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;

- D. Any person who obtained the controlled substance pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs if the prescription was issued for a legitimate medical purpose and not altered, forged or obtained through deception or commission of a theft offense.
As used in subsection (b)(1)D. of this section, “deception” and “theft offense” have the same meanings as in Ohio R.C. 2913.01.
- (2) A. As used in subsection (b)(2) of this section:
1. “Community addiction services provider” has the same meaning as in Ohio R.C. 5119.01.
 2. “Community control sanction” and “drug treatment program” have the same meanings as in Ohio R.C. 2929.01.
 3. “Health care facility” has the same meaning as in Ohio R.C. 2919.16.
 4. “Minor drug possession offense” means a violation of this section that is a misdemeanor or a felony of the fifth degree.
 5. “Post-release control sanction” has the same meaning as in Ohio R.C. 2967.28.
 6. “Peace officer” has the same meaning as in Ohio R.C. 2935.01.
 7. “Public agency” has the same meaning as in Ohio R.C. 2930.01.
 8. “Qualified individual” means a person who is not on community control or post-release control and is a person acting in good faith who seeks or obtains medical assistance for another person who is experiencing a drug overdose, a person who experiences a drug overdose and who seeks medical assistance for that overdose, or a person who is the subject of another person seeking or obtaining medical assistance for that overdose as described in subsection (b)(2)B. of this section.
 9. “Seek or obtain medical assistance” includes, but is not limited to making a 9-1-1 call, contacting in person or by telephone call an on-duty peace officer, or transporting or presenting a person to a health care facility.
- B. Subject to subsection (b)(2)F. of this section, a qualified individual shall not be arrested, charged, prosecuted, convicted or penalized pursuant to this chapter for a minor drug possession offense if all of the following apply:
1. The evidence of the obtaining, possession or use of the controlled substance or controlled substance analog that would be the basis of the offense was obtained as a result of the qualified individual seeking the medical assistance or experiencing an overdose and needing medical assistance.
 2. Subject to subsection (b)(2)G. of this section, within thirty days after seeking or obtaining the medical assistance, the qualified individual seeks and obtains a screening and receives a referral for treatment from a community addiction services provider or a properly credentialed addiction treatment professional.

3. Subject to subsection (b)(2)G. of this section, the qualified individual who obtains a screening and receives a referral for treatment under subsection (b)(2)B.1. of this section, upon the request of any prosecuting attorney, submits documentation to the prosecuting attorney that verifies that the qualified individual satisfied the requirements of that subsection. The documentation shall be limited to the date and time of the screening obtained and referral received.
- C. If a person is found to be in violation of any community control sanction and if the violation is a result of either of the following, the court shall first consider ordering the person's participation or continued participation in a drug treatment program or mitigating the penalty specified in Ohio R.C. 2929.13, 2929.15, or 2929.25, whichever is applicable, after which the court has the discretion either to order the person's participation or continued participation in a drug treatment program or to impose the penalty with the mitigating factor specified in any of those applicable sections:
1. Seeking or obtaining medical assistance in good faith for another person who is experiencing a drug overdose;
 2. Experiencing a drug overdose and seeking medical assistance for that overdose or being the subject of another person seeking or obtaining medical assistance for that overdose as described in subsection (b)(2)B. of this section.
- D. If a person is found to be in violation of any post-release control sanction and if the violation is a result of either of the following, the court or the parole board shall first consider ordering the person's participation or continued participation in a drug treatment program or mitigating the penalty specified in Ohio R.C. 2929.141 or 2967.28, whichever is applicable, after which the court or the parole board has the discretion either to order the person's participation or continued participation in a drug treatment program or to impose the penalty with the mitigating factor specified in either of those applicable sections:
1. Seeking or obtaining medical assistance in good faith for another person who is experiencing a drug overdose;
 2. Experiencing a drug overdose and seeking medical assistance for that emergency or being the subject of another person seeking or obtaining medical assistance for that overdose as described in subsection (b)(2)B. of this section.
- E. Nothing in subsection (b)(2)B. of this section shall be construed to do any of the following:
1. Limit the admissibility of any evidence in connection with the investigation or prosecution of a crime with regards to a defendant who does not qualify for the protections of subsection (b)(2)B. of this section or with regards to any crime other than a minor drug possession offense committed by a person who qualifies for protection pursuant to subsection (b)(2)B. of this section for a minor drug possession offense;
 2. Limit any seizure of evidence or contraband otherwise permitted by law;

3. Limit or abridge the authority of a peace officer to detain or take into custody a person in the course of an investigation or to effectuate an arrest for any offense except as provided in that division;
 4. Limit, modify or remove any immunity from liability available pursuant to law in effect prior to the effective date of this amendment to any public agency or to an employee of any public agency.
- F. Subsection (b)(2)B. of this section does not apply to any person who twice previously has been granted an immunity under subsection (b)(2)B. of this section. No person shall be granted an immunity under subsection (b)(2)B. of this section more than two times.
- G. Nothing in this section shall compel any qualified individual to disclose protected health information in a way that conflicts with the requirements of the "Health Insurance Portability and Accountability Act of 1996", 104 Pub. L. No. 191, 110 Stat. 2021, 42 U.S.C. 1320d et seq., as amended, and regulations promulgated by the United States Department of Health and Human Services to implement the act or the requirements of 42 C.F.R. Part 2.
- (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 first degree or, if the offender previously has been convicted of a drug abuse offense, a felony and shall be prosecuted under appropriate State law.
 - (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) In addition to any other sanction that is imposed for an offense under this section, the court that sentences an offender who is convicted of or pleads guilty to a violation of this section may suspend for not more than five years the offender's driver's or commercial driver's license or permit. However, if the offender pleaded guilty to or was convicted of a violation of Ohio R.C. 4511.19 or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit for not more than five years.

(e) 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, 4730, 4731 and 4741.

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

(d) In addition to any other sanction imposed upon an offender for a violation of this section, the court may suspend for not more than five years the offender's driver's or commercial driver's license or permit. However, if the offender pleaded guilty to or was convicted of a violation of Ohio R.C. 4511.19 or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit for not more than five years. (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, 2925.03, 2925.04 or 2925.041 as provided in Ohio R.C. 2925.13, permitting drug abuse is a felony and shall be prosecuted under appropriate State law.

(d) In addition to any other sanction imposed for an offense under this section, the court that sentences a person who is convicted of or pleads guilty to a violation of this section may suspend for not more than five years the offender's driver's or commercial driver's license or permit. However, if the offender pleaded guilty to or was convicted of a violation of Ohio R.C. 4511.19 or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit for not more than five years.

(e) 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, or if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, a misdemeanor of the fourth degree.

(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, or if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, a misdemeanor of the third degree.

(d) In addition to any other sanction imposed for an offense under this section, the court that sentences an offender who is convicted of or pleads guilty to a violation of this section may suspend the offender's driver's or commercial driver's license or permit in accordance with division (G) of Ohio R.C. 2925.03. If an offender's driver's or commercial driver's license or permit is suspended in accordance with that division, the offender may request termination of, and the court may terminate, the suspension in accordance with that division.

(e) 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.

(c) In addition to any other sanction imposed upon an offender for a violation of this section, the court may suspend for not more than five years the offender's driver's or commercial driver's license or permit. However, if the offender pleaded guilty to or was convicted of a violation of Ohio R.C. 4511.19 or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit for not more than five years. (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, 4730, 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.

(d) In addition to any other sanction imposed for an offense under this section, the court that sentences an offender who is convicted of or pleads guilty to a violation of this section may suspend for not more than five years the offender's driver's or commercial driver's license or permit. However, if the offender pleaded guilty to or was convicted of a violation of Ohio R.C. 4511.19 or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit for not more than five years. (ORC 2925.36)

513.09 CONTROLLED SUBSTANCE OR PRESCRIPTION LABELS.

(a) As used in this section, "repackager" and "outsourcing facility" have the same meanings as in ORC 4729.01.

Whenever a manufacturer sells a controlled substance, and whenever a wholesaler, repackager, or outsourcing facility sells a controlled substance in a package the wholesaler, repackager or outsourcing facility has prepared, the manufacturer or the wholesaler, repackager or outsourcing facility, as the case may be, shall securely affix to each package in which the controlled substance is contained a label showing in legible English the name and address of the vendor and the quantity, kind, and form of controlled substance contained therein. No person, except a pharmacist for the purpose of dispensing a controlled substance upon a prescription shall alter, deface or remove any label so affixed.

(b) Except as provided in subsection (c) of this section, when a pharmacist dispenses any controlled substance on a prescription for use by a patient, or supplies a controlled substance to a licensed health professional authorized to prescribe drugs for use by the professional in personally furnishing patients with controlled substances, the pharmacist shall affix to the container in which the controlled substance is dispensed or supplied a label showing the following:

- (1) The name and address of the pharmacy dispensing or supplying the controlled substance;
- (2) The name of the patient for whom the controlled substance is prescribed and, if the patient is an animal, the name of the owner and the species of the animal;
- (3) The name of the prescriber;
- (4) All directions for use stated on the prescription or provided by the prescriber;
- (5) The date on which the controlled substance was dispensed or supplied;
- (6) The name, quantity and strength of the controlled substance and, if applicable, the name of the distributor or manufacturer.

(c) The requirements of subsection (b) of this section do not apply when a controlled substance is prescribed or supplied for administration to an ultimate user who is institutionalized.

(d) A licensed health professional authorized to prescribe drugs who personally furnishes a controlled substance to a patient shall comply with division (A) of ORC 4729.291 with respect to labeling and packaging of the controlled substance.

(e) No person shall alter, deface, or remove any label affixed pursuant to this section as long as any of the original contents remain.

(f) Every label for a schedule II, III or IV controlled substance shall contain the following warning:

“Caution: federal law prohibits the transfer of this drug to any person other than the patient for whom it was prescribed”. (ORC 3719.08)

(g) Whoever violates this section is guilty of a misdemeanor of the first degree. If the offender has previously been convicted of a violation of this section, Ohio R.C. 3719.07 or 3719.08 or a drug abuse offense, such violation is a felony and shall be prosecuted under appropriate State law. (ORC 3719.99)

513.10 HYPODERMIC POSSESSION, DISPLAY AND DISPENSING.

(a) Possession of a hypodermic is authorized for the following:

- (1) A manufacturer or distributor of, or dealer in, hypodermics or medication packaged in hypodermics, and any authorized agent or employee of that manufacturer, distributor or dealer, in the regular course of business;
- (2) Terminal distributor of dangerous drugs, in the regular course of business;
- (3) A person authorized to administer injections, in the regular course of the person's profession or employment;
- (4) A person, when the hypodermic was lawfully obtained and is kept and used for the purpose of self-administration of insulin or other drug prescribed for the treatment of disease by a licensed health professional authorized to prescribe drugs;
- (5) A person whose use of a hypodermic is for legal research, clinical, educational or medicinal purposes;
- (6) A farmer, for the lawful administration of a drug to an animal;
- (7) A person whose use of a hypodermic is for lawful professional, mechanical, trade or craft purposes.

(b) No manufacturer or distributor of, or dealer in, hypodermics or medication packaged in hypodermics, or their authorized agents or employees, and no terminal distributor of dangerous drugs, shall display any hypodermic for sale. No person authorized to possess a hypodermic pursuant to division (a) of this section shall negligently fail to take reasonable precautions to prevent any hypodermic in the person's possession from theft or acquisition by any unauthorized person. (ORC 3719.172)

(c) Whoever violates this section is guilty of a misdemeanor of the third degree. If the offender has previously been convicted of a violation of this section, Ohio R.C. 3719.05, 3719.06, 3719.13, 3719.172(B) or (E), or 3719.31 or a drug abuse offense, a violation is a misdemeanor of the first degree. (ORC 3719.99)

513.11 HARMFUL INTOXICANTS; POSSESSING NITROUS OXIDE IN MOTOR VEHICLE.

(a) As used in this section, "motor vehicle", "street" and "highway" have the same meanings as in Ohio R.C. 4511.01.

(b) Unless authorized under Ohio R.C. Chapter 3719, 4715, 4729, 4731, 4741 or 4765, no person shall possess an open cartridge of nitrous oxide in either of the following circumstances:

- (1) While operating or being a passenger in or on a motor vehicle on a street, highway, or other public or private property open to the public for purposes of vehicular traffic or parking;
- (2) While being in or on a stationary motor vehicle on a street, highway, or other public or private property open to the public for purposes of vehicular traffic or parking.

(c) Whoever violates this section is guilty of possessing nitrous oxide in a motor vehicle, a misdemeanor of the fourth degree.

(d) In addition to any other sanction imposed upon an offender for possessing nitrous oxide in a motor vehicle, the court may suspend for not more than five years the offender's driver's or commercial driver's license or permit. (ORC 2925.33)

513.12 DRUG PARAPHERNALIA.

(a) As used in this section, "drug paraphernalia" means any equipment, product or material of any kind that is used by the offender, intended by the offender for use or designed for use, in propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body, a controlled substance in violation of this chapter or Ohio R.C. Chapter 2925. "Drug paraphernalia" includes, but is not limited to, any of the following equipment, products or materials that are used by the offender, intended by the offender for use or designated by the offender for use, in any of the following manners:

- (1) A kit for propagating, cultivating, growing or harvesting any species of a plant that is a controlled substance or from which a controlled substance can be derived;
- (2) A kit for manufacturing, compounding, converting, producing, processing or preparing a controlled substance;
- (3) Any object, instrument, or device for manufacturing, compounding, converting, producing, processing, or preparing methamphetamine;
- (4) An isomerization device for increasing the potency of any species of a plant that is a controlled substance;

- (5) Testing equipment for identifying, or analyzing the strength, effectiveness or purity of, a controlled substance;
- (6) A scale or balance for weighing or measuring a controlled substance;
- (7) A diluent or adulterant, such as quinine hydrochloride, mannitol, mannite, dextrose or lactose, for cutting a controlled substance;
- (8) A separation gin or sifter for removing twigs and seeds from, or otherwise cleaning or refining, marihuana;
- (9) A blender, bowl, container, spoon or mixing device for compounding a controlled substance;
- (10) A capsule, balloon, envelope or container for packaging small quantities of a controlled substance;
- (11) A container or device for storing or concealing a controlled substance;
- (12) A hypodermic syringe, needle or instrument for parenterally injecting a controlled substance into the human body;
- (13) 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 any equipment, product or material 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 equipment, product or material, concerning its use;
- (2) The proximity in time or space of the equipment, product or material, or of the act relating to the equipment, product or material, to a violation of any provision of this chapter or Ohio R.C. Chapter 2925;
- (3) The proximity of the equipment, product or material to any controlled substance;
- (4) The existence of any residue of a controlled substance on the equipment, product or material;
- (5) Direct or circumstantial evidence of the intent of the owner, or of anyone in control, of the equipment, product or material, to deliver it to any person whom the owner or person in control of the equipment, product or material 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 equipment, product or material, 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 equipment, product or material was intended or designed by the offender for use as drug paraphernalia;
- (6) Any oral or written instruction provided with the equipment, product or material concerning its use;
- (7) Any descriptive material accompanying the equipment, product or material and explaining or depicting its use;
- (8) National or local advertising concerning the use of the equipment, product or material;
- (9) The manner and circumstances in which the equipment, product or material is displayed for sale;

- (10) Direct or circumstantial evidence of the ratio of the sales of the equipment, product or material to the total sales of the business enterprise;
 - (11) The existence and scope of legitimate uses of the equipment, product or material in the community;
 - (12) Expert testimony concerning the use of the equipment, product or material.
- (c)
- (1) Subject to subsection (d)(2) of this section, 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)
- (1) 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, 4730, 4731, and 4741. This section shall not be construed to prohibit the possession or use of a hypodermic as authorized by Section 513.10.
 - (2) Subsection (c)(1) of this section does not apply to a person's use, or possession with purpose to use, any drug paraphernalia that is equipment, a product, or material of any kind that is used by the person, intended by the person for use, or designed for use in storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body marihuana.
- (e) Notwithstanding Ohio R.C. Chapter 2981, 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. 2981.12.
- (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.
- (g) In addition to any other sanction imposed upon an offender for a violation of this section, the court may suspend for not more than five years the offender's driver's or commercial driver's license or permit. However, if the offender pleaded guilty to or was convicted of a violation of Ohio R.C. 4511.19 or a substantially similar municipal ordinance or the law of

another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit for not more than five years. If the offender is a professionally licensed person, in addition to any other sanction imposed for a violation of this section, the court immediately shall comply with Ohio R.C. 2925.38. (ORC 2925.14)

513.121 MARIHUANA DRUG PARAPHERNALIA.

(a) As used in this section, "drug paraphernalia" has the same meaning as in Section 513.12.

(b) In determining if any equipment, product, or material is drug paraphernalia, a court or law enforcement officer shall consider, in addition to other relevant factors, all factors identified in subsection (b) of Section 513.12.

(c) No person shall knowingly use, or possess with purpose to use, any drug paraphernalia that is equipment, a product, or material of any kind that is used by the person, intended by the person for use, or designed for use in storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body marihuana.

(d) This section does not apply to any person identified in subsection (d)(1) of Section 513.12 and it shall not be construed to prohibit the possession or use of a hypodermic as authorized by Section 513.10.

(e) Subsection (e) of Section 513.12 applies with respect to any drug paraphernalia that was used or possessed in violation of this section.

(f) Whoever violates subsection (c) of this section is guilty of illegal use or possession of marihuana drug paraphernalia, a minor misdemeanor.

(g) In addition to any other sanction imposed upon an offender for a violation of this section, the court may suspend for not more than five years the offender's driver's or commercial driver's license or permit. However, if the offender pleaded guilty to or was convicted of a violation of Ohio R.C. 4511.19 or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit for not more than five years. If the offender is a professionally licensed person, in addition to any other sanction imposed for a violation of this section, the court immediately shall comply with Ohio R.C. 2925.38. (ORC 2925.141)

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)

(c) The court may suspend for not more than five years the offender's driver's or commercial driver's license or permit. However, if the offender pleaded guilty to or was convicted of a violation of Ohio R.C. 4511.19 or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit for not more than five years. (ORC 2925.37)

513.14 OFFENDER MAY BE REQUIRED TO PAY FOR CONTROLLED SUBSTANCE TESTS.

In addition to the financial sanctions authorized or required under Ohio R.C. 2929.18 and 2929.28 and to any costs otherwise authorized or required under any provision of law, the court imposing sentence upon an offender who is convicted of or pleads guilty to a drug abuse offense may order the offender to pay to the state, municipal, or county law enforcement agencies that handled the investigation and prosecution all of the costs that the state, municipal corporation, or county reasonably incurred in having tests performed under Ohio R.C. 2925.51, or in any other manner on any substance that was the basis of, or involved in, the offense to determine whether the substance contained any amount of a controlled substance if the results of the tests indicate that the substance tested contained any controlled substance. No court shall order an offender under this section to pay the costs of tests performed on a substance if the results of the tests do not indicate that the substance tested contained any controlled substance.

The court shall hold a hearing to determine the amount of costs to be imposed under this section. The court may hold the hearing as part of the sentencing hearing for the offender. (ORC 2925.511)

513.15 SALE OF DEXTROMETHORPHAN.

(a) As used in this section:

- (1) "Dextromethorphan" means the dextrorotatory isomer of 3-methoxy-N-methylmorphinan, including its salts, but not including its racemic or levorotatory forms.
- (2) "Evidence of majority and identity" means a document issued by the federal government or a state, county, or municipal government, or a subdivision or agency of any of the foregoing, including a driver's or commercial driver's license, an identification card issued under Ohio R.C. 4507.50 to 4507.52, a military identification card, or any other form of identification that bears the name, date of birth, description and picture of the person identified.
- (3) "Retailer" means a place of business that offers consumer products for sale to the general public, including a terminal distributor of dangerous drugs that is licensed under Ohio R.C. Chapter 4729 and operated as a pharmacy.

(b) No retailer or employee of a retailer shall knowingly supply, deliver, give or otherwise provide a drug, material, compound, mixture, preparation or substance containing any quantity of dextromethorphan through the sale of any product to a person under eighteen years of age, unless the person has been issued a prescription for the product being purchased.

(c) For purposes of subsection (b) of this section, the person making the sale of a product containing dextromethorphan shall require and obtain evidence of majority and identity from the purchaser, unless from the purchaser's outward appearance the person making the sale would reasonably presume the purchaser to be twenty-five years of age or older. Proof that the person making the sale demanded, was shown, and acted in reasonable reliance on the purchaser's evidence of majority and identity is a defense to any charge of a violation of subsection (b) of this section.

(d) A retailer or employee of a retailer is not liable for damages in a civil action for injury, death or loss to person or property that allegedly arises from an act or omission associated with a failure to prevent the sale of a product containing dextromethorphan to a person under eighteen years of age, unless the act or omission constitutes willful or wanton misconduct.

(e) Whoever violates subsection (b) of this section is guilty of illegally selling dextromethorphan, a minor misdemeanor.
(ORC 2925.62)

513.99 PENALTY.

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

CHAPTER 517 Gambling

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CROSS REFERENCES

See sectional histories for similar State law
 Lotteries prohibited; exception - see Ohio Const., Art. XV,
 Sec. 6
 Contributing to delinquency of minors - see Ohio R.C. 2151.41
 Search warrants - see Ohio R.C. 2933.21(E)
 Licensing charitable bingo games - see Ohio R.C. 2915.08

517.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (a) "Bet" means the hazarding of anything of value upon the result of an event, undertaking, or contingency, but does not include a bona fide business risk.
- (b) "Bingo" means either of the following:
 - (1) A game with all of the following characteristics:
 - A. The participants use bingo cards or sheets, including paper formats and electronic representation or image formats, that are divided into twenty-five (25) spaces arranged in five (5) horizontal and five (5) vertical rows of spaces, with each space, except the central space, being designated by a combination of a letter and a number and with the central space being designated as a free space;
 - B. The participants cover the spaces on the bingo cards or sheets that correspond to combinations of letters and numbers that are announced by a bingo game operator;

- C. A bingo game operator announces combinations of letters and numbers that appear on objects that a bingo game operator selects by chance, either manually or mechanically, from a receptacle that contains seventy-five (75) objects at the beginning of each game, each object marked by a different combination of a letter and a number that corresponds to one of the seventy-five (75) possible combinations of a letter and a number that can appear on the bingo cards or sheets;
 - D. The winner of the bingo game includes any participant who properly announces during the interval between the announcements of letters and numbers, as described in subsection (b)(1)C. hereof, that a predetermined and pre-announced pattern of spaces has been covered on a bingo card or sheet being used by the participant.
- (2) Instant bingo, electronic instant bingo, and raffles.
- (c) "Bingo game operator" means any person, except security personnel, who performs work or labor at the site of bingo including but not limited to collecting money from participants, handing out bingo cards or sheets or objects to cover spaces on bingo cards or sheets, selecting from a receptacle the objects that contain the combination of letters and numbers that appear on bingo cards or sheets, calling out the combinations of letters and numbers, distributing prizes, selling or redeeming instant bingo tickets or cards, selling or redeeming electronic instant bingo tickets, credits, or vouchers, accessing an electronic instant bingo system other than as a participant, supervising the operation of a punch board, selling raffle tickets, selecting raffle tickets from a receptacle and announcing the winning numbers in a raffle, and preparing, selling, and serving food or beverages. "Bingo game operator" does not include a person who is installing, maintaining, updating, or repairing an electronic instant bingo system.
- (d) "Bingo session" means a period that includes both of the following:
 - (1) Not to exceed five (5) continuous hours for the conduct of one or more games described in subsection (d)(1) hereof the definition of "bingo" in this section, instant bingo, and electronic instant bingo;
 - (2) A period for the conduct of instant bingo and electronic instant bingo for not more than two (2) hours before and not more than two (2) hours after the period described in subsection (d)(1) hereof.
- (e) "Bingo supplies" means bingo cards or sheets; instant bingo tickets or cards; electronic bingo aids; raffle tickets; punch boards; seal cards; instant bingo ticket dispensers; electronic instant bingo systems; and devices for selecting or displaying the combination of bingo letters and numbers or raffle tickets. Items that are "bingo supplies" are not gambling devices if sold or otherwise provided, and used, in accordance with this chapter or Ohio R.C. Chapter 2915. For purposes of this chapter, "bingo supplies" are not to be considered equipment used to conduct a bingo game.
- (f) "Bookmaking" means the business of receiving or paying off bets.

- (g) “Charitable bingo game” means any bingo game described in subsections (b)(1) or (2) hereof that is conducted by a charitable organization that has obtained a license pursuant to Ohio R.C. 2915.08 and the proceeds of which are used for a charitable purpose.
- (h) “Charitable instant bingo organization” means an organization that is exempt from federal income taxation under IRC 501(a) and described in IRC 501(c)(3) and is a charitable organization as defined in this section. The term does not include a charitable organization that is exempt from federal income taxation under IRC 501(a) and described in IRC 501(c)(3) and that is created by a veteran’s organization, a fraternal organization, or a sporting organization in regards to bingo conducted or assisted by a veteran’s organization, a fraternal organization, or a sporting organization pursuant to Section 517.14.
- (i) “Charitable organization” means:
 - (1) Except as otherwise provided in this chapter, “charitable organization” means either of the following:
 - A. An organization that is exempt from federal income taxation under IRC 501(a) and described in IRC 501(c)(3);
 - B. A volunteer rescue service organization, volunteer firefighter’s organization, veteran’s organization, fraternal organization, or sporting organization that is exempt from federal income taxation under IRC 501(c)(4), 501(c)(7), 501(c)(8), 501(c)(10) or 501(c)(19).
 - (2) To qualify as a charitable organization, an organization shall have been in continuous existence as such in this state for a period of two (2) years immediately preceding either the making of an application for a bingo license under Ohio R.C. 2915.08 or the conducting of any game of chance as provided Section 517.02(d).
- (j) “Charitable purpose” means that the net profit of bingo, other than instant bingo or electronic instant bingo, is used by, or is given, donated, or otherwise transferred to, any of the following:
 - (1) Any organization that is described in IRC 509(a)(1), 509(a)(2), or 509(a)(3) and is either a governmental unit or an organization that is tax exempt under IRC 501(a) and described in IRC 501(c)(3);
 - (2) A veteran’s organization that is a post, chapter, or organization of veterans, or an auxiliary unit or society of, or a trust or foundation for, any such post, chapter, or organization organized in the United States or any of its possessions, at least seventy-five percent (75%) of the members of which are veterans and substantially all of the other members of which are individuals who are spouses, widows, or widowers of veterans, or such individuals, provided that no part of the net earnings of such post, chapter, or organization inures to the benefit of any private shareholder or individual, and further provided that the net profit is used by the post, chapter, or organization for the charitable purposes set forth in Ohio R.C. 5739.02(B)(12), is used for awarding scholarships to or for attendance at an institution mentioned in that division of the Ohio Revised Code, is donated to a governmental agency, or is used for nonprofit youth activities, the purchase of United States or Ohio flags that are donated to schools, youth groups, or other bona fide nonprofit organizations, promotion of patriotism, or disaster relief;

- (3) A fraternal organization that has been in continuous existence in this state for fifteen (15) years and that uses the net profit exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, if contributions for such use would qualify as a deductible charitable contribution under IRC 170;
- (4) A volunteer firefighter's organization that uses the net profit for the purposes set forth in the definition of "volunteer firefighter's organization" in this section.
- (k) "Community action agency" has the same meaning as in Ohio R.C. 122.66.
- (l) "Conduct" means to back, promote, organize, manage, carry on, sponsor, or prepare for the operation of bingo or a game of chance, a scheme of chance, or a sweepstakes.
- (m) "Deal" means a single game of instant bingo tickets, or a single game of electronic instant bingo tickets, all with the same serial number.
- (n) "Distributor" means any person who purchases or obtains bingo supplies and who does either of the following:
 - (1) Sells, offers for sale, or otherwise provides or offers to provide the bingo supplies to another person for use in this state;
 - (2) Modifies, converts, adds to, or removes parts from the bingo supplies to further their promotion or sale for use in this state.
- (o) "Electronic bingo aid" means:
 - (1) An electronic device used by a participant to monitor bingo cards or sheets purchased at the time and place of a bingo session and that does all of the following:
 - A. It provides a means for a participant to input numbers and letters announced by a bingo caller.
 - B. It compares the numbers and letters entered by the participant to the bingo faces previously stored in the memory of the device.
 - C. It identifies a winning bingo pattern.
 - (2) The term does not include any device into which a coin, currency, token, or an equivalent is inserted to activate play.
- (p) "Electronic instant bingo" means:
 - (1) A form of bingo that consists of an electronic or digital representation of instant bingo in which a participant wins a prize if the participant's electronic instant bingo ticket contains a combination of numbers or symbols that was designated in advance as a winning combination, and to which all of the following apply:
 - A. Each deal has a predetermined, finite number of winning and losing tickets and a predetermined prize amount and deal structure, provided that there may be multiple winning combinations in each deal and multiple winning tickets.
 - B. Each electronic instant bingo ticket within a deal has a unique serial number that is not regenerated.
 - C. Each electronic instant bingo ticket within a deal is sold for the same price.
 - D. After a participant purchases an electronic instant bingo ticket, the combination of numbers or symbols on the ticket is revealed to the participant.

- E. The reveal of numbers or symbols on the ticket may incorporate an entertainment or bonus theme, provided that the reveal does not include spinning reels that resemble a slot machine.
 - F. The reveal theme, if any, does not require additional consideration or award any prize other than any predetermined prize associated with the electronic instant bingo ticket.
- (2) The term shall not include any of the following:
 - A. Any game, entertainment, or bonus theme that replicates or simulates any of the following:
 - 1. The gambling games of keno, blackjack, roulette, poker, craps, other casino-style table games;
 - 2. Horse racing;
 - 3. Gambling games offered in this state on slot machines or video lottery terminals. As used in this division, "video lottery terminal" has the same meaning as in Ohio R.C. 3770.21.
 - B. Any device operated by dropping one or more coins or tokens into a slot and pulling a handle or pushing a button or touchpoint on a touchscreen to activate one to three or more rotating reels marked into horizontal segments by varying symbols, where the predetermined prize amount depends on how and how many of the symbols line up when the rotating reels come to a rest;
 - C. Any device that includes a coin or token slot, tray, or hopper and the ability to dispense coins, cash, tokens, or anything of value other than a credit ticket voucher.
- (q) "Electronic instant bingo system" means both of the following:
 - (1) A mechanical, electronic, digital, or video device and associated software to which all of the following apply:
 - A. It is used by not more than one player at a time to play electronic instant bingo on a single screen that is physically connected to the device;
 - B. It is located on the premises of the principal place of business of a veteran's or fraternal organization that holds a type II or type III bingo license to conduct electronic instant bingo at that location issued under Ohio R.C. 2915.08.
 - (2) Any associated equipment or software used to manage, monitor, or document any aspect of electronic instant bingo.
- (r) "Expenses" means the reasonable amount of gross profit actually expended for all of the following:
 - (1) The purchase or lease of bingo supplies;
 - (2) The annual license fee required under Ohio R.C. 2915.08;
 - (3) Bank fees and service charges for a bingo session or game account described in Ohio R.C. 2915.10;
 - (4) Audits and accounting services;
 - (5) Safes;
 - (6) Cash registers;
 - (7) Hiring security personnel;
 - (8) Advertising bingo;
 - (9) Renting premises in which to conduct a bingo session;

- (10) Tables and chairs;
 - (11) Expenses for maintaining and operating a charitable organization's facilities, including but not limited to a post home, club house, lounge, tavern, or canteen and any grounds attached to the post home, club house, lounge, tavern, or canteen;
 - (12) Payment of real property taxes and assessments that are levied on a premises on which bingo is conducted;
 - (13) Any other product or service directly related to the conduct of bingo that is authorized in rules adopted by the Attorney General under Ohio R.C. 2915.08(F)(1).
- (s) "Fraternal organization" means any society, order, state headquarters, or association within this state, except a college or high school fraternity, that is not organized for profit, that is a branch, lodge, or chapter of a national or state organization, that exists exclusively for the common business or sodality of its members.
- (t) "Gambling device" means any of the following:
- (1) A book, totalizer, or other equipment used for recording bets;
 - (2) A ticket, token, or other device representing a chance, share, or interest in a scheme of chance or evidencing a bet;
 - (3) A deck of cards, dice, gaming table, roulette wheel, slot machine, or other apparatus designed for use in connection with a game of chance;
 - (4) Any equipment, device, apparatus, or paraphernalia specially designed for gambling purposes;
 - (5) Bingo supplies sold or otherwise provided, or used, in violation of this chapter or Ohio R.C. Chapter 2915.
- (u) "Gambling offense" means any of the following:
- (1) A violation of Ohio R.C. Chapter 2915;
 - (2) A violation of an existing or former municipal ordinance or law of this or any other state or of the United States substantially equivalent to any provision of this chapter or Ohio R.C. Chapter 2915 or a violation of Ohio R.C. 2915.06 as it existed prior to July 1, 1996;
 - (3) An offense under an existing or former municipal ordinance or law of this or any other state or of the United States, of which gambling is an element;
 - (4) A conspiracy or attempt to commit, or complicity in committing, any offense under subsections (v)(1), (2), or (3) hereof.
- (v) "Game flare" means the board or placard, or electronic representation of a board or placard, that accompanies each deal of instant bingo or electronic instant bingo tickets and that includes the following information for the game:
- (1) The name of the game;
 - (2) The manufacture's name or distinctive logo;
 - (3) The form number;
 - (4) The ticket count;
 - (5) The prize structure, including the number of winning tickets by denomination and the respective winning symbol or number combinations for the winning tickets;
 - (6) The cost per play;
 - (7) The serial number of the game.
- (w) "Game of chance" means poker, craps, roulette, or other game in which a player gives anything of value in the hope of gain, the outcome of which is determined largely by chance, but does not include bingo.

- (x) "Game of chance conducted for profit" means any game of chance designed to produce income for the person who conducts or operates the game of chance, but does not include bingo.
- (y) "Gross annual revenues" means the annual gross receipts derived from the conduct of bingo described in subsection (b)(1) hereof plus the annual net profit derived from the conduct of bingo described subsection (b)(2) hereof.
- (z) "Gross profit" means gross receipts minus the amount actually expended for the payment of prize awards.
- (aa) "Gross receipts" means all money or assets, including admission fees, that a person receives from bingo without the deduction of any amounts for prizes paid out or for the expenses of conducting bingo. The term does not include any money directly taken in from the sale of food or beverages by a charitable organization conducting bingo, or by a bona fide auxiliary unit or society of a charitable organization conducting bingo, provided all of the following apply:
 - (1) The auxiliary unit or society has been in existence as a bona fide auxiliary unit or society of the charitable organization for at least two (2) years prior to conducting bingo.
 - (2) The person who purchases the food or beverage receives nothing of value except the food or beverage and items customarily received with the purchase of that food or beverage.
 - (3) The food and beverages are sold at customary and reasonable prices.
- (bb) "Instant bingo" means a form of bingo that shall use folded or banded tickets or paper cards with perforated break-open tabs, a face of which is covered or otherwise hidden from view to conceal a number, letter, or symbol, or set of numbers, letters, or symbols, some of which have been designated in advance as prize winners, and may also include games in which some winners are determined by the random selection of one or more bingo numbers by the use of a seal card or bingo blower. "Instant bingo" also includes a punch board game. In all "instant bingo" the prize amount and structure shall be predetermined. The term does not include electronic instant bingo or any device that is activated by the insertion of a coin, currency, token, or an equivalent, and that contains as one of its components a video display monitor that is capable of displaying numbers, letters, symbols, or characters in winning or losing combinations.
- (cc) "Instant bingo ticket dispenser" means a mechanical device that dispenses an instant bingo ticket or card as the sole item of value dispensed and that has the following characteristics:
 - (1) It is activated upon the insertion of United States currency.
 - (2) It performs no gaming functions.
 - (3) It does not contain a video display monitor or generate noise.
 - (4) It is not capable of displaying any numbers, letters, symbols, or characters in winning or losing combinations.
 - (5) It does not simulate or display rolling or spinning reels.
 - (6) It is incapable of determining whether a dispensed bingo ticket or card is a winning or non-winning ticket or card and requires a winning ticket or card to be paid by a bingo game operator.

- (7) It may provide accounting and security features to aid in accounting for the instant bingo tickets or cards it dispenses.
- (8) It is not part of an electronic network and is not interactive.
- (dd) "Internal Revenue Code (IRC)" means the Internal Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C. 1 et seq., as now or hereafter amended.
- (ee) "Manufacturer" means any person who assembles completed bingo supplies from raw materials, other items, or subparts or who modifies, converts, adds to, or removes parts from bingo supplies to further their promotion or sale.
- (ff) "Merchandise prize" means any item of value, but shall not include any of the following:
 - (1) Cash, gift cards, or any equivalent thereof;
 - (2) Plays on games of chance, state lottery tickets, or bingo;
 - (3) Firearms, tobacco, or alcoholic beverages; or
 - (4) A redeemable voucher that is redeemable for any of the items listed in subsections (hh)(1), (2) or (3) hereof.
- (gg) "Net profit" means gross profit minus expenses.
- (hh) "Net profit from the proceeds of the sale of instant bingo or electronic instant bingo" means gross profit minus the ordinary, necessary, and reasonable expense expended for the purchase of bingo supplies for the purpose of conducting instant bingo or electronic instant bingo, and, in the case of instant bingo or electronic instant bingo conducted by a veteran's, fraternal, or sporting organization, minus the payment by that organization of real property taxes and assessments levied on a premises on which instant bingo or electronic instant bingo is conducted.
- (ii) "Participant" means any person who plays bingo.
- (jj) "Person" has the same meaning as in Ohio R.C. 1.59 and includes any firm or any other legal entity, however organized.
- (kk) "Pool not conducted for profit" means a scheme in which a participant gives a valuable consideration for a chance to win a prize and the total amount of consideration wagered is distributed to a participant or participants.
- (ll) "Punch board" means a form of instant bingo that uses a board containing a number of holes or receptacles of uniform size in which are placed, mechanically and randomly, serially numbered slips of paper that may be punched or drawn from the hole or receptacle. A player may punch or draw the numbered slips of paper from the holes or receptacles and obtain the prize established for the game if the number drawn corresponds to a winning number or, if the punch board includes the use of a seal card, a potential winning number.
- (mm) "Raffle" means a form of bingo in which the one or more prizes are won by one or more persons who have purchased a raffle ticket. The one or more winners of the raffle are determined by drawing a ticket stub or other detachable section from a receptacle containing ticket stubs or detachable sections corresponding to all tickets sold for the raffle. The term does not include the drawing of a ticket stub or other detachable section of a ticket purchased to attend a professional sporting event if both of the following apply:
 - (1) The ticket stub or other detachable section is used to select the winner of a free prize given away at the professional sporting event; and
 - (2) The cost of the ticket is the same as the cost of a ticket to the professional sporting event on days when no free prize is given away.
- (nn) "Redeemable voucher" means any ticket, token, coupon, receipt, or other noncash representation of value.

- (oo) "Religious organization" means any church, body of communicants, or group that is not organized or operated for profit and that gathers in common membership for regular worship and religious observances.
- (pp) "Revoke" means to void permanently all rights and privileges of the holder of a license issued under Ohio R.C. 2915.08, 2915.081, or 2915.082 or a charitable gaming license issued by another jurisdiction.
- (qq) "Scheme of chance" means:
 - (1) A slot machine unless authorized under Ohio R.C. Chapter 3772, lottery unless authorized under Ohio R.C. Chapter 3770, numbers game, pool conducted for profit, or other scheme in which a participant gives a valuable consideration for a chance to win a prize, but does not include bingo, a skill-based amusement machine, or a pool not conducted for profit. "Scheme of chance" includes the use of an electronic device to reveal the results of a game entry if valuable consideration is paid, directly or indirectly, for a chance to win a prize. Valuable consideration is deemed to be paid for a chance to win a prize in the following instances:
 - A. Less than fifty percent (50%) of the goods or services sold by a scheme of chance operator in exchange for game entries are used or redeemed by participants at any one location;
 - B. Less than fifty percent (50%) of participants who purchase goods or services at any one location do not accept, use, or redeem the goods or services sold or purportedly sold;
 - C. More than fifty percent (50%) of prizes at any one location are revealed to participants through an electronic device simulating a game of chance or a "casino game" as defined in Ohio R.C. 3772.01;
 - D. The good or service sold by a scheme of chance operator in exchange for a game entry cannot be used or redeemed in the manner advertised;
 - E. A participant pays more than fair market value for goods or services offered by a scheme of chance operator in order to receive one or more game entries;
 - F. A participant may use the electronic device to purchase additional game entries;
 - G. A participant may purchase additional game entries by using points or credits won as prizes while using the electronic device;
 - H. A scheme of chance operator pays out in prize money more than twenty percent (20%) of the gross revenue received at one location; or
 - I. A participant makes a purchase or exchange in order to obtain any good or service that may be used to facilitate play on the electronic device.
 - (2) As used in this subsection, "electronic device" means a mechanical, video, digital, or electronic machine or device that is capable of displaying information on a screen or other mechanism and that is owned, leased, or otherwise possessed by any person conducting a scheme of chance, or by that person's partners, affiliates, subsidiaries, or contractors. "Electronic device" does not include an electronic instant bingo system.

- (rr) "Seal card" means a form of instant bingo that uses instant bingo tickets in conjunction with a board or placard that contains one or more seals that, when removed or opened, reveal predesignated winning numbers, letters, or symbols.
- (ss) "Security personnel" includes any person who either is a Sheriff, deputy sheriff, Marshal, deputy marshal, township constable, or member of an organized police department of a municipal corporation or has successfully completed a peace officer's training course pursuant to Ohio R.C. 109.71 through 109.79 and who is hired to provide security for the premises on which bingo is conducted.
- (tt) "Skill-based amusement machine" means:
 - (1) A.
 - A mechanical, video, digital, or electronic device that rewards the player or players, if at all, only with merchandise prizes or with redeemable vouchers redeemable only for merchandise prizes, provided that with respect to rewards for playing the game all of the following apply:
 - 1. The wholesale value of a merchandise prize awarded as a result of the single play of a machine does not exceed ten dollars (\$10.00);
 - 2. Redeemable vouchers awarded for any single play of a machine are not redeemable for a merchandise prize with a wholesale value of more than ten dollars (\$10.00);
 - 3. Redeemable vouchers are not redeemable for a merchandise prize that has a wholesale value of more than ten dollars (\$10.00) times the fewest number of single plays necessary to accrue the redeemable vouchers required to obtain that prize; and
 - 4. Any redeemable vouchers or merchandise prizes are distributed at the site of the skill-based amusement machine at the time of play.
 - B. A card for the purchase of gasoline is a redeemable voucher for purposes of subsection (vv)(1) hereof even if the skill-based amusement machine for the play of which the card is awarded is located at a place where gasoline may not be legally distributed to the public or the card is not redeemable at the location of, or at the time of playing, the skill-based amusement machine.
- (2) A device shall not be considered a skill-based amusement machine and shall be considered a slot machine if it pays cash or one or more of the following apply:
 - A. The ability of a player to succeed at the game is impacted by the number or ratio of prior wins to prior losses of players playing the game;
 - B. Any reward of redeemable vouchers is not based solely on the player achieving the object of the game or the player's score;
 - C. The outcome of the game, or the value of the redeemable voucher or merchandise prize awarded for winning the game, can be controlled by a source other than any player playing the game;
 - D. The success of any player is or may be determined by a chance event that cannot be altered by player actions;
 - E. The ability of any player to succeed at the game is determined by game features not visible or known to the player;

- F. The ability of the player to succeed at the game is impacted by the exercise of a skill that no reasonable player could exercise.
- (3) All of the following apply to any machine that is operated as described in subsection (vv)(1) hereof:
 - A. As used in this definition of “skill-based amusement machine”, “game” and “play” mean one event from the initial activation of the machine until the results of play are determined without payment of additional consideration. An individual utilizing a machine that involves a single game, play, contest, competition, or tournament may be awarded redeemable vouchers or merchandise prizes based on the results of play.
 - B. Advance play for a single game, play, contest, competition, or tournament participation may be purchased. The cost of the contest, competition, or tournament participation may be greater than a single non-contest, competition, or tournament play.
 - C. To the extent that the machine is used in a contest, competition, or tournament, that contest, competition, or tournament has a defined starting and ending date and is open to participants in competition for scoring and ranking results toward the awarding of redeemable vouchers or merchandise prizes that are stated prior to the start of the contest, competition, or tournament.
- (4) For purposes of subsection (vv)(1) hereof, the mere presence of a device, such as a pinsetting, ball-releasing, or scoring mechanism, that does not contribute to or affect the outcome of the play of the game does not make the device a skill-based amusement machine.
- (uu) “Slot machine” means:
 - (1) Either of the following:
 - A. Any mechanical, electronic, video, or digital device that is capable of accepting anything of value, directly or indirectly, from or on behalf of a player who gives the thing of value in the hope of gain;
 - B. Any mechanical, electronic, video, or digital device that is capable of accepting anything of value, directly or indirectly, from or on behalf of a player to conduct bingo or a scheme or game of chance.
 - (2) The term does not include a skill-based amusement machine, an instant bingo ticket dispenser, or an electronic instant bingo system.
- (vv) “Sporting organization” means a hunting, fishing, or trapping organization, other than a college or high school fraternity or sorority, that is not organized for profit, that is affiliated with a state or national sporting organization, including but not limited to the League of Ohio Sportsmen, and that has been in continuous existence in this state for a period of three (3) years.
- (ww) “Suspend” means to interrupt temporarily all rights and privileges of the holder of a license issued under Ohio R.C. 2915.08, 2915.081, or 2915.082 or a charitable gaming license issued by another jurisdiction.
- (xx) “Sweepstakes” means any game, contest, advertising scheme or plan, or other promotion where consideration is not required for a person to enter to win or become eligible to receive any prize, the determination of which is based upon chance. “Sweepstakes” does not include bingo as authorized under Ohio R.C. Chapter 2915, pari-mutuel wagering as authorized by Ohio R.C. Chapter 3769, lotteries conducted by the State Lottery Commission as authorized by Ohio R.C. Chapter 3770, and casino gaming as authorized by Ohio R.C. Chapter 3772.

- (yy) “Sweepstakes terminal device” means:
- (1) A mechanical, video, digital, or electronic machine or device that is owned, leased, or otherwise possessed by any person conducting a sweepstakes, or by that person’s partners, affiliates, subsidiaries, or contractors, that is intended to be used by a sweepstakes participant, and that is capable of displaying information on a screen or other mechanism. A device is a sweepstakes terminal device if any of the following apply:
 - A. The device uses a simulated game terminal as a representation of the prizes associated with the results of the sweepstakes entries.
 - B. The device utilizes software such that the simulated game influences or determines the winning of or value of the prize.
 - C. The device selects prizes from a predetermined finite pool of entries.
 - D. The device utilizes a mechanism that reveals the content of a predetermined sweepstakes entry.
 - E. The device predetermines the prize results and stores those results for delivery at the time the sweepstakes entry results are revealed.
 - F. The device utilizes software to create a game result.
 - G. The device reveals the prize incrementally, even though the device does not influence the awarding of the prize or the value of any prize awarded.
 - H. The device determines and associates the prize with an entry or entries at the time the sweepstakes is entered.
 - (2) As used in this definition and in Section 517.02:
 - A. “Enter” means the act by which a person becomes eligible to receive any prize offered in a sweepstakes.
 - B. “Entry” means one event from the initial activation of the sweepstakes terminal device until all the sweepstakes prize results from that activation are revealed.
 - C. “Prize” means any gift, award, gratuity, good, service, credit, reward, or any other thing of value that may be transferred to a person, whether possession of the prize is actually transferred, or placed on an account or other record as evidence of the intent to transfer the prize.
- (zz) “Sweepstakes terminal facility” means any location in this state where a sweepstakes terminal device is provided to a sweepstakes participant, except as provided in Ohio R.C. 2915.02(G).
- (aaa) “Veteran’s organization” means any individual post or state headquarters of a national veteran’s association or an auxiliary unit of any individual post of a national veteran’s association, which post, state headquarters, or auxiliary unit is incorporated as a nonprofit corporation and either has received a letter from the state headquarters of the national veteran’s association indicating that the individual post or auxiliary unit is in good standing with the national veteran’s association or has received a letter from the national veteran’s association indicating that the state headquarters is in good standing with the national veteran’s association. As used in this definition, “National Veterans’ Association” means any veteran’s association that has been in continuous existence as such for a period of at least five (5) years and either is incorporated by an act of the United States Congress or has a national dues-paying membership of at least 5,000 persons.

- (bbb) "Volunteer firefighter's organization" means any organization of volunteer firefighters, as defined in Ohio R.C. 146.01, that is organized and operated exclusively to provide financial support for a volunteer fire department or a volunteer fire company and that is recognized or ratified by a county, municipal corporation, or township.
- (ccc) "Volunteer rescue service organization" means any organization of volunteers organized to function as an emergency medical service organization, as defined in Ohio R.C. 4765.01.
- (ddd) "Youth athletic organization" means any organization, not organized for profit, that is organized and operated exclusively to provide financial support to, or to operate, athletic activities for persons who are twenty-one (21) years of age or younger by means of sponsoring, organizing, operating, or contributing to the support of an athletic team, club, league, or association.
- (eee) "Youth athletic park organization" means any organization, not organized for profit, that satisfies both of the following:
 - (1) It owns, operates, and maintains playing fields that satisfy both of the following:
 - A. The playing fields are used for athletic activities by one or more organizations, not organized for profit, each of which is organized and operated exclusively to provide financial support to, or to operate, athletic activities for persons who are eighteen (18) years of age or younger by means of sponsoring, organizing, operating, or contributing to the support of an athletic team, club, league, or association.
 - B. The playing fields are not used for any profit-making activity at any time during the year.
 - (2) It uses the proceeds of bingo it conducts exclusively for the operation, maintenance, and improvement of its playing fields of the type described in subsection (ggg)(1) hereof.
(ORC 2915.01)

517.02 GAMBLING.

- (a) No person shall do any of the following:
 - (1) Engage in bookmaking, or knowingly engage in conduct that facilitates bookmaking;
 - (2) Establish, promote, or operate or knowingly engage in conduct that facilitates any game of chance conducted for profit or any scheme of chance;
 - (3) Knowingly procure, transmit, exchange, or engage in conduct that facilitates the procurement, transmission, or exchange of information for use in establishing odds or determining winners in connection with bookmaking or with any game of chance conducted for profit or any scheme of chance;
 - (4) Engage in betting or in playing any scheme or game of chance as a substantial source of income or livelihood;
 - (5) Conduct, or participate in the conduct of, a sweepstakes with the use of a sweepstakes terminal device at a sweepstakes terminal device facility and either:
 - A. Give to another person any item described in subsection (ff)(1), (2), (3) or (4) of Section 517.01 as a prize for playing or participating in a sweepstakes; or

- B. Give to another person any merchandise prize, or a redeemable voucher for a merchandise prize, the wholesale value of which is in excess of ten dollars (\$10.00) and which is awarded as a single entry for playing or participating in a sweepstakes. Redeemable vouchers shall not be redeemable for a merchandise prize that has a wholesale value of more than ten dollars (\$10.00).
- (6) Conduct, or participate in the conduct of, a sweepstakes with the use of a sweepstakes terminal device at a sweepstakes terminal device facility without first obtaining a current annual "certificate of registration" from the Attorney General as required by division (F) of Ohio R.C. 2915.02.
- (7) With purpose to violate subsection (a)(1), (2), (3), (4), (5) or (6) of this section, acquire, possess, control, or operate any gambling device.

(b) For purposes of subsection (a)(1) of this section, a person facilitates bookmaking if the person in any way knowingly aids an illegal bookmaking operation, including, without limitation, placing a bet with a person engaged in or facilitating illegal bookmaking. For purposes of subsection (a)(2) of this section, a person facilitates a game of chance conducted for profit or a scheme of chance if the person in any way knowingly aids in the conduct or operation of any such game or scheme, including, without limitation, playing any such game or scheme.

(c) This section does not prohibit conduct in connection with gambling expressly permitted by law.

(d) This section does not apply to any of the following:

(1) Games of chance, if all of the following apply:

- A. The games of chance are not craps for money or roulette for money.
- B. The games of chance are conducted by a charitable organization that is, and has received from the Internal Revenue Service a determination letter that is currently in effect, stating that the organization is, exempt from Federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code.
- C. The games of chance are conducted at festivals of the charitable organization that are conducted not more than a total of five days a calendar year, and are conducted on premises owned by the charitable organization for a period of no less than one year immediately preceding the conducting of the games of chance, on premises leased from a governmental unit, or on premises that are leased from a veteran's or fraternal organization and that have been owned by the lessor veteran's or fraternal organization for a period of no less than one year immediately preceding the conducting of the games of chance.

A charitable organization shall not lease premises from a veteran's or fraternal organization to conduct a festival described in subsection (d)(1)C. hereof if the veteran's or fraternal organization has already leased the premises twelve times during the preceding year to charitable organizations for that purpose. If a charitable organization leases premises from a veteran's or fraternal organization to conduct a festival described in subsection (d)(1)C. hereof, the charitable organization shall not pay a rental rate for the premises per day of the festival that exceeds the rental rate per bingo session that a charitable organization may pay under Section 517.06(b)(1) when it leases premises from another charitable organization to conduct bingo games.

- D. All of the money or assets received from the games of chance after deduction only of prizes paid out during the conduct of the games of chance are used by, or given, donated or otherwise transferred to, any organization that is described in subsection 509(a)(1), (2) or (3) of the Internal Revenue Code and is either a governmental unit or an organization that is tax exempt under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code;
- E. The games of chance are not conducted during, or within ten hours of, a bingo game conducted for amusement purposes only pursuant to Section 517.13.

No person shall receive any commission, wage, salary, reward, tip, donations, gratuity or other form of compensation, directly or indirectly, for operating or assisting in the operation of any game of chance.

- (2) Any tag fishing tournament operated under a permit issued under Ohio R.C. 1533.92, as "tag fishing tournament" is defined in Ohio R.C. 1531.01.
- (3) Bingo conducted by a charitable organization that holds a license issued under Ohio R.C. 2915.08.

(e) Subsection (d) hereof shall not be construed to authorize the sale, lease or other temporary or permanent transfer of the right to conduct games of chance, as granted by subsection (d) hereof, by any charitable organization that is granted that right.

(f) Whoever violates this section is guilty of gambling, a misdemeanor of the first degree. If the offender previously has been convicted of a gambling offense, gambling is a felony and shall be prosecuted under appropriate State law. (ORC 2915.02)

517.03 OPERATING A GAMBLING HOUSE.

(a) No person, being the owner or lessee, or having custody, control or supervision of premises, shall:

- (1) Use or occupy such premises for gambling in violation of Section 517.02;
- (2) Recklessly permit such premises to be used or occupied for gambling in violation of Section 517.02.

(b) Whoever violates this section is guilty of operating a gambling house, a misdemeanor of the first degree. If the offender previously has been convicted of a gambling offense, operating a gambling house is a felony and shall be prosecuted under appropriate State law.

(c) Premises used or occupied in violation of this section constitute a nuisance subject to abatement pursuant to Ohio R.C. Chapter 3767. (ORC 2915.03)

517.04 PUBLIC GAMING.

(a) No person, while at a hotel, restaurant, tavern, store, arena, hall, or other place of public accommodation, business, amusement, or resort shall make a bet or play any game of chance or scheme of chance.

(b) No person, being the owner or lessee, or having custody, control, or supervision, of a hotel, restaurant, tavern, store, arena, hall, or other place of public accommodation, business, amusement, or resort shall recklessly permit those premises to be used or occupied in violation of subsection (a) of this section.

(c) Subsections (a) and (b) of this section do not prohibit conduct in connection with gambling expressly permitted by law.

(d) Whoever violates this section is guilty of public gaming. Except as otherwise provided in this subsection, public gaming is a minor misdemeanor. If the offender previously has been convicted of any gambling offense, public gaming is a misdemeanor of the fourth degree.

(e) Premises used or occupied in violation of subsection (b) of this section constitute a nuisance subject to abatement under Ohio R.C. Chapter 3767. (ORC 2915.04)

517.05 CHEATING.

(a) No person, with purpose to defraud or knowing that the person is facilitating a fraud, shall engage in conduct designed to corrupt the outcome of any of the following:

- (1) The subject of a bet;
- (2) A contest of knowledge, skill, or endurance that is not an athletic or sporting event;
- (3) A scheme or game of chance;
- (4) Bingo.

(b) Whoever violates this section is guilty of cheating. Except as otherwise provided in this subsection cheating is a misdemeanor of the first degree. If the potential gain from the cheating is one thousand dollars (\$1,000) or more, or if the offender previously has been convicted of any gambling offense or of any theft offense as defined in Ohio R.C. 2913.01, cheating is a felony and shall be prosecuted under appropriate State law. (ORC 2915.05)

517.06 METHODS OF CONDUCTING A BINGO GAME; PROHIBITIONS.

(a) No charitable organization that conducts bingo shall fail to do any of the following:

- (1) Own all of the equipment used to conduct bingo or lease that equipment from a charitable organization that is licensed to conduct bingo, or from the landlord of a premises where bingo is conducted, for a rental rate that is not more than is customary and reasonable for that equipment;

- (2) Except as otherwise provided in subsection (a)(3) of this section, use all of the gross receipts from bingo for paying prizes, for reimbursement of expenses for or for renting premises in which to conduct bingo, for reimbursement of expenses for or for purchasing or leasing bingo supplies used in conducting bingo, for reimbursement of expenses for or for hiring security personnel, for reimbursement of expenses for or for advertising bingo, or for reimbursement of other expenses or for other expenses listed in the definition for "expenses" in Section 517.01(r), provided that the amount of the receipts so spent is not more than is customary and reasonable for a similar purchase, lease, hiring, advertising, or expense. If the building in which bingo is conducted is owned by the charitable organization conducting bingo and the bingo conducted includes a form of bingo described in the definition of "bingo" in Section 517.01(b)(1), the charitable organization may deduct from the total amount of the gross receipts from each session a sum equal to the lesser of six hundred dollars (\$600.00) or forty-five percent (45%) of the gross receipts from the bingo described in that division as consideration for the use of the premises;
- (3) Use, or give, donate, or otherwise transfer, all of the net profit derived from bingo described in Section 517.01(b)(1), for a charitable purpose listed in its license application and described in Section 517.01(k), or distribute all of the net profit from the proceeds of the sale of instant bingo or electronic instant bingo as stated in its license application and in accordance with Ohio R.C. 2915.101, as applicable.

(b) No charitable organization that conducts a bingo game described in Section 517.01(b)(1) shall fail to do any of the following:

- (1) Conduct the bingo game on premises that are owned by the charitable organization, on premises that are owned by another charitable organization and leased from that charitable organization for a rental rate not in excess of the lesser of six hundred dollars (\$600.00) per bingo session or forty-five percent (45%) of the gross receipts of the bingo session, on premises that are leased from a person other than a charitable organization for a rental rate that is not more than is customary and reasonable for premises that are similar in location, size, and quality but not in excess of four hundred fifty dollars (\$450.00) per bingo session, or on premises that are owned by a person other than a charitable organization, that are leased from that person by another charitable organization, and that are subleased from that other charitable organization by the charitable organization for a rental rate not in excess of four hundred fifty dollars (\$450.00) per bingo session. No charitable organization is required to pay property taxes or assessments on premises that the charitable organization leases from another person to conduct bingo sessions. If the charitable organization leases from a person other than a charitable organization the premises on which it conducts bingo sessions, the lessor of the premises shall provide the premises to the organization and shall not provide the organization with bingo game operators, security personnel, concessions or concession operators, bingo supplies, or any other type of service. A charitable organization shall not lease or sublease premises that it owns or leases to more than three (3) other charitable organizations per calendar week for

conducting bingo sessions on the premises. A person that is not a charitable organization shall not lease premises that it owns, leases, or otherwise is empowered to lease to more than three (3) charitable organizations per calendar week for conducting bingo sessions on the premises. In no case shall more than nine (9) bingo sessions be conducted on any premises in any calendar week.

- (2) Display its license conspicuously at the premises where the bingo session is conducted;
- (3) Conduct the bingo session in accordance with the definition of bingo set forth in Section 517.01(b)(1).

(c) No charitable organization that conducts a bingo game described in Section 517.01(b)(1) shall do any of the following:

- (1) Pay any compensation to a bingo game operator for operating a bingo session that is conducted by the charitable organization or for preparing, selling, or serving food or beverages at the site of the bingo session, permit any auxiliary unit or society of the charitable organization to pay compensation to any bingo game operator who prepares, sells, or serves food or beverages at a bingo session conducted by the charitable organization, or permit any auxiliary unit or society of the charitable organization to prepare, sell, or serve food or beverages at a bingo session conducted by the charitable organization, if the auxiliary unit or society pays any compensation to the bingo game operators who prepare, sell, or serve the food or beverages;
- (2) Pay consulting fees to any person for any services performed in relation to the bingo session;
- (3) Pay concession fees to any person who provides refreshments to the participants in the bingo session;
- (4) Except as otherwise provided in subsection (c)(4) of this section, conduct more than three bingo sessions in any seven-day period. A volunteer firefighter's organization or a volunteer rescue service organization that conducts not more than five (5) bingo sessions in a calendar year may conduct more than three (3) bingo sessions in a seven-day period after notifying the Attorney General when it will conduct the sessions;
- (5) Pay out more than six thousand dollars (\$6,000) in prizes for bingo games described in Section 517.01(b)(1) during any bingo session that is conducted by the charitable organization. "Prizes" does not include awards from the conduct of instant bingo;
- (6) Conduct a bingo session at any time during the eight-hour period between 2:00 a.m. and 10:00 a.m., at any time during, or within ten (10) hours of, a bingo game conducted for amusement only pursuant to Ohio R.C. 2915.12, at any premises not specified on its license, or on any day of the week or during any time period not specified on its license. Subsection (c)(6) of this section does not prohibit the sale of instant bingo tickets beginning at 9:00 a.m. for a bingo session that begins at 10:00 a.m. If circumstances make it impractical for the charitable organization to conduct a bingo session at the premises, or on the day of the week or at the time, specified on its license or if a charitable organization wants to conduct bingo sessions on a day of the week or at a time other than the day or time specified on its license, the charitable organization may apply in writing to the Attorney

General for an amended license, pursuant to division (J) of Ohio R.C. 2915.08. A charitable organization may apply twice in each calendar year for an amended license to conduct bingo sessions on a day of the week or at a time other than the day or time specified on its license. If the amended license is granted, the organization may conduct bingo sessions at the premises, on the day of the week, and at the time specified on its amended license;

- (7) Permit any person whom the charitable organization knows, or should have known, is under the age of eighteen (18) to work as a bingo game operator;
- (8) Permit any person whom the charitable organization knows, or should have known, has been convicted of a felony or gambling offense in any jurisdiction to be a bingo game operator;
- (9) Permit the lessor of the premises on which the bingo session is conducted, if the lessor is not a charitable organization, to provide the charitable organization with bingo game operators, security personnel, concessions, bingo supplies, or any other type of service;
- (10) Purchase or lease bingo supplies from any person except a distributor issued a license under Ohio R.C. 2915.081;
- (11) A. Use or permit the use of electronic bingo aids except under the following circumstances:
 - 1. For any single participant, not more than ninety (90) bingo faces can be played using an electronic bingo aid or aids.
 - 2. The charitable organization shall provide a participant using an electronic bingo aid with corresponding paper bingo cards or sheets.
 - 3. The total price of bingo faces played with an electronic bingo aid shall be equal to the total price of the same number of bingo faces played with a paper bingo card or sheet sold at the same bingo session but without an electronic bingo aid.
 - 4. An electronic bingo aid cannot be part of an electronic network other than a network that includes only bingo aids and devices that are located on the premises at which the bingo is being conducted or be interactive with any device not located on the premises at which the bingo is being conducted.
 - 5. An electronic bingo aid cannot be used to participate in bingo that is conducted at a location other than the location at which the bingo session is conducted and at which the electronic bingo aid is used.
 - 6. An electronic bingo aid cannot be used to provide for the input of numbers and letters announced by a bingo caller other than the bingo caller who physically calls the numbers and letters at the location at which the bingo session is conducted and at which the electronic bingo aid is used.
- B. The Attorney General may adopt rules in accordance with Ohio R.C. Chapter 119 that govern the use of electronic bingo aids. The rules may include a requirement that an electronic bingo aid be capable of being audited by the Attorney General to verify the number of bingo cards or sheets played during each bingo session.

- (12) Permit any person the charitable organization knows, or should have known, to be under eighteen (18) years of age to play bingo described in Section 517.01(b)(1).
- (d) (1) Except as otherwise provided in subsection (d)(3) hereof, no charitable organization shall provide to a bingo game operator, and no bingo game operator shall receive or accept, any commission, wage, salary, reward, tip, donation, gratuity, or other form of compensation, directly or indirectly, regardless of the source, for conducting bingo or providing other work or labor at the site of bingo during a bingo session.
- (2) Except as otherwise provided in subsection (d)(3) of this section, no charitable organization shall provide to a bingo game operator any commission, wage, salary, reward, tip, donation, gratuity, or other form of compensation, directly or indirectly regardless of the source, for conducting instant bingo, electronic instant bingo, or both other than at a bingo session at the site of instant bingo, electronic instant bingo, or both other than at a bingo session.
- (3) Nothing in subsection (d) hereof prohibits an employee of a fraternal organization, veteran's organization, or sporting organization from selling instant bingo tickets or cards to the organization's members or invited guests, as long as no portion of the employee's compensation is paid from any receipts of bingo.
- (e) Notwithstanding subsection (b)(1) of this section, a charitable organization that, prior to December 6, 1977, has entered into written agreements for the lease of premises it owns to another charitable organization or other charitable organizations for the conducting of bingo sessions so that more than two (2) bingo sessions are conducted per calendar week on the premises, and a person that is not a charitable organization and that, prior to December 6, 1977, has entered into written agreements for the lease of premises it owns to charitable organizations for the conducting of more than two (2) bingo sessions per calendar week on the premises, may continue to lease the premises to those charitable organizations, provided that no more than four sessions are conducted per calendar week, that the lessor organization or person has notified the Attorney General in writing of the organizations that will conduct the sessions and the days of the week and the times of the day on which the sessions will be conducted, that the initial lease entered into with each organization that will conduct the sessions was filed with the Attorney General prior to December 6, 1977, and that each organization that will conduct the sessions was issued a license to conduct bingo games by the Attorney General prior to December 6, 1977.
- (f) This section does not prohibit a bingo licensed charitable organization or a game operator from giving any person an instant bingo ticket as a prize.
- (g) Except as otherwise provided in this subsection, whoever violates subsection (a)(1) or (2), (b)(1), (2), or (3), (c)(1) to (11) or (d) of this section is guilty of a minor misdemeanor. If the offender previously has been convicted of a violation of subsection (a)(1) or (2), (b)(1), (2) or (3), (c)(1) to (11), or (d) of this section, a violation of subsection (a)(1) or (2), (b)(1), (2) or (3) or (c)(1) to (11) or (d) of this section is a misdemeanor of the first degree. Whoever violates subsection (c)(12) of this section is guilty of a misdemeanor of the first degree. If the offender previously has been convicted of a violation of subsection (c)(12) of this section, a violation of subsection (c)(12) is a felony and shall be prosecuted under appropriate State law. (ORC 2915.09)

517.07 INSTANT BINGO CONDUCT.

- (a) No charitable organization that conducts instant bingo shall do any of the following:
- (1) Fail to comply with the requirements of divisions (A)(1), (2), and (3) of Ohio R.C. 2915.09;
 - (2) Conduct instant bingo unless either of the following applies:
 - A. That organization is, and has received from the Internal Revenue Service a determination letter that is currently in effect stating that the organization is, exempt from federal income taxation under subsection 501(a), is described in subsection 501(c)(3) of the Internal Revenue Code, is a charitable organization as defined in Section 517.01, is in good standing in the State pursuant to Ohio R.C. 2915.08, and is in compliance with Ohio R.C. Chapter 1716;
 - B. That organization is, and has received from the Internal Revenue Service a determination letter that is currently in effect stating that the organization is, exempt from federal income taxation under subsection 501(a), is described in subsection 501(c)(8), 501(c)(10), or 501(c)(19) or is a veteran's organization described in subsection 501(c)(4) of the Internal Revenue Code, and conducts instant bingo under Section 517.14.
 - (3) Conduct instant bingo on any day, at any time, or at any premises not specified on the organization's license issued pursuant to Ohio R.C. 2915.08;
 - (4) Permit any person whom the organization knows or should have known has been convicted of a felony or gambling offense in any jurisdiction to be a bingo game operator in the conduct of instant bingo;
 - (5) Purchase or lease supplies used to conduct instant bingo or punch board games from any person except a distributor licensed under Ohio R.C. 2915.081;
 - (6) Sell or provide any instant bingo ticket or card for a price different from the price printed on it by the manufacturer on either the instant bingo ticket or card or on the game flare;
 - (7) Sell an instant bingo ticket or card to a person under eighteen (18) years of age;
 - (8) Fail to keep unsold instant bingo tickets or cards for less than three (3) years;
 - (9) Pay any compensation to a bingo game operator for conducting instant bingo that is conducted by the organization or for preparing, selling, or serving food or beverages at the site of the instant bingo game, permit any auxiliary unit or society of the organization to pay compensation to any bingo game operator who prepares, sells, or serves food or beverages at an instant bingo game conducted by the organization, or permit any auxiliary unit or society of the organization to prepare, sell, or serve food or beverages at an instant bingo game conducted by the organization, if the auxiliary unit or society pays any compensation to the bingo game operators who prepare, sell, or serve the food or beverages;
 - (10) Pay fees to any person for any services performed in relation to an instant bingo game, except as provided in Section 517.09(d);
 - (11) Pay fees to any person who provides refreshments to the participants in an instant bingo game;
 - (12) A. Allow instant bingo tickets or cards to be sold to bingo game operators at a premises at which the organization sells instant bingo tickets or cards or to be sold to employees of a D permit holder who are working at a premises at which instant bingo tickets or cards are sold;

- B. Subsection (a)(12)A. of this section does not prohibit a licensed charitable organization or a bingo game operator from giving any person an instant bingo ticket as a prize in place of a cash prize won by a participant in an instant bingo game. In no case shall an instant bingo ticket or card be sold or provided for a price different from the price printed on it by the manufacturer on either the instant bingo ticket or card or on the game flare.
- (13) Fail to display its bingo license, and the serial numbers of the deal of instant bingo tickets or cards to be sold, conspicuously at each premises at which it sells instant bingo tickets or cards;
 - (14) Possess a deal of instant bingo tickets or cards that was not purchased from a distributor licensed under Ohio R.C. 2915.081 as reflected on an invoice issued by the distributor that contains all of the information required by Section 517.11(f);
 - (15) Fail, once it opens a deal of instant bingo tickets or cards, to continue to sell the tickets or cards in that deal until the tickets or cards with the top two (2) highest tiers of prizes in that deal are sold;
 - (16) Possess bingo supplies that were not obtained in accordance with Ohio R.C. 2915.01 to 2915.13.

(b) A charitable organization may purchase, lease, or use instant bingo ticket dispensers to sell instant bingo tickets or cards.

(c) Whoever violates subsection (a) of this section or a rule adopted under Ohio R.C. 2915.091(C) is guilty of illegal instant bingo conduct. Except as otherwise provided in this subsection, illegal instant bingo conduct is a misdemeanor of the first degree. If the offender previously has been convicted of a violation of subsection (a) of this section or of such a rule, illegal instant bingo conduct is a felony and shall be prosecuted under appropriate State law. (ORC 2915.091)

517.08 RAFFLES.

- (a)
 - (1) Subject to subsection (a)(2) of this section, a person or entity that is exempt from federal income taxation under IRC 501(a) and is described in IRC 501(c)(3), 501(c)(4), 501(c)(6), 501(c)(7), 501(c)(8), 501(c)(10), or 501(c)(19) may conduct a raffle to raise money for the person or entity and does not need a license to conduct bingo in order to conduct a raffle drawing that is not for profit.
 - (2) If a person or entity that is described in subsection (a)(1) of this section, but that is not also described in IRC 501(c)(3), conducts a raffle, the person or entity shall distribute at least fifty percent (50%) of the net profit from the raffle to a charitable purpose described in Section 517.01(j) or to a department or agency of the federal government, the state, or any political subdivision.

(b) Except as provided in subsection (a) of this section, no person shall conduct a raffle drawing that is for profit or a raffle drawing that is not for profit.

(c) Whoever violates subsection (b) of this section is guilty of illegal conduct of a raffle. Except as otherwise provided in this subsection, illegal conduct of a raffle is a misdemeanor of the first degree. If the offender previously has been convicted of a violation of subsection (b) of this section, illegal conduct of a raffle is a felony and shall be prosecuted under appropriate State law. (ORC 2915.092)

517.09 CHARITABLE INSTANT BINGO ORGANIZATIONS.

(a) As used in this section, "retail income from all commercial activity" means the income that a person receives from the provision of goods, services, or activities that are provided at the location where instant bingo other than at a bingo session is conducted, including the sale of instant bingo tickets. A religious organization that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code, at not more than one location at which it conducts its charitable programs, may include donations from its members and guests as retail income.

- (b) (1) If a charitable instant bingo organization conducts instant bingo other than at a bingo session under a type III license issued under Ohio R.C. 2915.08, the charitable instant bingo organization shall enter into a written contract with the owner or lessor of the location at which the instant bingo is conducted to allow the owner or lessor to assist in the conduct of instant bingo other than at a bingo session, identify each location where the instant bingo other than at a bingo session is being conducted, and identify the owner or lessor of each location.
- (2) A charitable instant bingo organization that conducts instant bingo other than at a bingo session under a type III license issued under Ohio R.C. 2915.08 is not required to enter into a written contract with the owner or lessor of the location at which the instant bingo is conducted provided that the owner or lessor is not assisting in the conduct of the instant bingo other than at a bingo session and provided that the conduct of the instant bingo other than at a bingo session at that location is not more than five (5) days per calendar year and not more than ten (10) hours per day.

(c) Except as provided in subsection (f) of this section, no charitable instant bingo organization shall conduct instant bingo other than at a bingo session at a location where the primary source of retail income from all commercial activity at that location is the sale of instant bingo tickets.

(d) The owner or lessor of a location that enters into a contract pursuant to subsection (b) of this section shall pay the full gross profit to the charitable instant bingo organization, in return for the deal of instant bingo tickets. The owner or lessor may retain the money that the owner or lessor receives for selling the instant bingo tickets, provided, however, that after the deal has been sold, the owner or lessor shall pay to the charitable instant bingo organization the value of any unredeemed instant bingo prizes remaining in the deal of instant bingo tickets.

The charitable instant bingo organization shall pay six per cent of the total gross receipts of any deal of instant bingo tickets for the purpose of reimbursing the owner or lessor for expenses described in this subsection.

As used in this subsection, "expenses" means those items provided for in subsections (r)(4), (5), (6), (7), (8), (12) and (13) of Section 517.01 and that percentage of the owner's or lessor's rent for the location where instant bingo is conducted. "Expenses" in the aggregate, shall not exceed six percent (6%) of the total gross receipts of any deal of instant bingo tickets.

As used in this subsection, "full gross profit" means the amount by which the total receipts of all instant bingo tickets, if the deal had been sold in full, exceeds the amount that would be paid out if all prizes were redeemed.

(e) A charitable instant bingo organization shall provide the Attorney General with all of the following information:

- (1) That the charitable instant bingo organization has terminated a contract entered into pursuant to subsection (b) of this section with an owner or lessor of a location;
- (2) That the charitable instant bingo organization has entered into a written contract pursuant to subsection (b) of this section with a new owner or lessor of a location;
- (3) That the charitable instant bingo organization is aware of conduct by the owner or lessor of a location at which instant bingo is conducted that is in violation of this chapter or Ohio R.C. Chapter 2915.

(f) Subsection (c) of this section does not apply to a volunteer firefighter's organization that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code, that conducts instant bingo other than at a bingo session on the premises where the organization conducts firefighter training, that has conducted instant bingo continuously for at least five years prior to July 1, 2003, and that, during each of those five years, had gross receipts of at least one million five hundred thousand dollars.
(ORC 2915.093)

517.10 LOCATION OF INSTANT BINGO.

(a) No owner or lessor of a location shall assist a charitable instant bingo organization in the conduct of instant bingo other than at a bingo session at that location unless the owner or lessor has entered into a written contract, as described in Section 517.09, with the charitable instant bingo organization to assist in the conduct of instant bingo other than at a bingo session.

(b) The location of the lessor or owner shall be designated as a location where the charitable instant bingo organization conducts instant bingo other than at a bingo session.

(c) No owner or lessor of a location that enters into a written contract as prescribed in subsection (a) of this section shall violate any provision of Ohio R.C. Chapter 2915, or permit, aid, or abet any other person in violating any provision of Ohio R.C. Chapter 2915.

(d) No owner or lessor of a location that enters into a written contract as prescribed in subsection (a) of this section shall violate the terms of the contract.

- (e)
- (1) Whoever violates subsection (c) or (d) of this section is guilty of illegal instant bingo conduct. Except as otherwise provided in this subsection, illegal instant bingo conduct is a misdemeanor of the first degree. If the offender previously has been convicted of a violation of subsection (c) or (d) of this section, illegal instant bingo conduct is a felony and shall be prosecuted under appropriate State law.
 - (2) If an owner or lessor of a location knowingly, intentionally, or recklessly violates subsection (c) or (d) of this section, any license that the owner or lessor holds for the retail sale of any goods on the owner's or lessor's premises that is issued by the State or a political subdivision is subject to suspension, revocation, or payment of a monetary penalty at the request of the Attorney General. (ORC 2915.094)

517.11 BINGO OR GAME OF CHANCE RECORDS.

(a) No charitable organization that conducts bingo or a game of chance pursuant to Section 517.02(d), shall fail to maintain the following records for at least three years from the date on which the bingo or game of chance is conducted:

- (1) An itemized list of the gross receipts of each bingo session, each game of instant bingo by serial number, each electronic instant bingo game by serial number, each raffle, each punch board game, and each game of chance, and an itemized list of the gross profits of each game of instant bingo by serial number and each electronic instant bingo game by serial number;
- (2) An itemized list of all expenses, other than prizes, that are incurred in conducting bingo, the name of each person to whom the expenses are paid, and a receipt for all of the expenses;
- (3) A list of all prizes awarded during each bingo session, each raffle, each punch board game, and each game of chance conducted by the charitable organization, the total prizes awarded from each game of instant bingo by serial number and each electronic instant bingo game by serial number, and the name, address, and social security number of all persons who are winners of prizes of six hundred dollars (\$600.00) or more in value;
- (4) An itemized list of the recipients of the net profit of the bingo or game of chance, including the name and address of each recipient to whom the money is distributed, and if the organization uses the net profit of bingo, or the money or assets received from a game of chance, for any charitable or other purpose set forth in Section 517.01(j), Section 517.02(d), or Ohio R.C. 2915.101, a list of each purpose and an itemized list of each expenditure for each purpose;
- (5) The number of persons who participate in any bingo session or game of chance that is conducted by the charitable organization;
- (6) A list of receipts from the sale of food and beverages by the charitable organization or one of its auxiliary units or societies, if the receipts were excluded from "gross receipts" Section 517.01(aa);
- (7) An itemized list of all expenses incurred at each bingo session, each raffle, each punch board game, or each game of instant bingo or electronic instant bingo conducted by the charitable organization in the sale of food and beverages by the charitable organization or by an auxiliary unit or society of the charitable organization, the name of each person to whom the expenses are paid, and a receipt for all of the expenses.

(b) A charitable organization shall keep the records that it is required to maintain pursuant to subsection (a) of this section at its principal place of business in this State or at its headquarters in this State and shall notify the Attorney General of the location at which those records are kept.

(c) The gross profit from each bingo session or game described in Section 517.01(b)(1) or (2) shall be deposited into a checking account devoted exclusively to the bingo session or game. Payments for allowable expenses incurred in conducting the bingo session or game and payments to recipients of some or all of the net profit of the bingo session or game shall be made only by checks or electronic fund transfers drawn on the bingo session or game account.

(d) Each charitable organization shall conduct and record an inventory of all of its bingo supplies as of the first day of November of each year.

(e) The Attorney General may adopt rules in accordance with Ohio R.C. Chapter 119 that establish standards of accounting, record keeping, and reporting to ensure that gross receipts from bingo or games of chance are properly accounted for.

(f) A distributor shall maintain, for a period of three (3) years after the date of its sale or other provision, a record of each instance of its selling or otherwise providing to another person bingo supplies for use in this State. The record shall include all of the following for each instance:

- (1) The name of the manufacturer from which the distributor purchased the bingo supplies and the date of the purchase;
- (2) The name and address of the charitable organization or other distributor to which the bingo supplies were sold or otherwise provided;
- (3) A description that clearly identifies the bingo supplies;
- (4) Invoices that include the nonrepeating serial numbers of all paper bingo cards and sheets and all instant bingo deals sold or otherwise provided to each charitable organization.

(g) A manufacturer shall maintain, for a period of three (3) years after the date of its sale or other provision, a record of each instance of its selling or otherwise providing bingo supplies for use in this State. The record shall include all of the following for each instance:

- (1) The name and address of the distributor to whom the bingo supplies were sold or otherwise provided;
- (2) A description that clearly identifies the bingo supplies, including serial numbers;
- (3) Invoices that include the nonrepeating serial numbers of all paper bingo cards and sheets and all instant bingo deals sold or otherwise provided to each distributor.

- (h) (1) The Attorney General, or any law enforcement agency, may do all of the following:
- A. Investigate any charitable organization, distributor, or manufacturer or any officer, agent, trustee, member, or employee of the organization, distributor, or manufacturer;
 - B. Examine the accounts and records of the charitable organization, distributor, or manufacturer or of any officer, agent, trustee, member, or employee of the organization, distributor, or manufacturer;
 - C. Conduct inspections, audits, and observations of bingo or games of chance;
 - D. Conduct inspections of the premises where bingo or games of chance are conducted or where bingo supplies are manufactured or distributed;
 - E. Take any other necessary and reasonable action to determine if a violation of any provision of this chapter or Ohio R.C. Chapter 2915 has occurred and to determine whether Section 517.12 has been complied with.

- (2) If any law enforcement agency has reasonable grounds to believe that a charitable organization, distributor, or manufacturer or an officer, agent, trustee, member, or employee of the organization, distributor, or manufacturer has violated any provision of this chapter or Ohio R.C. Chapter 2915, the law enforcement agency may proceed by action in the proper court to enforce this chapter or Ohio R.C. Chapter 2915, provided that the law enforcement agency shall give written notice to the Attorney General when commencing an action as described in this division.

(i) No person shall destroy, alter, conceal, withhold, or deny access to any accounts or records of a charitable organization, distributor, or manufacturer that have been requested for examination, or obstruct, impede, or interfere with any inspection, audit, or observation of bingo or a game of chance, of premises where bingo or a game of chance is conducted, or of premises where bingo supplies are manufactured or distributed, or refuse to comply with any reasonable request of, or obstruct, impede, or interfere with any other reasonable action undertaken by, the Attorney General or a law enforcement agency pursuant to subsection (h) hereof.

(j) Whoever violates subsection (a) or (i) of this section is guilty of a misdemeanor of the first degree. (ORC 2915.10)

517.12 BINGO OPERATOR PROHIBITIONS.

(a) No person shall be a bingo game operator unless he is eighteen (18) years of age or older.

(b) No person who has been convicted of a felony or a gambling offense in any jurisdiction shall be a bingo game operator.

(c) Whoever violates subsection (a) hereof is guilty of a misdemeanor of the third degree.

(d) Whoever violates subsection (b) hereof is guilty of a misdemeanor of the first degree. (ORC 2915.11)

517.13 BINGO EXCEPTIONS.

(a) Ohio R.C. 2915.07 to 2915.11 and 2915.14 or Section 517.06 et seq. of this chapter do not apply to bingo games that are conducted for the purpose of amusement only. A bingo game is conducted for the purpose of amusement only if it complies with all of the requirements specified in either subsection (a)(1) or (2) hereof:

- (1) A. The participants do not pay any money or any other thing of value including an admission fee, or any fee for bingo cards, sheets, objects to cover the spaces or other devices used in playing bingo, for the privilege of participating in the bingo game or to defray any costs of the game, or pay tips or make donations during or immediately before or after the bingo game.
- B. All prizes awarded during the course of the game are nonmonetary, and in the form of merchandise, goods or entitlements to goods or services only, and the total value of all prizes awarded during the game is less than one hundred dollars (\$100.00).

- C. No commission, wages, salary, reward, tip, donation, gratuity or other form of compensation, either directly or indirectly, and regardless of the source, is paid to any bingo game operator for work or labor performed at the site of the bingo game.
 - D. The bingo game is not conducted either during or within ten (10) hours of any of the following:
 - 1. A bingo session during which a charitable bingo game is conducted pursuant to Ohio R.C. 2915.07 to 2915.11 or Section 517.06 et seq. of this chapter;
 - 2. A scheme or game of chance or bingo described in Section 517.01(b)(2).
 - E. The number of players participating in the bingo game does not exceed fifty (50).
- (2)
- A. The participants do not pay money or any other thing of value as an admission fee, and no participant is charged more than twenty-five cents (25¢) to purchase a bingo card or sheet, objects to cover the spaces or other devices used in playing bingo.
 - B. The total amount of money paid by all of the participants for bingo cards or sheets, objects to cover the spaces or other devices used in playing bingo does not exceed one hundred dollars (\$100.00).
 - C. All of the money paid for bingo cards or sheets, objects to cover spaces or other devices used in playing bingo is used only to pay winners monetary and nonmonetary prizes and to provide refreshments.
 - D. The total value of all prizes awarded during the game does not exceed one hundred dollars (\$100.00).
 - E. No commission, wages, salary, reward, tip, donation, gratuity or other form of compensation, either directly or indirectly, and regardless of the source, is paid to any bingo game operator for work or labor performed at the site of the bingo game.
 - F. The bingo game is not conducted during or within ten (10) hours of either of the following:
 - 1. A bingo session during which a charitable bingo game is conducted pursuant to Ohio R.C. 2915.07 to 2915.15 or Section 517.06 et seq. of this chapter;
 - 2. A scheme of chance or game of chance or bingo described in Section 517.01(b)(2).
 - G. All of the participants reside at the premises where the bingo game is conducted.
 - H. The bingo games are conducted on different days of the week and not more than twice in a calendar week.

(b) The Attorney General, or any local law enforcement agency, may investigate the conduct of a bingo game that purportedly is conducted for purposes of amusement only if there is reason to believe that the purported amusement bingo game does not comply with subsection (a) hereof. A local law enforcement agency may proceed by action in the proper court to enforce this section if the local law enforcement agency gives written notice to the Attorney General when commencing the action. (ORC 2915.12)

517.14 INSTANT BINGO CONDUCT BY A VETERAN'S OR FRATERNAL ORGANIZATION.

(a) Subject to the requirements of Ohio R.C. 2915.14 and 2915.15 concerning electronic instant bingo, a veteran's organization, a fraternal organization, or a sporting organization authorized to conduct a bingo session pursuant to Ohio R.C. Chapter 2915 may conduct instant bingo, electronic instant bingo, or both other than at a bingo session under a type III license issued under Ohio R.C. 2915.08 if all of the following apply:

- (1) The veteran's organization, fraternal organization, or sporting organization limits the sale of instant bingo or electronic instant bingo to twelve (12) hours during any day, provided that the sale does not begin earlier than 10:00 a.m. and ends not later than 2:00 a.m.
- (2) The veteran's organization, fraternal organization, or sporting organization limits the sale of instant bingo or electronic instant bingo to its own premises and to its own members and invited guests.
- (3) The veteran's organization, fraternal organization, or sporting organization is raising money for an organization that is described in IRC 509(a)(1), (a)(2), or (a)(3) and is either a governmental unit or an organization that maintains its principal place of business in this state, that is exempt from federal income taxation under IRC 501(a) and described in IRC 501(c)(3), and that is in good standing in this state and executes a written contract with that organization as required in subsection (b) hereof.

(b) If a veteran's organization, fraternal organization, or sporting organization authorized to conduct instant bingo or electronic instant bingo pursuant to subsection (a) hereof is raising money for another organization that is described in IRC 509(a)(1), (a)(2), or (a)(3) and is either a governmental unit or an organization that maintains its principal place of business in this state, that is exempt from federal income taxation under IRC 501(a) and described in IRC 501(c), and that is in good standing in this state, the veteran's organization, fraternal organization, or sporting organization shall execute a written contract with the organization that is described in IRC 509(a)(1), (a)(2), or (a)(3) and is either a governmental unit or an organization that maintains its principal place of business in this state, that is exempt from federal income taxation under IRC 501(a) and described in IRC 501(c), and that is in good standing in this state in order to conduct instant bingo or electronic instant bingo. That contract shall include a statement of the percentage of the net proceeds that the veteran's, fraternal, or sporting organization will be distributing to the organization that is described in IRC 509(a)(1), (a)(2), or (a)(3) and is either a governmental unit or an organization that maintains its principal place of business in this state, that is exempt from federal income taxation under IRC 501(a) and described in IRC 501(c)(3), and that is in good standing in this state.

- (c) (1) If a veteran's organization, fraternal organization, or sporting organization authorized to conduct instant bingo or electronic instant bingo pursuant to subsection (b) hereof has been issued a liquor permit under Ohio R.C. Chapter 4303, that permit may be subject to suspension, revocation, or cancellation if the veteran's organization, fraternal organization, or sporting organization violates a provision of this chapter or Ohio R.C. Chapter 2915.

- (2) No veteran's organization, fraternal organization, or sporting organization that enters into a written contract pursuant to subsection (b) hereof shall violate any provision of this chapter or Ohio R.C. Chapter 2915, or permit, aid, or abet any other person in violating any provision of this chapter or Ohio R.C. Chapter 2915.

(d) A veteran's organization, fraternal organization, or sporting organization shall give all required proceeds earned from the conduct of instant bingo or electronic instant bingo to the organization with which the veteran's organization, fraternal organization, or sporting organization has entered into a written contract.

(e) Whoever violates this section is guilty of illegal instant bingo or electronic instant bingo conduct. Except as otherwise provided in this division, illegal instant bingo or electronic instant bingo conduct is a misdemeanor of the first degree. If the offender previously has been convicted of a violation of this section, illegal instant bingo or electronic instant bingo conduct is a felony to be prosecuted under appropriate state law.
(ORC 2915.13)

517.15 SKILL-BASED AMUSEMENT MACHINES.

- (a) (1) No person shall give to another person any item described in Section 517.01(ff)(1), (2), (3), or (4) in exchange for a noncash prize, toy, or novelty received as a reward for playing or operating a skill-based amusement machine or for a free or reduced-prize game won on a skill-based amusement machine.
- (2) Whoever violates subsection (a)(1) of this section is guilty of skill-based amusement machine prohibited conduct. Except as provided herein, a violation of subsection (a)(1) is a misdemeanor of the first degree for each redemption of a prize that is involved in the violation. If the offender previously has been convicted of a violation of subsection (a)(1), a violation of subsection (a)(1) is a felony and shall be prosecuted under appropriate State law.
(ORC 2915.06)

(b) Any regulation of skill-based amusement machines shall be governed by this chapter and Ohio R.C. Chapter 2915 and not by Ohio R.C. Chapter 1345.
(ORC 2915.061)

517.16 ELECTRONIC INSTANT BINGO; PROHIBITED CONDUCT.

- (a) No charitable organization shall conduct electronic instant bingo unless all of the following are true:
- (1) The organization is a veteran's organization described in Ohio R.C. 2915.01(J), or is a fraternal organization described in Ohio R.C. 2915.01(L), and the organization qualified as a veteran's organization or fraternal organization, as applicable, on or before June 30, 2021.
- (2) The organization is a veteran's organization described in IRC 501(c)(4) or is, and has received from the Internal Revenue Service a determination letter that is currently in effect stating that the organization is, exempt from federal income taxation under IRC 501(a), and is described in IRC 501(c)(7), 501(c)(8), 501(c)(10), or 501(c)(19).

- (3) The organization has not conducted a raffle in violation of Ohio R.C. 2915.092(B) using an electronic raffle machine, as described in Ohio Veterans and Fraternal Charitable Coalition v. DeWine, Case No. 13-CV-13610 (C.P. Franklin Co. February 23, 2018), at any time on or after January 1, 2022.

(b) No charitable organization that conducts electronic instant bingo shall do any of the following:

- (1) Possess an electronic instant bingo system that was not obtained in accordance with Ohio R.C. Chapter 2915 or with any rule adopted under Ohio R.C. Chapter 2915;
- (2) Conduct electronic instant bingo on any day, at any time, or on any premises not specified on the organization's type II or type III license issued under Ohio R.C. 2915.08;
- (3) Hold more than one valid license to conduct electronic instant bingo at any one time;
- (4) Conduct electronic instant bingo on more than one premises or on any premises other than the charitable organization's principal place of business;
- (5) Operate more than ten electronic bingo systems at the premises on which the charitable organization conducts electronic instant bingo under its license;
- (6) Fail to display both of the following conspicuously at the premises on which the charitable organization conducts electronic instant bingo:
 - A. The charitable organization's bingo license;
 - B. The serial number of each deal of electronic instant bingo tickets being sold.
- (7) Permit any person the charitable organization knows, or should have known, to be under eighteen (18) years of age to play electronic instant bingo;
- (8) Sell or provide to any person an electronic instant bingo ticket for a price different from the price displayed on the game flare for that deal, except that the charitable organization may give a participant who wins an electronic instant bingo game an electronic instant bingo ticket as a prize in place of a cash prize;
- (9) Fail, once an electronic instant bingo deal is begun, to continue to sell tickets in that deal until all prizes have been awarded;
- (10) Permit any person whom the organization knows, or should have known, has been convicted of a felony or gambling offense in any jurisdiction to be a bingo game operator in the conduct of electronic instant bingo;
- (11) Permit a bingo game operator to play electronic instant bingo;
- (12)
 - A. Except as otherwise provided in subsection (b)(12)B. hereof, pay compensation to a bingo game operator for conducting electronic instant bingo.
 - B. Subsection (b)(12)A. hereof does not prohibit an employee of a veteran's organization or fraternal organization from redeeming electronic instant bingo tickets or vouchers for the organization's members or invited guests, so long as no portion of the employee's compensation is paid from any bingo receipts.

(13) Pay consulting fees to any person in relation to electronic instant bingo.

(c) No person shall sell, offer to sell, or otherwise provide or offer to provide an electronic instant bingo system to any person for use in this municipality unless the electronic instant bingo system has been approved under Ohio R.C. 2915.15.

(d) Whoever knowingly violates subsection (a), (b) or (c) hereof or a rule adopted under Ohio R.C. 2915.14(D) is guilty of illegal electronic instant bingo conduct. Illegal electronic instant bingo conduct is a misdemeanor of the first degree, except that if the offender previously has been convicted of a violation of subsection (a) or (b) hereof, or any substantially equivalent municipal ordinance or state law, or of a rule adopted under Ohio R.C. 2915.14(D), illegal instant bingo conduct is a felony to be prosecuted under appropriate state law.
(ORC 2915.14)

517.99 PENALTY.

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

(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 the public servant's 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)

525.15 ASSAULTING POLICE DOG OR HORSE OR AN ASSISTANCE DOG.

(a) No person shall knowingly cause, or attempt to cause, physical harm to a police dog or horse in either of the following circumstances:

- (1) The police dog or horse is assisting a law enforcement officer in the performance of the officer's official duties at the time the physical harm is caused or attempted.
- (2) The police dog or horse is not assisting a law enforcement officer in the performance of the officer's official duties at the time the physical harm is caused or attempted, but the offender has actual knowledge that the dog or horse is a police dog or horse.

(b) No person shall recklessly do any of the following:

- (1) Taunt, torment, or strike a police dog or horse;
- (2) Throw an object or substance at a police dog or horse;
- (3) Interfere with or obstruct a police dog or horse, or interfere with or obstruct a law enforcement officer who is being assisted by a police dog or horse, in a manner that does any of the following:
 - A. Inhibits or restricts the law enforcement officer's control of the police dog or horse;
 - B. Deprives the law enforcement officer of control of the police dog or horse;
 - C. Releases the police dog or horse from its area of control;
 - D. Enters the area of control of the police dog or horse without the consent of the law enforcement officer, including placing food or any other object or substance into that area;
 - E. Inhibits or restricts the ability of the police dog or horse to assist a law enforcement officer.
- (4) Engage in any conduct that is likely to cause serious physical injury or death to a police dog or horse.
- (5) If the person is the owner, keeper, or harbinger of a dog, fail to reasonably restrain the dog from taunting, tormenting, chasing, approaching in a menacing fashion or apparent attitude of attack, or attempting to bite or otherwise endanger a police dog or horse that at the time of the conduct is assisting a law enforcement officer in the performance of the officer's duties or that the person knows is a police dog or horse.

(c) No person shall knowingly cause, or attempt to cause, physical harm to an assistance dog in either of the following circumstances:

- (1) The dog is assisting or serving a blind, deaf or hearing impaired, or mobility impaired person at the time the physical harm is caused or attempted.
- (2) The dog is not assisting or serving a blind, deaf or hearing impaired, or mobility impaired person at the time the physical harm is caused or attempted, but the offender has actual knowledge that the dog is an assistance dog.

(d) No person shall recklessly do any of the following:

- (1) Taunt, torment, or strike an assistance dog;
- (2) Throw an object or substance at an assistance dog;

CHAPTER 529 Liquor Control

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

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

529.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (a) "Alcohol". Ethyl alcohol, whether rectified or diluted with water or not, whatever its origin may be, and includes synthetic ethyl alcohol. The term does not include denatured alcohol and wood alcohol.
- (b) "At Retail". For use or consumption by the purchaser and not for resale.
- (c) "Beer".
 - (1) Includes all beverages brewed or fermented wholly or in part from malt products and containing one-half of one percent (0.5%) or more of alcohol by volume.
 - (2) Beer, regardless of the percent of alcohol by volume, is not intoxicating liquor for purposes of this code, the Ohio Revised Code, or any rules adopted under it.
- (d) "Cider". All liquids that are fit to use for beverage purposes that contain one-half of one percent (0.5%) of alcohol by volume, but not more than six percent (6%) of alcohol by weight that are made through the normal alcoholic fermentation of the juice of sound, ripe apples, including, without limitation, flavored, sparkling, or carbonated cider and cider made from pure condensed apple must.
- (e) "Club". A corporation or association of individuals organized in good faith for social, recreational, benevolent, charitable, fraternal, political, patriotic, or athletic purposes, which is the owner, lessor, or occupant of a permanent building or part of a permanent building operated solely for such purposes, membership in which entails the prepayment of regular dues, and includes the place so operated.

- (f) "Community Facility". Means either of the following:
 - (1) Any convention, sports or entertainment facility or complex, or any combination of these, that is used by or accessible to the general public and that is owned or operated in whole or in part by the state, a state agency, or a political subdivision of the state or that is leased from, or located on property owned by or leased from, the state, a state agency, a political subdivision of the state, or a convention facilities authority created pursuant to Ohio R.C. 351.02;
 - (2) An area designated as a community entertainment district pursuant to Ohio R.C. 4301.80.
- (g) "Controlled Access Alcohol and Beverage Cabinet". A closed container, either refrigerated, in whole or in part, or nonrefrigerated, access to the interior of which is restricted by means of a device that requires the use of a key, magnetic card, or similar device and from which beer, intoxicating liquor, other beverages or food may be sold.
- (h) "Hotel". The same meaning as in Ohio R.C. 3731.01, subject to the exceptions mentioned in Ohio R.C. 3731.03.
- (i) "Intoxicating Liquor" and "Liquor". All liquids and compounds, other than beer, containing one half of one percent (0.5%) or more of alcohol by volume which are fit to use for beverage purposes, from whatever source and by whatever process produced, by whatever name called, and whether they are medicated, proprietary, or patented. The terms include cider and alcohol, and all solids and confections which contain one-half of one percent (0.5%) or more of alcohol by volume.
- (j) "Low-Alcohol Beverage". Any brewed or fermented malt product or any product made from the fermented juices of grapes, fruits, or other agricultural products that contains either no alcohol or less than one-half of one percent (0.5%) of alcohol by volume. The beverages described in this definition do not include a soft drink such as root beer, birch beer, or ginger beer.
- (k) "Manufacture". All processes by which beer or intoxicating liquor is produced, whether by distillation, rectifying, fortifying, blending, fermentation, brewing, or in any other manner.
- (l) "Manufacturer". Any person engaged in the business of manufacturing beer or intoxicating liquor.
- (m) "Mixed Beverages". Include bottled and prepared cordials, cocktails, highballs, and solids and confections that are obtained by mixing any type of whiskey, neutral spirits, brandy, gin or other distilled spirits with, or over, carbonated or plain water, pure juices from flowers and plants, and other flavoring materials. The completed product shall contain not less than one-half of one percent (0.5%) of alcohol by volume and not more than twenty-one percent (21%) of alcohol by volume. The phrase includes the contents of a pod.
- (n) "Nightclub". A place habitually operated for profit, where food is served for consumption on the premises, and one or more forms of amusement are provided or permitted for a consideration that may be in the form of a cover charge or may be included in the price of the food and beverages, or both, purchased by patrons.
- (o) "Person". Includes firms and corporations.
- (p) "Pharmacy". An establishment as defined in Ohio R.C. 4729.01, that is under the management or control of a licensed pharmacist in accordance with Ohio R.C. 4729.27.

- (q) "POD". Means a sealed capsule made from plastic, glass, aluminum, or a combination thereof to which all of the following apply:
 - (1) The capsule contains intoxicating liquor of more than twenty-one percent (21%) of alcohol by volume.
 - (2) The capsule also contains a concentrated flavoring mixture.
 - (3) The contents of the capsule are not readily accessible or intended for consumption unless certain manufacturer's processing instructions are followed.
 - (4) The instructions include releasing the contents of the capsule through a machine specifically designed to process the contents.
 - (5) After being properly processed according to the manufacturer's instructions, the final product produced from the capsule contains not less than one-half of one percent (0.5%) of alcohol by volume and not more than twenty-one percent (21%) of alcohol by volume.
- (r) "Restaurant". A place located in a permanent building provided with space and accommodations wherein, in consideration of the payment of money, hot meals are habitually prepared, sold, and served at noon and evening, as the principal business of the place. The term does not include pharmacies, confectionery stores, lunch stands, nightclubs, and filling stations.
- (s) "Sale" and "Sell". The exchange, barter, gift, offer for sale, sale, distribution, and delivery of any kind, and the transfer of title or possession of beer and intoxicating liquor either by constructive or actual delivery by any means or devices whatever, including the sale of beer or intoxicating liquor by means of a controlled access alcohol and beverage cabinet pursuant to Ohio R.C. 4301.21. Such terms do not include the mere solicitation of orders for beer or intoxicating liquor from the holders of permits issued by the Division of Liquor Control authorizing the sale of the beer or intoxicating liquor, but no solicitor shall solicit any orders until the solicitor has been registered with the Division pursuant to Ohio R.C. 4303.25.
- (t) "Sales Area or Territory". An exclusive geographic area or territory that is assigned to a particular A or B permit holder and that either has one or more political subdivisions as its boundaries or consists of an area of land with readily identifiable geographic boundaries. The term does not include, however, any particular retail location in an exclusive geographic area or territory that had been assigned to another A or B permit holder before April 9, 2001.
- (u) "Sealed Container". Any container having a capacity of not more than 128 fluid ounces, the opening of which is closed to prevent the entrance of air.
- (v) "Spirituous Liquor". All intoxicating liquors containing more than twenty-one percent (21%) of alcohol by volume. The phrase does not include the contents of a pod.
- (w) "Vehicle". All means of transportation by land, by water, or by air, and everything made use of in any way for such transportation.
- (x) "Wholesale Distributor" and "Distributor". A person engaged in the business of selling to retail dealers for purposes of resale.
- (y) "Wine". All liquids fit to use for beverage purposes containing not less than one-half of one percent (0.5%) of alcohol by volume and not more than twenty-one percent (21%) of alcohol by volume, that is made from the fermented juices of grapes, fruits, or other agricultural products. The term includes cider, except as used in Ohio R.C. 4301.13, 4301.421, 4301.422, 4301.432, and 4301.44, and, for purposes of determining the rate of the tax that applies, Ohio R.C. 4301.43(B), the term does not include cider.
(ORC 4301.01, 4301.244)

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

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

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

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

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

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

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

529.07 OPEN CONTAINER PROHIBITED.

- (a) As used in this section:
- (1) "Chauffeured limousine" means a vehicle registered under Ohio R.C. 4503.24.
 - (2) "Street," "highway" and "motor vehicle" have the same meanings as in Ohio R.C. 4511.01.
- (b) No person shall have in the person's possession an opened container of beer or intoxicating liquor in any of the following circumstances:
- (1) Except as provided in subsection (c)(1)E. hereof, in an agency store;
 - (2) Except as provided in subsection (c) or (i) hereof, on the premises of the holder of any permit issued by the Division of Liquor Control;
 - (3) In any other public place;
 - (4) Except as provided in subsection (d) or (e) hereof, while operating or being a passenger in or on a motor vehicle on any street, highway or other public or private property open to the public for purposes of vehicular travel or parking;
 - (5) Except as provided in subsection (d) or (e) hereof, while being in or on a stationary motor vehicle on any street, highway or other public or private property open to the public for purposes of vehicular travel or parking.
- (c) (1) A person may have in the person's possession an opened container of any of the following:
- A. Beer or intoxicating liquor that has been lawfully purchased for consumption on the premises where bought from the holder of an A-1-A, A-2, A-2(f), A-3a, D-1, D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, D-7, D-8, E, F, F-2, F-5, F-7 or F-8 permit;
 - B. Beer, wine, or mixed beverages served for consumption on the premises by the holder of an F-3 permit, wine served as a tasting sample by an A-2, S-1, or S-2 permit holder for consumption on the premises of a farmers market for which an F-10 permit has been issued, or wine served for consumption on the premises by the holder of an F-4 or F-6 permit;
 - C. Beer or intoxicating liquor consumed on the premises of a convention facility as provided in Ohio R.C. 4303.201;
 - D. Beer or intoxicating liquor to be consumed during tastings and samplings approved by rule of the Liquor Control Commission.
 - E. Spirituous liquor to be consumed for purposes of a tasting sample, as defined in Ohio R.C. 4301.171.
- (2) A person may have in the person's possession on an F liquor permit premises an opened container of beer or intoxicating liquor that was not purchased from the holder of the F permit if the premises for which the F permit is issued is a music festival and the holder of the F permit grants permission for that possession on the premises during the period for which the F permit is issued. As used in this section, "music festival" means a series of outdoor live musical performances, extending for a period of at least three consecutive days and located on an area of land of at least forty acres.

- (3) A. A person may have in the person's possession on a D-2 liquor permit premises an opened or unopened container of wine that was not purchased from the holder of the D-2 permit if the premises for which the D-2 permit is issued is an outdoor performing arts center, the person is attending an orchestral performance, and the holder of the D-2 permit grants permission for the possession and consumption of wine in certain predesignated areas of the premises during the period for which the D-2 permit is issued.
- B. As used in subsection (c)(3)A. of this section:
1. "Orchestral performance" means a concert comprised of a group of not fewer than forty musicians playing various musical instruments.
 2. "Outdoor performing arts center" means an outdoor performing arts center that is located on not less than one hundred fifty acres of land and that is open for performances from the first day of April to the last day of October of each year.
- (4) A person may have in the person's possession an opened or unopened container of beer or intoxicating liquor at an outdoor location at which the person is attending an orchestral performance as defined in subsection (c)(3)B.1. hereof if the person with supervision and control over the performance grants permission for the possession and consumption of beer or intoxicating liquor in certain predesignated areas of that outdoor location.
- (5) A person may have in the person's possession on an F-9 liquor permit premises an opened or unopened container of beer or intoxicating liquor that was not purchased from the holder of the F-9 permit if the person is attending either of the following:
- A. An orchestral performance and the F-9 permit holder grants permission for the possession and consumption of beer or intoxicating liquor in certain predesignated areas of the premises during the period for which the F-9 permit is issued;
- B. An outdoor performing arts event or orchestral performance that is free of charge and the F-9 permit holder annually hosts not less than twenty-five other events or performances that are free of charge on the permit premises.
- As used in subsection (c)(5) hereof, "orchestral performance" has the same meaning as in subsection (c)(3)B. of this section.
- (6) A. A person may have in the person's possession on the property of an outdoor motorsports facility an opened or unopened container of beer or intoxicating liquor that was not purchased from the owner of the facility if both of the following apply:
1. The person is attending a racing event at the facility; and
 2. The owner of the facility grants permission for the possession and consumption of beer or intoxicating liquor on the property of the facility;
- B. As used in subsection (c)(6)A. of this section:
1. "Racing event" means a motor vehicle racing event sanctioned by one or more motor racing sanctioning organizations.
 2. "Outdoor motorsports facility" means an outdoor racetrack to which all of the following apply:

- (h) (1) As used in this section, "alcoholic beverage" has the same meaning as in Ohio R.C. 4303.185.
- (2) An alcoholic beverage in a closed container being transported under Ohio R.C. 4303.185 to its final destination is not an opened container for the purposes of this section if the closed container is securely sealed in such a manner that it is visibly apparent if the closed container has been subsequently opened or tampered with after sealing.
(ORC 4301.62)

(i) This section does not apply to a person that has in the person's possession an opened container of homemade beer or wine that is served in accordance with Ohio R.C. 4301.201(E). (ORC 4301.62)

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

529.08 HOURS OF SALE OR CONSUMPTION.

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

(b) No beer, wine, mixed beverages, or spirituous liquor shall be sold or delivered by an A-1, A-1c, A-2, B-1, B-2, B-4, B-5, C-1, C-2, C-2X, D-1, D-2, D-2X, D-3 when issued without a D-3A, D-3X, D-4, D-5H, D-5K, D-8, F, F-1, F-2, F-3, F-4, F-5, F-6, F-7, F-8, F-9, G or I permit holder:

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

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

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

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

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

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

529.99 PENALTY.

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

CHAPTER 537
Offenses Against Persons

537.01	Negligent homicide.	537.12	Misuse of 9-1-1 system.
537.02	Vehicular homicide and manslaughter.	537.13	Adulterating of or furnishing adulterated food or confection.
537.021	Vehicular assault in a construction zone.	537.14	Domestic violence.
537.03	Assault.	537.15	Temporary protection order.
537.04	Negligent assault.	537.16	Illegal distribution of cigarettes, other tobacco products, or alternate nicotine products; transaction scans.
537.05	Aggravated menacing.	537.17	Reserved.
537.051	Menacing by stalking.	537.18	Contributing to unruliness or delinquency of a child.
537.06	Menacing.	537.19	Hazing prohibited.
537.07	Endangering children.	537.99	Penalty.
537.08	Unlawful restraint.		
537.09	Coercion.		
537.10	Telecommunication harassment.		
537.11	Threatening or harassing telephone calls.		

CROSS REFERENCES

See sectional histories for similar State law

Physical harm to persons defined - see GEN. OFF.

501.01 (c), (e)

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

537.01 NEGLIGENT HOMICIDE.

(a) No person shall negligently cause the death of another 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) A. Negligently;

- B. As the proximate result of committing, while operating or participating in the operation of a motor vehicle or motorcycle in a construction zone, a speeding offense, provided that this subsection applies only if the person whose death is caused or whose pregnancy is unlawfully terminated is in the construction zone at the time of the offender's commission of the speeding offense in the construction zone and does not apply as described in subsection (d) of this section.
- (2) As the proximate result of committing a violation of any provision of any section contained in Title XLV of the Ohio Revised Code that is a minor misdemeanor or of a municipal ordinance that, regardless of the penalty set by ordinance for the violation, is substantially equivalent to any provision of any section contained in Title XLV of the Ohio Revised Code that is a minor misdemeanor.
- (b) (1) Whoever violates subsection (a)(1) of this section is guilty of vehicular homicide. Except as otherwise provided in this subsection, vehicular homicide is a misdemeanor of the first degree. Vehicular homicide is a felony and shall be prosecuted under appropriate State law if, at the time of the offense, the offender was driving under a suspension or cancellation imposed under Ohio R.C. Chapter 4510 or any other provision of the Ohio Revised Code or was operating a motor vehicle or motorcycle, did not have a valid driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege, and was not eligible for renewal of the offender's driver's license or commercial driver's license without examination under Ohio R.C. 4507.10 or if the offender previously has been convicted of or pleaded guilty to a violation of this section or any traffic-related homicide, manslaughter or assault offense. The court shall impose a mandatory jail term on the offender when required by Ohio R.C. 2903.06(E).
- (2) Whoever violates subsection (a)(2) of this section is guilty of vehicular manslaughter. Except as otherwise provided in this subsection, vehicular manslaughter is a misdemeanor of the second degree. Vehicular manslaughter is a misdemeanor of the first degree if, at the time of the offense, the offender was driving under a suspension or cancellation imposed under Ohio R.C. Chapter 4510 or any other provision of the Ohio Revised Code or was operating a motor vehicle or motorcycle, did not have a valid driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege, and was not eligible for renewal of the offender's driver's license or commercial driver's license without examination under Ohio R.C. 4507.10 or if the offender previously has been convicted of or pleaded guilty to a violation of this section or any traffic-related homicide, manslaughter, or assault offense.
- (c) The court shall impose a mandatory jail term of at least fifteen days on an offender who is convicted of or pleads guilty to a violation of subsection (a)(1)B. of this section and may impose upon the offender a longer jail term as authorized pursuant to Section 501.99. The court shall impose a mandatory prison term on an offender who is convicted of or pleads guilty to a violation of subsection (a)(1)A. hereof if either of the following applies:

(d) Shipment of Tobacco Products.

(1) As used in this subsection (d):

- A. "Authorized recipient of tobacco products" means a person who is:
1. Licensed as a cigarette wholesale dealer under Ohio R.C. 5743.15;
 2. Licensed as a retail dealer as long as the person purchases cigarettes with the appropriate tax stamp affixed;
 3. An export warehouse proprietor as defined in Section 5702 of the Internal Revenue Code;
 4. An operator of a customs bonded warehouse under 19 U.S.C. 1311 or 19 U.S.C. 1555;
 5. An officer, employee, or agent of the federal government or of this state acting in the person's official capacity;
 6. A department, agency, instrumentality, or political subdivision of the federal government or of this state;
 7. A person having a consent for consumer shipment issued by the Tax Commissioner under Ohio R.C. 5743.71.
- B. "Motor carrier." Has the same meaning as in Ohio R.C. 4923.01.

(2) The purpose of this division (d) is to prevent the sale of cigarettes to minors and to ensure compliance with the Master Settlement Agreement, as defined in Ohio R.C. 1346.01.

(3) A. No person shall cause to be shipped any cigarettes to any person in this municipality other than an authorized recipient of tobacco products.

- B. No motor carrier or other person shall knowingly transport cigarettes to any person in this municipality that the carrier or other person reasonably believes is not an authorized recipient of tobacco products. If cigarettes are transported to a home or residence, it shall be presumed that the motor carrier or other person knew that the person to whom the cigarettes were delivered was not an authorized recipient of tobacco products.

(4) No person engaged in the business of selling cigarettes who ships or causes to be shipped cigarettes to any person in this municipality in any container or wrapping other than the original container or wrapping of the cigarettes shall fail to plainly and visibly mark the exterior of the container or wrapping in which the cigarettes are shipped with the words "cigarettes."

(5) A court shall impose a fine of up to one thousand dollars (\$1,000) for each violation of subsection (d)(3)A., (d)(3)B. or (d)(4) of this section. (ORC 2927.023)

(e) Furnishing False Information to Obtain Tobacco Products.

(1) No person who is eighteen years of age or older but younger than twenty-one years of age shall knowingly furnish false information concerning that person's name, age, or other identification for the purpose of obtaining tobacco products.

(2) Whoever violates subsection (e)(1) of this section is guilty of furnishing false information to obtain tobacco products. Except as otherwise provided in this division, furnishing false information to obtain tobacco products is a misdemeanor of the fourth degree. If the offender previously has been convicted of or pleaded guilty to a violation of subsection (e)(1) of this section or a substantially equivalent state law or municipal ordinance, furnishing false information to obtain tobacco products is a misdemeanor of the third degree. (ORC 2927.024)

537.17 RESERVED.

(Editor's note: This section was formerly 537.17 Criminal Child Enticement, based on Ohio R.C. 2905.05, Criminal Child Enticement. The Ohio Supreme Court held that Ohio R.C. 2905.05(A) was unconstitutionally overbroad in violation of the First Amendment. See *State v. Romage*, 138 Ohio St. 3d. 390 (2014).)

537.18 CONTRIBUTING TO UNRULINESS OR DELINQUENCY OF A CHILD.

- (a) As used in this section:
- (1) "Delinquent child" has the same meaning as in Ohio R.C. 2152.02.
 - (2) "Unruly child" has the same meaning as in Ohio R.C. 2151.022.
- (b) No person, including a parent, guardian or other custodian of a child, shall do any of the following:
- (1) Aid, abet, induce, cause, encourage, or contribute to a child or a ward of the juvenile court becoming an unruly child or a delinquent child;
 - (2) Act in a way tending to cause a child or a ward of the juvenile court to become an unruly child or a delinquent child;
 - (3) Act in a way that contributes to an adjudication of the child as a delinquent child based on the child's violation of a court order adjudicating the child an unruly child for being an habitual truant;
 - (4) If the person is the parent, guardian, or custodian of a child who has the duties under Ohio R.C. Chapters 2152 and 2950 to register, register a new residence address, and periodically verify a residence address and, if applicable, to send a notice of intent to reside, and if the child is not emancipated, as defined in Ohio R.C. 2919.121, fail to ensure that the child complies with those duties under Ohio R.C. Chapters 2152 and 2950.
- (c) Whoever violates this section is guilty of contributing to the unruliness or delinquency of a child, a misdemeanor of the first degree. Each day of violation of this section is a separate offense. (ORC 2919.24)

537.19 HAZING PROHIBITED.

- (a) As used in this section:
- (1) "Hazing" means doing any act or coercing another, including the victim, to do any act of initiation into any student or other organization or any act to continue or reinstate membership in or affiliation with any student or other organization that causes or creates a substantial risk of causing mental or physical harm to any person, including coercing another to consume alcohol or a drug of abuse, as defined in Ohio R.C. 3719.011.
 - (2) "Organization" includes a national or international organization with which a fraternity or sorority is affiliated.
- (b)
- (1) No person shall recklessly participate in the hazing of another.
 - (2) No administrator, employee, faculty member, teacher, consultant, alumnus, or volunteer of any organization, including any primary, secondary, or post-secondary school or any other educational institution, public or private, shall recklessly permit the hazing of any person associated with the organization.
- (c)
- (1) No person shall recklessly participate in the hazing of another when the hazing includes coerced consumption of alcohol or drugs of abuse resulting in serious physical harm to the other person.

- (2) No administrator, employee, faculty member, teacher, consultant, alumnus, or volunteer of any organization, including any primary, secondary, or post-secondary school or other educational institution, public or private, shall recklessly permit the hazing of any person associated with the organization when the hazing includes coerced consumption of alcohol or drugs of abuse resulting in serious physical harm to that person.

(d) Whoever violates subsections (b) or (c) of this section is guilty of hazing. A violation of subsections (b)(1) or (b)(2) of this section is a misdemeanor of the second degree. A violation of subsections (c)(1) or (c)(2) of this section is a felony to be prosecuted under appropriate state law. (ORC 2903.31)

- (e) Reckless failure to immediately report knowledge of hazing.

- (1) No administrator, employee, faculty member, teacher, consultant, alumnus, or volunteer of any organization, including any primary, secondary, or post-secondary school or any other public or private educational institution, who is acting in an official and professional capacity shall recklessly fail to immediately report the knowledge of hazing to a law enforcement agency in the county in which the victim of hazing resides or in which the hazing is occurring or has occurred.

- (2) A violation of subsection (e)(1) of this section is a misdemeanor of the fourth degree, except that the violation is a misdemeanor of the first degree if the hazing causes serious physical harm.
(ORC 2903.311(B), (C))

537.99 PENALTY.

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

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

545.03 PROPERTY EXCEPTIONS AS FELONY OFFENSE.

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

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

545.04 DETENTION OF SHOPLIFTERS; RIGHTS OF MUSEUMS AND LIBRARIES.

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

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

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

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

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

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

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

(f) As used in this section:

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

545.05 PETTY THEFT.

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

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

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

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

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

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

545.08 UNAUTHORIZED USE OF PROPERTY.

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

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

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

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

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

545.09 PASSING BAD CHECKS.

(a) As used in this section:

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

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

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

- (1) The drawer had no account with the drawee at the time of issue or the stated date, whichever is later.
- (2) The check or other negotiable instrument was properly refused payment for insufficient funds upon presentment within thirty days after issue or the stated date, whichever is later, and the liability of the drawer, indorser or any party who may be liable thereon is not discharged by payment or satisfaction within ten days after receiving notice of dishonor.

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

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

545.10 MISUSE OF CREDIT CARDS.

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

- (1) Practice deception for the purpose of procuring the issuance of a credit card, when a credit card is issued in actual reliance thereon;
- (2) Knowingly buy or sell a credit card from or to a person other than the issuer.
- (3) As an officer, employee, or appointee of a political subdivision or as a public servant as defined under Section 525.01, knowingly misuse a credit card account held by a political subdivision.

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

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

CHAPTER 549 Weapons and Explosives

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| <p>549.01 Definitions.</p> <p>549.02 Carrying concealed weapons.</p> <p>549.03 Using weapons while intoxicated.</p> <p>549.04 Improperly handling firearms in a motor vehicle.</p> <p>549.05 Failure to secure dangerous ordnance.</p> <p>549.06 Unlawful transactions in weapons.</p> <p>549.07 Underage purchase of firearm.</p> <p>549.08 Fireworks sale or discharge.</p> | <p>549.09 Fireworks display permits.</p> <p>549.10 Discharging firearms.</p> <p>549.11 Throwing or shooting missiles.</p> <p>549.12 Possessing replica firearm in school.</p> <p>549.13 Defacing identification marks of a firearm; possessing a defaced firearm.</p> <p>549.14 Concealed handgun licenses; possession of revoked or suspended license; additional restrictions; posting signs prohibiting possession.</p> <p>549.99 Penalty.</p> |
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CROSS REFERENCES

See sectional histories for similar State law
 License or permit to possess dangerous ordnance - see Ohio R.C. 2923.18
 Hunting prohibited - see GEN. OFF. 505.11
 Reporting gunshot and stab wounds - see GEN. OFF. 525.05(b)
 Property destruction by tear gas device, etc. - see GEN. OFF. 541.04

549.01 DEFINITIONS.

As used in this chapter:

- (a) "Deadly weapon" means any instrument, device or thing capable of inflicting death, and designed or specially adapted for use as a weapon, or possessed, carried or used as a weapon.
- (b) (1) "Firearm" means any deadly weapon capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant. "Firearm" includes an unloaded firearm, and any firearm that is inoperable but that can readily be rendered operable.
- (2) When determining whether a firearm is capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant, the trier of fact may rely upon circumstantial evidence, including, but not limited to, the representations and actions of the individual exercising control over the firearm.
- (c) "Handgun" means any of the following:
 - (1) Any firearm that has a short stock and is designed to be held and fired by the use of a single hand;
 - (2) Any combination of parts from which a firearm of a type described in subsection (c)(1) of this section can be assembled.
- (d) "Semi-automatic firearm" means any firearm designed or specially adapted to fire a single cartridge and automatically chamber a succeeding cartridge ready to fire, with a single function of the trigger.
- (e) "Automatic firearm" means any firearm designed or specially adapted to fire a succession of cartridges with a single function of the trigger.

- (f) "Sawed-off firearm" means a shotgun with a barrel less than eighteen inches long, or a rifle with a barrel less than sixteen inches long, or a shotgun or rifle less than twenty-six inches long overall. "Sawed-off firearm" does not include any firearm with an overall length of at least twenty-six inches that is approved for sale by the Federal Bureau of Alcohol, Tobacco, Firearms and Explosives under the "Gun Control Act of 1968", 82 Stat. 1213, 18 U.S.C. 921(a)(3), but that is found by the Bureau not to be regulated under the "National Firearms Act", 68A Stat. 725 (1934), 26 U.S.C. 5845(a).
- (g) "Zip-gun" means any of the following:
 - (1) Any firearm of crude and extemporized manufacture;
 - (2) Any device, including without limitation a starter's pistol, that is not designed as a firearm, but that is specially adapted for use as a firearm;
 - (3) Any industrial tool, signalling device or safety device, that is not designed as a firearm, but that as designed is capable of use as such, when possessed, carried or used as a firearm.
- (h) "Explosive device" means any device designed or specially adapted to cause physical harm to persons or property by means of an explosion, and consisting of an explosive substance or agency and a means to detonate it. "Explosive device" includes without limitation any bomb, any explosive demolition device, any blasting cap or detonator containing an explosive charge, and any pressure vessel that has been knowingly tampered with or arranged so as to explode.
- (i) "Incendiary device" means any firebomb, and any device designed or specially adapted to cause physical harm to persons or property by means of fire, and consisting of an incendiary substance or agency and a means to ignite it.
- (j) "Ballistic knife" means a knife with a detachable blade that is propelled by a spring-operated mechanism.
- (k) "Dangerous ordnance" means any of the following, except as provided in subsection (l) hereof:
 - (1) Any automatic or sawed-off firearm, zip-gun or ballistic knife;
 - (2) Any explosive device or incendiary device;
 - (3) Nitroglycerin, nitrocellulose, nitrostarch, PETN, cyclonite, TNT, picric acid and other high explosives; amatol, tritonal, tetrytol, pentolite, pecretol, cyclotol and other high explosive compositions; plastic explosives; dynamite, blasting gelatin, gelatin dynamite, sensitized ammonium nitrate, liquid-oxygen blasting explosives, blasting powder and other blasting agents; and any other explosive substance having sufficient brisance or power to be particularly suitable for use as a military explosive, or for use in mining, quarrying, excavating or demolitions;
 - (4) Any firearm, rocket launcher, mortar, artillery piece, grenade, mine, bomb, torpedo or similar weapon, designed and manufactured for military purposes, and the ammunition for that weapon;
 - (5) Any firearm muffler or suppressor;
 - (6) Any combination of parts that is intended by the owner for use in converting any firearm or other device into a dangerous ordnance.
- (l) "Dangerous ordnance" does not include any of the following:
 - (1) Any firearm, including a military weapon and the ammunition for that weapon, and regardless of its actual age, that employs a percussion cap or other obsolete ignition system, or that is designed and safe for use only with black powder;
 - (2) Any pistol, rifle or shotgun, designed or suitable for sporting purposes, including a military weapon as issued or as modified, and the ammunition for that weapon unless the firearm is an automatic or sawed-off firearm;

- (3) Any cannon or other artillery piece that, regardless of its actual age, is of a type in accepted use prior to 1887, has no mechanical, hydraulic, pneumatic or other system for absorbing recoil and returning the tube into battery without displacing the carriage, and is designed and safe for use only with black powder;
 - (4) Black powder, priming quills and percussion caps possessed and lawfully used to fire a cannon of a type defined in subsection (1)(3) hereof during displays, celebrations, organized matches or shoots, and target practice, and smokeless and black powder, primers and percussion caps possessed and lawfully used as a propellant or ignition device in small-arms or small-arms ammunition;
 - (5) Dangerous ordnance that is inoperable or inert and cannot readily be rendered operable or activated, and that is kept as a trophy, souvenir, curio or museum piece.
 - (6) Any device that is expressly excepted from the definition of a destructive device pursuant to the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(a)(4), as amended, and regulations issued under that Act.
 - (7) Any firearm with an overall length of at least twenty-six inches that is approved for sale by the Federal Bureau of Alcohol, Tobacco, Firearms, and Explosives under the "Gun Control Act of 1968", 82 Stat. 1213, 18 U.S.C. 921(a)(3), but that is found by the Bureau not to be regulated under the "National Firearms Act", 68A Stat. 725 (1934), 26 U.S.C. 5845(a).
- (m) "Explosive" means any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion. "Explosive" includes all materials that have been classified as division 1.1, division 1.2, division 1.3, or division 1.4 explosives by the United States Department of Transportation in its regulations and includes, but is not limited to, dynamite, black powder, pellet powders, initiating explosives, blasting caps, electric blasting caps, safety fuses, fuse igniters, squibs, cordeau detonant fuses, instantaneous fuses, and igniter cords and igniters. "Explosive" does not include "fireworks", as defined in Ohio R.C. 3743.01, or any substance or material otherwise meeting the definition of explosive set forth in this section that is manufactured, sold, possessed, transported, stored or used in any activity described in Ohio R.C. 3743.80, provided the activity is conducted in accordance with all applicable laws, rules and regulations, including, but not limited to, the provisions of Ohio R.C. 3743.80, and the rules of the Fire Marshal adopted pursuant to Ohio R.C. 3737.82.
- (n) (1) "Concealed handgun license" or "license to carry a concealed handgun" means, subject to subsection (n)(2) of this section, a license or temporary emergency license to carry a concealed handgun issued under Ohio R.C. 2923.125 or 2923.1213 or a license to carry a concealed handgun issued by another state with which the Attorney General has entered into a reciprocity agreement under Ohio R.C. 109.69.
- (2) A reference in any provision of the Ohio Revised Code to a concealed handgun license issued under Ohio R.C. 2923.125 or a license to carry a concealed handgun issued under Ohio R.C. 2923.125 means only a license of the type that is specified in that section. A reference in any provision of the Ohio Revised Code to a concealed handgun license issued under Ohio R.C. 2923.1213, a licence to carry a concealed handgun issued under Ohio R.C. 2923.1213, or a license to carry a concealed handgun on a temporary emergency basis means only a license of the type that is specified in Ohio R.C. 2923.1213. A reference in any provision of the

Ohio Revised Code to a concealed handgun license issued by another state or a license to carry a concealed handgun issued by another state means only a license issued by another state with which the Attorney General has entered into a reciprocity agreement under Ohio R.C. 109.69.

- (o) “Valid concealed handgun license” or “valid license to carry a concealed handgun” means a concealed handgun license that is currently valid, that is not under a suspension under division (A)(1) of Ohio R.C. 2923.128, under Ohio R.C. 2923.1213, or under a suspension provision of the state other than this State in which the license was issued, and that has not been revoked under division (B)(1) of Ohio R.C. 2923.128, under Ohio R.C. 2923.1213 or under a revocation provision of the state other than this State in which the license was issued.
- (p) “Misdemeanor punishable by imprisonment for a term exceeding one year” does not include any of the following:
 - (1) Any federal or state offense pertaining to antitrust violations, unfair trade practices, restraints of trade or other similar offenses relating to the regulation of business practices;
 - (2) Any misdemeanor offense punishable by a term of imprisonment of two years or less.
- (q) “Alien registration number” means the number issued by the United States Citizenship and Immigration Services Agency that is located on the alien’s permanent resident card and may also be commonly referred to as the “USCIS number” or the “alien number”.
- (r) “Active duty” has the same meaning as defined in 10 U.S.C. 101.
(ORC 2923.11)

549.02 CARRYING CONCEALED WEAPONS.

(a) No person shall knowingly carry or have, concealed on the person’s person or concealed ready at hand, any of the following:

- (1) A deadly weapon other than a handgun;
- (2) A handgun other than a dangerous ordnance;
- (3) A dangerous ordnance.

(b) No person who has been issued a concealed handgun license, shall do any of the following:

- (1) If the person is stopped for a law enforcement purpose and is carrying a concealed handgun, before or at the time a law enforcement officer asks if the person is carrying a concealed handgun, knowingly fail to disclose that the person then is carrying a concealed handgun, provided that it is not a violation of this section if the person fails to disclose that fact to an officer during the stop and the person already has notified another officer of that fact during the same stop;

- (2) If the person is stopped for a law enforcement purpose and is carrying a concealed handgun, knowingly fail to keep the person's hands in plain sight at any time after any law enforcement officer begins approaching the person while stopped and before the law enforcement officer leaves, unless the failure is pursuant to and in accordance with directions given by a law enforcement officer;
 - (3) If the person is stopped for a law enforcement purpose and is carrying a concealed handgun, knowingly disregard or fail to comply with any lawful order of any law enforcement officer given while the person is stopped, including, but not limited to, a specific order to the person to keep the person's hands in plain sight.
- (c)
 - (1) This section does not apply to any of the following:
 - A. An officer, agent or employee of this or any other state or the United States, or to a law enforcement officer, who is authorized to carry concealed weapons or dangerous ordnance, or is authorized to carry handguns and is acting within the scope of the officer's, agent's or employee's duties;
 - B. Any person who is employed in this State, who is authorized to carry concealed weapons or dangerous ordnance or is authorized to carry handguns, and who is subject to and in compliance with the requirements of Ohio R.C. 109.801 unless the appointing authority of the person has expressly specified that the exemption provided in subsection (c)(1)B. hereof does not apply to the person.
 - C. A person's transportation or storage of a firearm, other than a firearm described in divisions (G) to (M) of Ohio R.C. 2923.11 in a motor vehicle for any lawful purpose if the firearm is not on the actor's person;
 - D. A person's storage or possession of a firearm, other than a firearm described in divisions (G) to (M) of Ohio R.C. 2923.11 in the actor's own home for any lawful purpose.
 - (2) Subsection (a)(2) of this section does not apply to any person who has been issued a concealed handgun license that is valid at the time of the alleged carrying or possession of a handgun or who, at the time of the alleged carrying or possession of a handgun, is an active duty member of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in Ohio R.C. 2923.125(G)(1), unless the person knowingly is in a place described in Ohio R.C. 2923.126(B).
- (d) It is an affirmative defense to a charge under subsection (a)(1) of this section of carrying or having control of a weapon other than a handgun and other than a dangerous ordnance, that the actor was not otherwise prohibited by law from having the weapon, and that any of the following applies:
 - (1) The weapon was carried or kept ready at hand by the actor for defensive purposes, while the actor was engaged in or was going to or from the actor's lawful business or occupation, which business or occupation was of a character or was necessarily carried on in a manner or at a time or place as to render the actor particularly susceptible to criminal attack, such as would justify a prudent person in going armed.

- (2) The weapon was carried or kept ready at hand by the actor for defensive purposes, while the actor was engaged in a lawful activity and had reasonable cause to fear a criminal attack upon the actor, a member of the actor's family, or the actor's home, such as would justify a prudent person in going armed.
 - (3) The weapon was carried or kept ready at hand by the actor for any lawful purpose and while in the actor's own home.
- (e)
 - (1) No person who is charged with a violation of this section shall be required to obtain a concealed handgun license as a condition for the dismissal of the charge.
 - (2) If a person is convicted of, was convicted of, pleads guilty to, or has pleaded guilty to a violation of subsection (b)(1) of this section as it existed prior to June 13, 2022, the person may file an application under Ohio R.C. 2953.37 requesting the expungement of the record of conviction.
- (f)
 - (1) Whoever violates this section is guilty of carrying concealed weapons. Except as otherwise provided in this subsection or subsections (f)(2), (5) and (6) of this section, carrying concealed weapons in violation of subsection (a) of this section is a misdemeanor of the first degree. Except as otherwise provided in this subsection or subsections (f)(2), (5) and (6) of this section, if the offender previously has been convicted of a violation of this section or of any offense of violence, if the weapon involved is a firearm that is either loaded or for which the offender has ammunition ready at hand, or if the weapon involved is dangerous ordnance, carrying concealed weapons in violation of subsection (a) of this section is a felony and shall be prosecuted under appropriate State law. Except as otherwise provided in subsections (f)(2), (5) and (6) of this section, if the weapon involved is a firearm and the violation of this section is committed at premises for which a D permit has been issued under Chapter 4303, of the Revised Code or if the offense is committed aboard an aircraft, or with purpose to carry a concealed weapon aboard an aircraft, regardless of the weapon involved, carrying concealed weapons in violation of subsection (a) of this section is a felony and shall be prosecuted under appropriate State law.
 - (2) A person shall not be arrested for a violation of subsection (a)(2) of this section solely because the person does not promptly produce a valid concealed handgun license. If a person is arrested for a violation of subsection (a)(2) of this section and is convicted of or pleads guilty to the violation, the offender shall be punished as follows:
 - A. The offender shall be guilty of a minor misdemeanor if both of the following apply:
 - 1. Within ten days after the arrest, the offender presents a concealed handgun license, which license was valid at the time of the arrest to the law enforcement agency that employs the arresting officer.
 - 2. At the time of the arrest, the offender was not knowingly in a place described in division (B) of Ohio R.C. 2923.126.
 - B. The offender shall be guilty of a misdemeanor and shall be fined five hundred dollars (\$500.00) if all of the following apply:
 - 1. The offender previously had been issued a concealed handgun license and that license expired within the two years immediately preceding the arrest.

2. Within forty-five days after the arrest, the offender presents any type of concealed handgun license to the law enforcement agency that employed the arresting officer, and the offender waives in writing the offender's right to a speedy trial on the charge of the violation that is provided in Ohio R.C. 2945.71.
 3. At the time of the commission of the offense, the offender was not knowingly in a place described in division (B) of Ohio R.C. 2923.126.
- C. If subsections (f)(2)A. and B. and (f)(5) of this section do not apply, the offender shall be punished under subsection (f)(1) or (6) of this section.
- (3) Carrying concealed weapons in violation of subsection (b)(1) of this section is a misdemeanor of the second degree.
 - (4) Carrying concealed weapons in violation of subsection (b)(2) or (b)(3) hereof is a misdemeanor of the first degree. If the offender has previously been convicted or pleaded guilty to a violation of subsection (b)(2) or (b)(3) hereof or a substantially equivalent municipal ordinance, carrying concealed weapons is a felony and shall be prosecuted under appropriate state law. In addition to any other penalty or sanction imposed for a violation of subsection (b)(2) or (b)(3) hereof, the offender's concealed handgun license shall be suspended pursuant to Ohio R.C. 2923.128(A)(2).
 - (5) If a person being arrested for a violation of subsection (a)(2) of this section is an active duty member of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in division (G)(1) of Ohio R.C. 2923.125, and if at the time of the violation the person was not knowingly in a place described in division (B) of Ohio R.C. 2923.126, the officer shall not arrest the person for a violation of that division. If the person is not able to promptly produce a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in division (G)(1) of Ohio R.C. 2923.125 and if the person is not in a place described in division (B) of Ohio R.C. 2923.126, the officer shall issue a citation and the offender shall be assessed a civil penalty of not more than five hundred dollars (\$500.00). The citation shall be automatically dismissed and the civil penalty shall not be assessed if both of the following apply:
 - A. Within ten days after the issuance of the citation, the offender presents a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in division (G)(1) of Ohio R.C. 2923.125, which were both valid at the time of the issuance of the citation to the law enforcement agency that employs the citing officer.
 - B. At the time of the citation, the offender was not knowingly in a place described in division (B) of Ohio R.C. 2923.126.

- (6) If a person being arrested for a violation of subsection (a)(2) of this section is knowingly in a place described in division (B)(5) of Ohio R.C. 2923.126, and is not authorized to carry a handgun or have a handgun concealed on the person's person or concealed ready at hand under that division, the penalty shall be as follows:
- A. Except as otherwise provided in this subsection, if the person produces a valid concealed handgun license within ten days after the arrest and has not previously been convicted or pleaded guilty to a violation of subsection (a)(2) of this section, the person is guilty of a minor misdemeanor;
 - B. Except as otherwise provided in this subsection, if the person has previously been convicted of or pleaded guilty to a violation of subsection (a)(2) of this section, the person is guilty of a misdemeanor of the fourth degree;
 - C. Except as otherwise provided in this subsection, if the person has previously been convicted of or pleaded guilty to two violations of subsection (a)(2) of this section, the person is guilty of a misdemeanor of the third degree;
 - D. Except as otherwise provided in this subsection, if the person has previously been convicted of or pleaded guilty to three or more violations of subsection (a)(2) of this section, or convicted of or pleaded guilty to any offense of violence, if the weapon involved is a firearm that is either loaded or for which the offender has ammunition ready at hand, or if the weapon involved is a dangerous ordnance, the person is guilty of a misdemeanor of the second degree.

(g) If a law enforcement officer stops a person to question the person regarding a possible violation of this section, for a traffic stop, or for any other law enforcement purpose, if the person surrenders a firearm to the officer, either voluntarily or pursuant to a request or demand of the officer, and if the officer does not charge the person with a violation of this section or arrest the person for any offense, the person is not otherwise prohibited by law from possessing the firearm, and the firearm is not contraband, the officer shall return the firearm to the person at the termination of the stop. If a court orders a law enforcement officer to return a firearm to a person pursuant to the requirement set forth in this subsection, division (B) of Ohio R.C. 2923.163 applies.

(h) For purposes of this section, "deadly weapon" or "weapon" does not include any knife, razor, or cutting instrument if the instrument was not used as a weapon. (ORC 2923.12)

549.03 USING WEAPONS WHILE INTOXICATED.

(a) No person, while under the influence of alcohol or any drug of abuse, shall carry or use any firearm or dangerous ordnance.

(b) Whoever violates this section is guilty of using weapons while intoxicated, a misdemeanor of the first degree. (ORC 2923.15)

549.04 IMPROPERLY HANDLING FIREARMS IN A MOTOR VEHICLE.

(a) No person shall knowingly transport or have a firearm in a motor vehicle, unless the person may lawfully possess that firearm under applicable law of this state or the United States, the firearm is unloaded, and the firearm is carried in one of the following ways:

- (1) In a closed package, box or case;

- (2) In a compartment which can be reached only by leaving the vehicle;
- (3) In plain sight and secured in a rack or holder made for the purpose;
- (4) If the firearm is at least twenty-four inches in overall length as measured from the muzzle to the part of the stock furthest from the muzzle and if the barrel is at least eighteen inches in length, either in plain sight with the action open or the weapon stripped, or, if the firearm is of a type on which the action will not stay open or which cannot easily be stripped, in plain sight.

(b) No person who has been issued a concealed handgun license, or who is an active duty member of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in division (G)(1) of Ohio R.C. 2923.125, who is the driver or an occupant of a motor vehicle that is stopped as a result of a traffic stop or a stop for another law enforcement purpose or is the driver or an occupant of a commercial motor vehicle that is stopped by an employee of the motor carrier enforcement unit for the purposes defined in Ohio R.C. 5503.34, and who is transporting or has a loaded handgun in the motor vehicle or commercial motor vehicle in any manner, shall do any of the following:

- (1) Before or at the time a law enforcement officer asks if the person is carrying a concealed handgun, knowingly fail to disclose that the person then possesses or has a loaded handgun in the motor vehicle, provided that it is not a violation of this division if the person fails to disclose that fact to an officer during the stop and the person already has notified another officer of that fact during the same stop;
- (2) Before or at the time an employee of the motor carrier enforcement unit asks if the person is carrying a concealed handgun, knowingly fail to disclose that the person then possesses or has a loaded handgun in the commercial motor vehicle, provided that it is not a violation of this division if the person fails to disclose that fact to an employee of the unit during the stop and the person already has notified another employee of the unit of that fact during the same stop;
- (3) Knowingly fail to remain in the motor vehicle while stopped, or knowingly fail to keep the person's hands in plain sight at any time after any law enforcement officer begins approaching the person while stopped and before the law enforcement officer leaves, unless the failure is pursuant to and in accordance with directions given by a law enforcement officer.
- (4) Knowingly disregard or fail to comply with any lawful order of any law enforcement officer given while the motor vehicle is stopped, including, but not limited to, a specific order to the person to keep the person's hands in plain sight.

- (c) (1) This section does not apply to any of the following:
 - A. An officer, agent or employee of this or any other state or the United States, or a law enforcement officer, when authorized to carry or have loaded or accessible firearms in motor vehicles and acting within the scope of the officer's, agent's or employee's duties;
 - B. Any person who is employed in this State, who is authorized to carry or have loaded or accessible firearms in motor vehicles, and who is subject to and in compliance with the requirements of Ohio R.C. 109.801, unless the appointing authority of the person has expressly specified that the exemption provided in subsection (c)(1)B. does not apply to the person.
- (2) Subsection (a) of this section does not apply to a person who transports or possesses a handgun in a motor vehicle if, at the time of that transportation or possession, both of the following apply:
 - A. The person transporting or possessing the handgun has been issued a concealed handgun license that is valid at the time in question or the person is an active duty member of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in Ohio R.C. 2923.125(G)(1).
 - B. The person transporting or possessing the handgun is not knowingly in a place described in division (B) of Ohio R.C. 2923.126.
- (3) Subsection (a) of this section does not apply to a person if all of the following apply:
 - A. The person possesses a valid all-purpose vehicle permit issued under Ohio R.C. 1533.103 by the Chief of the Division of Wildlife.
 - B. The person is on or in an all-purpose vehicle as defined in Ohio R.C. 1531.01 on private or publicly owned lands or on or in a motor vehicle during the open hunting season for a wild quadruped or game bird.
 - C. The person is on or in an all-purpose vehicle as defined in Ohio R.C. 1531.01 or a motor vehicle that is parked on a road that is owned or administered by the Division of Wildlife.
- (d) (1) The affirmative defenses authorized in Section 549.02(d)(1) and (2) are affirmative defenses to a charge under subsection (a) that involves a firearm other than a handgun.
- (2) It is an affirmative defense to a charge under subsection (a) of improperly handling firearms in a motor vehicle that the actor transported or had the firearm in the motor vehicle for any lawful purpose and while the motor vehicle was on the actor's own property, provided that the affirmative defense is not available unless the person, immediately prior to arriving at the actor's own property, did not transport or possess the firearm in a motor vehicle in a manner prohibited by subsection (a) while the motor vehicle was being operated on a street, highway, or other public or private property used by the public for vehicular traffic.
- (e) (1) No person who is charged with a violation of subsection (a) shall be required to obtain a concealed handgun license as a condition for the dismissal of the charge.

- (2) If a person is convicted of, was convicted of, pleads guilty to, or has pleaded guilty to a violation of subsection (b) of this section as it existed prior to September 30, 2011, and the conduct that was the basis of the violation no longer would be a violation of subsection (b) of this section on or after September 30, 2011, or if a person is convicted of, was convicted of, pleads guilty to, or has pleaded guilty to a violation of subsection (a) of this section as the subsection existed prior to June 13, 2022, the person may file an application under Ohio R.C. 2953.37 requesting the expungement of the record of conviction.

(f) Whoever violates this section is guilty of improperly handling firearms in a motor vehicle. Violation of subsection (a) of this section is a misdemeanor of the fourth degree. A violation of subsection (b)(1) or (b)(2) of this section is a misdemeanor of the second degree. A violation of subsection (b)(3) or (4) of this section is a misdemeanor of the first degree or, if the offender previously has been convicted of or pleaded guilty to a violation of subsection (b)(3) or (4) of this section, a felony and shall be prosecuted under appropriate State law. In addition to any other penalty or sanction imposed for a misdemeanor violation of subsection (b)(3) or (4) of this section, the offender's concealed handgun license shall be suspended pursuant to Ohio R.C. 2923.128(A)(2).

(g) If a law enforcement officer stops a motor vehicle for a traffic stop or any other purpose, if any person in the motor vehicle surrenders a firearm to the officer, either voluntarily or pursuant to a request or demand of the officer, and if the officer does not charge the person with a violation of this section or arrest the person for any offense, the person is not otherwise prohibited by law from possessing the firearm, and the firearm is not contraband, the officer shall return the firearm to the person at the termination of the stop. If a court orders a law enforcement officer to return a firearm to a person pursuant to the requirement set forth in this subsection, division (B) of Ohio R.C. 2923.163 applies.

(h) As used in this section:

- (1) "Commercial motor vehicle" has the same meaning as in Ohio R.C. 4506.25(A).
- (2) "Motor carrier enforcement unit" means the motor carrier enforcement unit in the Department of Public Safety, Division of State Highway Patrol, that is created by Ohio R.C. 5503.34.
- (3) "Motor vehicle", "street" and "highway" have the same meanings as in Ohio R.C. 4511.01.
- (4) A. "Unloaded" means:
 1. With respect to a firearm other than a firearm described in subsection (h)(4)B. of this section, that no ammunition is in the firearm in question, no magazine or speed loader containing ammunition is inserted into the firearm in question and one of the following applies:
 - a. There is no ammunition in a magazine or speed loader that is in the vehicle in question and that may be used with the firearm in question.
 - b. Any magazine or speed loader that contains ammunition and that may be used with the firearm in question is stored in a compartment within the vehicle in question that cannot be accessed without leaving the vehicle or is stored in a container that provides complete and separate enclosure.

2. For the purposes of subsection (h)(4)A.1.b. of this section, a “container that provides complete and separate enclosure” includes, but is not limited to, any of the following:
 - a. A package, box or case with multiple compartments, as long as the loaded magazine or speed loader and the firearm in question either are in separate compartments within the package, box, or case, or, if they are in the same compartment, the magazine or speed loader is contained within a separate enclosure in that compartment that does not contain the firearm and that closes using a snap, button, buckle, zipper, hook and loop closing mechanism, or other fastener that must be opened to access the contents or the firearm is contained within a separate enclosure of that nature in that compartment that does not contain the magazine or speed loader;
 - b. A pocket or other enclosure on the person of the person in question that closes using a snap, button, buckle, zipper, hook and loop closing mechanism, or other fastener that must be opened to access the contents.
 3. For the purposes of subsection (h)(4)A. of this section, ammunition held in stripper-clips or in en-bloc clips is not considered ammunition that is loaded into a magazine or speed loader.
- B. “Unloaded” means, with respect to a firearm employing a percussion cap, flintlock, or other obsolete ignition system, when the weapon is uncapped or when the priming charge is removed from the pan.

(i) Subsection (h)(4) of this section does not affect the authority of a person who has been issued a concealed handgun license that is valid at the time in question to have one or more magazines or speed loaders containing ammunition anywhere in a vehicle, without being transported as described in those divisions, so long as no ammunition is in a firearm, other than a handgun, in the vehicle other than as permitted under any other provision of this chapter. A person who has been issued a concealed handgun license that is valid at the time in question may have one or more magazines or speed loaders containing ammunition anywhere in a vehicle without further restriction, as long as no ammunition is in a firearm, other than a handgun, in the vehicle other than as permitted under any provision of this chapter. (ORC 2923.16)

549.05 FAILURE TO SECURE DANGEROUS ORDNANCE.

(a) No person, in acquiring, possessing, carrying or using any dangerous ordnance shall negligently fail to take proper precautions:

- (1) To secure the dangerous ordnance against theft, or against its acquisition or use by any unauthorized or incompetent person;
- (2) To insure the safety of persons and property.

(b) Whoever violates this section is guilty of failure to secure dangerous ordnance, a misdemeanor of the second degree. (ORC 2923.19)

549.06 UNLAWFUL TRANSACTIONS IN WEAPONS.

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

- (1) When transferring any dangerous ordnance to another, negligently fail to require the transferee to exhibit such identification, license or permit showing the transferee to be authorized to acquire dangerous ordnance pursuant to Ohio R.C. 2923.17, or negligently fail to take a complete record of the transaction and forthwith forward a copy of such record to the sheriff of the county or safety director or police chief of the municipality where the transaction takes place;
- (2) Knowingly fail to report to law enforcement authorities forthwith the loss or theft of any firearm or dangerous ordnance in the person's possession or under the person's control.

(b) Whoever violates this section is guilty of unlawful transactions in weapons. A violation of subsection (a)(1) hereof is a misdemeanor of the second degree. A violation of subsection (a)(2) hereof is a misdemeanor of the fourth degree. (ORC 2923.20)

549.07 UNDERAGE PURCHASE OF FIREARM.

(a) No person under eighteen years of age shall purchase or attempt to purchase a firearm.

(b) No person under twenty-one years of age shall purchase or attempt to purchase a handgun, provided that this subsection does not apply to the purchase or attempted purchase of a handgun by a person eighteen years of age or older and under twenty-one years of age if either of the following apply:

- (1) The person is a law enforcement officer who is properly appointed or employed as a law enforcement officer and has received firearms training approved by the Ohio Peace Officer Training Council or equivalent firearms training.
- (2) The person is an active or reserve member of the armed services of the United States or the Ohio national guard, or was honorably discharged from military service in the active or reserve armed services of the United States or the Ohio national guard, and the person has received firearms training from the armed services or the national guard or equivalent firearms training.

(c) Whoever violates subsection (a) hereof is guilty of underage purchase of a firearm, a delinquent act that would be a felony of the fourth degree if it could be committed by an adult. Whoever violates subsection (b) hereof is guilty of underage purchase of a handgun, a misdemeanor of the second degree. (ORC 2923.211)

549.08 FIREWORKS SALE OR DISCHARGE.

(EDITOR'S NOTE: Former Section 549.08 was repealed by Amended Senate Bill 61 which became effective May 30, 1986. See Chapter 1519 of the Codified Ordinances for relevant provisions.)

549.09 FIREWORKS DISPLAY PERMITS.

(EDITOR'S NOTE: Section 549.09 is effective until December 1, 1986, when it will be repealed and replaced by Sections 1519.02 and 1519.03 of the Codified Ordinances.)

549.10 DISCHARGING FIREARMS.

(a) No person shall discharge any air gun, rifle, shotgun, revolver, pistol or other firearm within the corporate limits of the Municipality.

(b) This section does not apply when firearms are used in self defense, in the discharge of official duty or when otherwise lawfully authorized.

(c) Whoever violates this section is guilty of a misdemeanor of the fourth degree.

549.11 THROWING OR SHOOTING MISSILES.

(a) No person shall throw, shoot or propel an arrow, missile, pellet, stone, metal or other similar substance capable of causing physical harm to persons or property, in or on any public place, in or on the property of another, or from any private property into or onto any public place or the property of another. This section does not apply to supervised archery ranges or instruction nor when otherwise lawfully authorized.

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

549.12 POSSESSING REPLICA FIREARM IN SCHOOL.

(a) No person shall knowingly possess an object in a school safety zone if both of the following apply:

- (1) The object is indistinguishable from a firearm, whether or not the object is capable of being fired.
- (2) The person indicates that the person possesses the object and that it is a firearm, or the person knowingly displays or brandishes the object and indicates that it is a firearm.

(b) (1) This section does not apply to any of the following:

- A. An officer, agent, or employee of this or any other State or the United States who is authorized to carry deadly weapons or dangerous ordnance and is acting within the scope of the officer's, agent's, or employee's duties, a law enforcement officer who is authorized to carry deadly weapons or dangerous ordnance, a security officer employed by a board of education or governing body of a school during the time that the security officer is on duty pursuant to that contract of employment, or any other person who has written authorization from the board of education or governing body of a school to convey deadly weapons or dangerous ordnance into a school safety zone or to possess a deadly weapon or dangerous ordnance in a school safety zone and who conveys or possesses the deadly weapon or dangerous ordnance in accordance with that authorization;
- B. Any person who is employed in this State, who is authorized to carry deadly weapons or dangerous ordnance, and who is subject to and in compliance with the requirements of Ohio R.C. 109.801, unless the appointing authority of the person has expressly specified that the exemption provided in this subsection (b)(1)B. does not apply to the person.

- (2) This section does not apply to premises upon which home schooling is conducted. This section also does not apply to a school administrator, teacher or employee who possesses an object that is indistinguishable from a firearm for legitimate school purposes during the course of employment, a student who uses an object that is indistinguishable from a firearm under the direction of a school administrator, teacher or employee, or any other person who, with the express prior approval of a school administrator, possesses an object that is indistinguishable from a firearm for a legitimate purpose, including the use of the object in a ceremonial activity, a play, re-enactment or other dramatic presentation, school safety training, or a ROTC activity or another similar use of the object.
- (3) This section does not apply to a person who conveys or attempts to convey a handgun into, or possesses a handgun in, a school safety zone if, at the time of that conveyance, attempted conveyance, or possession of the handgun, all of the following apply:
 - A. The person does not enter into a school building or onto school premises and is not at a school activity.
 - B. The person has been issued a concealed handgun license that is valid at the time of the conveyance, attempted conveyance, or possession or the person is an active duty member of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in Ohio R.C. 2923.125(G)(1).
 - C. The person is in the school safety zone in accordance with 18 U.S.C. § 922(q)(2)(B).
 - D. The person is not knowingly in a place described in Ohio R.C. 2923.126(B)(1) or (B)(3) to (8).
- (4) This section does not apply to a person who conveys or attempts to convey a handgun into, or possesses a handgun in, a school safety zone if at the time of that conveyance, attempted conveyance, or possession of the handgun all of the following apply:
 - A. The person has been issued a concealed handgun license that is valid at the time of the conveyance, attempted conveyance or possession or the person is an active duty member of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in Ohio R.C. 2923.125(G)(1).
 - B. The person leaves the handgun in a motor vehicle.
 - C. The handgun does not leave the motor vehicle.
 - D. If the person exits the motor vehicle, the person locks the motor vehicle.

(c) Whoever violates this section is guilty of illegal possession of an object indistinguishable from a firearm in a school safety zone. Except as otherwise provided in this division, illegal possession of an object indistinguishable from a firearm in a school safety zone is a misdemeanor of the first degree. If the offender previously has been convicted of a violation of this section, illegal possession of an object indistinguishable from a firearm in a school safety zone is a felony to be prosecuted under appropriate state law.

- (d) (1) In addition to any other penalty imposed upon a person who is convicted of or pleads guilty to a violation of this section, and subject to subsection (d)(2) of this section, if the offender has not attained nineteen years of age, regardless of whether the offender is attending or is enrolled in a school operated by a board of education or for which the State Board of Education prescribes minimum standards under Ohio R.C. 3301.07, of the suspension. If the offender is not a resident of this State, the court shall impose a class four suspension of the nonresident operating privilege of the offender from the range specified in Ohio R.C. 4510.02(A)(4).
- (2) If the offender shows good cause why the court should not suspend one of the types of licenses, permits or privileges specified in subsection (d)(1) of this section or deny the issuance of one of the temporary instruction permits specified in subsection (d)(1) of this section, the court in its discretion may choose not to impose the suspension, revocation or denial required in subsection (d)(1) of this section, but the court, in its discretion, instead may require the offender to perform community service for a number of hours determined by the court.

(e) As used in this section, "object that is indistinguishable from a firearm" means an object made, constructed or altered so that, to a reasonable person without specialized training in firearms, the object appears to be a firearm.
(ORC 2923.122(C) - (G))

**549.13 DEFACING IDENTIFICATION MARKS OF A FIREARM;
POSSESSING A DEFACED FIREARM.**

- (a) No person shall do either of the following:
 - (1) Change, alter, remove, or obliterate the name of the manufacturer, model, manufacturer's serial number, or other mark or identification on a firearm.
 - (2) Possess a firearm knowing or having reasonable cause to believe that the name of the manufacturer, model, manufacturer's serial number, or other mark of identification on the firearm has been changed, altered, removed, or obliterated.
- (b) (1) Whoever violates subsection (a)(1) of this section is guilty of defacing identification marks of a firearm. Except as otherwise provided in this subsection, defacing identification marks of a firearm is a misdemeanor of the first degree. If the offender previously has been convicted of or pleaded guilty to a violation of subsection (a)(1) of this section, defacing identification marks of a firearm is a felony and shall be prosecuted under appropriate State law.
- (2) Whoever violates subsection (a)(2) of this section is guilty of possessing a defaced firearm. Except as otherwise provided in this subsection, possessing a defaced firearm is a misdemeanor of the first degree. If the offender previously has been convicted of or pleaded guilty to a violation of subsection (a)(2) of this section, possessing a defaced firearm is a felony and shall be prosecuted under appropriate State law.
(ORC 2923.201)

549.14 CONCEALED HANDGUN LICENSES; POSSESSION OF REVOKED OR SUSPENDED LICENSE; ADDITIONAL RESTRICTIONS; POSTING SIGNS PROHIBITING POSSESSION.

(a) Possession of a Revoked or Suspended Concealed Handgun License.

- (1) No person, except in the performance of official duties, shall possess a concealed handgun license that was issued and that has been revoked or suspended.
- (2) Whoever violates this subsection (a) is guilty of possessing a revoked or suspended concealed handgun license, a misdemeanor of the third degree. (ORC 2923.1211(B), (C))

(b) Additional Restrictions. Pursuant to Ohio R.C. 2923.126:

- (1) A concealed handgun license that is issued under Ohio R.C. 2923.125 shall expire five years after the date of issuance. A licensee who has been issued a license under that section shall be granted a grace period of thirty days after the licensee's license expires during which the licensee's license remains valid. Except as provided in subsection (b)(2) and (b)(3) of this section, a licensee who has been issued a concealed handgun license under Ohio R.C. 2923.125 or 2923.1213 may carry a concealed handgun anywhere in this state if the license is valid when the licensee is in actual possession of a concealed handgun. The licensee shall give notice of any change in the licensee's residence address to the sheriff who issued the license within forty-five days after that change.
- (2) A valid concealed handgun license does not authorize the licensee to carry a concealed handgun in any manner prohibited under Ohio R.C. 2923.12(B) or in any manner prohibited under Ohio R.C. 2923.16. A valid license does not authorize the licensee to carry a concealed handgun into any of the following places:
 - A. A police station, sheriff's office, or state highway patrol station, premises controlled by the bureau of criminal identification and investigation; a state correctional institution, jail, workhouse, or other detention facility; any area of an airport passenger terminal that is beyond a passenger or property screening checkpoint or to which access is restricted through security measures by the airport authority or a public agency; or an institution that is maintained, operated, managed, and governed pursuant to Ohio R.C. 5119.14(A) or Ohio R.C. 5123.03(A)(1);
 - B. A school safety zone if the licensee's carrying the concealed handgun is in violation of Ohio R.C. 2923.122;
 - C. A courthouse or another building or structure in which a courtroom is located if the licensee's carrying the concealed handgun is in violation of Ohio R.C. 2923.123;
 - D. Any premises or open air arena for which a D permit has been issued under Ohio R.C. Chapter 4303 if the licensee's carrying the concealed handgun is in violation of Ohio R.C. 2923.121;

- E. Any premises owned or leased by any public or private college, university, or other institution of higher education, unless the handgun is in a locked motor vehicle or the licensee is in the immediate process of placing the handgun in a locked motor vehicle or unless the licensee is carrying the concealed handgun pursuant to a written policy, rule, or other authorization that is adopted by the institution's board of trustees or other governing body and that authorizes specific individuals or classes of individuals to carry a concealed handgun on the premises;
 - F. Any church, synagogue, mosque, or other place of worship, unless the church, synagogue, mosque, or other place of worship posts or permits otherwise;
 - G. Any building that is a government facility of this state or a political subdivision of this state and that is not a building that is used primarily as a shelter, restroom, parking facility for motor vehicles, or rest facility and is not a courthouse or other building or structure in which a courtroom is located that is subject to subsection (b)(2)C. of this section, unless the governing body with authority over the building has enacted a statute, ordinance, or policy that permits a licensee to carry a concealed handgun into the building;
 - H. A place in which federal law prohibits the carrying of handguns.
- (3) A. Nothing in this subsection (b) shall negate or restrict a rule, policy, or practice of a private employer that is not a private college, university, or other institution of higher education concerning or prohibiting the presence of firearms on the private employer's premises or property, including motor vehicles owned by the private employer. Nothing in this subsection (b) shall require a private employer of that nature to adopt a rule, policy, or practice concerning or prohibiting the presence of firearms on the private employer's premises or property, including motor vehicles owned by the private employer.
- B. 1. A private employer shall be immune from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to a licensee bringing a handgun onto the premises or property of the private employer, including motor vehicles owned by the private employer, unless the private employer acted with malicious purpose. A private employer is immune from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to the private employer's decision to permit a licensee to bring, or prohibit a licensee from bringing, a handgun onto the premises or property of the private employer.

2. A political subdivision shall be immune from liability in a civil action, to the extent and in the manner provided in Ohio R.C. Chapter 2744, for any injury, death, or loss to person or property that allegedly was caused by or related to a licensee bringing a handgun onto any premises or property owned, leased, or otherwise under the control of the political subdivision. As used in this division, "political subdivision" has the same meaning as in Ohio R.C. 2744.01.
 3. An institution of higher education shall be immune from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to a licensee bringing a handgun onto the premises of the institution, including motor vehicles owned by the institution, unless the institution acted with malicious purpose. An institution of higher education is immune from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to the institution's decision to permit a licensee or class of licensees to bring a handgun onto the premises of the institution.
- C. 1. a. Except as provided in subsection (b)(3)C.2. of this section and Ohio R.C. 2923.1214, the owner or person in control of private land or premises, and a private person or entity leasing land or premises owned by the state, the United States, or a political subdivision of the state or the United States, may post a sign in a conspicuous location on that land or on those premises prohibiting persons from carrying firearms or concealed firearms on or onto that land or those premises. Except as otherwise provided in this division, a person who knowingly violates a posted prohibition of that nature is guilty of criminal trespass in violation of Ohio R.C. 2911.21(A)(4) and is guilty of a misdemeanor of the fourth degree. If a person knowingly violates a posted prohibition of that nature and the posted land or premises primarily was a parking lot or other parking facility, the person is not guilty of criminal trespass under Ohio R.C. 2911.21 or under any other criminal law of this State or criminal law, ordinance, or resolution of a political subdivision of this State, and instead is subject only to a civil cause of action for trespass based on the violation.

- b. If a person knowingly violates a posted prohibition of the nature described in this division and the posted land or premises is a child day-care center, type A family day-care home, or type B family day-care home, unless the person is a licensee who resides in a type A family day-care home or type B family day-care home, the person is guilty of aggravated trespass in violation of Ohio R.C. 2911.211. Except as otherwise provided in this division, the offender is guilty of a misdemeanor of the first degree. If the person previously has been convicted of a violation of this division or any substantially equivalent state law or municipal ordinance, or of any offense of violence, if the weapon involved is a firearm that is either loaded or for which the offender has ammunition ready at hand, or if the weapon involved is dangerous ordnance, the offender is guilty of a felony to be prosecuted under appropriate state law.
- 2. A landlord may not prohibit or restrict a tenant who is a licensee and who on or after September 9, 2008 enters into a rental agreement with the landlord for the use of residential premises, and the tenant's guest while the tenant is present, from lawfully carrying or possessing a handgun on those residential premises.
- 3. As used in subsection (b)(3)C. of this section:
 - a. "Residential premises" has the same meaning as in Ohio R.C. 5321.01, except "residential premises" does not include a dwelling unit that is owned or operated by a college or university.
 - b. "Landlord", "tenant", and "rental agreement" have the same meanings as in Ohio R.C. 5321.01.
- (4) A person who holds a valid concealed handgun license issued by another state that is recognized by the Attorney General pursuant to a reciprocity agreement entered into pursuant to Ohio R.C. 109.69 or a person who holds a valid concealed handgun license under the circumstances described in Ohio R.C. 109.69(B) has the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license under Ohio R.C. 2923.125 and is subject to the same restrictions that apply to a person who has been issued a license under that section that is valid at the time in question.
- (5) A. A peace officer has the same right to carry a concealed handgun in this State as a person who was issued a concealed handgun license under Ohio R.C. 2923.125, provided that the officer when carrying a concealed handgun under authority of this section is carrying validating identification. For purposes of reciprocity with other States, a peace officer shall be considered to be a licensee in this State.

- B. An active duty member of the armed forces of the United States who is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in Ohio R.C. 2923.125(G)(1) has the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license under Ohio R.C. 2923.125 and is subject to the same restrictions as specified in this subsection (b).
- C. A tactical medical professional who is qualified to carry firearms while on duty under Ohio R.C. 109.771 has the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license under Ohio R.C. 2923.125.
- (6) A. A qualified retired peace officer who possesses a retired peace officer identification card issued pursuant to subsection (b)(6)B. of this section and a valid firearms requalification certification issued pursuant to subsection (b)(6)C. of this section has the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license under Ohio R.C. 2923.125 and is subject to the same restrictions that apply to a person who has been issued a license issued under that section that is valid at the time in question. For purposes of reciprocity with other states, a qualified retired peace officer who possesses a retired peace officer identification card issued pursuant to subsection (b)(6)B. of this section and a valid firearms requalification certification issued pursuant to subsection (b)(6)C. of this section shall be considered to be a licensee in this state.
- B. 1. Each public agency of this State or of a political subdivision of this State that is served by one or more peace officers shall issue a retired peace officer identification card to any person who retired from service as a peace officer with that agency, if the issuance is in accordance with the agency's policies and procedures and if the person, with respect to the person's service with that agency, satisfies all of the following:
 - a. The person retired in good standing from service as a peace officer with the public agency, and the retirement was not for reasons of mental instability.
 - b. Before retiring from service as a peace officer with that agency, the person was authorized to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law and the person had statutory powers of arrest.
 - c. At the time of the person's retirement as a peace officer with that agency, the person was trained and qualified to carry firearms in the performance of the peace officer's duties.

- d. Before retiring from service as a peace officer with that agency, the person was regularly employed as a peace officer for an aggregate of 15 years or more, or, in the alternative, the person retired from service as a peace officer with that agency, after completing any applicable probationary period of that service, due to a service-connected disability, as determined by the agency.
 - 2. A retired peace officer identification card issued to a person under subsection (b)(6)B.1. of this section shall identify the person by name, contain a photograph of the person, identify the public agency of this state or of the political subdivision of this State from which the person retired as a peace officer and that is issuing the identification card, and specify that the person retired in good standing from service as a peace officer with the issuing public agency and satisfies the criteria set forth in subsections (b)(6)B.1.a. to (b)(6)B.1.d. of this section. In addition to the required content specified in this subsection, a retired peace officer identification card issued to a person under subsection (b)(6)B.1. of this section may include the firearms requalification certification described in subsection (b)(6)C. of this section, and if the identification card includes that certification, the identification card shall serve as the firearms requalification certification for the retired peace officer. If the issuing public agency issues credentials to active law enforcement officers who serve the agency, the agency may comply with subsection (b)(6)B.1. of this section by issuing the same credentials to persons who retired from service as a peace officer with the agency and who satisfy the criteria set forth in subsection (b)(6)B.1.a. to (b)(6)B.1.d. of this section, provided that the credentials so issued to retired peace officers are stamped with the word "RETIRED".
 - 3. A public agency of this state or of a political subdivision of this State may charge persons who retired from service as a peace officer with the agency a reasonable fee for issuing to the person a retired peace officer identification card pursuant to subsection (b)(6)B.1. of this section.
- C. 1. If a person retired from service as a peace officer with a public agency of this state or of a political subdivision of this state and the person satisfies the criteria set forth in subsections (b)(6)B.1.a. to (b)(6)B.1.d. of this section, the public agency may provide the retired peace officer with the opportunity to attend a firearms requalification program that is approved for purposes of firearms requalification required under Ohio R.C. 109.801. The retired peace officer may be required to pay the cost of the course.

2. If a retired peace officer who satisfies the criteria set forth in subsections (b)(6)B.1.a. to (b)(6)B.1.d. of this section attends a firearms requalification program that is approved for purposes of firearms requalification required under Ohio R.C. 109.801, the retired peace officer's successful completion of the firearms requalification program requalifies the retired peace officer for purposes of subsection (b)(6) of this section for five years from the date on which the program was successfully completed, and the requalification is valid during that five-year period. If a retired peace officer who satisfies the criteria set forth in subsections (b)(6)B.1.a. to (b)(6)B.1.d. of this section satisfactorily completes such a firearms requalification program, the retired peace officer shall be issued a firearms requalification certification that identifies the retired peace officer by name, identifies the entity that taught the program, specifies that the retired peace officer successfully completed the program, specifies the date on which the course was successfully completed, and specifies that the requalification is valid for five years year from that date of successful completion. The firearms requalification certification for a retired peace officer may be included in the retired peace officer identification card issued to the retired peace officer under subsection (b)(6)B. of this section.
 3. A retired peace officer who attends a firearms requalification program that is approved for purposes of firearms requalification required under Ohio R.C. 109.801 may be required to pay the cost of the program.
- (7) As used in subsection (b)(6) of this section:
- A. "Governing body." Has the same meaning as in Ohio R.C. 154.01.
 - B. "Government facility of this State or a political subdivision of this State" means any of the following:
 1. A building or part of a building that is owned or leased by the government of this State or a political subdivision of this State and where employees of the government of this State or the political subdivision regularly are present for the purpose of performing their official duties as employees of the State or political subdivision;
 2. The office of a deputy registrar serving pursuant to Ohio R.C. Chapter 4503 that is used to perform deputy registrar functions.
 - C. "Qualified retired peace officer" means a person who satisfies all of the following:
 1. The person satisfies the criteria set forth in subsections (b)(6)B.1.a. to (b)(6)B.1.d. of this section.
 2. The person is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.
 3. The person is not prohibited by Federal law from receiving firearms.

- D. "Retired peace officer identification card" means an identification card that is issued pursuant to subsection (b)(6)B. of this section to a person who is a retired peace officer.
- E. "Tactical medical professional." Has the same meaning as in Ohio R.C. 109.71.
- F. "Validating identification." Means photographic identification issued by the agency for which an individual serves as a peace officer that identifies the individual as a peace officer of the agency.
(ORC 2923.126)

(c) Posting of Signs Prohibiting Possession. Each person, board, or entity that owns or controls any place or premises identified in Ohio R.C. 2923.126(B) as a place into which a valid license does not authorize the licensee to carry a concealed handgun, or a designee of such a person, board, or entity, shall post in the following one or more conspicuous locations in the premises a sign that contains a statement in substantially the following form: "Unless otherwise authorized by law, pursuant to the Ohio Revised Code, no person shall knowingly possess, have under the person's control, convey, or attempt to convey a deadly weapon or dangerous ordnance onto these premises."
(ORC 2923.1212)

549.99 PENALTY.

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

CODIFIED ORDINANCES OF JOHNSTOWN
PART ELEVEN - PLANNING AND ZONING CODE

TITLE ONE - Subdivision Regulations

- Chap. 1101. Definitions.
- Chap. 1103. Variances and Approval.
- Chap. 1105. Preliminary Plats.
- Chap. 1107. Final Plats.
- Chap. 1109. Improvements.
- Chap. 1111. Design Standards.

TITLE THREE - Zoning Administration

- Chap. 1121. Definitions.
- Chap. 1123. Title, Interpretation and Validity.
- Chap. 1125. Compliance; Enforcement; Zoning Inspector;
Penalty.
- Chap. 1127. Zoning Certificates.
- Chap. 1129. Planning and Zoning Commission.
- Chap. 1131. Conditional Uses.
- Chap. 1133. Variances.
- Chap. 1135. Zoning Map.
- Chap. 1137. Amendments.

TITLE FIVE - Zoning Districts

- Chap. 1141. Districts Generally.
- Chap. 1142. Rural Residential RR District.
- Chap. 1143. Suburban Residential SR-1 District.
- Chap. 1145. Suburban Residential SR-2 District.
- Chap. 1147. Urban Residential Low Density UR-1 District.
- Chap. 1149. Urban Residential Moderate Density UR-2 District.
- Chap. 1151. Multiple-Family Residential AR-1 District.
- Chap. 1155. General Community Commercial GCC-1 District.
- Chap. 1157. General Community Commercial GCC-2 District.
- Chap. 1159. Light Manufacturing LM District.
- Chap. 1161. Flood Plain FP District.
- Chap. 1163. Open Space OS District.
- Chap. 1167. (VC) Village Center District.
- Chap. 1169. Village Commercial District.
- Chap. 1170. Special Use SU District.

TITLE SEVEN - Zoning Standards and Special Provisions

- Chap. 1171. Supplementary District Regulations.
- Chap. 1173. Home Occupations.
- Chap. 1175. Off-Street Parking and Loading Facilities.
- Chap. 1177. Signs.
- Chap. 1179. Single Family Planned Residential District (SFPRD).
- Chap. 1181. Nonconforming Uses.
- Chap. 1183. Landscaping.
- Chap. 1184. Agricultural Buffering and Mitigation.
- Chap. 1185. Fences.

TITLE NINE - Design Review

- Chap. 1187. Design Review Administration and Regulations.

TITLE ELEVEN - Property Maintenance Code

- Chap. 1189. General Provisions.
- Chap. 1191. Definitions.
- Chap. 1193. Administration and Enforcement.
- Chap. 1195. General Requirements.

TITLE THIRTEEN - Storm Water Management Program

- Chap. 1197. Comprehensive Storm Water Management.
- Chap. 1198. Illicit Discharge and Illegal Connection.
- Chap. 1199. Erosion and Sediment Control.

EDITOR'S NOTE: Except as otherwise indicated the history of all sections is Ordinance 1983-20, passed August 16, 1983.

CHAPTER 1105 Preliminary Plats

1105.01	Sketch submitted for suggestions.	1105.04	Contents.
1105.02	Copies to be submitted.	1105.05	Approval of preliminary plat.
1105.03	Fees.		

CROSS REFERENCES

Plats - see Ohio R. C. Ch. 711
 Plat defined - see P. & Z. 1101.02
 Approval of subdivision without plat - see P. & Z. 1103.02
 Final plats - see P. & Z. 1107.01

1105.01 SKETCH SUBMITTED FOR SUGGESTIONS.

The owner of land who desires to subdivide it may submit a sketch of the plat to the Planning and Zoning Commission for its comments and suggestions. The owner can then make such corrections and changes as agreed upon before preparing and submitting his preliminary plat for consideration.

1105.02 COPIES TO BE SUBMITTED.

The owner of land who desires to subdivide it shall submit to the village offices ten copies of a preliminary plat for approval at least twelve days prior to the date of the Commission's regular or special meeting and ten copies of a preliminary plat for comment only at least five days prior to the Commission's regular or special meeting. A copy of the plat shall be in the possession of each commission member for a minimum period of five days before consideration for approval. (Ord. 21-98. Passed 10-20-98.)

1105.03 FEES.

A fee shall be paid at the time of submission of the preliminary plat in accordance with a fee schedule established by ordinance of Council.

1105.04 CONTENTS.

- (a) The preliminary plat shall contain the following:
- (1) The scale, with a minimum of one inch to equal one hundred feet;
 - (2) The proposed name of the subdivision;
 - (3) Key map showing location within the City;
 - (4) Names and addresses of owners, developers and the surveyor who made the plat;

- (5) Date; and
 - (6) North point.
- (b) The following existing conditions shall be shown on the plat:
- (1) Boundary lines and approximate acreage;
 - (2) Locations, widths and names of all existing or previously platted streets or alleys, railroad and utility rights of way, parks and public open spaces, permanent buildings and structures and all section and corporation lines within or adjacent to the tract;
 - (3) Existing sewers, water mains, culverts and other underground facilities within the tract, including pipe sizes, elevations and grades, if readily available, and locations, if known or available;
 - (4) Boundary lines of adjacent tracts or unsubdivided and subdivided land;
 - (5) Existing zoning restrictions;
 - (6) Existing contours, with intervals of five feet where the slope is greater than ten percent (10%) and not more than two feet where the slope is less than ten percent (10%); and
 - (7) Drainage channels, wooded areas, watercourses and other significant physical features.
- (c) All elevations on the preliminary plat shall be based on sea level datum.
- (d) The following proposed conditions shall be shown:
- (1) Layout of streets and right-of-way widths;
 - (2) Easements;
 - (3) Layout, numbers and dimensions of lots;
 - (4) Parcels of land intended to be dedicated or temporarily reserved for public use;
 - (5) Building setback lines shown graphically with dimensions;
 - (6) Preliminary plan for water, sewer, storm drainage and other utility systems, as well as a general analysis by a Professional Engineer attesting to the general engineering feasibility of the project, as proposed.
 - (7) Indication of any lot on which a use other than residential is proposed by the owner;
 - (8) Names of new streets which shall not duplicate names of any existing dedicated street within Licking County and/or its incorporated areas; and
 - (9) New streets which are extensions of or in alignment with existing streets; which shall bear the names of the existing streets of which they are extensions or with which they are in alignment.
- (e) All new streets shall be named in the following manner and shall be subject to the approval of the Planning and Zoning Commission:

<u>General Direction</u>	<u>Over 1000 feet in Length</u>	<u>Under 1000 feet in Length</u>
North and South	Street	Places
East and West	Avenues	Courts
Diagonal	Roads	Ways
Curving	Drives	Circles

(Ord. 27-2021. Passed 7-20-21.)

- (13) "Council" means the Council of the Village of Johnstown.
- (14) "Court" means an unoccupied, open space, other than a yard, on the same lot with a building which is bounded on two sides by the walls of such building.
- (15) "Inner court" means a court enclosed on all sides by exterior walls and lot lines on which walls are allowable.
- (16) "Outer court" means a court enclosed on not more than three sides by exterior walls and lot lines on which walls are allowable, with one side or end open to a street, driveway, alley or yard.
- (17) "Density" means a unit of measurement: the number of dwelling units per acre of land,
 - A. "Gross density" means the number of dwelling units per acre of land to be developed.
 - B. "Net density" means the number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses.
- (18) "Dwelling" means a permanent building used primarily for human habitation by one or more families but does not include mobile homes.
- (19) "Multiple-family dwelling" means a building used or designed as a residence for three or more families living independently of each other.
- (20) "Single-family dwelling" means a building consisting of a single dwelling unit only, separated from other dwelling units by open space.
- (21) "Two-family dwelling" means a building consisting of two dwelling units which may be either attached side by side or one above the other, and each unit having a separate or combined entrance or entrances.
- (22) "Dwelling unit" means space, within a building comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing and toilet facilities, all used by only one family and its household employees.
- (23) "Easement" means authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.
- (24) "Family" means one or more persons occupying a single dwelling unit, provided that unless all members are related by blood, adoption or marriage no such family shall contain over five persons.
- (25) "Floor area of a residential building" means the sum of the gross horizontal area of the several floors of a residential building, excluding basement, vestibules, open or closed porches or verandas and open or closed stairways floor areas. All dimensions shall be measured from the interior faces of the walls.
- (26) "Floor area of a nonresidential building" means the floor area of the specified use excluding stairs, washrooms, elevator shafts, maintenance shafts, and rooms, storage spaces, display windows and fitting rooms and similar areas.

- (27) "First floor area" means the area of the floor at or above grade but within thirty inches of finished grade.
- (28) "Second floor area" means the area of the floor above eight feet above the finished grade.
- (29) "Private garage" means a detached accessory building or portion of a principal building for the parking or temporary storage of noncommercial automobiles, travel trailers and/or boats of the occupant.
- (30) "Public garage" means a detached accessory building or portion of principal or accessory building other than a private garage used for parking or temporary storage of passenger automobiles for some commercial purpose.
- (31) "Service station garage" means a building, structure or land, used for dispensing, sale or offering for sale at retail of any automobile fuels, oils or accessories including lubrication of automobiles and replacement or installation of minor parts or accessories. It does not mean a repair garage nor a body shop.
- (32) "Grade" means the average level of the finished surface of the ground adjacent to the exterior walls of the building.
- (33) "Home occupation" means an occupation conducted in a dwelling unit subject to the provisions of Section 1171.02.
- (34) "Hospital" means a place used for the care, diagnosis and treatment of such, ailing, infirm or injured persons and those who are in need of medical and surgical attention, with room, board and/or overnight facilities on the premises. (Ord. 1996-36. Passed 1-7-97.)
- (35) "Hotel" means every establishment kept, used, maintained, advertised or held out to the public to be a place where sleeping accommodations are offered to guest(s), in which five (5) or more rooms are used for the accommodation of such guests, whether such rooms are in one (1) or several structures. The term "Hotel" shall include "Motel". (Ord. 43-2021. Passed 11-3-21.)
- (36) "Institution" means a building occupied by a nonprofit corporation or a nonprofit establishment for public use.
- (37) "Kennel or cattery" means any lot or premises on which four or more domesticated nonfarm animals more than four months old are housed, groomed, bred, boarded, trained or sold.
- (38) "Living area" means the floor area of residential building excluding garage areas, washroom areas and closets.
- (39) "Off-street loading space" means space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space. All off-street loading spaces shall be located totally outside of any street or alley right-of-way.
- (40) "Lot" means a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage and area and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street or an approved private street and may consist of:

- (78) "Rear setback" means a setback extending across the full width of the lot and lying between the rear line of the lot and the nearest wall of the principal building. The depth of the rear setback shall be measured at right angles to the rear line of the lot. On both corner lots and interior lots, the rear setback shall in all cases be the opposite end of the lot from the front setback.
- (79) "Side setback" means a setback extending from the principal building to the side lot line on both sides of the principal building.
- (80) "Zoning Map" means the zoning district map or maps of the Village, together with all amendments subsequently adopted by Council resolution.
- (81) "Zoning Certificate" means a document issued by the Zoning Inspector authorizing the use of lots, structures, uses of land and structures and the characteristics of the uses.
- (82) "Split level" means any single-family dwelling with multiple living areas, but excluding bilevel.
- (83) "Efficiency unit" means a single-family, one room apartment unit, excluding bathroom facilities.
- (84) "Zoning Ordinance" means Ordinance 1983-20, as amended, which comprises Titles Three, Five and Seven of this Part Eleven.
- (85) "Manager" means the person appointed pursuant to Section 5.01 of the Municipal Charter.
- (86) "Recreational vehicle" means a vehicular portable structure that is designed and constructed to be used as a temporary dwelling for travel, recreational and vacation uses and is classed as follows:
- A. "Travel trailer" means a nonself-propelled recreational vehicle that does not exceed an overall length of thirty-five feet, exclusive of bumper and tongue or coupling, and includes a tent-type foldout camping trailer.
 - B. "Motor home" means a self-propelled recreational vehicle that is constructed with permanently installed facilities for cold storage, cooking and consuming of food and for sleeping.
 - C. "Truck camper" means a nonself-propelled recreational vehicle that does not have wheels for road use and is designed to be placed upon and attached to a motor vehicle. "Truck camper" does not include truck covers that consist of walls and a roof, but do not have floors and facilities enabling them to be used as a dwelling.
 - D. "Fifth wheel trailer" means a vehicle that is of such size and weight as to be movable without a special highway permit, that has a gross trailer area of 400 square feet or less, that is constructed with a raised forward section that allows a bi-level floor plan, and that is designed to be towed by a vehicle equipped with a fifth wheel hitch ordinarily installed in the bed of a truck.
 - E. "Park trailer" means a vehicle that is commonly known as a park model recreational vehicle, meets the American National Standard Institute Standard A119.5 (1988) for park trailers, is built on a single chassis, has a gross trailer area of 400 square feet or less when set up, is designed for seasonal or temporary living quarters, and may be connected to utilities necessary for the operation of installed features and appliances.

- (87) “Assisted Living Facility” means the following home and community-based services as they are defined in the Ohio Revised Code: personal care, homemaker, chore, attendant care, companion, medication oversight, and therapeutic social and recreational programming. (Ord. 6-13. Passed 5-7-13.)
- (88) “Cafe seating” means non-permanent tables and chairs outside and along a public way, against the front exterior wall and limited to the front of buildings where the sidewalk adjoins the building. The tables and chairs must not extend beyond four (4) feet from the front of the building. An ADA compliant sidewalk for unobstructed passage must be open at all times for non-motorized traffic. The amount of the tables and chairs is limited to the width of the unit and any adjoining entrances. (Ord. 32-2016. Passed 8-2-16.)
- (89) “Medical Marijuana Processing” means:
- A. Combining marijuana with any other substance for distribution, including storage and packaging for resale; or
 - B. Preparing, compounding, processing, encapsulating, packaging, or repackaging, labeling, or relabeling of marijuana or its derivatives, whether alone or mixed with any amount of any other substance. (Ord. 42-2019. Passed 2-6-20.)
- (90) “Transient accommodations” means every establishment kept, used, maintained, advertised or held out to the public to be a place where sleeping accommodations are offered to guests in which four (4) or fewer rooms are used for the accommodation of such guests, whether such rooms are in one (1) or several structures. (Ord. 43-2021. Passed 11-3-21.)

CHAPTER 1133 Variances

1133.01	Granting of variances.	1133.04	Supplementary conditions and safeguards.
1133.02	Application and standards.		
1133.03	Procedure for approval.		

CROSS REFERENCES

Subdivision Regulations variances - see P. & Z. Ch. 1103
 Zoning Inspector - see P. & Z. 1125.05
 Planning and Zoning Commission - see P. & Z. Ch. 1129
 Conditional use permits - see P. & Z. 1131.02 et seq.
 Zoning Ordinance amendments - see P. & Z. Ch. 1137
 Variances for lots of record - see P. & Z. 1171.22

1133.01 GRANTING OF VARIANCES.

In accordance with Ohio R. C. 713.11, the Planning and Zoning Commission may in appropriate cases and subject to appropriate conditions and safeguards authorize such variance from the terms of this Zoning Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Zoning Ordinance would result in unnecessary hardship. No nonconforming use of neighboring lands, structures or buildings in the same district and no permitted or nonconforming use of land, structures or buildings in other districts shall be considered grounds for issuance of variance.

1133.02 APPLICATION AND STANDARDS.

Written application for a variance shall be made to the Zoning Inspector who shall transmit such application to the Planning and Zoning Commission. Each application for a variance shall be accompanied by the appropriate fee and shall be paid to the Zoning Inspector, who shall deliver the same to the Village Clerk-Treasurer. Each application shall be in written form and shall contain the following:

- (a) Name, address and phone number of applicants;
- (b) Legal description of property;
- (c) Description and nature of variance requested; and
- (d) A narrative statement demonstrating that the requested variance conforms to the following standards:

- (1) That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district;
 - (2) That a literal interpretation of the provisions of this Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Zoning Ordinance;
 - (3) That the special conditions and circumstances which create the need for a variance do not result from the actions of the applicants;
 - (4) That granting the variance requested will not confer on the applicant any special privilege that is denied by this Zoning Ordinance, to other lands, structures or buildings in the same district.
(Ord. 1983-20. Passed 8-16-83.)
- (e) A list of the property owners of any property contiguous to and directly across the street from the property for which the variance is proposed, and the addresses of all such persons.
(Ord. 1995-12. Passed 3-21-95.)

1133.03 PROCEDURE FOR APPROVAL.

(a) Before approving or denying the application before it, the Planning and Zoning Commission shall hold at least one public hearing on such application within forty-five days after the receipt of an application for a variance.

(b) Before holding a public hearing required in subsection (a) hereof, notice of such hearing shall be given in one or more newspapers of general circulation in the Village by two publications which shall be at least fourteen days before the date of such hearing and at least seven days before the date of such hearing, respectively. The notice to be published shall set forth the time and place of public hearing and the nature of proposed variance.

(c) Before holding the public hearing required in subsection (a) hereof, written notice of such hearing shall be mailed by the chairperson of the Planning and Zoning Commission, by certified mail to all owners of property identified in Section 1133.02(e). The notifications shall contain the same information as required of notices published in the newspaper as specified in subsection (b) hereof.

(d) Before holding the public hearing required in subsection (a) hereof, written notice of such hearing shall be posted in a conspicuous location at the Village offices. Such notice shall be posted at least fourteen days before the date of such hearing.

(e) The applicant shall post one sign per public street frontage of the subject property within fifteen (15) feet of the curb indicating the subject, date, and time for the hearing. The sign(s) shall be posted at least ten (10) days prior to the hearing. The sign(s) should be purchased at the Johnstown City Offices and will measure no less than 2 feet by 3 feet.

(f) Within forty-five days after the public hearing required in subsection (a) hereof the Commission shall either approve, approve with supplementary conditions as specified in Section 1133.04 or disapprove the request for a variance. The Commission shall further make a finding that the reasons set forth in the application justify the granting of the variance that will make possible a reasonable use of the land, building or structure.

(g) The following factors shall be considered and weighed in the review and the public hearing of an application for variance.

- (1) Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without a variance;
 - (2) Whether the variance is substantial;
 - (3) Whether the character of the neighborhood would be adversely affected or whether adjoining properties would suffer an adverse impact as a result of the variance;
 - (4) Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, garbage);
 - (5) Whether the property owner purchased the property with knowledge of the zoning restriction;
 - (6) Whether the property owner's predicament feasibly can be obviated through some method other than a variance; and
 - (7) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.
 - (8) No single factor shall be considered a determinative factor, and the factors shall be weighed and balanced in determining whether a variance is warranted. The applicant shall bear the burden of proof that the criteria for a variance have been met and that application of the zoning requirement to the applicant's property would be inequitable.
- (Ord. 33-2021. Passed 8-17-21.)

1133.04 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS.

In granting any variance, the Planning and Zoning Commission may prescribe appropriate conditions and safeguards in conformity with this Zoning Ordinance as will, in its opinion, secure substantially the objectives of this Zoning Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted shall be deemed a violation of this Zoning Ordinance. Under no circumstances shall the Commission grant a variance to allow a use not permissible under any of the terms of this Zoning Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Zoning Ordinance in such district.

(c) Written notice of the proposed amendment may be mailed by the Commission, by certified mail return receipt requested at least ten days before the date of the public hearing by the Commission, to all owners of property within, contiguous to and directly across the street from such area affected by the proposed amendment. The notice shall contain the same information as required of notices published in newspapers as specified in subsection (b) hereof.

(d) The applicant shall post one sign per public street frontage of the subject property indicating the date and time for the hearing. The sign(s) shall be posted at least ten (10) days prior to the hearing. The sign(s) should be purchased at the Johnstown City Offices and will measure no less than two (2) feet by three (3) feet.

(e) Within thirty days after the public hearing provided in subsection (a) hereof, the Commission shall recommend to Council that the amendment be granted as requested, or it may recommend a modification of the amendment requested, or it may recommend that the amendment not be granted. The Commission chairperson shall transmit such recommendation to Council.

(f) Upon receipt of the recommendation from the Commission, the Council Secretary shall schedule the amendment as an item of new business at a general Council meeting to be held within forty days but not less than twenty days from receipt of the recommendation.

(g) At least thirty days notice shall be given prior to Council hearing on the zoning amendment. Notice shall be given in the newspaper in accordance with subsection (b) hereof, and to all property owners in accordance with subsection (c) hereof.

(h) At the next regularly scheduled Council meeting after the public hearing required in subsection (g) hereof Council shall either adopt or deny the recommendation of the Commission or adopt some modification thereof.

(i) Such amendment adopted by Council shall become effective thirty days after the adoption. (Ord. 33-2021. Passed 8-17-21.)

1137.06 CRITERIA FOR REVIEW.

The Planning and Zoning Commission shall, at the minimum, consider the following factors in review of the application:

- (a) Relationship of the amendment to public health, safety and general welfare.
- (b) Compatibility of the proposed amendment to adjacent land use, adjacent zoning and to appropriate plans for the area.
- (c) Effects of the proposed amendment on access and traffic flow.
- (d) The relationship of topography to the use intended or to its implications.
- (e) Relationship of the proposed use to the adequacy of available services and to general expansion plans.

TITLE FIVE - Zoning Districts

- Chap. 1141. Districts Generally.
- Chap. 1142. Rural Residential RR District.
- Chap. 1143. Suburban Residential SR-1 District.
- Chap. 1145. Suburban Residential SR-2 District.
- Chap. 1147. Urban Residential Low Density UR-1 District.
- Chap. 1149. Urban Residential Moderate Density UR-2 District.
- Chap. 1151. Multiple-Family Residential AR-1 District.
- Chap. 1155. General Community Commercial GCC-1 District.
- Chap. 1157. General Community Commercial GCC-2 District.
- Chap. 1159. Light Manufacturing LM District.
- Chap. 1161. Flood Plain FP District.
- Chap. 1163. Open Space OS District.
- Chap. 1167. (VC) Village Center District.
- Chap. 1169. Village Commercial District.
- Chap. 1170. Special Use SU District.

CHAPTER 1141 Districts Generally

- | | | | |
|---------|-----------------------------|---------|----------------------------------|
| 1141.01 | Establishment of districts. | 1141.03 | Designation of zoning districts. |
| 1141.02 | Zoning district purposes. | 1141.04 | Newly annexed areas. |

CROSS REFERENCES

- Zoning District Map adopted - see P. & Z. 1135.01
 - Changes in district boundaries - see P. & Z. 1135.03
 - Interpretation of district boundaries - see P. & Z. 1135.04
 - Zoning amendments - see P. & Z. Ch. 1137
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1141.01 ESTABLISHMENT OF DISTRICTS.

The Village is hereby divided into zoning districts under five general categories known as residential districts, commercial districts, industrial districts, planned unit development districts and special districts.

1141.02 ZONING DISTRICT PURPOSES.

(a) Residential Districts. The residential districts are intended to provide land for one, two and multiple-family dwelling. Land uses which are not related to or desirable for a residential environment are not permitted.

(b) Commercial Districts. The commercial districts are intended to provide land for commercial expansion and new development in an orderly efficient and efficient distribution of a wide variety of retail goods and services to the public. Public use of these commercial areas introduces a concern for an appropriate appearance, pleasing environmental scheme and adequate safeguards for the public.

(c) Industrial Districts. Industrial districts are intended to encourage the development of manufacturing, processing, warehousing, research and testing, and wholesale business establishments which are clean, relatively quiet, and free of hazardous or objectionable elements such as noise, odor, dust, smoke or glare. While public use of these areas is anticipated to be minimal, such public use is sufficient to create a concern for appropriate appearance and adequate safeguards for the public health.

(d) Planned Unit Development Districts. Planned unit development districts are intended to promote the development of large areas of land under a uniform scheme or pattern.

(e) Special Districts. The special districts are intended to provide for the orderly efficient development of areas with unique or unusual characteristics.

1141.03 DESIGNATION OF ZONING DISTRICTS.

(a) The name and symbol for the Standard Zoning Districts as shown on the Zoning District Map are as follows:

<u>Name</u>	<u>Symbol</u>
Residential Districts	
Suburban Residential	SR-1
Suburban Residential	SR-2
Urban Residential Low Density	UR-1
Urban Residential Moderate Density	UR-2
Multiple-Family Residential	AR-1
Commercial Districts	
General Community Commercial	
District 1	GCC-1
District 2	GCC-2
Light Manufacturing	LM
Special Districts	
Flood Plain	FP
Open Space	OS

1141.04 NEWLY ANNEXED AREAS.

Subject to the conditions stated in Chapter 1142, territory which is annexed into the Village of Johnstown subsequent to the effective date of this section, and for which rezoning to a different district has not already been approved subject to the annexation, shall, upon the effective date of the annexation, be zoned into the Rural Residential District. (Ord. 02-2020. Passed 3-20-20.)

CHAPTER 1142
Rural Residential RR District

1142.01	Purpose.	1142.04	Additional district development standards.
1142.02	Permitted uses.		
1142.03	Conditional uses.		

1142.01 PURPOSE.

The purpose of the RR District is to preserve agricultural uses where appropriate and can act as a holding zone for newly annexed properties with a maximum density of one dwelling unit per three acres. (Ord. 02-2020. Passed 3-20-20.)

1142.02 PERMITTED USES.

In an RR District, the following uses are permitted:

- (a) Agriculture including farming, dairying, pasturage, horticulture, floriculture, viticulture, and animal and poultry husbandry
 - (b) One family dwelling structures
 - (c) Accessory uses in association with permitted agricultural uses and permitted dwellings as specified in Section 1171.03. More than two accessory structures are permitted for agricultural uses only.
 - (d) Storage and processing of agricultural products including grain elevators, mills or other facilities for the storage, sorting or other preliminary processing of agricultural products, except that commercial grain elevator operations shall not be permitted. Storage facilities shall not be within fifty (50) feet of a side or rear lot line. Processing facilities shall not be within 100 feet of a side or rear lot line.
 - (e) Public parks, playgrounds and play fields operated with or without fees.
- (Ord. 02-2020. Passed 3-20-20.)

1142.03 CONDITIONAL USES.

The following uses shall be allowed in the RR District subject to approval in accordance with Chapter 1131:

- (a) Associated sales as accessory to and in association with an agricultural permitted use, such associated sales to cease upon cessation of the agricultural activity. This shall include, but is not limited to garden supplies with a nursery or greenhouse, milk products with a dairy, or imported produce with a permitted produce stand.
- (b) Boarding and care of animals provided it occupies a lot of not less than three acres and building pen or other enclosure so used shall not be within 200 feet of any property line.

- (c) Veterinarian and animal medical care offices
- (d) Commercial grain elevator operations
- (e) Child Day Care Center
- (f) Country Clubs and Golf Courses
- (g) Church or other place of worship
- (h) Home occupation in association with a permitted dwelling, and in accordance with Chapter 1173. (Ord. 02-2020. Passed 3-20-20.)

1142.04 ADDITIONAL DISTRICT DEVELOPMENT STANDARDS.

In addition to the provisions of Title Seven of this Part Eleven, the following standards for arrangement and development of the land and buildings are applicable in the RR District:

(a) Lot Requirements.

- (1) Each lot shall consist of not less than three (3) acres
- (2) Each lot shall have a minimum width of 150 feet or more at the front line of the dwelling, and such lot shall have access to and abut on a public right-of-way for a distance of seventy (70) feet or more.
- (3) Each lot shall have a front setback of seventy-five (75) feet or more.
- (4) For buildings, there shall be a rear yard of not more than twenty percent (20%) or more of the lot depth, except that a rear yard of more than fifty (50) feet shall not be required.
- (5) For dwellings or associated accessory buildings there shall be a total of side yards of twenty-five (25) feet or more with a minimum of eight feet on one side. For a conditional use there shall be a side yard of not less than twenty-five (25) feet, except when a larger side yard is required for such use.

(b) Building Requirements.

- (1) No dwelling structure shall exceed thirty feet in height. Maximum height for other structures shall not exceed a safe height as determined by the Fire Chief and as reviewed and accepted by the Planning and Zoning Commission.
- (2) Dwellings shall have a total living area of not less than the minimum set forth below:
 - A. Single-story dwellings - 1,700 square feet;
 - B. Two-story dwellings - 2,000 square feet;
 - C. One and one-half-story dwellings - 1,100 square feet ground level, 700 square feet additional level
 - D. Bi-level, split-level - 1,900 square feet
- (3) Roof pitches shall be a minimum of 7/12 unless a lower pitch is appropriate for the architectural style. Front facing gables exceeding 10/12 pitch are strongly encouraged for most house styles.

- (c) Hotels and transient accommodations are prohibited.
(Ord. 45-2021. Passed 11-3-21.)

CHAPTER 1143 Suburban Residential SR-1 District

1143.01	Purpose.	1143.04	Additional district development standards.
1143.02	Permitted uses.		
1143.03	Conditional uses.		

CROSS REFERENCES

Conditional uses - see P. & Z. Ch. 1131
 Purpose of residential districts - see P. & Z. 1141.02(a)
 Supplementary district regulations - see P. & Z. Ch. 1171
 Fences in residence districts - see P. & Z. 1171.04
 Home occupations - see P. & Z. Ch. 1173

1143.01 PURPOSE.

The purpose of the SR-1 District is to permit the establishment of low density single-family residential uses with lot sizes sufficient for individual water and sewer facilities, but not to exceed two dwelling units per gross acre. Centralized water and sewage facilities are, however, encouraged.

1143.02 PERMITTED USES.

In an SR-1 District the following uses are permitted:

- (a) One-family dwelling structures.
- (b) Accessory buildings and uses in association with permitted dwellings as specified in Section 1171.03.
- (c) Church or other place of worship provided it occupies a lot of not less than three acres.
- (d) Public school offering general education courses and having no facilities on the lot regularly used for housing or sleeping of students, faculty or staff.

1143.03 CONDITIONAL USES.

(a) The following uses shall be allowed in the Suburban Residential District SR-1 subject to approval in accordance with Chapter 1131:

- (1) Public parks, playgrounds and play fields operated with or without fees.
- (2) Private schools including child care centers offering general education courses and having no facilities for the housing of students.

- (3) Home occupation in association with a permitted dwelling, and in accordance with Chapter 1173.

1143.04 ADDITIONAL DISTRICT DEVELOPMENT STANDARDS.

In addition to the provisions of Title Seven of this Part Eleven, the following standards for arrangement and development of land and buildings are required in the Suburban Residential District SR-1.

(a) Lot Requirements.

- (1) Except as otherwise provided in this Zoning Ordinance, each lot shall consist of not less than 20,000 square feet.
- (2) Each lot shall have a minimum width of ninety-five feet at the front line of the dwelling or other permitted structure closest to a publicly dedicated right-of-way. Each lot shall have access to and abut on such public right-of-way for a distance of eighty-five feet or more, except that, when such right-of-way is other than a straight line the chord distance may be reduced to sixty feet.
- (3) Each lot shall have a front setback of not less than thirty-five feet.
- (4) Each lot shall have a rear setback of not less than thirty feet.
- (5) For permitted structures there shall be a total side setback of twenty feet or more with a minimum of ten feet on one side. For conditional use structures there shall be a side setback on each side of the structure of twenty-five feet or more.
- (6) Permitted and conditional uses shall not cover the lot by more than thirty percent (30%).

(b) Building Requirements.

- (1) No dwelling shall exceed thirty feet in height. Maximum height for other structures shall not exceed a safe height as determined by the Fire Chief and reviewed and approved by the Planning and Zoning Commission.
- (2) Dwellings shall have a total living area of not less than the minimum set forth below:
 - A. Single-story dwellings - 1,700 square feet;
 - B. Two-story dwellings - 2,000 square feet;
 - C. One and one-half story dwellings - 1,100 square feet ground level, 700 square feet additional level;
 - D. Bilevel, split-level -1,900 square feet.
 - E. Roof pitches shall be a minimum of 7/12 unless a lower pitch is appropriate for the architectural style. Front-facing gables exceeding 10/12 pitch are strongly encouraged for most house styles.

- (c) Hotels and transient accommodations are prohibited.
(Ord. 45-2021. Passed 11-3-21.)

CHAPTER 1145
Suburban Residential SR-2 District

1145.01	Purpose.	1145.04	Additional district development standards.
1145.02	Permitted uses.		
1145.03	Conditional uses.		

CROSS REFERENCES

Conditional uses - see P. & Z. Ch. 1131
 Purpose of residential districts - see P. & Z. 1141.02(a)
 Supplementary district regulations - see P. & Z. Ch. 1171
 Fences in residence districts - see P. & Z. 1171.04
 Home occupations - see P. & Z. Ch. 1173

1145.01 PURPOSE.

The purpose of the SR-2 District is to permit the establishment of low density single-family residential uses with lot sizes sufficient for individual water and sewer facilities. Centralized water and sewage facilities, are however, encouraged.

1145.02 PERMITTED USES.

In an SR-2 District the following uses are permitted.

- (a) One-family dwelling structures.
- (b) Accessory buildings and uses in association with permitted dwelling as specified in Section 1171.03.
- (c) Church or other place of worship provided it occupies a lot of not less than three acres.
- (d) Public school offering general education courses and having no facilities on the lot regularly used for housing or sleeping of students, faculty or staff.

1145.03 CONDITIONAL USES.

The following uses shall be allowed in the Suburban Residential District SR-2 subject to approval in accordance with Chapter 1131.

- (a) Public parks, playgrounds and play fields operated with or without fees.
- (b) Private schools including child care centers offering general education courses and having no facilities for the housing of students.

- (c) General public facilities such as public libraries, municipal buildings and community buildings.
- (d) Home occupation in association with a permitted dwelling and in accordance with Chapter 1173.

1145.04 ADDITIONAL DISTRICT DEVELOPMENT STANDARDS.

In addition to the provisions of Title Seven of this Part Eleven, the following standards for arrangement and development of land and buildings are required in the Suburban Residential District SR-2.

(a) Lot Requirements.

- (1) Except as otherwise provided in this Zoning Ordinance, each lot shall consist of not less than 13,500 square feet.
- (2) Each lot shall have a minimum width of eighty-five feet at the front line of the dwelling or other permitted structure closest to a publicly dedicated right-of-way. Each lot shall have access to and abut on such public right-of-way for a distance of seventy-five feet or more, except that, when such right-of-way is other than a straight line the chord distance may be reduced to fifty-five feet.
- (3) Each lot shall have a front setback of not less than thirty feet.
- (4) Each lot shall have a rear setback of not less than thirty feet.
- (5) For permitted structures there shall be a total side setback of twenty feet or more with a minimum of ten feet on one side. For conditional use structures there shall be a side setback on each side of the structure of twenty-five feet or more.
- (6) Permitted and conditional uses shall not cover the lot by more than thirty percent (30%).

(b) Building Requirements.

- (1) No dwelling shall exceed thirty feet in height. Maximum height for other structures shall not exceed a safe height as determined by the Fire Chief and reviewed and approved by the Planning and Zoning Commission.
- (2) Dwellings shall have a total living area of not less than the minimum set forth below:
 - A. Single-story dwellings - 1,600 square feet;
 - B. Two-story dwellings - 1,800 square feet;
 - C. One and one-half story dwellings - 1,000 square feet ground level, 600 square feet additional level;
 - D. Bilevel, split-level - 1,750 square feet.
 - E. Roof pitches shall be a minimum of 7/12 unless a lower pitch is appropriate for the architectural style. Front-facing gables exceeding 10/12 pitch are strongly encouraged for most house styles.

- (c) Hotels and transient accommodations are prohibited.
(Ord. 45-2021. Passed 11-3-21.)

CHAPTER 1147
Urban Residential Low Density UR-1 District

1147.01	Purpose.	1147.04	Additional district development standards.
1147.02	Permitted uses.		
1147.03	Conditional uses.		

CROSS REFERENCES

Conditional uses - see P. & Z. Ch. 1131
 Purpose of residential districts - see P. & Z. 1141.02(a)
 Supplementary district regulations - see P. & Z. Ch. 1171
 Fences in residence districts - see P. & Z. 1171.04
 Home occupations - see P. & Z. Ch. 1173

1147.01 PURPOSE.

The purpose of the UR-1 District is to encourage the establishment of medium to low density single-family residential uses not to exceed five dwelling units per gross acre. Centralized water and sewer facilities are required.

1147.02 PERMITTED USES.

In an Urban Residential Low Density District UR-1, the following uses are permitted:

- (a) One-family dwelling structures;
- (b) Accessory structures and uses in association with permitted structures;
- (c) Church or other place of worship provided it occupies a lot of not less than three acres;
- (d) Public school offering general education courses and having no facilities on the lot regularly used for housing or sleeping of students, faculty or staff.

1147.03 CONDITIONAL USES.

The following uses shall be allowed in the UR-1 District subject to approval with Chapter 1131.

- (a) Public parks, playgrounds and playfields operated with or without fee.
- (b) Private schools, including child care centers, offering general education courses and having no facilities on the lot regularly used for housing or sleeping of students, faculty or staff.

- (c) General public facilities such as public libraries, municipal buildings and community buildings.
- (d) Home occupation in association with a permitted dwelling, and in accordance with Chapter 1173.

1147.04 ADDITIONAL DISTRICT DEVELOPMENT STANDARDS.

In addition to the provisions of Title Seven of this Part Eleven, the following standards for arrangements and development of land and buildings are required in the UR-1 District:

(a) Lot Requirements.

- (1) Each lot shall consist of not less than 9,500 square feet;
- (2) Each lot shall have a minimum width of seventy feet at the front line of the dwelling or other permitted structure closest to a publicly dedicated right-of-way. Each lot shall have access to and abut on such public right-of-way for a distance of seventy feet, except that, when such right-of-way is other than a straight line the chord distance may be reduced to fifty-five feet;
- (3) Each lot shall have a front setback of not less than thirty-five feet;
- (4) Each lot shall have a rear setback of not less than twenty-five feet;
- (5) For permitted structures there shall be a total side setback of not less than sixteen feet with a minimum of seven and one-half feet on one side. For conditional use structures there shall be a side setback on each side of the structure of twenty-five feet or more.
- (6) Permitted and conditional structures shall not cover the lot by more than thirty percent (30%).

(b) Building Requirements.

- (1) No dwelling shall exceed thirty feet in height. Maximum height for other structures shall not exceed a safe height as determined by the Fire Chief and reviewed and approved by the Planning and Zoning Commission.
- (2) Dwellings shall have a total living area of not less than the minimum set forth below:
 - A. Single-story dwellings - 1,400 square feet;
 - B. Two-story dwellings - 1,600 square feet;
 - C. One and one-half story - 1,000 square feet ground level, 400 square feet for each additional level;
 - D. Bilevel dwelling - 1,600 square feet.
 - E. Roof pitches shall be a minimum of 7/12 unless a lower pitch is appropriate for the architectural style. Front-facing gables exceeding 10/12 pitch are strongly encouraged for most house styles.

- (c) Hotels and transient accommodations are prohibited.
(Ord. 45-2021. Passed 11-3-21.)

CHAPTER 1149
Urban Residential Moderate Density UR-2 District

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| 1149.01 Purpose.
1149.02 Permitted Uses.
1149.03 Conditional uses. | 1149.04 Additional district development standards. |
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CROSS REFERENCES

Conditional uses - see P. & Z. Ch. 1131
 Purpose of residential districts - see P. & Z. 1141.02(a)
 Supplementary district regulations - see P. & Z. Ch. 1171
 Fences in residence districts - see P. & Z. 1171.04
 Home occupations - see P. & Z. Ch. 1173

1149.01 PURPOSE.

The purpose of the UR-2 District is to encourage the establishment of medium density single-family residential uses not to exceed seven dwelling units per gross acre. Centralized water and sewer facilities are required.

1149.02 PERMITTED USES.

In an Urban Residential Moderate Density UR-2 District, the following uses are permitted:

- (a) One-family dwelling structures;
- (b) Accessory structures and uses in association with permitted structures;
- (c) Church or other place of worship provided it occupies a lot of not less than three acres;
- (d) Public school offering general education courses and having no facilities on the lot regularly used for housing or sleeping of students, faculty or staff.

1149.03 CONDITIONAL USES.

The following uses shall be allowed in the UR-2 District subject to approval with Chapter 1131.

- (a) Public parks, playgrounds and playfields operated with or without fee;
- (b) Private schools, including child care centers, offering general education courses and having no facilities on the lot regularly used for housing or sleeping of students, faculty or staff;

- (c) General public facilities such as public libraries, municipal buildings and community buildings;
- (d) Home occupation in association with a permitted dwelling, and in accordance with Chapter 1173.

1149.04 ADDITIONAL DISTRICT DEVELOPMENT STANDARDS.

In addition to the provisions of Title Seven of this Part Eleven, the following standards for arrangement and development of land and buildings are required in the UR-2 District:

(a) Lot Requirements.

- (1) Each lot shall consist of not less than 7,500 square feet;
- (2) Each lot shall have a minimum width of fifty-five feet at the front line of the dwelling or other permitted structure closest to a publicly dedicated right-of-way. Each lot shall have access to and abut on such public right-of-way for a distance of fifty-five feet, except that, when such right-of-way is other than a straight line the chord distance may be reduced to forty-five feet;
- (3) Each lot shall have a front setback of not less than thirty feet;
- (4) Each lot shall have a rear setback of not less than twenty-five feet;
- (5) For permitted structures there shall be a total side setback of not less than fifteen feet with a minimum of seven and one-half feet on one side. For conditional use structures there shall be a side setback on each side of the structure of twenty-five feet or more;
- (6) Permitted and conditional structures shall not cover the lot by more than thirty-five percent (35%).

(b) Building Requirements.

- (1) No dwelling shall exceed thirty feet in height. Maximum height for other structures shall not exceed a safe height as determined by the Fire Chief and reviewed by the Planning and Zoning Commission.
- (2) Dwellings shall have a total living area of not less than the minimums set forth below:
 - A. Single-story dwellings - 1,250 square feet;
 - B. Two-story dwelling - 1,500 square feet;
 - C. One and one-half story bilevel, or split-level - 1,000 square feet ground level, 400 square feet for each additional level;
 - D. Bilevel dwelling - 1,500 square feet.
 - E. Roof pitches shall be a minimum of 7/12 unless a lower pitch is appropriate for the architectural style. Front-facing gables exceeding 10/12 pitch are strongly encouraged for most house styles.
- (c) Hotels and transient accommodations are prohibited.
(Ord. 45-2021. Passed 11-3-21.)

CHAPTER 1151 Multiple-Family Residential AR-1 District

1151.01	Purpose.	1151.04	Additional district development standards.
1151.02	Permitted uses.		
1151.03	Conditional uses.		

CROSS REFERENCES

Conditional uses - see P. & Z. Ch. 1131
 Purpose of residential districts - see P. & Z. 1141.02(a)
 Supplementary district regulations - see P. & Z. Ch. 1171
 Fences in residence districts - see P. & Z. 1171.04
 Private swimming pools - see P. & Z. 1171.10

1151.01 PURPOSE.

The purpose of the AR-1 District is to encourage the establishment of medium density residential development in the form of multiple-family residential uses not to exceed five dwelling units per gross acre. All AR-1 Districts shall abut upon either an arterial or collector street and have a minimum of two forms of ingress and egress for fire safety, and have centralized water and sewer facilities of sufficient capacity.
 (Ord. 10-2022. Passed 5-17-22.)

1151.02 PERMITTED USES.

In an AR-1 District, the following uses are permitted:

- (a) Multiple-family dwelling structures;
- (b) Accessory structures and uses in association with permitted structures;
- (c) Rental office in relation to multiple family use;
- (d) Public schools offering general education courses and having no facilities on the lot regularly used for the housing or sleeping of students, faculty or staff;
- (e) Church or other place of worship provided it occupies a lot of not less than two acres. (Ord. 10-2022. Passed 5-17-22.)

1151.03 CONDITIONAL USES.

The following uses shall be permitted in the AR-1 District, subject to approval by the Planning and Zoning Commission in accordance with Chapter 1131 .

- (a) Public parks, playgrounds and playfields operated with or without a fee;
- (b) Private schools, including child care centers, offering general education courses and having no facilities, on the lot, regularly used for the housing or sleeping of students, faculty or staff;

- (c) General public facilities such as public libraries, municipal buildings and community buildings;
- (d) Private pool, tennis court or other recreational facility for the exclusive use of an AR-1 District lot.
- (e) Nursing Home.
- (f) Assisted Living Facility.
(Ord. 10-2022. Passed 5-17-22.)

1151.04 ADDITIONAL DISTRICT DEVELOPMENT STANDARDS.

In addition to the provisions of Title Seven of this Part Eleven, the following standards for arrangement and development of the land and buildings are applicable in the AR-1 District:

(a) Lot Requirements.

- (1) Each lot shall consist of not less than 20,000 square feet. The lot area shall be allocated to the following unit types in any combination not to exceed the lot size one bedroom, 1,500 square feet; two bedrooms, 2,000 square feet and three bedrooms or more, 2,500 square feet;
- (2) Each lot shall have a minimum width of eighty feet at the front line of the dwelling or other permitted structure closest to a publicly dedicated right-of-way. Each lot shall have access to and abut on such public right-of-way for a distance of not less than eighty feet, except that, when the right-of-way upon which such fronts is other than a straight line the chord distance may be reduced to sixty-five feet;
- (3) Each lot shall have a front setback of not less than twenty-five feet;
- (4) Each lot shall have a rear setback of not less than twenty-five feet;
- (5) For permitted structures there shall be a total side setback of not less than thirty (30) feet. For conditional use structures there shall be a side setback on each side of the structure of twenty feet or more;
- (6) Permitted and conditional structures shall not cover the lot by more than twenty-eight percent (28%). Pavement shall not cover the lot by more than twenty percent (20%).

(b) Building Requirements.

- (1) No dwelling shall exceed twenty feet in height. Maximum height for other structures shall not exceed a safe height as determined by the Fire Chief and reviewed and approved by the Planning and Zoning Commission;
- (2) Dwellings may contain any combination of one, two or three or more bedroom units provided each unit contains the following minimum amounts of living area:
 - A. One bedroom - 1100 square feet above grade.
 - B. Two bedrooms - 1350 square feet above grade.
 - C. Three bedrooms - 1700 square feet above grade.
 - D. Roof pitches shall be a minimum of 7/12 unless a lower pitch is appropriate for the architectural style. Front-facing gables exceeding 10/12 pitch are strongly encouraged for most house styles.

- (3) When there are two or more buildings located on a single lot, the minimum distance between opposite walls shall be twelve feet for facing walls with no windows or doors. If one or both of the walls facing each other have windows or other wall openings the minimum distance between such walls shall be equal to one and one-half times the height of the higher building.
- (c) Site Requirements.
 - (1) A traffic and parking system plan shall be required that details points of ingress and egress into the property, parking areas with the number of parking spaces, access drives and pedestrian walkways, shown. The plan shall be so designed to minimize conflict points between pedestrian and vehicular movements.
 - (2) Outdoor trash container systems shall be sufficient to prevent any overflow and screening shall be provided to enclose such containers and hide them from view.
 - (3) Storm drainage and runoff collection shall be sufficient to prevent any standing water.
 - (4) Minimizing the number of curb cuts within the lot frontage and joint curb cuts between adjacent uses are encouraged, therefore the minimum distance between curb cuts shall be 120 feet and such curb cut shall be no more than thirty-five feet.
 - (5) Lots of greater than two and one-half acres shall contain at least one fire hydrant for every additional three-quarter acres over two and one-half initial acres.
 - (6) For each 15,000 square feet of bedroom area, in any combination, there shall be a 8,000 square foot of open space, exclusive of any yard requirements. Such open space shall be landscaped with natural vegetation. Fifty percent (50%) of the open space requirement must be useable open space with walking paths, playgrounds, etc.
 - (7) See Chapter 1183 for Landscaping standards including street trees and tree preservation.
For developments which single family residences, a buffer zone with a minimum width of twenty-five feet should be created. Such screening within the buffer zone shall consist of natural vegetation planted no closer than three feet to any property line. Natural vegetation shall have an opaqueness of seventy-five percent (75%) during full foliage and shall be a variety which will attain at a minimum ten feet in height within five years of planting.
 - (8) Lighting shall be screened or so arranged as to reflect the light away from the adjoining property.
(Ord. 10-2022. Passed 5-17-22.)
- (d) Hotels and transient accommodations are prohibited.
(Ord. 45-2021. Passed 11-3-21.)

(EDITOR'S NOTE: The next printed page is page 83.)

CHAPTER 1155
General Community Commercial GCC-1 District

1155.01	Purpose.	1155.04	Additional district development standards.
1155.02	Permitted uses.		
1155.03	Conditional uses.		

CROSS REFERENCES

Purpose of commercial districts - see P. & Z. 1141.02(b)
 Supplementary district regulations - see P. & Z. Ch. 1171
 Location of off-street parking facilities - see P. & Z. 1171.24
 Parking space requirements - see P. & Z. 1175.10(b)

1155.01 PURPOSE.

The purpose of the GCC-1 District is to designate appropriate areas for the establishment and development of commercial activities to service regional needs. Such areas shall be located on or at the intersection of arterial streets.

1155.02 PERMITTED USES.

In a GCC-1 District, the following uses are permitted:

- (a) General merchandise sales including:
 - (1) Department stores;
 - (2) Limited price or discount variety stores;
 - (3) Mail-order and miscellaneous general merchandise stores;
 - (4) Drug stores;
 - (5) Pet stores;
- (b) Food sales including:
 - (1) Grocery, meat, fish, fruit or vegetable markets or any combination thereof;
 - (2) Dairy or bakery products;
 - (3) Specialty good stores;
- (c) Apparel sales including:
 - (1) Clothing, furnishings and accessory items for men, women and/or children;
 - (2) Custom tailor shops, furriers, alterations and dry cleaning shops;
- (d) Home furnishings sales including:
 - (1) Furniture, home furnishings and equipment stores;
 - (2) Household appliance stores;
 - (3) Radio, stereo, television and music stores;

- (e) Food or beverage sales and consumption including:
 - (1) Package liquor stores;
 - (2) Eating and drinking establishments excluding fast food and carry-out operations, but including those that sell alcoholic beverages or liquor by the glass;
 - (3) Cafe seating secondary to primary business; excluding outdoor alcohol consumption.
- (f) Miscellaneous retail sales and services including:
 - (1) Book, stationary, jewelry and antique stores;
 - (2) Gift, novelty and souvenir shops;
 - (3) Camera, photographic supply and optical goods stores;
 - (4) Tobacco, newspaper and magazine stores;
 - (5) Auto service;
 - (6) Shops for custom work whose articles or products are to be sold on the premises;
- (g) Miscellaneous uses:
 - (1) Post office;
 - (2) Newspaper or job printing;
 - (3) Funeral parlor;
 - (4) Theaters, assembly halls, billiard or pool parlors and bowling alleys;
 - (5) Telegraph office, express office and electrical substation;
 - (6) Laundries and laundromats;
 - (7) Banks, savings and loans, or other money investment or management businesses;
- (h) Service station:
 - (1) Motor vehicle repair.(Ord. 18-2021. Passed 6-1-21.)

1155.03 CONDITIONAL USES.

The following uses shall be permitted in the GCC-1 District, subject to approval by the Planning and Zoning Commission in accordance with Chapter 1131:

- (a) Fast food and carry-out operations, providing that such uses are in association with and in conjunction with eating establishments with on-site, sit-down dining facilities.
- (b) Second story and multi-family and single family dwelling units located in commercial structures.
- (c) Retail motor vehicle fuel sales.
- (d) Hotels and Transient Accommodations. (Ord. 44-2021. Passed 11-3-21.)

1155.04 ADDITIONAL DISTRICT DEVELOPMENT STANDARDS.

In addition to the provisions of Title Seven of this Part Eleven, the following standards for arrangement and development of the land and building are applicable in the GCC-1 District. (Ord. 1983-20. Passed 8-16-83.)

- (a) Lot Requirements.
 - (1) No minimum lot size is required; however, lot size shall be adequate to provide the yard space required by these additional district development standards.
 - (2) No minimum lot width is required; however, all lots shall abut a public street and have sufficient width to provide the yard space required by these additional district development standards.
 - (3) Each lot shall have a front setback of not less than forty feet. Parking areas shall be at least fifteen feet from the street right-of-way.

CHAPTER 1157
General Community Commercial GCC-2 District

1157.01	Purpose.	1157.03	Conditional uses.
1157.02	Permitted uses.	1157.04	Additional district development standards.

CROSS REFERENCES

Purpose of commercial districts - see P. & Z. 1141.02(b)
 Supplementary district regulations - see P. & Z. Ch. 1171
 Location of off-street parking facilities - see P. & Z. 1171.24
 Parking space requirements - see P. & Z. 1175.10(b)

1157.01 PURPOSE.

The purpose of the GCC-2 District is to designate appropriate areas for the establishment and development of commercial activities to service regional needs. (Ord. 05-2013. Passed 5-7-13.)

1157.02 PERMITTED USES.

In addition to the uses allowed in Chapter 1155, the following uses are permitted in a GCC-2 District:

- (a) Drive-in restaurants;
- (b) Fast food restaurants;
- (c) Equipment repairs;
- (d) Auto sales and service;
- (e) Tractor sales and repairs;
- (f) Carryout operations;
- (g) Shopping centers or malls. (Ord. 05-2013. Passed 5-7-13.)

1157.03 CONDITIONAL USES.

The following use shall be allowed in the GCC-2 District, subject to the approval of the Planning and Zoning Commission in accordance with Chapter 1131:

- (a) Multi-family dwelling structures up to eight units per gross acre, provided that such housing otherwise complies with Section 1151.04 and provided that such housing meets the following additional requirements:
 - (1) Public frontage shall not exceed 100 feet; and
 - (2) All buildings must be set back at least 400 feet from the main public street where the primary entry point of the project is or will be established.

- (b) Nursing Home.
- (c) Assisted Living Facility.
- (d) Retail motor vehicle fuel sales.
- (e) Hotels and Transient Accommodations.
(Ord. 44-2021. Passed 11-3-21.)

1157.04 ADDITIONAL DISTRICT DEVELOPMENT STANDARDS.

The district development standards in a GCC-2 District shall comply with Section 1155.04. (Ord. 05-2013. Passed 5-7-13.)

CHAPTER 1167
(VC) Village Center District

1167.01	Purpose.	1167.03	Conditional uses.
1167.02	Permitted uses.	1167.04	Development standards.

1167.01 PURPOSE.

The purpose of the Village Center (VC) District is to promote and foster the economic and physical revitalization of Johnstown's historic town center, while recognizing the unique physical characteristics of the area and preserving historic mixed use and pedestrian focus. The standards and requirements of the Town Center District are based on the following principles:

- (a) The downtown should contain a healthy mix of land uses. The marketplace - not regulations - should be the primary force driving the mix of downtown uses.
- (b) The maintenance and improvement of the downtown physical environment is important in promoting an active and vital business environment.
- (c) Development standards and regulations should encourage the adaptive use of older structures.
- (d) The upper stories of older structures should be promoted for productive uses that contribute to the business vitality of the area.
- (e) The downtown should be particularly receptive to small local-based entrepreneurship and start-up businesses.
- (f) Housing - and particularly owner-occupied housing - should be an integral component of the physical fabric of areas within and adjacent to Village Center. (Ord. 27-2016. Passed 8-2-16.)

1167.02 PERMITTED USES.

- (a) Administrative, business or professional offices of not more than 10,000 square feet of gross floor area, including:
 - (1) Brokers and dealers in securities, investments and associated services, not including commercial banks and savings institutions.
 - (2) Insurance agents and brokers and associated services.
 - (3) Real estate sales and associated services.
 - (4) Medical and medical-related activities.
 - (5) Professional, legal, engineering and architectural services, not including the outside storage of equipment.
 - (6) Accounting, auditing and other bookkeeping services.
 - (7) Professional, fraternal and membership associations.

(b) Retail stores of not more than 10,000 square feet of gross floor area, primarily engaged in selling merchandise for personal or household consumption, and rendering services incidental to the sale of those goods; provided all storage and display of merchandise shall be within the principal structure.

(c) Personal Services, involving the care of the person and his/her personal effects, including consumer services generally involving the care and maintenance of tangible personal property. All structures shall have a gross floor area of not more than 10,000 square feet. Examples include:

- (1) Restaurants, not including restaurants with drive-through facilities and/or outside dining areas.
- (2) Banks, savings and loans, and similar financial institutions.
- (3) Barber and beauty shops.
- (4) Funeral services.
- (5) Human medical and/or dental clinics.

(d) Facilities for the administration and meetings of fraternal, veterans and similar member organizations.

(e) Nursery schools and day care facilities.

(f) Community facilities such as government offices, post office, libraries, museums, private schools, public parks and similar uses.

(g) Churches and places of public assembly, provided the main assembly area contains not more than 300 seats.

(h) Off-street parking areas accessory to a permitted or conditional use.

(i) Fitness centers/Health clubs.

(j) Cafe seating secondary to primary business; excluding outdoor alcohol consumption.

(Ord. 27-2016. Passed 8-2-16.)

1167.03 CONDITIONAL USE.

(a) One-family detached dwelling.

(b) Hotels and Transient Accommodations.

(Ord. 44-2021. Passed 11-3-21.)

1167.04 DEVELOPMENT STANDARDS.

(a) Lot Area. No minimum lot area is required.

(b) Lot Width. No minimum lot width is required.

(c) Setbacks. The distance between any building or structure and the right-of-way line of any public street shall be not greater than that of the most proximate building on the same side of the street. No minimum side yard setback shall be required, unless the building or structure is located adjacent to any UR, AR, or SR District, in which case the setback shall be twenty (20) feet.

CHAPTER 1169
Village Commercial District

1169.01	Purpose.	1169.03	Conditional uses.
1169.02	Permitted uses.	1169.04	Development standards.

CROSS REFERENCES

Purpose of commercial districts - see P. & Z. 1141.02(b)
 Supplementary district regulations - see P. & Z. Ch. 1171
 Location of off-street parking facilities - see P. & Z. 1171.24
 Parking space requirements - see P. & Z. 1175.10(b)

1169.01 PURPOSE

The intent of the Village Commercial District is to improve economic viability and to provide a greater mix of uses with an emphasis on historic preservation and traditional development patterns. Utilization of the district is intended to foster pedestrian-oriented development that will enhance Downtown Johnstown as a community focal point. It is intended to discourage auto-oriented uses, uses with fleet parking, commercial storage and other uses that would detract from the visual quality and scale of the district. Its goal is to foster appropriate development standards to preserve historic character by promoting the re-use of existing buildings when compatible with the district and the addition of suitable infill development. (Ord. 01-2013. Passed 2-5-13.)

1169.02 PERMITTED USES.

The following uses shall be permitted in the Village Commercial District.

- (a) Retail. Retail stores engaged in selling merchandise or rendering services incidental to the sale of the goods, including the buying and processing of goods for resale or repair.
 - (1) Food and catering activities
 - (2) Apparel
 - (3) Home furnishings
 - (4) Arts, crafts and antiques
 - (5) Sporting Goods
- (b) Eating and Drinking Establishments. Eating and drinking establishments that are commercial establishments engaged in furnishing meals on a fee basis.

- (1) Ice cream parlors
- (2) Coffee shops
- (3) Bagel shops
- (4) Delicatessens and sandwich shops
- (c) Administrative, Business and Professional Offices.
- (d) Medical and Dental Offices.
- (e) Personal and Consumer Services.
 - (1) Barbers
 - (2) Beauty salons and shops
 - (3) Tanning salons
 - (4) Pedestrian-only ATMs
 - (5) Tailors and pressing shops
 - (6) Print shops and copy centers
 - (7) Photography and framing shops
- (f) Institutional.
 - (1) Government offices
 - (2) Libraries and museums
 - (3) Community theaters
- (g) Religious. Churches, temples or other places of worship.
- (h) Child Care. Kindergarten, childcare, or daycare in accordance with all applicable state provisions.
- (i) Parks and Public Plazas. Parks, public plazas, playgrounds, play fields or other related park uses.
- (j) Bed and Breakfast Establishments. Bed and breakfast establishments with a resident manager/owner providing eight or fewer guest units.
- (k) Dwellings. One-family through four-family dwelling units, excluding residences in detached accessory structures (i.e. carriage house units) and/or residences in conjunction with structures containing other permitted Village Commercial District uses provided the dwellings are not located on the first floor.
- (l) Outdoor Patios. Outdoor seating areas in conjunction with other permitted Village Commercial District uses.
- (m) Dance, Aerobic, Exercise, Gymnastics, and Related Studios.
(Ord. 30-2019. Passed 8-15-19.)

1169.03 CONDITIONAL USES.

The following uses shall be conditional uses within the Village Commercial District:

- (a) Hotel and motel facilities. Hotels, motels and other boarding facilities, including bed and breakfasts as not otherwise noted in this section.
- (b) Recreation centers.
- (c) Parking lots. Stand-alone parking lots not in conjunction with other permitted and/or conditional Village Commercial District uses.
- (d) Funeral Homes
- (e) Nursing Home
- (f) Hotels and Transient Accommodations.
(Ord. 44-2021. Passed 11-3-21.)

CHAPTER 1170
Special Use SU District

1170.01	Purpose.	1170.05	Approval by Planning and Zoning Commission.
1170.02	Permitted uses.	1170.06	Conformity with Development Plan.
1170.03	Development standards.		
1170.04	Yard regulations.		

1170.01 PURPOSE.

"Special use" as used throughout this chapter, means facilities classified as main and accessory uses as listed in Section 1170.02. The SU District and regulations are established to regulate the location and standards for such uses and structures so as to ensure their proper functioning in consideration of traffic, access, and general compatibility adjacent areas.
(Ord. 14-2022. Passed 7-5-22.)

1170.02 PERMITTED USES.

Buildings and land within the SU District shall be utilized only for one (1) of the uses set forth in the following schedule:

MAIN BUILDINGS/USES	ACCESSORY BUILDINGS/USES
<u>Institutional and/or Educational:</u> Government and public buildings, police/fire/EMS stations and buildings, public parks, museums, preschools, primary and secondary public, private or parochial schools.	Parking areas, playgrounds, signs
<u>Public Owned Cemeteries:</u>	Signs, maintenance facilities

(Ord. 14-2022. Passed 7-5-22.)

1170.03 DEVELOPMENT STANDARDS.

The area or parcel of land for a special use shall not be less than that required to adequately provide for the main building, accessory buildings and uses, off-street parking, setbacks, yards and open spaces to accommodate the facility and maintain the character of the neighborhood. Development plans must reference Chapter 1183 Landscaping and provide a minimum of twenty-five percent (25%) open space. The suitability of the area or parcel of land for a specified conditional special use shall be approved by the Planning and Zoning Commission through review of the Development Plan, pursuant to Section 1170.05 below.
(Ord. 14-2022. Passed 7-5-22.)

1170.04 YARD REGULATIONS.

(a) Front Yards. The front yard setback shall be not less than the largest required front yard setback for any adjacent zoning district.

(b) Side and Rear Yards. The yards for each building or structure in the SU District shall be specified in the required Development Plan. If the proposed special use is located adjacent to a non-residential zoning district, then the side and rear yards shall be not less than the largest yard required in that district. If side or rear yards are adjacent to a district where single-family residential uses are a permitted use, the side and rear yards shall be not less than seventy-five (75) feet.
(Ord. 14-2022. Passed 7-5-22.)

1170.05 APPROVAL BY PLANNING AND ZONING COMMISSION.

A Development Plan shall be submitted for land proposed to be zoned into the SU District. Such Development Plan shall include all the information and material required pursuant to Chapter 1127 of this Planning and Zoning Code. In making its recommendation to the City Council on the proposed placement of land into the SU District, the Planning and Zoning Commission may propose modification to the Development Plan as submitted.
(Ord. 14-2022. Passed 7-5-22.)

1170.06 CONFORMITY WITH DEVELOPMENT PLAN.

The construction of all buildings and development of the site within the SU District shall be in conformity and compliance with the Development Plan as approved by the Planning and Zoning Commission and City Council. Any subsequent environmental change or change in use on the property shall require an amendment to the Development Plan and approval by the Planning and Zoning Commission.
(Ord. 14-2022. Passed 7-5-22.)

TITLE SEVEN - Zoning Standards and Special Provisions

- Chap. 1171. Supplementary District Regulations.
- Chap. 1173. Home Occupations.
- Chap. 1175. Off-Street Parking and Loading Facilities.
- Chap. 1177. Signs.
- Chap. 1179. Single Family Planned Residential District (SFPRD).
- Chap. 1181. Nonconforming Uses.
- Chap. 1183. Landscaping.
- Chap. 1184. Agricultural Buffering and Mitigation.
- Chap. 1185. Fences.

CHAPTER 1171 Supplementary District Regulations

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| 1171.01 | Purpose. | 1171.15 | Fire hazards. |
| 1171.02 | Additional height regulations. | 1171.16 | Noise. |
| 1171.03 | Accessory structures. | 1171.17 | Vibration. |
| 1171.04 | Fences in residence districts.
(Repealed) | 1171.18 | Erosion. |
| 1171.05 | Setback requirements for
corner buildings. | 1171.19 | Radioactivity or electrical
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| 1171.07 | Construction material storage. | 1171.21 | Litter and cleaning of premises. |
| 1171.08 | Sewer lines. | 1171.22 | Conformity with lot size
requirements; variances. |
| 1171.09 | Additional yard requirements. | 1171.23 | Mobile homes and parks
prohibited. |
| 1171.10 | Private swimming pools. | 1171.24 | GC-1 and GC-2 Districts;
off-street parking facilities. |
| 1171.11 | Community or club swimming
pools. | 1171.25 | Sidewalks required. |
| 1171.12 | Conformity required. | 1171.26 | As-Built Foundation Survey. |
| 1171.13 | First floor level of residential
buildings. | | |
| 1171.14 | Minimum lot areas where water
and sewer facilities not
available. | | |

CROSS REFERENCES

- Title, interpretation and validity - see P. & Z. Ch. 1123
- Compliance, enforcement and penalty - see P. & Z. Ch. 1125
- Residence Districts - see P. & Z. Ch. 1143 et seq.
- Off-street parking and loading facilities - see P. & Z. Ch. 1175

1171.01 PURPOSE.

The district regulations hereinafter set forth in this chapter qualify or supplement, as the case may be, the district regulations appearing elsewhere in this Zoning Ordinance.

1171.02 ADDITIONAL HEIGHT REGULATIONS.

Church spires, domes, flagpoles, aerials, windmills, chimneys, cooling towers, elevator bulkheads, fire towers, belfries, monuments, stacks, derricks, conveyors, stage towers, scenery, lofts, tanks, water towers, silos or other appurtenances usually required to be placed above the roof level and not intended for human occupancy, may be erected to any lawful and safe height as determined by the Fire Chief and approved by the Planning and Zoning Commission.

1171.03 ACCESSORY STRUCTURES.

(a) Accessory uses and structures shall be permitted in association with a principal use or structure. Such accessory structures shall not be used for dwelling purposes.

(b) There shall be no more than two detached accessory structures to a principal use or structure.

(c) In residential districts, the total size of any and all detached accessory structures to a principal use shall not exceed the greater of thirty percent (30%) of the living area of the principal structure or 576 square feet in total exterior area, nor shall any structure exceed 24 feet in height. Accessory structures in other districts may exceed those limits, provided the sizes of such structures have been reviewed and approved as part of the Certificate of Appropriateness process.

(d) Such accessory uses may be located within the minimum side and rear yards, but in no event shall they be located closer to a lot line than five feet nor shall any accessory structure protrude past the front of the primary structure.

(e) For the purposes of this section "detached" means not connected by a common bearing wall, column, beam, girder or roof. (Ord. 19-2010. Passed 11-16-10.)

1171.04 FENCES IN RESIDENCE DISTRICTS. (REPEALED)

(EDITOR'S NOTE: Former Section 1171.04 was repealed by Ordinance 20-2010. See Chapter 1185 for current regulations.)

1171.05 SETBACK REQUIREMENTS FOR CORNER BUILDINGS,

On a corner lot the principal building and its accessory structures shall be required to have the same setback distance from all street right-of-way lines as required for the front yard in the district in which the structures are located.

1171.06 VISIBILITY ACROSS CORNER LOTS.

On a corner lot in any district, nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision between a height of two and one-half and ten feet above the center line grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along such street lines fifty feet from the point of intersection.

CHAPTER 1177 Signs

1177.01	Purpose.	1177.09	Conditional signs.
1177.02	Definitions.	1177.10	Variances from sign requirements.
1177.03	Permits required.	1177.11	General permit procedures.
1177.04	Design, construction and maintenance.	1177.12	Nonconforming signs and signs without permits.
1177.05	Signs in the public right of way.	1177.13	Drive-through, menu board signs.
1177.06	Temporary signs.	1177.14	Permanent signs.
1177.07	Signs exempt from regulation under this chapter.	1177.15	Sign table.
1177.08	Signs prohibited under this chapter.	1177.99	Violations.

CROSS REFERENCES

Power to regulate billboards and signs - see Ohio R.C. 715.65

Sign defined - see P. & Z. 1121.02(a)(64)

1177.01 PURPOSE.

The purpose of this chapter is to promote and protect the public health, welfare and safety by regulating existing and proposed outdoor advertising, outdoor advertising signs and outdoor signs of all types. It is intended to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the community and preserve the scenic and natural beauty of designated areas. It is further intended to reduce sign or advertising distraction and obstruction that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights of way, provide more open space and curb the deterioration of the natural environment and enhance community development. (Ord. 13-2022. Passed 7-5-22.)

1177.02 DEFINITIONS.

(a) "Arm Sign" means a sign whose face is suspended from a support arm at a right angle from a ground mounted pier, pillar, column, or pole. The face of such sign shall not be more than three (3) feet from the ground.

(1) "Awning Sign" means a sign painted, stamped, perforated, stitched, or otherwise applied on the valance of an awning. Awnings must be at least nine (9) feet above ground level.

(b) "Banner sign" means a non-rigid cloth, plastic or canvas temporary sign typically related to a special event or promotion. For the purposes of this chapter, the term "banner" shall not include official flags of public entities, or civic, philanthropic, educational or religious organizations.

(c) "Billboard" means an off-premises sign that is more than two-hundred (200) square feet in area.

(d) "Building Frontage" means the width of the facade of the building, including any overhang that faces the principal street or contains the main entrance. If a building is divided into units, the building unit frontage shall be the width of that unit, as measured from the party wall centerlines, on the frontage of the building. The frontage of a lot shall be the number of linear feet the lot abuts on the principal street. For structures and uses having no direct frontage on public roads, as within shopping centers, frontage shall be counted as the intersection of the building line onto adjacent drives or parking areas.

(e) "Building Marker Sign" means a sign indicating the name and address of a building; or the name of an occupant thereof, and the practice of a permitted occupation therein.

(f) "Canopy" means a structure separate from, but associated by use with the principal building, which is supported independently by posts or columns, is open on all sides, and is intended only for shelter or ornamentation. An awning or a marquee is not a canopy.

(g) "Canopy Sign" means a sign that is mounted, painted, or otherwise applied on or attached to a freestanding canopy or structural protective cover over an outdoor service area. Canopy must be at least nine (9) feet above ground level.

(h) "Changeable copy sign" means a permanent sign in which the material or message composing the sign, in whole or in part, is manually or mechanically changeable, either digitally or through physical placement of message. This definition does not include digital display signs.

(1) "Electronic message center sign" means a changeable copy sign that utilizes computer generated, digital technology, or some other electronic means of changing copy, either manually or on a programmed interval.

(i) "Directional sign" means any sign which indicates the direction or specific location of an institution, organization or business, which does not include advertising or any information regarding product lines or services offered.

(j) "Flashing sign" means a sign or graphic which in any manner, as a whole or in part, physically changes in light intensity or gives the appearance of such change.

(k) "Freestanding sign" means a sign which is wholly independent of any building for support and can have design elements that include "changeable copy sign" attributes.

(1) "Ground Monument sign" means a freestanding sign supported from the ground and not attached to any building.

(2) "Pole sign" means a freestanding sign supported by one or more poles at the base of the sign wherein the poles are exposed and not part of the superstructure of a monument sign.

(l) "Identification Sign" means a sign giving only the nature, logo, trademark or other identifying symbol, address, or any combination of the name, symbol, and address of a building, business, development, or establishment.

(m) "Joint Identification sign" means a sign intended to provide the identity or name, for two or more uses within one building or on one property or the name of the building or its address for property occupied by two (2) or more businesses.

(n) "Incidental Sign" means a sign permitted without need for a sign permit.

(o) "Marquee Sign" means a sign designed to have changeable copy, either manually or electronically.

(p) "Monument Sign" means a free-standing sign, generally having a low profile where the base of the sign structure is on the ground or a maximum of thirty-six inches (36") above the lowest point of the ground adjacent to the sign such that the sign has the appearance of a solid base. No sign shall interfere with sight distance for any public or private road.

(q) "Mural" means a large picture or graphic generally free of a written message that is painted, screen printed, or attached adhered onto a canvas like material directly and flush to an exterior building surface and identifies a commercial establishment. Murals are intended to be viewed by pedestrians and drivers at a distance. Mural can also mean an artistic expression not representative to commercial identification, when defined as such by the Planning and Zoning Commission.

(r) "Neon Sign" means an illuminated sign affected by a colorless, odorless light source consisting of a neon or gas tube that is bent to form letters, symbols, or other shapes.

(s) "Non-conforming Sign" means any sign lawfully installed prior to the effective date of this Code, or any subsequent amendment thereto, which does not meet the current applicable standards for compliance.

(t) "Off-premises sign" means any sign that identifies or provides information related to a good, service or event that is not located on the property where such sign is located.

(u) "Permanent sign" means a sign that is not temporary.

(v) "Portable sign" means a sign designed or constructed in such a manner that it can be moved or relocated without involving any structural or support changes and is not physically attached to any part of a building or the ground. Portable signs shall include:

- (1) "Trailer sign" meaning a sign that is constructed on a chassis intended for the mounting of wheels, thereby permitting the sign to be moved.
- (2) "Folding portable sign" meaning a sign constructed of wood or other durable material which can be folded or collapsed for ease of transport.

(w) "Projecting/Blade Sign" means a two-sided double-faced sign which projects more than eighteen (18) inches from the building wall to which it is attached.

(x) "Pylon Sign" means a freestanding sign other than a pole sign, permanently affixed to the ground by supports, but not having the appearance of a solid base.

(y) "Real Estate Sign, Off-Site" means a readily removable sign announcing the proposed sale or rental of property other than the property upon which the sign is located and providing directions to the subject property.

(z) "Real Estate Sign, on-site" means a sign announcing the sale or rental of the property upon which the sign is located.

(aa) "Residential Sign" means a sign that does not contain information or advertising for any business, commodity, service, entertainment, product, or other attraction

(bb) "Right-of-way" means a strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting and drainage facilities, and may include special features required by the topography or treatment, such as grade separation, landscaped areas, viaducts and bridges.

(cc) "Roof sign" means any sign erected upon or completely over the roof of any building.

(dd) "Sidewalk Sign" mean a movable sign not secured or attached to the ground or surface upon which it is located.

(ee) "Sign" means any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge or insignia of any government or government agency, or of any civic, charitable, religious, patriotic, fraternal or similar organization. Separated letters or printing located on a building spelling the name of the establishment and the goods sold on the premises do not constitute a "sign" for purposes of this section.

(ff) "Sign Alteration" means any change of copy, sign face, color, size, shape, illumination, position, location, construction, or supporting structure of any sign.

(gg) "Sign Area" means the entire area within a continuous perimeter, enclosing the extreme limits of sign display, including any frame or border. Curved, spherical, or any other shaped sign face shall be computed on the basis of actual surface area. The copy of signs composed of individual letters, numerals, or other devices shall be the sum of the area of the smallest rectangle or other geometric figure encompassing all of said letters or devices. The calculation for a double-faced sign shall be the area of one face only. Double-faced signs shall be constructed so that the perimeter of both faces coincide and are parallel and not more than twenty-four (24) inches apart.

(hh) "Skyline Sign" means a sign mounted to the upper most horizontal architectural band of a building to identify the name of the building of primary tenant. In Historical Districts, architecturally or historically significant Skyline-type signs shall take precedence over a newly-requested similar sign. Skyline signs are intended to be viewed by pedestrians and motorists from a distance and serve as an icon for the building.

(ii) "Suspended Sign" means a sign that is suspended, parallel, or perpendicular from a building wall, roof, facade, canopy, marquee, or porch by means of brackets, hooks, or chains and the like.

(jj) "Temporary sign" means a sign that is designed to be used only temporarily and is not intended to be permanently attached to a building, structure or the ground., The timeframes and types of signs that are defined as 'temporary' are listed under Section 1177.06.

(kk) "Vending machine sign" means a permanent sign installed by the manufacturer on a fuel pump, vending machine, or similar outdoor object.

(ll) "Wall Sign" means a sign mounted flat against and projecting no more than three (3) inches from, or painted on the wall of, a building or structure with the exposed face of the sign in a plane parallel to the face of the wall. This does not include window signs.

(mm) "Window Sign" means a sign that is applied to or attached to the exterior or interior of a window or located in such manner within a building that it is visible from the exterior of the building through a window but excludes merchandise in a window display.

(nn) "Variance" means a modification of the strict terms of the relevant regulations where such modifications will not be contrary to the public interest and were owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.
(Ord. 13-2022. Passed 7-5-22.)

1177.03 PERMITS REQUIRED.

Unless otherwise stated herein, all signs shall require a permit, and approval of the Zoning Inspector. If a sign requiring a permit under the provision of this chapter is to be placed, constructed, erected, or modified on a lot, the owner of the lot shall secure a sign permit prior to the construction, placement, erection, or modification of such a sign in accordance with the requirements of Section 1177.06. No signs shall be erected in the public right of way in accordance with Section 1177.05 and the permit requirements of Section 1177.03 unless approved by the Zoning Inspector.
(Ord. 13-2022. Passed 7-5-22.)

1177.04 DESIGN, CONSTRUCTION AND MAINTENANCE.

All signs shall be designed, constructed and maintained in accordance with the following standards:

- (a) All signs shall comply with applicable provisions of the Basic Ohio Building Code at all times.
- (b) Except for flags, temporary signs, and window signs conforming in all respects with the requirements of this chapter, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building or another structure by direct attachment to a rigid wall, frame, or structure. The use of unprotected cardboard, paper, or wood products as sign material shall be prohibited.
- (c) All signs approved pursuant to this section shall be constructed of a durable material, and shall be professional in appearance. As used in this section, professional appearance means, at minimum, that the sign is designed or manufactured by a graphic artist or sign company or is computer-generated.
- (d) All signs shall be maintained in good structural condition and in good repair in compliance with all Building and Electrical Codes, and in conformance with this code, at all times.
- (e) Signs must be neat and clean so as not to appear damaged, unappealing, or unnecessarily worn. (Ord. 13-2022. Passed 7-5-22.)

1177.05 SIGNS IN THE PUBLIC RIGHT OF WAY.

No signs shall be allowed in the public right of way except for the following (unless otherwise approved by the Zoning Inspector):

- (a) Permanent Signs. Permanent signs including:
 - (1) Public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic.
 - (2) Bus stop signs erected by a public transit company.
 - (3) Informational signs of a public utility regarding its poles, lines, pipes or facilities.
 - (4) Awning, projecting and suspended signs projecting over a public right of way and in conformity with the conditions of Section 1177.15 Sign Table of this chapter.
 - (5) Signs of civic organizations or special events posted on the community sign or on the City entrance signs.
 - (6) Sandwich board signs as approved by the Zoning Inspector.
- (b) Temporary Signs. Temporary signs meeting the requirements for placement in the public right of way as set forth in Section 1177.06.
(Ord. 13-2022. Passed 7-5-22.)

1177.06 TEMPORARY SIGNS.

(a) A permit for a temporary sign may be issued by the Zoning Inspector following review and approval of a temporary sign application and may be for a period of up to one year.

(b) A temporary sign permit shall be issued only for signs meeting the following requirements:

- (1) Development Sign. A temporary development sign advertising the sale of platted lots in a subdivision provided that not more than one such sign may be permitted whether such sign is at the entrance to the subdivision or within the subdivision. Any such sign may also be utilized to advertise the sale or lease of multi-family units, or store or office space in commercial developments. Such signs shall be limited to a maximum area of thirty-two (32) square feet when located on parcels of two (2) acres or more and a maximum area of eight (8) square feet when located on parcels of less than two (2) acres. Other limitations shall include a maximum height of ten (10) feet, and a minimum setback of fifteen (15) feet from established rights of way, unless there is no land between the right of way and the facade of the structure, in which case the sign must not be a safety hazard and must be located at the closest point to the structure.
- (2) Sign Promoting Non-Commercial Campaign or Event. A sign for the promotion of a school, church, non-profit or community campaign or event of a noncommercial purpose. The sign may be displayed for no more than sixty (60) days straight and removed for at least thirty (30) days straight. All temporary sign structures must be removed during the thirty (30) day removal period. The sign may not exceed thirty-two (32) square feet per side.

- (3) Temporary Sign for Business. When there is a legitimate delay, as determined by the Zoning Inspector, in the construction or preparation of a permanent sign for a business, a temporary sign may be displayed for a period of ninety (90) days or until the new sign is erected, whichever is less. Such sign shall be proportional in scale to the frontage of the building, but in any case, shall not exceed thirty-two (32) square feet.
- (4) Grand Opening Banner. A grand opening banner is permitted to call attention to a new business or institutional use and is allowed in any zone in which the commercial, industrial, or institutional use is permitted. Maximum size is thirty-two (32) square feet. The banner shall not be displayed for more than fifteen (15) days. Only one grand opening banner shall be allowed per street frontage for the business or use. The banner must be securely fastened to the building and may not project above the roofline or interfere with access for the building.
- (5) Going Out of Business Signs. A going out of business banner is permitted for any zone in which a commercial, industrial, or institutional use is permitted. Maximum size is thirty-two (32) square feet. The banner shall not be displayed for more than sixty (60) days. Only one going out of business banner shall be allowed per street frontage for the business or use. The banner must be securely fastened to the building and may not project above the roofline or interfere with access for the building.

(c) A temporary sign that is approved pursuant to this section may only be displayed on the premises to which the sign is applicable. Unless otherwise specifically authorized by these regulations or by the Zoning Inspector, only one temporary sign may be displayed per business at any time.

(d) All temporary signs approved pursuant to this section shall be non-illuminated, shall be constructed of a durable material, and shall be professional in appearance. As used in this section, professional appearance means, at minimum, that the sign is designed or manufactured by a graphic artist or sign company or is computer-generated. The use of unprotected cardboard, paper, or wood products as sign material shall be prohibited. There shall be no limitation in the number of colors for a temporary sign, but the specific colors to be used in the sign shall be approved by the Zoning Inspector. The use of fluorescent, dayglo, and neon colors is prohibited.

(e) Hand drawn/painted temporary signs are not permitted.

(f) Temporary signs shall not be attached to trees or utility poles or placed in a position that would obstruct or impair traffic or in any manner create a hazard or disturbance to the health, safety, or welfare of the public. If placed on the side of a property where there is a sidewalk, the sign shall be located on the back side of the sidewalk (that is, on the opposite side of the sidewalk from the roadway). If placed on the side of a property where there is no sidewalk, the sign shall be located at least eight feet from the edge of the roadway.

(g) Home sale signs pursuant to Chapter 709 of the Codified Ordinance of the City of Johnstown. (Ord. 13-2022. Passed 7-5-22.)

1177.07 SIGNS EXEMPT FROM REGULATION UNDER THIS CHAPTER.

(a) The following signs shall be exempt from regulation under this chapter, except as provided in this section:

- (1) Signs erected by or pursuant to the authorization of a governmental body, including legal notices, warning notices, traffic signs, directional signs, informational signs or regulatory signs.
- (2) Signs that are customarily associated with residential uses and that are not of a commercial nature, including the name and address of occupants, signs on mailboxes, or paper tubes, etc. (Limited to an area of four (4) square feet or less.)
- (3) Official signs of a noncommercial nature erected by public utilities to identify line or facility locations or to advise or warn the public.
- (4) Flags of any governmental or nonprofit organization provided:
 - A. Such flags are not being displayed in conjunction with a commercial promotion or as an advertising device;
 - B. Not more than three such flags are being displayed at the same time;
 - C. Any such flag does not exceed sixty (60) square feet in area; and
 - D. Any such flag flown from a standard flag pole attached to a building, with the height of the pole not to exceed fifteen (15) feet above ground level; or from a freestanding standard flag pole not to exceed a height of twenty-five (25) feet above ground level. Mini flags typically displayed during government holidays shall be exempted.
- (5) Any sign inside a building, provided that the sign is not attached to a window or door and that the sign is not legible from the lot line of the lot or parcel on which such sign is located. For the purposes of this section, a sign that rests against a window, a sign that is separated from the window by a bumper pad, or a sign that is placed within two (2) inches of the window through the use of a hanging device, shall be considered to be attached to the window. Any sign that is considered to be attached to a window shall be regulated by the provisions contained in Section 1177.13 Sign Table.
- (6) Signs that are posted upon property to guide or direct traffic, to identify restricted or public parking areas, or to warn the public against trespassing or danger from animals. The signs shall not contain any commercial advertising. However, entrance or exit signs are only permitted when the driveway is not obvious or otherwise identifiable with a particular business or activity. Entrance and exit signs, directional signs, and parking area signs shall require a permit to assure that the style, size, and location are consistent with the requirements of this chapter. (Limited to an area of four (4) square feet.)
- (7) Signs painted on or otherwise attached to a vehicle regularly operated in the pursuance of a day-to-day business or activity of an enterprise, provided that the vehicle is not parked in a location that is visible to the public and for a period of time that indicates that the purpose of locating the vehicle in that location is principally for advertising rather than transport.

- (8) Signs that are not visible from public streets or legible from adjacent properties.
- (9) Signs authorized by the City Manager on any governmental property.

(b) The following temporary signs shall be exempt from regulation under this chapter provided each such sign satisfies the requirements set forth in subsection hereof:

- (1) Temporary for sale, rental or lease signs provided they are placed within the front yard setback. For corner lots, one sign may be placed along each section of road frontage. Lender, mortgage, or any other ancillary signage is prohibited.
- (2) Political signs and signs or posters indicating candidates or issues on the public ballot.
- (3) Temporary Contractor Signs. Signs announcing the names of contractors for any short term or temporary work such as home improvements, new construction, remodeling and the like is permitted during the actual construction period, provided that such signs shall be located only on the parcel of land being developed, not in the public right-of-way.
- (4) Temporary off-site real estate signs that announce the date and time of a real estate open house provided the signs be placed no earlier than 6:00 a.m. and removed four (4) hours after the conclusion of the open house. A maximum of one sign per open house is allowed at anyone change of direction. All temporary real estate open house signs must contain broker contact information. All riders count towards total sign area.

(c) Unless otherwise provided, all temporary signs referred to in subsection (b) hereof shall be limited to not more than six (6) square feet in sign area. Any such temporary sign shall be removed or replaced after thirty (30) days if the sign has become damaged or has deteriorated, by the weather or otherwise, to the point where the sign cannot be read from the street or the sign has or appears to have become detached, in whole or in part, from its sign posts or supporting structure. All such temporary signs shall be removed within seven (7) days after the property to which the sign relates has been sold, rented, or leased, or the promotion, activity, or election to which the sign relates has been conducted. Signs referred to in subsection (b) hereof, if placed on roadways with sidewalks, shall be placed on the opposite side of the sidewalk from the roadway. In the case of roadways with no sidewalks, the signs shall be located no closer than eight (8) feet from the edge of the road. In no case shall any of the signs referred to in this subsection constitute a safety hazard.
(Ord. 13-2022. Passed 7-5-22.)

1177.08 SIGNS PROHIBITED UNDER THIS CHAPTER.

All signs not expressly permitted under this chapter or exempt from regulation in accordance with the previous section are prohibited in the City. Such signs include, but are not limited to:

- (a) Beacons/searchlights.
- (b) Billboards
- (c) Banner signs, streamers, and pennantss.
- (d) Inflatable signs, figures and tethered balloons.
- (e) Portable signs with internal illumination and changeable copy.
- (f) Trailer signs

- (g) Any sign that, by reason of size, location, shape, content, coloring, or manner of illumination, constitutes a traffic hazard or a detriment to traffic safety. Any sign that substantially interferes with the view necessary for motorists to proceed safely through intersections, or to enter onto or exit from public streets, private roads, or driveways. Any sign that obstructs the view of any authorized traffic sign, signal, or device.
- (h) Any sign that uses the words "STOP", "SLOW", "CAUTION", "DANGER", or otherwise has a design, color, shape, size, or location that could cause it to be confused with official traffic signs or other signs erected by governmental agencies.
- (i) Any sign that revolves, or is animated, or that utilizes movement or apparent movement to attract the attention of the public. This prohibition shall include, but not be limited to, propellers, discs, banners, pennants, streamers, and animated display boards.
- (j) Any sign with lights that flash, move, rotate, or flicker.
- (k) Any sign that is placed on or affixed to a vehicle or trailer and that is parked in a location that is visible to the public and for a period of time that indicates that the purpose of locating the vehicle in that location is principally for advertising rather than transport.
- (l) Any sign that is located within any public right-of-way, except publicly-owned or publicly-authorized signs (for example, traffic control signs and directional signs); or any sign (other than a publicly-owned or publicly-authorized sign) that is attached, affixed, or painted on any utility pole, light standard, tree, rock, or other natural feature. This prohibition shall not apply to subdivision signs that are authorized to be placed in the landscaped median of a public or private street.
- (m) Any roof signs or signs that extend above the roof line of a building.
- (n) Any painted advertising on a building wall or roof, excepting murals of a noncommercial nature.
- (o) Any sign that identifies or advertises an activity, business, product, or service that is no longer in existence, sold, produced, etc.
- (p) Any illuminated tubing or strings of lights outlining property lines, open sales areas, rooflines, doors, windows, edges of walls, trees, or other landscaping. This prohibition shall not apply to holiday lighting.
- (q) Any sign that exhibits statements, words, or pictures of an indecent, obscene, or pornographic nature.
- (r) Any sign that obstructs or interferes with any window, door, sidewalk, or fire escape.
- (s) Pylon Signs
- (t) Any abandoned sign or any sign that advertises a business or product no longer existing or sold on the premises. Whenever a business is discontinued all signs shall be removed within forty-five (45) days. A sign that advertises a business, enterprise, or other activity that is closed for the off-season, not to exceed 270 consecutive days, shall not be considered an abandoned sign. See Section 1177.11 Nonconforming Signs
- (u) Any sign that communicates a commercial message about a business, service, commodity, accommodation, attraction, or other enterprise or activity that exists, or is conducted, sold, offered, maintained, or provided at a location other than the premises where the sign is located, unless approved by the zoning inspector as a sidewalk sign.

- (v) Any sign or sign structure that is structurally unsafe.
- (w) Any sign that, through the use of flashing or sequential lights, lighting elements, or other automated method, results in movement, the appearance of movement, or change of sign image or text. Changing image signs do not include otherwise static signs where illumination is turned off and back on not more than once every twenty-four (24) hours. The prohibition does not apply to electronic gas station fuel price signage.
- (x) Pole signs.
(Ord. 13-2022. Passed 7-5-22.)

1177.09 CONDITIONAL SIGNS

- (a) Non-commercial murals are conditionally permitted upon approval of the location and design by the Planning and Zoning Commission.
- (b) Churches and schools in all districts are conditionally permitted to have electronic messaging signs.
(Ord. 13-2022. Passed 7-5-22.)

1177.10 VARIANCES FROM SIGN REQUIREMENTS.

Notwithstanding any other chapter or section of the Codified Ordinances to the contrary, any application submitted under this chapter which requests a variance to allow deviation from the strict interpretation of the regulations established by this chapter shall be heard by the Planning Commission. A variance may be considered by the zoning inspector for the relocation of existing locally significant and/or historical signs that contribute to the character of the community.

- (a) Application. Separate or additional application for a variance under Chapter 1133 Variances shall not be required. Rather, the application required by this section shall, in addition to the requirements set forth, clearly indicate that the applicant is seeking a variance to allow deviation from the strict interpretation of the requirements established by this chapter.
- (b) Fee. No additional fee beyond that established by City Council should be required for applications that include requests for a variance.
- (c) Criteria. In considering a request for a variance, the Planning Commission shall, in addition to the criteria and requirements established by this chapter, apply the criteria set forth in Chapter 1133 to the extent those criteria are consistent with the criteria established by this chapter.
- (d) Approval. Approval of an application under this Chapter shall be deemed an approval for any variance requests necessary to such approval. In these instances, however, where the granting or denial of an application is based upon the granting or denial of a variance request, the Planning Commission shall separately set forth its findings of fact, conclusions and reasoning relative to its determination. (Ord. 13-2022. Passed 7-5-22.)

1177.11 GENERAL PERMIT PROCEDURES.

The following procedures shall govern the application for, and the issuance of, all sign permits under this chapter.

- (a) Applications. All applications for the sign permits of any kind shall be submitted to the Zoning Inspector on an application form with the application specifications and materials as published by the Planning and Zoning Office.

- (b) Fees. Each application for a sign permit shall be accompanied by the applicable fees, which shall be established by the City Council from time to time by ordinance.
- (c) Completeness. Within seven (7) days of receiving an application for a sign permit the Zoning Inspector shall review it for completeness. If the Inspector finds that it is complete, the application shall then be processed. If the Inspector finds it incomplete, the Inspector shall, within such seven (7) day period, send the applicant a notice of the specific ways in which the application is deficient, with appropriate reference to the applicable sections of this chapter.
- (d) Submission Requirements. The following materials must be included with the completed application forms. Examples are available from the Planning and Zoning Office.
 - (1) Site Plan. A site plan drawn to an appropriate scale which shows the proposed location of the sign as well as all other significant site features such as rights of way, topography, existing vegetation, and adjacent buildings and properties which may be affected by the proposal.
 - (2) Elevation. An elevation of the proposed sign and its mounting system that includes an accurate rendering of the proposed graphic design, typography, color, and materials used for construction. For window, wall or building signs this drawing should include a complete elevation of the building face on which the sign will be attached.
- (e) Action. After processing a complete application, the Zoning Inspector will review for compliance of Chapter 1177 within seven (7) days and if found to be in compliance:
 - (1) Will forward monument signs to the Design Review Board at their next regularly scheduled meeting,
 - (2) Shall approve said application for all other signs.
 - (3) If the application requires a variance from the Zoning Code, the Zoning Inspector shall forward the application to the Planning Commission for review at its next available meeting.
- (f) Appeal. Any party aggrieved or affected by a decision of the Planning Commission involving a sign application may appeal to Council. The appeal shall follow the procedures established in Chapter 1137. Such appeal shall be submitted to the City Clerk no later than ten (10) days after the decision of the Commission is filed with the City Clerk or sent to the applicant by personal service or by deposit in the U.S. Mail, postage prepaid, return receipt requested, whichever shall last occur.
(Ord. 13-2022. Passed 7-5-22.)

1177.12 NONCONFORMING SIGNS AND SIGNS WITHOUT PERMITS.

- (a) Any previously legally existing sign, but which by reason of its size, height, location, design, construction, or erection is not in conformance with the requirements of this chapter, shall be considered a Nonconforming Sign.
- (b) Nonconforming signs must be brought into compliance with the requirements of this Section when any proposed change to sign face would be undertaken. This would include, but not be limited to changes in the message, typography, graphic design, sign material or mounting system, excluding the required maintenance necessary to keep the sign in good repair in its existing condition. In no way shall this Section (or Section 1177.99 Violations) be interpreted to mean that the general repair and maintenance of nonconforming signs is prohibited. It is the intent that such signs are permitted to be maintained as long as it is not replaced or the design, logo or content is not altered or as long as the use does not change.

(c) A nonconforming sign may not be replaced by another nonconforming sign except where changed conditions beyond the control of the owner render the signs repair. (Ord. 13-2022. Passed 7-5-22.)

1177.13 DRIVE-THROUGH, MENU BOARD SIGNS.

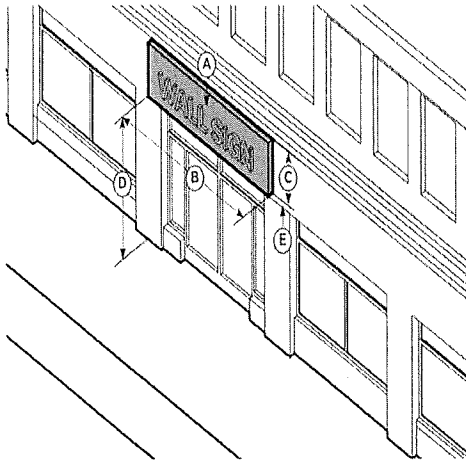
Drive-through menu board signs include freestanding, pole, pylon, and monument menu board signs. A drive-through menu board sign is permitted only when all of the following conditions are fulfilled:

- (a) The sign is located on the property to which it refers;
 - (b) The sign is not visible from the public right-of-way;
 - (c) The sign is single-face only and does not exceed thirty- two (32) square feet in size;
 - (d) The sign is not placed in front of the building setback line.
- (Ord. 13-2022. Passed 7-5-22.)

1177.14 PERMANENT SIGNS

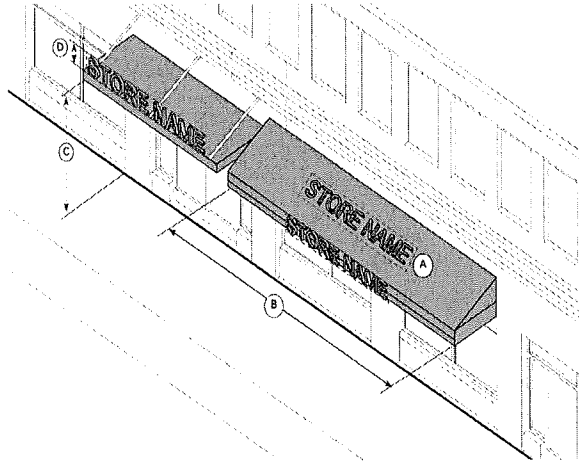
Particular types of permanent sign types shall be permitted in specific zoning districts as cited in Section 1177.14 of this chapter. Permanent signs shall also be subject to the following requirements:

- (a) Wall Sign.

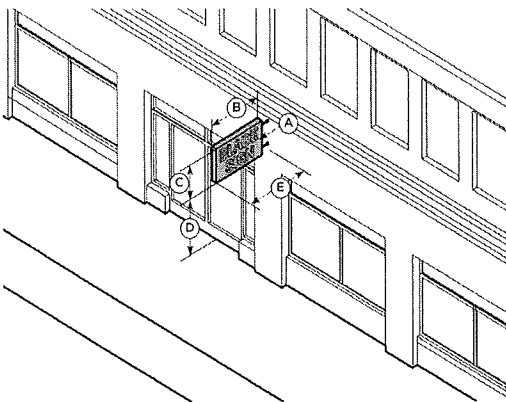


(1) Standards.

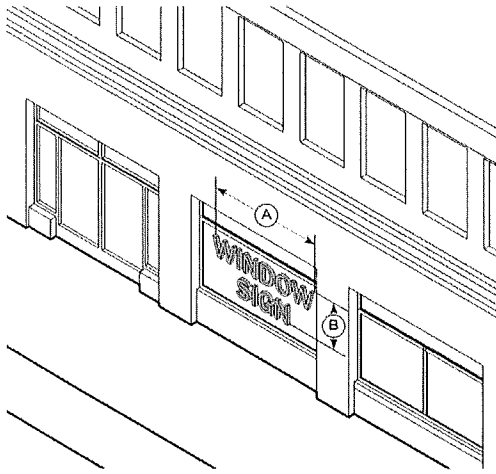
- A. Signs should align with a building's entablature, and placed to fit harmoniously with horizontal molding, friezes, sills, or other ornament.
- B. Wall signs must generally be placed on higher than the window sills of the second floor.
- C. Wall signs may be placed under the window sills of upper stories by special permit.
- D. Information displayed should be limited to business name, address, and logo. Additional information is prohibited.

(b) Canopy/Awning Sign.(1) Standards.

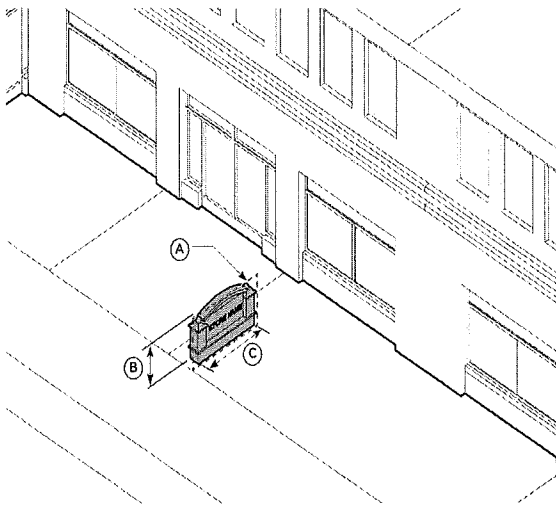
- A. Signage located on the sloping portion of an awning is only permitted for storefronts where the typical area for a wall sign is missing.
- B. Signage is prohibited on upper story awnings and on the side of awnings with closed ends.
- C. Information type is limited to business name, logo, and addresses. Additional information is prohibited.
- D. Awning signs shall not be internally illuminated or backlit.

(c) Projecting Sign.(1) Standards.

- A. Sign may be oriented at a 45-degree angle from a building corner.
- B. A projecting sign must be at least 25 feet from any other projecting sign.
- C. When located over driveways or alleys, projecting signs shall have a minimum clear height of 16 feet.

(d) Window Sign.(1) Standards.

- A. Window signs must be applied directly to inside of the windows glass, at or above eye level, and have a transparent background.
- B. Information type is limited to business name, logo, hours of operations, and product types.
- C. Additional information and signs that flash or blink intermittently are prohibited.
- D. Applied plastic or vinyl cut letters are strongly discouraged.
- E. A window sign cannot be illuminated.
- F. A window sign will be measured in its entirety.

(e) Monument Sign.(1) Standards.

- A. The location, height and other characteristics of freestanding signs must meet the requirements of this chapter.
- B. No portion of any freestanding ground sign shall be erected over the street right-of-way.
- C. Freestanding ground signs, where permitted, shall be designed and constructed so as to be compatible with the design and materials of the structure with which the sign is associated.

(Ord. 13-2022. Passed 7-5-22.)

1177.15 SIGN TABLE.

Sign Type	UR-1	UR-2	AR-1
General Provisions	1. Unless otherwise stated in a specific district, neon signs shall not be permitted.	1. Unless otherwise stated in a specific district, neon signs shall not be permitted.	1. Unless otherwise stated in a specific district, neon signs shall not be permitted.
	2. Unless otherwise stated in a specific district, internal illumination of a sign is not permitted.	2. Unless otherwise stated in a specific district, internal illumination of a sign is not permitted.	2. Unless otherwise stated in a specific district, internal illumination of a sign is not permitted.
	3. The maximum total square footage of all signs on any lot will be calculated as 1.5 square foot of signage per 100 square feet of gross lease area.	3. The maximum total square footage of all signs on any lot will be calculated as 1.5 square foot of signage per 100 square feet of gross lease area.	3. The maximum total square footage of all signs on any lot will be calculated as 1.5 square foot of signage per 100 square feet of gross lease area.
	4. Changeable copy signs are not permitted.	4. Changeable copy signs are not permitted.	4. Changeable copy signs are not permitted.
	5. Animated signs are not permitted.	5. Animated signs are not permitted.	5. Animated signs are not permitted.
Residential ¹	1. Permitted with no commercial message.	1. Permitted with no commercial message.	1. Permitted with no commercial message.
	2. Maximum size is 4 square feet.	2. Maximum size is 4 square feet.	2. Maximum size is 4 square feet.
Incidental ²	1. Not permitted.	1. Not permitted.	1. Not permitted.
Monument	1. Not permitted.	1. Not permitted.	1. Not permitted.
Building Marker ³	1. Permitted.	1. Permitted.	1. Permitted.
	2. Maximum size is (6) square feet.	2. Maximum size is (6) square feet.	2. Maximum size is (6) square feet.
	3. Must be cut or etched into stone, masonry bronze or similar material.	3. Must be cut or etched into stone, masonry bronze or similar material.	3. Must be cut or etched into stone, masonry bronze or similar material.

Sign Type	UR-1	UR-2	AR-1
Canopy/Awning	1. Not permitted.	1. Not permitted.	1. Not permitted.
Identification ⁴	1. Permitted.	1. Permitted.	1. Permitted.
	2. Only name and address permitted.	2. Only name and address permitted.	2. Only name and address permitted.
	3. Maximum size is to be 4 square feet.	3. Maximum size is to be 4 square feet.	3. Maximum size is to be 4 square feet.
Marquee ⁵	1. Not permitted.	1. Not permitted.	1. Not permitted.
Projecting ⁵	1. Not permitted.	1. Not permitted.	1. Not permitted.
Wall Sign	1. Not permitted.	1. Not permitted.	1. Not permitted.
Window Signs.	1. Not permitted.	1. Not permitted.	1. Not permitted.
Sidewalk Signs.	1. Not permitted.	1. Not permitted.	1. Not permitted.

Sign Type	GCC-1	GCC-2	LM
General Provisions	1. Unless otherwise stated in a specific district, neon signs shall not be permitted. This does not include "OPEN" signs less than 3 square feet in size.	1. Unless otherwise stated in a specific district, neon signs shall not be permitted. This does not include "OPEN" signs less than 3 square feet in size.	1. Unless otherwise stated in a specific district, neon signs shall not be permitted. This does not include "OPEN" signs less than 3 square feet in size.
	2. The maximum total square footage of all signs on any lot will be calculated as 1.5 square foot of signage per 100 square feet of gross lease area.	2. The maximum total square footage of all signs on any lot will be calculated as 1.5 square foot of signage per 100 square feet of gross lease area.	2. The maximum total square footage of all signs on any lot will be calculated as 1.5 square foot of signage per 100 square feet of gross lease area.
Residential ¹	1. Permitted with no commercial message.	1. Permitted with no commercial message.	1. Permitted with no commercial message.
	2. Maximum size is 4 square feet.	2. Maximum size is 4 square feet.	2. Maximum size is 4 square feet.

Sign Type	GCC-1	GCC-2	LM
Incidental ²	1. Permitted with no commercial message.	1. Permitted with no commercial message.	1. Permitted with no commercial message.
	2. Maximum size is 4 square feet.	2. Maximum size is 4 square feet.	2. Maximum size is 4 square feet.
	3. Maximum height is 4 feet.	3. Maximum height is 4 feet.	3. Maximum height is 4 feet.
	4. Maximum number is 4 per lot.	4. Maximum number is 4 per lot.	4. Maximum number is 4 per lot.
Monument	1. Permitted. Internal illumination is permitted.	1. Permitted. Internal illumination is permitted.	1. Permitted. Internal illumination is permitted.
	2. Maximum size is 50 square feet. (A).	2. Maximum size is 50 square feet. (A)	2. Maximum size is .0025 square feet for each square foot of building size with a maximum size of 150 square feet. Any business 20,000 square feet or less may have up to a 50 square foot sign.(A)
	3. Maximum height is 15 feet. (B)	3. Maximum height is 15 feet. (B)	3. Maximum height is 1 foot for every 2 foot setback from edge of pavement with a 17 feet max. The maximum base height is 5 feet from the natural grade. (B)
	4. Maximum number is one per lot.	4. Maximum number is one per lot.	4. Maximum number is one per lot.
Building Marker ³	1. Permitted.	1. Permitted.	1. Permitted.
	2. Maximum size is (6) square feet.	2. Maximum size is (6) square feet.	2. Maximum size is (6) square feet.
	3. Must be cut or etched into stone, masonry bronze or similar material.	3. Must be cut or etched into stone, masonry bronze or similar material.	3. Must be cut or etched into stone, masonry bronze or similar material.

Sign Type	GCC-1	GCC-2	LM
Canopy/Awning	1. Permitted.	1. Permitted.	1. Permitted.
	2. Maximum size is 6 square feet or 25% of the surface area of the canopy, whichever is less. (A) Sign is limited to valance face only.	2. Maximum size is 6 square feet or 25% of the surface area of the canopy, whichever is less. (A) Sign is limited to valance face only.	2. Maximum size is 6 square feet or 25% of the surface area of the canopy, whichever is less. (A) Sign is limited to valance face only.
	3. Shopfront width is maximum width allowed. (B)	3. Shopfront width is maximum width allowed. (B)	3. Shopfront width is maximum width allowed. (B)
	4. 8' minimum clearance (C)	4. 8' minimum clearance (C)	4. 8' minimum clearance (C)
	5. Letter height minimum 5" and maximum 10" (D)	5. Letter height minimum 5" and maximum 10" (D)	5. Letter height minimum 5" and maximum 10" (D)
	6. The maximum number is one per business.	6. The maximum number is one per business.	6. The maximum number is one per business.
	7. Maximum number of colors is one in addition to the canopy color.	7. Maximum number of colors is one in addition to the canopy color.	7. Maximum number of colors is one in addition to the canopy color.
Identification ⁴	1. Permitted.	1. Permitted.	1. Permitted.
	2. Only name and address permitted.	2. Only name and address permitted.	2. Only name and address permitted.
	3. Maximum size is to be 4 square feet.	3. Maximum size is to be 4 square feet.	3. Maximum size is to be 4 square feet.
Marquee ⁵	1. Permitted as secondary to primary sign.	1. Permitted as secondary to primary sign.	1. Permitted as secondary to primary sign.
	2. Electronic scrolling marquee are permitted with maximum letter height not to exceed 6".	2. Electronic scrolling marquee are permitted with maximum letter height not to exceed 6".	2. Electronic scrolling marquee are permitted with maximum letter height not to exceed 6".
Projecting ⁵	1. Permitted.	1. Permitted.	1. Permitted.
	2. Maximum size is 10 square feet. (A) Maximum length is 6 feet (B). Maximum height is 4 feet (C).	2. Maximum size is 10 square feet. (A) Maximum length is 6 feet (B). Maximum height is 4 feet (C).	2. Maximum size is 10 square feet. (A) Maximum length is 6 feet (B). Maximum height is 4 feet (C).
	3. Maximum number is one per business.	3. Maximum number is one per business.	3. Maximum number is one per business.

Sign Type	GCC-1	GCC-2	LM
Projecting ⁵ (CONT.)	4. Maximum clearance is 8 feet. (D). Maximum projection is 6 feet (E).	4. Maximum clearance is 8 feet (D). Maximum projection is 6 feet (E).	4. Maximum clearance is 8 feet (D). Maximum projection is 6 feet (E).
Wall Sign	1. Permitted. Internal illumination prohibited.	1. Permitted. Internal illumination prohibited.	1. Permitted. Internal illumination prohibited.
	2. Maximum size is 1.5 square feet/lineal feet of building frontage. (A)	2. Maximum size is 1.5 square feet/lineal feet of building frontage. (A)	2. Maximum size is 1.5 square feet/lineal feet of building frontage. (A)
	3. Maximum width is 80% facade length (B). Maximum height is 4 feet (C)	3. Maximum width is 80% facade length (B). Maximum height is 4 feet (C)	3. Maximum width is 80% facade length (B). Maximum height is 4 feet (C)
	4. 8' minimum clearance (D). and 7 inch maximum projection (E).	4. 8' minimum clearance (D). and 7 inch maximum projection (E)	4. 8' minimum clearance (D). and 7 inch maximum projection (E)
	5. Maximum number is one per building	5. Maximum number is one per building	5. Maximum number is one per building
Window Signs	1. Window signs are permitted in the first floor windows only.	1. Window signs are permitted in the first floor windows only.	1. Window signs are permitted in the first floor windows only.
	2. Window signs shall not exceed 25% per individual window (A).	2. Window signs shall not exceed 25% per individual window (A).	2. Window signs shall not exceed 25% per individual window (A)
	3. Maximum length is 4 feet, maximum height is 4 feet	3. Maximum length is 4 feet, maximum height is 4 feet	3. Maximum length is 4 feet, maximum height is 4 feet
	4. Neon window signs, which advertise products sold by a business or services given, are not permitted.	4. Neon window signs, which advertise products sold by a business or services given, are not permitted.	4. Neon window signs, which advertise products sold by a business or services given, are not permitted.
Sidewalk Signs	1. Permitted.	1. Permitted with variance.	1. Permitted with variance.
	2. Maximum of 10 square feet per side.	2. Maximum of 10 square feet per side.	2. Maximum of 10 square feet per side.

Sign Type	GCC-1	GCC-2	LM
Arm Signs	1. Arm signs shall not exceed eight (8) sq. ft. Maximum height shall not exceed six (6) feet. Bottom of sign panels should maintain a minimum three (3) feet clearance from grade.	1. Arm signs shall not exceed eight (8) sq. ft. Maximum height shall not exceed six (6) feet. Bottom of sign panels should maintain a minimum three (3) feet clearance from grade.	1. Arm signs shall not exceed eight (8) sq. ft. Maximum height shall not exceed six (6) feet. Bottom of sign panels should maintain a minimum three (3) feet clearance from grade.
	2. All arm signs shall be located a minimum of five (5) feet behind any right-of-way.	2. All arm signs shall be located a minimum of five (5) feet behind any right-of-way.	2. All arm signs shall be located a minimum of five (5) feet behind any right-of-way.
	3. A ten (10) foot side-yard setback shall be required if the side lot line abuts a residential district	3. A ten (10) foot side-yard setback shall be required if the side lot line abuts a residential district	3. A ten (10) foot side-yard setback shall be required if the side lot line abuts a residential district
Sign Type	SR-1	SR-2	OS & FP
General Provisions	1. The maximum number of colors in any sign is three.	1. The maximum number of colors in any sign is three.	1. The maximum number of colors in any sign is three.
	2. Unless otherwise stated in a specific district, neon signs shall not be permitted.	2. Unless otherwise stated in a specific district, neon signs shall not be permitted.	2. Unless otherwise stated in a specific district, neon signs shall not be permitted.
	3. Unless otherwise stated in a specific district, internal illumination of a sign is not permitted.	3. Unless otherwise stated in a specific district, internal illumination of a sign is not permitted.	3. Unless otherwise stated in a specific district, internal illumination of a sign is not permitted.
	4. The maximum total square footage of all signs on any lot is 6 square feet.	4. The maximum total square footage of all signs on any lot is 6 square feet.	4. The maximum total square footage of all signs on any lot is 6 square feet.
	5. Changeable copy signs are not permitted.	5. Changeable copy signs are not permitted.	5. Changeable copy signs are not permitted.
	6. Animated signs are not permitted.	6. Animated signs are not permitted.	6. Animated signs are not permitted.

Sign Type	SR-1	SR-2	OS & FP
Residential ¹	1. Permitted with no commercial message.	1. Permitted with no commercial message.	1. Permitted with no commercial message.
	2. Maximum size is 4 square feet.	2. Maximum size is 4 square feet.	2. Maximum size is 4 square feet.
Incidental ²	1. Permitted with no commercial message.	1. Permitted with no commercial message.	1. Permitted with no commercial message.
	2. Maximum size is 4 square feet.	2. Maximum size is 4 square feet.	2. Maximum size is 4 square feet.
	3. Maximum height is 4 feet.	3. Maximum height is 4 feet.	3. Maximum height is 4 feet.
	4. Maximum number is 4 per lot.	4. Maximum number is 4 per lot.	4. Maximum number is 4 per lot.
Sign Type	SR-1	SR-2	OS & FP
Monument	1. Not permitted.	1. Not permitted.	1. Not permitted.
Building Marker ³	1. Permitted.	1. Permitted.	1. Permitted.
	2. Maximum size is (6) square feet.	2. Maximum size is (6) square feet.	2. Maximum size is (6) square feet.
	3. Must be cut or etched into stone, masonry bronze or similar material.	3. Must be cut or etched into stone, masonry bronze or similar material.	3. Must be cut or etched into stone, masonry bronze or similar material.
Canopy/Awning	1. Not permitted.	1. Not permitted.	1. Not permitted.
Identification ⁴	1. Permitted.	1. Permitted.	1. Permitted.
	2. Only name and address permitted.	2. Only name and address permitted.	2. Only name and address permitted.
	3. Maximum size is to be (4) square feet.	3. Maximum size is to be (4) square feet.	3. Maximum size is to be (4) square feet.
Marquee ⁵	1. Not permitted.	1. Not permitted.	1. Not permitted.
Projecting	1. Not permitted.	1. Not permitted.	1. Not permitted.
Wall Sign	1. Not permitted.	1. Not permitted.	1. Not permitted.
Window Signs	1. Not permitted.	1. Not permitted.	1. Not permitted.
Sidewalk Signs	1. Not permitted.	1. Not permitted.	1. Not permitted.
Deviations	1. Not permitted.	1. Not permitted.	1. Not permitted.

NOTES:

1. No commercial message allowed on sign, except for a commercial message drawing attention to an activity legally offered on the premises.
2. No commercial message of any kind allowed on sign if such message is legible from any location off the lot on which the sign is located.
3. May include only building name, date of construct, historic data on historic site; must be cut or etched into masonry, bronze or similar material.
4. Only address and name of occupant allowed on sign.
5. If such sign is suspended or projects are above a public right of way; the issuance and continuation of a sign permit shall be condition on the sign owner obtaining and maintaining in force liability insurance for such a sign in such amount as the City Council may reasonably from time to time determine, provided that the amount of such liability insurance shall be at least five hundred thousand dollars (\$500,000) per occurrence per sign.
(Ord. 13-2022. Passed 7-5-22.)

1177.99 VIOLATIONS.

Any of the following shall be a violation of this chapter and shall be subject to the enforcement remedies and penalties provided by this chapter, the Zoning Ordinance and by State law:

- (a) To install, create, erect, or maintain any sign in a way that is inconsistent with any plan or permit governing such sign or the lot on which the sign is located.
- (b) To install, create, construct, or maintain any sign requiring a permit without such permit.
- (c) To fail to remove any sign that is installed, created, erected, or maintained in violation of this chapter, or for which the sign permit has lapsed.
- (d) Each day of continued violation shall be considered a separate violation when applying the penalty portions of this chapter.
- (e) Where signs are not in keeping with the provisions of this chapter, signs may be removed at any time as deemed by the City.
- (f) Whoever violates any provision of this chapter shall be guilty of a minor misdemeanor and shall be fined not more than one hundred dollars (\$100.00). Each day that such violation continues shall constitute a separate offense.
(Ord. 13-2022. Passed 7-5-22.)

CHAPTER 1179
Single Family Planned Residential District (SFPRD)

1179.01	Purpose.	1179.05	Prohibited uses.
1179.02	Application.	1179.06	Procedure.
1179.03	Permitted uses.	1179.07	Development standards.
1179.04	Conditional uses.	1179.08	Golf course community development standards; criteria for approval.

CROSS REFERENCES

Planning and Zoning Commission - see P. & Z. Ch. 1129
 Supplementary district regulations - see P. & Z. Ch. 1171
 Off-street parking and loading - see P. & Z. Ch. 1175

1179.01 PURPOSE.

The City, recognizing that with increased urbanization and population growth comes increased demands for well-organized residential areas which take into account unique natural features, historic preservation, contemporary land use concepts, and a balanced residential environment, hereby provides for the Single Family Planned Residential District to promote the variety and flexibility of land development for single family residential purposes that are necessary to meet these demands while still preserving and enhancing the health, safety and general welfare of the residents of Johnstown.
 (Ord. 12-2022. Passed 7-5-22.)

1179.02 APPLICATION.

The owner of any parcel consisting of ten (10) acres or greater, may submit an application for change in the zoning under the provisions of this chapter of the Zoning Ordinance.
 (Ord. 12-2022. Passed 7-5-22.)

1179.03 PERMITTED USES.

Within the Single Family Planned Residential District (SFPRD) the following uses, developed in strict compliance with the approved development plan and standards, shall be permitted:

- (a) Single family dwelling.
- (b) Accessory buildings and accessory uses incidental to the principal building or use.

- (c) Non-residential uses of a religious, cultural, educational, or recreational nature or character to the extent that they are designed and intended to serve the residents of the Single Family Planned Residential District. Said facilities may be designed to serve adjoining neighborhoods or residents if they are located in such proximity to the major thoroughfares as to permit access without burdening residential streets.
- (d) Temporary non-residential structures such as construction trailers and temporary buildings of a non-residential character may be used incident to construction work on the premises or on adjacent public projects or during the period while a permanent structure is being constructed. The user of said structure shall obtain a permit for such temporary use, which permit shall be valid for six (6) months and may be renewed at the discretion of the zoning inspector on finding of reasonable progress toward completion of the permanent structure or project. The zoning inspector may require provisions for sanitary waste disposal, solid waste disposal and water supply. The fees for such permit and renewals thereof shall be established by the Johnstown City Council. Said temporary structure shall be removed not later than ten (10) days after expiration of said permit, and/or the issuance of the Zoning Certificate of Compliance regarding such permanent structure. In no event shall such temporary structure be utilized for any residential use.
- (e) Golf course community that includes a public or private golf course with all buildings and club houses incident thereto, integrated with residential uses permitted by this Section 1179.03. The golf course shall be subsidiary to the primary residential use of the property.
(Ord. 12-2022. Passed 7-5-22.)

1179.04 CONDITIONAL USES.

Within this zoning district the following uses may be permitted, subject to the conditions and restrictions imposed by the Planning and Zoning Commission pursuant to the provisions of Chapter 1131 of this Planning and Zoning Code. Conditionally permitted uses shall be considered and declared abandoned if said use or uses are not commenced within one (1) year or are discontinued for a period in excess of two (2) years. Unless the Conditional Use Permit specifically provides that the grant shall be permanent and shall run with the land, the sale or conveyance of the land or structure wherein the same is located or upon which the same is granted shall void the Conditional Use Permit and the subsequent owner(s) or his agent shall be required to re-apply for a continuation and/or modification of such use(s) to the Planning and Zoning Commission. A designation by the Planning and Zoning Commission that a permit is permanent and shall run with the land does not affect the right of authorities to revoke the permit for failure to comply with conditions imposed.

- (a) Multi-family development in accordance with Chapter 1151.
- (b) Home occupation in association with a permitted dwelling, and in accordance with Chapter 1173.
- (c) Commercial uses in accordance with Chapter 1169.
- (d) Model Homes, the same being defined as residential-type structures used as sales offices by a builder/developer and to display the builder/developer's product. The same may be furnished within, since its purpose is to display to prospective buyers the builder/developer's features (such as exterior siding treatments, roofing materials, interior trim, moldings, floor coverings, etc.) in the environment of a completed home, and may be staffed by the builder/developer's sales force. Model homes shall be subject to the following restrictions:

- (1) Lighting. All exterior lighting must be "downlighting", so that absolutely no light shall be cast onto adjoining residential properties. All off-street parking areas must be illuminated. All exterior lighting shall be extinguished at the closing time of the model home, except that which is in character with those found on surrounding homes.
 - (2) Parking. All model homes shall provide off- street paved parking for the public. The driveway of the model home may be utilized for not more than two (2) parking spaces.
 - (3) Termination of Use. The use of model homes within a residential subdivision, or within any single phase of a multi-phase subdivision, shall terminate when zoning certificates of compliance have been issued for ninety percent (90%) of the lots therein. The model home must be returned to its original state of a single family dwelling including, but not limited to, architecture, garage, landscaping, driveway and sidewalks.
- (e) Borrow Pit, unless included as a designed wet pond or dry basin in the approved development plan and standards. Otherwise, a borrow pit may be permitted subject to the conditions and restrictions imposed by the Planning and Zoning Commission, provided that it is less than 10,000 square feet in size, in accordance with the following regulations, and provided that such excavation and required rehabilitation shall be completed within one (1) year from the date of issuance of a Certificate of Zoning Compliance.
- (1) The applicant shall clearly state, in the application, their intentions as to rehabilitation of the excavation.
 - (2) No excavation shall be made from the banks or beds of Raccoon Creek or any other such stream or waterway designated as necessary to the Flood Control Program of Licking County and no excavation shall be permitted closer than two hundred (200) feet of either bank of the above named rivers and creeks.
 - (3) Yard Requirements. An excavation shall be located one hundred (100) feet or more and back-filled to one hundred and fifty (150) feet from a street right-of-way line. Excavation shall be no closer than fifty (50) feet to a property boundary line, except with the written consent of said adjacent property owner.
 - (4) No plants or equipment for processing of extracted materials or other ancillary operations shall be permitted.
 - (5) Rehabilitation Plan. Extraction shall be permitted only from areas for which there is a Rehabilitation Plan approved by the Planning and Zoning Commission. All such Rehabilitation Plans shall include the following:
 - A. A grading plan showing existing contours in the area to be extracted and proposed future contours showing the topography of the area after completion. Such plans shall include the surrounding area within five hundred (500) feet of the property boundary line, drawn to an appropriate scale with contour lines at intervals of five (5) feet or less.
 - B. Existing and proposed drainage of the area.
 - C. Details of regrading and revegetation of the site during and at conclusion of the operation.

- D. The banks of all extraction, when not back-filled, shall be sloped at a grade of not less than two (2) feet horizontal to one (1) foot vertical. This slope shall be maintained twenty (20) feet beyond the water line if such exists.
- E. Soil banks shall be graded to a level suiting the existing terrain.
- F. All banks and extracted areas shall be surfaced with at least six (6) inches of suitable soil, except exposed rock surfaces, and shall be planted or seeded with trees, shrubs, legumes or grasses and maintained until the soil is stabilized.
- G. When any extraction has been completed, such area shall either be left as a permanent spring-fed lake or the floor thereof shall be filled and leveled in such manner as to prevent the collection and stagnation of water and to provide proper drainage without excessive soil erosion, and shall otherwise comply with these requirements.
- H. An area to be rehabilitated as a permanent spring-fed lake shall be in compliance with the requirements of Section 21.05 and the provisions of this section. In the event of a conflict between the provisions of Section 21.05 and the provisions of this section, the more restrictive provisions shall control.
- I. An area to be rehabilitated by refilling and grading shall utilize only clean fill, and the use of scrapped wood, tree stumps or construction debris as fill material is prohibited.
- J. All equipment shall be removed within seven (7) days of the completion of the extraction of materials.
(Ord. 12-2022. Passed 7-5-22.)

1179.05 PROHIBITED USES.

Within the Single Family Planned Residential District the following uses shall be prohibited:

- (a) Any use not specifically authorized by the express terms of this chapter of the Planning and Zoning Code.
- (b) Outdoor storage of inoperable, unlicensed or unused motor vehicles for a period exceeding forty-eight (48) hours is prohibited. Said vehicles if stored on the premises shall be enclosed within a building so as not to be visible from any adjoining property or public road.
- (c) No trailer of any type, no boats, no motor homes and no equipment of any type shall be parked in front of the front building line on any parcel within this district for more than twenty-four (24) hours in any ten (10) day period. If a dwelling is located on said lot the building line shall be considered to be the front wall of the dwelling even if said dwelling is located behind the minimum building line established by this code or the restrictions on the plat or subdivision.
- (d) No sales trailers of any type shall be permitted
- (e) Telecommunications towers.
(Ord. 12-2022. Passed 7-5-22.)

1179.06 PROCEDURE.

In addition to any other procedures set out in this chapter, all applications for amendments to the zoning map to rezone property to this district shall follow the procedures hereinafter set forth:

- (a) Application. One or more of the owners or authorized representative of property within an area of contiguous property located within the City may request that the zoning map be amended to include such area in the Single Family Planned Residential District in accordance with the provisions of this Ordinance.
 - (1) The applicant is encouraged to engage in informal consultations with the Planning and Zoning Commission prior to formal submission of a development plan and request for an amendment to the zoning map, it being understood that no statement by officials of the city shall be binding upon either.
- (b) Development Plan. One electronic development plan in PDF format or such other format as is acceptable to the Planning and Zoning Department, shall be submitted with the application, which plan shall include in the text and map form:
 - (1) The size and location of the property proposed to be rezoned to this Single Family Planned Residential District.
 - (2) The general development character of the property proposed to be rezoned to this Single Family Planned Residential District, including the limitations or controls to be placed on residential and related uses, with probable lot sizes, minimum setback requirements and other development features including landscaping.
 - (3) Architectural design criteria for all structures and criteria for proposed signs with proposed control procedures.
 - (4) A lighting plan conforming to the requirements and standards as set forth below.
 - A. A site plan showing location of all exterior light fixtures, controllers and transformers.
 - B. Property boundaries, building location(s), parking lot layout, pedestrian paths, adjacent right-of-way, north arrow and scale.
 - C. Specifications and drawings or photographs for all exterior light fixture types, poles, conduit and appurtenant construction.
 - D. Lamp wattage of all proposed luminaires.
 - E. Information that indicates a minimum light level of 0.5 footcandles at grade in all vehicular use areas and connecting pedestrian paths.
 - F. Cut sheets for all proposed exterior light fixtures and poles.
 - G. Any other information and data reasonably necessary to evaluate the required lighting plan.
 - H. General requirements.
 - 1. All exterior fixtures shall be full cut-off fixtures.
 - 2. No portion of a lamp, reflector, lens, or refracting system may extend beyond the housing or shield so as to be visible from off-site or cause disabling glare.
 - 3. All light fixtures shall be directed downward. Uplighting is prohibited, except for accent lighting for buildings or signs, which may be approved as part of a development plan.

4. Exterior residential lights are exempt from subsections (b)(4)H.1., 2., and 3. above when the initial lumen output does not exceed 2850 lumens (equivalent to a 150 watt incandescent lamp).
5. All outdoor light poles shall be constructed of metal, fiberglass or finished wood.
6. No exposed neon lighting, exposed neon look-alike lighting, exposed light emitting diode (LED) lighting or other exposed tube or tube-type lighting shall be permitted. This prohibition shall extend to and include, but not be limited to, all exterior signage, and signage or other accents placed in a window.
- I. Maximum height requirements. The total height of exterior lighting fixtures shall not exceed a maximum height of twenty (20) feet measured from the finished grade established not closer than fifteen (15) feet to the lighting fixture.
- J. Light pollution standards.
 1. Lighting required exclusively for the illumination of entrance/exit access drives and pedestrian ways from the public right-of-way shall be permitted to illuminate to the far limit of the right-of-way.
 2. Artificially produced light that strays beyond property boundaries shall be considered a public nuisance when intensity levels exceed the following maximum illumination levels at or beyond five (5) feet into the adjoining property:

MAXIMUM LIGHT POLLUTION ILLUMINANCES		
RECEIVING AREA CLASSIFICATION	MAXIMUM HORIZONTAL (FOOTCANDLES) AT GRADE BEYOND THE PROPERTY LINE	MAXIMUM VERTICAL (FOOTCANDLES) AT THE STRUCTURE HEIGHT
Residential	0.4	0.8
Office and Business	2.0	2.0
Industrial	2.0	2.0
Note: When two differing area classifications abut, the lower light level value shall take precedence along the common boundary		

- K. Measurement.
 1. Light levels shall be measured in footcandles with a direct reading, portable light meter. Readings shall be taken only after the cell has been exposed long enough to take a constant reading.
 2. Measurements shall be taken at a height of three and one-half (3.5) feet above the ground.

3. Light uniformity ratios.
 - a. For any one luminary, the light uniformity ratio shall comply with the following ratio: maximum to minimum: 10:1.
 - b. The average light uniformity ratio for all luminaires located on a site shall comply with the following ratio: average to minimum 4:1.
 - L. Exemptions. The following luminaires are exempt from the provisions of this section:
 1. Luminaires required by the Ohio Building Code that operate only in an emergency mode.
 2. Outdoor light fixtures that produce light directly from fossil fuel, such as kerosene lanterns or gas lamps.
 3. Residential low-voltage lighting in residential zoning districts and holiday lighting.
 4. Illuminated poles for governmental or institutional flags.
 5. Lighting required by federal regulation such as, but not limited to communication towers or airports.
 - M. In addition to the provisions of this section, all exterior lighting fixtures shall be installed in conformity with all other applicable provisions of this resolution.
- (5) The proposed provisions for water, sanitary sewer and surface drainage with engineering feasibility studies or other evidence of reasonableness.
 - (6) The proposed traffic patterns showing public and private streets and other transportation facilities, including their relationship to existing conditions, topographically and otherwise.
 - (7) The relationship of the proposed development to existing and probable uses of surrounding areas during the development timetable.
 - (8) Location of schools, parks and other facility sites, if any.
 - (9) The proposed time schedule for development of the site including streets, buildings, utilities and other facilities.
 - (10) If the proposed timetable for development includes developing the property proposed to be rezoned to this Single Family Planned Residential District in phases, all phases to be developed after the first shall be fully described in textual form in a manner calculated to give City officials definitive guidelines for approval of future phases. Each phase, including the first, shall include a minimum of ten (10) acres of property or the whole property, whichever is smaller.
 - (11) The ability of the applicant or applicants to carry forth the development plan by control of the property proposed to be rezoned to this Single Family Planned Residential District and the engineering feasibility of the development plan.
 - (12) Specific statements of divergence from the development standards in Title Seven - Zoning Standards and Special Provisions and/or this Article, or existing city regulations or standards, and the justification therefor. Unless a variation from these development standards is specifically approved the same shall be complied with.
 - (13) Evidence of the applicant's ability to post a bond if the plan is approved assuring completion of public service facilities to be constructed within the project by the developer.

- (14) A site plan at a scale not smaller than one inch (1") equals one hundred (100) feet. Such site plan shall clearly indicate:
 - A. The net density and gross density of the proposed development.
 - B. The design concept of the location, shape, size, and height of existing and proposed buildings.
 - C. The existing and proposed landscape.
 - D. Parking areas.
 - E. Floor areas and elevations of typical units.
 - F. Location and description of adjacent buildings within two hundred (200) feet from the boundary of the proposed development.
 - G. The location and amount and status of required open space.
 - H. Such other material data as may be necessary to evaluate the health, safety and welfare and determine compliance with this Chapter 1179.
- (c) Criteria for Approval. In approving an application for a Single Family Planned Residential District the reviewing authorities shall determine:
 - (1) If the proposed development is consistent in all respects with the purpose, intent and general standards of this Planning and Zoning Code.
 - (2) If the proposed development is in conformity with the comprehensive plan or portion thereof as it may apply.
 - (3) If the proposed development advances the general welfare of the City and the immediate vicinity.
 - (4) The existing and proposed utility services are adequate for the proposed population densities and nonresidential uses proposed.
- (d) Review Procedure. The completed application shall be submitted to the Planning and Zoning Department. Failure to submit a complete application shall result in a refusal of acceptance. The City Planner shall transmit the complete application package to the City Engineer for review, at the price of the applicant. A public hearing shall be held by the Planning and Zoning Commission not more than thirty (30) days from the date of final approval by the City Engineer. The notification requirements for such hearing shall be as set forth in subsection (e) hereof.
- (e) Action by Planning and Zoning Commission. The Commission will provide its recommendation to either approve, approve with conditions, or deny the application to Council within thirty (30) days of the public hearing, unless otherwise requested by the Applicant. Council will schedule a public hearing on the development plan on its agenda for consideration in accordance with Council rules. Council may approve the development plan; approve the development plan with modifications or conditions; or disapprove the development plan. Council may adopt the modifications and conditions, if any, recommended by the Planning and Zoning Commission, in whole or in part, and may add its own modifications and conditions.
- (f) Effect of Approval. The development plan as approved by the Johnstown City Council shall constitute an amendment to the Planning and Zoning Code as it applies to the property included in the approved amendment. The approval shall be for a period of twelve (12) months to allow the preparation of plats required by the City of Johnstown, unless a final plat has already been approved. The

property will revert to Rural Residential (RR) district if no final plat or extension of time has been approved within that time period. Where the property is to be developed in phases, plans for phases subsequent to the first phase shall be submitted in accordance with the timetable in the approved development plan. Any approved plats shall be properly recorded.

- (g) Extension of Time or Modification. An extension of the time limit or a minor change to the approved development plan may be approved by the Johnstown City Council. Such approval shall be given only upon a finding of the purpose and necessity for such change or extension and evidence of reasonable effort toward the accomplishment of the original development plan, and that such change or extension is not in conflict with the general health, welfare and safety of the public or development standards of the district.
- (1) No extension of time shall be granted except on application filed with the City not later than ninety (90) days before the expiration of the then current time limit.
 - (2) Unless approved by a unanimous Ordinance of all the members elected to the Johnstown City Council, adopted at a public meeting, the following shall not be considered to be a minor change to the approved development plan:
 - A. A change in the use or character of the development;
 - B. An increase in overall lot coverage of structures and off-street parking;
 - C. An increase in the density;
 - D. An increase in the problems of traffic circulation and public utilities;
 - E. A reduction in approved open space;
 - F. A reduction of off-street parking and loading space;
 - G. A reduction in required pavement widths;
 - H. A reduction of the acreage in the planned development;
 - I. Any other departure from the approved development plan which is deemed not to be in substantial compliance with the approved development plan.
- (h) Plat Required. In the Single Family Planned Residential District, no use shall be established or changed and no structure shall be constructed or altered until the required subdivision plat has been prepared and recorded in accordance with these regulations. The subdivision plat shall be in accord with the approved development plan and shall include:
- (1) Site arrangement, including building setback lines and space to be built upon within the site; water, fire hydrants, sewer, all underground public utility installations, including sanitary sewers, surface drainage and waste disposal facilities; easements, access points to public rights-of-way, parking areas and pedestrian ways; and property reserved for non-highway service use with indication of the nature of such use.
 - (2) Deed restrictions, covenants, easements and encumbrances to be used to control the use, development and maintenance of the property, the improvements thereon, and the activities of occupants, including those applicable to areas within the tract to be developed for non-residential uses.

- (3) In the event that any public service facilities not to be otherwise guaranteed by a public utility have not been constructed prior to recordation of the plat, the owner of the project shall post a performance bond in favor of the appropriate public officers in a satisfactory amount assuring expeditious completion of said facilities within one (1) year after the recording of said plat. In no event, however, shall any zoning permit be issued for any building or use until such time as the facilities, including but not limited to water, sanitary sewer and surface drainage improvements, and public and private streets, for the phase in which the building or use is located are completed.
- (i) Administrative Review. All plats, construction drawings, restrictive covenants and other necessary documents shall be submitted to the City Manager or their designated technical advisors for administrative review to insure substantial compliance with the development plan as approved.
(Ord. 12-2022. Passed 7-5-22.)

1179.07 DEVELOPMENT STANDARDS.

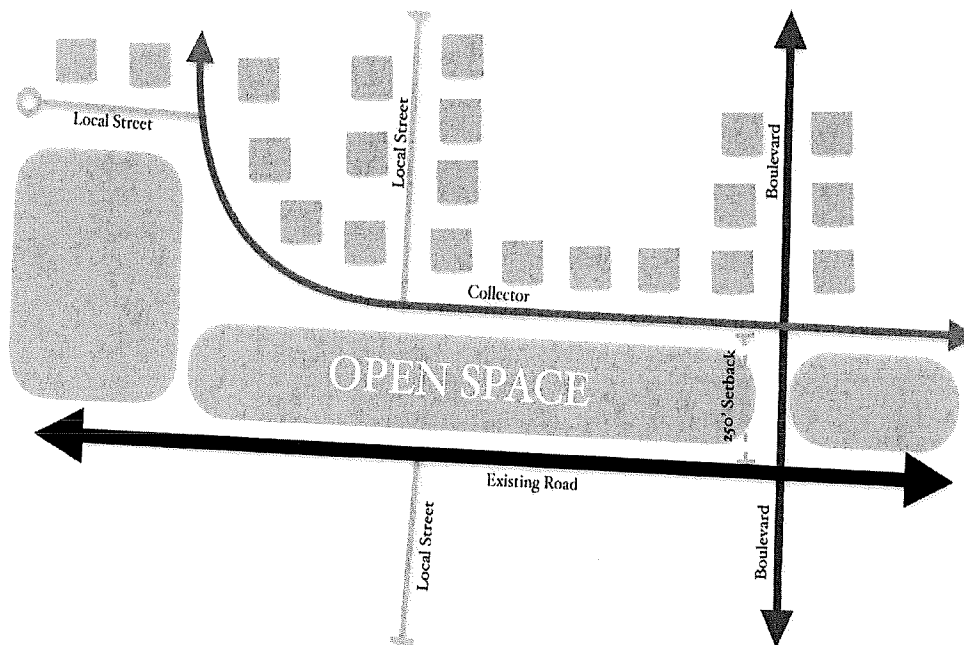
In addition to any other provisions of this chapter the following standards for arrangement and development of lands and buildings are required in the Single Family Planned Residential District.

- (a) Intensity of Use. The maximum density shall be one-half (.5) unit per gross acre of area within the area to be developed.
- (b) Open Space. At least fifty percent (50%) of the total gross acreage of the Single Family Planned Residential District must be devoted to open space. Open space shall be designated upon the development plan as "Maintained Passive Open Space", "Recreational Open Space" and "Unmaintained Passive Open Space" upon the basis of the definitions, purposes, requirements and conditions set forth in this Ordinance, excepting that, notwithstanding anything to the contrary, public or private golf courses, with all buildings and club houses incident thereto, may be designated as "recreational open space" when integrated into a golf course community as permitted by this section. Such open space shall be designed to provide active recreation, passive recreation, the preservation of natural site amenities or any combination thereof. Any buildings, structures and improvements to the open space must be appropriate to the uses which are authorized for the open space, having regard to its topography and unimproved condition. The open space shall be of a size, shape and location which is conducive to use by residents of the property within the Single Family Planned Residential District. Public utility and similar easements, rights-of-way for streets and roads, and right-of-ways for water courses and other similar channels are not acceptable for common open space dedication unless such land or right-of-way is usable as a trail or similar purpose and has been approved by the Zoning Commission. Storm water retention or detention facilities are acceptable for dedication as Maintained Passive Open Space, provided such facilities do not exceed ten percent (10%) of the total open space required. The responsibility for the maintenance of all open spaces shall be specified by the developer in writing before approval of the development plan. The open space reserved in a Single Family Planned Residential District shall be dedicated to, and permanently owned by, a homeowners' association that shall have title to the land for the use of each owner who buys property within the development. Such open space shall be used only for the purposes for which it is designated upon the approved

development plan, and in accordance with the approved development plan. The legal articles relating to the organization of the homeowners' association are subject to review and approval by the Zoning Commission and shall provide adequate provisions for the perpetual care and maintenance of all common areas. Such legal articles shall be inserted into the chain of title of the land within the Single Family Planned Residential District. All open space shall be prohibited from further subdivision or development. This shall be done by placement in a reserve and notation on the final plat or by other declaration or agreement in the chain of title to such property, the same to be in a form acceptable to the city attorney.

- (c) Lot Width. There shall be a lot width of seventy-five (75) feet or more at the front line of the dwelling, and such lot shall have access to and abut on an adjoining approved street or road for a distance of sixty (60) feet or more.
- (d) Lot Depth. There shall be a lot depth of one hundred thirty-five (135) feet or more extending from the front line of the lot to the rear line of the lot.
- (e) Side Yard Setback. No building or structure shall be located closer than twelve and one half (12 1/2) feet to any side lot line, and the total of the side yards shall be twenty-five (25) feet or more.
- (f) Building Setback. No building or use shall be located closer to the right-of-way line or centerline of the adjacent public or private road than thirty (30) feet.
- (g) Rear Yard Requirement. No structure shall be located closer than thirty (30) feet to the rear line of any lot. Children's play sets shall be exempt from this restriction if located at least five (5) feet from the rear line.
- (h) Maximum Lot Coverage. On no lot or parcel in this zoning district shall buildings be constructed which cover more than twenty-five percent (25%) of the lot area.
- (i) Access. A minimum of two forms of ingress and egress are required unless approved by the Planning and Zoning Commission.
- (j) Landscaping. Reference Chapter 1183 for landscaping standards. Landscape plans shall be submitted with the subdivision plat and shall be subject to approval in the same manner required of the subdivision plat. All such landscaping shall be maintained and kept in accordance with the landscape plan as submitted, and such maintenance and upkeep shall be the responsibility of the owner of such yard, space or area. All vacant lots shall be kept seeded or maintained in such manner as to prevent erosion of the property and excess drainage onto adjoining lands.
- (k) Parking. Off street parking shall be provided, at the time of construction of the main structure or building, with adequate provisions for ingress and egress according to the development plan. In preparing and approving the parking plan the provisions of Chapter 1175 shall, when appropriate, be incorporated.
- (l) Signs. Signs shall comply with Chapter 1177. Signs permitted in SR-1, SR-2, UR-1 and UR-2 districts are permitted in PUD districts.
- (m) Building Height Limits. No building in this district shall exceed thirty-five (35) feet in height measured from finished grade established not closer than fifteen (15) feet to the exterior wall of the structure. Barns, silos, grain handling conveyors, church spires, domes, flag poles and elevator shafts, are exempted from any height regulation and may be erected to any safe height.

- (n) **Building Dimensions.** Dwellings shall have a total living area of not less than the minimum set forth below:
- (1) Single-story dwellings - 2,200 square feet;
 - (2) Two-story dwellings - 3,200 square feet;
 - (3) One and one-half story dwellings - 1,800 square feet ground level, 800 square feet additional level;
 - (4) Bilevel, split-level - 2,800 square feet.
- (o) **Transportation Network.** The roadway system within the Single Family Planned Residential District shall follow a hierarchy system of roadway design. Main entrances shall be boulevard style with a landscaped median connected to collector streets and then local streets. There shall be a buffer of 250 feet from the main entrance for the first single family structure. No single family structure shall back up to an existing roadway and shall face the boulevard, collector or local street.



- (p) The Planning and Zoning Commission and/or the Johnstown City Council may impose special additional conditions relating to the development with regard to type and extent of public improvements to be installed; landscaping, development, improvement, and maintenance of common open space; and any other pertinent development characteristics.
(Ord. 12-2022. Passed 7-5-22.)

1179.08 GOLF COURSE COMMUNITY DEVELOPMENT STANDARDS;
CRITERIA FOR APPROVAL.

Except as hereinafter provided, the following development standards for arrangement and development of a Single Family Planned Residential District involving a golf course community shall be in addition to the provisions of Section 1179.07 and any other provisions of this chapter. The following criteria for approval of a Single Family Planned Residential District involving a golf course community shall be in addition to the provisions of Section 1179.06 and any other provisions of this chapter.

(a) Development Standards.

(1) Relationship to Section 1179.07. The entire golf course community shall be developed in accordance with Sections 1179.07(a) and (b), except that, notwithstanding anything contained in Section 1179.07(b) to the contrary:

- A. The golf course, in its' entirety, shall be designated as "recreational open space" on the development plan. The portion of the open space that is intended to be used as a golf course shall be so identified on the development plan and may be leased to a secondary entity for the development of the golf course, but the use shall remain as open space in perpetuity and shall not be conveyed by the homeowner's association to any entity other than the City, if such conveyance is mutually agreed. If the golf course is leased, and the golf course use is abandoned for a continuous period of twelve (12) months or more, the possession of the golf course, including all buildings, structures and improvements, shall revert to the homeowner's association. Unless conveyance to the City occurs, the perpetual care and maintenance of the golf course shall be the ultimate responsibility of the homeowner's association.
- B. Additional open space, beyond that which must otherwise be provided, shall be required if access to the golf course area by residents of the golf course community is restricted or requires payment of a fee, other than mandatory fees uniformly applied and imposed on all property owners within the golf course community as an incident of their ownership of property within the golf course community (i.e., home owner's association fees, assessments, etc.). This open space shall be in addition to the area of the golf course, provided, however, that such additional open space shall not be required to exceed ten percent (10%) of the total gross acreage of the non-golf course portion of the golf course community.
- C. All open space, including the golf course area of the open space, shall be prohibited from further subdivision or development.
- D. Subsections 1179.08 (a)(1)A. and C., shall be implemented by a placement of the golf course area of the open space in a reserve and notation on the final plat, or by other declaration or agreement in the chain of title to such property, the same to be in a form acceptable to the village attorney.

(2) Single Family Portions: Single family areas of a golf course community shall be developed in compliance with the development standards set forth in Sections 1197.07(c) through (p) inclusive.

- (3) Multi-Family Portions: Multi-family areas of a golf course community shall be developed in compliance with the development standards set forth in Chapter 1151.
 - (4) Building and Club House Setback from Residential Lots: All buildings and club houses of the golf course shall be located not less than two hundred (200) feet from any residential lot line.
 - (b) Criteria for Approval: In approving an application for a Single Family Planned Residential District involving a golf course community, the reviewing authority shall determine, in addition to the criteria for approval set forth in Section 1179.06(c):
 - (1) That the proposed development will preserve and enhance the health, safety and general welfare of the inhabitants of Johnstown.
 - (2) That the proposed golf course community will not have an adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking or utility facilities.
 - (3) That the proposed golf course community will be constructed, arranged, and operated so as not to interfere with the present use of the neighboring property.
 - (4) That the proposed golf course community will be served adequately by essential public facilities and services, such as highways, streets, parking spaces, drainage structures, water and sewers, or that the persons or agencies responsible for the establishment of the golf course community will provide adequately for such facilities and services.
 - (5) That the proposed golf course community will not result in the destruction, loss, or damage of any natural, scenic or historic feature of significant importance.
- (Ord. 12-2022. Passed 7-5-22.)

- (6) A statement of the relationship of the proposed nonconforming use to adjacent land use in terms of general compatibility.
- (7) A list of the property owners and their addresses contiguous to and directly across the street(s) from the property for which the nonconforming use is proposed or desired to be continued;
- (8) A plan for the nonconforming use showing such information as the Planning and Zoning Commission may require to determine if the nonconforming use meets the intent requirements of this Zoning Ordinance;
- (9) Any information the Planning and Zoning Commission may request to evaluate the request for a nonconforming use permit;
- (10) The length, duration or time for which such nonconforming use has existed.

1181.08 REVIEW BY PLANNING AND ZONING COMMISSION.

Upon receipt of an application for a nonconforming use permit the Planning and Zoning Commission shall set a date within forty-five days of receipt of the application to review such application.

1181.09 NOTICE.

At least seven days notice shall be given prior to the public hearing and be published in one or more newspapers of general circulation in Johnstown. Property owners as listed under the application shall be notified at least seven days prior to the hearing by registered mail. Such notice shall include the date, place, time and nature of the nonconforming use applied for. The applicant shall post one sign per public street frontage of the subject property indicating the date and time for the hearing. The sign(s) shall be posted at least ten (10) days prior to the hearing. The sign(s) should be purchased at the Johnstown City Offices and will measure no less than two (2) feet by three (3) feet.
(Ord. 33-2021. Passed 8-17-21.)

1181.10 BURDEN OF PROOF.

It shall be the affirmative duty of the applicant to present by the preponderance of evidence sufficient basis to demonstrate the propriety of a nonconforming use permit. The mere application for such permit is not in and of itself sufficient to sustain this burden of proof.

1181.11 MATTERS FOR REVIEW.

The following conditions shall be considered in the public hearing and employed in the review of an application for a nonconforming use permit.

- (a) Whether the nonconforming use is in conformity with the general objectives and specific objectives of this Zoning Ordinance;
- (b) The duration and nature of the nonconforming use;
- (c) Whether the nonconforming use will be constructed, operated or maintained so as to be compatible and appropriate in appearance with the existing or intended character of the neighborhood and zoning district;
- (d) Whether the proposed nonconforming use will create an undue burden of public facilities and services and whether it will be detrimental to the economic welfare of the community;

(e) Whether the proposed use will be hazardous or disturbing to existing or future of permitted uses or entail a use, structure or condition of operation that constitutes a nuisance.

1181.12 PERMIT ISSUANCE.

The Planning and Zoning Commission has the authority to deny, grant or grant with restrictions a nonconforming use permit which shall be effective ten days after the issuance by the Commission. The nonconforming use permit shall authorize at most only the conditional use applied for and such conditional use permit shall automatically continue unless terminated as set forth herein.

1181.13 DURATION.

Nonconforming uses once granted for commercial, industrial or business purposes only, shall not inure to the benefit of the heirs, successors, assigns or purchasers or a nonconforming use permit holder unless the same is applied for as provided herein.

1181.14 RESIDENTIAL USES IN NON-RESIDENTIAL DISTRICTS.

(a) All homes, houses and dwellings used solely for residential purposes, located in non-residential zoned districts, shall be granted the same protections and observe the same guidelines that are provided to and enjoyed by all other residences located in residential zoned districts in the Village of Johnstown.

(b) Applicants whose dwellings are located in a nonresidential zoned district shall be assigned to the residential zoned district whose square footage lot requirements is closest to the square footage of the applicant's lot. (Ord. 20-98. Passed 10-20-98.)

CHAPTER 1183 Landscaping

1183.01	Purpose.	1183.09	Landscaping screening.
1183.02	Definitions.	1183.10	Parking lot landscaping.
1183.03	Preservation of natural features.	1183.11	Landscape materials.
1183.04	Reservation of trees and wooded areas.	1183.12	Wet and dry stormwater basins.
1183.05	Tree removal permit.	1183.13	Undesirable species.
1183.06	Tree replacement.	1183.14	Fences.
1183.07	Procedure.	1183.99	Penalty.
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1183.01 PURPOSE.

The purpose of these landscaping, open space and natural feature requirements is to promote and protect the public health, safety and welfare through the preservation of the environment by recognizing the vital importance of tree growth, green space and sensitive environmental features in the ecological system. It is further the purpose of this section to encourage the effective utilization of landscaping as a buffer between particular land uses, and to minimize noise, air and/or visual pollution and artificial light glare. This section is intended to specifically encourage the preservation and replacement of major or canopy trees removed in the course of a project to:

- (a) Prevent Erosion;
 - (b) Maintain Site Lines;
 - (c) Prevent Water Runoff;
 - (d) Maintain Air Quality;
 - (e) Provide Shade Coverage; and
 - (f) Maintain Wildlife Habitats;.
 - (g) Reduce Noise Pollution; and
 - (h) Reduce Glare for Public Safety.
- (Ord. 08-2022. Passed 5-4-20.)

1183.02 DEFINITIONS

As utilized in this section, the following words and phrases shall have the meaning ascribed herein:

- (a) "Affected Property" means a property where major or canopy trees are proposed for removal or removed.
- (b) "Caliper" is the diameter of the trunk of trees measured in inches at breast height, or four and one half feet above ground.
- (c) "Canopy Tree" means a large tree which provides canopy over streets and other areas, both paved and unpaved. At maturity, such a canopy tree will achieve a canopy spread of forty or more feet in diameter.
- (d) "Crown" means the upper mass or head of a tree.
- (e) "Cultivar" means a cultivated variety of plant material grown for its special form and characteristics.
- (f) "Heavily Wooded Site" means a site which has an existing tree canopy coverage prior to development of forty percent (40%) or greater.
- (g) "Landscaping" means the use of trees, shrubs, grass, ground covers and other plant materials.
- (h) "Major tree" means a living tree with a trunk diameter of not less than six (6) inches, measured twenty-four (24) inches above ground level.
- (i) "Natural Vegetation Areas" means areas existing on a property when a Project is being developed, contemplated, planned, or carried out that contain naturally occurring grasses, mosses, flowers, or other vegetation, but excluding trees.
- (j) "Opacity" means the state of being impervious to rays of light measured by observation of any two (2) square yard area lying between two (2) and ten (10) feet from the ground.
- (k) "Project" means any action(s) that will change the physical features of a property, including but not limited to: landscaping, excavation, or construction.
- (l) "Property" can mean either a single-family lot or an entire development property for a subdivision as long as such property is related to one Project.
- (m) "Registered Professional" means a registered landscape architect or other allied landscape professional, such as an arborist, horticulturist, nurseryman, or forester, certified in their respective field and with experience in plant materials and proper planting design.
- (n) "Two Growing Seasons" means two full summer seasons, with summer ending on September 30 of every year.
(Ord. 08-2022. Passed 5-4-22.)

1183.03 PRESERVATION OF NATURAL FEATURES.

- (a) Landscape Architect shall approve areas to preserve natural vegetation areas.
- (b) If an area is determined to be a wetland, it shall be preserved or mitigated in compliance with Federal regulations.
- (c) All streams with a drainage area greater than fifty (50) acres and their riparian corridors shall be preserved. The corridor width shall be a minimum of 100 feet, with at least twenty-five (25) feet on each side of the centerline of the stream.
- (d) Floodplain areas should be incorporated into the open spaces and are encouraged to be made publicly accessible.
(Ord. 08-2022. Passed 5-4-22.)

1183.04 RESERVATION OF TREES AND WOODED AREAS.

(a) All major or canopy trees shall be preserved unless exempted or subject to a tree removal permit. The City Landscape Architect may approve a tree removal permit for the cutting down, removal or destruction of a major or canopy tree when one of the following applies:

- (1) The tree will be located within a public right-of-way or easement.
- (2) The tree is located within the area to be covered by proposed structures or within twelve feet from the perimeter of structures, and the proposed structures cannot be located in a manner to avoid removal of the tree at the same time permitting desirable and logical development of the lot.
- (3) The tree will be located within a proposed driveway designed to service a single-family home.
- (4) The tree is damaged, diseased or a safety hazard from natural causes.
- (5) The tree is an undesirable species in its present location.
- (6) The tree needs to be removed as part of a project on the property.

(b) Preservation of Wooded Areas. Streets, lots, structures and parking areas should be laid out to avoid the unnecessary destruction of heavily wooded areas or major or canopy trees. Property owners are encouraged to designate heavily wooded areas as park reserves where possible. (Ord. 08-2022. Passed 5-4-22.)

1183.05 TREE REMOVAL PERMIT.

(a) Prior to the removal of any major or canopy tree, a property owner shall apply, and be approved for, a tree removal permit.

(b) An application for a tree removal permit shall be submitted no later than sixty (60) days prior to any proposed tree removal to the City Landscape Architect and shall contain the following information:

- (1) The name and contact information for the applicant and/or their designee for the permitting process;
- (2) The address of the affected property;
- (3) A map outlining the trees on the affected property with designations for those proposed for removal, except for heavily wooded sites where the City Landscape Architect may waive this requirement and require an ariel photo instead; and
- (4) An overview listing the trees proposed for removal including their genus, species, location on the property, and health status as: healthy, diseased, damaged, or dead;
- (5) Any other information that the applicant would like the City Landscape Architect to consider with respect to the mitigation of effects of the environmental degradation from the proposed tree removal.

(c) The City Landscape Architect, or designee, shall review the application information and conduct a site visit to the affected property to determine, under generally accepted arborist practices, the impacts that the project will have on the affected property and the surrounding area as it relates to the factors outlined in Section 1183.01 or any other factors deemed environmentally important by the City Landscape Architect for the particular affected property.

(d) The City Landscape Architect will provide the applicant with a report detailing the number of trees that are likely to mitigate the effects of the proposed tree removal.

(e) Any granted tree removal permit to conditioned upon compliance with Section 1183.06. (Ord. 08-2022. Passed 5-4-22.)

1183.06 TREE REPLACEMENT.

(a) If a tree removal permit has been granted for property, the property owner shall comply with one of the following procedures:

- (1) Affected Property Tree Replacement. Within one year of the project being completed on the affected property, the property owner shall plant replacement trees in the quantity specified under Section 1183.05(d) on the affected property.
- (2) Surrounding Property Tree Replacement. If replacing all major or canopy trees on the affected property would not be feasible, in the City Landscape Architect's sole discretion, the property owner may elect to replace the trees in the quantity outlined in Section 1183.05(d) on a surrounding area property. The City Landscape Architect shall determine whether a proposed property is close enough in proximity to the affected property to be considered a surrounding property such that the effects of the removed tree(s) can be remedied at that location.
- (3) Tree Replacement Fee. Where it is impractical or not feasible, in the City Landscape Architect's sole discretion, to replace the trees on the affected property or a surrounding property the property owner shall pay a tree replacement fee to the Memorial Tree Fund adopted by the City Council. The Memorial Tree Fund is used to support the City's effort to plant and replace trees. The calculated cost will be an amount sufficient to replace the number of trees required to remedy the effects of tree removal as determined in Section 1183.05(d) plus trees.
 - A. Any replacement trees shall have a trunk diameter at planting of at least three inches, measured six inches above the ground level.

(b) Failure to replace a major or canopy tree as required under this section within one year of the project's completion for which the tree removal permit referred to in Section 1183.05 was granted is a violation of the Codified Ordinance, subject to the penalties described in Section 1183.99. (Ord. 08-2022. Passed 5-4-22.)

1183.07 PROCEDURE.

(a) Any person seeking a zoning certificate, a variance, a conditional use permit, subdivision plat approval, development plan approval or site plan approval, shall file with their application a landscaping plan prepared by a registered professional, which, by plot plan and description shall include:

- (1) The location, size and description of landscaping materials proposed to be placed on the lot in order to comply with this chapter.
- (2) The location and size of any structures presently on the lot, and those proposed to be placed on the lot.
- (3) The proposed location and description of screening proposed to be placed on the lot in order to comply with this chapter.

(b) The City Landscape Architect shall approve or disapprove a landscape plan for any conditional use permit, subdivision plat, development plan or site plan application.

(c) The City Landscape Architect shall either approve or disapprove all landscaping plans submitted as part of a Zoning Certificate application within thirty (30) days of their filing. On reviewing the application and receiving suggestions or recommendations from the City Landscape Architect, the applicant may agree to modify their application including the plans and specifications submitted. The Zoning Certificate will not be issued until plans reflecting the agreed upon changes are submitted to the City Landscape Architect. An applicant may appeal a decision of the City Landscape Architect disapproving their landscaping plan to the Planning and Zoning Commission. Notice of appeal must be filed with the City Clerk within 15 days after the decision of the City Landscape Architect is provided to the applicant.

(d) No variance, zoning certificate, development plan approval, site plan approval or conditional use permit shall be granted or issued until final approval of the landscaping plan.

In the event of failure to install the required landscaping, written notice shall be served to the property owner. Such notice shall state that the failure to install the landscaping as required shall result in the forfeiture of approval and that such failure shall be deemed an implied consent for the City to cause said landscape to be installed.

(Ord. 08-2022. Passed 5-4-22.)

1183.08 STREET TREE REQUIREMENTS.

In order to receive a zoning certificate, a variance, a conditional use permit, subdivision plat approval, development plan approval or site plan approval the planting of trees along roadways for all new development shall be required in accordance with the following Street Tree Requirements:

- (a) Deciduous canopy trees (street trees) shall be planted no less than twenty-four (24) feet and no more than thirty-six (36) feet on center unless otherwise approved by the City Engineer.
- (b) Street trees must be planted in the tree lawn, between the sidewalk or leisure trail and the road pavement. Tree lawns shall be a minimum width of six (6) feet.
- (c) Street trees shall be a minimum of three (3) inches caliper (trunk diameter at four and five-tenths (4.5) feet above the ground).
- (d) Any tree on the list of undesirable species in Section 1183.14 shall not be planted as street trees.
- (e) Street trees shall be located so that a twenty-five (25) foot sight triangle is maintained at street intersections.
- (f) Street trees shall be located not less than ten (10) feet from fire hydrants, street lights, and/or utility poles.
- (g) The property owner shall be required to maintain all street trees for a period of two (2) years after the tree is planted and to replace any tree which dies within such two (2) year period.
- (h) Street trees should be of the same genus and species planted continuously along the length of each street.
- (i) No person shall, as a normal practice, top any tree within the public right-of-way. "Topping" means the severe cutting back of limbs within the tree's crown to such a degree so as to remove the normal canopy or disfigure the tree.

- (j) Street tree limbs extending over a sidewalk shall be trimmed to such an extent that no portion of the same shall be less than seven (7) feet above the sidewalk. Tree limbs extending over streets shall be trimmed so that no portion of the same shall interfere with the normal flow of traffic.
- (k) The City, or any licensed utility, shall have the right to, but will not be required to, plant, prune, maintain and remove trees, plants, and shrubs within the established right-of-way lines of all streets, highways, and alleys as may be necessary to ensure public safety, enhance the symmetry and beauty of such public grounds, or remove such trees as may be injurious to sewers, electric power lines, gas lines, water lines or other public improvements.
- (l) No person shall, by any type of construction, reduce the area of a tree lawn within the street right-of-way.
- (m) On all properties within the Downtown area, to avoid interference with pedestrian traffic, only approved street trees may be planted. Such trees shall conform to the size, spacing, and placement of similar trees already in place on adjacent and nearby properties. In addition to the approved street trees, tree wells may also contain flowers or other ground cover plantings.
(Ord. 08-2022. Passed 5-4-22.)

1183.09 LANDSCAPING SCREENING.

(a) Screening of Service Areas. For commercial, industrial, office, institutional and multiple-family uses, all areas used for service, loading and unloading activities shall be screened on those portions of the lot which abut districts where residences are a permitted use. Screening shall consist of walls, landscaped earthen mounds, fences, natural vegetation or an acceptable combination of these elements, provided that screening must be at least seven (7) feet in height. Natural vegetation screening shall have a minimum opaqueness of seventy-five percent (75%) during full foliage. The use of year-round vegetation, such as pines or evergreens, is encouraged. Vegetation shall be planted no closer than three (3) feet to any property line.

(b) Screening of Trash Receptacles. For commercial, industrial, office, institutional, and multiple-family uses, all trash and garbage container systems shall be screened or enclosed by walls, fences, or natural vegetation to screen them from view. Container systems shall not be located in front yards, and shall conform to the side and rear yard pavement setbacks in the applicable zoning district. The height of such screening shall be at least six (6) feet in height. Natural vegetation shall have a maximum opaqueness of seventy-five percent (75%) at full foliage. The use of year-round vegetation, such as pines and evergreens, is encouraged.

(c) Buffering and Screening Requirements. For commercial, industrial, office and institutional uses which abut districts where residences are a permitted use, a buffer zone with a minimum width of twenty-five (25) feet should be created. Such screening within the buffer zone shall consist of natural vegetation planted no closer than three (3) feet to any property line. Natural vegetation shall have an opaqueness of seventy-five percent (75%) during full foliage and shall be a variety which will attain at a minimum ten (10) feet in height within five (5) years of planting.

(d) Maintenance of Shrubbery and Hedges. No shrubbery or hedge shall be planted, in any district, in such a manner that any portion of growth extends beyond the property line. The owner or occupant of property on which there is shrubbery, hedges, or trees so located as to affect the vision of drivers on adjacent streets shall keep shrubbery and hedges trimmed to a maximum of thirty (30) inches in height, and keep trees trimmed so as to avoid creating traffic hazards.

(e) Minimum Trees. The following minimums are required, based upon total ground coverage of structures and vehicular use areas:

- (1) Up to 20,000 square feet: A minimum of one tree per 5,000 square feet of ground coverage and a total tree planting equal to one inch in tree trunk size for every 2,000 square feet of ground coverage.
- (2) Between 20,000 and 50,000 square feet: A minimum of one tree for every 5,000 square feet of ground coverage and a total tree planting equal to ten (10) inches plus one-half inch in tree trunk size for every 2,000 square feet over 20,000 feet in ground coverage.
- (3) Over 50,000 square feet: A minimum of one tree for every 5,000 square feet of ground coverage and a total tree planting equal to twenty-five (25) inches plus one-half inch in tree trunk size for every 4,000 square feet over 50,000 square feet in ground coverage.
(Ord. 08-2022. Passed 5-4-22.)

1183.10 PARKING LOT LANDSCAPING.

(a) Parking Lot Islands.

- (1) Large, unbroken expanses of parking lot shall be avoided. Large lots should be separated into a series of smaller interconnected lots separated by peninsulas or islands. No individual landscape area shall be smaller than 350 square feet.
- (2) For each 100 square feet, or fraction thereof, of parking area, a minimum total of five (5) square feet of landscaped area shall be provided.
- (3) Parking areas should contain a minimum of one deciduous canopy tree for every ten (10) parking spaces.
- (4) Trees used in parking lot islands shall have a clear trunk of at least five (5) feet above the ground, and the remaining areas shall be landscaped with shrubs, or ground cover, not to exceed two feet in height.

(b) Buffering. Parking lots shall be screened from primary streets, residential areas, and open space by a three and five-tenths (3.5) foot minimum height evergreen hedge or masonry wall, or combination of wall and plantings.
(Ord. 08-2022. Passed 5-4-22.)

1183.11 LANDSCAPE MATERIALS.

Landscape materials utilized in meeting requirements of this section should complement the form of existing trees and plantings, as well as the general design and architecture of the developed area. The type of sun or shade should be considered in selecting plant materials. Artificial plants are prohibited. All landscape materials shall be living plants and shall meet the following requirements:

- (a) Quality. All plant material shall conform to the standards of the American Association of Nurserymen and shall have passed any inspections required under state regulations.

- (b) Type. Added landscape elements shall observe and respect the size, placement, character and type of such materials employed on adjacent or nearby properties.
- (c) Deciduous Trees. Trees which normally shed their leaves in the fall shall be species having an average mature crown spread of greater than fifteen (15) feet and having trunks which can be maintained with over five (5) feet of clear wood in areas where visibility is required, except at vehicular use intersections where the clear wood requirement shall be eight (8) feet. A minimum of ten (10) feet overall height, or a minimum caliper (trunk diameter as measured six inches above ground) of at least two (2) inches immediately after planting shall be required. Trees of undesirable species, as listed in Section 1183.07 are prohibited.
- (d) Evergreen Trees. Evergreen trees shall be a minimum of five (5) feet high with a minimum caliper of one and one-half (1 1/2) inches immediately after planting.
- (e) Shrubs and Hedges. Shrubs shall be planted at least two (2) feet in average height when planted and shall conform to opacity and other requirements within four (4) years after planting.
- (f) Vines. Vines shall be at least twelve (12) inches high at planting and generally used in conjunction with walls or fences.
- (g) Grass or Ground Cover. Grass of the fescue (Gramineae) or bluegrass (Poaceae) family shall be planted in species normally grown as permanent lawns, and may be sodded or seeded. In swales or other areas, reducing net or suitable mulch shall be used; nurse grass shall be sown for immediate protection until complete coverage otherwise is achieved. In certain cases, ground cover consisting of rocks, pebbles, sand or similar materials may be approved.
- (h) Maintenance and Installation. All landscaping materials shall be installed in a sound and competent manner, according to accepted, good construction and planting procedures. The owner of the property shall be responsible for the continued proper maintenance of all landscaping materials, and shall keep them in a proper, neat and orderly appearance, free of refuse and debris at all times. All unhealthy or dead plant material installed pursuant to this section shall be replaced within one (1) year.
(Ord. 08-2022. Passed 5-4-22.)

1183.12 WET AND DRY STORMWATER BASINS.

The following regulations shall apply to the design of wet and dry stormwater basins:

- (a) Wet and dry stormwater basins shall be designed by an Engineer in conjunction with a professional engineer to ensure that the basins have a natural shape and are graded and planted in an attractive manner.
- (b) Wet and dry stormwater basins shall be designed in compliance with the ODNR Rainwater and Land Development Manual, latest edition, to meet water quality requirements.
- (c) For safety, maintenance, and aesthetic purposes, wet and dry stormwater basins shall have side slopes (above normal pool elevation) that are generally no steeper than 6:1 and no more gradual than 20:1 (horizontal:vertical).
- (d) The use of fountains and other plainly visible aeration devices shall be subject to the approval of the City Engineer.

- (e) Landscape treatments at the perimeter of wet and dry stormwater basins shall be designed either with maintained turf to the pond's edge or a naturalized planting of native landscape material, subject to approval of the City Engineer. The landscape plantings shall be in large masses and drifts, and shall not include decorative landscape boulders, large mulch beds, or specimen plantings. Under no circumstances shall the landscape design conflict with any of the safety, maintenance, or engineering requirements set forth in the Codified Ordinances or reference documents.
- (f) Temporary on-site wet or dry stormwater basins shall not be subject to the regulations in divisions (a), (b), (c) and (e) of this section. Temporary basins shall either be removed or replaced with a permanent basin prior to acceptance of infrastructure improvements when installed as part of new subdivisions or completion of the final engineering punch list in the case of single site developments. The time frame in which to install a permanent basin may be extended for good cause by the City Manager or their designee. In the case of a time extension, a performance bond must be provided to the City in an amount to cover removal of the temporary basin and installation of the permanent basin. State and Federal safety and engineering regulations apply to all temporary ponds.
(Ord. 08-2022. Passed 5-4-22.)

1183.13 UNDESIRABLE SPECIES.

- (a) In meeting the planting and maintenance requirements of this chapter, the following species of trees shall be considered undesirable species, and shall not be utilized.
 - (1) Box-Elder (*Acer negundo*). (Breakage and insect pests)
 - (2) Silver Maple (*Acer saccharinum*). (Breakage; surface roots)
 - (3) Catalpa (*Catalpa speciosa*). (Messy flowers and seed pods; insect pests)
 - (4) Tulip Tree (*Liriodendrum tulipifera*). (Insect pests; leaves drop in dry periods)
 - (5) Mulberry (*Morus alba*). (Fruit objectionable on street)
 - (6) Poplars (all kinds) (*Populus*). (Breakage; insect pests, disease-prone)
 - (7) Willows (all kinds) (*Salix*). (Breakage; insect and disease-prone; surface roots)
 - (8) Siberian Elm (*Ulmus pumila*). (Breakage)

- (b) No tree planting may interfere with any public utility.
(Ord. 08-2022. Passed 5-4-22.)

1183.14 FENCES.

- All landscaping requirements must be in agreement with Chapter 1185.
(Ord. 08-2022. Passed 5-4-22.)

1183.99 PENALTY.

- Whoever violates any provision of this chapter shall be guilty of a minor misdemeanor and shall be fined not more than one thousand dollars (\$1000.00). Each day that such violation continues shall constitute a separate offense.
(Ord. 08-2022. Passed 5-4-22.)

1187.04 DISTRICT BOUNDARIES.

The Design Review Districts have been defined in the Design Review Districts and Standards Plan and are as follows: Historic Village Center, Corridor and Urban Neighborhood District. A map of the districts can be viewed on page 8 in the Design Review Districts and Standards Plan. New non-residential structures or additions in GCC-1, GCC-2, and LM zoning districts are also subject to the Certificate of Appropriateness requirement.

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1187.05 REVIEW AND APPROVAL AUTHORITY.

The Design Review Board is hereby established to carry out the duties and functions of TITLE NINE. The Design Review Board shall consist of five members. All five members shall be appointed by City Council. At least three members must be residents of the Village of Johnstown, two members may reside outside of the Johnstown municipal limits but must reside within Monroe Township. All members shall be appointed by Council for terms of four years. Initial term lengths shall be staggered so as to provide continuity of membership on the Board. Terms shall begin thirty (30) days after enactment of this legislation. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his/ her predecessor was appointed shall hold office for the remainder of the term.

- (a) Duties and Responsibilities. The Design Review Board shall review Certificate of Appropriateness and Design Plan applications in accordance with this section. The Design Review Board shall also perform any other duties outlined in this code. It shall also be the duty of the Design Review Board:
 - (1) To protect property rights and values;
 - (2) To enhance the built environment, make reports, hold public meetings/hearings and perform all other duties as may be prescribed by Licking County, the Ohio Revised Code (ORC) and this code;
 - (3) To review development proposals as required by this code; and
 - (4) To provide recommendations to the City Council on issues that the Council may refer to the Commission.
- (b) Rules of Procedure. The following Rules of Procedure shall be followed:
 - (1) Quorum Requirement. A quorum of three (3) members, which may include one or more of the "standing alternates", is required to render any decision. A majority of those voting shall prevail.
 - (2) Conduct of Meetings. To implement the purpose of this DRB, certain procedures shall be adopted to include, but not be limited to, a regularly scheduled meeting attended by members of the DRB. Written meeting reviews setting forth decision and findings shall be made. These records shall be preserved as part of the official proceedings for each development proposal. Lastly, the DRB shall generally follow "Robert's Rules of Order" and may prepare and adopt supplemental procedural rules, subject to the approval of the City Council, that will ensure the accomplishment of the stated purpose and promote the efficiency and effectiveness of the design review process. (Ord. 42-2021. Passed 10-19-21.)

1187.06 CERTIFICATE OF APPROPRIATENESS AND DESIGN PLAN REQUIRED.

(a) A Certificate of Appropriateness is required for any new non-residential structure or addition within the Design Districts, as well as GCC-1, GCC-2 and LM zoning districts and any other properties in any other zoning district which are non-conforming uses in that district and shall apply to all environmental changes. A Design Plan is required as part of the Development Plan for any new residential development in Johnstown.

(b) A zoning permit for a structure(s) requiring a Certificate of Appropriateness or Design Plan approval shall be issued only after approval by the Design Review Board.

(c) Exterior work on a structure that requires approval by the Design Review Board shall not commence until approval is granted by the Design Review Board. Should work commence prior to the Design Review Board approval, the property owner shall be subject to penalties per Section 1125.99 of the Planning and Zoning Ordinance.
(Ord. 25-2021. Passed 7-6-21.)

1187.07 PROCEDURE FOR OBTAINING A CERTIFICATE OF APPROPRIATENESS OR DESIGN PLAN APPROVAL.

(a) Applications for the approval of the Certificate of Appropriateness or Design Plan:

- (1) Shall be filed with the City on forms provided by the City;
- (2) Shall include all required supplemental information, including such plans, drawings, specifications and other materials as may be needed by staff or the Design Review Board to make a determination;
- (3) Shall be submitted by the application deadline as established by the City;
- (4) Shall be signed by the applicant and owner attesting to the truth and exactness of all information supplied on the application.

(b) Design Plan Materials for Submission. The materials that may be required for submission as part of the Design Plan include but are not limited to:

- (1) A dimensioned site plan showing existing conditions including all structures, pavement, curb-cut locations, natural features such as tree masses and riparian corridors, and rights-of-way.
- (2) A dimensioned site plan showing the proposed site change including structures, pavement, revised curb-cut locations and landscaping.
- (3) Illustration of all existing building elevations to scale.
- (4) Illustrations of all proposed building elevations to scale.
- (5) Samples of proposed building materials.
- (6) Color samples for proposed roof, siding, etc.
- (7) Illustrations of all existing site signage including wall and ground.
- (8) Illustrations of proposed signage to scale.
- (9) A dimensioned site plan showing location of existing ground mounted signs.
- (10) A dimensioned site plan showing the proposed location of ground mounted signs.
- (11) Samples of proposed sign materials.
- (12) Color samples of proposed sign(s).
- (13) Proposed lighting plan for sign(s).

- (14) The applicant shall post one sign per public street frontage of the subject property within fifteen (15) feet of the curb indicating the subject, date, and time for a public hearing. The sign(s) shall be posted at least ten (10) days prior to the scheduled hearing. The sign(s) should be purchased at the Johnstown City Offices and will measure no less than two (2) feet by three (3) feet.

(c) Staff, including the City Engineer and the City Planner, shall review the submitted materials for completeness and shall:

- (1) If it is found to be complete, place the Certificate of Appropriateness or Design Plan application on the next appropriate Design Review Board agenda; or
- (2) If it is found to be incomplete, reject the application and return, the application and fee to the applicant with an itemization of deficiencies.

(d) Any minor environmental change requires a Certificate of Appropriateness issued by the Village Manager.

(e) Any major or minor environmental change which requires a variance to the requirements of this chapter requires a Certificate of Appropriateness to be issued by the Planning and Zoning Commission.

(f) Design Plan Approval and Issuance of Certificate of Appropriateness. The Design Review Board shall after receipt of reports from the City Planner or City Engineer - determine whether the Certificate of Appropriateness or Design Plan shall be approved, conditionally approved, or disapproved. The application shall not be approved unless the Design Review Board finds that all of the applicable provisions in the Planning and Zoning Ordinance and the Design Review Districts and Standards have been satisfied and that the site plan meets the purpose and intent of this chapter, including the location and configuration of the building(s), landscaping, off-street parking, driveways and site amenities are visually harmonious within the site and its surroundings.

- (1) If the Design Plan is disapproved, the reasons for a disapproving vote shall be stated by those members and it shall be captured in the minutes of the meeting.
 - (2) Design Plans must be approved, conditionally approved or disapproved within thirty (30) working days from the date of receipt. This thirty (30) day period may be extended by the mutual agreement of the Design Review Board and the applicant.
 - (3) Design Plan approval shall be for a period not to exceed eighteen (18) months from the approval date of the Design Plan.
 - (4) If no construction has begun within two (2) years after approval is granted, the approved Exterior Plan shall become null and void.
 - (5) Design Plans approved prior to the adoption of this section, in which work has not commenced, shall become null and void one (1) year after the adoption of this section.
- (Ord. 35-2021. Passed 8-17-21.)

1187.08 CRITERIA FOR EVALUATION OF APPLICATION FOR CERTIFICATION OF DESIGN APPROPRIATENESS.

In considering the appropriateness of any proposed environmental change, including landscaping or exterior signage, the Board or Village staff member shall consider the following, as a part of its review:

- (a) The compliance of the application with the Design Guidelines and Requirements. The proposed environmental change is to comply with the Design Guidelines and Requirements of the Village, incorporated by reference.
- (b) 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.
- (c) The visual and functional components of the building and its site, including but not limited to landscape design and plant materials, lighting, vehicular and pedestrian circulation, and signage.
- (d) 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.
- (e) Each property shall be recognized as a physical record of its historic time, place and use. Alterations that have no historical basis and which seek to create an appearance inconsistent or inappropriate to the original integrity of the property shall be discouraged.
- (f) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
- (g) 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.
- (h) 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.
- (i) 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.
- (j) 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.
- (k) Significant archeological resources affected by a project shall be protected and preserved, if such resources must be disturbed, mitigation measures shall be undertaken.
- (l) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
(Ord. 05-2011. Passed 5-17-11.)

1187.09 DEMOLITION OF STRUCTURES.

In cases where an applicant applies for a Certificate of Appropriateness to demolish a structure, the Planning and Zoning Commission or Village Manager shall grant the demolition and issue a Certificate of Appropriateness when at least one of the following conditions prevails.

- (a) The structure contains no features of architectural and historic significance to the character of the individual precinct within which it is located.
- (b) There exists no reasonable economic use for the structure as it exists or as it might be restored, and that there exists no feasible and prudent alternative to demolition.
- (c) Deterioration has progressed to the point where it is not economically feasible to restore the structure. (Ord. 16-2010. Passed 8-17-10.)

CHAPTER 1195 General Requirements

1195.01	General.	1195.08	Abandoned refrigerators or other airtight containers.
1195.02	Exterior property areas.	1195.09	Sidewalks.
1195.03	Exterior of structure.	1195.10	Standing water; putrid substances.
1195.04	Weeds and grass.	1195.11	Noxious odors.
1195.05	Definitions.	1195.12	Tree trimming.
1195.051	Garbage, junk, litter, ash and rubbish.		
1195.06	Extermination.		
1195.07	Junk motor vehicles.		

1195.01 GENERAL.

(a) Scope. The provisions of this Chapter govern the minimum requirements, conditions, and responsibilities of owners for the exterior maintenance of buildings, dwelling, structures or premises.

(b) Responsibility. The owner of the building, dwelling, structure and/or premises shall be held responsible for the maintenance of exterior of the structures and property in compliance with these requirements, except as otherwise provided for in this Code. Any agreement between the owner and the occupant of a building, dwelling or structure, whether written or oral, whereby the occupant is responsible for keeping the building, dwelling, structure, or any part thereof, in a clean, sanitary and safe condition shall be enforced by the owner and not the Village.

(c) Vacant Structures and Land. All vacant buildings, dwellings, structures, premises and/or vacant land shall be maintained in a clean, safe, secure, and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health, safety or welfare. (Ord. 17-2018. Passed 6-5-18.)

1195.02 EXTERIOR PROPERTY AREAS.

(a) Sanitation. All exterior property and premises shall be maintained in a clean, safe, and sanitary condition.

(b) Grading and Drainage. All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water within any structure located thereon and/or anywhere on the premises, with the exception of detention/retention areas and reservoirs that have been approved by the Village so long as the detention/retention area is functioning properly.

(c) Sidewalks and Driveways. All sidewalks, walkways, stairs, driveways, parking spaces, and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

(d) Rodent Harborage. All buildings, dwelling, structures, premises, and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, approved processes that will not be injurious to human health shall promptly exterminate them. After extermination, proper precautions shall be taken to eliminate the rodent harborage and prevent re-infestation.

(e) Exhaust Vents. Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

(f) Accessory Structures. All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

(g) Gates. Gates which are required to be self-closing and self-latching in accordance with the Building Code shall be maintained in such a manner that the gate will positively close and latch when released from a still position of 6 inches (152 mm) from the gatepost.

(h) Swimming pools. Swimming pools shall be maintained in a clean and sanitary condition and in good repair.

(i) Firewood. Firewood shall be stacked and maintained in a neat and tidy manner.

(j) Defacement of Property. No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any building, dwelling or structure on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

(k) Trailers. No trailer, when loaded with trash, garbage, junk, litter, or damaged/inoperable vehicles shall be parked for a period longer than forty-eight (48) hours, except in a totally enclosed building, or as otherwise approved by the Code Official.

(l) Semi-Trailers. No semi-trailer shall be used as a storage facility, except that semi-trailers parked on construction job sites may be used for storage related to the site, but shall be removed upon completion of the project. No semi-trailer shall be used for the display of signs or banners.

(Ord. 17-2018. Passed 6-5-18.)

1195.04 WEEDS AND GRASS.

(a) Cutting Required.

- (1) The owner(s) of all premises, whether residential, non-residential, commercial or industrial, and whether occupied or vacant, shall cut down and remove therefrom all offensive and noxious weed, vines, and grass of a height of six (6) inches or more, and any and all weeds, vines and grass constituting a threat to the public health, safety, comfort, or welfare.
- (2) It is a prima-facie violation of this section if weeds or grass of a height six (6) inches or more exist on any lot, parcel, or premises within the Village between April 1 and November 1.
- (3) The Village Manager shall cause annual notice to be published, in March of each year, on the Village website, social media, or utility bill notifying Village residents of the requirements of this section.

(b) Notice to Cut.

- (1) When the Code Official determines that such weeds or grass are growing in violation of this section, he shall serve written notice, in accordance with Section 1193.05, upon the owner of the premises upon which such weeds or grass are located, ordering the owner to cut and remove such weeds and/or grass.
- (2) If the address of the owner(s) is unknown, it is sufficient to serve the owner by posting the notice in a conspicuous place in or about the premises which is the subject of the notice.
- (3) Only one notice per calendar year is required per lot, parcel or premises under this section. If, after a notice has been served in accordance with this section, the Code Official determines that a subsequent violation has occurred, the Village may proceed with the remedy set forth in subsection (d) hereof.

(c) Failure to Comply. No owner shall fail to comply with the notice provided for in subsection (b) hereof within five (5) days from the receipt thereof.

(d) Procedure When Owner Fails to Comply.

- (1) If the owner fails to comply with the notice provided for in subsection (b) hereof, the Village shall cause such weeds, grass or other vegetation to be cut and removed.
- (2) The costs incurred by the Village to cut said weeds, grass or other vegetation, including the cost to serve notice, shall be charged to the owner, together with an administrative fee of two hundred dollars (\$200.00). Notice of such assessment shall be served upon the owner in accordance with the notice provision of Section 1193.05(b). If the bill is not paid within ten (10) days after submission to the owner, then the Village's Finance Director shall certify the costs, together with a fifty dollar (\$50.00) penalty, to the Licking County Auditor for placement upon the tax duplicate, to be collected as other taxes are collected for return to the Village.

(e) Responsibility of Adjacent Owner. The owner of each lot adjacent to a street or alley shall be responsible for the area between the curb and the sidewalk, or between the edge of the street and the property line where there is no curb or sidewalk, and the area between the center line of the alley and the property line or the center line of an unimproved street and the property line.

(f) Penalties. The procedure outlined under subsection (d) hereof shall be the exclusive remedy of a violation of this section.
(Ord. 17-2018. Passed 6-5-18.)

1195.05 DEFINITIONS.

As used in this section

- (a) "Ashes" means the residue of combustion of such fuels as wood, coal, coke, charcoal and the like.
- (b) "Curtilage" means an area of a residence or residential structure, between the front door and the sidewalk, where the daily activities of the residence or residential structure take place.
- (c) "Front of house" means the foremost section of a residence or residential structure that faces the street, road, or public access way.
- (d) "Garbage" means all putrescible wastes, including vegetable and animal offal, carcasses of dead animals and the like, but excluding recognized industrial byproducts.
- (e) "Litter" means garbage, trash, waste, rubbish, ashes, cans, bottles, wire, paper, cartons, boxes, automobile parts, furniture, glass or anything else of an unsightly or unsanitary nature.
- (f) "Litter receptacle" means a dumpster, trash can, trash bin, garbage can or similar container in which litter is deposited for removal.
- (g) "Waste" means all trash, rubbish, garbage, offal and other refuse or discarded matter required to be removed from private and public places. It shall not include recognized by-products of any business or industry having commercial value and regularly handled in the ordinary course of business, unless such by-products, or the handling of them, shall become a nuisance or menace to the public health.
(Ord. 32-2021. Passed 9-22-21.)

1195.051 GARBAGE, JUNK, LITTER, ASH AND RUBBISH.

(a) Accumulation of Garbage, Junk, Litter and Rubbish. All exterior properties and premises, the interior of every building, dwelling or structure, shall be kept free from any accumulation of rubbish, junk, litter, ash, or garbage.

(b) Disposal of Garbage, Junk, Ash, Litter and Rubbish. Every owner a building, dwelling or structure shall dispose of all garbage, junk, ash, litter and rubbish in a clean and sanitary manner by placing such materials in approved litter receptacle, and shall require all occupants of said building, dwelling or structure to do the same. Every occupant of a structure shall dispose of waste in a clean and sanitary manner by placing such waste in an approved litter receptacle.

(c) Occupied Buildings, Dwellings, Structures, or Premises. The owner of every occupied building, dwelling, structure or premises shall supply approved, covered litter receptacle for the disposal of garbage, junk, ash, litter and rubbish, and the owner of the premises shall be responsible for the removal of waste.

(d) Garbage Facilities. The owner of every building, dwelling or structure shall supply at least one of the following: An approved mechanical food waste grinder in each dwelling unit; or an approved leak-proof, tightly covered litter receptacle located outdoors and in compliance with subsections described in Section 1195.051.

(e) Litter Receptacle. The owner of every business establishment shall provide, and at all times shall cause the business operator to utilize, approved, leak-proof litter receptacle provided with close-fitting covers for the storage of rubbish, junk, litter, ash, or garbage resulting from said business until removed from the premises for disposal.

(f) Waste, litter, ash, or garbage shall be controlled, and stored in a litter receptacle which shall be located on the side or rear of the home.

(g) All residential litter receptacles must be removed from the right of way (Section 301.32 of the Codified Ordinances) by 11:59 p.m., the day following collection.

(h) Litter receptacles shall be placed curbside no sooner than 12:01 a.m., the day prior to scheduled pickup.

(g) Whoever violates subsection (f) to (h) hereof is guilty of a minor misdemeanor on a first offense and a misdemeanor of the fourth degree for each subsequent offense. (Ord. 32-2021. Passed 9-22-21.)

1195.06 EXTERMINATION.

(a) Infestation. All structures shall be kept free from insect and/or rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent re-infestation.

(b) Responsibility. The owner of any building, dwelling, structure or premises shall be responsible for extermination, and shall be responsible for the continued rodent and pest-free condition of the building, dwelling, structure or premises. Any agreement between the owner and the occupant of a building, dwelling or structure, whether written or oral, whereby the occupant is responsible for keeping the building, dwelling, structure, or any part thereof, free from insect and/or rodent infestation shall be enforced by the owner and not the Village. (Ord. 17-2018. Passed 6-5-18.)

1195.07 JUNK MOTOR VEHICLES.

(a) No person shall maintain a junk motor vehicle, uncovered, in the open, on private property for more than forty-eight (48) hours.

(b) Recording Information. The Code Official shall photograph the junk motor vehicle that is in violation of these regulations, and shall record the make, model, serial number when available, and shall list the damages to the vehicle.

(c) Notice of Violation. The Code Official shall send notice of the violation, in accordance with Section 1193.05, to the owner of the private property upon which the junk motor vehicle is maintained, or the notice may be affixed in a conspicuous place on the exterior of the vehicle. Said notice shall:

- (1) Specify the location of the junk motor vehicle;
- (2) Identify the type of vehicle;
- (3) Specify the time period for removal, which time shall be no less than seven (7) nor more than twenty-one (21) days;
- (4) State the penalty for failure to remove the junk motor vehicle within the time period specified.

(d) Storage of Unlicensed Collector's Vehicles. No unlicensed collector's vehicle shall be maintained on private property unless the vehicle is concealed by means of buildings, fences, suitable vegetation, terrain, or other suitable screening.

(e) Remedies. If the owner fails to comply with the provisions of the section, the Code Official may proceed under Section 1193.04, and in addition to any criminal actions, may abate the nuisance. (Ord. 17-2018. Passed 6-5-18.)

1195.08 ABANDONED REFRIGERATORS OR OTHER AIRTIGHT CONTAINERS.

No person shall abandon, discard, or knowingly permit to remain on premises own or controlled by him any abandoned or discarded refrigerator or other airtight container, or semi-airtight container, except in a completely enclosed and secured building. If such container has been placed on the property for removal by a trash collector, the container shall be secured or otherwise rendered harmless to human life in a manner to prevent any other person from being confined therein. (Ord. 17-2018. Passed 6-5-18.)

1195.09 SIDEWALKS.

(a) Duty to Keep Sidewalks in Repair and Clean: No owner or person having charge of the property shall fail to keep the sidewalks, curbs and gutters on his property in repair and free of snow, ice, leaves, grass clippings, debris, trash, or any other nuisance, unless the owner or occupant has been otherwise directed by a public official in cases such as "Spring Clean Up" or "Fall Leave Pick Up."

(b) No person shall allow any cellar or trap door, coal chute or elevator or lift opening in any sidewalk to remain open without providing suitable safeguards to protect and warn pedestrian traffic of the dangerous condition. (Ord. 17-2018. Passed 6-5-18.)

1195.10 STANDING WATER; PUTRID SUBSTANCES.

(a) No person shall allow or permit stagnant water or putrid substances to be and remain upon his property in a way that is prejudicial to the health, comfort or convenience of any of the citizens of the neighborhood. "Stagnant" means a long-term gathering of water that has no place to drain, not short-term gathering of water in insignificant indentation from ground saturation after a heavy rain.

(b) No person shall fail to remove all obstructions from culverts, covered drains, or private property, laid in any natural watercourse, creek, brook, or branch, which obstructs the water naturally flowing therein, causing it to flow back or become stagnant, in a way that is prejudicial to the health, comfort, or convenience of any of the citizens of the neighborhood.

(c) Should any person fail to comply with any order of the Code Official under this section, the Village may proceed with enforcement in accordance with Ohio R.C. 715.47. (Ord. 17-2018. Passed 6-5-18.)

1195.11 NOXIOUS ODORS.

(a) No person shall erect, continue, use, or maintain a dwelling, building, structure or place for a residence or for the exercise of a trade, employment or business, or for the keeping or feeding of an animal that, by occasioning or emitting noxious exhalations or noisome or offensive smells, becomes injurious to the health, safety or welfare of individual properties or of the public.

(b) No person shall allow or permit offal, filth or noisome substances to be collected or remain upon his property in a way that is prejudicial to the health, comfort, or convenience of any of the citizens of the neighborhood.
(Ord. 17-2018. Passed 6-5-18.)

1195.12 TREE TRIMMING.

No owner of any tree, any part of which overhangs or extends over any part of a public sidewalk or street, shall fail to trim or cause to be trimmed such tree to a height of at least seven feet (7 ft.) over the sidewalk.
(Ord. 17-2018. Passed 6-5-18.)

CHAPTER 1519 Fireworks

1519.01	Definitions.	1519.06	Safety requirements for fireworks showroom structures.
1519.02	Public exhibition permit required; fee; bond; records.	1519.07	Manufacturing or wholesale sale without a license; prohibitions.
1519.03	Unlawful conduct by exhibitor.	1519.08	Purchasers to comply with law; unauthorized purchases.
1519.04	Possession, sale or discharge prohibited; exceptions.	1519.99	Penalty.
1519.05	Application.		

CROSS REFERENCES

Manufacturers to comply with building and zoning ordinances - see Ohio R.C. 3743.06(F)
Wholesalers to comply with building and zoning ordinances - see Ohio R.C. 3743.19(G)
Arrests, seizure of fireworks by certified fire safety inspector - see Ohio R.C. 3743.68
Conflict of Fire Marshal's rules with rules of Ohio Board of Building Standards - see Ohio R.C. 3781.11(D)

1519.01 DEFINITIONS.

As used in this chapter:

- (a) "Beer" and "intoxicating liquor" have the same meanings as in section 4301.01 of the Ohio Revised Code.
- (b) "Booby trap" means a small tube that has a string protruding from both ends, that has a friction-sensitive composition, and that is ignited by pulling the ends of the string.
- (c) "Cigarette load" means a small wooden peg that is coated with a small quantity of explosive composition and that is ignited in a cigarette.
- (d) (1) "1.3G fireworks" means display fireworks consistent with regulations of the United States department of transportation as expressed using the designation "division 1.3" in Title 49, Code of Federal Regulations.
- (2) "1.4G fireworks" means consumer fireworks consistent with regulations of the United States department of transportation as expressed using the designation "division 1.4" in Title 49, Code of Federal Regulations.
- (e) "Controlled substance" has the same meaning as in section 3719.01 of the Ohio Revised Code.

- (f) "Fireworks" means any composition or device prepared for the purpose of producing a visible or an audible effect by combustion, deflagration, or detonation, except ordinary matches and except as provided in section 3743.80 of the Ohio Revised Code.
- (g) "Fireworks plant" means all buildings and other structures in which the manufacturing of fireworks, or the storage or sale of manufactured fireworks by a manufacturer, takes place.
- (h) "Fountain device" means a specific type of 1.4G firework that meets all of the following criteria:
 - (1) It is nonaerial and nonreport producing.
 - (2) It is recognized and manufactured in accordance with sections 3.1.1 and 3.5 of APA standard 87-1 (2001 edition).
 - (3) It is a ground-based or hand-held sparkler with one or more tubes containing a nonexplosive pyrotechnic mixture that produces a shower of sparks upon ignition, with or without additional effects that may include a colored flame, audible crackling effect, audible whistle effect, or smoke.
 - (4) It contains not more than seventy-five grams of the nonexplosive pyrotechnic mixture in any individual tube and not more than five hundred grams or less for multiple tubes.
- (i) "Highway" means any public street, road, alley, way, lane, or other public thoroughfare.
- (j) "Licensed exhibitor of fireworks" or "licensed exhibitor" means a person licensed pursuant to sections 3743.50 to 3743.55 of the Ohio Revised Code.
- (k) "Licensed fountain device retailer" or "licensed retailer" means a person licensed pursuant to section 3743.26 of the Ohio Revised Code.
- (l) "Licensed manufacturer of fireworks" or "licensed manufacturer" means a person licensed pursuant to sections 3743.02 to 3743.08 of the Ohio Revised Code.
- (m) "Licensed wholesaler of fireworks" or "licensed wholesaler" means a person licensed pursuant to sections 3743.15 to 3743.21 of the Ohio Revised Code.
- (n) "List of licensed exhibitors" means the list required by division (C) of section 3743.51 of the Ohio Revised Code.
- (o) "List of licensed manufacturers" means the list required by division (C) of section 3743.03 of the Ohio Revised Code.
- (p) "List of licensed wholesalers" means the list required by division (C) of section 3743.16 of the Ohio Revised Code.
- (q) "Manufacturing of fireworks" means the making of fireworks from raw materials, none of which in and of themselves constitute a fireworks, or the processing of fireworks.
- (r) "Navigable waters" means any body of water susceptible of being used in its ordinary condition as a highway of commerce over which trade and travel is or may be conducted in the customary modes, but does not include a body of water that is not capable of navigation by barges, tugboats, and other large vessels.
- (s) "Novelties and trick noisemakers" include the following items:
 - (1) Devices that produce a small report intended to surprise the user, including, but not limited to, booby traps, cigarette loads, party poppers, and snappers;
 - (2) Snakes or glow worms;
 - (3) Smoke devices;
 - (4) Trick matches.

- (t) "Party popper" means a small plastic or paper item that contains not more than sixteen milligrams of friction-sensitive explosive composition, that is ignited by pulling a string protruding from the item, and from which paper streamers are expelled when the item is ignited.
- (u) "Processing of fireworks" means the making of fireworks from materials all or part of which in and of themselves constitute a fireworks, but does not include the mere packaging or repackaging of fireworks.
- (v) "Railroad" means any railway or railroad that carries freight or passengers for hire, but does not include auxiliary tracks, spurs, and sidings installed and primarily used in serving a mine, quarry, or plant.
- (w) "Retail sale" or "sell at retail" means a sale of fireworks to a purchaser who intends to use the fireworks, and not resell them.
- (x) "Smoke device" means a tube or sphere that contains pyrotechnic composition that, upon ignition, produces white or colored smoke as the primary effect.
- (y) "Snake or glow worm" means a device that consists of a pressed pellet of pyrotechnic composition that produces a large, snake-like ash upon burning, which ash expands in length as the pellet burns.
- (z) "Snapper" means a small, paper-wrapped item that contains a minute quantity of explosive composition coated on small bits of sand, and that, when dropped, implodes.
- (aa) "Trick match" means a kitchen or book match that is coated with a small quantity of explosive composition and that, upon ignition, produces a small report or a shower of sparks.
- (bb) "Wire sparkler" means a sparkler consisting of a wire or stick coated with a nonexplosive pyrotechnic mixture that produces a shower of sparks upon ignition and that contains no more than one hundred grams of this mixture.
- (cc) "Wholesale sale" or "sell at wholesale" means a sale of fireworks to a purchaser who intends to resell the fireworks so purchased.
- (dd) "Licensed premises" means the real estate upon which a licensed manufacturer or wholesaler of fireworks conducts business.
- (ee) "Licensed building" means a building on the licensed premises of a licensed manufacturer or wholesaler of fireworks that is approved for occupancy by the building official having jurisdiction.
- (ff) "Fireworks incident" means any action or omission that occurs at a fireworks exhibition, that results in injury or death, or a substantial risk of injury or death, to any person, and that involves either of the following:
 - (1) The handling or other use, or the results of the handling or other use, of fireworks or associated equipment or other materials;
 - (2) The failure of any person to comply with any applicable requirement imposed by this chapter or any applicable rule adopted under this chapter.
- (gg) "Discharge site" means an area immediately surrounding the mortars used to fire aerial shells.
- (hh) "Fireworks incident site" means a discharge site or other location at a fireworks exhibition where a fireworks incident occurs, a location where an injury or death associated with a fireworks incident occurs, or a location where evidence of a fireworks incident or an injury or death associated with a fireworks incident is found.

- (ii) "Storage location" means a single parcel or contiguous parcels of real estate approved by the state fire marshal pursuant to division (I) of section 3743.04 of the Ohio Revised Code or division (F) of section 3743.17 of the Ohio Revised Code that are separate from a licensed premises containing a retail showroom, and which parcel or parcels a licensed manufacturer or wholesaler of fireworks may use only for the distribution, possession, and storage of fireworks in accordance with this chapter.
(ORC 3743.01)

1519.02 PUBLIC EXHIBITION PERMIT REQUIRED; FEE; BOND; RECORDS.

(a) A licensed exhibitor of fireworks who wishes to conduct a public fireworks exhibition within the Municipality shall apply for approval to conduct the exhibition to the Fire Chief and from the Police Chief or other similar chief law enforcement officer, or the designee of the Police Chief or similar chief law enforcement officer.

The required approval shall be evidenced by the Fire Chief or Fire Prevention Officer and by the Police Chief or other similar chief law enforcement officer, or the designee of the Police Chief or similar chief law enforcement officer, signing a permit for the exhibition, the form for which shall be prescribed by the State Fire Marshal. Any exhibitor of fireworks who wishes to conduct a public fireworks exhibition may obtain a copy of the form from the Fire Marshal or, if it is available, from the Fire Chief, Fire Prevention Officer, Police Chief or other similar chief law enforcement officer, or the designee of the Police Chief or similar chief law enforcement officer.

(b) Before a permit is signed and issued to a licensed exhibitor of fireworks, the Fire Chief or Fire Prevention Officer in consultation with the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall inspect the premises on which the exhibition will take place and shall determine that, in fact, the applicant for the permit is a licensed exhibitor of fireworks. Each applicant shall show the applicant's license as an exhibitor of fireworks to the Fire Chief or Fire Prevention Officer.

The Fire Chief or Fire Prevention Officer and the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall give approval to conduct a public fireworks exhibition only if satisfied, based on the inspection, that the premises on which the exhibition will be conducted allow the exhibitor to comply with the rules adopted by the Fire Marshal pursuant to Ohio R.C. 3743.53(B) and (E) and that the applicant is, in fact, a licensed exhibitor of fireworks. The Fire Chief or Fire Prevention Officer in consultation with the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, may inspect the premises immediately prior to the exhibition to determine if the exhibitor has complied with the rules, and may revoke the permit for noncompliance with the rules.

(c) The Fire Chief or Fire Prevention Officer and the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall not issue a permit until the applicant pays a permit fee of twenty-five dollars (\$25.00) plus any necessary costs of investigation of the applicant and of inspecting the premises on which the exhibition will be conducted.

Each exhibitor shall provide an indemnity bond in the amount of at least one million dollars (\$1,000,000), with surety satisfactory to the Fire Chief or Fire Prevention Officer and to Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, conditioned for the payment of all final judgments that may be rendered against the exhibitor on account of injury, death or loss to persons or property emanating from the fireworks exhibition, or proof of insurance coverage of at least one million dollars (\$1,000,000) for liability arising from injury, death or loss to persons or property emanating from the fireworks exhibition. The Legislative Authority may require the exhibitor to provide an indemnity bond or proof of insurance coverage in amounts greater than those required by this subsection. The Fire Chief or Fire Prevention Officer and Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall not issue a permit until the exhibitor provides the bond or proof of the insurance coverage required by this subsection.

- (d) (1) Each permit for a fireworks exhibition issued by the Fire Chief or Fire Prevention Officer and by the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall contain a distinct number, designate the Municipality, and identify the certified Fire Safety Inspector, Fire Chief or Fire Prevention Officer who will be present before, during, and after the exhibition, where appropriate. A copy of each permit issued shall be forwarded by the Fire Chief or Fire Prevention Officer and by the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, issuing it to the Fire Marshal, who shall keep a record of the permits received. A permit is not transferable or assignable.
- (2) The Fire Chief, Fire Prevention Officer and Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall keep a record of issued permits for fireworks exhibitions. In this list, the Fire Chief, Fire Prevention Officer, Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall list the name of the exhibitor, the exhibitor's license number, the premises on which the exhibition will be conducted, the date and time of the exhibition and the number of the permit issued to the exhibitor for the exhibition.

(e) The governing authority having jurisdiction in the location where an exhibition is to take place shall require that a certified Fire Safety Inspector, Fire Chief, or Fire Prevention Officer be present before, during, and after the exhibition, and shall require the certified Fire Safety Inspector, Fire Chief, or Fire Prevention Officer to inspect the premises where the exhibition is to take place and determine whether the exhibition is in compliance with this chapter and Ohio R.C. Chapter 3743. (ORC 3743.54)

1519.03 UNLAWFUL CONDUCT BY EXHIBITOR.

(a) No licensed exhibitor of fireworks shall fail to comply with the applicable requirements of the rules adopted by the Fire Marshal pursuant to Ohio R.C. 3743.53(B) and (E) or to comply with Divisions (C) and (D) of that section.

(b) No licensed exhibitor of fireworks shall conduct a fireworks exhibition unless a permit has been secured for the exhibition pursuant to Section 1519.02 or if a permit so secured is revoked by the Fire Chief or Fire Prevention Officer in consultation with the Police Chief or other similar chief law enforcement official or a designee of such Police Chief or other similar law enforcement official pursuant to that section.

(c) No licensed exhibitor of fireworks shall acquire fireworks for use at a fireworks exhibition other than in accordance with Ohio R.C. 3743.54 and 3743.55.

(d) No licensed exhibitor of fireworks or other person associated with the conduct of a fireworks exhibition shall have possession or control of, or be under the influence of, any intoxicating liquor, beer or controlled substance while on the premises on which the exhibition is being conducted.

(e) No licensed exhibitor of fireworks shall permit an employee to assist the licensed exhibitor in conducting fireworks exhibitions unless the employee is registered with the Fire Marshal under Ohio R.C. 3743.56. (ORC 3743.64)

**1519.04 POSSESSION, SALE OR DISCHARGE PROHIBITED;
EXCEPTIONS.**

(a) No person shall possess fireworks in this Municipality or shall possess for sale or sell fireworks in this Municipality, except a licensed manufacturer of fireworks as authorized by Ohio R.C. 3743.02 to 3743.08, a licensed wholesaler of fireworks as authorized by Ohio R.C. 3743.15 to 3743.21, a shipping permit holder as authorized by Ohio R.C. 3743.40, a licensed fountain device retailer as authorized by Ohio R.C. 3743.27, a person as authorized by Ohio R.C. 3743.44 and 3743.45, or a licensed exhibitor of fireworks as authorized by Ohio R.C. 3743.50 to 3743.55, or as authorized by any municipal ordinance that is substantially equivalent to any of these statutes, and except as provided in Ohio R.C. 3743.80 or a substantially equivalent municipal ordinance.

(b) Except as provided in subsection (h) and Section 1519.05 or a substantially equivalent municipal ordinance, and except for licensed exhibitors of fireworks authorized to conduct a fireworks exhibition pursuant to Ohio R.C. 3743.50 through 3743.55 or a substantially equivalent municipal ordinance, no person shall discharge, ignite or explode any fireworks in this municipality.

(c) No person shall use in a theater or public hall, what is technically known as fireworks showers, or a mixture containing potassium chlorate and sulphur.

(d) No person shall sell fireworks of any kind to a person under eighteen years of age. No person under eighteen years of age shall enter a fireworks sales showroom unless that person is accompanied by a parent, legal guardian, or other responsible adult. No person under eighteen years of age shall touch or possess fireworks on a licensed premises without the consent of the licensee. A licensee may eject any person from a licensed premises that is in any way disruptive to the safe operation of the premises.

(e) Except as otherwise provided in Ohio R.C. 3743.44, no person, other than a licensed manufacturer, licensed wholesaler, licensed exhibitor, or shipping permit holder, shall possess 1.3 G fireworks.

(f) No person shall negligently discharge, ignite or explode fireworks while in possession or control of, or under the influence of, any intoxicating liquor, beer, or controlled substance.

(g) No person shall negligently discharge, ignite or explode fireworks on the property of another person without that person's permission to use fireworks on that property. (ORC 3743.65)

(h) Purchase, Use and Local Regulation of Consumer-Grade Fireworks.

- (1) Any person who intends to obtain possession in this state of 1.4G fireworks purchased in this state shall obtain possession of the 1.4G fireworks only from a licensed retailer, licensed manufacturer, or licensed wholesaler and shall be subject to subsection (h).
- (2) Any person authorized under subsection (h) to possess 1.4G fireworks in this state may discharge, ignite or explode those fireworks on private property, with authorization from the property owner, on the following days each year:
 - A. January 1st;
 - B. Chinese new year's day;
 - C. May 5th;
 - D. The last Monday in May, and the Saturday and Sunday immediately preceding that day;
 - E. June 19th;
 - F. July 3rd, 4th, and 5th;
 - G. The first Friday, Saturday and Sunday before and after July 4th;
 - H. The first Monday in September, and the Saturday and Sunday immediately preceding that day;
 - I. Diwali;
 - J. December 31st.
- (3) Fireworks discharged, ignited or exploded pursuant to this subsection (h) shall not be considered a public exhibition;
- (4) The municipality may do either of the following:
 - A. Restrict the dates and times a person may discharge, ignite or explode fireworks purchased pursuant to this subsection (h).
 - B. Ban the discharge, ignition or explosion of fireworks purchased pursuant to this subsection (h).
- (5) This subsection (h) does not limit the enforcement of any ordinance, resolution or statute that regulates noise, disturbance of the peace, or disorderly conduct. (ORC 3743.45)

1519.05 APPLICATION.

This chapter does not prohibit or apply to the following:

- (a) The manufacture, sale, possession, transportation, storage or use in emergency situations, of pyrotechnic signaling devices and distress signals for marine, aviation or highway use;
- (b) The manufacture, sale, possession, transportation, storage or use of fusees, torpedoes or other signals necessary for the safe operation of railroads;
- (c) The manufacture, sale, possession, transportation, storage or use of blank cartridges in connection with theaters or shows, or in connection with athletics as signals or for ceremonial purposes;

- (d) The manufacture for, the transportation, storage, possession or use by, or the sale to the armed forces of the United States and the militia of this state, as recognized by the Adjutant General of Ohio, of pyrotechnic devices;
- (e) The manufacture, sale, possession, transportation, storage or use of toy pistols, toy canes, toy guns or other devices in which paper or plastic caps containing twenty-five hundredths grains or less of explosive material are used, provided that they are constructed so that a hand cannot come into contact with a cap when it is in place for explosion, or apply to the manufacture, sale, possession, transportation, storage or use of those caps;
- (f) The manufacture, sale, possession, transportation, storage or use of novelties and trick noisemakers, auto burglar alarms or model rockets and model rocket motors designed, sold and used for the purpose of propelling recoverable aero models;
- (g) The manufacture, sale, possession, transportation, storage or use of wire sparklers.
- (h) The conduct of radio-controlled special effect exhibitions that use an explosive black powder charge of not more than one-quarter pound per charge, and that are not connected in any manner to propellant charges, provided that the exhibition complies with all of following:
 - (1) No explosive aerial display is conducted in the exhibition;
 - (2) The exhibition is separated from spectators by not less than two hundred feet;
 - (3) The person conducting the exhibition complies with regulations of the Bureau of Alcohol, Tobacco and Firearms of the United States Department of the Treasury and the United States Department of Transportation with respect to the storage and transport of the explosive black powder used in the exhibition.

(ORC 3743.80)

1519.06 SAFETY REQUIREMENTS FOR FIREWORKS SHOWROOM STRUCTURES.

- (a)
 - (1) Except as described in subsection (a)(2) of this section, all retail sales of 1.4G fireworks by a licensed manufacturer or wholesaler shall only occur from an approved retail sales showroom on a licensed premises or from a representative sample showroom as described in this section on a licensed premises. For the purposes of this section, a retail sale includes the transfer of the possession of the 1.4G fireworks from the licensed manufacturer or wholesaler to the purchaser of the fireworks.
 - (2) Sales of 1.4G fireworks to a licensed exhibitor for a properly permitted exhibition shall occur in accordance with the provisions of the Ohio Revised Code and rules adopted by the State Fire Marshal under Ohio R.C. Chapter 119. Such rules shall specify, at a minimum, that the licensed exhibitor holds a license under Ohio R.C. 3743.51, that the exhibitor possesses a valid exhibition permit issued in accordance with Ohio R.C. 3743.54, and that the fireworks shipped are to be used at the specifically permitted exhibition.

(b) All wholesale sales of fireworks by a licensed manufacturer or wholesaler shall only occur from a licensed premises to persons who intend to resell the fireworks purchased at wholesale. A wholesale sale by a licensed manufacturer or wholesaler may occur as follows:

- (1) The direct sale and shipment of fireworks to a person outside of this state;
- (2) From an approved retail sales showroom as described in this section;
- (3) From a representative sample showroom as described in this section;
- (4) By delivery of wholesale fireworks to a purchaser at a licensed premises outside of a structure or building on that premises. All other portions of the wholesale sales transaction may occur at any location on a licensed premises.
- (5) Any other method as described in rules adopted by the Fire Marshal under Ohio R.C. Chapter 119.

- (c)
- (1) A licensed manufacturer or wholesaler shall only sell 1.4G fireworks from a representative sample showroom or a retail sales showroom. Each licensed premises shall only contain one sales structure.
 - (2) A representative sample showroom shall consist of a structure constructed and maintained in accordance with the Nonresidential Building Code adopted under Ohio R.C. Chapter 3781 and the Fire Code adopted under Ohio R.C. 3737.82 for a use and occupancy group that permits mercantile sales. A representative sample showroom shall not contain any pyrotechnics, pyrotechnic materials, fireworks, explosives, explosive materials, or any similar hazardous materials or substances. A representative sample showroom shall be used only for the public viewing of fireworks product representations, including paper materials, packaging materials, catalogs, photographs, or other similar product depictions. The delivery of product to a purchaser of fireworks at a licensed premises that has a representative sample structure shall not occur inside any structure on a licensed premises. Such product delivery shall occur on the licensed premises in a manner prescribed by rules adopted by the State Fire Marshal pursuant to Ohio R.C. Chapter 119.
 - (3) If a manufacturer or wholesaler elects to conduct sales from a retail sales showroom, the showroom structures, to which the public may have any access and in which employees are required to work, on all licensed premises, shall comply with the following safety requirements:
 - A. A fireworks showroom that is constructed or upon which expansion is undertaken on and after June 30, 1997, shall be equipped with interlinked fire detection, fire suppression, smoke exhaust, and smoke evacuation systems that are approved by the Superintendent of Industrial Compliance in the Department of Commerce.
 - B.
 1. A fireworks showroom that first begins to operate on or after June 30, 1997, or that resumes operations at any time after a period of inactive status or licensure greater than one year, and to which the public has access for retail purposes shall not exceed 7,500 square feet in floor area.

2. A fireworks showroom that, through construction of a new showroom, expansion of an existing showroom, or similar means, first exceeds 5,000 square feet, to which the public has access for retail purposes, after February 7, 2022, shall be equipped with a sprinkler system that meets the criteria for sprinkler systems in extra hazard (group 2) occupancies under "NFPA 13, Standard for the Installation of Sprinkler Systems (2019 Edition)".
 3. Notwithstanding subsection (d) of this section, the State Fire Marshal may provide a variance to the requirements of subsection (c)(3)B.2. of this section pursuant to Ohio R.C. 3743.59 for a sprinkler system that matches or exceeds the degree of safety provided by a sprinkler system that meets the criteria for sprinkler systems in extra hazard (group 2) occupancies under "NFPA 13, Standard for the Installation of Sprinkler Systems (2019 Edition)".
- C. A newly constructed or an existing fireworks showroom structure that exists on September 23, 2008, but that, on or after September 23, 2008, is altered or added to in a manner requiring the submission of plans, drawings, specifications, or data pursuant to Ohio R.C. 3791.04, shall comply with a graphic floor plan layout that is approved by the State Fire Marshal and Superintendent of Industrial Compliance showing width of aisles, parallel arrangement of aisles to exits, number of exits per wall, maximum occupancy load, evacuation plan for occupants, height of storage or display of merchandise, and other information as may be required by the State Fire Marshal and Superintendent of Industrial Compliance.
- D. A fireworks showroom structure that exists on June 30, 1997, shall be in compliance on or after June 30, 1997, with floor plans showing occupancy load limits and internal circulation and egress patterns that are approved by the State Fire Marshal and Superintendent of Industrial Compliance, and that are submitted under seal as required by Ohio R.C. 3791.04.

(d) The safety requirements established in subsection (c) of this section are not subject to any variance, waiver, or exclusion pursuant to this chapter or any applicable building code.
(ORC 3743.25)

1519.07 MANUFACTURING OR WHOLESALE SALE WITHOUT A LICENSE; PROHIBITIONS.

(a) No licensed manufacturer or licensed wholesaler of fireworks shall knowingly fail to comply with the rules adopted by the State Fire Marshal pursuant to Ohio R.C. 3743.05 and 3743.18 or the requirements of Ohio R.C. 3743.06 and 3743.19.

(b) No licensed manufacturer or licensed wholesaler of fireworks shall fail to maintain complete inventory, wholesale sale and retail records as required by Ohio R.C. 3743.07 and 3743.20, or to permit an inspection of these records or the premises of a fireworks plant or the wholesaler pursuant to Ohio R.C. 3743.08 and 3743.21.

(c) No licensed manufacturer or licensed wholesaler of fireworks shall fail to comply with an order of the State Fire Marshal issued pursuant to Ohio R.C. 3743.01(B)(1) and 3743.21(B)(1) within the specified period of time.

(d) No licensed manufacturer or licensed wholesaler of fireworks shall fail to comply with an order of the State Fire Marshal issued pursuant to Ohio R.C. 3743.08(B)(2) and 3743.21(B)(2) until the nonconformities are eliminated, corrected or otherwise remedied or the seventy-two hour period specified in those divisions has expired, whichever occurs first.

(e) No person shall smoke or shall carry a pipe, cigarette or cigar, or a match, lighter, other flame-producing item, or open flame on, or shall carry a concealed source of ignition into, the premises of a fireworks plant or on the premises of a wholesaler of fireworks, except as smoking is authorized in specified lunchrooms or restrooms by a manufacturer or wholesaler pursuant to Ohio R.C. 3743.06(C) or 3743.19(D).

(f) No person shall have possession or control of, or be under the influence of, any intoxicating liquor, beer, or controlled substance while on the premises of the fireworks plant or on the premises of a wholesaler of fireworks.

(g) No licensed manufacturer of fireworks or licensed wholesaler of fireworks shall negligently fail to furnish a safety pamphlet to a purchaser of 1.4G fireworks as required by Ohio R.C. 3743.47(A).

(h) No licensed manufacturer of fireworks or licensed wholesaler of fireworks shall negligently fail to have safety glasses available for sale as required by Ohio R.C. 3743.47(B). (ORC 3743.60, 3743.61)

1519.08 PURCHASERS TO COMPLY WITH LAW; UNAUTHORIZED PURCHASES.

(a) No person who purchases fireworks in this municipality shall obtain possession of the fireworks in this municipality unless the person complies with Ohio R.C. 3743.44 to 3743.46.

(b) Except for the purchase of 1.4G fireworks made under Section 1519.04, no person who resides in another state and who purchases fireworks in this state shall obtain possession of fireworks in this state other than from a licensed manufacturer or wholesaler, or fail, when transporting 1.3G fireworks, to transport them directly out of this state within seventy-two hours after the time of their purchase.

(c) No person who purchases fireworks in this state under Section 1519.04, shall give or sell to any other person in this municipality fireworks that the person has acquired in this state.
(ORC 3743.63)

1519.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a misdemeanor of the first degree for a first offense and shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than six months or both. (ORC 3743.99(C))



RESOLUTION 2022-31

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE LICKING COUNTY BOARD OF COMMISSIONERS

WHEREAS, on August 18, 2022, bids were received for the City of Johnstown Rolling Meadows Sanitary Sewer Rehabilitation Project; and

WHEREAS, the City of Johnstown Council desires to have the construction costs partially grant funded by American Rescue Plan Act (ARPA) monies from the Licking County Board of Commissioners; and

WHEREAS, City Council and staff have reviewed the financial assistance agreement between the City and Licking County Board of Commissioners; and

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF JOHNSTOWN STATE OF OHIO, AND THE MAJORITY OF THE MEMBERS ELECTED THERETO CONCURRING THAT:

Section One: The City of Johnstown authorizes the City Manager or designee to enter into an agreement with the Licking County Board of Commissioners to grant fund the first \$450,000.00 of construction costs for the Rolling Meadows Sanitary Sewer Rehabilitation Project.

Date of Introduction/Public Hearing/Vote: September 6, 2022

By: _____
Chip Dutcher, Mayor

ATTEST TO:

APPROVED AS TO FORM:

Teresa Monroe, Clerk of Council

Yazan Ashrawi, Law Director



RESOLUTION 2022-32

A RESOLUTION TO TENTATIVELY AWARD A CONSTRUCTION CONTRACT FOR THE CITY OF JOHNSTOWN ROLLING MEADOWS SANITARY SEWER REHABILITATION PROJECT

WHEREAS, on August 18, 2022, bids were received for the City of Johnstown Rolling Meadows Sanitary Sewer Rehabilitation Project; and

WHEREAS, the City of Johnstown wishes to tentatively award a contract to the recommended best bidder, contingent upon receipt of an American Rescue Plan Act (ARPA) grant approval from the Licking County Commissioners; and

WHEREAS, said recommended best bid was submitted by Insight Pipe Contracting, LP in the amount of \$452,820.00

WHEREAS, the Consulting Engineer, PRIME AE Group, Inc. has recommended awarding the bid as detailed above; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Johnstown, Licking County, Ohio as follows:

Section One: Johnstown City hereby tentatively awards the construction of the City of Johnstown Rolling Meadows Sanitary Sewer Rehabilitation project to Insight Pipe Contracting, LP, for a contract amount of \$452,820.00, award contingent upon Licking County Commissioners concurrence with the award and availability of funding.

Section Two: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council and that meetings of any of its committees that resulted in such formal action were meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code and the Charter of the CITY OF JOHNSTOWN.

Date of Introduction/ Public Hearing/Vote: September 6, 2022

By: _____

Chip Dutcher, Mayor

ATTEST TO:

APPROVED AS TO FORM:

Teresa Monroe, Clerk of Council

Yazan Ashrawi, Law Director



Columbus Office

8415 Pulsar Place | Suite 300 | Columbus, Ohio 43240
P: 614.839.0250 | F: 614.839.0251

August 30, 2022

Jack Liggett
City Manager
City of Johnstown
599 South Main Street
Johnstown, Ohio 43031

RE: Rolling Meadows Sanitary Sewer Rehabilitation

Dear Mr. Liggett,

Bids for the above referenced project were received and opened on August 18, 2022. Upon review of all submitted bids, PRIME AE determined all bids were responsive. All the bids received were below the Engineer's Estimate of \$621,840.00 as follows:

- Insight Pipe Contracting with a total bid of \$452,820.00
- Insituform Technologies with a total bid of \$522,300.00
- United Survey with a total bid of \$620,900.00

PRIME AE has reviewed the Contractor's Qualification Statement and references submitted by the bidder relating to work performed by the Contractor within the past two years and we find that the bidder is well qualified to perform this work.

It is the professional engineering opinion of PRIME AE that the apparent low has sufficiently complied with the Project Manual requirements. There does not appear to be significant procedural, technical, or administrative restrictions in awarding the subject Contract.

The lowest initial costs for the City of Johnstown would be to award the Contract to:

Insight Pipe Contracting, LP
232 E. Lancaster Road
Harmony, PA 16037
Base Bid \$452,820.00

If you have any questions, or require further information regarding this matter, please contact our office.

Sincerely,

PRIME AE Group, Inc.

Mark Buchenic, P.E.
Vice President | Water/Wastewater

Atch: Bid Evaluation

CC: Sean Staneart, City of Johnstown
Rick Fitch, City of Johnstown
Adam Roethermel, PRIME AE Group



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CITY OF JOHNSTOWN
ROLLING MEADOWS SANITARY SEWER REHABILITATION
BID TABULATION, OPENED 08/18/2022

				Engineer's Estimate		Insight Pipe Contracting, LP 232 E. Lancaster Road Harmony, Pennsylvania 16037					
Item No.	Description	Qty	Unit			Unit Labor	Unit Material	Total Unit	Total Labor	Total Material	Extended Total
1	8" Sanitary CIPP	6,700	LF	\$ 46.00	\$ 308,200.00	\$ 29.00	\$ 12.00	\$ 41.00	\$ 194,300.00	\$ 80,400.00	\$ 274,700.00
2	Manhole Rehabilitation	38	EA	\$ 2,500.00	\$ 95,000.00	\$ 930.00	\$ 1,310.00	\$ 2,240.00	\$ 35,340.00	\$ 49,780.00	\$ 85,120.00
3	Open-Cut Point Repair (Contingency)	10	EA	\$ 9,000.00	\$ 90,000.00	\$ 5,300.00	\$ 2,200.00	\$ 7,500.00	\$ 53,000.00	\$ 22,000.00	\$ 75,000.00
4	Mobilization	1	LS	\$ 20,000.00	\$ 20,000.00	\$ 16,500.00	\$ -	\$ 16,500.00	\$ 16,500.00	\$ -	\$ 16,500.00
5	Maintaining Traffic	1	LS	\$ 5,000.00	\$ 5,000.00	\$ 1,500.00	\$ -	\$ 1,500.00	\$ 1,500.00	\$ -	\$ 1,500.00
	Contingency (5%)				\$ 51,820.00						
	General Conditions, Bonds, and Insurance (10%)				\$ 51,820.00						
								TOTAL:	\$ 300,640.00	\$ 152,180.00	
BIDDER'S TOTAL				\$621,840.00		\$452,820.00					
% DIFFERENCE FROM ENGINEER'S ESTIMATE						-27.18%					
CHECKLIST ITEMS											
Bid Form						Yes					
Proposal Bid Form						Yes					
Addendum Acknowledgements						Yes					
Bid Security Form (Bid Bond)						Yes					
Bonding Company						The Cincinnati Insurance Company					
Bidder's Qualifications						Yes					
Surety's Power of Attorney						Yes					
Certification of Authourization to do Business in Ohio (if applicable)						Yes					
ARPA REQUIREMENTS											
Licking County Mandated Affirmations						Yes					
Certification /Affidavit in Compliance with R.C. 3517.13						Yes					
ODPS Division of Homeland Security Form 0038						Yes					
EEO Certification						Yes					
State Finding for Recovery Search						Yes					
Federal Debarment Search						Yes					
W-9						Yes					
BWC Certificate						Yes					

CITY OF JOHNSTOWN
ROLLING MEADOWS SANITARY SEWER REHABILITATION
BID TABULATION, OPENED 08/18/2022

Item No.	Description	Qty	Unit	Engineer's Estimate		Insituform Technologies, LLC 580 Goddard Avenue Chesterfield, Missouri 63005					
				Unit Cost	Extended Total	Unit Labor	Unit Material	Total Unit	Total Labor	Total Material	Extended Total
1	8" Sanitary CIPP	6,700	LF	\$ 46.00	\$ 308,200.00	\$ 30.60	\$ 20.40	\$ 51.00	\$ 205,020.00	\$ 136,680.00	\$ 341,700.00
2	Manhole Rehabilitation	38	EA	\$ 2,500.00	\$ 95,000.00	\$ 1,320.00	\$ 880.00	\$ 2,200.00	\$ 50,160.00	\$ 33,440.00	\$ 83,600.00
3	Open-Cut Point Repair (Contingency)	10	EA	\$ 9,000.00	\$ 90,000.00	\$ 600.00	\$ 400.00	\$ 1,000.00	\$ 6,000.00	\$ 4,000.00	\$ 10,000.00
4	Mobilization	1	LS	\$ 20,000.00	\$ 20,000.00	\$ 36,000.00	\$ 24,000.00	\$ 60,000.00	\$ 36,000.00	\$ 24,000.00	\$ 60,000.00
5	Maintaining Traffic	1	LS	\$ 5,000.00	\$ 5,000.00	\$ 16,200.00	\$ 10,800.00	\$ 27,000.00	\$ 16,200.00	\$ 10,800.00	\$ 27,000.00
	Contingency (5%)				\$ 51,820.00						
	General Conditions, Bonds, and Insurance (10%)				\$ 51,820.00						
								TOTAL:	\$ 313,380.00	\$ 208,920.00	
BIDDER'S TOTAL				\$621,840.00		\$522,300.00					
% DIFFERENCE FROM ENGINEER'S ESTIMATE						-16.01%					
CHECKLIST ITEMS											
Bid Form						Yes					
Proposal Bid Form						Yes					
Addendum Acknowledgements						Yes					
Bid Security Form (Bid Bond)						Yes					
Bonding Company						Travelers Casualty and Surety Company of America					
Bidder's Qualifications						Yes					
Surety's Power of Attorney						Yes					
Certification of Authourization to do Business in Ohio (if applicable)						Yes					
ARPA REQUIREMENTS											
Licking County Mandated Affirmations						Yes					
Certification /Affidavit in Compliance with R.C. 3517.13						Yes					
ODPS Division of Homeland Security Form 0038						Yes					
EEO Certification						Yes					
State Finding for Recovery Search						Yes					
Federal Debarment Search						Yes					
W-9						Yes					
BWC Certificate						Yes					

CITY OF JOHNSTOWN
ROLLING MEADOWS SANITARY SEWER REHABILITATION
BID TABULATION, OPENED 08/18/2022

Item No.	Description	Qty	Unit	Engineer's Estimate		United Survey, Inc. 25145 Broadway Avenue Oakwood Village, OH 44146					
				Unit Cost	Extended Total	Unit Labor	Unit Material	Total Unit	Total Labor	Total Material	Extended Total
1	8" Sanitary CIPP	6,700	LF	\$ 46.00	\$ 308,200.00	\$ 25.00	\$ 20.00	\$ 45.00	\$ 167,500.00	\$ 134,000.00	\$ 301,500.00
2	Manhole Rehabilitation	38	EA	\$ 2,500.00	\$ 95,000.00	\$ 2,150.00	\$ 2,150.00	\$ 4,300.00	\$ 81,700.00	\$ 81,700.00	\$ 163,400.00
3	Open-Cut Point Repair (Contingency)	10	EA	\$ 9,000.00	\$ 90,000.00	\$ 7,500.00	\$ 7,500.00	\$ 15,000.00	\$ 75,000.00	\$ 75,000.00	\$ 150,000.00
4	Mobilization	1	LS	\$ 20,000.00	\$ 20,000.00	\$ 5,000.00	\$ -	\$ 5,000.00	\$ 5,000.00	\$ -	\$ 5,000.00
5	Maintaining Traffic	1	LS	\$ 5,000.00	\$ 5,000.00	\$ 1,000.00	\$ -	\$ 1,000.00	\$ 1,000.00	\$ -	\$ 1,000.00
	Contingency (5%)				\$ 51,820.00						
	General Conditions, Bonds, and Insurance (10%)				\$ 51,820.00						
								TOTAL:	\$ 330,200.00	\$ 290,700.00	
BIDDER'S TOTAL				\$621,840.00		\$620,900.00					
% DIFFERENCE FROM ENGINEER'S ESTIMATE						-0.15%					
CHECKLIST ITEMS											
Bid Form						Yes					
Proposal Bid Form						Yes					
Addendum Acknowledgements						Yes					
Bid Security Form (Bid Bond)						Yes					
Bonding Company						Evergreen National Indemnity Company					
Bidder's Qualifications						Yes					
Surety's Power of Attorney						Yes					
Certification of Authourization to do Business in Ohio (if applicable)						Yes					
ARPA REQUIREMENTS											
Licking County Mandated Affirmations						Yes					
Certification /Affidavit in Compliance with R.C. 3517.13						Yes					
ODPS Division of Homeland Security Form 0038						Yes					
EEO Certification						Yes					
State Finding for Recovery Search						Yes					
Federal Debarment Search						Yes					
W-9						Yes					
BWC Certificate						Yes					



**AN ORDINANCE ADOPTING WAGE AND SALARY STRUCTURES FOR
THE CITY OF JOHNSTOWN**

WHEREAS, Section 3.01 of the City Charter provides Council with the power to set forth wage and salary structures for all classified and unclassified positions within the City;

WHEREAS, Council has determined, upon recommendation of the City Manager, that the wage and salary structures should be adopted by Ordinance;

NOW, THEREFORE, be it ordained by the Council for the CITY OF JOHNSTOWN, Licking County, Ohio, as follows:

Section One. That wage and salary structures for employees is hereby adopted as follows; additions are *italicized*, deletions are ~~struck~~.

DEPARTMENT/POSITION	Hourly/Salary	Minimum	Maximum
Administrative			
City Manager	Contract		
Assistant City Manager	Salary	58,200.00	115,000.00
Administrative Assistant—PT	Hourly	13.50	21.00
Clerk of Council / Exec. Assistant	Salary	40,000.00	60,000.00
Finance Department			
Finance Director	Salary	55,000.00	108,700.00
Account Payable Clerk—PT	Hourly	13.50	20.00
Utility Billing Clerk—FT	Hourly	14.50	21.00
Utility Billing Clerk—PT	Hourly	13.50	20.00
Development Department			
Economic Development Director	Salary	55,000.00	108,700.00
City Planner	Salary	48,000.00	78,900.00
Zoning Administrator	Salary	35,000.00	60,000.00
Zoning Inspector—PT	Hourly	13.50	21.00
Human Resources			
Human Resources Director	Salary	55,000.00	108,700.00
Police Department			
Chief	Salary	55,000.00	108,700.00
Deputy Chief	Salary	48,000.00	78,900.00
Sergeant	Hourly	31.63	37.36
Patrolman—FT	Hourly	20.47	33.04
Patrolman—PT	Hourly	20.47	33.04
Dispatcher—FT	Hourly	14.50	23.00
Dispatcher—PT	Hourly	14.50	18.50
Mayors Court Clerk	Hourly	15.00	24.00
<i>Mayor's Court</i>			
<i>Mayors Court Clerk</i>	Hourly	15.00	24.00

Public Service Department			
<i><u>Service Director of the Water, Sewer, & Street Department</u></i>	<i><u>Salary</u></i>	<i><u>55,000.00</u></i>	<i><u>125,900.00</u></i>
Chief Street Supervisor	Salary	55,000.00	108,700.00
Chief Wastewater Operator	Salary	55,000.00	108,700.00
Chief Water Operator	Salary	55,000.00	108,700.00
Utility Operator Class III	Hourly	31.63	37.36
Utility Operator Class II	Hourly	25.50	35.00
Utility Operator Class I	Hourly	22.00	29.50
Utility Laborer	Hourly	18.00	25.00
Utility Laborer – PT	Hourly	15.50	20.50
Utility Laborer with CDL and/or Distribution License	Hourly	19.50	26.50

FT – Full time

PT – part time

CDL – Commercial Driver’s License

Section Two. The City Manager has the authority to establish a pay rate and change an employee’s compensation within the wage structure based upon City Finances, an employee’s level of education and performance, attendance, certification/licensure, knowledge, skills and abilities, variety and scope of responsibilities, physical and mental demands and other such attributes the City Manager considers necessary for the position.

Section Three. All prior legislations, or any parts thereof, which is/are inconsistent with this Ordinance is/are hereby repealed as to the inconsistent parts thereof.

Section Four. It is found and determined that all formal actions of Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that meetings of any of its committees that resulted in such formal action where meetings are open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code and the Charter for the CITY OF JOHNSTOWN.

By: _____

Introduction/First Reading: September 6, 2022

Public Hearing/Vote: September 20, 2022

Effective Date:

Mayor Chip Dutcher

ATTEST TO:

APPROVED AS TO FORM:

Teresa Monroe, Clerk of Council

Yazan Ashrawi, Law Director