

## City of Oberlin, Ohio

### ORDINANCE No. 11-35 AC CMS

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

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

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

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

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

SECTION 1: The editing, arrangement and numbering or renumbering of the following ordinances and parts of ordinances are hereby approved as parts of the various component codes of the Codified Ordinances of the City of Oberlin, so as to conform to the classification and numbering system of the Codified Ordinances:

<u>Ord. No.</u>	<u>Passage Date</u>	<u>C.O. Section</u>
10-36AC	6-21-10	351.99
10-71AC	2-22-11	795.01 to 795.03
11-07AC	2-22-11	1111.01, 1111.06, 1323.08

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 That the following sections and chapters are hereby added, amended or repealed as respectively indicated in order to comply with current State law:

#### Traffic Code

333.01	Driving or Physical Control While Under the Influence. (Amended)
335.01	Driver's License or Commercial Driver's License Required. (Amended)
335.02	Permitting Operation Without a Valid License. (Amended)
335.07	Driving Under License Suspension or Restriction. (Amended)
335.12	Stopping After Accident Upon Streets. (Amended)
335.13	Stopping After Accident Upon Property Other Than Street. (Amended)
337.28	Use of Sunscreening Materials. (Amended)
337.29	Bumper Heights. (Amended)

General Offenses Code

501.99	Penalties for Misdemeanors. (Amended)
517.01	Gambling Definitions. (Amended)
517.02	Gambling. (Amended)
517.06	Methods of Conducting a Bingo Game. (Amended)
517.07	Instant Bingo Conduct. (Amended)
529.07	Open Container Prohibited. (Amended)
537.10	Telecommunication Harassment. (Amended)
537.11	Threatening or Harassing Telephone Calls. (Repealed)

Fire Prevention Code

1519.04	Possession, Sale or Discharge Prohibited. (Amended)
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SECTION 3. The complete text of the sections of the Codified Ordinances listed above are set forth in full in the current Replacement Pages to the Codified Ordinances which are hereby attached to this ordinance as Exhibit A. Any summary publication of this ordinance shall include a complete listing of these sections. Notice of adoption of each new section by reference to its title shall constitute sufficient publication of new matter contained therein.

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

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

PASSED: 1st Reading – May 2, 2011 (Suspension of 3 Readings)  
 2nd Reading –  
 3rd Reading –

ATTEST:



BELINDA B. ANDERSON, CMC  
 CLERK OF COUNCIL



KENNETH SLOANE  
 PRESIDENT OF COUNCIL

POSTED: 05/03/2011

EFFECTIVE DATE: 06/01/2011

INSTRUCTIONS FOR INSERTING  
2011 REPLACEMENT PAGES  
FOR THE  
CODIFIED ORDINANCES OF OBERLIN

All new replacement pages bear the footnote "2011 Replacement". Please discard old pages and insert these new replacement pages immediately as directed in the following table.

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Insert New Pages

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

**Complete to February 22, 2011**

CERTIFICATION

We, Kenneth Sloane, President, and Belinda B. Anderson, Clerk of the Council, of the City of Oberlin, Ohio, pursuant to Section IX of the City Charter and Ohio R.C. Sections 731.23 and 731.42, hereby certify that the general and permanent ordinances of the City of Oberlin, Ohio, as revised, arranged, compiled, numbered, codified and printed herewith in component codes, are correctly set forth and constitute the Codified Ordinances of the City of Oberlin, Ohio, 1977, complete to February 22, 2011.

/s/ Kenneth Sloane  
President

/s/ Belinda B. Anderson  
Clerk of Council

CITY OF OBERLIN  
ROSTER OF OFFICIALS  
(2011)

COUNCIL

Kenneth Sloane, President  
Sharon Soucy, Vice President

Scott Broadwell  
Bryan Burgess  
Elizabeth Meadows  
Charles Peterson  
Kate Pilacky

OFFICIALS

Eric P. Norenberg  
Eric R. Severs  
Salvatore Talarico, CPFA  
Belinda B. Anderson  
Thomas A. Miller  
Dennis Kirin  
Jeffrey Baumann  
Gary Boyle  
Steve Dupee  
Darlene Colaso

City Manager  
Law Director  
Finance Director  
Clerk of Council  
Police Chief  
Fire Chief  
Public Works Director  
Director of Planning and Development  
Director, OMLPS  
Assistant City Manager/HR  
Administrator

THE WALTER H. DRANE COMPANY  
expresses its appreciation to

ERIC R. SEVERS, ESQ.  
Law Director

and

BELINDA B. ANDERSON  
Clerk of Council

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



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## CHARTER OF THE CITY OF OBERLIN, OHIO

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EDITOR'S NOTE: The Charter of the City of Oberlin was originally adopted by the electors on November 2, 1954. Dates appearing in parentheses following a section heading indicate that the section was subsequently amended, enacted or repealed on the date given.

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C. Zoning Board of Appeals. Council shall appoint a Zoning Board of Appeals. The Zoning Board of Appeals shall have such powers and duties as are or may be conferred upon it by the general laws of the State of Ohio, and such powers as may be conferred upon it by Council, including but not limited to appeals from refusal of building permits, and shall have the authority to permit exceptions to or variations from the Zoning Code.

D. Public Utilities Commission. Council shall appoint a Public Utilities Commission. The Public Utilities Commission shall serve as an advisory body to the Council on any and all questions concerning the financing, maintenance, operation and improvement of the public utilities serving the Municipality, both privately and municipally owned.

E. City Planning Commission. Council shall appoint a City Planning Commission. The City Planning Commission shall have such powers and duties as are or may be conferred upon it by the general laws of the State of Ohio, and such powers as may be conferred upon it by Council, including but not limited to the plan, design, location, removal, relocation, widening, extension, and vacation of streets, parkways, playgrounds and other public places; the approval of plats for subdivision of land; and the zoning of the Municipality for any lawful purpose. The Commission should constantly endeavor to formulate plans for the future physical development of the Municipality. (Amended 11-2-04)

F. Recreation Commission. Council shall appoint a City Recreation Commission. The City Recreation Commission shall serve as an advisory body to the Council on any and all questions concerning the operation and improvement of City recreation programs. (Amended Nov. 7, 1972)

G. Civil Service Commission. Council shall appoint a Civil Service Commission. The Commission shall keep minutes of its proceedings and records of its examinations, make investigations concerning the enforcement of the Civil Service provisions of this Charter and report annually to Council.

The Commission shall conduct practical and impartial examinations, provide a list of eligible employees and arrange for promotions within the Classified Service, which shall comprise all positions not specifically included by this Charter in the Unclassified Service.

The Unclassified Service shall include:

- (1) Officers elected by the people
- (2) The City Manager
- (3) Appointive positions, commissions and boards
- (4) Heads of departments, including the Police Chief and Fire Chief
- (5) Administrative assistants to appointive and elective officials, department heads and boards or commissions.
- (6) Temporary or part-time employees, except volunteer firefighters and police officers.

The Classified Service shall comprise all positions not specifically included by this Charter in the Unclassified Service, and shall be divided into competitive and noncompetitive classes.

- (1) The competitive class shall include all positions and employments for which it is practicable to determine merit and fitness of applicants by competitive tests.

- (2) The noncompetitive class shall consist of all positions requiring peculiar and exceptional qualifications of a scientific, managerial, professional or educational character and as may be determined by the rules of the Commission, and unskilled labor.

1. Probation. An appointment or promotion shall not be deemed complete until a period of probation not to exceed one (1) year has elapsed, and a probationer may be discharged or reduced in rank or pay at any time within the probationary period upon the recommendation of the head of the department in which said probationer is employed.

2. Discharge or Reduction. An employee shall not be discharged or reduced in rank or pay until he or she has been presented with reasons for such discharge or reduction, specifically stated in writing, and has been given an opportunity to be heard in his or her own defense. The reason for such discharge or reduction, and any reply in writing shall be filed with the Commission.

3. Appeal to the Commission. Any employee of any department in the City in the Classified Service who is suspended, reduced in rank or dismissed from a department by the director of that department or the City Manager, may appeal from the decision of such officer to the Civil Service Commission, and such Commission shall define the manner, time and place by which such appeal shall be heard. The judgment of the Commission shall be final.

4. No Discrimination. All employment and promotion shall be solely on the basis of merit whether for classified or unclassified positions or temporary employment. There shall be no discrimination against individuals with respect to race, color, creed, gender, age, disability, sexual orientation, political affiliation or place of national origin for employment, rates of pay or promotion.

5. Present Civil Service Employees. All persons in the employ of the Municipality holding positions in the Classified Service as established by this Charter at the time it takes effect, shall, unless their positions be abolished, retain same until discharged, reduced, promoted or transferred. (Amended Nov. 8, 1994)

## SECTION XX. TAXATION - LIMITATION ON RATE OF TAXATION.

A. The aggregate amount of taxes that may be levied by the taxing authority of the City of Oberlin without a vote of the people, on any taxable property assessed and listed for taxation according to value, shall not in any one year exceed the amount currently authorized by the Ohio Constitution to be so levied, plus an additional 2.60 mills for each dollar of assessed valuation. The additional 2.60 mills as specified above shall be exclusively used for the following purposes:

1. Within the maximum levy provided for in Section A. herein, the Council may levy an amount not to exceed 1.80 mills for the purpose of providing funds for the payment of Police Pension Fund requirements.
2. Within the maximum levy provided for in Section A. herein, the Council may levy an amount not to exceed 0.80 mills for the purpose of providing funds for the payment of Fire Pension Fund requirements.

B. The limitation upon power of Council to levy taxes as specified herein shall not operate as a limitation upon the power of Council to levy taxes upon such other subjects and for such other purposes as may be lawful under the Constitution and laws of this State.  
(Added November 2, 2010.)

**SECTION XXI. AMENDMENT OF CHARTER.**

This Charter may be amended by the following procedure: Council by a vote of at least five (5) of its members may submit to the electors of the Municipality amendments to this Charter, and Council shall, upon petition being presented to it at a regular meeting of Council, setting forth a proposed amendment, signed by not less than 10 percent of the resident qualified electors, submit such a proposed amendment to the voters for adoption or rejection at any municipal or general election occurring at least 60 days after the action by Council or the filing of the petition. The full text of any proposed amendment shall be published in a newspaper of general circulation in the Municipality at least once per week for three (3) consecutive weeks in the month prior to the date of election at which said amendment shall be voted upon and a copy of said amendment shall be mailed to each registered voter of the Municipality at least 30 days prior to said election.

**SECTION XXII. TIME OF TAKING EFFECT.**

For the purpose of electing Council members this Charter shall take effect on the first day of January, 1955, and an election shall be held the first Tuesday of November, 1955. Council members previously elected to serve beyond the first day of January, 1956, shall complete the unexpired term to which they were elected. In 1955 there shall be four (4) Council members elected and three (3) Council members having unexpired terms. In 1957 seven (7) Council members shall be elected. Council members elected in 1955 shall take office on the first Monday of January, 1956, and for all other purposes this Charter shall be deemed to be in effect on the first day of January, 1956.

**SECTION XXIII. FRANCHISE.**

Council may by ordinance grant permission to any person, firm or corporation to construct and operate a public utility in, on, under or above any public street or ground within the Municipality. It may prescribe in the ordinance the kind and quality of service or product to be furnished, the rate or rates to be charged therefor, and any other terms conducive to the public interest. Such grant may be amended or renewed in the same manner and subject to the provisions established by this section for original grants. Such grant, amendment or renewal shall be for such period of time as Council may determine, but shall not exceed a period of fifteen (15) years. (Amended June 7, 1983.)

**SECTION XXIV. INITIATIVE AND REFERENDUM.**

The rights of initiative and referendum upon ordinances and action taken by Council as prescribed in the Constitution of the State of Ohio, and as set forth in the revised laws of the State of Ohio, are hereby reserved to the people and shall be carried out according to the Constitution of the State of Ohio and the laws of the State of Ohio.

**SECTION XXV. RECALL.**

The electors shall have the power to remove from office by a recall election any elected officer of the Municipality. If an elected officer shall have served six months of his or her term, a petition demanding his or her removal may be filed with the Clerk of Council, who shall note thereon the name and address of the person filing the petition and the date of such filing. Such petition may be circulated in separate parts, but the separate parts shall be bound together and filed as one instrument. Each part shall contain the name and office of the person whose removal is sought and statement in not more than two hundred (200) words of the grounds for the removal. Such petition shall be signed by at least that number of electors which equals 20 percent of the electors voting at the last regular municipal election. Within ten (10) days after the day on which such petition shall have been filed, the Clerk shall determine whether or not it meets the

requirements hereof. If the Clerk shall find the petition insufficient, he or she shall promptly certify the particulars in which the petition is defective, deliver a copy of his or her certificate to the person who filed the petition with him or her, and make a record of such delivery. Such person shall be allowed a period of twenty (20) days after the day on which such delivery was made in which to make the petition sufficient. If the Clerk shall find the petition sufficient, he or she shall promptly so certify same to Council, and to the officer whose removal is sought, and shall make a record of such certification and the time thereof. If such delivery shall have been made, the Council shall thereupon order and fix a day for holding a recall election, not less than sixty (60), nor more than seventy-five (75) days after the date of the Clerk's certification of sufficiency. Such recall elections shall be certified to the Board of Elections and held in accordance with the general laws of Ohio. At such recall election, the following question shall be placed on the ballot: "Shall (name of officer) be allowed to continue as (name of office)?", with provision on the ballot for voting affirmatively or negatively on such question. If a majority of the ballots cast at such election shall be voted affirmatively, such officer shall remain in office. If a majority of the ballots cast shall be voted negatively, such officer shall be considered removed, and his or her office shall be deemed vacant, and such vacancy shall be filled as provided in this Charter. The officer removed by such recall election shall not be eligible for appointment to the vacancy created thereby.

#### SECTION XXVI. PARTIAL INVALIDITY.

The determination that any section or part thereof of this Charter is invalid shall not invalidate or impair the force or effect of any other section or part thereof, except to the extent that such other section or part thereof is dependent for its operation upon the part declared invalid.

#### SECTION XXVII. EFFECT OF CHARTER.

The taking effect of this Charter shall not affect any pre-existing rights of this Municipality, nor any right or liability or pending suit or provision, either on behalf of or against the Municipality, nor any contract entered into by the Municipality, nor pending proceedings for the authorization of public improvements or the levy of assessments therefor.

#### SECTION XXVIII. CHARTER REVIEW COMMITTEE.

At the second meeting of Council in January, 2003, and each ten (10) years thereafter, a Charter Review Committee of eleven (11) members shall be appointed to study, appraise and evaluate the operation of this Charter. No later than the first Council meeting in March of the following year, the Committee shall submit to Council all recommendations with respect to changes or alterations of this Charter.

Council shall review any recommendations submitted by the Charter Review Committee and shall approve or disapprove each separate recommendation. Council thereafter shall submit to the electorate the changes or alterations it has approved, together with any other Charter issues Council determines to submit to the electorate, pursuant to Article XVIII, Paragraph 9, of the Constitution of the State of Ohio.

Council should endeavor to recruit as members of the Charter Review Committee persons representative of Oberlin's population. No more than two (2) members of the seated Council may serve on the Committee; if no Council member is appointed to serve as a member of the Committee, Council shall appoint at least one sitting member of Council to act as liaison between the Council and the Committee.

(Enacted Nov. 8, 1994)

**SECTION XXIX. REPRINTING OF CHARTER.**

Following any election at which any amendment to this Charter is adopted, the Clerk, with the approval of the Law Director and Council, may, prior to any reprinting or republication of this Charter, make such changes therein, including grammatical, syntactical, or stylistic changes, or changes to the numbers, titles, or arrangement of sections and subsections hereof, as may be necessary or desirable to maintain or enhance logic and consistency, but no such change shall in any way affect the substance or meaning of this Charter or any part thereof or amendment thereto.

In preparing the Charter for republication or reprinting after the general election of November 8, 1994, the Clerk shall make changes in the language of the Charter to remove any suggestion of discrimination on the basis of sex.

(Amended Nov. 2, 2004)

(EDITOR'S NOTE: This page is intentionally left blank.)

- 3. Except as provided in subsection (d)(3) of this section, the person has a concentration of a listed controlled substance or a listed metabolite of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or exceeds the concentration specified in subsection (a)(1)J. hereof.
  - B. No person under twenty-one years of age shall be in physical control of a vehicle while under the influence of alcohol, a drug of abuse, or a combination of them or while the person's whole blood, blood serum or plasma, breath, or urine contains at least the concentration of alcohol specified in subsection (b)(1) to (4) hereof.
- (3) Subsection (d)(2)A.3. of this section does not apply to a person who is in physical control of a vehicle while the person has a concentration of a listed controlled substance or a listed metabolite of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or exceeds the amount specified in subsection (a)(1)J. hereof, if both of the following apply:
  - A. The person obtained the controlled substance pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs.
  - B. The person injected, ingested, or inhaled the controlled substance in accordance with the health professional's directions.
- (e) Evidence; Tests.
  - (1) A. In any criminal prosecution or juvenile court proceeding for a violation of (a)(1)A. of this section or for any equivalent offense, that is vehicle-related the result of any test of any blood or urine withdrawn and analyzed at any health care provider, as defined in Ohio R.C. 2317.02, may be admitted with expert testimony to be considered with any other relevant and competent evidence in determining the guilt or innocence of the defendant.
  - B. In any criminal prosecution or juvenile court proceeding for a violation of subsection (a) or (b) of this section or for an equivalent offense that is vehicle related, the court may admit evidence on the concentration of alcohol, drugs of abuse, controlled substances, metabolites of a controlled substance, or a combination of them in the defendant's whole blood, blood serum or plasma, breath, urine or other bodily substance at the time of the alleged violation as shown by chemical analysis of the substance withdrawn within three hours of the time of the alleged violation. The three-hour time limit specified in this subsection regarding the admission of evidence does not extend or affect the two-hour time limit specified in Ohio R.C. 4511.192(A) as the maximum period of time during which a person may consent to a chemical test or tests as described in that section.

The court may admit evidence on the concentration of alcohol, drugs of abuse, or a combination of them as described in this section when a person submits to a blood, breath, urine or other bodily substance test at the request of a law enforcement officer under Ohio R.C. 4511.191, or a blood or urine sample is obtained pursuant to a search warrant. Only a physician, a registered nurse, an emergency medical technician-intermediate, an emergency medical technician-paramedic or a qualified technician, chemist, or phlebotomist shall withdraw a blood sample for the purpose of determining the alcohol, drug, controlled substance, metabolite of a controlled substance, or combination content of the whole blood, blood serum, or blood plasma. This limitation does not apply to the taking of breath or urine specimens. A person authorized to withdraw blood under this subsection may refuse to withdraw blood under this subsection, if in that person's opinion, the physical welfare of the person would be endangered by the withdrawing of blood.

The bodily substance withdrawn under subsection (e)(1)B. hereof shall be analyzed in accordance with methods approved by the Director of Health by an individual possessing a valid permit issued by the Director pursuant to Ohio R.C. 3701.143.

- C. As used in subsection (e)(1)B. of this section, "emergency medical technician-intermediate" and "emergency medical technician-paramedic" have the same meanings as in Ohio R.C. 4765.01.
- (2) In a criminal prosecution or juvenile court proceeding for violation of subsection (a) of this section or for an equivalent offense that is vehicle related, if there was at the time the bodily substance was withdrawn a concentration of less than the applicable concentration of alcohol specified in subsections (a)(1)B., C., D. and E. of this section, or less than the applicable concentration of a listed controlled substance or a listed metabolite of a controlled substance specified for a violation of subsection (a)(1)J. of this section, that fact may be considered with other competent evidence in determining the guilt or innocence of the defendant. This subsection does not limit or affect a criminal prosecution or juvenile court proceeding for a violation of subsection (b) of this section or for an equivalent offense that is substantially equivalent to that subsection.



- (3) Upon the request of the person who was tested, the results of the chemical test shall be made available to the person or the person's attorney, immediately upon the completion of the chemical test analysis. If the chemical test was obtained pursuant to subsection (e)(1)B. hereof, the person tested may have a physician, a registered nurse, or a qualified technician, chemist or phlebotomist of the person's own choosing administer a chemical test or tests, at the person's expense, in addition to any administered at the request of a law enforcement officer. If the person was under arrest as described in division (A)(5) of Ohio R.C. 4511.191, the arresting officer shall advise the person at the time of the arrest that the person may have an independent chemical test taken at the person's own expense. If the person was under arrest other than described in division (A)(5) of Ohio R.C. 4511.191, the form to be read to the person to be tested, as required under Ohio R.C. 4511.192, shall state that the person may have an independent test performed at the person's expense. The failure or inability to obtain an additional chemical test by a person shall not preclude the admission of evidence relating to the chemical test or tests taken at the request of a law enforcement officer.
- (4) A. As used in subsections (e)(4)B. and C. of this section, "national highway traffic safety administration" means the National Traffic Highway Safety Administration established as an administration of the United States Department of Transportation under 96 Stat. 2415 (1983), 49 U.S.C.A. 105.
- B. In any criminal prosecution or juvenile court proceeding for a violation of subsection (a), (b) or (d) of this section, of a municipal ordinance relating to operating a vehicle while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, or of a municipal ordinance relating to 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, if a law enforcement officer has administered a field sobriety test to the operator or person in physical control of the vehicle involved in the violation and if it is shown by clear and convincing evidence that the officer administered the test in substantial compliance with the testing standards for any reliable, credible, and generally accepted field sobriety tests that were in effect at the time the tests were administered, including, but not limited to, any testing standards then in effect that were set by the National Highway Traffic Safety Administration, all of the following apply:

1. The officer may testify concerning the results of the field sobriety test so administered.
2. The prosecution may introduce the results of the field sobriety test so administered as evidence in any proceedings in the criminal prosecution or juvenile court proceeding.
3. If testimony is presented or evidence is introduced under subsection (e)(4)B.1. or 2. of this section and if the testimony or evidence is admissible under the Rules of Evidence, the court shall admit the testimony or evidence and the trier of fact shall give it whatever weight the trier of fact considers to be appropriate.

C. Subsection (e)(4)B. of this section does not limit or preclude a court, in its determination of whether the arrest of a person was supported by probable cause or its determination of any other matter in a criminal prosecution or juvenile court proceeding of a type described in that subsection, from considering evidence or testimony that is not otherwise disallowed by subsection (e)(4)B. of this section. (ORC 4511.19; 4511.194)

(f) Forensic Laboratory Reports.

- (1) Subject to subsection (f)(3) of this section, in any criminal prosecution or juvenile court proceeding for a violation of subsection (a)(1)B., C., D., E., F., G., H., I., or J. or (b)(1), (2), (3) or (4) of this section or for an equivalent offense that is substantially equivalent to any of those subsections, a laboratory report from any laboratory personnel issued a permit by the Department of Health authorizing an analysis as described in this subsection that contains an analysis of the whole blood, blood serum or plasma, breath, urine, or other bodily substance tested and that contains all of the information specified in this subsection shall be admitted as prima-facie evidence of the information and statements that the report contains. The laboratory report shall contain all of the following:

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

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

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

(h) General OVI Penalty.

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

A. Except as otherwise provided in subsections (h)(1)B., C., D. or E. of this section, the offender is guilty of a misdemeanor of the first degree, and the court shall sentence the offender to all of the following:

1. If the sentence is being imposed for a violation of subsections (a)(1)A., B., C., D., E., or J. of this section, a mandatory jail term of three consecutive days. As used in this subsection, three consecutive days means seventy-two consecutive hours. The court may sentence an offender to both an intervention program and a jail term. The court may impose a jail term in addition to the three-day mandatory jail term or intervention program. However, in no case shall the cumulative jail term imposed for the offense exceed six months.

## CHAPTER 335

### Licensing; Accidents

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| <p><b>335.01</b> Driver's license or commercial driver's license required.</p> <p><b>335.02</b> Permitting operation without valid license; one license permitted.</p> <p><b>335.03</b> Driving with temporary instruction permit; curfew.</p> <p><b>335.031</b> Driving with probationary license; curfew.</p> <p><b>335.04</b> Certain acts prohibited.</p> <p><b>335.05</b> Wrongful entrustment of a motor vehicle.</p> <p><b>335.06</b> Display of license.</p> <p><b>335.07</b> Driving under suspension or license restriction.</p> <p><b>335.071</b> Driving under OVI suspension.</p> <p><b>335.072</b> Driving under financial responsibility law suspension or cancellation.</p> | <p><b>335.073</b> Driving without complying with license reinstatement requirements.</p> <p><b>335.08</b> Operation or sale without certificate of title.</p> <p><b>335.09</b> Display of license plates.</p> <p><b>335.10</b> Expired or unlawful license plates.</p> <p><b>335.11</b> Use of illegal license plates; transfer of registration.</p> <p><b>335.12</b> Stopping after accident upon streets; collision with unattended vehicle.</p> <p><b>335.13</b> Stopping after accident upon property other than street.</p> <p><b>335.14</b> Vehicle accident resulting in damage to realty.</p> |
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#### CROSS REFERENCES

See sectional histories for similar State law

Deposit of driver's license as bond - see Ohio R.C. 2937.221

Motor vehicle licensing law - see Ohio R.C. Ch. 4503

Driver's license law - see Ohio R.C. Ch. 4507

Power of trial court of record to suspend or revoke license for certain violations - see Ohio R.C. Ch. 4510

State point system suspension - see Ohio R.C. 4510.03.6

State accident reports - see Ohio R.C. 4509.01(J), 4509.06, 4509.74, 5502.11

Motorized bicycle operator's license - see Ohio R.C. 4511.521

Glass removal from street after accident - see TRAF. 311.01

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

- (a)
  - (1) No person, except those expressly exempted under Ohio R.C. 4507.03, 4507.04, and 4507.05, shall operate any motor vehicle upon a public road or highway or any public or private property used by the public for purposes of vehicular travel or parking in this Municipality unless the person has a valid driver's license issued under Ohio R.C. Chapter 4507 or a commercial driver's license issued under Ohio R.C. Chapter 4506.
  - (2) No person, except a person expressly exempted under Ohio R.C. 4507.03, 4507.04, and 4507.05, shall operate any motorcycle upon a public road or highway or any public or private property used by the public for purposes of vehicular travel or parking in this Municipality unless the person has a valid license as a motorcycle operator that was issued upon application by the Registrar of Motor Vehicles under Ohio R.C. Chapter 4507. The license shall be in the form of an endorsement, as determined by the Registrar, upon a driver's or commercial driver's license, if the person has a valid license to operate a motor vehicle or commercial motor vehicle, or in the form of a restricted license as provided in Ohio R.C. 4507.14, if the person does not have a valid license to operate a motor vehicle or commercial motor vehicle.
- (b) Whoever violates this section is guilty of operating a motor vehicle without a valid license and shall be punished as follows:
  - (1) If the trier of fact finds that the offender never has held a valid driver's or commercial driver's license issued by this state or any other jurisdiction, or, in a case involving the operation of a motorcycle by the offender, if the offender has never held a valid license as a motorcycle operator, either in the form of an endorsement upon a driver's or commercial driver's license or in the form of a restricted license, except as otherwise provided in this subsection, 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 (B) of that section to serve a term of community service of up to five hundred hours. If the offender previously was 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 was convicted of or pleaded guilty to three or more violations of Ohio R.C. 4510.12 or a substantially equivalent municipal ordinance, the offense is a misdemeanor of the first degree.

(c) 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.

(d) If the offender is sentenced under subsection (b)(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 shall 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 under Ohio R.C. Chapter 4507 or a valid commercial driver's license issued under Ohio R.C. Chapter 4506.

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

- (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 (B) of that section to serve a term of community service of up to five hundred hours. 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. 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)

**335.03 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 not attained the age of seventeen 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. unless the holder is accompanied by the holder's parent or guardian.
- B. No holder of a probationary driver's license who has attained the age of seventeen years but 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 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)A., subsection (a)(1)A. does not apply to the holder of a probationary driver's license who is traveling to or from work between the hours of midnight and six a.m. and has in the holder's immediate possession written documentation from the holder's employer.
- B. Subsection (a)(1)B. does not apply to the holder of a probationary driver's license who is traveling to or from work between the hours of one a.m. and five a.m. and has in the holder's immediate possession written documentation from the holder's employer.
- (3) An employer 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 provided an employee who is the holder of a probationary driver's license with the written documentation described in subsection (a)(2) .  
The registrar of motor vehicles shall make available at no cost a form to serve as the written documentation described in subsection (a)(2), and employers 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 division.

- (4) No holder of a probationary driver's license who is less than seventeen years of age 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. hereof if, at the time of the violation, the holder of the probationary driver's license was traveling to or from an official function sponsored by the school the holder attends, or an emergency existed that required the holder to operate a motor vehicle in violation of subsection (a)(1)A. or B. hereof, or the holder was an emancipated minor.

- (c) (1) A. Except as otherwise provided in subsection (c)(2) hereof, 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 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 during whichever of the following time periods applies:
1. If, on the date the holder of the probationary driver's license pleads guilty to, is convicted of, or is adjudicated in juvenile court of having committed the moving violation, the holder has not attained the age of sixteen years six months, during the six-month period commencing on that date;
  2. If, on the date the holder pleads guilty to, is convicted of, or is adjudicated in juvenile court of having committed the moving violation, the holder has attained the age of sixteen years six months but not seventeen years, until the person attains the age of seventeen years.
- B. If the holder of a probationary driver's license commits a moving violation during the six-month period after the person is issued the probationary driver's license and before the person attains the age of seventeen years and on the date the person pleads guilty to, is convicted of, or is adjudicated in juvenile court of having committed the moving violation, the person has attained the age of seventeen years, or if the person commits the moving violation during the six-month period after the person is issued the probationary driver's license and after the person attains the age of seventeen years, the holder is not subject to the restriction described in subsection (c)(1)A.1. and 2. hereof unless the court or juvenile court imposes such a restriction upon the holder.

- (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 occupational or educational driving privileges without being accompanied by the holder's parent or guardian during the period of time specified in that subsection. The court may grant the person such driving privileges if the court finds reasonable cause to believe that the restrictions established in subsection (c)(1) will seriously affect the person's ability to continue in employment or educational training or will cause undue hardship on the license holder or a family member of the license holder. In granting the driving privileges, the court shall specify the purposes, times, and places of the privileges and shall issue the person appropriate forms setting forth the privileges granted. Occupational or educational driving privileges under this subsection shall not be granted to the same person more than once. If a person is convicted of, pleads guilty to, or is adjudicated in juvenile court of having committed a second or subsequent moving violation, any driving privileges previously granted under this subsection are terminated upon the subsequent conviction, plea, or adjudication.
- (3) No person shall violate subsection (c)(1)A. hereof.

(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)

#### **335.04 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 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, a misdemeanor of the first degree. In addition to the penalties imposed under Section 303.99, the court shall 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 shall order one of the following:

- (1) Except as otherwise provided in subsection (c)(2) or (3) of this section, the court shall order, for thirty days, the immobilization of the vehicle involved in the offense and the impoundment of that vehicle's license plates. The order shall be issued and enforced under Ohio R.C. 4503.233.
- (2) 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 shall order, for sixty days, the immobilization of the vehicle involved in the offense and the impoundment of that vehicle's license plates. The order shall be issued and enforced under Ohio R.C. 4503.233.
- (3) 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 shall order the criminal forfeiture to the state of the vehicle involved in the offense. 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 auto 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) Whoever violates this section is guilty of a misdemeanor of the first degree.  
(ORC 4507.35)

**335.07 DRIVING UNDER SUSPENSION OR LICENSE RESTRICTION.**

(a) 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) (1) A. Except as provided in subsection (c)(1)B. hereof, whoever violates subsection (a) hereof, is guilty of driving under suspension, a misdemeanor of the first degree. The court shall 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.
- B. If the offender's driver's or commercial driver's license or permit or nonresident operating privilege has been suspended under Ohio R.C. 3123.58, 4510.22, except as otherwise provided in this subsection, a violation of subsection (a) hereof 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 (B) of that section to serve a term of community service of up to five hundred hours. 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. 4510.11 or a substantially equivalent municipal ordinance, the offense is a misdemeanor of the first degree.
- (2) Whoever violates subsection (b) hereof is guilty of driving in violation of a license restriction, a misdemeanor of the first degree.
- (3) Except as provided in subsection (c)(4) or (5) 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, shall order the immobilization of the vehicle involved in the offense for thirty days in accordance with Ohio R.C. 4503.233 and the impoundment of that vehicle's license plates for thirty days.



(b) Whoever violates subsection (a) of this section is guilty of failure to stop after an accident, a misdemeanor of the first degree. If the accident or collision results in serious physical harm or death to a person, failure to stop after an accident is a felony and shall be prosecuted under appropriate state law.

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. (ORC 4549.02)

### **335.13 STOPPING AFTER ACCIDENT UPON PROPERTY OTHER THAN STREET.**

(a) In case of accident or collision resulting in injury or damage to persons or property upon any public or private property other than public roads or highways, due to the driving or operation thereon of any motor vehicle, the person driving or operating the motor vehicle, having knowledge of the accident or collision, shall stop, and, upon request of the person injured or damaged, or any other person, shall give that person the driver's or operator's name and address, and, if the driver or 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 driver's or operator's driver's or commercial driver's license.

If the owner or person in charge of the damaged property is not furnished such information, the driver of the motor vehicle involved in the accident or collision, within twenty-four hours after the accident or collision, 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 damaged property and give the date, time, and location of the accident or collision.

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) Whoever violates subsection (a) of this section is guilty of failure to stop after a nonpublic road accident, a misdemeanor of the first degree. If the accident or collision results in serious physical harm or death to a person, failure to stop after a nonpublic road accident is a felony and shall be prosecuted under appropriate state law.

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. (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 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.  
(ORC 4549.03)

- (6) All motor vehicles, beginning with the 1990 model year, must be equipped with labels identifying sunscreening material. All sunscreening material must indicate the manufacturer's name and the percentage level of light transmission of the material permanently installed between the material and the surface to which the material is applied or affixed. Such label must be legible and must be placed in the lower left-hand corner of the vehicle window when viewed from the outside. (OAC 4501-41-03)
- (b) Exemptions. The provisions of this section do not apply to:
- (1) A motor vehicle registered in this State in the name of a person, or the person's parent, legal guardian or spouse who has an affidavit signed by a physician licensed to practice in this State under Ohio R.C. Chapter 4731 or an affidavit signed by an optometrist licensed to practice in this State under Ohio R.C. Chapter 4725 that states that the person has a physical condition that makes it necessary to equip such motor vehicle with sunscreening material which would be of a light transmittance and/or luminous reflectance in violation of this section. Such affidavit shall be in the possession of the person so afflicted or the driver at all times while in the motor vehicle;
  - (2) The windows to the rear of the driver in chauffeured limousines as defined herein;
  - (3) The windows to the rear of the driver in those vehicles designed and used to transport corpses which include hearses and other vehicles adapted for such use; and
  - (4) The manufacturer's tinting or glazing of motor vehicle windows or windshields that is otherwise in compliance with or permitted by "Federal Motor Vehicle Safety Standard Number 205" (FMVSS 205) in effect at the time of the manufacture of the motor vehicle as provided in subsection (a) hereof. (OAC 4501-41-05)
- (c) Definitions. As used in this section, certain terms are defined as follows:
- (1) "Motor vehicle" has the same meaning as specified in Section 301.20.
  - (2) "Sunscreening material" means products or materials, including film, glazing and perforated sunscreening, which, when applied to the windshield or windows of a motor vehicle, reduce the effects of the sun with respect to light reflectance or transmittance.
  - (3) "Transmittance" means the ratio of the amount of total light, expressed in percentages, which is allowed to pass through the product or material, including glazing, to the amount of total light falling on the product or material and the glazing.
  - (4) "Windshield" means the front exterior viewing device of a motor vehicle.
  - (5) "Window" means any device designed for exterior viewing from a motor vehicle, except the windshield or any roof-mounted viewing device.
  - (6) "Manufacturer" unless otherwise specified in this section, means any person who engages in the manufacturing or assembling of sunscreening products or materials or any person who fabricates, laminates or tempers a safety glazing material, incorporating, during the manufacturing process, the capacity to reflect or reduce the transmission of light.

- (7) "Chauffeured limousine" means a motor vehicle that is designed to carry nine or fewer passengers and is operated for hire on an hourly basis pursuant to a prearranged contract for the transportation of passengers on public roads and highways along a route under the control of the person hiring the vehicle and not over a defined and regular route. "Prearranged contract" means an arrangement, made in advance of boarding, to provide transportation from a specific location in a chauffeured limousine at a fixed rate per hour or trip. "Chauffeured limousine" does not include any vehicle that is used exclusively in the business of funeral directing. (OAC 4501-41-02)

(d) Penalty. Whoever violates this section is guilty of a minor misdemeanor. (ORC 4513.241)

### **337.29 BUMPER HEIGHTS.**

(a) Definitions.

- (1) "Passenger car" means any motor vehicle with motive power, designed for carrying ten persons or less, except a multipurpose passenger vehicle or motorcycle.
- (2) "Multipurpose passenger vehicle" means a motor vehicle with motive power, except a motorcycle, designed to carry ten persons or less, that is constructed either on a truck chassis or with special features for occasional off-road operation.
- (3) "Truck" means every motor vehicle, except trailers and semitrailers, designed and used to carry property and having a gross vehicle weight rating of 10,000 pounds or less.
- (4) "Manufacturer" has the same meaning as in Ohio R.C. 4501.01.
- (5) "Gross vehicle weight rating" means the manufacturer's gross vehicle weight rating established for the vehicle.
- (6) "Body floor height" means the vertical distance between top of the frame rail and the bottom of the passenger compartment (cab) floor. In the event that the vehicle is a truck body, floor height will be measured by the vertical distance between the passenger compartment (cab) floor and the floor of the truck bed.
- (7) "Bumper height" means the vertical distance between the ground and the highest point of the bottom of the bumper, measured when the vehicle is laden on a level surface with the vehicle tires inflated to the manufacturer's recommended pressure.
- (8) "Frame" means the main longitudinal structural members of the chassis of the vehicle or, for vehicles with unitized body construction, the lowest main longitudinal structural members of the body of the vehicle.
- (9) "Wheel track distance" means the distance on the ground between the center of the tire tread on one side of the vehicle, and the center of the tire tread on the opposite side. (OAC 4501-43-02)

(b) Prohibitions; Application.

- (1) No person shall operate upon a street or highway any passenger car, multipurpose passenger vehicle, or truck registered in this State that does not conform to the requirements of this section.

- (2) No person shall modify any motor vehicle registered in this State in such a manner as to cause the vehicle body or chassis to come in contact with the ground, expose the fuel tank to damage from collision, or cause the wheels to come in contact with the body under normal operation, and no person shall disconnect any part of the original suspension system of the vehicle to defeat the safe operation of that system including the installation of inverted, altered or modified suspension system component parts which results in elevation of the height of the vehicle bumper or frame unit which is not in compliance with this section.
  - (3) No person shall operate upon a street or highway any passenger car, multipurpose passenger vehicle or truck registered in this State without a bumper on the front and rear of the vehicle if such vehicle was equipped with bumpers as standard equipment by the manufacturer.
  - (4) No person shall operate upon a street or highway any passenger car, multipurpose passenger vehicle or truck registered in this State if the difference in height between the body floor and the top of the frame exceeds four inches.
  - (5) Nothing contained in this section shall be construed to prohibit either of the following:
    - A. The installation upon a passenger car, multipurpose passenger vehicle or truck registered in this State of heavy duty equipment, including shock absorbers and overload springs as long as such equipment does not cause the vehicle to be in violation of this section;
    - B. The operation on a street or highway of a passenger car, multipurpose passenger vehicle or truck registered in this State with normal wear to the suspension system if the normal wear does not adversely affect the control of the vehicle.
  - (6) This section does not apply to any specially designed or modified passenger car, multipurpose passenger vehicle or truck when operated off a street or highway in races and similar events.
  - (7) A specially designed or modified passenger car, multipurpose passenger vehicle or truck which does not conform to this section shall not be operated on a street or highway. (OAC 4501-43-03)
- (c) Specifications.
- (1) The horizontal bumper shall be at least 4.5 inches in vertical height, centered on the vehicle's centerline, and extend no less than the width of the respective wheel track distances. Bumpers shall be horizontal load bearing bumpers and attached to the vehicle frame to effectively transfer impact when engaged.
  - (2) Maximum bumper heights shall be determined by the type of vehicle at time of manufacture. If other than a passenger vehicle, the maximum bumper height shall be determined by the gross vehicle weight rating (GVWR) at the time of manufacture. The height shall be measured in terms of the vertical distance between the ground and the bottom of the bumper. Maximum bumper heights are as follows:

	<u>Front (inches)</u>	<u>Rear (inches)</u>
Passenger Vehicles	22	22
All Other Vehicles:		
4,500 lbs. and under GVWR	24	26
4,501 lbs. to 7,500 lbs. GVWR	27	29
7,501 lbs. to 10,000 lbs. GVWR	28	31

- (3) If the body and/or truck bed height is altered the difference in height between the body floor and/or the truck bed floor to the top of the frame rail shall not exceed four inches.
- (4) For any vehicle with bumpers or attaching components which have been modified or altered from the original manufacturer's design in order to conform with the maximum bumper requirements of this section, the bumper height shall be measured from a level surface to the bottom of the vehicle frame rail at the most forward and rearward points of the frame rail. Frame rail height if bumper modified or altered:

	<u>Front (inches)</u>	<u>Rear (inches)</u>
Passenger Vehicles	22	22
All Other Vehicles:		
4,500 lbs. and under GVWR	24	26
4,501 lbs. to 7,500 lbs. GVWR	27	29
7,501 lbs. to 10,000 lbs. GVWR	28	31

- (5) The height restriction in this subsection (c) applies to the distance from the ground to the bottom of the frame rail under any one or more of the following conditions:
- A. A motor vehicle is not equipped with a front and rear bumper.
  - B. The bumper height relative to the frame rails has been altered.
  - C. A supplemental bumper has been installed or an addition to the original or replacement has been made.
- (OAC 4501-43-04)

(d) Whoever violates this section is guilty of a minor misdemeanor. If the offender has previously been convicted of a violation of this section, the offender is guilty of a misdemeanor of the third degree. (ORC 4513.021)

### **337.30 IGNITION INTERLOCK DEVICES.**

(a) As used in this section:

- (1) "Ignition interlock device" means a device that connects a breath analyzer to a motor vehicle's ignition system, that is constantly available to monitor the concentration by weight of alcohol in the breath of any person attempting to start that motor vehicle by using its ignition system, and that deters starting the motor vehicle by use of its ignition system unless the person attempting to so start the vehicle provides an appropriate breath sample for the device and the device determines that the concentration by weight of alcohol in the person's breath is below a preset level.
- (2) "Offender with restricted driving privileges" means an offender who is subject to an order that was issued under Ohio R.C. 4507.16(F) as a condition of the granting of occupational driving privileges, or an offender whose driving privilege is restricted as a condition of probation pursuant to Ohio R.C. 2951.02(I).

(b) Except in cases of a substantial emergency when no other person is reasonably available to drive in response to the emergency, no person shall knowingly rent, lease or lend a motor vehicle to any offender with restricted driving privileges, unless the vehicle is equipped with a functioning ignition interlock device that is certified pursuant to Ohio R.C. 4511.83(D).

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

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

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

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

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

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

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

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

**337.31 DIRECTIONAL SIGNALS REQUIRED.**

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

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

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

(d) Whoever violates this section is guilty of a minor misdemeanor.  
(ORC 4513.261)



**351.16 PARKING ON TREE OR CURB LAWN.**

No person shall park or leave any motor vehicle, whether attended or unattended, upon that part of the right of way of a street which is not part of the paved portion of the street, but is that portion of such street which is adjacent to the street and between the street and the outermost line of the right of way of such street. Such area is commonly referred to as the tree or curb lawn and the sidewalk area. Any vehicle found so parked or standing shall be removed under lawful procedure.

(Ord. 211 AC. Passed 6-5-61.)

**351.17 PARKING IN THE CENTRAL BUSINESS DISTRICT (CBD).**

(a) No person shall park a motor vehicle, bicycle or motorcycle in a parking space on the public streets in the Central Business District of the City for a period longer than two hours, or for a period longer than one-half hour in spaces designated as short term parking by the City Manager, except for Sundays and holidays.

(b) Public streets in the Central Business District are defined as Main Street (between Vine Street and the crosswalk between Tappan Square and Hall Auditorium) and College Street (between Professor Street and Pleasant Street).

(c) The Police Department shall make regular patrols of the defined area and shall issue citations for any violation of this section.

(d) The owner of the motor vehicle or bicycle which is parked in the defined area in violation of this section shall be responsible for such violation and the violation citation shall be issued to such owner.

(Ord. 99-76 AC. Passed 11-15-99.)

**351.18 PARKING ON POSTED PRIVATE PROPERTY.**

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

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

**351.19 48 HOURS PARKING IN RESIDENTIAL DISTRICTS.**

No person shall park any vehicle on the streets or alleys of the residential districts of the City for more than 48 continuous hours during the period from April 1 to November 1.

(Ord. 98-56 AC. Passed 8-3-98.)

**351.99 PENALTY AND WAIVER.**

(a) Whoever violates any provision of this chapter wherein a specific penalty is not otherwise provided shall be fined not more than two hundred dollars (\$200.00)

(b) Whoever is charged with the violation of any parking provisions of this chapter wherein a parking citation is issued, may, in lieu of being charged in Court on an affidavit and being subject to the penalty provided in subsection (a) hereof, deliver the citation to the police department and pay a fine as follows:

- (1) For a violation of Section 351.15 of this chapter:
  - A. Twenty dollars (\$20.00) if the violation is paid within seventy-two hours and the repeat offender provisions of subsections (b)(1)C. and D. set forth hereinafter do not apply.
  - B. If paid after seventy-two hours but within thirty days, the fine shall be thirty dollars (\$30.00) if the repeat offender provisions of subsections (b)(1)C. and D. set forth hereinafter do not apply.
  - C. The fine shall be fifty dollars (\$50.00) for a second violation within the period of November 1 to April 1.
  - D. The fine shall be seventy-five dollars (\$75.00) per additional violation if there are three or more violations within the period of November 1 to April 1, and the vehicle shall be removed under lawful procedures.
  - E. If any violation is not paid within thirty days, the City shall proceed with a formal charge and each violation shall be subject to a fine of not more than two hundred dollars (\$200.00).
- (2) For a violation of Section 351.17 of this chapter:
  - A. Ten dollars (\$10.00) if paid within seventy-two hours and the repeat offender provisions of subsections (b)(2)C., D. and E. set forth hereinafter do not apply.
  - B. If paid after seventy-two hours but within thirty days, the fine shall be twenty five dollars (\$25.00) if the repeat offender provisions of subsections (b)(2)C., D. and E. set forth hereinafter do not apply.
  - C. The fine shall be thirty five dollars (\$35.00) for any second violation.
  - D. The fine shall be seventy five dollars (\$75.00) for any third violation.
  - E. The fine shall be one hundred dollars (\$100.00) per additional violation if there are more than three previous violations and the vehicle may be removed under lawful procedures.
  - F. If any violation is not paid within thirty days, the City shall proceed with a formal charge and the violator shall be subject to a fine of not more than two hundred dollars (\$200.00).
- (3) For a violation of Section 351.19 of this chapter:
  - A. Twenty dollars (\$20.00) if the violation is paid within seventy-two hours and the repeat offender provisions of subsections (b)(3)C. and D. set forth hereinafter do not apply.
  - B. If paid after seventy-two hours but within thirty days, the fine shall be thirty dollars (\$30.00) if the repeat offender provisions of subsections (b)(3)C. and D. set forth hereinafter do not apply.
  - C. The fine shall be fifty dollars (\$50.00) for a second violation.
  - D. The fine shall be seventy-five dollars (\$75.00) per additional violation if there are more than two previous violations, and the vehicle may be removed under lawful procedures.
  - E. If any violation is not paid within thirty days, the City shall proceed with a formal charge and each violation shall be subject to a fine of not more than two hundred dollars (\$200.00).

- (4) For a violation of any other parking provision of this chapter with the exception of 351.04(f):
  - A. Twenty dollars (\$20.00) if the violation is paid within seventy-two hours and the repeat offender provisions of subsections (b)(4)C. and D. set forth hereinafter do not apply.
  - B. If paid after seventy-two hours but within thirty days, the fines shall be forty dollars (\$40.00) if the repeat offender provisions of subsections (b)(4)C. and D. set forth hereinafter do not apply.
  - C. The fine shall be fifty dollars (\$50.00) violation if there if there have been two previous violations of this chapter within the previous twelve (12) months.
  - D. The fine shall be one hundred dollars (\$100.00) per additional violation if there are more than two previous violations of this chapter within the previous twelve (12) months.
  - E. If not paid within thirty days, the City shall proceed with a formal charge and the violation shall be subject to a fine of not more than two hundred dollars (\$200.00).
- (5) Any such payment of the citation shall be deemed a plea of guilty, waiver of Court appearance, and an acknowledgment of the conviction of the alleged offense, and may be accepted in full satisfaction by the City for the subscribed penalty for the alleged violation.  
(Ord. 10-36AC CMS. Passed 6-21-10.)

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2. All or part of the costs of confinement in a jail or other residential facility, including, but not limited to, a per diem fee for room and board, the costs of medical and dental treatment, and the costs of repairing property damaged by the offender while confined.
  - B. The amount of reimbursement ordered under subsection (a)(3)A. of this section shall not exceed the total amount of reimbursement the offender is able to pay and shall not exceed the actual cost of the sanctions. The court may collect any amount of reimbursement the offender is required to pay under that subsection. If the court does not order reimbursement under that subsection, confinement costs may be assessed pursuant to a repayment policy adopted under Ohio R.C. 2929.37. In addition, the offender may be required to pay the fees specified in Ohio R.C. 2929.38 in accordance with that section. (ORC 2929.28)
- (b) Jail Terms.
- (1) Except as provided in Ohio R.C. 2929.22 or 2929.23 of the Revised Code, and unless another term is required or authorized pursuant to law, if the sentencing court imposing a sentence upon an offender for a misdemeanor elects or is required to impose a jail term on the offender pursuant to this General Offenses Code, the court shall impose a definite jail term that shall be one of the following:
    - A. For a misdemeanor of the first degree, not more than one hundred eighty days;
    - B. For a misdemeanor of the second degree, not more than ninety days;
    - C. For a misdemeanor of the third degree, not more than sixty days;
    - D. For a misdemeanor of the fourth degree, not more than thirty days.
  - (2)
    - A. A court that sentences an offender to a jail term under this section may permit the offender to serve the sentenced in intermittent confinement or may authorize a limited release of the offender as provided in Ohio R.C. 2929.26(B). The court retains jurisdiction over every offender sentenced to jail to modify the jail sentence imposed at any time, but the court shall not reduce any mandatory jail term.
    - B.
      1. If a prosecutor, as defined in Ohio R.C. 2935.01, has filed a notice with the court that the prosecutor wants to be notified about a particular case and if the court is considering modifying the jail sentence of the offender in that case, the court shall notify the prosecutor that the court is considering modifying the jail sentence of the offender in that case. The prosecutor may request a hearing regarding the court's consideration of modifying the jail sentence of the offender in that case, and, if the prosecutor requests a hearing, the court shall notify the eligible offender of the hearing.

2. If the prosecutor requests a hearing regarding the court's consideration of modifying the jail sentence of the offender in that case, the court shall hold the hearing before considering whether or not to release the offender from the offender's jail sentence.
- (3) If a court sentences an offender to a jail term under this section and the court assigns the offender to a county jail that has established a county jail industry program pursuant to Ohio R.C. 5147.30, the court shall specify, as part of the sentence, whether the offender may be considered for participation in the program. During the offender's term in the county jail, the court retains jurisdiction to modify its specification regarding the offender's participation in the county jail industry program.
- (4) If a person is sentenced to a jail term pursuant to this section, the court may impose as part of the sentence pursuant to Ohio R.C. 2929.28 a reimbursement sanction, and, if the local detention facility in which the term is to be served is covered by a policy adopted pursuant to Ohio R.C. 307.93, 341.14, 341.19, 341.21, 341.23, 753.02, 753.04, 753.16, 2301.56, or 2947.19 and Ohio R.C. 2929.37, both of the following apply:
  - A. The court shall specify both of the following as part of the sentence:
    1. If the person is presented with an itemized bill pursuant to Ohio R.C. 2929.37 for payment of the costs of confinement, the person is required to pay the bill in accordance with that section.
    2. If the person does not dispute the bill described in subsection (b)(4)A.1. of this section and does not pay the bill by the times specified in Ohio R.C. 2929.37, the clerk of the court may issue a certificate of judgment against the person as described in that section.
  - B. The sentence automatically includes any certificate of judgment issued as described in subsection (b)(4)A.2. of this section.  
(ORC 2929.24)

(c) Organizations. Regardless of the penalties provided in subsections (a) and (b) hereof, an organization convicted of an offense pursuant to Section 501.11 shall be fined, in accordance with this section. The court shall fix the fine as follows:

Type of <u>Misdemeanor</u>	Maximum <u>Fine</u>
First degree	\$5000.00
Second degree	4000.00
Third degree	3000.00
Fourth degree	2000.00
Minor	1000.00
Misdemeanor not specifically classified	2000.00
Minor misdemeanor not specifically classified	1000.00

- (1) When an organization is convicted of an offense that is not specifically classified, and the section defining the offense or penalty plainly indicates a purpose to impose the penalty provided for violation upon organizations, then the penalty so provided shall be imposed in lieu of the penalty provided in this subsection (c).
- (2) When an organization is convicted of an offense that is not specifically classified, and the penalty provided includes a higher fine than the fine that is provided in this subsection (c), then the penalty imposed shall be pursuant to the penalty provided for the violation of the section defining the offense.
- (3) This subsection (c) does not prevent the imposition of available civil sanctions against an organization convicted of an offense pursuant to Section 501.11, either in addition to or in lieu of a fine imposed pursuant to this subsection (c).  
(ORC 2929.31)

(EDITOR'S NOTE: This page is intentionally left blank.)



- (k) "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 subsection, "national veteran's association" means any veteran's association that has been in continuous existence as such for a period of at least five years and either is incorporated by an act of the United States congress or has a national dues-paying membership of at least five thousand persons.
- (l) "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.
- (m) "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 of sodality of its members.
- (n) "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.
- (o) "Service organization" means either of the following:
  - (1) Any organization, not organized for profit, that is organized and operated exclusively to provide, or to contribute to the support of organizations or institutions organized and operated exclusively to provide, medical and therapeutic services for persons who are crippled, born with birth defects or have any other mental or physical defect or those organized and operated exclusively to protect, or to contribute to the support of organizations or institutions organized and operated exclusively to protect, animals from inhumane treatment or provide immediate shelter to victims of domestic violence;
  - (2) Any organization that is described in subsection 509(a)(1), 509(a)(2) or 509(a)(3) of the Internal Revenue Code and is either a governmental unit or an organization that is tax exempt under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code and that is an organization, not organized for profit, that is organized and operated primarily to provide, or to contribute to the support of organizations or institutions organized and operated primarily to provide, medical and therapeutic services for persons who are crippled, born with birth defects, or have any other mental or physical defect.

- (p) "Nonprofit medical organization" means either of the following:
  - (1) Any organization, that has been incorporated as a nonprofit corporation for at least five years and that has continuously operated and will be operated exclusively to provide, or to contribute to the support of organizations or institutions organized and operated exclusively to provide, hospital, medical, research or therapeutic services for the public;
  - (2) Any organization that is described and qualified under subsection 501(c)(3) of the Internal Revenue Code, that has been incorporated as a nonprofit corporation for at least five years, and that has continuously operated and will be operated primarily to provide, or to contribute to the support of organizations or institutions organized and operated primarily to provide, hospital, medical, research, or therapeutic services for the public.
- (q) "Senior citizen's organization" means any private organization, not organized for profit, that is organized and operated exclusively to provide recreational or social services for persons who are fifty-five years of age or older and that is described and qualified under subsection 501(c)(3) of the Internal Revenue Code.
- (r) "Charitable bingo game" means any bingo game described in subsection (s)(1) or (2) of this section 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.
- (s) "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 spaces arranged in five horizontal and five vertical rows of spaces, with each space, except the central space, being designated by a combination of a letter and a number and with the central space being designated as a free space.
    - B. The participants cover the space 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 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 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 (s)(1)C. hereof, that a predetermined and preannounced pattern of spaces has been covered on a bingo card or sheet being used by a participant.
  - (2) Instant bingo, punch boards and raffles.
- (t) "Conduct" means to back, promote, organize, manage, carry on, sponsor, or prepare for the operation of bingo or a game of chance.

- (ff) "Instant bingo" means a form of bingo that uses 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. "Instant bingo" includes seal cards. "Instant bingo" does not include 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.
- (gg) "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.
- (hh) "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. "Raffle" 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.
- (ii) "Punch board" means 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 when used in conjunction with instant bingo. 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.
- (jj) "Gross profit" means gross receipts minus the amount actually expended for the payment of prize awards.
- (kk) "Net profit" means gross profit minus expenses.
- (ll) "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 division (B)(1) of Ohio R.C. 2915.08.
- (mm) "Person" has the same meaning as in Ohio R.C. 1.59 and includes any firm or any other legal entity, however organized.
- (nn) "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.
- (oo) "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.
- (pp) "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.
- (qq) "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.
- (rr) "Gross annual revenues" means the annual gross receipts derived from the conduct of bingo described in subsection (s)(1) of this section plus the annual net profit derived from the conduct of bingo described in subsection (s)(2) of this section.
- (ss) "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 nonwinning 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.

- (tt) (1) "Electronic bingo aid" means 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) "Electronic bingo aid" does not include any device into which a coin, currency, token, or an equivalent is inserted to activate play.
- (uu) "Deal of instant bingo tickets" means a single game of instant bingo tickets all with the same serial number.
- (vv) (1) "Slot machine" means 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) "Slot machine" does not include a skill-based amusement machine or an instant bingo ticket dispenser.
- (ww) "Net profit from the proceeds of the sale of instant bingo" means gross profit minus the ordinary, necessary, and reasonable expense expended for the purchase of instant bingo supplies.
- (xx) "Charitable instant bingo organization" means an organization that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code and is a charitable organization as defined in this section. A "charitable instant bingo organization" does not include a charitable organization that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code 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 Ohio R.C. 2915.13.
- (yy) "Game flare" means the board or placard that accompanies each deal of instant bingo tickets and that has printed on or affixed to it the following information for the game:
  - (1) The name of the game;
  - (2) The manufacturer's name or distinctive logo;
  - (3) The form number;
  - (4) The ticket count;
  - (5) The prize structure, including the number of winning instant bingo tickets by denomination and the respective winning symbol or number combinations for the winning instant bingo tickets;
  - (6) The cost per play;
  - (7) The serial number of the game.

- (zz) "Historic railroad educational organization" means an 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 owns in fee simple the tracks and the right of way of a historic railroad that the organization restores or maintains and on which the organization provides excursions as part of a program to promote tourism and educate visitors regarding the role of railroad transportation in Ohio history, and that receives as donations from a charitable organization that holds a license to conduct bingo under this chapter an amount equal to at least fifty per cent of that licensed charitable organization's net proceeds from the conduct of bingo during each of the five years preceding June 30, 2003. "Historic railroad" means all or a portion of the tracks and right of way of a railroad that was owned and operated by a for profit common carrier in this state at any time prior to January 1, 1950.
- (aaa) (1) "Skill-based amusement machine" means 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:
- A. The wholesale value of a merchandise prize awarded as a result of the single play of a machine does not exceed ten dollars;
  - B. 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;
  - C. Redeemable vouchers are not redeemable for a merchandise prize that has a wholesale value of more than ten dollars times the fewest number of single plays necessary to accrue the redeemable vouchers required to obtain that prize; and
  - D. Any redeemable vouchers or merchandise prizes are distributed at the site of the skill-based amusement machine at the time of play.
- A card for the purchase of gasoline is a redeemable voucher for purposes of division (aaa)(1) of this section 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 (aaa)(1) of this section:
- A. As used in this section, “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 noncontest, 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 (aaa)(1) of this section, the mere presence of a device, such as a pin-setting, 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.
- (bbb) “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, bingo, or instant bingo;
  - (3) Firearms, tobacco, or alcoholic beverages; or
  - (4) A redeemable voucher that is redeemable for any of the items listed in subsection (bbb)(1), (2) or (3) of this section.
- (ccc) “Redeemable voucher” means any ticket, token, coupon, receipt, or other noncash representation of value.
- (ddd) “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.
- (eee) “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 Ohio league of sportsmen, and that has been in continuous existence in this State for a period of three years.
- (fff) “Community action agency” has the same meaning as in Ohio R.C. 122.66. (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) With purpose to violate subsection (a)(1), (2), (3), or (4) 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 either for a period of four consecutive days or less and not more than twice a year or for a period of five consecutive days not more than once a 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 five hundred dollars (\$500.00) 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) Use, or give, donate, or otherwise transfer, all of the net profit derived from bingo, other than instant bingo, for a charitable purpose listed in its license application and described in Section 517.01(z), or distribute all of the net profit from the proceeds of the sale of instant bingo as stated in its license application and in accordance with Ohio R.C. 2915.101.

(b) No charitable organization that conducts a bingo game described in Section 517.01(s)(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 per cent 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. 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 one other charitable organization per calendar week for the purpose of 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 charitable organizations per calendar week for conducting bingo sessions on the premises. In no case shall more than nine 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(s)(1).

(c) No charitable organization that conducts a bingo game described in Section 517.01(s)(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 bingo sessions in a calendar year may conduct more than three 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(s)(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 ten-hour period between midnight and ten a.m., at any time during, or within ten 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 nine a.m. for a bingo session that begins at ten 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 (F) 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 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 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 years of age to play bingo described in Section 517.01(s)(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) hereof, 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 other than at a bingo session at the site of instant bingo 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 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 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 years of age;
  - (8) Fail to keep unsold instant bingo tickets or cards for less than three 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;
  - (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(e);
  - (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 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) (1) A charitable organization may conduct instant bingo other than at a bingo session at not more than five separate locations. A charitable organization that is exempt from federal taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code and that is created by a veteran's organization or a fraternal organization is not limited in the number of separate locations the charitable organization may conduct instant bingo other than at a bingo session.
- (2) 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)



**WARNING TO PERSONS UNDER AGE**

If you are under the age of 21

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

If you are under the age of 18

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

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

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

**WARNING**

If you are carrying a firearm

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

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

**529.07 OPEN CONTAINER PROHIBITED.**

(a) As used in this section:

- (1) "Chauffeured limousine" means a vehicle registered under Ohio R.C. 4503.24.
- (2) "Street," "highway" and "motor vehicle" have the same meanings as in Ohio R.C. 4511.01.

(b) No person shall have in the person's possession an opened container of beer or intoxicating liquor in any of the following circumstances:

- (1) In a State liquor store;
- (2) Except as provided in subsection (c) hereof, on the premises of the holder of any permit issued by the Division of Liquor Control;
- (3) In any other public place;
- (4) Except as provided in subsection (d) or (e) hereof, while operating or being a passenger in or on a motor vehicle on any street, highway or other public or private property open to the public for purposes of vehicular travel or parking;
- (5) Except as provided in subsection (d) or (e) hereof, while being in or on a stationary motor vehicle on any street, highway or other public or private property open to the public for purposes of vehicular travel or parking.

(c) (1) A person may have in the person's possession an opened container of any of the following:

- A. Beer or intoxicating liquor that has been lawfully purchased for consumption on the premises where bought from the holder of an A-1-A, A-2, A-3a, D-1, D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, D-7, D-8, E, F, F-2, F-5, F-7 or F-8 permit;
- B. Beer, wine or mixed beverages served for consumption on the premises by the holder of an F-3 permit or wine served for consumption on the premises by the holder of an F-4 or F-6 permit;
- C. Beer or intoxicating liquor consumed on the premises of a convention facility as provided in Ohio R.C. 4303.201;
- D. Beer or intoxicating liquor to be consumed during tastings and samplings approved by rule of the Liquor Control Commission.

(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.

## 537.09 COERCION.

(a) No person, with purpose to coerce another into taking or refraining from action concerning which the other person has a legal freedom of choice, shall do any of the following:

- (1) Threaten to commit any offense;
- (2) Utter or threaten any calumny against any person;
- (3) Expose or threaten to expose any matter tending to subject any person to hatred, contempt or ridicule, to damage any person's personal or business repute, or to impair any person's credit;
- (4) Institute or threaten criminal proceedings against any person;
- (5) Take or withhold, or threaten to take or withhold official action, or cause or threaten to cause official action to be taken or withheld.

(b) Subsections (a)(4) and (5) hereof shall not be construed to prohibit a prosecutor or court from doing any of the following in good faith and in the interest of justice:

- (1) Offering or agreeing to grant, or granting immunity from prosecution pursuant to Ohio R.C. 2945.44;
- (2) In return for a plea of guilty to one or more offenses charged or to one or more other or lesser offenses, or in return for the testimony of the accused in a case to which the accused is not a party, offering or agreeing to dismiss, or dismissing one or more charges pending against an accused, or offering or agreeing to impose, or imposing a certain sentence or modification of sentence;
- (3) Imposing community control sanction on certain conditions, including without limitation requiring the offender to make restitution or redress to the victim of the offense.

(c) It is an affirmative defense to a charge under subsection (a)(3), (4) or (5) hereof that the actor's conduct was a reasonable response to the circumstances that occasioned it, and that the actor's purpose was limited to any of the following:

- (1) Compelling another to refrain from misconduct or to desist from further misconduct;
- (2) Preventing or redressing a wrong or injustice;
- (3) Preventing another from taking action for which the actor reasonably believed the other person to be disqualified;
- (4) Compelling another to take action that the actor reasonably believed the other person to be under a duty to take.

(d) Whoever violates this section is guilty of coercion, a misdemeanor of the second degree.

(e) As used in this section:

- (1) "Threat" includes a direct threat and a threat by innuendo.
- (2) "Community control sanction" has the same meaning as in Ohio R.C. 2929.01. (ORC 2905.12)

## 537.10 TELECOMMUNICATION HARASSMENT.

(a) No person shall knowingly make or cause to be made a telecommunication, or knowingly permit telecommunication to be made from a telecommunications device under the person's control, to another, if the caller does any of the following:

- (1) Fails to identify the caller to the recipient of the telecommunication and makes the telecommunication with purpose to harass, or abuse, any person at the premises to which the telecommunication is made, whether or not actual communication takes place between the caller and a recipient;
- (2) Describes, suggests, requests, or proposes that the caller, the recipient of the telecommunication, or any other person engage in sexual activity, and the recipient or another person at the premises to which the telecommunication is made has requested, in a previous telecommunication or in the immediate telecommunication, that the caller not make a telecommunication to the recipient or to the premises to which the telecommunication is made;
- (3) During the telecommunication, violates Ohio R.C. 2903.21;
- (4) Knowingly states to the recipient of the telecommunication that the caller intends to cause damage to or destroy public or private property, and the recipient, any member of the recipient's family, or any other person who resides at the premises to which the telecommunication is made owns, leases, resides, or works in, will at the time of the destruction or damaging be near or in, has the responsibility of protecting, or insures the property that will be destroyed or damaged;
- (5) Knowingly makes the telecommunication to the recipient of the telecommunication, to another person at the premises to which the telecommunication is made, or to those premises, and the recipient or another person at those premises previously has told the caller not to make a telecommunication to those premises or to any person at those premises.

(b) No person shall make or cause to be made a telecommunication, or permit a telecommunication to be made from a telecommunications device under the person's control, with purpose to abuse, threaten, or harass another person.

- (c)
- (1) Whoever violates this section is guilty of telecommunication harassment.
  - (2) A violation of subsections (a)(1), (2), (3) or (5) or (b) hereof is a misdemeanor of the first degree on a first offense. Each subsequent offense is a felony and shall be prosecuted under appropriate State law.
  - (3) Whoever violates subsection (a)(4) hereof is guilty of a misdemeanor of the first degree for a first offense. For each subsequent offense or if a violation of subsection (a)(4) hereof results in economic harm of five hundred dollars (\$500.00) or more, a violation of subsection (a)(4) hereof is a felony and shall be prosecuted under appropriate State law.

(d) No cause of action may be asserted in any court of this State against any provider of a telecommunications service or information service, or against any officer, employee, or agent of a telecommunication service or information service, for any injury, death, or loss to person or property that allegedly arises out of the provider's, officer's, employee's, or agent's provision of information, facilities, or assistance in accordance with the terms of a court order that is issued in relation to the investigation or prosecution of an alleged violation of this section. A provider of a telecommunications service or information service, or an officer, employee, or agent of a telecommunications service or information service, is immune from any civil or criminal liability for injury, death, or loss to person or property that allegedly arises out of the provider's, officer's, employee's, or agent's provision of information, facilities or assistance in accordance with the terms of a court order that is issued in relation to the investigation or prosecution of an alleged violation of this section.

(e) As used in this section:

- (1) "Economic harm" means all direct, incidental, and consequential pecuniary harm suffered by a victim as a result of criminal conduct. "Economic harm" includes, but is not limited to, all of the following:
  - A. All wages, salaries, or other compensation lost as a result of the criminal conduct;
  - B. The cost of all wages, salaries or other compensation paid to employees for time those employees are prevented from working as a result of the criminal conduct;
  - C. The overhead costs incurred for the time that a business is shut down as a result of the criminal conduct;
  - D. The loss of value to tangible or intangible property that was damaged as a result of the criminal conduct.
- (2) "Caller" means the person described in subsection (a) hereof who makes or causes to be made a telecommunication or who permits a telecommunication to be made from a telecommunications device under that person's control.
- (3) "Telecommunication" and "telecommunications device" have the same meanings as in Ohio R.C. 2913.01.
- (4) "Sexual activity" has the same meaning as in Ohio R.C. 2907.01.

(f) Nothing in this section prohibits a person from making a telecommunication call to a debtor that is in compliance with the "Fair Debt Collection Practices Act", 91 Stat. 874 (1977), 15 U.S.C. 1692, as amended, or the "Telephone Consumer Protection Act", 105 Stat. 2395 (1991), 47 U.S.C. 227, as amended. (ORC 2917.21)

#### 537.11 THREATENING OR HARASSING TELEPHONE CALLS.

(EDITOR'S NOTE: Former Ohio R.C. 4931.31 from which Section 537.11 was derived was repealed by Senate Bill 162, effective September 13, 2010. See now Section 537.10 "Telecommunication Harassment".)

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

(a) "9-1-1 system" means a system through which individuals can request emergency service using the telephone number 9-1-1. (ORC 4931.40)

(b) No person shall knowingly use the telephone number of the 9-1-1 system to report an emergency if he/she knows that no emergency exists. (ORC 4931.49)

(c) Whoever violates this section is guilty of a misdemeanor of the fourth degree. (ORC 4931.99)

537.13 ADULTERATING OF OR FURNISHING ADULTERATED FOOD OR CONFECTION.

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

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

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

537.14 DOMESTIC VIOLENCE.

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

(b) No person shall recklessly cause serious physical harm to a family or household member.

(c) No person, by threat of force, shall knowingly cause a family or household member to believe that the offender will cause imminent physical harm to the family or household member.

- (d)
- (1) Whoever violates this section is guilty of domestic violence.
  - (2) Except as otherwise provided in subsection (d)(3) or (4) of this section, a violation of subsection (c) of this section is a misdemeanor of the fourth degree, and a violation of subsection (a) or (b) of this section is a misdemeanor of the first degree.
  - (3) Except as otherwise provided in subsection (d)(4) of this section, if the offender previously has pleaded guilty to or been convicted of domestic violence, a violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially similar to domestic violence, a violation of Ohio R.C. 2903.14, 2909.06, 2909.07, 2911.12, 2911.211, or 2919.22 if the victim of the violation was a family or household member at the time of the violation, a violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially similar to any of those sections if the victim of the violation was a family or household member at the time of the commission of the violation, or any offense of violence if the victim of the offense was a family or household member at the time of the commission of the offense, a violation of subsection (a) or (b) of this section is a felony and shall be prosecuted under appropriate state law, and a violation of subsection (c) of this section is a misdemeanor of the second degree.
  - (4) If the offender previously has pleaded guilty to or been convicted of two or more offenses of domestic violence or two or more violations or offenses of the type described in subsection (d)(3) of this section involving a person who was a family or household member at the time of the violations or offenses, a violation of subsection (a) or (b) of this section is a felony and shall be prosecuted under appropriate state law, and a violation of subsection (c) of this section is a misdemeanor of the first degree.

CODIFIED ORDINANCES OF OBERLIN  
PART SEVEN - BUSINESS REGULATION CODE

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- Chap. 705. Alarm Systems.
- Chap. 711. Billiard Rooms, Poolrooms and Bowling Alleys.
- Chap. 721. Debt Pooling Companies.
- Chap. 731. Mechanical Amusement Devices.
- Chap. 741. Motor Buses.
- Chap. 751. Solicitations at Residences.
- Chap. 761. Rooming Houses.
- Chap. 771. Taxicabs.
- Chap. 775. CATV.
- Chap. 781. Newsracks.
- Chap. 785. Garage Sales.
- Chap. 791. Licensing of Sexually Oriented Businesses.
- Chap. 795. Operation of Sidewalk Cafes, Business Uses on Downtown Sidewalks and Outdoor Dining Facilities.





CHAPTER 795  
Operation of Sidewalk Cafes, Business Uses  
on Downtown Sidewalks and Outdoor Dining Facilities

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|---|-------------------------------------|
| 795.01 Downtown sidewalk cafes.                 | 795.03 Outdoor dining facilities or |
| 795.02 Business activity on downtown sidewalks. | cafes.                              |

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795.01 DOWNTOWN SIDEWALK CAFES.

(a) Purpose.

- (1) The City of Oberlin recognizes and supports the vitality and activity that is created by outdoor dining establishments within the "downtown business district". The operation of such dining facilities within the public street rights-of-way, however, requires careful consideration and review to ensure that such uses function in a manner as to create the aforementioned benefits without any negative effects.
- (2) The purpose of establishing these guidelines is to create a pleasant downtown environment for visitors and residents, to prevent obstructions on public sidewalks in areas characterized by high volumes of pedestrian traffic and the congregation of pedestrians on sidewalks associated with sidewalk cafes, and to ensure that adequate efforts are made to protect the health, safety and welfare of the public by requiring certain minimum levels of sanitation and cleanliness.

(b) Definitions. The following definitions are provided to assist with the interpretation of these guidelines:

- (1) Right-of-way. The public right-of-way is defined as an area of land over which a government has possession of rights for public passage or use, such area being occupied or intended to be occupied by a street, road, highway, alley, sidewalk, crosswalk, or for the installation of public or private utilities within the corporate limits of the City. Such right-of-way may be under the jurisdiction of the City, County, State or Federal governments. For the purpose of these guidelines, the components of the right-of-way that are of concern include, but are not limited to, the sidewalk area of the street as well as overhead and underground utilities whether owned by the City or others.

- (2) Central Business District. The central business district for the purposes of these regulations is considered to be that area of the City identified as the Downtown District in the Downtown Revitalization and Development Plan, 2010 Update.
  - (3) Restaurant. A commercial establishment, the principal purpose of which is the sale and serving of food and beverages for consumption within the establishment or in an area contiguous thereto.
  - (4) Outdoor dining. An outdoor dining facility or café for the purpose of these guidelines means an area within the public right-of-way, and adjacent to a restaurant. The size and location of such an outdoor dining facility or café may be limited in order to ensure that the public right-of-way is not obstructed by the operation of same.
  - (5) Sidewalk fence. Means a temporary, non-permanent fence which is located on the public sidewalk. The height of such fence shall not be less than 36 inches nor exceed 42 inches from grade to the highest point.
  - (6) Litter. Litter for the purpose of these guidelines is defined as meaning any substance found within the right-of-way that is related to the food, beverages or other goods associated with the food service at the outdoor dining facility or café and the primary restaurant facility. Such items include, but are not limited to, discarded food, beverages, plates, wrappers, containers, bottles, cups, paper, cigars or cigarettes and butts.
  - (7) Permit. A permit is defined as being written authorization by the City Manager to conduct the operation of an outdoor dining facility or café within the public right-of-way. A permit is only valid between April 1st and November 1st.
  - (8) Business. A business is considered to be any operation of an outdoor dining facility or café by a person, firm, partnership or corporation.
- (c) Procedures. The following procedures shall apply to requests for permission to operate an outdoor dining facility or café within the public right-of-way in the central business district:
- (1) Approval. No business shall operate an outdoor dining facility or café without having first obtained a permit from the office of the City Manager.
  - (2) Permit requirement. A valid permit is required to operate an outdoor dining facility or café within the public right-of-way located within the central business district of the City. A permit is only valid for the calendar year in which it is issued. The fee charged for such an annual permit shall be fifty dollars (\$50.00).
  - (3) Permit application. An application must be filed on an annual basis for a permit to operate an outdoor dining facility or café within the central business district. Such applications are to be completed on the form prescribed by the City and are to be filed with the office of the City Manager. The City Manager shall either approve or deny the application within thirty (30) days of receipt of a complete application. Each application shall be accompanied by a completed Application Form, a sketch which accurately displays all applicable dimensions, shows the size and location of the restaurant, the size and location of all doors or other openings in relation to the building and adjacent sidewalks, curbs and

gutters, the width of all adjacent sidewalks, the location of such features as sidewalk pavers, fire hydrants, light poles, trash receptacles, benches, flower planters, trees, bus stops, newspaper boxes, curb-cuts, driveways, or any other existing feature that might impact the ability of the café area to comply with these guidelines, as well as such other information reasonably deemed necessary by the City Manager to issue a permit. The applicant shall also furnish details related to all proposed temporary fences or barriers. Such fences or barriers shall not be less than thirty-six (36) inches nor exceed forty-two (42) inches from grade to the highest point. Fences shall not create any sight-line problems. They shall comply with the design details set forth in subsection (d) hereof.

(4) Permit issuance.

- A. No outdoor dining facility or café shall operate unless adjacent to a property with an existing restaurant being operated in accordance with the City's Zoning, Building and Fire Codes. Any outdoor dining facility or café in operation prior to the adoption of these guidelines shall be required to comply with these guidelines.
- B. The operation of any outdoor dining facility or café shall be in accordance with the sketch plan approved by the City Manager.

(5) Appeals. Any applicant who has been denied a permit pursuant to these guidelines may, in writing, appeal the denial to the Zoning Board of Appeals within ten (10) days of the date of receipt of the decision denying the permit. The Zoning Board of Appeals shall consider the appeal at its next regularly scheduled meeting. The Board may confirm the decision of the City Manager to deny the application or approve the application if it determines that no significant obstruction to pedestrian travel will result from the proposed activity, and that the proposed outdoor dining facility or café is in substantial compliance with these standards and guidelines. In making this determination, the Board shall consider, among other factors, the scale of the proposed activity, the level of pedestrian traffic on the sidewalk, the configuration of the proposed activity or facility and its relationship to the sidewalk and existing street furniture, bus stops, light poles, etc., and the possible impact on nearby businesses.

(6) Permit fee. Each application will be processed only with payment of a permit fee prescribed (see subsection (c)(2) hereof).

(7) Exceptions. Any applicant who is unable to comply with the design criteria or conditions outlined in subsection (d) hereof, may file an application seeking an exception to those regulations with the Oberlin Planning Commission. That written appeal must be filed within ten (10) days of the decision by the City Manager that the application does not comply with the regulations. The Planning Commission may approve a variance to the regulations if the Commission's findings of fact demonstrate that the exception meets the purpose and intent of the standards or regulations.

(8) Permit fee for exceptions. Any written request for an exception to the standards or regulations is to be accompanied by a fee of fifty dollars (\$50.00).

- (9) Multiple applications. Should an application be denied by the City Manager and that denial upheld by the Zoning Board of Appeals, or the Planning Commission related to compliance with standards, no further permit application or exception request will be considered or approved within six (6) months of the date of the refusal by the Zoning Board of Appeals or the Planning Commission.
  - (10) Revocation of permit.
    - A. In order to enforce the provisions of these guidelines, any business determined not to be in compliance with same shall be issued a written Notice of Violation. Such Notice shall be delivered by hand or sent by certified mail to the business and/or property owner identified on the Application Form.
    - B. Failure to comply with the written Notice of Violation within twenty-four (24) hours of receipt will result in the revocation of the permit and the authority to operate for a period of seven (7) calendar days from the date of the delivery of a Notice of Revocation. The Notice of Revocation shall be delivered by hand or sent by certified mail to the business and will be effective immediately upon receipt. Any further violation within the same calendar year within which the permit was issued shall result in revocation of the permit for the remainder of that calendar year.
  - (11) Appeal of loss of privilege. Any business whose permit to operate has been revoked, may appeal that revocation decision to the Zoning Board of Appeals within ten (10) days of receipt of the written notice of revocation. The Zoning Board of Appeals shall consider the circumstances involved with respect to the issuance of the Notice of Revocation and any earlier warnings or Notices of Violation and any mitigating evidence offered by the permit holder, including efforts or assurances that may be provided that would insure compliance with the guidelines. The Board shall have the authority to uphold, overrule or modify the revocation, as long as any such action ensures future compliance with these guidelines.
  - (12) Penalty. Any person, firm or corporation that violates any of the provisions of this chapter shall, upon conviction thereof in a court of competent jurisdiction, be fined not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00) for each violation. Each and every day that a violation continues shall constitute a separate offense, up to a period of one year.

In addition, the City may institute a civil action in a court of competent jurisdiction to enjoin any violations of this chapter.
- (d) Conditions and Requirements.
- (1) Restaurants located in the central business district may locate a sidewalk fence and may locate and operate a sidewalk café provided the establishment/restaurant has received a permit therefor.
  - (2) The following guidelines shall apply to the operation of a seasonal outdoor dining facility or café:

- A. Any outdoor dining facility or café shall be located immediately adjacent to and directly in front of the building housing the restaurant and not extend beyond the limits of the property wherein the applicant restaurant is located;
- B. Outside seating capacity shall not exceed twenty-five percent (25 %) of the restaurant's seating capacity.
- C. Sidewalk fence requirements are applicable only to an outdoor dining facility or café and include:
  - 1. Any access opening in the perimeter fencing shall be clear and unobstructed at all times, comply with exit widths required by City Building and Fire Codes and will be no less than 36".
  - 2. Fence design should be considerate of the character of the site and designed to be compatible with the scale, form, proportions, colors and materials of surrounding structures and amenities.
  - 3. Fence materials typically are to be discreet in color, design, and materials and have a relatively transparent finish. An open fence design will aid in reducing visual clutter.
  - 4. Basic components for a sidewalk fence are support posts, bottom rails, mid-level rails, top rails, pickets or other in-fill panels qualifying as relatively transparent, and connections.
  - 5. Preferred materials for fencing include painted ornamental iron, steel, stainless steel or aluminum.
  - 6. Painted wood and plastic fencing including PVC (poly vinyl chloride) that maintain a stable, structural integrity and quality appearance may only be permitted subject to review by the Design Review Subcommittee and approval by the Planning Commission.
  - 7. Any pickets, posts, balusters or similar ornamentation that could catch on pedestrian clothing or property must not extend above the top railing.
  - 8. Openings between pickets or rails in repetitive picket fence designs shall be less than 4". Openings between pickets or rails in fence design greater than 4" shall be 9" or greater.
  - 9. Post spacing shall be between 48" to 60" to provide structural stability.
  - 10. A top rail may allow planter boxes to be mounted on the fencing, which must be firmly affixed so that they will not topple as a result of customers or pedestrians colliding with the fence.
  - 11. A kick rail positioned a maximum of 6" above the finished grade of the sidewalk must be installed in accordance with the Americans with Disabilities Act (ADA).

12. Fencing shall be of sturdy material with no jagged edges and constructed for easy removal during the non-seasonal use.
  13. Permanent attachment of the fence to the pavement shall not be permitted.
  14. Posts with footings underneath the surface of the sidewalk and core drilling are not permitted means of connections.
  15. Design of any proposed connections to the sidewalk shall be subject to approval of the Public Works Director or Director's designee prior to use.
- D. All tables and chairs shall be placed so as to not present a sight hazard to vehicular traffic or present a hazard to pedestrians.
- E. Prior to commencing operation of any outdoor dining facility, the applicant must submit a certificate of insurance to the City Manager which names the City of Oberlin as an additional insured on the applicant's liability insurance policy.
- F. No outdoor dining facility or café shall operate in such a manner as to create any obstruction of pedestrian movements on the public sidewalk. A minimum clear width of 7.5 ft. is required if the sidewalk width is 15 ft. or greater, and if the sidewalk width is less than 15 ft., 2/3rds of the sidewalk must remain available for unobstructed pedestrian travel and 1/3 may be utilized for the outdoor dining facility or café, exclusive of areas occupied by trees, planters, benches, bike racks, pavers, utility poles or other existing structures;
- G. No outdoor dining facility or café shall interfere with the operation of nearby businesses;
- H. No amplified music or television, radio or loudspeakers shall be permitted;
- I. No outdoor dining facility or café shall operate in any manner that does not comply with the requirements of the Lorain County Health Department; any permit required by that Department shall be obtained;
- J. No outdoor dining facility or café shall operate in a manner that does not comply, if applicable, with the requirements of the Ohio Department of Commerce, Division of Liquor Control;
- K. Businesses are encouraged not to use glass containers or bottles when serving patrons at the outdoor dining facility or café;
- L. No person shall use cigar, cigarette or other tobacco products in any outdoor dining facility or café;
- M. Employees of any outdoor dining facility or café shall not use public waste receptacles for the disposal of food, beverage or waste materials from the business;
- N. All outdoor areas associated with the operation shall be maintained in a litter-free state at all times, and in a clean and sanitary condition. (Ord. 10-71AC CMS. Passed 2-22-11.)

## 795.02 BUSINESS ACTIVITY ON DOWNTOWN SIDEWALKS.

(a) Purpose.

- (1) The City of Oberlin recognizes and supports the vitality and activity that is created by outdoor business activities within the "downtown business district". The operation of such business activities or other uses within the public street rights-of-way, however, requires careful consideration and review to ensure that such uses function in a manner as to create the aforementioned benefits without any negative effects.
- (2) The purpose of establishing these guidelines is to create a pleasant downtown environment for visitors and residents, to prevent obstructions on public sidewalks in areas characterized by high volumes of pedestrian traffic and the congregation of pedestrians on sidewalks associated with sidewalk business activity, and to ensure that adequate efforts are made to protect the health, safety and welfare of the public by requiring certain minimum levels access, sanitation and cleanliness.

(b) Definitions. The following definitions are provided to assist with the interpretation of these guidelines:

- (1) Right-of-way. The public right-of-way is defined as an area of land over which a government has possession of rights for public passage or use, such area being occupied or intended to be occupied by a street, road, highway, alley, sidewalk, crosswalk, or for the installation of public or private utilities within the corporate limits of the City. Such right-of-way may be under the jurisdiction of the City, County, State or Federal governments. For the purpose of these guidelines, the components of the right-of-way that are of concern include, but are not limited to, the sidewalk area of the street as well as overhead and underground utilities whether owned by the City or others.
- (2) Central Business District. The central business district for the purposes of these regulations is considered to be that area of the City identified as the Downtown District in the Downtown Revitalization and Development Plan, 2010 Update.
- (3) Business activity. A business activity within the public sidewalk area of the right-of-way which includes the placement of tangible items sold in conjunction with the abutting business.
- (4) Sidewalk fence. No sidewalk fence or barrier of any type is permitted for any business activity on a public sidewalk.
- (5) Litter. Litter for the purpose of these guidelines is defined as meaning any a substance found within the right-of-way that is related to the business. Such items include, but are not limited to, discarded food, beverages, plates, wrappers, containers, bottles, cups, paper, cigars or cigarettes and butts.
- (6) Permit. A permit is defined as being written authorization by the City Manager to conduct the operation of a business activity within the public right-of-way. A permit is only valid between April 1st and November 1st.

- (7) Business. A business is considered to be any operation or permitted commercial use by a person, firm, partnership or corporation.
  - (8) Minor use. Minor use by an adjacent Business refers to the placement of objects in the area immediately adjacent to the Business that enhances or supports the Business, but where the primary purpose is not a permanent or semi-permanent Business Activity. Such minor use may include a planter, flower pot, decoration, seating, but not signage.
- (c) Procedures. The following procedures shall apply to requests for permission to operate an outdoor business activity within the public right-of-way in the central business district:
- (1) Approval. No business shall operate an outdoor business activity without having first obtained a permit from the office of the City Manager.
  - (2) Permit requirement.
    - A. A valid permit is required to operate an outdoor business activity within the public right-of-way located within the central business district of the City. A permit is only valid for the calendar year in which it is issued. The fee charged for such an annual permit shall be twenty-five dollars (\$25.00). A renewal fee of fifteen dollars (\$15.00) will be charged for a subsequent identical application.
    - B. No permit will be required for outdoor business activity conducted in conjunction with:
      - 1. A Downtown Event for which a Special Permit Application has been issued by the City,
      - 2. Memorial Day Weekend (Saturday, Sunday and Monday),
      - 3. Labor Day Weekend,
      - 4. Independence Day and the associated weekend when Independence Day falls on a Friday, Saturday, Sunday or Monday,
      - 5. Oberlin College Commencement weekend,
      - 6. Or, other special occasions as approved by the City Manager in consultation with Oberlin Main Street Chamber.
  - (3) Permit application. An application must be filed on an annual basis for a permit to operate an outdoor business activity within the central business district. Such applications are to be completed on the form prescribed by the City and are to be filed with the office of the City Manager. The City Manager shall either approve or deny the application within thirty (30) days of receipt of a complete application. Each application shall be accompanied by a completed Application Form, a sketch which accurately displays all applicable dimensions, shows the size and location of the business, the size and location of all doors or other openings in relation to the building and adjacent sidewalks, curbs and gutters, the width of the all adjacent sidewalks, the location of such features as sidewalk pavers, fire hydrants, light poles, trash receptacles, benches, flower planters, trees, bus stops, newspaper boxes, curb-cuts, driveways, or any other existing feature that might impact the ability of the business to comply with these guidelines, as well as such other information reasonably deemed necessary by the City Manager to issue a permit.



- (4) Permit issuance.
  - A. No outdoor business activity shall operate unless immediately adjacent to a property with an existing business being operated in accordance with the City's Zoning, Building and Fire Codes. Any outdoor business activity in operation prior to the adoption of these guidelines shall be required to comply with these guidelines.
  - B. The operation of any outdoor business activity shall be in accordance with the sketch plan approved by the City Manager.
- (5) Appeals. Any applicant who has been denied a permit pursuant to these guidelines may, in writing, appeal the denial to the Zoning Board of Appeals within ten (10) days of the date of receipt of the decision denying the permit. The Zoning Board of Appeals shall consider the appeal at its next regularly scheduled meeting. The Board may confirm the decision of the City Manager to deny the application or approve the application if it determines that no significant obstruction to pedestrian travel will result from the proposed activity, and that the proposed outdoor business activity is in substantial compliance with these standards and guidelines. In making this determination, the Board shall consider, among other factors, the scale of the proposed activity, the level of pedestrian traffic on the sidewalk, the configuration of the proposed activity or facility and its relationship to the sidewalk and existing street furniture, bus stops, light poles, etc., and the possible impact on nearby businesses.
- (6) Permit fee. Each application will be processed only with payment of a permit fee prescribed (see subsection (c)(2) hereof).
- (7) Exceptions. Any applicant who is unable to comply with the design criteria or conditions outlined in subsection (d) hereof, may file an application seeking an exception to those regulations with the Oberlin Planning Commission. That written appeal must be filed within ten (10) days of the decision by the City Manager that the application does not comply with the regulations. The Planning Commission may approve a variance to the regulations if the Commission's findings of fact demonstrate that the exception meets the purpose and intent of the standards or regulations.
- (8) Permit fee for exceptions. Any written request for an exception to the standards or regulations is to be accompanied by a fee of fifty dollars (\$50.00).
- (9) Multiple applications. Should an application be denied by the City Manager and that denial upheld by the Zoning Board of Appeals or the Planning Commission related to compliance with standards, no further permit application or exception request will be considered or approved within six (6) months of the date of the refusal by the Zoning Board of Appeals or the Planning Commission.
- (10) Revocation of permit.
  - A. In order to enforce the provisions of these guidelines, any business determined not to be in compliance with same shall be issued a written Notice of Violation. Such Notice shall be delivered by hand or sent by certified mail to the business and/or property owner identified on the Application Form.

- B. Failure to comply with the written Notice of Violation within twenty-four (24) hours of receipt will result in the revocation of the permit and the authority to operate for a period of seven (7) calendar days from the date of the delivery of a Notice of Revocation. The Notice of Revocation shall be delivered by hand or sent by certified mail to the business and will be effective immediately upon receipt. Any further violation within the same calendar year within which the permit was issued shall result in revocation of the permit for the remainder of that calendar year.
- (11) Appeal of loss of privilege. Any business whose permit to operate has been revoked, may appeal that revocation decision to the Zoning Board of Appeals within ten (10) days of receipt of the written notice of revocation. The Zoning Board of Appeals shall consider the circumstances involved with respect to the issuance of the Notice of Revocation and any earlier warnings or Notices of Violation and any mitigating evidence offered by the permit holder, including efforts or assurances that may be provided that would insure compliance with the guidelines. The Board shall have the authority to uphold, overrule or modify the revocation, as long as any such action ensures future compliance with these guidelines.
- (12) Penalty.
- A. Any person, firm or corporation that violates any of the provisions of this chapter shall, upon conviction thereof in a court of competent jurisdiction, be fined not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00) for each violation. Each and every day that a violation continues shall constitute a separate offense, up to a period of one year.
- B. In addition, the City may institute a civil action in a court of competent jurisdiction to enjoin any violations of this chapter.
- (13) Permission by notification. Minor Use is allowed under the provisions of these guidelines as long as such items do not impede pedestrian safety and upon notification to the Planning and Development Department on the form provided by the Department which shall clearly identify the location of all proposed objects to be placed on the sidewalk for the requested Minor Use. Unless the City Manager or Planning and Development Director revokes the proposed Minor Use in writing, permission shall be deemed granted for the period valid between April 1<sup>st</sup> and November 1<sup>st</sup>. A new request form shall be submitted each calendar year.
- (d) Conditions and Requirements.
- (1) Business establishments located in the Central Business District may locate business activity on a public sidewalk if the business establishment has received a permit therefor or during the special periods when no permit is required as noted in subsection (c)(2) hereof.
- (2) The following guidelines shall apply to the operation of a seasonal outdoor business activity when allowed by permit and during special periods when no permit is required as noted in subsection (c)(2) above:

- A. Any outdoor business activity shall be located immediately adjacent to and directly in front of the building housing the business and not extend beyond the limits of the property wherein the applicant business is located;
- B. No sidewalk fence or barrier shall be installed or used related to an outdoor business activity.
- C. Any materials, goods, etc. shall be placed so as not to present a sight hazard to vehicular traffic or to present a sign hazard to pedestrians.
- D. Prior to commencing operation of any outdoor business activity, the applicant must furnish a certificate of insurance to the City Manager which names the City of Oberlin as an additional insured on the applicant's liability insurance policy.
- E. No outdoor business activity shall operate in such a manner as to create any obstruction of pedestrian movements on the public sidewalk. A minimum clear width of 7.5 feet is required if the sidewalk is 15 feet or greater, and if the sidewalk width is less than 15 feet, 2/3rds of the sidewalk must remain available for unobstructed pedestrian travel and 1/3 may be utilized for the business activity, exclusive of areas occupied by trees, planters, benches, bike racks, pavers, utility poles or other existing structures.
- F. No outdoor business activity shall interfere with the operation of nearby businesses.
- G. No amplified music or television, radio or loudspeakers shall be permitted.  
(Ord. 10-71AC CMS. Passed 2-22-11.)

#### 795.03 OUTDOOR DINING FACILITIES OR CAFES.

(a) Purpose.

- (1) The City of Oberlin recognizes and supports the vitality and activity that is created by outdoor dining establishments within "business districts". The operation of such dining facilities requires careful consideration and review to ensure that such uses function in a manner as to create the benefits without any negative effects.
- (2) The purpose of establishing these guidelines is to create a pleasant outdoor dining environment for visitors and residents, to prevent congestion on streets and obstructions on public sidewalks, and to ensure that adequate efforts are made to protect the health, safety and welfare of the public by requiring, among other matters, certain minimum levels of sanitation and cleanliness.

(b) Definitions. The following definitions are provided to assist with the interpretation of these guidelines:

- (1) Right-of-way. The public right-of-way is defined as an area of land over which a government has possession of rights for public passage or use, such area being occupied or intended to be occupied by a street, road, highway, alley, sidewalk or crosswalk or for the installation of private utilities within the corporate limits of the City. Such right-of-way may be under the jurisdiction of the City, County, State or Federal governments. For the purpose of these guidelines, the components of the right-of-way that are of concern include, but are not limited to, the sidewalk area of the street as well as overhead and underground utilities whether owned by the City or others.
  - (2) Business districts. The City has a number of business districts that permit eating and drinking establishments.
  - (3) Restaurant. A commercial establishment, the principal purpose of which is, the sale and serving of food and beverages for consumption within the establishment or in an area contiguous thereto.
  - (4) Outdoor dining. An outdoor dining facility or café for the purpose of these guidelines means an area on private property, and adjacent to a restaurant. The size and location of such an outdoor dining facility or café may be limited in order to ensure that adequate parking and access to the building is maintained.
  - (5) Litter. Litter for the purpose of these guidelines is defined as meaning any substance that is related to the food, beverages or other goods associated with the food service at the outdoor dining facility or café and the primary restaurant facility. Such items include, but are not limited to, discarded food, beverages, plates, wrappers, containers, bottles, cups, paper, cigars or cigarettes and butts.
  - (6) Permit. A permit is defined as being written authorization by the Planning Commission to conduct the operation of an outdoor dining facility or café. A permit is only valid between April 1st and November 1st.
  - (7) Business. A business is considered to be any operation of an outdoor dining facility or café by a person, firm, partnership or corporation.
- (c) Procedures. The following procedures shall apply to requests for permission to operate an outdoor dining facility or café within the business districts:
- (1) Approval. No business shall operate an outdoor dining facility or café without having first obtained a permit from the office of the Oberlin Planning Commission.
  - (2) Permit requirement. A valid permit is required to operate an outdoor dining facility or café within a business district of the City. A fee shall be fifty dollars (\$50.00) for such a permit.

- (3) Permit application. An application must be filed for site plan approval to operate an outdoor dining facility or café within a business district. Such applications are to be completed on the form prescribed by the City and are to be filed with the office of the Planning and Development Director. The Commission will either approve or deny the application within thirty (30) days of receipt of a complete application. Each application shall be accompanied by a completed Application Form, a sketch, accurately displaying dimensions, which shows the size and location of the restaurant, setbacks from lot lines, the location and number and size of parking spaces on-site, the size and location of doors or other openings to the building, the width of the sidewalks and streets, the location of such features as, fire hydrants, light poles, trash receptacles, benches, flower planters, trees, bus stops, newspaper boxes, curb-cuts and driveways, etc. as may be applicable. The applicant shall also furnish details related to any proposed temporary or permanent fence or barrier. Such fence or barrier shall not be less than thirty-six (36) inches nor exceed forty-two (42) inches from grade to the highest point. Fences shall not create a sight-line problem.
- (4) Permit issuance.
- A. No outdoor dining facility or café shall operate unless adjacent to a property with an existing restaurant being operated in accordance with the City's Zoning, Building and Fire Codes after the adoption of these guidelines. Any outdoor dining facility or café in operation prior to the adoption of these guidelines shall be required to comply with these guidelines.
- B. The operation of any outdoor dining facility or café shall be in accordance with the plan approved by the Planning Commission.
- (5) Appeals. Any applicant who has been denied a permit pursuant to these guidelines may, in writing, appeal the denial to the Zoning Board of Appeals within ten (10) days of the date of receipt of the decision denying the permit. The Zoning Board of Appeals shall consider the appeal at its next regularly scheduled meeting. The Board may confirm the decision of the Planning Commission to deny the application or approve such an application if it determines that, among other factors, the scale of the proposed activity, the level of vehicular and pedestrian traffic, the availability and adequacy of off-street parking, the configuration of the proposed activity or facility and its relationship to site buildings and features and the possible impact on nearby businesses are determined to be appropriate.
- (6) Permit fee. Each application will be processed only with payment of a fee prescribed (see subsection (c)(2) hereof).
- (7) Multiple applications. Should an application be denied by the Planning Commission and that denial upheld by the Zoning Board of Appeals, no further permit application will be considered or approved within six (6) months of the date of the refusal by the Zoning Board of Appeals.

- (8) Loss of privilege.
- A. In order to enforce the provisions of these guidelines, any business determined not to be in compliance with same shall be warned in writing of the lack of compliance. Such notice shall be delivered by hand or sent by certified mail to business and/or property owner identified on the Application Form.
  - B. Failure to comply with the written warning issued, as noted above, will result in the revocation of the permit and the authority to operate an outdoor dining facility or café for a period of thirty (30) calendar days from the date of the second incident. Such revocation notice shall be delivered by hand or sent by certified mail to the business and will be effective immediately upon receipt.
  - C. Any further failure to comply within the same calendar year when the permit was issued shall result in suspension for the remainder of that calendar year.
- (9) Appeal of loss of privilege. Any business whose permit to operate an outdoor dining facility or café has been revoked, may appeal that revocation decision to the Zoning Board of Appeals within ten (10) days of receipt of the written notice that the permit has been rescinded. The Zoning Board of Appeals shall consider the circumstances involved with respect to the issuance of the earlier warnings and suspensions of the permit, including efforts or assurances that may be provided that would insure compliance with the guidelines.
- (10) Penalty. Any person, firm or corporation who violates any of the provisions of this chapter shall, upon conviction thereof in a court of competent jurisdiction, be fined not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00) for each violation. Each and every day that a violation continues shall constitute a separate offense, up to a period of one year.
- In addition, the City may institute a civil action in a court of competent jurisdiction to enjoin any violations of this chapter.

(d) Conditions and Requirements. The following guidelines shall apply to the operation of a seasonal outdoor dining facility or café on private property:

- (1) Any outdoor dining facility or café shall be located adjacent to the restaurant and not extend beyond the limits of the property owned by the applicant business;
- (2) Outside seating capacity shall not exceed forty-nine percent (49%) of the restaurant's seating capacity;
- (3) Off-street parking shall be provided as may be required by the Zoning Code;
- (4) No outdoor dining facility or café shall interfere with the operation of nearby businesses;

- (5) No outdoor dining facility or café shall operate in any manner that does not comply with the requirements of the Lorain County Health Department and that any permit required by that Department shall be obtained;
- (6) No outdoor dining facility or café shall operate in a manner that does not comply, if applicable, with the requirements of the Ohio Department of Commerce, Division of Liquor Control;
- (7) Businesses are encouraged not to use glass containers or bottles when serving patrons at the outdoor dining facility or café;
- (8) Any outdoor dining facility or café shall provide receptacles for the disposal of cigar, cigarette or other tobacco items, and shall ensure that such receptacles are regularly serviced in such a manner as to avoid overflowing conditions related to those disposal of items;
- (9) Employees of any outdoor dining facility or café shall not use public waste receptacles for the disposal of food, beverage or waste materials from the business;
- (10) All outdoor areas associated with the operation shall be maintained in a litter-free state at all times as required by Section 521.08 of the Codified Ordinances, and in a clean and sanitary condition.
- (11) No outdoor dining facility shall operate later than midnight.  
(Ord. 10-71AC CMS. Passed 2-22-11.)

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### TITLE THREE - Administration

Chap. 1111. Permit Fees.

Chap. 1113. Responsibility for Permit.

Chap. 1115. Contractor Registration.

#### CHAPTER 1111 Permit Fees

1111.01	General residential fee schedule.	1111.03	Plumbing permit fees.
1111.02	Refunds for permit revocation prohibited; commencement and completion of work.	1111.04	Electrical permit fees.
		1111.05	Power permit fees.
		1111.06	Ohio Building Code fees.

#### CROSS REFERENCES

Excavation permits - see S. & P. S. Ch. 903

Plumbing permits required - see BLDG. 1127.23 et seq.

Electrical permits required - see BLDG. 1141.04 et seq.

Permit deposit for moving structures - see BLDG. 1183.02

Commercial signs - see P. & Z. Ch. 1351

#### 1111.01 GENERAL RESIDENTIAL FEE SCHEDULE.

The fees listed shall prevail for permits required for construction, alterations, repairs of one, two and three-family dwellings including accessory structures.

(a) REGISTRATION OF CONTRACTORS.	
(1) Initial registration fee	\$100.00
(2) Initial - each additional trade/registration (with a cost of a maximum for three additional)*	\$75.00 each
(3) Annual renewal registration fee (prior to March 1 <sup>st</sup> , if registered the previous year)	\$75.00
(4) Renewal - Each additional trade/registration (with a cost of a maximum for 3 additional)*	\$50.00 each
* Separate registrations for each type of work indicated on the application. Insurance certification may be used for multiple trades/registration. Maximum cost with additional registrations - initial + 225.00/renewal + 150.00.	

(b) PLAN REVIEW.	
(1) Single family dwelling (new)	\$100.00 plus \$4.00/100 s.f.
(2) Multifamily (one/two/three family dwelling) (new)	\$150.00 plus \$4.00/100 s.f.
(3) Additions, remodeling, alteration, repair	\$50.00 plus \$4.00/100 s.f.
(4) Duplicate plans (same house, same remodel, etc.)	50% of the above cost
(5) Detached garage, pole buildings, accessory structure (200 s.f. and over)	\$50.00 plus \$4.00/100 s.f.
(6) Miscellaneous (all other items for which plans are submitted but not listed)	\$25.00
(c) BUILDING PERMITS.	
(1) Single family dwelling (new)	\$175.00 plus \$10.00/100 s.f.
(2) Single family dwelling (addition, alteration, remodel)	\$100.00 plus \$10.00/100 s.f.
(3) Multifamily (one, two, three family dwelling) (new)	\$200.00 plus \$10.00/100 s.f.
(4) Multifamily (one, two, three family) addition, alteration, remodel	\$100.00 plus \$10.00/100 s.f.
(5) Detached garage, pole buildings, accessory structure (200 s.f. and over)	\$50.00 plus \$10.00/100 s.f.
(d) MISCELLANEOUS PERMITS.	
(1) Deck, gazebo, pergola, shed	\$25.00 plus \$4.00/100 s.f.
(2) Porch, windows, siding, gutters, trim, insulation	\$25.00 each
(3) Roof (added layer or remove and replace) Roof repair (approx. 1 square)	\$35.00 NC
(4) Foundation - repair/replace	\$80.00 per side
(5) Waterproofing/water control	\$65.00
(6) Driveway/sidewalks/patios (new)	\$45.00 each
(7) Driveway/sidewalks/patios (replace)	\$25.00 each
(8) Swimming pool (above ground), includes electric permit	\$75.00
(9) Swimming pool (in ground), includes electric and plumbing (not included - pool heaters, these are separate)	\$150.00
(10) Hot tubs/spas	\$50.00

(d) MISCELLANEOUS PERMITS. (Cont.)	
(11) Fence	\$35.00
(12) Fire place (insert/free standing/stove)	\$45.00
(13) Fire place (masonry)	\$65.00
(14) Solar - hot water/electric/air (heat)	\$100.00 each
(15) Misc. Concrete (replacement garage/basement floors)	\$35.00 each
(e) ELECTRICAL PERMITS.	
(1) Single family dwelling (new)	\$150.00 plus \$5.00/100 s.f.
(2) Single family dwelling (addition/alteration/remodel)	\$75.00 plus \$5.00/100 s.f.
(3) One, two, three family dwelling (new)	\$200.00 plus \$5.00/100 s.f.
(4) One, two, three family dwelling (addition/alteration/remodel)	\$100.00 plus \$5.00/100 s.f.
(5) Service change/upgrade/repair	\$65.00
(6) Storm repair (service)	NC
(7) Panel upgrade/replacement	\$50.00
(8) Accessory buildings (detached garage, shed, etc.)	\$50.00 plus \$5.00/100 s.f.
(9) Sump pump/sewage ejector (new power source)	\$50.00
(10) Miscellaneous - added lighting/outlets	\$25.00
(11) Generator     Portable connection Permanent connection	\$50.00 \$100.00
(12) Solar system	\$100.00
(13) Electric generating wind turbines - maximum 4.5 kw	\$100.00 each
(14) Electric generating wind turbines - over 4.5 kw	\$175.00 each
(15) DC to AC power inverters - upgrade/replacement	\$65.00 each
(f) PLUMBING PERMITS	
(1) Single family dwelling (new)	\$100.00 plus \$5.00/100 s.f.
(2) Single family dwelling (addition/alteration/remodel)	\$75.00 plus \$5.00/100 s.f.
(3) One, two, three family dwelling (new)	\$150.00 plus \$5.00/100 s.f.

(f) PLUMBING PERMITS (Cont.)	
(4) One, two, three family dwelling (addition/alteration/remodel)	\$100.00 plus \$5.00/100 s.f.
(5) Miscellaneous replacement - toilets/ sinks/tubs/dishwasher	\$35.00 each
(6) Hot water tank (replacement)	\$35.00 each
(7) Sump/ejector pumps (new or replace)	\$65.00 each
(8) Repair interior gas, water, sewer lines	\$25.00 each
(9) Replace interior gas, water, sewer line (10' plus)	\$50.00 each
(10) Repair/replace exterior gas, water, storm or sanitary sewer	\$50.00 each
(11) Lawn sprinkler system (includes backflow device)	\$65.00
(12) Hydronic system (new/replace)	\$100.00
(13) Hydronic boiler (replace)	\$50.00
(14) In ground pool heaters	\$65.00
(g) HEATING PERMITS.	
(1) Standard furnace (new/replace)	\$55.00 each
(2) Combination unit (heat pump) (new/replace)	\$90.00 each
(3) Hydronic (new/replace)	See PLUMBING
(4) Geothermal system (new)	\$200.00
(5) Geothermal system (replace)	\$150.00
(6) Geothermal loop system (replace)	\$75.00
(7) Space heating - overhead/duct system/in wall/baseboard (new/replace)	\$55.00 each
(8) Duct work (new)	\$100.00 each furnace
(9) Duct work (addition/alteration/remodel)	\$40.00
(10) Make-up air (conditioned air) (new/replace)	\$40.00
(11) Central air conditioning (new/replace)	\$45.00 each

(h) RAZING OR DEMOLITION	
(1) 100 s.f. or less	NC
(2) 101 s.f. - 500 s.f.	\$35.00
(3) 501 s.f. - 1,000 s. f.	\$75.00
(4) 1,001 s.f. - plus	\$150.00 *
* Refundable bond (any payment for misc. costs will reduce refund) \$5,000	
(i) MOVING STRUCTURE.	
(1) Adjoining lot	\$200.00
(2) Directly across a public road	\$800.00 *
(3) Elsewhere in or out of City	\$1,500 *
* Refundable bond (any payment for misc. costs will reduce refund) \$5,000	
(j) RESIDENTIAL RE-INSPECTION FEE.	
At the discretion of the Building Official Must be paid before occupancy	\$45.00
(k) OCCUPANCY PERMIT.	
New, addition	\$45.00
(l) PENALTY.	
Penalty for starting work without first obtaining required permit or required contractor/registration Permit fee/ registration PLUS	300%

## NOTE:

1. All fees based on 100 square footage (s.f.) and shall be rounded up and based on 100 square foot increments.
2. Living space defined as all areas under roof, on each story, including basements, attached garages and porches.

(Ord. 11-07 AC CMS. Passed 2-22-11.)

**1111.02 REFUNDS FOR PERMIT REVOCATION PROHIBITED;  
COMMENCEMENT AND COMPLETION OF WORK.**

There shall be no refunds of any fee in the event a permit is cancelled or revoked. Work authorized by any permit issued under this chapter shall be commenced within six months from the date of issuance of such permit or such permit shall be void. Such work, when once commenced, shall be completed without unnecessary delay.

(Ord. 70AC. Passed 5-19-58.)

**1111.03 PLUMBING PERMIT FEES.**

The fee for a plumbing permit shall be paid, based on the following computations:

- (a) New installations or additions to existing system in such amount as provided by ordinance. If wiring is required a separate electrical permit is to be obtained.
- (b) Repair or replacement of fixtures, soil, or waste line and hot water heaters, in such amount as provided by ordinance.  
(Ord. 1733AC. Passed 12-5-83.)
- (c) Fixtures moved more than four feet from their original location shall be classified as installation of new fixtures.
- (d) Permit for sewer tap and street opening, as provided in Part Nine - Streets, Utilities and Public Services Code, Chapter 903 and Section 915.06.

**1111.04 ELECTRICAL PERMIT FEES.**

Electrical permit fees for the following classifications are established by separate ordinance.

- (a) New installations.
- (b) Additions to existing system.
- (c) Service charge from existing system three-wire and from existing system four-wire.
- (d) For each reinspection made necessary by incompetent, incomplete or negligent work, there shall be a penalty fee payable by the individual issued the original permit. (Ord. 1047AC. Passed 6-17-74.)

**1111.05 POWER PERMIT FEES.**

Power permit fees for the following classifications are established by separate ordinance:

- (a) For each electrical appliance installed and shall include but is not limited to the following: air conditioners, motors up to 10 HP, electric heaters, hot water heaters, clothes dryers, ranges and meter openings.
- (b) Temporary service for construction.
- (c) Temporary service pending final.  
(Ord. 1047AC. Passed 6-17-74.)

**1111.06 OHIO BUILDING CODE FEES.**

PERMIT	PROPOSED FEE
Building permit	\$300.00 \$9.50 per s.f.
Electric permit	\$300.00 \$5.75 per s.f.
Plumbing permit	\$300.00 \$5.75 per s.f.
Mechanical permit	\$300.00

PERMIT (Cont.)	PROPOSED FEE (Cont.)
Sprinkler/fire alarm/hood	\$300.00 \$5.75 per s.f.
Roof	\$150.00 \$4.50 per s.f.
Plans examination	\$110.00 per hr.
Re-inspection fee	\$75.00
Certificate of occupancy	\$50.00

(Ord. 11-07 AC CMS. Passed 2-22-11.)

CHAPTER 1113  
Responsibility for Permit

- |  |  |
|--|--|
| 1113.01 Permit required prior to commencement of work. | 1113.02 Owner to obtain, contractor to inspect permit. |
|  | 1113.99 Penalty.                                       |

CROSS REFERENCES

Permit fees - see BLDG. Ch. 1111  
Plumbing permits required - see BLDG. 1127.23 et seq.  
Electrical permits required - see BLDG. 1141.04 et seq.  
Signs - see P. & Z. Ch. 1351

1113.01 PERMIT REQUIRED PRIOR TO COMMENCEMENT OF WORK.

All permits and certificates required under the provisions of the Codified Ordinances, or any supplemental ordinances thereto, for the construction, remodeling, demolishing or razing of a building or structure shall be secured prior to commencement of such work.  
(Ord. 329AC. Passed 11-18-63.)

1113.02 OWNER TO OBTAIN, CONTRACTOR TO INSPECT PERMIT.

The owner of the property upon which such construction, razing or demolition is to be accomplished shall be responsible for securing the necessary permits or certificates, and no contractor or agent of the owner shall commence any construction, remodeling or razing without inspecting the permit or certificate for such work.  
(Ord. 329AC. Passed 11-18-63.)

1113.99 PENALTY.

Any person, firm or corporation who commences the construction, remodeling or razing of a structure or building prior to the issuance of a permit or certificate, or who fails to secure a permit or certificate as required under the ordinances of the City, shall be fined not more than one hundred dollars (\$100.00).



CHAPTER 1115  
Contractor Registration

1115.01	Registration required.	1115.06	Suspension of registration.
1115.02	Definitions.	1115.07	Appeal of Code Administrator suspension.
1115.03	Registration application and renewal.	1115.08	Persons exempt from registration.
1115.04	Fee for registration.	1115.99	Penalty.
1115.05	Waiver.		

**1115.01 REGISTRATION REQUIRED.**

All persons, firms, corporations, partnerships or any combination thereof, engaged as a contractor as hereinafter defined, shall be required to register for all trades engaged within the City before performing any work within the City and shall be subject to all the provisions of this chapter.

(Ord. 1078AC. Passed 1-20-75.)

**1115.02 DEFINITIONS.**

(a) "Contractor" means a person, firm, corporation, partnership or any combination thereof, who engages for hire in construction or improvements within the City in one or more trade categories, whether acting for themselves or others, and whether such trade is being performed by themselves, their employees or under subcontract. In the event that the one trade category is under subcontract, no work shall be performed until the subcontractor is registered by the City.

(b) "Trade" means field of work requiring special skill or involving the use of specialized building crafts, and includes the following:

- (1) Masonry, which includes, but is not limited to, brick laying, block laying, concrete and cement, asphalt work and paving.
- (2) Carpentry, which includes, but is not limited to, woodworking, siding, roofing and windows.
- (3) Heating, tinning, central air conditioning and sheet metal work.
- (4) Wall covering, which includes, but is not limited to plastering, dry wall, taping, insulating and lath work.

- (5) Excavation, which includes, but is not limited to, sanitary sewer work, storm sewer work and general excavating, earth moving and grading.
- (6) Structural iron work for new construction.
- (7) Sign erection.
- (8) Swimming pool installation for all pools installed below grade.  
(Ord. 1078AC. Passed 1-20-75.)

#### 1115.03 REGISTRATION APPLICATION AND RENEWAL.

(a) Application. Application for registration shall be made to the Code Administrator on forms provided therefor.

(b) Qualifications for Registration.

- (1) The applicant for trades (1) through (6) and (8) specified in Section 1115.02(b) shall have a minimum of two years practical experience; an affidavit to this effect shall be provided. In lieu of the experience required, the applicant may qualify with two years technical training in an accredited school; proof of the same shall be furnished at time of registration.
- (2) The applicant shall provide any and all references as may be requested on the application form in the manner provided.
- (3) All registrations shall expire on December 31 of the year in which they are in force. Renewal of registration may be commenced thirty days prior to the expiration date. For renewal of registration, the final date will be January 31 within the year that the registration is to be renewed.
- (4) Every applicant for registration shall, upon the approval of this application, furnish and file with the Code Administrator, proof of public liability insurance in a minimum sum of one hundred thousand dollars (\$100,000) and property damage insurance in a minimum sum of fifty thousand dollars (\$50,000).  
(Ord. 1078AC. Passed 1-20-75.)

#### 1115.04 FEE FOR REGISTRATION.

EDITOR'S NOTE: See Section 1111.01.

#### 1115.05 WAIVER.

The Code Administrator, with the concurrence of the City Manager, may waive any or all of the above requirements in cases of hardship.  
(Ord. 1078AC. Passed 1-20-75.)

**CHAPTER 1323**  
**Permits, Enforcement and Penalty**

<b>1323.01</b>	<b>Building permits and certificates of occupancy required.</b>	<b>1323.05</b>	<b>Enforcement; effect on existing building permits.</b>
<b>1323.02</b>	<b>Building Inspector; inspections and reports.</b>	<b>1323.06</b>	<b>Validity.</b>
<b>1323.03</b>	<b>Certificate of occupancy application, issuance and records.</b>	<b>1323.07</b>	<b>Repeal of conflicting legislation.</b>
<b>1323.04</b>	<b>Building permit plat contents and records; joint use of open spaces.</b>	<b>1323.08</b>	<b>Planning and zoning fees.</b>
		<b>1323.99</b>	<b>Penalty.</b>

**CROSS REFERENCES**

Violation of zoning ordinances - see Ohio R.C. 713.13  
 Permit for temporary building - see P. & Z. 1325.04(b)(4)  
 Compliance with district regulations - see P. & Z. 1329.05  
 Nonconforming uses - see P. & Z. Ch. 1347

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**1323.01 BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY  
 REQUIRED.**

The erection of any building shall not be commenced and the foundation of any existing building shall not be extended until a building permit has been issued for such purposes by the City Manager. Commencement of residential buildings of four dwelling units or more, commercial buildings and industrial buildings shall have first been approved by the State as to plans and specifications. No vacant land shall be occupied or used, nor shall there be a change in its use, and no building shall be hereafter erected or altered, until a certificate of occupancy has been issued by the City Manager. The City Manager is authorized to issue or building permits upon application and the payment of a fee, the submission of the plat as provided in Section 1323.04, and upon the approval of the Building Inspector as to compliance with the provisions of this Zoning Ordinance and other pertinent ordinances.

(Ord. 430 AC. Passed 11-29-65.)

**1323.02 BUILDING INSPECTOR; INSPECTIONS AND REPORTS.**

The City Manager shall appoint a Building Inspector or Building Inspectors, whose duties shall be to investigate the land or building of the proposed improvement, upon actual view, before the commencement of the improvement to determine whether the location of the improvement and the type of improvement conform with this Zoning Ordinance of the City. The Building Inspector shall report his/her findings in writing to the City Manager, and after commencement of the proposed improvement, the Building Inspector shall again investigate, on actual view, the improvements to ascertain and report in writing to the City Manager whether the improvement conforms to this Zoning Ordinance of the City.  
(Ord. 430 AC. Passed 11-29-65.)

**1323.03 CERTIFICATE OF OCCUPANCY APPLICATION, ISSUANCE AND RECORDS.**

No land shall be occupied or used and no building shall be hereafter erected or a foundation extended, nor shall any existing building be occupied or used in whole or part for any purpose whatever, until a certificate of occupancy has been issued by the City Manager. Such certificate shall state that the building complies with all the building and health laws and ordinances and with the provisions of this Zoning Ordinance. No change of use shall be made in any building or part thereof now or hereafter erected and no foundation shall be extended that is not consistent with the provisions of this Zoning Ordinance. Nothing in this section shall prevent the continuance of the present occupancy or use of any existing building.

A certificate of occupancy for a building shall be applied for coincident with the application for a building permit and shall be issued within ten days after the Building Inspector has certified to the City Manager his/her approval of the improvement as herein- before described, and after the erection or extension of the building shall have been completed. No building or premises may be occupied until the certificate shall have been issued.

A certificate of occupancy for the use of vacant land, except for farming or truck gardening purposes, or for a change in the use of land as herein provided, shall be applied for before any such land shall be occupied or used, and a certificate of occupancy shall be issued within ten days after the application has been made, provided such use is in conformity with the provisions of this Zoning Ordinance. A record of all certificates shall be kept on file in the office of the City Manager and copies shall be furnished on request to any person having a proprietary or tenancy interest in the property. (Ord. 430 AC. Passed 11-29-65.)

**1323.04 BUILDING PERMIT PLAT CONTENTS AND RECORDS; JOINT USE OF OPEN SPACES.**

All applications for building permits shall be accompanied by a plat, drawn to scale and showing the actual dimensions of the lot to be built upon, the size of the building to be erected and such other information as may be necessary to provide for the enforcement of this Zoning Ordinance. A careful record of the applications and plats shall be kept in the office of the City Manager. No yard, court or other open space provided about any building for the purpose of complying with the provisions of this Zoning Ordinance shall be again used as a yard, court or other open space for another building.  
(Ord. 430 AC. Passed 11-29-65.)

**1323.05 ENFORCEMENT; EFFECT ON EXISTING BUILDING PERMITS.**

(a) It shall be the duty of the City Manager to enforce this Zoning Ordinance. It shall also be the duty of all officers and employees of the City, and especially of all members of the Police Department, to assist the City Manager by reporting to him/her upon new construction, reconstruction or land uses, or upon seeming violations.

Appeals from the decision of the City Manager may be made to the Zoning Board of Appeals as provided in Section 1325.03.

(b) Nothing herein contained shall require any change in the plans, construction, size or designated use of the building, structure or part thereof for which a building permit has been granted before the enactment or amendment of this Zoning Ordinance by Council, and the construction of which from such plans shall have been started within ninety days of the date of enactment of this Zoning Ordinance (Ordinance 430 AC, passed November 29, 1965). If any of the above requirements shall not have been fulfilled within the time stated above, or if building operations are discontinued for a period of ninety days, any further construction shall be in conformity with the provisions of this Zoning Ordinance.  
(Ord. 430 AC. Passed 11-29-65.)

**1323.06 VALIDITY.**

Should any section, clause or provision of this Zoning Ordinance be declared by the courts to be unconstitutional or invalid, the same shall not affect the validity of this Zoning Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.  
(Ord. 430 AC. Passed 11-29-65.)

**1323.07 REPEAL OF CONFLICTING LEGISLATION.**

All ordinances or parts of ordinances in conflict with the provisions of this Zoning Ordinance are hereby repealed.  
(Ord. 430 AC. Passed 11-29-65.)

**1323.08 PLANNING AND ZONING FEES.**

APPLICATION	PROPOSED FEE
Site plan/design review	\$100.00
Sign permit	\$50.00 plus \$0.50 per sq. ft.
Conditional use permit	\$125.00
Zoning amendment	\$250.00
Zoning Board of Appeals - variance request, etc.	\$125.00
Special meeting fee	\$300.00

(Ord. 11-07 AC CMS. Passed 2-22-11.)

**1323.99 PENALTY.**

Any person, firm or corporation who violates, destroys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Zoning Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof in a court of competent jurisdiction, shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for each violation. Each and every day that a violation continues shall constitute a separate offense.

In addition, the City or any resident of the City may institute a civil action in a court of competent jurisdiction to enjoin or prevent the use of, erection of or alteration of any building or structure in violation of this Zoning Ordinance.  
(Ord. 430 AC. Passed 11-29-65.)

(b) Except as provided in Section 1519.05 and except for licensed exhibitors of fireworks authorized to conduct a fireworks exhibition pursuant to Ohio R.C. 3743.50 to 3743.55 and Section 1519.02, 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) No person, other than a licensed manufacturer, licensed wholesaler, licensed exhibitor, or shipping permit holder, shall possess 1.3 G fireworks.  
(ORC 3743.65)

#### 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 fuses, 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 sale to the Armed Forces of the United States and the militia of this State 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)

1519.99 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))