

CITY OF OBERLIN, OHIO

ORDINANCE No. 25-17 AC CMS

AN ORDINANCE TO APPROVE AND ADOPT THE CURRENT REPLACEMENT PAGES TO THE CODIFIED ORDINANCES TO GO INTO IMMEDIATE EFFECT

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. That the recodification, editing, arrangement and numbering or renumbering of the ordinances and parts of ordinances as are set forth on **Exhibit A** attached hereto are hereby approved as parts of the various component codes of the Codified Ordinances of Oberlin, Ohio, within the **2025 Replacement Pages**, so as to conform to the classification and numbering system of the Codified Ordinances

SECTION 2. That the sections and chapters set forth on **Exhibit B** are hereby added, amended or repealed so as to incorporate current state law provisions.

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 hereto as **Exhibit C**. 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. To enforce general laws relating to local police power in conformance to state law and provided that at least five (5) members of the Council determine by motion, this Ordinance shall go into full force and effect immediately after its passage; otherwise, it shall take effect on the earliest date allowed by law.

PASSED: 1st Reading: April 7, 2025

2nd Reading: _____

3rd Reading: _____

ATTEST:



BELINDA B. ANDERSON, MMC
CLERK OF COUNCIL

POSTED: 04/08/2025



EBONI A. JOHNSON
PRESIDENT OF COUNCIL

EFFECTIVE DATE: 04/07/2025

EXHIBIT A – ORDINANCE No. 25-17 AC CMS

Ordinance No.	Date	Code Sections
24-23 AC CMS	6-3-2024	1191.01 to 1191.05, 1191.99
24-24 AC CMS	5-6-2024	155.01, 155.02
24-33 AC CMS	6-3-2024	1101.01, 1121.01, 1141.01, 1151.01, 1195.01, 1197.01, 1198.01, 1198.02, 1199.01, 1199.02, 1501.02
24-36 AC CMS	7-1-2024	351.17
24-37 AC CMS	7-1-2024	305.03, 305.04, 305.99
24-52 AC CMS	10-21-2024	149.02
24-75 AC CMS	12-2-2024	305.05

EXHIBIT B – ORDINANCE NO. 25-17 AC CMS

ORC TRAFFIC CODE

303.083	Impounding Vehicles on Public Property. (Amended)
333.07	Street Racing, Stunt Driving and Street Takeovers Prohibited. (Amended)

ORC GENERAL OFFENSE CODE

513.01	Drug Abuse Control Definitions. (Amended)
513.02	Gift of Marihuana. (Amended)
525.091	Compliance with Lawful Order of Police Officer; Fleeing. (Amended)
533.03	Unlawful Sexual Conduct with a Minor. (Amended)
533.04	Sexual Imposition. (Amended)
537.02	Vehicular Homicide and Manslaughter. (Amended)
537.021	Vehicular Assault in a Construction Zone. (Amended)

ORDINANCE No. 25-17 AC CMS
Exhibit C

INSTRUCTIONS FOR INSERTING
2025 REPLACEMENT PAGES
FOR THE
CODIFIED ORDINANCES OF OBERLIN

All new replacement pages bear the footnote "2025 Replacement". Please discard old pages and insert these new replacement pages immediately as directed in the following table.

Discard Old Pages

Insert New Pages

PRELIMINARY UNIT

Cover and Certification Page	Cover and Certification Page
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**CODIFIED
ORDINANCES
OF THE
CITY OF
OBERLIN, OHIO**

Local legislation current through January 1, 2025

State legislation current through June 26, 2024

CERTIFICATION

We, Eboni A. Johnson President, and Belinda B. Anderson, MMC, Clerk of Council, for 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 January 1, 2025.

/s/ Eboni A. Johnson
President

/s/ Belinda B. Anderson, MMC
Clerk of Council

CITY OF OBERLIN
ROSTER OF OFFICIALS
(2025)

COUNCIL

Eboni A. Johnson, President
Michael J. McFarlin, Vice President

Ray English
Libni Lopez
Jessa D. New
Kristin Peterson
Joseph Waltzer

COUNCIL APPOINTED OFFICIALS

Jon Clark	Interim City Manager
Marin Fowler	Finance Director
Jon Clark	Law Director
Belinda Anderson	Clerk of Council

ADMINISTRATIVE STAFF

Ryan Warfield	Police Chief
Robert Hanmer	Fire Chief
Jeffrey Baumann	Public Works Director
Carrie Porter	Director of Planning and Development
Drew Skolnicki	Light and Power Director
Rosalind Watson	Assistant City Manager/ Human Resources Administrator

THE WALTER H. DRANE COMPANY
expresses its appreciation to

JOHN CLARK, ESQ.
Law Director

and

BELINDA B. ANDERSON, MMC
Clerk of Council

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

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CHAPTER 149
Human Relations Commission

149.01 Creation; appointments.

149.02 Duties; responsibilities.

149.03 ADA grievance procedure.

CROSS REFERENCES

Fair employment practices - see Ohio R. C. Ch. 4112

Equal employment opportunities - see ADM. Ch. 157

Civil rights violations - see GEN. OFF. 525.13

Fair housing practices - see BLDG. Ch. 1185

149.01 CREATION; APPOINTMENTS.

(a) Creation. There is hereby created, under the authorization of Section VII of the Charter a Commission of five members designated as the "Human Relations Commission."

(b) Appointments. Appointments to such Commission shall be made under the provisions of Section XIX of the Charter of the City.
(Ord. 682 AC. Passed 4-6-70.)

149.02 DUTIES; RESPONSIBILITIES.

The Human Relations Commission shall have the following duties and responsibilities:

- (a) The Oberlin Human Relations Commission (HRC) promotes mutual respect and understanding among all residents and organizations with the city.
- (b) Working in cooperation with other organizations, the HRC facilitates education in the community about human rights and civil rights. The HRC conducts community engagement and outreach initiatives including public forums, workshops, and other activities designed to raise awareness about civil rights concerns and foster dialogue within the community. The HRC also works collaboratively with other groups and city organizations to help implement the education components of the city's social equity plan.
- (c) The HRC welcomes individual and community concerns and responds with appropriate informational resources and referrals. The HRC shall have the authority to establish procedures for the administration of its charge.
- (d) The HRC strives to keep its members informed and trained on relevant topics through regular educational sessions, workshops, and access to resources, fostering continuous improvement and expertise within the commission.
(Ord. 24-52AC CMS. Passed 10-21-24.)

149.03 ADA GRIEVANCE PROCEDURE.

There is hereby adopted the Americans with Disabilities Act grievance procedure for the City. The Human Relations Commission is hereby designated as the ADA Grievance Committee for the purpose of dealing with any grievances filed in accordance with that procedure. (Ord. 99-01. Passed 2-1-99.)

CHAPTER 155
Open Space and Visual Environment Commission

155.01 Creation; appointments. 155.02 Duties; responsibilities.

CROSS REFERENCES

Planning Commission - see P. & Z. Ch. 1301

Residential development design standards - see P. & Z. Ch. 1338

155.01 CREATION; APPOINTMENTS.

(a) Creation. There is hereby created, under the authorization of Section VII of the City Charter a Commission of five members designated as the "Open Space and Visual Environment Commission."

(b) Appointments. Appointments to such Commission shall be made under the provisions of Section XIX of the City Charter. (Ord. 24-24 AC CMS. Passed 5-6-24.)

155.02 DUTIES; RESPONSIBILITIES.

The Open Space and Visual Environment Commission shall have the following duties and responsibilities:

- (a) The Commission shall advise Council, and shall monitor the plans and activities of adjacent jurisdictions, Lorain County, regional bodies, and the State of Ohio with respect to open space protection and farmland preservation, and shall evaluate the impact of these plans and activities on the City of Oberlin.
 - (b) The Commission shall coordinate its plans with the Planning Commission, the Recreation Commission, and the Lorain County Metro Parks Board.
 - (c) The Commission shall advise Council in the implementation of open space plans; receive and expend funds from the City as appropriated; seek gifts of land or money for the City from public and private individuals and agencies; suggest purchases of land or easements on the land for open space purposes; and propose legislative mechanisms to preserve open space areas. Such gifts, suggestions and proposals shall require approval by Council prior to acceptance by the City.
 - (d) The Commission shall advise Council and/or other City commissions or committees, and Oberlin citizens on aesthetic grounds in matters relating to making the City a more attractive community.
 - (e) The Commission shall communicate with other organizations, locally, regionally, statewide, or nationally, concerning Oberlin's beautification, appearance, and visual environment.
 - (f) The Commission shall advise the Council, City boards, commissions, committees, and Oberlin citizens on the planting, maintenance, care and protection of the City's urban forest.
- (Ord. 24-24 AC CMS. Passed 5-6-24.)

- (2) Has been left on a public street or other property open to the public for purposes of vehicular travel, or upon or within the right-of-way of any road or highway, for forty-eight hours or longer without notification to the chief of the reasons for leaving the motor vehicle in such place. However, when such a motor vehicle constitutes an obstruction to traffic it may be ordered into storage immediately unless either of the following applies:
 - A. The vehicle was involved in an accident and is subject to Ohio R.C. 4513.66, or any substantially equivalent municipal ordinance;
 - B. The vehicle is a commercial motor vehicle. If the vehicle is a commercial motor vehicle, the chief, or state highway patrol trooper shall allow the owner or operator of the vehicle the opportunity to arrange for the removal of the motor vehicle within a period of time specified by the chief, or state highway patrol trooper. If the chief, or state highway patrol trooper determines that the vehicle cannot be removed within the specified period of time, the chief, or state highway patrol trooper shall order the removal of the vehicle.
- (3) Subject to subsection (c) of this section, the chief shall designate the place of storage of any motor vehicle so ordered removed.

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

- (c)
 - (1) The chief shall cause a search to be made of the records of an applicable entity listed in Ohio R.C. 4513.601(F)(1) to ascertain the identity of the owner and any lienholder of a motor vehicle ordered into storage by the chief, or by a state highway patrol trooper within five business days of the removal of the vehicle. Upon obtaining such identity, the chief shall send or cause to be sent to the owner or lienholder at the owner's or lienholder's last known address by certified or express mail with return receipt requested, by certified mail with electronic tracking, or by a commercial carrier service utilizing any form of delivery requiring a signed receipt. The notice shall inform the owner or lienholder that the motor vehicle will be declared a nuisance and disposed of if not claimed within ten days of the date of the sending of the notice.
 - (2)
 - A. The owner or lienholder of the motor vehicle is responsible for payment of any expenses or charges incurred in its removal and storage and may reclaim the motor vehicle upon payment of those expenses or charges, and presentation of proof of ownership, which may be evidenced by a certificate of title or memorandum certificate of title to the motor vehicle, a certificate of registration for the motor vehicle, or a lease agreement. Upon presentation of proof of ownership evidenced as provided above, the owner of the motor vehicle also may retrieve any personal items from the vehicle without retrieving the vehicle and without paying any fee. However, a towing service or storage facility may charge an after-hours retrieval fee established by the Public Utilities Commission in rules adopted under Ohio R.C. 4921.25 if the owner retrieves the personal items after hours, unless the towing service or storage facility fails to provide the notice required under Ohio R.C. 4513.69(B)(3), if applicable. However, the owner shall not do either of the following:

1. Retrieve any personal item that has been determined by the chief, or a state highway patrol trooper, as applicable, to be necessary to a criminal investigation;
 2. Retrieve any personal item from a vehicle if it would endanger the safety of the owner, unless the owner agrees to sign a waiver of liability.
- B. For purposes of subsection (c)(2) of this section, "personal items" do not include any items that are attached to the vehicle.
- (3) If the owner or lienholder of the motor vehicle reclaims it after a search of the applicable records has been conducted and after notice has been sent to the owner and any lienholder as described in this section, and the search was conducted by the place of storage, and the notice was sent to the motor vehicle owner by the place of storage, the owner or lienholder shall pay to the place of storage a processing fee of twenty-five dollars (\$25.00), in addition to any expenses or charges incurred in the removal and storage of the vehicle.

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

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

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

CHAPTER 305

Traffic Control Map and File

305.01	Traffic Control Map.	305.04	Designation of parking regulations.
305.02	Traffic Control File.	305.05	Temporary no parking tow away zone.
305.03	Parking regulations by executive order.	305.99	Penalty.

CROSS REFERENCES

Power to designate highway as included in a freeway, expressway or thruway - see Ohio R.C. 4511.011

Power to enact local traffic regulations - see Ohio R.C. 4511.07, 4411.61

Local traffic control devices - see Ohio R.C. 4511.11

Alteration of prima-facie speed limits - see Ohio R.C. 4511.21, 4511.22(A), 4511.23

Designation of through streets and erection of stop or yield signs - see Ohio R.C. 4511.65; TRAF. 313.02

305.01 TRAFFIC CONTROL MAP.

There is hereby established a Traffic Control Map to show at all times the City's current:

- (a) Through streets.
- (b) Stop intersections.
- (c) Yield right of way intersections.
- (d) One-way streets and alleys.
- (e) Loading zones.
- (f) Prohibited and limited parking areas.
- (g) Angle parking areas.
- (h) Parking meter zones.

The Traffic Control Map shall be prepared and kept on file in the Police Department, and it shall be maintained by the Police Department. A copy of the Traffic Control Map existing as of the date of passage of this Traffic Code, shall be attached to and is incorporated as a part of the Traffic Code. (1957 Code §305.01)

305.02 TRAFFIC CONTROL FILE.

There is hereby established a Traffic Control File which shall be prepared and kept to date by the Police Department and maintained in the Police Department office. The file shall constitute the permanent and official record of through streets, stop intersections, one-way streets, loading zones, prohibited and limited parking areas and parking meter zones.

The Traffic Control File existing as of the date of passage of this Traffic Code is incorporated as part of this Traffic Code.

The Traffic Control File shall include the following information:

- (a) Type of traffic control designation.
 - (b) Complete description of the street or area affected.
 - (c) Number of the ordinance authorizing the designation.
 - (d) Effective date of the ordinance.
 - (e) Date proper signs and markings were erected.
 - (f) Date recorded upon the Traffic Control Map.
- (1957 Code §305.02)

305.03 PARKING REGULATIONS BY EXECUTIVE ORDER.

The locations of and limitations on the duration of parking on public streets in residential districts may be made by executive order of the City Manager, Council shall be promptly advised on all such orders. Copies of the executive order shall be made available to the public in a form and manner prescribed by the City Manager.

(Ord. 24-37AC CMS. Passed 7-1-24.)

305.04 DESIGNATION OF PARKING REGULATIONS.

For the purpose of the designation of no parking or other limitations the executive order issued by the City Manager shall provide for appropriate signage.

(Ord. 24-37AC CMS. Passed 7-1-24.)

305.05 TEMPORARY NO PARKING TOW AWAY ZONE.

(a) The City Manager is hereby authorized to designate by order, any street, or any part of any street, within the Municipality as a "Temporary-No Parking-Tow Away Zone," as deemed necessary or as recommended by the Chief of Police during celebrations, parades, other special events or in the event of an emergency. Such order shall not remain in effect for a period in excess of seventy-two (72) hours.

(b) Whenever the City Manager designates a street or part of a street as a "Temporary No Parking—Tow Away Zone" for a pre-planned event, the City Manager shall cause signs to be posted in conspicuous places at least twelve (12) hours in advance or such other time(s) as deemed appropriate based on the basis for the designation and location of the posting. Advance posting is not required in the case of an emergency. Such signs may be posted on permanent or temporary structures as deemed appropriate by the City Manager.

(c) Whenever a street or part of a street has been designated as a "Temporary—No Parking—Tow Away Zone," the City Manager may authorize vehicles to stop for the loading and unloading of passengers or materials attendant to the event unless the street has been closed.

(d) The City Manager, Chief of Police, or other police officer may order any vehicle in violation of this section to be towed, and the owner of such vehicle shall be responsible for the payment of all costs of towing plus applicable storage charges.

(e) The owner or operator of any motor vehicle in violation of the provisions of this Section shall be deemed guilty of a minor misdemeanor.

(Ord. 24-75AC CMS. Passed 12-2-24.)

305.99 PENALTY.

Any person who violates the provisions of an Executive Order issued in accordance with this Chapter shall be subject to the same penalties as are set forth in Section 351.99(4) of these Codified Ordinances. (Ord. 24-37AC CMS. Passed 7-1-24.)

CHAPTER 333
OVI; Willful Misconduct; Speed

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|---|---|
| 333.01 Driving or physical control while under the influence. | 333.05 Speed limitations over bridges. |
| 333.02 Operation in willful or wanton disregard of safety. | 333.06 Speed exceptions for emergency or safety vehicles. |
| 333.03 Maximum speed limits; assured clear distance ahead. | 333.07 Street racing, stunt driving and street takeovers prohibited. |
| 333.031 Approaching a stationary public safety, emergency, or road service vehicle. | 333.08 Operation without reasonable control. |
| 333.04 Stopping vehicle; slow speed; posted minimum speeds. | 333.09 Reckless operation on streets, public or private property. |
| | 333.10 Operation in violation of immobilization order. |
| | 333.11 Electronic wireless communication device use prohibited while driving. |

CROSS REFERENCES

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

333.01 DRIVING OR PHYSICAL CONTROL WHILE UNDER THE INFLUENCE.

- (a) (1) Operation Generally. No person shall operate any vehicle within this Municipality, if, at the time of the operation, any of the following apply:
- A. The person is under the influence of alcohol, a drug of abuse, or a combination of them.
 - B. The person has a concentration of eight-hundredths of one per cent or more but less than seventeen-hundredths of one per cent by weight per unit volume of alcohol in the person's whole blood.
 - C. The person has a concentration of ninety-six-thousandths of one per cent or more but less than two hundred four-thousandths of one per cent by weight per unit volume of alcohol in the person's blood serum or plasma.
 - D. The person has a concentration of eight-hundredths of one gram or more but less than seventeen-hundredths of one gram by weight of alcohol per two hundred ten liters of the person's breath.
 - E. The person has a concentration of eleven-hundredths of one gram or more but less than two hundred thirty-eight-thousandths of one gram by weight of alcohol per one hundred milliliters of the person's urine.

- F. The person has a concentration of seventeen-hundredths of one per cent or more by weight per unit volume of alcohol in the person's whole blood.
- G. The person has a concentration of two hundred four-thousandths of one per cent or more by weight per unit volume of alcohol in the person's blood serum or plasma.
- H. The person has a concentration of seventeen-hundredths of one gram or more by weight of alcohol per two hundred ten liters of the person's breath.
- I. The person has a concentration of two hundred thirty-eight-thousandths of one gram or more by weight of alcohol per one hundred milliliters of the person's urine.
- J. Except as provided in subsection (m) of this section, the person has a concentration of any of the following controlled substances or metabolites of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or exceeds any of the following:
 - 1. The person has a concentration of amphetamine in the person's urine of at least five hundred nanograms of amphetamine per milliliter of the person's urine or has a concentration of amphetamine in the person's whole blood or blood serum or plasma of at least one hundred nanograms of amphetamine per milliliter of the person's whole blood or blood serum or plasma.
 - 2. The person has a concentration of cocaine in the person's urine of at least one hundred fifty nanograms of cocaine per milliliter of the person's urine or has a concentration of cocaine in the person's whole blood or blood serum or plasma of at least fifty nanograms of cocaine per milliliter of the person's whole blood or blood serum or plasma.
 - 3. The person has a concentration of cocaine metabolite in the person's urine of at least one hundred fifty nanograms of cocaine metabolite per milliliter of the person's urine or has a concentration of cocaine metabolite in the person's whole blood or blood serum or plasma of at least fifty nanograms of cocaine metabolite per milliliter of the person's whole blood or blood serum or plasma.
 - 4. The person has a concentration of heroin in the person's urine of at least two thousand nanograms of heroin per milliliter of the person's urine or has a concentration of heroin in the person's whole blood or blood serum or plasma of at least fifty nanograms of heroin per milliliter of the person's whole blood or blood serum or plasma.
 - 5. The person has a concentration of heroin metabolite (6-monoacetyl morphine) in the person's urine of at least ten nanograms of heroin metabolite (6-monoacetyl morphine) per milliliter of the person's urine or has a concentration of heroin metabolite (6-monoacetyl morphine) in the person's whole blood or blood serum or plasma of at least ten nanograms of heroin metabolite (6-monoacetyl morphine) per milliliter of the person's whole blood or blood serum or plasma.

(b) Upon the trial of any person charged with a violation of this section, proof of the determination of the maximum speed and the existence of such signs shall constitute prima-facie evidence of the maximum speed which can be maintained with safety to such bridge or structure.

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

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code. (ORC 4511.23)

333.06 SPEED EXCEPTIONS FOR EMERGENCY OR SAFETY VEHICLES.

The prima-facie speed limitations set forth in Section 333.03 do not apply to emergency vehicles or public safety vehicles when they are responding to emergency calls and are equipped with and displaying at least one flashing, rotating or oscillating light visible under normal atmospheric conditions from a distance of 500 feet to the front of the vehicle and when the drivers thereof sound audible signals by bell, siren or exhaust whistle. This section does not relieve the driver of an emergency vehicle or public safety vehicle from the duty to drive with due regard for the safety of all persons using the street or highway. (ORC 4511.24)

333.07 STREET RACING, STUNT DRIVING AND STREET TAKEOVERS PROHIBITED.

(a) As used in this section:

- (1) **BURNOUT.** A maneuver performed while operating a vehicle whereby the vehicle is kept in a stationary position, but the wheels of the vehicle are spun, which may cause the tires of the vehicle to become heated and emit smoke from the friction.
- (2) **DOUGHNUT.** A maneuver performed while operating a vehicle whereby the front or rear of the vehicle is rotated around the opposite set of wheels in a continuous motion, which may cause a circular skid-mark pattern of rubber on the driving surface, or the tires of the vehicle to become heated and emit smoke from the friction, or both.
- (3) **DRIFTING.** A maneuver performed while operating a vehicle whereby the vehicle is driven in a manner that causes a controlled, sideways skid during a turn, with the front wheels pointing in a direction that is the opposite of the direction of the turn.
- (4) **STREET RACING.** The operation of two or more vehicles from a point side by side at accelerating speeds in a competitive attempt to out-distance each other or the operation of one or more vehicles over a common selected course, from the same point to the same point, wherein timing is made of the participating vehicles involving competitive accelerations or speeds. The operation of two or more vehicles side by side either at speeds in excess of prima-facie lawful speeds established by Ohio R.C. 4511.21(B)(1)(a) to (B)(9) or rapidly accelerating from a common starting point to a speed in excess of such prima-facie lawful speeds shall be prima-facie evidence of street racing.

- (5) **STREET TAKEOVER.** Blocking or impeding the regular flow of vehicle or pedestrian traffic on a public road, street, or highway or on private property that is open to the general public for the purpose of street racing or stunt driving.
- (6) **STUNT DRIVING.** Performing or engaging in burnouts, doughnuts, drifting, or wheelies, or allowing a passenger to ride either partially or fully outside of the vehicle while operating that vehicle.
- (7) **WHEELIE.** A maneuver performed while operating a vehicle whereby the front wheel or wheels of the vehicle are raised off of the ground or whereby two wheels that are on the same side of the vehicle are raised off of the ground.

(b) No person shall knowingly participate in street racing, stunt driving, or street takeover upon any public road, street, or highway, or on private property that is open to the general public.

(c) Whoever violates this section is guilty of street racing, stunt driving, or street takeover, a misdemeanor of the first degree. In addition to any other sanctions, the court shall suspend the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege for not less than thirty days or more than three years. No judge shall suspend the first thirty days of any suspension of an offender's license, permit, or privilege imposed under this division.

(d) Persons rendering assistance in any manner to street racing, stunt driving, or street takeover shall be equally charged as the participants.

(e) This section does not apply to the competitive operation of vehicles on public or private property when the political subdivision with jurisdiction of the location or owner of the property knowingly permits such operation thereon. (ORC 4511.251)

333.08 OPERATION WITHOUT REASONABLE CONTROL.

(a) No person shall operate a motor vehicle, agricultural tractor, or agricultural tractor that is towing, pulling, or otherwise drawing a unit of farm machinery on any street, highway, or property open to the public for vehicular traffic without being in reasonable control of the vehicle, agricultural tractor or unit of farm machinery.

(b) Whoever violates this section is guilty of operating a motor vehicle or agricultural tractor without being in control of it, a minor misdemeanor. (ORC 4511.202)

333.09 RECKLESS OPERATION ON STREETS, PUBLIC OR PRIVATE PROPERTY.

(a) No person shall operate a vehicle on any street or highway without due regard for the safety of persons or property.

(b) No person shall operate a vehicle on any public or private property other than streets or highways, without due regard for the safety of persons or property.

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

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

333.10 OPERATION IN VIOLATION OF IMMOBILIZATION ORDER.

(a) No person shall operate a motor vehicle or permit the operation of a motor vehicle upon any public or private property used by the public for vehicular travel or parking knowing or having reasonable cause to believe that the motor vehicle has been ordered immobilized pursuant to an immobilization order issued under Ohio R.C. 4503.233.

(b) A motor vehicle that is operated by a person during a violation of subsection (a) hereof shall be criminally forfeited in accordance with the procedures contained in Ohio R.C. 4503.234.

(c) Whoever violates this section is guilty of a misdemeanor of the second degree. (ORC 4503.236)

333.11 ELECTRONIC WIRELESS COMMUNICATION DEVICE USE PROHIBITED WHILE DRIVING.

(a) No person shall operate a motor vehicle on any street, highway, or property open to the public for vehicular traffic while using, holding, or physically supporting with any part of the person's body an electronic wireless communications device.

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

- (1) A person using an electronic wireless communications device to make contact, for emergency purposes, with a law enforcement agency, hospital or health care provider, fire department, or other similar emergency agency or entity.
- (2) A person driving a public safety vehicle while using an electronic wireless communications device in the course of the person's duties.
- (3) A person using an electronic wireless communications device when the person's motor vehicle is in a stationary position and is outside a lane of travel, at a traffic control signal that is currently directing traffic to stop, or parked on a road or highway due to an emergency or road closure;
- (4) A person using and holding an electronic wireless communications device directly near the person's ear for the purpose of making, receiving, or conducting a telephone call, provided that the person does not manually enter letters, numbers, or symbols into the device;
- (5) A person receiving wireless messages on an electronic wireless communications device regarding the operation or navigation of a motor vehicle; safety-related information, including emergency, traffic, or weather alerts; or data used primarily by the motor vehicle, provided that the person does not hold or support the device with any part of the person's body;
- (6) A person using the speaker phone function of the electronic wireless communications device, provided that the person does not hold or support the device with any part of the person's body;
- (7) A person using an electronic wireless communications device for navigation purposes, provided that the person does not do either of the following during the use:
 - A. Manually enter letters, numbers, or symbols into the device;
 - B. Hold or support the device with any part of the person's body;
- (8) A person using a feature or function of the electronic wireless communications device with a single touch or single swipe, provided that the person does not do either of the following during the use:
 - A. Manually enter letters, numbers, or symbols into the device;
 - B. Hold or support the device with any part of the person's body;

- (9) A person operating a commercial truck while using a mobile data terminal that transmits and receives data;
- (10) A person operating a utility service vehicle or a vehicle for or on behalf of a utility, if the person is acting in response to an emergency, power outage, or circumstance that affects the health or safety of individuals;
- (11) A person using an electronic wireless communications device in conjunction with a voice-operated or hands-free feature or function of the vehicle or of the device without the use of either hand except to activate, deactivate, or initiate the feature or function with a single touch or swipe, provided the person does not hold or support the device with any part of the person's body;
- (12) A person using technology that physically or electronically integrates the device into the motor vehicle, provided that the person does not do either of the following during the use:
 - A. Manually enter letters, numbers, or symbols into the device;
 - B. Hold or support the device with any part of the person's body;
- (13) A person storing an electronic wireless communications device in a holster, harness, or article of clothing on the person's body.

(c) If a law enforcement officer issues an offender a ticket, citation or summons for a violation of subsection (a) of this section, the officer shall do both of the following:

- (1) Report the issuance of the ticket, citation, or summons to the officer's law enforcement agency;
- (2) Ensure that such report indicates the offender's race.

(d) Whoever violates subsection (a) of this section is guilty of operating a motor vehicle while using an electronic wireless communication device, an unclassified misdemeanor, and shall be punished as provided in subsections (d)(1) to (5) of this section.

- (1) The offender shall be fined, and is subject to a suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege, as follows:
 - A. Except as provided in subsections (d)(1)B., (d)(1)C., (d)(1)D. and (d)(2) of this section, the court shall impose upon the offender a fine of not more than one hundred fifty dollars (\$150.00).
 - B. If, within two years of the violation, the offender has been convicted of or pleaded guilty to one prior violation of this section, Ohio R.C. 4511.204, or a substantially equivalent municipal ordinance, the court shall impose upon the offender a fine of not more than two hundred fifty dollars (\$250.00).
 - C. If, within two years of the violation, the offender has been convicted of or pleaded guilty to two or more prior violations of this section, Ohio R.C. 4511.204, or a substantially equivalent or municipal ordinance, the court shall impose upon the offender a fine of not more than five hundred dollars (\$500.00). The court also may impose a suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege for ninety days.

- D. Notwithstanding subsections (d)(1)A. to (d)(1)C. of this section, if the offender was operating the motor vehicle at the time of the violation in a construction zone where a sign was posted in accordance with Ohio R.C. 4511.98, the court, in addition to all other penalties provided by law, shall impose upon the offender a fine of two times the amount imposed for the violation under subsections (d)(1)A., (d)(1)B., or (d)(1)C. of this section, as applicable.
- (2) If the offender is in the category of offenders to whom subsection (d)(1)A of this section applies, in lieu of payment of the fine of one hundred fifty dollars (\$150.00) under subsection (d)(1)A. of this section and the assessment of points under subsection (d)(4) of this section, the offender instead may elect to attend the distracted driving safety course, as described in Section 303.991. If the offender attends and successfully completes the course, the offender shall be issued written evidence that the offender successfully completed the course. The offender shall not be required to pay the fine and shall not have the points assessed against that offender's driver's license if the offender submits the written evidence to the court. This subsection does not apply with respect to any offender in the category of offenders to whom subsection (d)(1)B., C., or D. of this section applies.
- (3) The court may impose any other penalty authorized under Ohio R.C. 2929.21 to 2929.28. However, the court shall not impose a fine or a suspension not otherwise specified in subsection (d)(1) of this section. The court also shall not impose a jail term or community residential sanction.
- (4) Except as provided in subsection (d)(2) of this section, points shall be assessed for a violation of subsection (a) of this section in accordance with Ohio R.C. 4510.036.
- (5) The offense established under this section is a strict liability offense and Ohio R.C. 2901.20 does not apply. The designation of this offense as a strict liability offense shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is not a strict liability offense.
- (e) A prosecution for an offense in violation of this section does not preclude a prosecution for an offense in violation of Ohio R.C. 4511.204 based on the same conduct. However, the two offenses are allied offenses of similar import under Ohio R.C. 2941.25.
- (f) (1) A law enforcement officer does not have probable cause and shall not stop the operator of a motor vehicle for the purposes of enforcing this section unless the officer visually observes the operator using, holding, or physically supporting with any part of the person's body the electronic wireless communications device.
- (2) A law enforcement officer who stops the operator of a motor vehicle for a violation of subsection (a) of this section shall inform the operator that the operator may decline a search of the operator's electronic wireless communications device. The officer shall not do any of the following:
- A. Access the device without a warrant unless the operator voluntarily and unequivocally gives consent for the officer to access the device;
- B. Confiscate the device while awaiting the issuance of a warrant to access the device;

- C. Obtain consent from the operator to access the device through coercion or any other improper means. Any consent by the operator to access the device shall be voluntary and unequivocal before the officer may access the device without a warrant.
- (g) As used in this section:
- (1) "Electronic wireless communications device", includes any of the following:
- A. A wireless telephone;
 - B. A text-messaging device;
 - C. A personal digital assistant;
 - D. A computer, including a laptop computer and a computer tablet;
 - E. Any device capable of displaying a video, movie, broadcast television image, or visual image;
 - F. Any other substantially similar wireless device that is designed or used to communicate text, initiate or receive communication, or exchange information or data.
- An "electronic wireless communications device" does not include a two-way radio transmitter or receiver used by a person who is licensed by the federal communications commission to participate in the amateur radio service.
- (2) "Utility" means an entity specified in Ohio R.C. 4905.03(A), (C), (D), (E) or (G).
- (3) "Utility service vehicle" means a vehicle owned or operated by a utility.
- (4) "Voice-operated or hands-free feature or function" means a feature or function that allows a person to use an electronic wireless communications device without the use of either hand, except to activate, deactivate, or initiate the feature or function with a single touch or single swipe.
- (ORC 4511.204)

351.10 BUS STOPS AND TAXICAB STANDS.

(a) No person shall stop, stand or park a vehicle other than a bus in a bus stop, or other than a taxicab in a taxicab stand when any such stop or stand has been officially designated and appropriately posted, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any bus or taxicab waiting to enter or about to enter such zone, and then only for a period not to exceed three minutes, if such stopping is not prohibited therein by posted signs.

(b) The operator of a bus shall not stop, stand or park such vehicle upon any street at any place for the purpose of loading or unloading passengers or their baggage other than at a bus stop so designated and posted as such, except in case of an emergency.

(c) The operator of a bus shall enter a bus stop on a public street in such a manner that the bus when stopped to load or unload passengers or baggage shall be in a position with the right front wheel of such vehicle not further than eighteen inches from the curb and the bus approximately parallel to the curb so as not to unduly impede the movement of other vehicular traffic.

(d) The operator of a taxicab shall not stand or park such vehicle upon any street at any place other than in a taxicab stand so designated and posted as such. This provision shall not prevent the operator of a taxicab from temporarily stopping in accordance with other stopping or parking provisions at any place for the purpose of and while actually engaged in the expeditious loading or unloading of passengers.

351.11 PARKING IN ALLEYS AND NARROW STREETS; EXCEPTIONS.

No person shall stop, stand or park any vehicle upon a street, other than an alley, in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for free movement of vehicular traffic, except that a driver may stop temporarily during the actual loading or unloading of passengers or when directed to by a police officer or traffic control signal.

Except as otherwise provided by law, no person shall stop, stand or park a vehicle within an alley except while actually loading and unloading, and then only for a period not to exceed thirty minutes.

351.12 PROHIBITION AGAINST PARKING ON STREETS OR HIGHWAYS.

Upon any street or highway outside a business or residence district, no person shall stop, park or leave standing any vehicle, whether attended or unattended, upon the paved or main traveled part of the street or highway if it is practicable to stop, park or so leave such vehicle off the paved or main traveled part of such street or highway. In every event, a clear and unobstructed portion of the street or highway opposite such standing vehicle shall be left for the free passage of other vehicles, and a clear view of such stopped vehicle shall be available from a distance of 200 feet in each direction upon such street or highway.

This section does not apply to the driver of any vehicle which is disabled while on the paved or improved or main traveled portion of a street or highway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving the disabled vehicle in such position. (ORC 4511.66)

351.13 NIGHT PARKING OF COMMERCIAL VEHICLES IN RESIDENTIAL DISTRICTS.

No person shall park a school bus, commercial tractor, agricultural tractor, truck of more than one-half ton capacity, bus, trailer, semitrailer, pole trailer or moving van on any street within the residential districts of the Municipality between one hour after sunset and one hour before sunrise. (1957 Code §341.16)

351.14 OVERNIGHT PARKING IN BUSINESS DISTRICTS.

No person shall park any vehicle on the streets or alleys of the business districts of the City from 2:00 a.m. to 6:00 a.m. (1957 Code §351.09)

351.15 OVERNIGHT PARKING IN RESIDENTIAL DISTRICTS.

No person shall park any vehicle on the streets or alleys of the residential districts of the City from 2:00 a.m. to 6:00 a.m. during the period from November 1 to April 1. (Ord. 980 AC. Passed 10-15-73.)

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) The City Manager is hereby authorized and directed to ascertain upon what portions of the public streets in the Central Business District require restrictions and limitations as to time or the prohibition of the parking of motor vehicles as the City Manager shall deem to be appropriate and conducive to good commerce within said District. The City Manager is further authorized to erect and maintain appropriate signs indicating such times and prohibitions. It shall be unlawful to park a motor vehicle in violation of a sign so erected.

(b) No person shall park a bicycle in a public bicycle rack on the public streets in the Central Business District of the City for a period longer than twenty-four hours.

(c) 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). (Ord. 24-36AC CMS. Passed 7-1-24.)

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)

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

- (15) A person licensed under Ohio R.C. Chapter 4729 as a manufacturer of dangerous drugs, outsourcing facility, third-party logistics provider, repackager of dangerous drugs, wholesale distributor of dangerous drugs, or terminal distributor of dangerous drugs;
- (16) A person who is authorized to practice as a physician assistant under Ohio R.C. Chapter 4730;
- (17) A person who has been issued a license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery under Ohio R.C. Chapter 4731 or has been issued a certificate to practice a limited branch of medicine under that chapter;
- (18) A person licensed as a psychologist, independent school psychologist, or school psychologist under Ohio R.C. Chapter 4732;
- (19) A person registered to practice the profession of engineering or surveying under Ohio R.C. Chapter 4733;
- (20) A person who has been issued a license to practice chiropractic under Ohio R.C. Chapter 4734;
- (21) A person licensed to act as a real estate broker or real estate salesperson under Ohio R.C. Chapter 4735;
- (22) A person registered as a registered environmental health specialist under Ohio R.C. Chapter 3776;
- (23) A person licensed to operate or maintain a junkyard under Ohio R.C. Chapter 4737;
- (24) A person who has been issued a motor vehicle salvage dealer's license under Ohio R.C. Chapter 4738;
- (25) A person who has been licensed to act as a steam engineer under Ohio R.C. Chapter 4739;
- (26) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches, or who is registered as a graduate animal technician under Ohio R.C. Chapter 4741;
- (27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under Ohio R.C. Chapter 4747;
- (28) A person who has been issued a class A, class B or class C license or who has been registered as an investigator or security guard employee under Ohio R.C. Chapter 4749;
- (29) A person licensed to practice as a nursing home administrator under Ohio R.C. Chapter 4751;
- (30) A person licensed to practice as a speech-language pathologist or audiologist under Ohio R.C. Chapter 4753;
- (31) A person issued a license as an occupational therapist or physical therapist under Ohio R.C. Chapter 4755;
- (32) A person who is licensed as a licensed professional clinical counselor, licensed professional counselor, social worker, independent social worker, independent marriage and family therapist, or marriage and family therapist, or registered as a social work assistant under Ohio R.C. Chapter 4757;
- (33) A person issued a license to practice dietetics under Ohio R.C. Chapter 4759;
- (34) A person who has been issued a license or limited permit to practice respiratory therapy under Ohio R.C. Chapter 4761;
- (35) A person who has been issued a real estate appraiser certificate under Ohio R.C. Chapter 4763;

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

- (eee) "Unit dose." An amount or unit or a compound, mixture or preparation containing a controlled substance that is separately identifiable and in a form that indicates that it is the amount or unit by which the controlled substance is separately administered to or taken by an individual.
- (fff) "Wholesaler." Has the same meaning as in Ohio R.C. 3719.01.
(ORC 2925.01)

513.02 GIFT OF MARIHUANA.

(EDITOR'S NOTE: Former Ohio R.C. 2925.03 from which Section 513.02 was derived was superseded by the changes made to Ohio R.C. 3780.36 enacted by Initiative Petition. See "Section 513.16 Adult Use Cannabis Control; Limitations on Conduct by Individuals" for relevant provisions.)

513.03 DRUG ABUSE; CONTROLLED SUBSTANCE POSSESSION OR USE.

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

- (b) (1) This section does not apply to the following:
 - A. Manufacturers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies and other persons whose conduct was in accordance with Ohio R.C. Chapters 3719, 4715, 4729, 4730, 4731 and 4741.
 - B. If the offense involves an anabolic steroid, any person who is conducting or participating in a research project involving the use of an anabolic steroid if the project has been approved by the United States Food and Drug Administration;
 - C. Any person who sells, offers for sale, prescribes, dispenses or administers for livestock or other nonhuman species an anabolic steroid that is expressly intended for administration through implants to livestock or other nonhuman species and approved for that purpose under the "Federal Food, Drug and Cosmetic Act", 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, and is sold, offered for sale, prescribed, dispensed or administered for that purpose in accordance with that Act;

- (4) Destroy or conceal physical evidence of the misdemeanor, or act, or induce any person to withhold testimony or information or to elude legal process summoning the person to testify or supply evidence;
- (5) Communicate false information to any person.
- (6) Prevent or obstruct any person, by means of force, intimidation, or deception, from performing any act to aid in the discovery, apprehension, or prosecution of the other person or child.

(b) A person may be prosecuted for, and may be convicted of or adjudicated a delinquent child for committing, a violation of subsection (a) hereof, regardless of whether the person or child aided ultimately is apprehended for, is charged with, is convicted of, pleads guilty to, or is adjudicated a delinquent child for committing the crime or act the person or child aided committed. The crime or act the person or child aided committed shall be used under subsection (c) hereof in determining the penalty for the violation of subsection (a) hereof, regardless of whether the person or child aided ultimately is apprehended for, is charged with, is convicted of, pleads guilty to, or is adjudicated a delinquent child for committing the crime or act the person or child aided committed.

- (c)
 - (1) Whoever violates this section is guilty of obstructing justice.
 - (2) If the crime committed by the person aided is a misdemeanor or if the act committed by the child aided would be a misdemeanor if committed by an adult, obstructing justice is a misdemeanor of the same degree as the misdemeanor committed by the person aided or a misdemeanor of the same degree that the act committed by the child aided would be if committed by an adult.
- (d) As used in this section:
 - (1) "Adult" and "child" have the same meanings as in Ohio R.C. 2151.011.
 - (2) "Delinquent child" has the same meaning as in Ohio R.C. 2152.02.
(ORC 2921.32)

525.09 RESISTING ARREST.

(a) No person, recklessly or by force, shall resist or interfere with a lawful arrest of the person or another.

(b) No person, recklessly or by force, shall resist or interfere with a lawful arrest of the person or another person and, during the course of or as a result of the resistance or interference, cause physical harm to a law enforcement officer.

(c) Whoever violates this section is guilty of resisting arrest. A violation of subsection (a) hereof is a misdemeanor of the second degree. A violation of subsection (b) hereof is a misdemeanor of the first degree. (ORC 2921.33)

525.091 COMPLIANCE WITH LAWFUL ORDER OF POLICE OFFICER; FLEEING.

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

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

- (c)
 - (1) Whoever violates this section is guilty of failure to comply with an order or signal of a police officer.
 - (2) A violation of subsection (a) of this section is a misdemeanor of the first degree.
 - (3) Except as provided in subsections (c)(4) and (c)(5) of this section, a violation of subsection (b) of this section is a felony to be prosecuted under appropriate state law.
 - (4) A violation of subsection (b) of this section is a felony and shall be prosecuted under appropriate state law if the jury or judge as trier of fact finds by proof beyond a reasonable doubt that in committing the offense, the offender was fleeing immediately after the commission of a felony.
 - (5)
 - A. A violation of subsection (b) of this section is a felony and shall be prosecuted under appropriate state law if the jury or judge as trier of fact finds any of the following by proof beyond a reasonable doubt:
 - 1. The operation of the motor vehicle by the offender was a proximate cause of serious physical harm to persons or property.
 - 2. The operation of the motor vehicle by the offender caused a substantial risk of serious physical harm to persons or property.
 - B. If a police officer pursues an offender who is violating subsection (b) of this section and subsection (c)(5)A. of this section applies, the sentencing court, in determining the seriousness of an offender's conduct for purposes of sentencing the offender for a violation of subsection (b) of this section, shall consider, along with the factors set forth in Ohio R.C. 2929.12 and 2929.13 that are required to be considered, all of the following:
 - 1. The duration of the pursuit;
 - 2. The distance of the pursuit;
 - 3. The rate of speed at which the offender operated the motor vehicle during the pursuit;
 - 4. Whether the offender failed to stop for traffic lights or stop signs during the pursuit;
 - 5. The number of traffic lights or stop signs for which the offender failed to stop during the pursuit;
 - 6. Whether the offender operated the motor vehicle during the pursuit without lighted lights during a time when lighted lights are required;
 - 7. Whether the offender committed a moving violation during the pursuit;
 - 8. The number of moving violations the offender committed during the pursuit;
 - 9. Any other relevant factors indicating that the offender's conduct is more serious than conduct normally constituting the offense

(d) In addition to any other sanction imposed for a violation of subsection (a) of this section, the court shall impose a class five suspension from the range specified in Ohio R.C. 4510.02(A)(5). If the offender previously has been found guilty of an offense under this section or under Ohio R.C. 2921.331 or any other substantially equivalent municipal ordinance, in addition to any other sanction imposed for the offense, the court shall impose a class one

suspension as described in Ohio R.C. 4510.02(A)(1). The court may grant limited driving privileges to the offender on a suspension imposed for a misdemeanor violation of this section as set forth in R.C. § 4510.021. No judge shall suspend any portion of the suspension under a class one suspension of an offender's license, permit, or privilege required by this division. (ORC 2921.331)

525.10 HAVING AN UNLAWFUL INTEREST IN A PUBLIC CONTRACT.

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

- (1) During the public official's term of office or within one year thereafter, occupy any position of profit in the prosecution of a public contract authorized by the public official or by a legislative body, commission or board of which the public official was a member at the time of authorization unless the contract was let by competitive bidding, to the lowest and best bidder;
- (2) Have an interest in the profits or benefits of a public contract entered into by or for the use of the Municipality or governmental agency or instrumentality with which the public official is connected;
- (3) Have an interest in the profits or benefits of a public contract that is not let by competitive bidding if required by law, and that involves more than one hundred fifty dollars (\$150.00).

(b) In the absence of bribery or a purpose to defraud, a public official, member of a public official's family or any of a public official's business associates shall not be considered as having an interest in a public contract if all of the following apply:

- (1) The interest of that person is limited to owning or controlling shares of the corporation, or being a creditor of the corporation or other organization that is the contractor on the public contract involved, or that is the issuer of the security in which public funds are invested;
- (2) The shares owned or controlled by that person do not exceed five percent (5%) of the outstanding shares of the corporation, and the amount due that person as creditor does not exceed five percent (5%) of the total indebtedness of the corporation or other organization;
- (3) That person, prior to the time the public contract is entered into, files with the Municipality or governmental agency or instrumentality involved, an affidavit giving that person's exact status in connection with the corporation or other organization.

(c) This section does not apply to a public contract in which a public official, member of a public official's family, or one of a public official's business associates, has an interest, when all of the following apply:

- (1) The subject of the public contract is necessary supplies or services for the Municipality or governmental agency or instrumentality involved;
- (2) The supplies or services are unobtainable elsewhere for the same or lower cost, or are being furnished to the Municipality or governmental agency or instrumentality as part of a continuing course of dealing established prior to the public official's becoming associated with the Municipality or governmental agency or instrumentality involved;
- (3) The treatment accorded the Municipality or governmental agency or instrumentality is either preferential to or the same as that accorded other customers or clients in similar transactions;

- (4) The entire transaction is conducted at arm's length, with full knowledge by the Municipality or governmental agency or instrumentality involved, of the interest of the public official, member of the public official's family or business associate, and the public official takes no part in the deliberations or decisions of the Municipality or governmental agency or instrumentality with respect to the public contract.

(d) Subsection (a)(4) does not prohibit participation by a public employee in any housing program funded by public moneys if the public employee otherwise qualifies for the program and does not use the authority or influence of the public employee's office or employment to secure benefits from the program and if the moneys are to be used on the primary residence of the public employee. Such participation does not constitute an unlawful interest in a public contract in violation of this section.

(e) Whoever violates this section is guilty of having an unlawful interest in a public contract. Violation of this section is a misdemeanor of the first degree.

(f) It is not a violation of this section for a prosecuting attorney to appoint assistants and employees in accordance with Ohio R.C. 309.06 and 2921.421, or for a chief legal officer of a municipal corporation or an official designated as prosecutor in a municipal corporation to appoint assistants and employees in accordance with Ohio R.C. 733.621 and 2921.421.

(g) Any public contract in which a public official, a member of the public official's family, or any of the public official's business associates has an interest in violation of this section is void and unenforceable. Any contract securing the investment of public funds in which a public official, a member of the public official's family, or any of the public official's business associates has an interest, is an underwriter, or receives any brokerage, origination, or servicing fees and that was entered into in violation of this section is void and unenforceable.

(h) As used in this section:

(1) "Public contract" means any of the following:

- A. The purchase or acquisition, or a contract for the purchase or acquisition of property or services by or for the use of the State, any of its political subdivisions, or any agency or instrumentality of either, including the employment of an individual by the State, any of its political subdivisions, or any agency or instrumentality of either.
- B. A contract for the design, construction, alteration, repair or maintenance of any public property.

(2) "Chief legal officer" has the same meaning as in Ohio R.C. 733.621. (ORC 2921.42)

525.11 SOLICITING OR RECEIVING IMPROPER COMPENSATION.

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

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

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

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

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

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

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

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

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

525.12 DERELICTION OF DUTY.

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

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

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

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

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

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

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

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

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

525.13 INTERFERING WITH CIVIL RIGHTS.

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

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

525.14 UNAUTHORIZED DISPLAY OF LAW ENFORCEMENT EMBLEMS ON MOTOR VEHICLES.

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

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

525.15 FALSE ALLEGATION OF PEACE OFFICER MISCONDUCT.

(a) As used in this section, "peace officer" has the same meaning as in Ohio R.C. 2935.01.

(b) No person shall knowingly file a complaint against a peace officer that alleges that the peace officer engaged in misconduct in the performance of the officer's duties if the person knows that the allegation is false.

(c) Whoever violates this section is guilty of making a false allegation of peace officer misconduct, a misdemeanor of the first degree. (ORC 2921.15)

525.16 REFUSAL TO DISCLOSE PERSONAL INFORMATION IN PUBLIC PLACE.

(a) No person who is in a public place shall refuse to disclose the person's name, address, or date of birth, when requested by a law enforcement officer who reasonably suspects either of the following:

- (1) The person is committing, has committed, or is about to commit a criminal offense.
- (2) The person witnessed any of the following:
 - A. An offense of violence that would constitute a felony under the laws of this State;
 - B. A felony offense that causes or results in, or creates a substantial risk of, serious physical harm to another person or to property;
 - C. Any attempt or conspiracy to commit, or complicity in committing, any offense identified in subsection (a)(2)A. or B. of this section;
 - D. Any conduct reasonably indicating that any offense identified in subsection (a)(2)A. or B. of this section or any attempt, conspiracy, or complicity described in subsection (a)(2)C. of this section has been, is being, or is about to be committed.

(b) Whoever violates this section is guilty of failure to disclose one's personal information, a misdemeanor of the fourth degree.

(c) Nothing in this section requires a person to answer any questions beyond that person's name, address, or date of birth. Nothing in this section authorizes a law enforcement officer to arrest a person for not providing any information beyond that person's name, address, or date of birth or for refusing to describe the offense observed.

(d) It is not a violation of this section to refuse to answer a question that would reveal a person's age or date of birth if age is an element of the crime that the person is suspected of committing. (ORC 2921.29)

525.99 PENALTY.

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

- (j) "Material" means any book, magazine, newspaper, pamphlet, poster, print, picture, figure, image, description, motion picture film, phonographic record, or tape, or other tangible thing capable of arousing interest through sight, sound, or touch and includes an image or text appearing on a computer monitor, television screen, liquid crystal display, or similar display device or an image or text recorded on a computer hard disk, computer floppy disk, compact disk, magnetic tape or similar data storage device.
- (k) "Performance" means any motion picture, preview, trailer, play, show, skit, dance or other exhibition performed before an audience.
- (l) "Spouse" means a person married to an offender at the time of an alleged offense, except that such person shall not be considered the spouse when any of the following apply:
 - (1) When the parties have entered into a written separation agreement authorized by Ohio R.C. 3103.06;
 - (2) During the pendency of an action between the parties for annulment, divorce, dissolution of marriage or legal separation;
 - (3) In the case of an action for legal separation, after the effective date of the judgment for legal separation.
- (m) "Minor" means a person under the age of eighteen years.
- (n) "Mental health client or patient" has the same meaning as in Ohio R.C. 2305.51.
- (o) "Mental health professional" has the same meaning as in Ohio R.C. 2305.115.
- (p) "Sado-masochistic abuse" means flagellation or torture by or upon a person or the condition of being fettered, bound, or otherwise physically restrained.
- (q) "Place where a person has a reasonable expectation of privacy" means a place where a reasonable person would believe that the person could fully disrobe in private.
- (r) "Private area" means the genitals, pubic area, buttocks, or female breast below the top of the areola, where nude or covered by an under-garment.
(ORC 2907.01)

533.02 PRESUMPTION OF KNOWLEDGE; ACTUAL NOTICE AND DEFENSE.

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

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

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

- (d)
 - (1) Sections 533.11, 533.12(a) and 533.13 do not apply to a person solely because the person provided access or connection to or from an electronic method of remotely transferring information not under that person's control, including having provided capabilities that are incidental to providing access or connection to or from the electronic method of remotely transferring the information, and that do not include the creation of the content of the material that is the subject of the access or connection.
 - (2) Subsection (d)(1) of this section does not apply to a person who conspires with an entity actively involved in the creation or knowing distribution of material in violation of Section 533.11, 533.12 or 533.13, or who knowingly advertises the availability of material of that nature.
 - (3) Subsection (d)(1) of this section does not apply to a person who provides access or connection to an electronic method of remotely transferring information that is engaged in the violation of Section 533.11, 533.12 or 533.13, and that contains content that person has selected and introduced into the electronic method of remotely transferring information or content over which that person exercises editorial control.

(e) An employer is not guilty of a violation of Section 533.11, 533.12, or 533.13 based on the actions of an employee or agent of the employer unless the employee's or agent's conduct is within the scope of employee's or agent's employment or agency, and the employer does either of the following:

- (1) With knowledge of the employee's or agent's conduct, the employer authorizes or ratifies the conduct.
- (2) The employer recklessly disregards the employee's or agent's conduct.

(f) It is an affirmative defense to a charge under Section 533.11 or 533.13 as the section applies to an image transmitted through the internet or another electronic method of remotely transmitting information that the person charged with violating the section has taken, in good faith, reasonable, effective, and appropriate actions under the circumstances to restrict or prevent access by juveniles to material that is harmful to juveniles, including any method that is feasible under available technology.

(g) If any provision of this section, or the application of any provision of this section to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of this section or related sections that can be given effect without the invalid provision or application. To this end, the provisions are severable.
(ORC 2907.35)

533.03 UNLAWFUL SEXUAL CONDUCT WITH A MINOR.

(a) No person, who is eighteen years of age or older, shall engage in sexual conduct with another, when the offender knows the other person is thirteen years of age or older but less than sixteen years of age, or the offender is reckless in that regard.

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

533.04 SEXUAL IMPOSITION.

(a) No person shall have sexual contact with another; cause another to have sexual contact with the offender; or cause two or more persons to have sexual contact when any of the following applies:

- (1) The offender knows that the sexual contact is offensive to the other person, or one of the other persons, or is reckless in that regard.
- (2) The offender knows that the other person's or one of the other person's ability to appraise the nature of or control the offender's or touching person's conduct is substantially impaired.
- (3) The offender knows that the other person or one of the other persons submits because of being unaware of the sexual contact.
- (4) The other person or one of the other persons is thirteen years of age or older but less than sixteen years of age, whether or not the offender knows the age of such person, and the offender is at least eighteen years of age and four or more years older than such other person.
- (5) The offender is a mental health professional, the other person or one of the other persons is a mental health client or patient of the offender, and the offender induces the other person who is the client or patient to submit by falsely representing to the other person who is the client or patient that the sexual contact is necessary for mental health treatment purposes.

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

(c) Whoever violates this section is guilty of sexual imposition, a misdemeanor of the third degree. If the offender previously has been convicted of or pleaded guilty to a violation of Ohio R.C. 2907.02, 2907.03, 2907.04, 2907.05, 2907.06 or former Section 2907.12, or a substantially similar municipal ordinance, a violation of this section is a misdemeanor of the first degree. If the offender previously has been convicted of or pleaded guilty to three or more violations of Ohio R.C. 2907.02, 2907.03, 2907.04 or 2907.05, 2907.06 or former Section 2907.12 or of any combination of those sections, a violation of this section is a misdemeanor of the first degree and, notwithstanding the range of jail terms prescribed in Ohio R.C. 2929.24, the court may impose on the offender a definite jail term of not more than one year.
(ORC 2907.06)

533.05 IMPORTUNING.

(EDITOR'S NOTE: Former Section 533.05 has been deleted from the Codified Ordinances. Section 533.05 was identical to Ohio R.C. 2907.07(B) which the Ohio Supreme Court held to be unconstitutional in *State v. Thompson*, 95 Ohio St. 3rd 264 (2002).)

533.06 VOYEURISM.

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

(b) No person shall knowingly commit trespass or otherwise secretly or surreptitiously videotape, film, photograph, broadcast, stream, or otherwise record another person, in a place where a person has a reasonable expectation of privacy, for the purpose of viewing the private areas of that person.

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

(d) Whoever violates this section is guilty of voyeurism.

- (1) A violation of subsection (a) hereof is a misdemeanor of the third degree.
 - (2) A violation of subsection (b) hereof is a misdemeanor of the second degree.
 - (3) A violation of subsection (c) hereof is a misdemeanor of the first degree.
- (ORC 2907.08)

533.07 PUBLIC INDECENCY.

(a) No person shall recklessly do any of the following, under circumstances in which the person's conduct is likely to be viewed by and affront others, who are in the person's physical proximity and who are not members of the person's household:

- (1) Expose the person's private parts;
- (2) Engage in sexual conduct or masturbation;
- (3) Engage in conduct that to an ordinary observer would appear to be sexual conduct or masturbation.

(b) No person shall knowingly do any of the following, under circumstances in which the person's conduct is likely to be viewed by and affront another person who is in the person's physical proximity, who is a minor, and who is not the spouse of the offender:

- (1) Engage in masturbation;
- (2) Engage in sexual conduct;
- (3) Engage in conduct that to an ordinary observer would appear to be sexual conduct or masturbation;
- (4) Expose the person's private parts with the purpose of personal sexual arousal or gratification or to lure the minor into sexual activity.

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

CHAPTER 537
Offenses Against Persons

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

CROSS REFERENCES

See sectional histories for similar State law
Physical harm to persons defined - see GEN. OFF. 501.01(c), (e)
Fighting; provoking violent response - see GEN. OFF. 509.03

537.01 NEGLIGENT HOMICIDE.

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

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

537.02 VEHICULAR HOMICIDE AND MANSLAUGHTER.

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

(1) A. Negligently;

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

(c) The court shall impose a mandatory jail term of at least fifteen days on an offender who is convicted of or pleads guilty to a violation of subsection (a)(1)B. of this section and may impose upon the offender a longer jail term as authorized pursuant to Section 501.99. The court shall impose a mandatory prison term on an offender who is convicted of or pleads guilty to a violation of subsection (a)(1)A. hereof if either of the following applies:

- (1) The offender previously has been convicted of or pleaded guilty to a violation of this section or Ohio R.C. 2903.06 or 2903.08.
- (2) At the time of the offense, the offender was driving under suspension or cancellation under Ohio R.C. Chapter 4510 or any other provision of the Ohio Revised Code or was operating a motor vehicle or motorcycle, did not have a valid driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege, and was not eligible for renewal of the offender's driver's license or commercial driver's license without examination under Ohio R.C. 4507.10.

(d) Subsection (a)(1)B. does not apply in a particular construction zone unless signs of the type described in Ohio R.C. 2903.081 are erected in that construction zone in accordance with the guidelines and design specifications established by the Director of Transportation under Ohio R.C. 5501.27. The failure to erect signs of the type described in Ohio R.C. 2903.081 in a particular construction zone in accordance with those guidelines and design specifications does not limit or affect the application of subsections (a)(1)A. or (a)(2) of this section in that construction zone or the prosecution of any person who violates any of those subsections in that construction zone.

(e) As used in this section:

- (1) "Mandatory prison term" and "mandatory jail term" have the same meanings as in Ohio R.C. 2929.01.
- (2) "Traffic-related homicide, manslaughter or assault offense" means a violation of Ohio R.C. 2903.04 in circumstances in which division (D) of that section applies, a violation of Ohio R.C. 2903.06 or 2903.08, or a violation of Ohio R.C. 2903.06, 2903.07 or 2903.08 as they existed prior to March 23, 2000.
- (3) "Construction zone" has the same meaning as in Ohio R.C. 5501.27.
- (4) "Speeding offense" means a violation of Ohio R.C. 4511.21 or a municipal ordinance pertaining to speed.
- (5) "Motor vehicle", "mini-truck" and "utility vehicle" have the same meaning as in Ohio R.C. 4501.01.

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

(g) The court imposing a sentence upon an offender for any violation of this section also shall impose a suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (B) of Ohio R.C. 4510.02 that is equivalent in length to the suspension required for a violation of Ohio R.C. 2903.06 or division (A) or (B) of Ohio R.C. 4511.19 under similar circumstances. (ORC 4510.07)

537.021 VEHICULAR ASSAULT IN A CONSTRUCTION ZONE.

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

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

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

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

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

(e) As used in this section:

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

CODIFIED ORDINANCES OF OBERLIN

PART ELEVEN - BUILDING CODE

TITLE ONE - Building Code

- Chap. 1101. Residential Code of Ohio for One, Two, and Three-Family Dwellings.
- Chap. 1103. Residential Insulation Requirements. (Repealed)
- Chap. 1105. Fire Limits. (Repealed)

TITLE THREE - Administration

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

TITLE FIVE - Plumbing Code

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

TITLE SEVEN - Electrical Code

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

TITLE NINE - Housing and Property Maintenance

- Chap. 1151. International Property Maintenance Code.
- Chap. 1153. Environmental Health Housing Code.
- Chap. 1173. Housing Renewal Commission.

TITLE ELEVEN - General Provisions

- Chap. 1183. Moving of Structures.
- Chap. 1185. Fair Housing Practices.
- Chap. 1187. Historic Landmarks and Buildings.
- Chap. 1189. Swimming Pools.
- Chap. 1191. Flood Damage Reduction.
- Chap. 1193. Pollution Abatement at Construction Sites.
- Chap. 1195. Ohio Mechanical Code.
- Chap. 1197. Ohio Building Code.

TITLE SEVENTEEN - International Swimming Pool and Spa Code
Chap. 1198. General Provisions.

TITLE NINETEEN - International Fuel Gas Code
Chap. 1199. General Provisions.

CODIFIED ORDINANCES OF OBERLIN

PART ELEVEN- BUILDING CODE

TITLE ONE - Building Code

- Chap. 1101. Residential Code of Ohio for One, Two, and Three-Family Dwellings.
 Chap. 1103. Residential Insulation Requirements.
 Chap. 1105. Fire Limits.

CHAPTER 1101

Residential Code of Ohio for One, Two, and Three-Family Dwellings

- | | |
|---|-------------------------------|
| 1101.01 Residential Code of Ohio for One, Two and Three Family Dwellings adopted. | 1101.02 File and sale copies. |
|---|-------------------------------|

CROSS REFERENCES

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

1101.01 RESIDENTIAL CODE OF OHIO FOR ONE, TWO AND THREE FAMILY DWELLINGS ADOPTED.

Under the provisions of Ohio R.C. 731.231 there is hereby adopted by the City of Oberlin, and incorporated as if fully set out herein, for the purpose of regulating the erection, construction, repair, alteration and maintenance of residential buildings, that certain code known as the Residential Code of Ohio for One, Two and Three-Family Dwellings, 2019 Edition, promulgated by the Ohio Board of Building Standards pursuant to Ohio R.C. 3781.10. (Ord. 24-33 AC CMS. Passed 6-3-24.)

1101.02 FILE AND SALE COPIES.

A complete copy of the Residential Code of Ohio for One, Two and Three-Family Dwellings, as adopted herein is on file with the Council Clerk and Chief Building Official for inspection by the public and also on file in the Lorain County Law Library. The Council Clerk has copies available for distribution to the public at cost.
(Ord. 18-46 AC CMS. Passed 6-18-18.)

TITLE FIVE - Plumbing Code

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

CHAPTER 1121 General Provisions

1121.01 Code adopted.

1121.02 File and distribution copies.

CROSS REFERENCES

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

1121.01 CODE ADOPTED.

Under the provisions of Ohio R.C. 731.231 there is hereby adopted by the City of Oberlin, and incorporated as if fully set out herein, for the purpose of prescribing requirements governing the inspection, design, construction, installation, alteration, repair, addition or replacement to drainage, plumbing and water-supply systems, that certain code known as the Ohio Plumbing Code 2024 Edition promulgated by the Ohio Board of Building Standards pursuant to Ohio R.C. 3781.10. (Ord. 24-33 AC CMS. Passed 6-3-24.)

1121.02 FILE AND DISTRIBUTION COPIES.

A complete copy of the Ohio State Plumbing Code as adopted herein is on file with the Council Clerk and Chief Building Official for inspection by the public and also on file in the Lorain County Law Library. The Council Clerk has copies available for distribution to the public at cost. (Ord. 18-46 AC CMS. Passed 6-18-18.)

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

TITLE SEVEN- Electrical Code

Chap. 1141. General Purposes.

Chap. 1143. Permits and Licenses. (Repealed)

Chap. 1145. Materials, Inspections and Tests. (Repealed)

Chap. 1147. Electric Examinations; Penalty. (Repealed)

CHAPTER 1141 General Purposes

1141.01 National Electrical Code
adopted.

1141.02 File and sale copies.

CROSS REFERENCES

Power to license electricians - see Ohio R.C. 715.27

Adoption of technical codes - see Ohio R.C. 721.231

Municipal Light and Power Department - see S. & P. S. Ch. 913

1141.01 NATIONAL ELECTRICAL CODE ADOPTED:

Under the provisions of Ohio R.C. 731.231 there is hereby adopted by the City of Oberlin, and incorporated as if fully set out herein, for the purpose of prescribing basic minimum provisions considered necessary for the safety of persons and of buildings and their contents from hazards arising from the use of electricity for light, heat, power, radio, signaling and for other purposes, that certain code known as the National Electrical Code recommended by the National Fire Protection Association and adopted by the Ohio Board of Building Standards pursuant to Ohio R.C. 3781.10, being particularly the 2023 Edition thereof. All electrical equipment and the installation thereof shall conform to the provisions of the National Electrical Code except as otherwise provided in this Title Seven.
(Ord. 24-33 AC CMS. Passed 6-3-24.)

1141.02 FILE AND SALE COPIES.

A complete copy of the Ohio Electrical Code as adopted herein is on file with the Council Clerk and Chief Building Official for inspection by the public and also on file in the Lorain County Law Library. The Council Clerk has copies available for distribution to the public at cost.
(Ord. 18-46 AC CMS. Passed 6-18-18.)

TITLE NINE - Housing and Property Maintenance
 Chap. 1151. International Property Maintenance Code.
 Chap. 1153. Environmental Health Housing Code.
 Chap. 1173. Housing Renewal Commission.

CHAPTER 1151
 International Property Maintenance Code

1151.01	Adoption.	1151.04	Boarding standard.
1151.02	Amendments.	1151.05	Enforcement by Law
1151.03	Code provisions to be minimum regulations; additional requirements.		Director.

CROSS REFERENCES

Adoption by reference - see Ohio R.C. 731.231
 Junk vehicles - see TRAF. 303.10
 Nuisance conditions - see GEN. OFF. Ch. 521
 Weed control - see GEN. OFF. Ch. 551

1151.01 ADOPTION.

Under the provisions of Ohio R.C. 731.231 there is hereby adopted by the City of Oberlin, and incorporated as if fully set out herein a certain document, three copies of which are on file in the office of the Building Division of the City, being marked and designated as the International Property Maintenance Code, 2021 Edition, as published by the International Code Council, is hereby adopted as the Property Maintenance Code of the City, for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the Building Division are hereby referred to, adopted, and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in Section 1151.02.
 (Ord. 24-33 AC CMS. Passed 6-3-24.)

1151.02 AMENDMENTS.

The following sections of said International Property Maintenance Code, 2018 edition, are hereby revised in the following respects:

Section 101.1: (page 1, second line). Insert: City of Oberlin, Ohio.

Section 103.5: (page 2, fourth line). Insert: In accord with the City's current fee schedule.

Section 106.3 & 106.4: (page 3). Insert: Each infraction shall constitute a misdemeanor of the fourth degree (M-4).

Section 110.03: Delete and insert: if the owner of a premises fails to comply with a demolition order within the time prescribed, the code official shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition, removal, site restoration and associated administrative expenses shall be charged against the real estate upon which the structure is located. Such amount shall be certified to the County auditor by the law director or his/her designee for collection in the same manner as taxes and assessments are collected, pursuant to section 715.261(B)(l) and (C) of the Ohio Revised Code.

Sections 111.1 through 111.8: Delete entirely and insert: Appeals are to the Oberlin Housing Renewal Commission pursuant to Chapter 1173 of the City Code.

Section 112.4: (page 7, last line). Insert: not less than \$100 or more than \$1000.

Section 302.4: (page 11, second line). Insert: twelve (12) inches.

Section 304.14: (page 13, first line). Insert: May to October.

Section 602.3: (page 23, fifth line). Insert: October to May.

Section 602.4: (page 23, third line). Insert: October to May.
(Ord. 18-47 AC CMS. Passed 6-18-18.)

1151.03 CODE PROVISIONS TO BE MINIMUM REGULATIONS; ADDITIONAL REQUIREMENTS.

(a) The provisions of the International Property Maintenance Code, as adopted by the City, are hereby confirmed to be minimum regulations governing the maintenance of all structures, property, and buildings located within the City, and the provisions of Section 1151.01 and said Property Maintenance Code shall not be construed to repeal, displace, override or render inapplicable any additional requirements set forth in these Codified Ordinances relating to the specific occupancy, use or maintenance of any structure, said additional requirements being deemed to supplement the minimum requirements set forth in the Property Maintenance Code.

(b) The specific and additional requirements relating to egress from upper floors in rooming houses, as set forth in Section 1353.08 of the Planning and Zoning Code and all other requirements relating to rooming houses as set forth in Chapter 1353, are hereby declared to not be in conflict with said Property Maintenance Code, as enacted, but represent supplemental and/or additional regulations relating to rooming house licensing within the City.
(Ord. 98-87AC. Passed 11-2-98.)

TITLE ELEVEN - General Provisions

- Chap. 1183. Moving of Structures.
- Chap. 1185. Fair Housing Practices.
- Chap. 1187. Historic Landmarks and Buildings.
- Chap. 1189. Swimming Pools.
- Chap. 1191. Flood Damage Reduction.
- Chap. 1193. Pollution Abatement at Construction Sites.
- Chap. 1195. Ohio Mechanical Code.
- Chap. 1197. Ohio Building Code.

CHAPTER 1183 Moving of Structures

- | | | | |
|---------|---|---------|------------------|
| 1183.01 | Permit application; contents. | 1183.03 | Permit contents. |
| 1183.02 | Application consideration;
deposit; permit issuance. | | |

CROSS REFERENCES

- Fee for moving buildings - see BLDG. 1111.01(c)
- Responsibility for permits - see BLDG. Ch. 1113

1183.01 PERMIT APPLICATION; CONTENTS.

Any person, firm or corporation wishing to move any structure along or across any public street, alley or public ground shall file an application with the City Manager requesting permission to do so. Such application shall designate and be accompanied by:

- (a) The route to be taken;
 - (b) The size, weight and type of building;
 - (c) The date such building is to be moved;
 - (d) The maximum time en route;
 - (e) The location of any utility lines that must be moved;
 - (f) Written proof of liability insurance coverage of one hundred thousand dollars (\$100,000) minimum limits;
 - (g) A bond in the amount of one thousand dollars (\$1,000) to indemnify the City for any damage to the public streets, sidewalks, utilities or public grounds;
 - (h) Any other pertinent information requested by the City Manager.
- (Ord. 313AC. Passed 8-5-63.)

1183.02 APPLICATION CONSIDERATION; DEPOSIT; PERMIT ISSUANCE.

Upon receipt of such application, the City Manager shall inspect the proposed route, determine the cost of moving utility lines and examine load limits of the streets and public alleys involved. If the movement of such building can be accomplished with no injury to the public ways or utilities in the City, the City Manager shall, on the deposit by the person requesting permission to move of a sum sufficient to defray all expense of relocating utility lines, escort service, detour procedures and any other expense incident to the movement, issue a permit to move such structures.

(Ord. 313AC. Passed 8-5-63.)

1183.03 PERMIT CONTENTS.

Such permit shall specify the time and route of movement. The movement shall be accomplished by pneumatic tire equipment only.

(Ord. 313AC. Passed 8-5-63.)

CHAPTER 1191 Flood Damage Reduction

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CROSS REFERENCES

Flood control bonds; public capital improvement - see Ohio Const. Art. VIII, Sec. 21; Ohio R.C. 129.70 et seq.
 County Commission flood control aid to governmental units - see Ohio R.C. 3707.77
 Basis of zoning districts - see Ohio R.C. 713.10
 Marking flood areas - see Ohio R.C. 1521.14
 Ohio Water Commission - see Ohio R.C. 1525.01 et seq.

1191.01 GENERAL PROVISIONS.

(a) Statutory Authorization. Article XVIII, Section 3, of the Ohio Constitution grants municipalities the legal authority to adopt land use and control measures for promoting the health, safety and general welfare of its residents. Therefore, the Council of the City of Oberlin, State of Ohio, a majority of those elected thereto concurring, does ordain as follows:

(b) Findings of Fact. The City of Oberlin has special flood hazard areas that are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. Additionally, structures that are inadequately elevated, flood-proofed, or otherwise protected from flood damage also contribute to the flood loss. In order to minimize the threat of such damages and to achieve the purposes hereinafter set forth, these regulations are adopted.

(c) Statement of Purpose. It is the purpose of this chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;

- (6) Help maintain a stable tax base by providing for the proper use and development of areas of special flood hazard so as to protect property and minimize future flood blight areas;
- (7) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions;
- (8) Minimize the impact of development on adjacent properties within and near flood prone areas;
- (9) Ensure that the flood storage and conveyance functions of the floodplain are maintained;
- (10) Minimize the impact of development on the natural, beneficial values of the floodplain;
- (11) Prevent floodplain uses that are either hazardous or environmentally incompatible; and
- (12) Meet community participation requirements of the National Flood Insurance Program.

(d) Methods of Reducing Flood Loss. In order to accomplish its purposes, this chapter includes methods and provisions for:

- (1) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water hazards, or which result in damaging increases in flood heights or velocities;
- (2) Requiring that uses vulnerable to floods, including facilities, which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- (4) Controlling filling, grading, dredging, excavating, and other development which may increase flood damage; and,
- (5) Preventing or regulating the construction of flood barriers, which will unnaturally divert flood, waters or which may increase flood hazards in other areas.

(e) Lands to Which These Regulations Apply. These regulations shall apply to all areas of special flood hazard within the jurisdiction of the City of Oberlin as identified in Section 1191.01(f), including any additional areas of special flood hazard annexed by the City of Oberlin.

(f) Basis for Establishing the Areas of Special Flood Hazard. For the purposes of these regulations, the following studies and/or maps are adopted:

- (1) Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) for Lorain County, Ohio and Incorporated Areas both effective August 19, 2008.
- (2) Other studies and/or maps, which may be relied upon for establishment of the flood protection elevation, delineation of the 100-year floodplain, floodways or delineation of other areas of special flood hazard.
- (3) Any hydrologic and hydraulic engineering analysis authored by a registered Professional Engineer in the State of Ohio which has been approved by the City of Oberlin as required by Section 1191.04(c), Subdivisions and Other New Developments. Any revisions to the aforementioned maps and/or studies are hereby adopted by reference and declared to be a part of these regulations. Such maps and/or studies are on file with the City of Oberlin's Public Works Department.

(g) Abrogation and Greater Restrictions. These regulations are not intended to repeal any existing ordinances (resolutions) including subdivision regulations, zoning or building codes. In the event of a conflict between these regulations and any other ordinance (resolution), the more restrictive shall be followed. These regulations are not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this ordinance and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(h) Interpretation. In the interpretation and application of these regulations, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and,
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes. Where a provision of these regulations may be in conflict with a state or Federal law, such state or Federal law shall take precedence over these regulations.

(i) Warning and Disclaimer of Liability. The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. These regulations do not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damage. These regulations shall not create liability on the part of the City of Oberlin, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damage that results from reliance on these regulations or any administrative decision lawfully made thereunder.

(j) Severability. Should any section or provision of these regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid. (Ord. 24-23 AC CMS. Passed 6-3-24.)

1191.02 DEFINITIONS.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

- (a) "Accessory structure" means a structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.
- (b) "Appeal" means a request for a review of the Floodplain Administrator's interpretation of any provision of this chapter or a request for a variance.
- (c) "Base flood" means flood having a one percent (1%) chance of being equaled or exceeded in any given year. The base flood may also be referred to as the one percent (1%) chance annual flood or one hundred (100) year flood.
- (d) "Base (100-Year) Flood Elevation (BFE)" means the water surface elevation of the base flood in relation to a specified datum, usually the National Geodetic Vertical Datum of 1929 or the North American Vertical Datum of 1988, and usually expressed in Feet Mean Sea Level (MSL). In Zone AO areas, the base flood elevation is the lowest adjacent natural grade elevation plus the depth number (from one to three (1 to 3) feet).

- (e) "Basement" means any area of the building having its floor subgrade (below ground level) on all sides.
- (f) "Development" means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.
- (g) "Enclosure Below the Lowest Floor"; see Section 1191.02(w) "Lowest Floor."
- (h) "Executive Order 11988 (Floodplain Management)" means the order issued by President Carter in 1977; this order requires that no federally assisted activities be conducted in or have the potential to affect identified special flood hazard areas, unless there is no practicable alternative.
- (i) "Federal Emergency Management Agency (FEMA)" means the agency with the overall responsibility for administering the National Flood Insurance Program.
- (j) "Fill" means a deposit of earth material placed by artificial means.
- (k) "Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:
 - (1) The overflow of inland or tidal waters, and/or
 - (2) The unusual and rapid accumulation or runoff of surface waters from any source.
- (l) "Flood Hazard Boundary Map (FHBM)" usually means the initial map, produced by the Federal Emergency Management Agency, or U.S. Department of Housing and Urban Development, for a community depicting approximate special flood hazard areas.
- (m) "Flood Insurance Rate Map (FIRM)" means an official map on which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has delineated the areas of special flood hazard.
- (n) "Flood Insurance Risk Zones" mean the zone designations on FHBMs and FIRMs that indicate the magnitude of the flood hazard in specific areas of a community. Following are the zone definitions:
 - (1) Zone A: Special flood hazard areas inundated by the 100-year flood in any given year; base flood elevations are not determined.
 - (2) Zones A1-30 and Zone AE: Special flood hazard areas inundated by the 100-year flood in any given year; base flood elevations are determined.
 - (3) Zone AO: Special flood hazard areas inundated by the 100-year flood in any given year; with flood depths of one to three (1 to 3) feet (usually sheet flow on sloping terrain); average depths are determined.
 - (4) Zone AH: Special flood hazard areas inundated by the 100-year flood in any given year; flood depths of one to three (1 to 3) feet (usually areas of ponding); base flood elevations are determined.
 - (5) Zone A99: Special flood hazard areas inundated by the 100-year flood to be protected from the 100-year flood by a Federal flood protection system under construction; no base flood elevations are determined.
 - (6) Zone B and Zone X (shaded): Areas of 500-year flood; areas subject to the 100-year flood with average depths of less than one (1) foot or with contributing drainage area less than one (1) square mile; and areas protected by levees from the base flood.
 - (7) Zone C and Zone X (unshaded): Areas determined to be outside the 500-year floodplain.

- (o) "Flood Insurance Study (FIS)" means the official report in which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has provided flood profiles, floodway boundaries (sometimes shown on Flood Boundary and Floodway Maps), and the water surface elevations of the base flood.
- (p) "Flood-proofing" means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
- (q) "Flood Protection Elevation (FPE)" means the base flood elevation plus four (4) feet for Residential structures and one (1) foot for Nonresidential structures of freeboard. In areas where no base flood elevations exist from any authoritative source, the flood protection elevation can be historical flood elevations, or base flood elevations determined and/or approved by the floodplain administrator.
- (r) "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to pass the base flood discharge. A floodway is typically determined through a hydraulic and hydrologic engineering analysis such that the cumulative increase in the water surface elevation of the base flood discharge is no more than a designated height. In no case shall the designated height be more than one (1) foot at any point within the community. The floodway is an extremely hazardous area, and is usually characterized by any of the following: Moderate to high velocity flood waters, high potential for debris and projectile impacts, and moderate to high erosion forces.
- (s) "Freeboard" is a factor of safety usually expressed in feet above a flood level for the purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams, and the hydrologic effect of urbanization in a watershed.
- (t) "Historic Structure" means any structure that is:
 - (1) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - (3) Individually listed on the State of Ohio's inventory of historic places maintained by the Ohio Historic Preservation Office;
 - (4) Individually listed on the inventory of historic places maintained by the Oberlin Heritage Center whose historic preservation program has been certified by the Ohio Historic Preservation Office.
- (u) "Hydrologic and hydraulic engineering analysis" means an analysis performed by a professional engineer, registered in the State of Ohio, in accordance with standard engineering practices as accepted by FEMA, used to determine flood elevations and/or floodway boundaries.

- (v) “Letter of Map Change (LOMC)” means an official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, and Flood Insurance Studies. LOMCs are broken down into the following categories:
 - (1) Letter of Map Amendment (LOMA): A revision based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property is not located in a special flood hazard area.
 - (2) Letter of Map Revision (LOMR): A revision based on technical data that, usually due to manmade changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. One common type of LOMR, a LOMR-F, is a determination concerning whether a structure or parcel has been elevated by fill above the base flood elevation and is, therefore, excluded from the special flood hazard area.
 - (3) Conditional Letter of Map Revision (CLOMR): A comment by FEMA regarding a proposed project that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the special flood hazard area. A CLOMR does not amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, or Flood Insurance Studies.
- (w) “Lowest floor” means the lowest floor of the lowest enclosed area (including basement) of a structure. This definition excludes an “enclosure below the lowest floor” which is an unfinished or flood resistant enclosure usable solely for parking of vehicles, building access or storage, in an area other than a basement area, provided that such enclosure is built in accordance with the applicable design requirements specified in these regulations for enclosures below the lowest floor.
- (x) “Manufactured home” means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term “manufactured home” does not include a “recreational vehicle”. For the purposes of these regulations, a manufactured home includes manufactured homes and mobile homes as defined in Chapter 4781 of the Ohio Revised Code.
- (y) “Manufactured home park” means, as specified in the Ohio Adm. Code 4781-12-01(K), any tract of land upon which three (3) or more manufactured homes, used for habitation are parked, either free of charge or for revenue purposes, and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as part of the facilities of the park. A tract of land that is subdivided and the individual lots are not for rent or rented, but are for sale or sold for the purpose of installation of manufactured homes on the lots, is not a manufactured home park, even though three or more manufactured homes are parked thereon, if the roadways are dedicated to the local government authority. Manufactured home park does not include any tract of land used solely for the storage or display for sale of manufactured homes.
- (z) “Mean sea level” means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

- (aa) "National Flood Insurance Program (NFIP)" means a Federal program enabling property owners in participating communities to purchase insurance protection against losses from flooding. This insurance is designed to provide an insurance alternative to disaster assistance to meet the escalating costs of repairing damage to buildings and their contents caused by floods. Participation in the NFIP is based on an agreement between local communities and the Federal government that states if a community will adopt and enforce floodplain management regulations to reduce future flood risks to all development in special flood hazard areas, the Federal government will make flood insurance available within the community as a financial protection against flood loss.
- (ab) "New construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain regulation adopted by the City of Oberlin and includes any subsequent improvements to such structures. For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of the initial FIRM [June 18, 1980], and includes any subsequent improvements to such structures.
- (ac) "Person" means any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies. An agency is further defined in the Ohio Rev. Code §111.15(A)(2) as any governmental entity of the state and includes, but is not limited to, any board, department, division, commission, bureau, society, council, institution, state college or university, community college district, technical college district, or state community college. "Agency" does not include the general assembly, the controlling board, the adjutant general's department, or any court.
- (ad) "Recreational Vehicle" means a vehicle which is:
 - (1) Built on a single chassis,
 - (2) 400 square feet or less when measured at the largest horizontal projection,
 - (3) Designed to be self-propelled or permanently towable by a light duty truck, and
 - (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- (ae) "Registered Professional Architect" means a person registered to engage in the practice of architecture pursuant to Ohio Rev. Code §4703.01 and 4703.19.
- (af) "Registered Professional Engineer" means a person registered as a professional engineer pursuant to Ohio Rev. Code Chapter 4733.
- (ag) "Registered Professional Surveyor" means a person registered as a professional surveyor pursuant to Ohio Rev. Code Chapter 4733.
- (ah) "Special Flood Hazard Area," or "Area(s) of Special Flood Hazard," means the land in the floodplain subject to a one percent or greater chance of flooding in any given year. Special flood hazard areas are designated by the Federal Emergency Management Agency on Flood Insurance Rate Maps, Flood Insurance Studies, Flood Boundary and Floodway Maps and Flood Hazard Boundary Maps as Zones A, AE, AH, AO, A1-30, or A99. Special flood hazard areas may also refer to areas that are flood prone and designated from other federal state or local sources of data including but not limited to historical flood information reflecting high water marks, previous flood inundation areas, and flood prone soils associated with a watercourse.

- (ai) "Start of construction" means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of a building.
- (aj) "Structure" means a walled and roofed building, manufactured home, or gas or liquid storage tank that is principally above ground.
- (ak) "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to the 'before damaged' condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

To enable repetitive loss structures to be eligible for Increased Cost of Compliance (ICC) coverage, a community must have adopted a repetitive loss provision (higher standard): Substantial damage also means flood related damage sustained by a structure on two (2) separate occasions during a ten (10)-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds twenty-five percent (25%) of the market value of the structure before the damage occurred.
- (al) "Substantial improvement" means any repair, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. This term includes structures, which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include:
 - (1) Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
 - (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."
- (am) "Variance" means a grant of relief from the standards of this chapter.
- (an) "Violation" means the failure of a structure or other development to be fully compliant with this chapter.

(Ord. 24-23 AC CMS. Passed 6-3-24.)

1191.03 ADMINISTRATION.

- (a) Designation of the Floodplain Administrator. The City Manager, or his/her/their assign(s), is hereby appointed to administer and implement these regulations and is referred to herein as the Floodplain Administrator.

(b) Duties and Responsibilities of the Floodplain Administrator. The duties and responsibilities of the Floodplain Administrator shall include but are not limited to:

- (1) Evaluate applications for permits to develop in special flood hazard areas.
- (2) Interpret floodplain boundaries and provide flood hazard and flood protection elevation information.
- (3) Issue permits to develop in special flood hazard areas when the provisions of these regulations have been met, or refuse to issue the same in the event of noncompliance.
- (4) Inspect buildings and lands to determine whether any violations of these regulations have been committed.
- (5) Make and permanently keep all records for public inspection necessary for the administration of these regulations including Flood Insurance Rate Maps, Letters of Map Amendment and Revision, records of issuance and denial of permits to develop in special flood hazard areas, determinations of whether development is in or out of special flood hazard areas for the purpose of issuing floodplain development permits, elevation certificates, flood-proofing certificates, variances, and records of enforcement actions taken for violations of these regulations.
- (6) Enforce the provisions of these regulations.
- (7) Provide information, testimony, or other evidence as needed during variance hearings.
- (8) Coordinate map maintenance activities and FEMA follow-up.
- (9) Conduct substantial damage determinations to determine whether existing structures, damaged from any source and in special flood hazard areas identified by FEMA, must meet the development standards of these regulations.

(c) Floodplain Development Permits. It shall be unlawful for any person to begin construction or other development activity including but not limited to filling, grading, construction, alteration, remodeling, or expanding any structure; or alteration of any watercourse wholly within, partially within or in contact with any identified special flood hazard area, as established in Section 1191.01(f), until a floodplain development permit is obtained from the Floodplain Administrator. Such floodplain development permit shall show that the proposed development activity is in conformity with the provisions of these regulations. No such permit shall be issued by the Floodplain Administrator until the requirements of these regulations have been met.

(d) Application Required. An application for a floodplain development permit shall be required for all development activities located wholly within, partially within, or in contact with an identified special flood hazard area. Such application shall be made by the owner of the property or his/her/their authorized agent, herein referred to as the applicant, prior to the actual commencement of such construction on a form furnished for that purpose. Where it is unclear whether a development site is in a special flood hazard area, the Floodplain Administrator may require an application for a floodplain development permit to determine the development's location. Such applications shall include, but not be limited to:

- (1) Site plans drawn to scale showing the nature, location, dimensions, and topography of the area in question; the location of existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.
- (2) Elevation of the existing, natural ground where structures are proposed.

- (3) Elevation of the lowest floor, including basement, of all proposed structures.
 - (4) Such other material and information as may be requested by the Floodplain Administrator to determine conformance with, and provide enforcement of these regulations.
 - (5) Technical analyses conducted by the appropriate design professional registered in the State of Ohio and submitted with an application for a floodplain development permit when applicable:
 - A. Flood-proofing certification for non-residential flood-proofed structure as required in Section 1191.04(e).
 - B. Certification that fully enclosed areas below the lowest floor of a structure not meeting the design requirements of Section 1191.04(d)(4) are designed to automatically equalize hydrostatic flood forces.
 - C. Description of any watercourse alteration or relocation that the flood carrying capacity of the watercourse will not be diminished, and maintenance assurances as required in Section 1191.04(i)(3).
 - D. A hydrologic and hydraulic analysis demonstrating that the cumulative effect of proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood by more than one (1) foot in special flood hazard areas where the Federal Emergency Management Agency has provided base flood elevations but no floodway as required by Section 1191.04(i)(2).
 - E. A hydrologic and hydraulic engineering analysis showing impact of any development on flood heights in an identified floodway as required by Section 1191.04(i)(1).
 - F. Generation of base flood elevation(s) for subdivision and other new developments as required by Section 1191.04(c).
- (e) Review and Approval of a Floodplain Development Permit Application.
- (1) Review.
 - A. After receipt of a complete application, the Floodplain Administrator shall review the application to ensure that the standards of these regulations have been met. No floodplain development permit application shall be reviewed until all information required in Section 1191.03(d) has been received by the Floodplain Administrator.
 - B. The Floodplain Administrator shall review all floodplain development permit applications to assure that all necessary permits have been received from those federal, state or local governmental agencies from which prior approval is required. The applicant shall be responsible for obtaining such permits as required including permits issued by the U.S. Army Corps of Engineers under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act, and the Ohio Environmental Protection Agency under Section 401 of the Clean Water Act.

- (2) Approval. Within thirty (30) days after the receipt of a complete application, the Floodplain Administrator shall either approve or disapprove the application. If the Floodplain Administrator is satisfied that the development proposed in the floodplain development application conforms to the requirements of this ordinance, the Floodplain Administrator shall issue the permit. All floodplain development permits shall be conditional upon the commencement of work within 180 days. A floodplain development permit shall expire 180 days after issuance unless the permitted activity has been substantially begun and is thereafter pursued to completion.

(f) Inspections. The Floodplain Administrator shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions.

(g) Post-Construction Certifications Required. The following as-built certifications are required after a floodplain development permit has been issued:

- (1) For new or substantially improved residential structures, or nonresidential structures that have been elevated, the applicant shall have a Federal Emergency Management Agency Elevation Certificate completed by a registered professional surveyor to record as-built elevation data. For elevated structures in Zone A and Zone AO areas without a base flood elevation, the elevation certificate may be completed by the property owner or owner's representative.
- (2) For all development activities subject to the standards of Section 1191.03(k)(1), a Letter of Map Revision.
- (3) For new or substantially improved nonresidential structures that have been flood-proofed in lieu of elevation, where allowed, the applicant shall supply a completed Flood-proofing Certificate for Non-Residential Structures completed by a registered professional engineer or architect together with associated documentation.

(h) Revoking a Floodplain Development Permit. A floodplain development permit shall be revocable, if among other things, the actual development activity does not conform to the terms of the application and permit granted thereon. In the event of the revocation of a permit, an appeal may be taken to the Appeals Board (Variance Board for Counties) in accordance with Section 1191.05 of these regulations.

(i) Exemption from Filing a Development Permit. An application for a floodplain development permit shall not be required for maintenance work such as roofing, painting, and basement sealing, or for small nonstructural development activities (except for filling and grading) valued at less than two thousand five hundred dollars (\$2500).

(j) State and Federal Development.

- (1) Development that is funded, financed, undertaken, or preempted by state agencies shall comply with minimum NFIP criteria. (2) Before awarding funding or financing or granting a license, permit, or other authorization for a development that is or is to be located within a 100-year floodplain, a state agency shall require the applicant to demonstrate to the satisfaction of

the agency that the development will comply with minimum NFIP criteria and any applicable local floodplain management resolution or ordinance as required by Ohio Revised Code Section 1521.13. This includes, but is not limited to:

- A. Development activities in an existing or proposed manufactured home park that are under the authority of the Ohio Department of Commerce and subject to the flood damage reduction provisions of the Ohio Administrative Code Section 4781-12.
 - B. Major utility facilities permitted by the Ohio Power Siting Board under Section 4906 of the Ohio Revised Code.
 - C. Hazardous waste disposal facilities permitted by the Hazardous Waste Siting Board under Section 3734 of the Ohio Revised Code.
- (3) Development activities undertaken by a federal agency and which are subject to Federal Executive Order 11988 – Floodplain Management.
- A. Each federal agency has a responsibility to evaluate the potential effects of any actions it may take in a floodplain; to ensure that its planning programs and budget request reflect consideration of flood hazards and floodplain management; and to prescribe procedures to implement the policies and requirements of EO 11988.

(k) Map Maintenance Activities. To meet National Flood Insurance Program minimum requirements to have flood data reviewed and approved by FEMA, and to ensure that the City of Oberlin's flood maps, studies and other data identified in Section 1191.01(f) accurately represent flooding conditions so appropriate floodplain management criteria are based on current data, the following map maintenance activities are identified:

(1) Requirement to Submit New Technical Data.

- A. For all development proposals that impact floodway delineations or base flood elevations, the community shall ensure that technical data reflecting such changes be submitted to FEMA within six (6) months of the date such information becomes available. These development proposals include:
 - 1. Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries;
 - 2. Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area;
 - 3. Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts; and
 - 4. Subdivision or other new development proposals requiring the establishment of base flood elevations in accordance with Section 1191.04(c).
- B. It is the responsibility of the applicant to have technical data, required in accordance with Section 1191.03(k)(1), prepared in a format required for a Conditional Letter of Map Revision or Letter of Map Revision, and submitted to FEMA. Submittal and processing fees for these map revisions shall be the responsibility of the applicant.

- C. The Floodplain Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for:
 - 1. Proposed floodway encroachments that increase the base flood elevation; and
 - 2. Proposed development which increases the base flood elevation by more than one (1) foot in riverine areas where FEMA has provided base flood elevations but no floodway.
 - D. Floodplain development permits issued by the Floodplain Administrator shall be conditioned upon the applicant obtaining a Letter of Map Revision from FEMA for any development proposal subject to Section 1191.03(k)(1)A.
- (2) Right to Submit New Technical Data. The Floodplain Administrator may request changes to any of the information shown on an effective map that does not impact floodplain or floodway delineations or base flood elevations, such as labeling or planimetric details. Such a submission shall include appropriate supporting documentation made in writing by the City Manager of the City of Oberlin, and may be submitted at any time.
 - (3) Annexation / Detachment. Upon occurrence, the Floodplain Administrator shall notify FEMA in writing whenever the boundaries of the City of Oberlin have been modified by annexation or the community has assumed authority over an area, or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that the City of Oberlin's Flood Insurance Rate Map accurately represent the City of Oberlin's boundaries, include within such notification a copy of a map of the City of Oberlin suitable for reproduction, clearly showing the new corporate limits or the new area for which the City of Oberlin has assumed or relinquished floodplain management regulatory authority.
- (I) Data Use and Flood Map Interpretation. The following guidelines shall apply to the use and interpretation of maps and other data showing areas of special flood hazard:
 - (1) In areas where FEMA has not identified special flood hazard areas, or in FEMA identified special flood hazard areas where base flood elevation and floodway data have not been identified, the Floodplain Administrator shall review and reasonably utilize any other flood hazard data available from a federal, state, or other source.
 - (2) Base flood elevations and floodway boundaries produced on FEMA flood maps and studies shall take precedence over base flood elevations and floodway boundaries by any other source that reflect a reduced floodway width and/or lower base flood elevations. Other sources of data, showing increased base flood elevations and/or larger floodway areas than are shown on FEMA flood maps and studies, shall be reasonably used by the Floodplain Administrator.
 - (3) The Floodplain Administrator shall make interpretations, where needed, as to the exact location of the flood boundaries and areas of special flood hazard. A person contesting the determination of the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 1191.05, Appeals and Variances.

- (4) Where an existing or proposed structure or other development is affected by multiple flood zones, by multiple base flood elevations, or both, the development activity must comply with the provisions of this ordinance applicable to the most restrictive flood zone and the highest base flood elevation affecting any part of the existing or proposed structure; or for other developments, affecting any part of the area of the development.
- (m) Use of Preliminary Flood Insurance Rate Map and/or Flood Insurance Study Data.
 - (1) Zone A:
 - A. Within Zone A areas designated on an effective FIRM, data from the preliminary FIRM and/or FIS shall reasonably utilized as best available data.
 - B. When all appeals have been resolved and a notice of final flood elevation determination has been provided in a Letter of Final Determination (LFD), BFE and floodway data from the preliminary FIRM and/or FIS shall be used for regulating development.
 - (2) Zones AE, A1-30, AH, and AO:
 - A. BFE and floodway data from a preliminary FIS or FIRM restudy are not required to be used in lieu of BFE and floodway data contained in an existing effective FIS and FIRM. However,
 - 1. Where BFEs increase in a restudied area, communities have the responsibility to ensure that new or substantially improved structures are protected. Communities are encouraged to reasonably utilize preliminary FIS or FIRM data in instances where BFEs increase and floodways are revised to ensure that the health, safety, and property of their citizens are protected.
 - 2. Where BFEs decrease, preliminary FIS or FIRM data should not be used to regulate floodplain development until the LFD has been issued or until all appeals have been resolved.
 - B. If a preliminary FIRM or FIS has designated floodways where none had previously existed, communities should reasonably utilize this data in lieu of applying the encroachment performance standard of Section 1191.04(i)(2) since the data in the draft or preliminary FIS represents the best data available.
 - (3) Zones B, C, and X:
 - A. Use of BFE and floodway data from a preliminary FIRM or FIS are not required for areas designated as Zone B, C, or X on the effective FIRM which are being revised to Zone AE, A1-30, AH, or AO. Communities are encouraged to reasonably utilize preliminary FIS or FIRM data to ensure that the health, safety, and property of their citizens are protected.
- (n) Substantial Damage Determinations. Damages to structures may result from a variety of causes including flood, tornado, wind, heavy snow, fire, etc. After such a damage event, the Floodplain Administrator shall:
 - (1) Determine whether damaged structures are located in special flood hazard areas;
 - (2) Conduct substantial damage determinations for damaged structures located in special flood hazard areas; and

- (3) Require owners of substantially damaged structures to obtain a floodplain development permit prior to repair, rehabilitation, or reconstruction.

Additionally, the Floodplain Administrator may implement other measures to assist with the substantial damage determination and subsequent repair process. These measures include issuing press releases, public service announcements, and other public information materials related to the floodplain development permits and repair of damaged structures; coordinating with other federal, state, and local agencies to assist with substantial damage determinations; providing owners of damaged structures materials and other information related to the proper repair of damaged structures in special flood hazard areas; and assist owners of substantially damaged structures with Increased Cost of Compliance insurance claims.

(Ord. 24-23 AC CMS. Passed 6-3-24.)

1191.04 USE AND DEVELOPMENT STANDARDS FOR FLOOD HAZARD REDUCTION.

The following use and development standards apply to development wholly within, partially within, or in contact with any special flood hazard area as established in Section 1191.01(f), 1191.03(l)(1), or 1191.03(m):

- (a) Use Regulations/Permitted Uses. All uses not otherwise prohibited in this section or any other applicable land use regulation adopted by the City of Oberlin are allowed provided they meet the provisions of these regulations.
- (b) Water and Wastewater Systems. The following standards apply to all water supply, sanitary sewerage and waste disposal systems in the absence of any more restrictive standard provided under the Ohio Revised Code or applicable state rules:
 - (1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems;
 - (2) New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,
 - (3) On-site waste disposal systems shall be located to avoid impairment to or contamination from them during flooding.
- (c) Subdivisions and Other New Developments.
 - (1) All subdivision proposals and all other proposed new development shall be consistent with the need to minimize flood damage and are subject to all applicable standards in these regulations;
 - (2) All subdivision proposals and all other proposed new development shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage;
 - (3) All subdivision proposals and all other proposed new development shall have adequate drainage provided to reduce exposure to flood damage; and
 - (4) In all areas of special flood hazard where base flood elevation data are not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations for all subdivision proposals and other proposed developments containing at least fifty (50) lots or five (5) acres, whichever is less.
 - (5) The applicant shall meet the requirement to submit technical data to FEMA in Section 1191.03(k)(1)A.4 when a hydrologic and hydraulic analysis is completed that generates base flood elevations as required by Section 1191.04(c)(4).

- (d) **Residential Structures.** The requirements of this section apply to new construction of residential structures and to substantial improvements of residential structures in zones A, A1-30, AE, AO, and AH, when designated on the community's effective FIRM, and when designated on a preliminary or final FIRM issued by FEMA under the circumstances provided in Section 1191.03(m).
- (1) New construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Where a structure, including its foundation members, is elevated on fill to or above the base flood elevation, the requirements for anchoring (Section 1191.04(d)(1)) and construction materials resistant to flood damage (Section 1191.04(d)(2)) are satisfied.
 - (2) New construction and substantial improvements shall be constructed with methods and materials resistant to flood damage.
 - (3) New construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - (4) New construction and substantial improvement of any residential structure, including manufactured homes, shall have the lowest floor, including basement, elevated to or above the flood protection elevation.
 - (5) New construction and substantial improvements, including manufactured homes, that do not have basements and that are elevated to the flood protection elevation using pilings, columns, posts, or solid foundation perimeter walls with openings to allow the automatic equalization of hydrostatic pressure may have an enclosure below the lowest floor provided the enclosure meets the following standards:
 - A. Be used only for the parking of vehicles, building access, or storage; and
 - B. Be designed and certified by a registered professional engineer or architect to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters; or
 - C. Have a minimum of two (2) openings on different walls having a total net area not less than one (1) square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one (1) foot above grade. The openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
 - (6) Manufactured homes shall be affixed to a permanent foundation and anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Methods of anchoring may include, but are not limited to, use of over the top or frame ties to ground anchors.
 - (7) Repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure, shall be exempt from the development standards of Section 1191.04(d).

- (e) Nonresidential Structures. The requirements of this section apply to new construction and to substantial improvements of nonresidential structures in zones A, A1-30, AE, AO, and AH, when designated on the community's effective FIRM, and when designated on a preliminary or final FIRM issued by FEMA under the circumstances provided in Section 1191.03(m).
- (1) New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet the requirements of Section 1191.04(d)(1)-(3) and (5)-(7).
 - (2) New construction and substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated to or above the level of the flood protection elevation; or, together with attendant utility and sanitary facilities, shall meet all of the following standards:
 - A. Be dry flood-proofed so that the structure is watertight with walls substantially impermeable to the passage of water to the level of the flood protection elevation;
 - B. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
 - C. Be certified by a registered professional engineer or architect, through the use of a Federal Emergency Management Agency Flood-proofing Certificate, that the design and methods of construction are in accordance with Section 1191.04(e)(2)A. and B.
- (f) Accessory Structures. Structures that are 600 square feet or less which are used for parking and storage only are exempt from elevation or dry flood-proofing standards within zones A, A1-30, AE, AO, and AH designated on the community's FIRM. Such structures must meet the following standards:
- (1) They shall not be used for human habitation;
 - (2) They shall be constructed of flood resistant materials;
 - (3) They shall be constructed and placed on the lot to offer the minimum resistance to the flow of floodwaters;
 - (4) They shall be firmly anchored to prevent flotation;
 - (5) Service facilities such as electrical and heating equipment shall be elevated or flood-proofed to or above the level of the flood protection elevation; and
 - (6) They shall meet the opening requirements of Section 1191.04(d)(5)C.;
- (g) Recreational Vehicles. Recreational vehicles on sites within zones A, A1-A30, AE, AO, or AH must meet at least one of the following standards:
- (1) They shall not be located on sites in special flood hazard areas for more than 180 days, or
 - (2) They must be fully licensed and ready for highway use, or
 - (3) They must be placed on the site pursuant to a floodplain development permit issued under Sections 1191.03(c) and 1191.03(d), and meet all standards of Section 1191.04(d).
- (h) Gas or Liquid Storage Tanks. Within zone A, A1-A30, AE, AO, or AH, new or substantially improved above ground gas or liquid storage tanks shall be anchored to prevent flotation or lateral movement resulting from hydrodynamic and hydrostatic loads.
- (i) Assurance of Flood Carrying Capacity. Pursuant to the purpose and methods of reducing flood damage stated in these regulations, the following additional standards are adopted to assure that the reduction of the flood carrying capacity of watercourses is minimized:

- (1) Development in Floodways.
- A. In floodway areas, development shall cause no increase in flood levels during the occurrence of the base flood discharge. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that the proposed development would not result in any increase in the base flood elevation; or
 - B. Development in floodway areas causing increases in the base flood elevation may be permitted provided all of the following are completed by the applicant:
 - 1. Meet the requirements to submit technical data in Section 1191.03(k)(1);
 - 2. An evaluation of alternatives, which would not result in increased base flood elevations and an explanation why these alternatives are not feasible;
 - 3. Certification that no structures are located in areas that would be impacted by the increased base flood elevation;
 - 4. Documentation of individual legal notices to all impacted property owners within and outside the community, explaining the impact of the proposed action on their property; and
 - 5. Concurrence of the City Manager of the City of Oberlin and the Chief Executive Officer of any other communities impacted by the proposed actions.
- (2) Development in Riverine Areas with Base Flood Elevations but No Floodways.
- A. In riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the base flood elevation more than one (1) foot at any point. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that this standard has been met; or,
 - B. Development in riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated causing more than one (1) foot increase in the base flood elevation may be permitted provided all of the following are completed by the applicant:
 - 1. An evaluation of alternatives which would result in an increase of one foot or less of the base flood elevation and an explanation why these alternatives are not feasible;
 - 2. Section 1191.04(i)(1)B., items 1. and 3.-5.

- (3) Alterations of a Watercourse. For the purpose of these regulations, a watercourse is altered when any change occurs within its banks. The extent of the banks shall be established by a field determination of the "bankfull stage." The field determination of "bankfull stage" shall be based on methods presented in Chapter 7 of the USDA Forest Service General Technical Report RM-245, Stream Channel Reference Sites: An Illustrated Guide to Field Technique or other applicable publication available from a Federal, State, or other authoritative source. For all proposed developments that alter a watercourse, the following standards apply:
- A. The bankfull flood carrying capacity of the altered or relocated portion of the watercourse shall not be diminished. Prior to the issuance of a floodplain development permit, the applicant must submit a description of the extent to which any watercourse will be altered or relocated as a result of the proposed development, and certification by a registered professional engineer that the bankfull flood carrying capacity of the watercourse will not be diminished.
 - B. Adjacent communities, the U.S. Army Corps of Engineers, and the Ohio Department of Natural Resources, Division of Water, must be notified prior to any alteration or relocation of a watercourse. Evidence of such notification must be submitted to the Federal Emergency Management Agency.
 - C. The applicant shall be responsible for providing the necessary maintenance for the altered or relocated portion of said watercourse so that the flood carrying capacity will not be diminished. The Floodplain Administrator may require the permit holder to enter into an agreement with the City of Oberlin specifying the maintenance responsibilities. If an agreement is required, it shall be made a condition of the floodplain development permit.
 - D. The applicant shall meet the requirements to submit technical data in Section 1191.03(k)(1)A.3 when an alteration of a watercourse results in the relocation or elimination of the special flood hazard area, including the placement of culverts.
(Ord. 24-23 AC CMS. Passed 6-3-24.)

1191.05 APPEALS AND VARIANCES.

(a) Appeals Board. The Zoning Board of Appeals as established and operated by the City in Chapter 1325 shall hear and decide appeals and requests for variances from the requirements of this chapter.

(b) Powers and Duties. The Board shall hear and decide appeals when it is alleged there is an error in any order, requirements, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this chapter. The Appeals Board shall also authorize variances in accordance with Section 1191.05(d) of this chapter.

(c) Appeals. Any person affected by any notice and order, or other official action of the Floodplain Administrator may request and shall be granted a hearing on the matter before the Appeals Board provided that such person shall file, within thirty (30) days of the date of such notice and order, or other official action, a brief statement of the grounds for such hearing or for the mitigation of any item appearing on any order of the Floodplain Administrator's decision. Such appeal shall be in writing, signed by the applicant, and be filed with the Floodplain Administrator.

Upon receipt of the appeal, the Floodplain Administrator shall transmit said notice and all pertinent information on which the Floodplain Administrator's decision was made to the Appeals Board. Upon receipt of the notice of appeal, the Appeals Board shall fix a reasonable time for the appeal, give notice in writing to parties in interest, and decide the appeal within a reasonable time after it is submitted.

(d) Variances. Any person believing that the use and development standards of these regulations would result in unnecessary hardship may file an application for a variance. The Appeals Board shall have the power to authorize, in specific cases, such variances from the standards of these regulations, not inconsistent with Federal regulations, as will not be contrary to the public interest where, owing to special conditions of the lot or parcel, a literal enforcement of the provisions of these regulations would result in unnecessary hardship.

(1) Application for a Variance.

- A. Any owner, or agent thereof, of property for which a variance is sought shall make an application for a variance by filing it with the Floodplain Administrator, who upon receipt of the variance shall transmit it to the Appeals Board.
- B. Such application shall contain the following information: Name, address, and telephone number of the applicant; legal description of the property; parcel map; description of the existing use; description of the proposed use; location of the floodplain; description of the variance sought; and the reason for the variance request.

(2) Public Hearing. At such hearing the applicant shall present such statements and evidence as the Appeals Board requires. In considering such variance applications, the Appeals Board shall consider and make findings of fact on all evaluations, all relevant factors, standards specified in other sections of these regulations and the following factors:

- A. The danger that materials may be swept onto other lands to the injury of others.
- B. The danger to life and property due to flooding or erosion damage.
- C. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- D. The importance of the services provided by the proposed facility to the community.
- E. The availability of alternative locations for the proposed use that are not subject to flooding or erosion damage.
- F. The necessity to the facility of a waterfront location, where applicable.
- G. The compatibility of the proposed use with existing and anticipated development.
- H. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.
- I. The safety of access to the property in times of flood for ordinary and emergency vehicles.
- J. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.

- K. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

Variances shall only be issued upon:

- L. A showing of good and sufficient cause.
- M. A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the property. Increased cost or inconvenience of meeting the requirements of these regulations does not constitute an exceptional hardship to the applicant.
- N. A determination that the granting of a variance will not result in increased flood heights beyond that which is allowed in these regulations; additional threats to public safety; extraordinary public expense, nuisances, fraud on or victimization of the public, or conflict with existing local laws.
- O. A determination that the structure or other development is protected by methods to minimize flood damages.
- P. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief. Upon consideration of the above factors and the purposes of these regulations, the Appeals Board may attach such conditions to the granting of variances, as it deems necessary to further the purposes of these regulations.

(4) Other Conditions for Variances.

- A. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- B. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (½) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items in Section 1191.05(d)(2)A - K have been fully considered. As the lot size increases beyond one half (½) acre, the technical justification required for issuing the variance increases.
- C. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(e) Procedure at Hearings.

- (1) All testimony shall be given under oath.
- (2) A complete record of the proceedings shall be kept, except confidential deliberations of the Board, but including all documents presented and a verbatim record of the testimony of all witnesses.
- (3) The applicant shall proceed first to present evidence and testimony in support of the appeal or variance.
- (4) The administrator may present evidence or testimony in opposition to the appeal or variance.

- (5) All witnesses shall be subject to cross-examination by the adverse party or their counsel.
- (6) Evidence that is not admitted may be proffered and shall become part of the record for appeal.
- (7) The Board shall issue subpoenas upon written request for the attendance of the witnesses. A reasonable deposit to cover the cost of issuance and service shall be collected in advance.
- (8) The Board shall prepare conclusions of fact supporting its decision. The decision may be announced at the conclusion of the hearing and thereafter issued in writing or the decision may be issued in writing within a reasonable time after the hearing.

(f) Appeal to the Court. Those aggrieved by the decision of the Appeals Board may appeal such decision to the Lorain County Court of Common Pleas, pursuant to Ohio Rev. Code Chapter 2506. (Ord. 24-23 AC CMS. Passed 6-3-24.)

1191.99 ENFORCEMENT.

(a) Compliance Required.

- (1) No structure or land shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged or altered without full compliance with the terms of these regulations and all other applicable regulations which apply to uses within the jurisdiction of these regulations, unless specifically exempted from filing for a development permit as stated in Section 1191.03(i).
- (2) Failure to obtain a floodplain development permit shall be a violation of these regulations and shall be punishable in accordance with Section 1191.99(c).
- (3) Floodplain development permits issued on the basis of plans and applications approved by the Floodplain Administrator authorize only the use, and arrangement, set forth in such approved plans and applications or amendments thereto. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of these regulations and punishable in accordance with Section 1191.99(c).

(b) Notice of Violation. Whenever the Floodplain Administrator determines that there has been a violation of any provision of these regulations, he/she/they shall give notice of such violation to the person responsible therefore and order compliance with these regulations as hereinafter provided. Such notice and order shall:

- (1) Be put in writing on an appropriate form;
- (2) Include a list of violations, referring to the section or sections of these regulations that have been violated, and order remedial action, which, if taken, will affect compliance with the provisions of these regulations;
- (3) Specify a reasonable time for performance;
- (4) Advise the owner, operator, or occupant of the right to appeal; and
- (5) Be served on the owner, occupant, or agent in person. However, this notice and order shall be deemed to be properly served upon the owner, occupant, or agent if a copy thereof is sent by registered or certified mail to the person's last known mailing address, residence, or place of business, and/or a copy is posted in a conspicuous place in or on the dwelling affected.

(c) Violations and Penalties. Violation of the provisions of these regulations or failure to comply with any of its requirements shall be deemed to be a strict liability offense, and shall constitute a misdemeanor of the fourth degree. Any person who violates these regulations or fails to comply with any of its requirements shall upon conviction thereof be fined or imprisoned as provided by the laws of the City of Oberlin. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Oberlin from taking such other lawful action as is necessary to prevent or remedy any violation. The City of Oberlin shall prosecute any violation of these regulations in accordance with the penalties stated herein. (Ord. 24-23 AC CMS. Passed 6-3-24.)

CHAPTER 1195
Ohio Mechanical Code

1195.01 Ohio Mechanical Code
adopted.

1195.02 File and distribution copies.

1195.01 OHIO MECHANICAL CODE ADOPTED.

Under the provisions of Ohio R.C. 731.231 there is hereby adopted by the City of Oberlin, and incorporated as if fully set out herein, for the purpose of governing the design and installation of all equipment and appliances that comprise parts of the building mechanical systems regulated by this code and known as the Ohio Mechanical Code, 2024 Edition, promulgated by the Ohio Board of Building Standards pursuant to Ohio R.C. 3781.10.
(Ord. 24-33 AC CMS. Passed 6-3-24.)

1195.02 FILE AND DISTRIBUTION COPIES.

A complete copy of the Ohio Mechanical Code as adopted herein is on file with the Council Clerk and Chief Building Official for inspection by the public and also on file in the Lorain County Law Library. The Council Clerk has copies available for distribution to the public at cost. (Ord. 18-46 AC CMS. Passed 6-18-18.)

CHAPTER 1197
Ohio Building Code

1197.01 Ohio Building Code
adopted.

1197.02 File and distribution copies.

1197.01 OHIO BUILDING CODE ADOPTED.

Under the provisions of Ohio R.C. 731.231 there is hereby adopted by the City of Oberlin, and incorporated as if fully set out herein, to establish uniform minimum requirements for the erection, construction, repair, alteration, and maintenance of buildings, including construction of industrialized units. Such requirements shall relate to the conservation of energy, safety, and sanitation of buildings for their intended use and occupancy Ohio Building Code, 2024 Edition, promulgated by the Ohio Board of Building Standards pursuant to Ohio R.C. 3781.10. (Ord. 24-33 AC CMS. Passed 6-3-24.)

1197.02 FILE AND DISTRIBUTION COPIES.

A complete copy of the Ohio Building Code as adopted herein is on file with the Council Clerk and Chief Building Official for inspection by the public and also on file in the Lorain County Law Library. The Council Clerk has copies available for distribution to the public at cost. (Ord. 18-46 AC CMS. Passed 6-18-18.)

TITLE SEVENTEEN - International Swimming Pool and Spa Code
Chap. 1198. General Provisions.

CHAPTER 1198
General Provisions

1198.01 Code Adopted.

1198.02 File and distribution copies.

1198.01 CODE ADOPTED.

Under the provisions of Ohio R.C. 731.231 there is hereby adopted by the City of Oberlin, and incorporated as if fully set out herein, for the purpose of establishing minimum regulations for public and residential pools, spas, and hot tubs using prescriptive and performance-related provisions, that certain code known as the International Swimming Pool and Spa Code, 2021 Edition, promulgated by the Ohio Board of Building Standards pursuant to Ohio R.C. 3781.10. (Ord. 24-33 AC CMS. Passed 6-3-24.)

1198.02 FILE AND DISTRIBUTION COPIES.

A complete copy of the International Swimming Pool and Spa Code, as adopted herein is on file with the Council Clerk and Chief Building Official for inspection by the public and also on file in the Lorain County Law Library. The Council Clerk has copies available for distribution to the public at cost.

(Ord. 24-33 AC CMS. Passed 6-3-24.)

TITLE NINETEEN - International Fuel Gas Code
Chap. 1199. General Provisions.

CHAPTER 1199
General Provisions

1199.01 Code adopted.

1199.02 File and distribution copies.

1199.01 CODE ADOPTED.

Under the provisions of Ohio R.C. 731.231, there is hereby adopted by the City of Oberlin, and incorporated as if fully set out herein, for the purpose of establishing minimum requirements for fuel gas systems and gas-fired appliances using prescriptive and performance-related provisions, that certain code known as the International Fuel Gas Code, 2021 Edition, promulgated by the Ohio Board of Building Standards pursuant to Ohio R.C. 3781.10. (Ord. 24-33 AC CMS. Passed 6-3-24.)

1199.02 FILE AND DISTRIBUTION COPIES.

A complete copy of the International Fuel Gas Code, as adopted herein is on file with the Council Clerk and Chief Building Official for inspection by the public and also on file in the Lorain County Law Library. The Council Clerk has copies available for distribution to the public at cost. (Ord. 24-33 AC CMS. Passed 6-3-24.)

CODIFIED ORDINANCES OF OBERLIN
PART FIFTEEN - FIRE PREVENTION CODE

CHAPTER 1501
Ohio Fire Code

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|---------|--|---------|---|
| 1501.01 | Adoption. | 1501.17 | Fire equipment sale or use; certification of installers. |
| 1501.02 | Amendments. | 1501.18 | Control and regulation of explosives, flammable and combustible liquids, and liquefied petroleum gas. |
| 1501.03 | Purpose. | 1501.19 | Fire lanes. |
| 1501.04 | Application. | 1501.20 | Water supply and hydrant regulations. |
| 1501.05 | Establishment of Bureau of Fire Prevention. | 1501.21 | Rapid entry key box system (lock box). |
| 1501.06 | Duties. | 1501.22 | Elevators. |
| 1501.07 | Inspections; right of entry. | 1501.23 | Smoke detectors and alarm devices. |
| 1501.08 | Order for abatement, remedy, or removal. | 1501.24 | Posting maximum capacity in public buildings. |
| 1501.09 | Enforcement. | 1501.25 | Permits and fees. |
| 1501.10 | Compliance. | 1501.26 | Appeals. |
| 1501.11 | Copies. | 1501.27 | Digital/electronic drawing file submissions. |
| 1501.12 | Conflict. | 1501.99 | Penalty. |
| 1501.13 | Posting arson laws. | | |
| 1501.14 | Setting fires which spread. | | |
| 1501.15 | Unfriendly fires in building; alarm duties. | | |
| 1501.16 | Disclosure of true Fire Safety Inspector status. | | |

CROSS REFERENCES

See sectional histories for similar State law
 Appeals of orders - see Ohio R.C. 119.12
 State certification of firefighters - see Ohio R.C. 737.08, 737.22, 3737.33
 State certification of Fire Safety Inspectors - see Ohio R.C. 3737.01(C), 3737.34
 Fire investigation - see Ohio R.C. 737.27, 3737.24 et seq.
 Entry and Inspection - see Ohio R.C. 737.34 et seq., 3737.14, 3737.41, 3737.42
 Common Pleas Court jurisdiction - see Ohio R.C. 3737.44(A), 3737.51(H)
 Ohio Fire Code - see Ohio R.C. 3737.82 et seq.; OAC Ch. 1301:7-1 et seq.
 Fire extinguishing and alarm systems in rest and nursing homes - see Ohio R.C. 3721.071
 Self-service filling stations - see Ohio R.C. 3741.14
 Fireworks exhibitions - see Ohio R.C. 3743.50 et seq.

1501.01 ADOPTION.

Pursuant to Ohio R.C. 731.231, the following codes are hereby adopted by and for the City:

- (a) The 2017 Ohio Fire Code (OFC) as adopted by the State of Ohio, Department of Commerce, Division of State Fire Marshal, effective December 15, 2017, and as published in Division 1301:7 of the Ohio Administrative Code (OAC), are incorporated as if fully rewritten, save and except such portions as are hereinafter amended or deleted.
- (b) The International Fire Code, 2018 edition, including Appendix Chapters B, C, D, E, F, G, H, I and J, as published by the International Code Council (ICC), are incorporated as if fully rewritten, save and except such portions as are hereinafter amended or deleted. (Ord. 18-40 AC CMS. Passed 7-2-18.)
- (c) The following National Fire Codes, current editions, and any amendments thereto, as published by the National Fire Protection Association, are incorporated as if fully rewritten, save and except such portions as are hereinafter amended or deleted.

NFPA 13	Automatic Sprinkler System Handbook
NFPA 14	Installation of Standpipe and Hose Systems
NFPA 45	Fire Protection for Laboratories Using Chemicals
NFPA 72	National Fire Alarm and Signaling Code.
NFPA 101	Life Safety Code
NFPA 241	Safeguarding Construction, Alteration, and Demolition Operations.
NFPA 326	Safeguarding of Tanks and Containers For Entry, Cleaning, or Repair.
NFPA 430	Storage of Liquid and Solid Oxidizers.
NFPA 434	Storage of Pesticides
NFPA 505	Powered Industrial Trucks, Including Type Designations, Areas of Use, Conversions, Maintenance, and Operation.
NFPA 1962	Inspection, Care, and of Fire Hose, Couplings, and Nozzles and the Service Testing of Fire Hose.

The Ohio Fire Code, the International Fire Code, and the National Fire Codes adopted by this section, shall hereafter be referred to as the "Fire Prevention Code". (Ord. 24-33 AC CMS. Passed 6-3-24.)

1501.02 AMENDMENTS.

The International Fire Code, 2018 edition, is amended and revised in the following respects:

- Section 101.1. Insert: City of Oberlin, Ohio
- Section 105.6. Insert: 105.6.80 Temporary Shelters. An operational permit is required for the operation of a temporary homeless shelter.
- Section 105.6 Insert: 105.6.30 Mobile food preparation vehicles. A permit is required for mobile food preparation vehicles equipped with appliances that produce smoke or grease-laden vapors.
- Section 108.1 through Section 108.3. Delete in total.
- Section 109.4. Insert: Misdemeanor of the first degree.
- Section 109.4. Insert: \$1,000 dollars.
- Section 109.4. Insert: 180 days.