THE OHIO BASIC CODE
2021 EDITION

CODE OF ORDINANCES

Contains revisions including
Ohio legislation enacted through September 14, 2020

AMERICAN LEGAL PUBLISHING CORPORATION
525 Vine Street ★ Suite 310 ★ Cincinnati, Ohio ★ 45202
1-800-445-5588 ★ www.amlegal.com
customerservice@amlegal.com

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PREFACE TO THE OHIO BASIC CODE, 2021 EDITION

American Legal Publishing's Ohio Basic Code has been published and continuously maintained since 1970, first as Anderson's Ohio Basic Code and then as American Legal Publishing's Ohio Basic Code. The Ohio Basic Code has been designed specifically for smaller Ohio municipalities, and this 2021 Edition of the Basic Code contains a comprehensive revision to the prior 2020 Basic Code. The Ohio Basic Code, 2021 Edition, is designed to replace the prior 2020 Ohio Basic Code in its entirety and reflects American Legal Publishing's continued efforts to provide a modern and comprehensive code of ordinances for smaller Ohio municipalities without the expense of a customized code of ordinances.

This Ohio Basic Code, 2021 Edition, constitutes the 43rd supplement of the Basic Code. The Ohio Basic Code is now referred to by edition, with this edition being referred to as "The Ohio Basic Code, 2021 Edition". Thus, when this 2021 Edition is due to be "supplemented" next year, it will be reprinted in its entirety and will be referred to as "The Ohio Basic Code, 2022 Edition". This edition reflects all relevant Ohio legislation passed through September 14, 2020.

Please note the following formatting features of The Ohio Basic Code, 2021 Edition:

- Because the Ohio Basic Code is soft-bound instead of looseleaf, there are no supplement pages to insert into the previous Ohio Basic Code; rather, the previous Ohio Basic Code should be discarded in its entirety and replaced with this version of the Ohio Basic Code, 2021 Edition. However, the current edition retains three holes to accommodate the use of any binders that may have been supplied with a prior version of the Basic Code.

- This version provides the user with an easily accessible and transportable code of ordinances, and eliminates the necessity of annual replacement pages. Instead of the labor intensive need to insert replacement pages each year, the Basic Code will be updated by reprinting the Basic Code in its entirety every year. The only step that will need to be taken to update the Basic Code is discarding the prior Basic Code edition and replacing it with the most recent edition of the Basic Code.

- In addition to this version, the Ohio Basic Code is available on disk in a word processing format or in Folio® search and retrieval format. A redline/strikeout draft detailing the changes made in the Ohio Basic Code, 2021 Edition, is also available. For ordering information, contact the publisher at 1-800-445-5588.

AMERICAN LEGAL PUBLISHING CORPORATION
Todd Paul Myers, J.D.
Vice President, Major Client Services
tmyers@amlegal.com
1-800-445-5588
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USER'S GUIDE

● Effect of Local Legislation on The Ohio Basic Code

The Ohio Basic Code is intended to be adopted by municipalities as a model code of ordinances. The Ohio Basic Code contains extensive regulations concerning Government Administration, Traffic Offenses, General Regulations, Business Regulations and General Offenses; however, municipalities are free to adopt and enforce separate ordinances and resolutions. Thus, although the scope of the Ohio Basic Code in certain areas is nearly comprehensive, each municipality may have additional legislation which has not been covered by the provisions of the Ohio Basic Code. For example, the municipality is likely to have legislation concerning public works (sewer use, water regulations and the like) and land usage (building regulations, flood damage prevention regulations, subdivision regulations, zoning regulations and the like). Such additional legislation should be available for public inspection at the office of the Municipal Clerk.

Additionally, pursuant to the terms of § 10.15 of the Ohio Basic Code, the municipality is free to amend, add or repeal sections of the Ohio Basic Code. Such direct legislation would supersede the provisions of the Ohio Basic Code and should be available for public inspection at the office of the Municipal Clerk.

● Arrangement and Numbering

The arrangement of the Ohio Basic Code generally parallels the numbering system used in the Ohio Revised Code. The Ohio Basic Code is divided into eight odd-numbered titles, each devoted to a particular topic of municipal law. The titles include the following topics: Title I - General Provisions; Title III - Administration; Title V - Public Works; Title VII - Traffic Code; Title IX - General Regulations; Title XI - Business Regulations; Title XIII - General Offenses Code; and Title XV - Land Usage. The title concerning Public Works has been reserved for specific local legislation.

Titles are divided into chapters, and all chapters are subdivided into sections. A citation to a specific section identifies the title, chapter and section number of the Basic Code provision being cited. For example, "70.11" refers to section 11 of Chapter 70 in Title VII. Title and chapter number appear to the left of the decimal: the title number precedes the first digit to the left of the decimal, and the chapter number constitutes all numerals to the left of the decimal. The section number appears to the right of the decimal. As another example, "138.05" indicates that the citation refers to section 05 of Chapter 138 in Title XIII. Penalty provisions, when used, have been given a section number of .99 to parallel the numbering system used in the Ohio Revised Code.

● Title I: General Provisions

The purpose of this title is to create consistency throughout the code, and the provisions of Title I apply to all titles of the code. Thus, the general provisions of Title I will not be repeated throughout the code unless a variation of the provision applies to a particular code provision. Title I contains provisions concerning general definitions, rules of construction, revivor and the effect of amendment or repeal, the construction of section references, conflicting provisions, severability, reference to offices, errors and omissions, ordinances repealed, ordinances unaffected, ordinances saved, application to future ordinances, interpretation, amendments to the code, amendatory language, explanation of statutory references, preservation of penalties, offenses, rights and liabilities, determination of legislative intent, and a general penalty.

● General Penalty

A general penalty has been provided at § 10.99. This general penalty will apply when no other penalty has been specifically provided for in another provision of this code.

● Section Histories

The legislative history of a section (or division of a section), denoted by an Ohio Revised Code citation set forth in parentheses, indicates the state law derivation of the Basic Code section. For example, if "(R.C. § 4511.21)" were to appear at the end of a section (or division of a section), this would indicate that the Basic Code provision is based directly on Ohio Revised Code § 4511.21.

The legislative history of a section (or division of a section) may also indicate a date of revision. This legislative history reference indicates in which edition of the Ohio Basic Code the section or division was amended. For example, if "(Rev. 2021)" were to appear at the end of a section (or division of a section), this would indicate that the Basic Code provision was revised from its original form in the Ohio Basic Code, 2020 Edition, to its current form in the Ohio Basic Code, 2021 Edition.

- **Cross-references and Statutory References**

"Cross-references" direct the user to subject matter related to certain Basic Code provisions contained within another section or chapter of the Basic Code, while "Statutory references" direct the user to subject matter related to certain Basic Code provisions contained within the Ohio Revised Code ("R.C.") or the Ohio Administrative Code ("O.A.C.").

- **Headers**

The Ohio Basic Code includes headers on each page. Headers on even-numbered pages will indicate which edition of the Basic Code is being consulted and will also indicate, in bold print, the name of the title being consulted. Example: "Ohio Basic Code, 2021 Edition - Traffic Code". The left side of the header on even-numbered pages will indicate the number of the first section that appears on that page. Headers on odd-numbered pages will indicate, in bold print, the name of the Chapter being consulted. Example: "Equipment and Loads". The right side of the header on odd-numbered pages will indicate the number of the last section that appears on that page.

- **Title and Chapter Analysis**

A Table of Contents, giving the name of each chapter within the title and the respective chapter numbers, can be located on the first page of each title. A Chapter Analysis, giving section headings and the respective section numbers, can be located on the first page of each Chapter. Thus, if a user wants to search for a specific crime involving weapons, the user could bypass the general index and go directly to the Table of Contents at the beginning of Title XIII. A quick scan down this Table of Contents would identify Chapter 137 as "Weapons Control". The user could then go directly to Chapter 137 and scan the Chapter Analysis for the appropriate section heading.

- **Tables of Ohio Legislative History References**

A Table of Ohio Legislative History References has been inserted at the beginning of each title. These tables enable a user to trace the origin of the law contained within a particular title, and the tables provide citations to the Basic Code and the corresponding Ohio Revised Code section upon which the Basic Code section is based. Thus, these tables enable users to quickly and accurately determine if a particular Ohio Revised Code section is the source for a Basic Code section within a particular title.

- **Parallel References**

The table entitled "Ohio Legislative History References – Master Table" enables a user to trace the origin of the law contained within the Ohio Basic Code, and the table provides a comprehensive list of citations to the Basic Code and the corresponding Ohio Revised Code section upon which the Basic Code section is based. This table enables a user to quickly and accurately determine if a particular Ohio Revised Code section is the source for a Basic Code provision.

- **Index**

The Index contains references to all Basic Code provisions currently in effect. Index references cite section numbers.

NOTE REGARDING OHIO REVISED CODE § 9.68

As amended by House Bill 228, and effective on December 28, 2019, Ohio Revised Code § 9.68 reads:

9.68 Right to Bear Arms – Challenge to Law.

(A) The individual right to keep and bear arms, being a fundamental individual right that predates the United States Constitution and Ohio Constitution, and being a constitutionally protected right in every part of Ohio, the general assembly finds the need to provide uniform laws throughout the state regulating the ownership, possession, purchase, other acquisition, transport, storage, carrying, sale, other transfer, manufacture, taxation, keeping, and reporting of loss or theft of firearms, their components, and their ammunition. The general assembly also finds and declares that it is proper for law-abiding people to protect themselves, their families, and others from intruders and attackers without fear of prosecution or civil action for acting in defense of themselves or others. Except as specifically provided by the United States Constitution, Ohio Constitution, state law, or federal law, a person, without further license, permission, restriction, delay, or process, including by any ordinance, rule, regulation, resolution, practice, or other action or any threat of citation, prosecution, or other legal process, may own, possess, purchase, acquire, transport, store, carry, sell, transfer, manufacture, or keep any firearm, part of a firearm, its components, and its ammunition. Any such further license, permission, restriction, delay, or process interferes with the fundamental individual right described in this division and unduly inhibits law-abiding people from protecting themselves, their families, and others from intruders and attackers and from other legitimate uses of constitutionally protected firearms, including hunting and sporting activities, and the state by this section preempts, supersedes, and declares null and void any such further license, permission, restriction, delay, or process.

(B) A person, group, or entity adversely affected by any manner of ordinance, rule, regulation, resolution, practice, or other action enacted or enforced by a political subdivision in conflict with division (A) of this section may bring a civil action against the political subdivision seeking damages from the political subdivision, declaratory relief, injunctive relief, or a combination of those remedies. Any damages awarded shall be awarded against, and paid by, the political subdivision. In addition to any actual damages awarded against the political subdivision and other relief provided with respect to such an action, the court shall award reasonable expenses to any person, group, or entity that brings the action, to be paid by the political subdivision, if either of the following applies:

(1) The person, group, or entity prevails in a challenge to the ordinance, rule, regulation, resolution, practice, or action as being in conflict with division (A) of this section.

(2) The ordinance, rule, regulation, resolution, practice, or action or the manner of its enforcement is repealed or rescinded after the civil action was filed but prior to a final court determination of the action.

(C) As used in this section:

(1) The possession, transporting, or carrying of firearms, their components, or their ammunition include, but are not limited to, the possession, transporting, or carrying, openly or concealed on a person's person or concealed ready at hand, of firearms, their components, or their ammunition.

(2) "Firearm" has the same meaning as in section 2923.11 of the Revised Code.

(3) "Reasonable expenses" include, but are not limited to, reasonable attorney's fees, court costs, expert witness fees, and compensation for loss of income.

(D) This section does not apply to either of the following:

(1) A zoning ordinance that regulates or prohibits the commercial sale of firearms, firearm components, or ammunition for firearms in areas zoned for residential or agricultural uses;

(2) A zoning ordinance that specifies the hours of operation or the geographic areas where the commercial sale of firearms, firearm components, or ammunition for firearms may occur, provided that the zoning ordinance is consistent with zoning ordinances for other retail establishments in the same geographic area and does not result in a de facto prohibition of the commercial sale of firearms, firearm components, or ammunition for firearms in areas zoned for commercial, retail, or industrial uses.

There is widespread uncertainty as to the effect of this law on municipal ordinances that relate to firearms and weapons (such as Ohio Basic Code Chapter 137), and the law is currently being challenged on several grounds. Before issuing citations for any firearms- or weapons-related offenses under any Ohio Basic Code sections, please consult with the Village Attorney and/or the Ohio Municipal League for advice and direction.

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Cross-reference:

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§ 10.01 SHORT TITLES.

(A) All ordinances of a permanent and general nature of the municipality, as revised, codified, rearranged, renumbered, and consolidated into component codes, titles, chapters, and sections, shall be known and designated as the "municipal code", for which designation "code of ordinances", "codified ordinances" or "code" may be substituted. Title, chapter and section headings do not constitute any part of the law as contained in the code. (R.C. § 1.01)

(B) All references to codes, titles, chapters and sections are to such components of the code unless otherwise specified. Any component code may be referred to and cited by its name, such as the "traffic code". Sections may be referred to and cited by the designation "§" followed by the number, such as "§ 10.01". Headings and captions used in this code other than the title, chapter, and section numbers are employed for reference purposes only and shall not be deemed a part of the text of any section.

§ 10.02 DEFINITIONS.

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

AND / OR. The word "and" may be read as "or", and the word "or" may be read as "and", if the sense requires it.

ANOTHER. When used to designate the owner of property which is the subject of an offense, includes not only natural persons but also every other owner of property.

CERTIFIED MAIL. Includes registered mail.

CHILD. Includes child by adoption.

COUNCIL. The Legislative Authority of the municipality.

COUNTY. The county or counties in which the municipality is located.

FIRE CHIEF. Shall include the Chief of the Fire Department if a Fire Department has been established in the municipality, and shall include the Fire Prevention Officer if no Fire Department has been established in the municipality.

IMPRISONED. Shall have the same meaning as in R.C. § 1.05.

INTERNET. The international computer network of both federal and non-federal interoperable packet switched data networks, including the graphical subnetwork known as the World Wide Web.

KEEPER or ***PROPRIETOR.*** Includes all persons, whether acting by themselves or as a servant, agent or employee.

LAND or ***REAL ESTATE.*** Includes rights and easements of incorporeal nature.

LEGISLATIVE AUTHORITY. The Legislative Authority of the municipality.

MAY. Is permissive.

MUNICIPALITY, CITY, TOWN, VILLAGE or ***MUNICIPAL CORPORATION.*** When used in this code, shall denote the municipality irrespective of its population or legal classification.

O.A.C. Refers to the Ohio Administrative Code.

OATH. Includes affirmation.

OWNER. When applied to property, includes any part owner, joint owner or tenant in common of the whole or part of that property.

PERSON. Includes an individual, corporation, business trust, estate, trust, partnership and association.

PERSONAL PROPERTY. Includes all property except real property.

PLAN OF SEWERAGE, SYSTEM OF SEWERAGE, SEWER, and ***SEWERS.*** Includes sewers, sewage disposal works and treatment plants, and sewage pumping stations, together with facilities and appurtenances necessary and proper therefor.

PREMISES. As applied to property, includes land and buildings.

PROPERTY. Includes real, personal, mixed estates, and interests.

PUBLIC AUTHORITY. Includes boards of education; the municipal, county, state or federal government, its officers or an agency thereof; or any duly authorized public official.

PUBLIC PLACE. Includes any street, sidewalk, park, cemetery, school yard, body of water or watercourse, public conveyance, or any other place for the sale of merchandise, public accommodation or amusement.

R.C. Refers to the Ohio Revised Code.

REAL PROPERTY. Includes lands, tenements and hereditaments.

REGISTERED MAIL. Includes certified mail.

SHALL. Is mandatory.

SIDEWALK. That portion of the street between the curb line and the adjacent property line intended for the use of pedestrians.

STATE. The State of Ohio.

STREET. Includes alleys, avenues, boulevards, lanes, roads, highways, viaducts and all other public thoroughfares within the municipality.

SWEAR. Includes affirm.

TENANT or ***OCCUPANT.*** As applied to premises, includes any person holding a written or oral lease, or who actually occupies the whole or any part of the premises, alone or with others.

WEEK. Seven consecutive days.

WHOEVER. Includes all persons, natural and artificial; partners; principals, agents and employees; and all officials, public or private.

WRITING. Includes printing.

WRITTEN or ***IN WRITING.*** The terms include any representation of words, letters, symbols or figures; this provision does not affect any law relating to signatures.

YEAR. Twelve consecutive months.
(R.C. §§ 1.02, 1.05, 1.44, 1.59, 701.01) (Rev. 2005)

§ 10.03 RULES OF CONSTRUCTION.

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

(B) *Singular and plural; gender; tenses.* As used in this code, unless the context otherwise requires:

(1) The singular includes the plural, and the plural includes the singular.

(2) Words of one gender include the other genders.

(3) Words in the present tense include the future tense.
(R.C. § 1.43)

(C) *Calendar; computation of time.*

(1) The time within which an act is required by law to be done shall be computed by excluding the first and including the last day; except that when the last day falls on Sunday or a legal holiday, then the act may be done on the next succeeding day that is not a Sunday or a legal holiday.

(2) When a public office, in which an act required by law is to be performed, is closed to the public for the entire day that constitutes the last day for doing the act or before its usual closing time on that day, the act may be performed on the next succeeding day that is not a Sunday or a legal holiday.

(3) As used in divisions (C)(1) and (C)(2) of this section, ***LEGAL HOLIDAY*** means the following days:

(a) The first day of January, known as New Year's Day;

(b) The third Monday in January, known as Martin Luther King, Jr. Day;

(c) The third Monday in February, known as Washington-Lincoln Day;

(d) The day designated in the "Act of June 28, 1968", 82 Stat. 250, 5 U.S.C. § 6103, as amended, for the commemoration of Memorial Day;

(e) The fourth day of July, known as Independence Day;

(f) The first Monday in September, known as Labor Day;

(g) The second Monday in October, known as Columbus Day;

(h) The eleventh day of November, known as Veteran's Day;

(i) The fourth Thursday in November, known as Thanksgiving Day;

(j) The twenty-fifth day of December, known as Christmas Day; and

(k) Any day appointed and recommended by the Governor of this state or the President of the United States as a holiday.

(4) If any day designated in this section as a legal holiday falls on a Sunday, the next succeeding day is a legal holiday.
(R.C. § 1.14) (Rev. 2001)

(5) When an act is to take effect or become operative from and after a day named, no part of that day shall be included. If priority of legal rights depends upon the order of events on the same day, the priority shall be determined by the times in the day at which they respectively occurred.
(R.C. § 1.15)

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

(7) In all cases where the law shall require any act to be done in a reasonable time or reasonable notice to be given, reasonable time or notice shall mean such time only as may be necessary for the prompt performance of the duty or compliance with the notice.

(D) *Numbers.* If there is a conflict between figures and words in expressing a number, the words govern.
(R.C. § 1.46) (Rev. 2002)

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

(F) *Joint authority.* All words purporting to give joint authority to three or more municipal officers or other persons shall be construed as giving that authority to a majority of the officers or other persons, unless it shall be otherwise expressly declared in the law giving the authority, or it is inconsistent with state law or municipal charter provisions.

(G) *Exceptions.* The rules of construction shall not apply to any law which contains any express provision excluding the construction, or when the subject matter or context of the law is repugnant thereto.

§ 10.04 REVIVOR; EFFECT OF AMENDMENT OR REPEAL.

(A) The repeal of a repealing statute does not revive the ordinance originally repealed nor impair the effect of any saving clause therein.
(R.C. § 1.57)

(B) The re-enactment, amendment, or repeal of an ordinance does not, except as provided in division (C) of this section:

(1) Affect the prior operation of the ordinance or any prior action taken thereunder;

(2) Affect any validation, cure, right, privilege, obligation or liability previously acquired, accrued, accorded or incurred thereunder;

(3) Affect any violation thereof or penalty, forfeiture or punishment incurred in respect thereto, prior to the amendment or repeal; or

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

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

(D) An ordinance which is re-enacted or amended is intended to be a continuation of the prior ordinance and not a new enactment, so far as it is the same as the prior ordinance.
(R.C. § 1.54) (Rev. 2002)

§ 10.05 CONSTRUCTION OF SECTION REFERENCES.

(A) Wherever in a penalty section reference is made to a violation of a section or an inclusive group of sections, or of divisions or subdivisions of a section, the reference shall be construed to mean a violation of any provision of the section, sections, divisions or subdivisions included in the reference.

(B) References in the code to action taken or authorized under designated sections of the code include, in every case, action taken or authorized under the applicable legislative provision which is superseded by this code.
(R.C. § 1.23)

(C) A reference to any portion of a provision of this code applies to all re-enactments or amendments thereof.
(R.C. § 1.55)

(D) If a section refers to a series of numbers or letters, the first and the last numbers or letters are included.
(R.C. § 1.56)

(E) Whenever in one section reference is made to another section hereof, the reference shall extend and apply to the section referred to as subsequently amended, revised, recodified or renumbered, unless the subject matter has been changed or materially altered by the amendment or revision.
(Rev. 2002)

§ 10.06 CONFLICTING PROVISIONS.

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

(B) (1) If ordinances enacted at different meetings of the Legislative Authority are irreconcilable, the ordinance latest in date of enactment prevails.

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

(C) In the event of a conflict between any of the provisions of this code, or between any of the provisions of this code and any standard code adopted by the municipality pursuant to R.C. § 731.231, the provision that establishes the higher or stricter standard shall control.
(Rev. 2002)

§ 10.07 SEVERABILITY.

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

§ 10.08 REFERENCE TO OFFICES.

Reference to a public office or officer shall be deemed to apply to any office, officer or employee of the municipality exercising the powers, duties or functions contemplated in the provision, irrespective of any transfer of functions or change in the official title of the functionary.

§ 10.09 ERRORS AND OMISSIONS.

If a manifest error is discovered consisting of the misspelling of any words, the omission of any words necessary to express the intention of the provisions affected, the use of words to which no meaning can be attached, or the use of a word when another word was clearly intended to express the intention, the spelling shall be corrected, and the words supplied, omitted or substituted shall conform with the manifest intention, and the provision shall have the same effect as though the correct words were contained in the text as originally published. No alteration shall be made or permitted if any question exists regarding the nature or extent of the error.

§ 10.10 ORDINANCES REPEALED.

With the exception of any ordinances specifically saved by the municipality, this code, from and after its effective date, shall contain all of the provisions of a general nature pertaining to the subjects herein enumerated and embraced. All prior ordinances pertaining to the subjects treated by this code shall be deemed repealed from and after the effective date of this code of ordinances.

§ 10.11 ORDINANCES UNAFFECTED.

All ordinances of a temporary or special nature, all other ordinances pertaining to subjects not enumerated and embraced in this code of ordinances, and all ordinances specifically saved by the municipality shall remain in full

force and effect unless herein repealed expressly or by necessary implication.

§ 10.12 ORDINANCES SAVED.

Whenever an ordinance by its nature either authorizes or enables the legislative body, or a certain municipal officer or employee, to make additional ordinances or regulations for the purpose of carrying out the intention of the ordinance, all ordinances and regulations of a similar nature serving the purpose, effected prior to the codification and not inconsistent thereto, shall remain in effect and are saved.

§ 10.13 APPLICATION TO FUTURE ORDINANCES.

All provisions of Title I compatible with future legislation shall apply to ordinances hereafter adopted amending or supplementing this code unless otherwise specifically provided.

§ 10.14 INTERPRETATION.

Unless otherwise provided herein, or by law or implication required, the same rules of construction, definition, and application shall govern the interpretation of this code as those governing the interpretation of state law.

§ 10.15 AMENDMENTS TO CODE; AMENDATORY LANGUAGE.

(A) Any chapter, section or division amended or added to this code by ordinances passed subsequent to the adoption of this code may be numbered in accordance with the numbering system of this code and need not be inserted in this code, but shall be treated as if printed for inclusion herein.

(B) The following language may be used by the municipality to amend, add, or repeal a chapter, section, or division:

(1) To amend a section: "Section _____ of the Municipal Code of Ordinances is amended to read as follows: ...."

(2) To add a section: "Section _____ of the Municipal Code of Ordinances, which is to be added to and amends the Municipal Code of Ordinances, reads as follows: ...."

(3) To repeal a section: "Section _____ of the Municipal Code of Ordinances, which reads as follows, is repealed: ...."
(Rev. 1997)

§ 10.16 STATUTORY REFERENCES.

(A) If a statutory cite is included in the history, located in parentheses immediately following a division or section of this code, this indicates that the text of the division or section is substantially equivalent to the statutory provision.
Example: (R.C. § 4511.02)

(B) If a statutory cite is set forth as a "statutory reference" following the text of a section, this indicates that the reader should refer to that statute for further information.
Example:

§ 30.08 PUBLIC RECORDS AVAILABLE.

Unless otherwise exempted by state law, all public records shall be promptly prepared and made available for inspection to any person.
Statutory reference:
Public records, see R.C. § 149.43

§ 10.17 PRESERVATION OF PENALTIES, OFFENSES, RIGHTS AND LIABILITIES.

All offenses committed under laws in force prior to the effective date of this code shall be prosecuted and remain punishable as provided by those laws. This code does not affect any rights or liabilities accrued, penalties incurred or proceedings begun prior to the effective date of this code. The liabilities, proceedings and rights are continued; punishments, penalties or forfeitures shall be enforced and imposed as if this code had not been enacted. In particular, any agreement granting permission to utilize highway rights-of-way, contracts entered into or franchises granted, the acceptance, establishment or vacation of any highway, and the election of corporate officers shall remain valid in all respects, as if this code had not been enacted.
(Rev. 1998)

§ 10.18 DETERMINATION OF LEGISLATIVE INTENT.

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

(1) Compliance with the constitutions of the State and of the United States is intended;

(2) The entire ordinance is intended to be effective;

(3) A just and reasonable result is intended; and

(4) A result feasible of execution is intended.
(R.C. § 1.47)

(B) An ordinance is presumed to be prospective in its operation unless expressly made retrospective.
(R.C. § 1.48)

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

(1) The object sought to be attained;

(2) The circumstances under which the ordinance was enacted;

(3) The legislative history;

(4) The common law or former legislative provisions, including laws upon the same or similar subjects;

(5) The consequences of a particular construction; and

(6) The administrative construction of the ordinance.
(R.C. § 1.49) (Rev. 2002)

§ 10.99 GENERAL PENALTY.

(A) Whenever, in this municipal code or in any ordinance of the municipality, any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is otherwise provided, whoever violates any such provision shall be punished by a fine not exceeding $500, a term of imprisonment not exceeding six months, or both. A separate offense shall be deemed committed each day during or on which a violation continues or occurs.

(B) The failure of any officer or employee of the municipality to perform any official duty imposed by this code shall not subject the officer or employee to the penalty imposed for a violation unless a penalty is specifically provided for the failure.
(Rev. 1998)

Cross-reference:
Misdemeanor classifications, see § 130.99

Statutory reference:
Ordinance violations and penalties, see R.C. § 715.67

TITLE III: ADMINISTRATION

Chapter

30. GENERAL PROVISIONS

31. EXECUTIVE AUTHORITY

32. LEGISLATIVE AUTHORITY

33. JUDICIAL AUTHORITY

34. POLICE DEPARTMENT

35. FIRE DEPARTMENT

36. CIVIL ACTIONS AGAINST THE MUNICIPALITY

OHIO LEGISLATIVE HISTORY REFERENCES – TITLE III

Ohio Revised Code Section	*2021 Basic Code Section*
9.312	32.029
9.481	30.12
9.60	35.14
121.22	30.10
146.01	35.30
146.02	35.31
146.03	35.32
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146.05	35.34
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149.39	30.09
149.43(B), (E)	30.08
731.09	32.001(A) - (D)
731.091	32.001(E)
731.10	32.002
731.11	32.003
731.12	32.004
731.13	32.005
731.14	32.025(A)
731.141	32.025(B)
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731.17	32.041
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731.19	32.043
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731.211	32.046
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731.33	32.075
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731.35	32.077
731.36	32.078(A) - (F)
731.38	32.079(A)
731.40	32.080(A)
731.41	32.081
731.42	32.040
731.43(A)	32.006
731.44	32.007
731.45	32.008
731.46	32.009
731.47	32.010
731.48	32.028

Ohio Revised Code Section	*2021 Basic Code Section*
731.49	32.011
731.50	32.012
731.99(A)	32.078(G)
731.99(B)	32.080(B)
731.99(C)	32.079(B)
733.23	31.001
733.24	31.015
733.25	31.022
733.26	31.040
733.261	31.044(A)
733.262	31.044(B)
733.27	31.041
733.28	31.042
733.29	31.043
733.30	31.016
733.31(A)	30.07
733.32	31.017
733.33	31.018
733.34	31.019
733.35	31.021(A)
733.36	31.021(B)
733.37	31.021(C)
733.38	31.021(D)
733.39	31.021(E)
733.40	31.023
733.41	31.020
733.42	31.060
733.43	31.061
733.44	31.062
733.45	31.063
733.46	31.064
733.47	31.065
733.48	31.100
733.68	30.02
733.69	30.04
733.70	30.05
733.71	30.06
733.72	36.10(A)
733.73	36.10(B)
733.74	36.10(C)
733.75	36.10(D)
733.76	36.10(E)
733.77	36.10(F)
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735.272	31.101(B)
735.273	31.101(C)
735.28	31.102(A)
735.29	31.102(B)
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737.04	34.14(A) - (D)
737.041	34.14(E)
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737.16	34.03
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737.162	34.05(A)

Ohio Revised Code Section	*2021 Basic Code Section*
737.17	34.05(B)
737.171	34.06
737.18	34.07
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737.221	35.02(H)
737.23	35.03
737.24	35.04
737.25	35.05
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737.28	35.15
737.29	34.10
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1905.05	33.04
1905.20	33.02
1905.201	33.05
1905.21	33.03
2705.01	33.20
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2744.04	36.04
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2744.06	36.06
2744.07	36.07
2744.08	36.08(A) - (C)
2744.082	36.08(D), (E)
2744.09	36.09
2935.081	34.15
2935.11	33.21(B)
3737.14(A)	35.09
3737.14(B)	35.10
3737.24	35.08(B)
3737.64	35.11(A)
3737.65(A), (B)	35.12(A), (B)
3737.66	35.13(A), (B)
3737.99(D)	35.11(B)
3737.99(E)	35.12(C)
3737.99(G)	35.13(C)
4115.02	35.07

CHAPTER 30: GENERAL PROVISIONS

Section

30.01 Application of Title III
30.02 Qualifications; oaths
30.03 Bonds of officers and employees; amount
30.04 Additional bond; where bonds recorded and kept
30.05 Approval of bonds
30.06 Sufficiency of form of bond
30.07 Filling vacancies in offices
30.08 Public records available
30.09 Records Commission
30.10 Meetings of public bodies to be open; exceptions; notice
30.11 Municipal officers may attend conference or convention; expenses
30.12 Residency requirements prohibited; exceptions

Statutory reference:

Village accounting and financial reporting, State Auditor regulations, see O.A.C. Chapter 117-9

§ 30.01 APPLICATION OF TITLE III.

(A) Title III of this code of ordinances is designed to include and incorporate, insofar as is practical, all legislation concerning the organization, qualifications, appointment or election, terms of office, compensation and the powers and duties of the officials, boards and bodies of the village. Pertinent sections of the Ohio Revised Code relative to these village offices and boards have been assembled and adopted as a part of this Title III. No material changes of the Ohio Revised Code sections referred to in the legislative histories have been made. The purpose of including these sections is to afford easy reference to the statutory provisions.

(B) In the interest of uniformity and consistency, all references to "village", as the term appears in the Ohio Revised Code, have been changed to read "municipality" throughout this Title III. However, the provisions of this chapter shall only apply to the administration of village local government.

§ 30.02 QUALIFICATIONS; OATHS.

(A) Except as otherwise provided in division (B) of this section or in another section of the Ohio Revised Code, each officer of the municipality or of any department or board of the municipality, whether elected or appointed as a substitute for a regular officer, shall be an elector of the municipality and, before entering upon official duties, shall take an oath to support the Constitution of the United States and the Constitution of the State and an oath that the officer will faithfully, honestly and impartially discharge the duties of the office to which elected or appointed. These provisions as to official oaths shall extend to deputies, but they need not be electors.

(B) Neither this section nor any section of the Ohio Revised Code requires, or shall be construed to require, that a Fire Chief be an elector of the municipality.
(R.C. § 733.68) (Rev. 2002)

§ 30.03 BONDS OF OFFICERS AND EMPLOYEES; AMOUNT.

Before entering upon the discharge of his or her duties, each officer and employee, where it is required by the Legislative Authority, shall execute a bond approved according to law in the amount set forth for his or her respective office or position.

§ 30.04 ADDITIONAL BOND; WHERE BONDS RECORDED AND KEPT.

Except as otherwise provided in the municipal charter or in R.C. § 3.061, each officer required by law or ordinance to give bond shall do so before entering upon the duties of the office. Except as otherwise provided in the municipal charter or in R.C. § 3.061, the Legislative Authority may at any time require each officer to give a new or additional bond. Each bond, except that of the Auditor or Clerk, upon its approval, shall be delivered to the Auditor or Clerk, who shall immediately record it in a record provided for that purpose and file and carefully preserve it in the Auditor's or Clerk's office. The bond of the Auditor or Clerk shall be delivered to the Treasurer, who shall in like manner record and preserve it.
(R.C. § 733.69) (Rev. 2020)

§ 30.05 APPROVAL OF BONDS.

The official bonds of all municipal officers shall be prepared by the Solicitor or Director of Law. Except as otherwise provided in state law, the bonds shall be in a sum as the Legislative Authority prescribes by general or special ordinance, and be subject to the approval of the Mayor, except that the Mayor's bond shall be approved by the Legislative Authority, or, if it is not legally organized, by the Clerk of the Court of Common Pleas of the county in which the municipality or the larger part thereof is situated.
(R.C. § 733.70)

§ 30.06 SUFFICIENCY OF FORM OF BOND.

In each bond mentioned in § 30.05, the condition that the person elected or appointed shall faithfully perform the duties of the office shall be sufficient. The fact that the instrument is without a seal, that blanks for the date or amount have been filled subsequent to its execution but before its acceptance, without the consent of the sureties, that all the obligees named in the instrument have not signed it, that new duties have been imposed on the officers or that any merely formal objection exists shall not be available in any suit on the instrument.
(R.C. § 733.71)

§ 30.07 FILLING VACANCIES IN OFFICES.

Unless otherwise provided by law, vacancies arising in appointive and elective offices of the municipality shall be filled by appointment by the Mayor for the remainder of the unexpired term, provided that:

(A) Vacancies in the office of the Mayor shall be filled in the manner provided by R.C. § 733.25, or a substantially equivalent municipal ordinance;

(B) Vacancies in the membership of the Legislative Authority shall be filled in the manner provided by R.C. § 731.43, or a substantially equivalent municipal ordinance;

(C) Vacancies in the office of President Pro Tempore of the Legislative Authority shall be filled in the manner provided by R.C. § 731.11, or a substantially equivalent municipal ordinance; and

(D) Vacancies in the Office of Clerk or Treasurer may be filled in the following manner: The Mayor may appoint a person to serve as acting officer to perform the duties of the office until a permanent officer is appointed to fill the vacancy.
(R.C. § 733.31(A)) (Rev. 1999)

§ 30.08 PUBLIC RECORDS AVAILABLE.

(A) Upon request and subject to division (H) of this section, all public records responsive to the request shall be promptly prepared and made available for inspection to any person at all reasonable times during regular business hours. Subject to division (H) of this section, upon request by any person, a public office or person responsible for public records shall make copies of the requested public record available to the requestor at cost and within a reasonable period of time. If a public record contains information that is exempt from the duty to permit public inspection or to copy the public record, the public office or the person responsible for the public record shall make available all of the information within the public record that is not exempt. When making that public record available for public inspection or copying that public record, the public office or the person responsible for the public record shall notify the requester of any redaction or make the redaction plainly visible. A redaction shall be deemed a denial of a request to inspect or copy the redacted information, except if federal or state law authorizes or requires a public office to make the redaction.

(B) To facilitate broader access to public records, a public office or the person responsible for public records shall organize and maintain public records in a manner that they can be made available for inspection or copying in accordance with this section. A public office also shall have available a copy of its current records retention schedule at a location readily available to the public. If a requester makes an ambiguous or overly broad request or has difficulty in making a request for copies or inspection of public records under this section, such that the public office or the person responsible for the requested public record cannot reasonably identify what public records are being requested, the public office or the person responsible for the requested public record may deny the request but shall provide the requester with an opportunity to revise the request by informing the requester of the manner in which records are maintained by the public office and accessed in the ordinary course of the public office's or person's duties.

(C) If a request is ultimately denied, in part or in whole, the public office or the person responsible for the requested public record shall provide the requester with an explanation, including legal authority, setting forth why the request was denied. If the initial request was provided in writing, the explanation also shall be provided to the requester in writing. The explanation shall not preclude the public office or the person responsible for the requested public record from relying upon additional reasons or legal authority in defending an action commenced under R.C. § 149.43(C).

(D) Unless specifically required or authorized by state or federal law or in accordance this section, no public office or person responsible for public records may limit or condition the availability of public records by requiring disclosure of the requester's identity or the intended use of the requested public record. Any requirement that the requester disclose the requester's identity or the intended use of the requested public record constitutes a denial of the request.

(E) A public office or person responsible for public records may ask a requester to make the request in writing, may ask for the requester's identity, and may inquire about the intended use of the information requested, but may do so only after disclosing to the requester that a written request is not mandatory and that the requester may decline to reveal the requester's identity or the intended use and when a written request or disclosure of the identity or intended use would benefit the requester by enhancing the ability of the public office or person responsible for public records to identify, locate or deliver the public records sought by the requester.

(F) If any person requests a copy of a public record in accordance with this section, the public office or person responsible for the public record may require that person to pay in advance the cost involved in providing the copy of the public record in accordance with the choice made by the

person requesting the copy under this division. The public office or the person responsible for the public record shall permit that person to choose to have the public record duplicated upon paper, upon the same medium upon which the public office or person responsible for the public record keeps it, or upon any other medium upon which the public office or person responsible for the public record determines that it reasonably can be duplicated as an integral part of the normal operations of the public office or person responsible for the public record. When the person requesting the copy makes a choice under this division, the public office or person responsible for the public record shall provide a copy of it in accordance with the choice made by that person. Nothing in this section requires a public office or person responsible for the public record to allow the person requesting a copy of the public record to make the copies of the public record.

(G) (1) Upon a request made in accordance with this section and subject to division (F) of this section, a public office or person responsible for public records shall transmit a copy of a public record to any person by United States mail or by any other means of delivery or transmission within a reasonable period of time after receiving the request for the copy. The public office or person responsible for the public record may require the person making the request to pay in advance the cost of postage if the copy is transmitted by United States mail or the cost of delivery if the copy is transmitted other than by United States mail, and to pay in advance the costs incurred for other supplies used in the mailing, delivery or transmission.

(2) Any public office may adopt a policy and procedures that it will follow in transmitting, within a reasonable period of time after receiving a request, copies of public records by United States mail or by any other means of delivery or transmission pursuant to division (G) of this section. A public office that adopts a policy and procedures under division (G) of this section shall comply with them in performing its duties under that division.

(3) In any policy and procedures adopted under division (G) of this section:

(a) A public office may limit the number of records requested by a person that the office will physically deliver by United States mail or by another delivery service to ten per month, unless the person certifies to the office in writing that the person does not intend to use or forward the requested records, or the information contained in them, for commercial purposes.

(b) A public office that chooses to provide some or all of its public records on a web site that is fully accessible to and searchable by members of the public at all times, other than during acts of God outside the public office's control or maintenance, and that charges no fee to search, access, download, or otherwise receive records provided on the web site, may limit to ten per month the number of records requested by a person that the office will deliver in a digital format, unless the requested records are not provided on the web site and unless the person certifies to the office in writing that the person does not intend to use or forward the requested records, or the information contained in them, for commercial purposes.

(c) For purposes of division (G) of this section, ***COMMERCIAL*** shall be narrowly construed and does not include reporting or gathering news, reporting or gathering information to assist citizen oversight or understanding the operation or activities of government, or nonprofit educational research.

(H) A public office or person responsible for public records is not required to permit a person who is incarcerated pursuant to a criminal conviction or a juvenile adjudication to inspect or to obtain a copy of any public record concerning a criminal investigation or prosecution or concerning what would be a criminal investigation or prosecution if the subject of the investigation or prosecution were an adult, unless the request to inspect or to obtain a copy of the record is for the purpose of acquiring information that is subject to release as a public record under this section and the judge who imposed the sentence or made the adjudication with respect to the person, or the judge's successor in office, finds that the information sought in the public record is necessary to support what appears to be a justiciable claim of the person.

(I) (1) Upon written request made and signed by a journalist, a public office, or person responsible for public records, having custody of the records of the agency employing a specified designated public service worker, as defined in R.C. § 149.43, shall disclose to the journalist the address of the actual personal residence of the designated public service worker and, if the designated public service worker's spouse, former spouse or child is employed by a public office, the name and address of the employer of the designated public service worker's spouse, former spouse or child. The request shall include the journalist's name and title and the name and address of the journalist's employer and shall state that disclosure of the information sought would be in the public interest.

(2) Division (I)(1) of this section also applies to journalist requests for:

(a) Customer information maintained by a municipally owned or operated public utility, other than social security numbers and any private financial information such as credit reports, payment methods, credit card numbers, and bank account information.

(b) Information about minors involved in a school vehicle accident as provided in division R.C. § 149.43(A)(1)(gg), other than personal information as defined in R.C. § 149.45.

(3) As used in this division (I), ***JOURNALIST*** means a person engaged in, connected with or employed by any news medium, including a newspaper, magazine, press association, news agency or wire service, a radio or television station, or a similar medium, for the purpose of gathering, processing, transmitting, compiling, editing or disseminating information for the general public.

(J) Upon a request made by a victim, victim's attorney, or victim's representative, as that term is used in R.C. § 2930.02, a public office or person responsible for public records shall transmit a copy of a depiction of the victim as described in R.C. § 149.43(A)(1)(gg) to the victim, victim's attorney, or victim's representative.

(K) (1) To ensure that all employees of public offices are appropriately educated about a public office's obligations under this section, all elected officials or their appropriate designees shall attend training approved by the Attorney General as provided in R.C. § 109.43. A future official may satisfy the requirements of this division by attending the training before taking office, provided that the future official may not send a designee in the future official's place.

(2) All public offices shall adopt a public records policy in compliance with this section for responding to public records requests. In adopting a public records policy under this division, a public office may obtain guidance from the model public records policy developed and provided to the public office by the Attorney General under R.C. § 109.43. Except as otherwise provided in this section or R.C. § 149.43, the policy may not limit the number of public records that the public office will make available to a single person, may not limit the number of public records that it will make available during a fixed period of time, and may not establish a fixed period of time before it will respond to a request for inspection or copying of public records, unless that period is less than eight hours.

(3) The public office shall distribute the public records policy adopted by the public office under this division (K) to the employee of the public office who is the records custodian or records manager or otherwise has custody of the records of that office. The public office shall require that employee to acknowledge receipt of the copy of the public records policy. The public office shall create a poster that describes its public records policy and shall post the poster in a conspicuous place in the public office and in all locations where the public office has branch offices. The public office may post its public records policy on the internet web site of the public office if the public office maintains an internet web site. A public office that has established a manual or handbook of its general policies and procedures for all employees of the public office shall include the public records policy of the public office in the manual or handbook.

(R.C. § 149.43(B), (E)) (Rev. 2020)

Statutory reference:

Availability and scope of public records; mandamus action to compel disclosure, see R.C. § 149.43

Competitive bidding, public inspection and copying prohibited, see R.C. § 125.071

§ 30.09 RECORDS COMMISSION.

(A) There is hereby established in and for the municipality a Records Commission, composed of the Chief Executive of the municipality, or the Chief Executive's appointed representative, as Chairperson, and the Chief Fiscal Officer, the Chief Legal Officer and a citizen appointed by the Chief Executive. The Commission shall appoint a Secretary, who may or may not be a member of the Commission and who shall serve at the pleasure of the Commission. The Commission may employ an archivist or records manager to serve under its direction. The Commission shall meet at least once every six months and upon the call of the Chairperson.

(B) The functions of the Commission shall be to provide rules for retention and disposal of records of the municipality and to review applications for one-time disposal of obsolete records and schedules of records retention and disposition submitted by municipal offices. The Commission may dispose of records pursuant to the procedure outlined in R.C. § 149.381. The Commission, at any time, may review any schedule it has previously approved and, for good cause shown, may revise that schedule under the procedure outlined in that section.

(R.C. § 149.39) (Rev. 2012)

Statutory reference:

Review of records by Ohio Historical Society, see R.C. § 149.381

§ 30.10 MEETINGS OF PUBLIC BODIES TO BE OPEN; EXCEPTIONS; NOTICE.

(A) This section shall be liberally construed to require public officials to take official action and to conduct all deliberations upon official business only in open meetings, unless the subject matter is specifically excepted by law.

(B) As used in this section:

MEETING. Any prearranged discussion of the public business of the public body by a majority of its members.

PUBLIC BODY. Any of the following:

(a) Any board, commission, committee, council or similar decision-making body of a state agency, institution or authority, and any legislative authority or board, commission, committee, council, agency, authority or similar decision-making body of any county, township, municipal corporation, school district, or other political subdivision or local public institution;

(b) Any committee or subcommittee of a body described in division (a) of this definition; or

(c) A court of jurisdiction of a sanitary district organized wholly for the purpose of providing a water supply for domestic municipal and public use when meeting for the purpose of the appointment, removal or reappointment of a member of the board of directors of such a district pursuant to R.C. § 6115.10, if applicable, or for any other matter related to such a district other than litigation involving the district. As used in this division (c), ***COURT OF JURISDICTION*** has the same meaning as "court" in R.C. § 6115.01.

PUBLIC OFFICE. Has the same meaning as in R.C. § 149.011.

REGULATED INDIVIDUAL. Either of the following:

(a) A student in a state or local public educational institution; or

(b) A person who is, voluntarily or involuntarily, an inmate, patient or resident of a state or local institution because of criminal behavior, mental illness, an intellectual disability, disease, disability, age or other condition requiring custodial care.

(C) (1) All meetings of any public body are declared to be public meetings open to the public at all times. A member of a public body shall be present in person at a meeting open to the public to be considered present or to vote at the meeting and for purposes of determining whether a quorum is present at the meeting.

(2) The minutes of a regular or special meeting of any public body shall be promptly prepared, filed and maintained and shall be open to public inspection. The minutes need only reflect the general subject matter of discussions in executive sessions authorized under division (F) of this section.

(D) This section does not apply to any of the following: a grand jury; an audit conference conducted by the auditor of state or independent certified public accountants with officials of the public office that is the subject of the audit; or to other state agencies as set forth in R.C. § 121.22(D) and (E).

(E) (1) Every public body, by rule, shall establish a reasonable method whereby any person may determine the time and place of all regularly scheduled meetings and the time, place and purpose of all special meetings. A public body shall not hold a special meeting unless it gives at least 24 hours advance notice to the news media that have requested notification, except in the event of an emergency requiring immediate official action. In the event of an emergency, the member or members calling the meeting shall notify the news media that have requested notification immediately of the time, place and purpose of the meeting.

(2) The rule shall provide that any person, upon request and payment of a reasonable fee, may obtain reasonable advance notification of all meetings at which any specific type of public business is to be discussed. Provisions for advance notification may include but are not limited to mailing the agenda of meetings to all subscribers on a mailing list or mailing notices in self-addressed, stamped envelopes provided by the person.

(F) Except as provided division (F)(8) of this section, the members of a public body may hold an executive session only after a majority of a quorum of the public body determines, by a roll call vote, to hold an executive session and only at a regular or special meeting for the sole purpose of the consideration of any of the following matters:

(1) To consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official, or the investigation of charges or complaints against a public employee, official, licensee or regulated individual, unless the public employee, official, licensee or regulated individual requests a public hearing. Except as otherwise provided by law, no public body shall hold an executive session for the discipline of an elected official for conduct related to the performance of the elected official's official duties or for the elected official's removal from office. If a public body holds an executive session pursuant to division (F)(1) of this section, the motion and vote to hold that executive session shall state which one or more of the approved purposes listed in division (F)(1) of this section are the purposes for which the executive session is to be held, but need not include the name of any person to be considered at the meeting;

(2) (a) To consider the purchase of property for public purposes, the sale of property at competitive bidding, or the sale or other disposition of unneeded, obsolete, or unfit-for-use property in accordance with R.C. § 505.10, if premature disclosure of information would give an unfair competitive or bargaining advantage to a person whose personal, private interest is adverse to the general public interest. No member of a public body shall use this division (F)(2) as a subterfuge for providing covert information to prospective buyers or sellers. A purchase or sale of public property is void if the seller or buyer of the public property has received covert information from a member of a public body that has not been disclosed to the general public in sufficient time for other prospective buyers and sellers to prepare and submit offers.

(b) If the minutes of the public body show that all meetings and deliberations of the public body have been conducted in compliance with this section, any instrument executed by the public body purporting to convey, lease, or otherwise dispose of any right, title or interest in any public property shall be conclusively presumed to have been executed in compliance with this section insofar as title or other interest of any bona fide purchasers, lessees, or transferees of the property is concerned.

(3) Conferences with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action;

(4) Preparing for, conducting or reviewing negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment;

(5) Matters required to be kept confidential by federal law or regulations or state statutes;

(6) Details relative to the security arrangements and emergency response protocols for a public body or a

public office, if disclosure of the matters discussed could reasonably be expected to jeopardize the security of the public body or public office;

(7) In the case of a county hospital operated pursuant to R.C. Chapter 339, a joint township hospital operated pursuant to R.C. Chapter 513, or a municipal hospital operated pursuant to R.C. Chapter 749, to consider trade secrets, as defined in R.C. § 1333.61;

(8) To consider confidential information related to the marketing plans, specific business strategy, production techniques, trade secrets, or personal financial statements of an applicant for economic development assistance, or to negotiations with other political subdivisions respecting requests for economic development assistance, provided that both of the following conditions apply:

(a) The information is directly related to a request for economic development assistance that is to be provided or administered under any provision of R.C. Chapter 715, 725, 1724, or 1728 or R.C. §§ 701.07, 3735.67 to 3735.70, 5709.40 to 5709.43, 5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 5709.81, or that involves public infrastructure improvements or the extension of utility services that are directly related to an economic development project.

(b) A unanimous quorum of the public body determines, by a roll call vote, that the executive session is necessary to protect the interests of the applicant or the possible investment or expenditure of public funds to be made in connection with the economic development project.

(9) If a public body holds an executive session to consider any of the matters listed in divisions (F)(2) through (F)(8) of this section, the motion and vote to hold that executive session shall state which one or more of the approved matters listed in those divisions are to be considered at the executive session; or

(10) A public body specified in division (c) of the definition of "public body" in this section shall not hold an executive session when meeting for the purposes specified in that division (c).

(G) A resolution, rule or formal action of any kind is invalid unless adopted in an open meeting of the public body. A resolution, rule or formal action adopted in an open meeting that results from deliberations in a meeting not open to the public is invalid unless the deliberations were for a purpose specifically authorized in division (F) of this section and conducted at an executive session held in compliance with this section. A resolution, rule or formal action adopted in an open meeting is invalid if the public body that adopted the resolution, rule or formal action violated division (E) of this section.

(H) (1) Any person may bring an action to enforce this section. An action under this division (H)(1) shall be brought within two years after the date of the alleged violation or threatened violation. Upon proof of a violation or threatened violation of this section in an action brought by any person, the court of common pleas shall issue an injunction to compel the members of the public body to comply with its provisions.

(2) (a) If the court of common pleas issues an injunction pursuant to division (H)(1) of this section, the court shall order the public body that it enjoins to pay a civil forfeiture of $500 to the party that sought the injunction and shall award to that party all court costs and, subject to reduction as described in this division (H)(2), reasonable attorney's fees. The court, in its discretion, may reduce an award of attorney's fees to the party that sought the injunction or not award attorney's fees to that party if the court determines both of the following:

1. That, based on the ordinary application of statutory law and case law as it existed at the time of violation or threatened violation that was the basis of the injunction, a well-informed public body reasonably would believe that the public body was not violating or threatening to violate this section;

2. That a well-informed public body reasonably would believe that the conduct or threatened conduct that was the basis of the injunction would serve the public policy that underlies the authority that is asserted as permitting that conduct or threatened conduct.

(b) If the court of common pleas does not issue an injunction pursuant to division (H)(1) of this section and the court determines at that time that the bringing of the action was frivolous conduct, as defined in R.C. § 2323.51(A), the court shall award to the public body all court costs and reasonable attorney's fees, as determined by the court.

(3) Irreparable harm and prejudice to the party that sought the injunction shall be conclusively and irrebuttably presumed upon proof of a violation or threatened violation of this section.

(4) A member of a public body who knowingly violates an injunction issued pursuant to division (H)(1) of this section may be removed from office by an action brought in the court of common pleas for that purpose by the prosecuting attorney or the attorney general.
(R.C. § 121.22) (Rev. 2017)

Statutory reference:

Application of open meetings and exceptions to specific state bodies, see R.C. § 121.22(D), (E) and (J)

§ 30.11 MUNICIPAL OFFICERS MAY ATTEND CONFERENCE OR CONVENTION; EXPENSES.

(A) Any elected or appointed officer, deputy, assistant or employee of the municipality may attend, at the expense of the municipality, any conference or convention relating to municipal affairs, if authorized by the Mayor, the President of the Legislative Authority or the Administrator. If the fiscal officer of the municipality certifies that funds are

appropriated and available for that purpose, the person shall be reimbursed for his or her expense so incurred.

(B) A request for this allowance shall be made in writing to the Mayor, the President of the Legislative Authority or the Administrator, showing the necessity for the attendance and an estimate of the costs thereof to the municipality.
(R.C. § 733.79) (Rev. 2002)

§ 30.12 RESIDENCY REQUIREMENTS PROHIBITED; EXCEPTIONS.

(A) As used in this section:

POLITICAL SUBDIVISION. Has the same meaning as in R.C. § 2743.01.

VOLUNTEER. Means a person who is not paid for service or who is employed on less than a permanent full-time basis.

(B) Except as otherwise provided in division (C) of this section, no political subdivision shall require any of its employees, as a condition of employment, to reside in any specific area of the state.

(C) (1) Division (B) of this section does not apply to a volunteer.

(2) To ensure adequate response times by certain employees of political subdivisions to emergencies or disasters while ensuring that those employees generally are free to reside throughout the state, the electors of any political subdivision may file an initiative petition to submit a local law to the electorate, or the Legislative Authority may adopt an ordinance or resolution, that requires any individual employed by that political subdivision, as a condition of employment, to reside either in the county where the political subdivision is located or in any adjacent county in this state. For purposes of this section, an initiative petition shall be filed and considered as provided in R.C. §§ 731.28 and 731.31, except that the Fiscal Officer of the political subdivision shall take the actions prescribed for the Auditor or Clerk if the political subdivision has no Auditor or Clerk, and except that references to a municipal corporation shall be considered to be references to the applicable political subdivision.

(D) Except as otherwise provided in division (C), employees of political subdivisions of this state have the right to reside any place they desire.
(R.C. § 9.481) (Rev. 2007)

CHAPTER 31: EXECUTIVE AUTHORITY

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GENERAL PROVISIONS

§ 31.001 EXECUTIVE POWER; WHERE VESTED.

The executive power and authority of the municipality shall be vested in the Mayor, Clerk, Treasurer, Marshal, Street Commissioner and such other officers and departments as are created by law.
(R.C. § 733.23)

MAYOR

§ 31.015 TERM OF MAYOR; POWERS AND DUTIES.

The Mayor shall be elected for a term of four years commencing on the first day of January next after his or her election. He or she shall be an elector of the municipality, and shall have resided in the municipality for at least one year immediately preceding his or her election. He or she shall be the chief conservator of the peace within the municipality, and shall have the powers and duties provided by law. He or she shall be the President of the Legislative Authority, and shall preside at all regular and special meetings thereof, but shall have no vote except in case of a tie.
(R.C. § 733.24)

§ 31.016 GENERAL DUTIES OF THE MAYOR.

The Mayor shall perform all the duties prescribed by the bylaws and ordinances of the municipality. He or she shall see that all ordinances, bylaws, and resolutions of the Legislative Authority are faithfully obeyed and enforced. He or she shall sign all commissions, licenses, and permits granted by the Legislative Authority, or authorized by Title VII of the Ohio Revised Code, and such other instruments as by law or ordinance require his or her certificate.
(R.C. § 733.30)

§ 31.017 COMMUNICATIONS TO THE LEGISLATIVE AUTHORITY.

The Mayor shall communicate to the Legislative Authority from time to time a statement of the finances of the municipality, and other information relating thereto, and the general condition of the affairs of the municipality as he or

she deems proper, or as is required by the Legislative Authority.
(R.C. § 733.32)

§ 31.018 PROTEST AGAINST EXCESS OF EXPENDITURES.

If, in the opinion of the Mayor, an expenditure authorized by the Legislative Authority exceeds the revenues of the municipality for the current year, he or she shall protest against the expenditure and enter the protest, and the reason therefor, on the journal of the Legislative Authority.
(R.C. § 733.33)

§ 31.019 SUPERVISION OF CONDUCT OF OFFICERS.

The Mayor shall supervise the conduct of all the officers of the municipality, inquire into and examine the grounds of all reasonable complaints against any officers, and cause their violations or neglect of duty to be punished promptly or reported to the proper authority for correction.
(R.C. § 733.34)

§ 31.020 ANNUAL REPORT TO THE LEGISLATIVE AUTHORITY.

At the first regular meeting in January of each year, and at other times as the Mayor deems expedient, he or she shall report to the Legislative Authority concerning the affairs of the municipality, and recommend such measures as seem proper to him or her.
(R.C. § 733.41)

§ 31.021 MAYOR TO FILE CHARGES AGAINST DELINQUENT OFFICERS.

(A) *Generally.* The Mayor shall have general supervision over each department and the officers provided for in Title VII of the Ohio Revised Code. When the Mayor has reason to believe that the head of a department or an officer has been guilty, in the performance of his or her official duty, of bribery, misfeasance, malfeasance, nonfeasance, misconduct in office, gross neglect of duty, gross immorality, or habitual drunkenness, he or she shall immediately file with the Legislative Authority, except when the removal of the head of the department or officer is otherwise provided for, written charges against the person, setting forth in detail a statement of alleged guilt, and, at the same time, or as soon thereafter as possible, serve a true copy of the charges upon the person against whom they are made. Service may be made on the person or by leaving a copy of the charges at the office of the person. Return thereof shall be made to the Legislative Authority, as is provided for the return of the service of summons in a civil action.
(R.C. § 733.35)

(B) *Hearing of charges; action of the Legislative Authority.* Charges filed with the Legislative Authority under division (A) of this section shall be heard at the next regular meeting thereof, unless the Legislative Authority extends the time for the hearing, which shall be done only on the application of the accused. The accused may appear in person and by counsel, examine all witnesses, and answer all charges against him or her. The judgment or action of the Legislative Authority shall be final, but to remove the officer the votes of two-thirds of all members elected thereto shall be required.
(R.C. § 733.36)

(C) *Suspension of accused pending hearing.* Pending any proceedings under division (A) and (B) of this section, an accused person may be suspended by a majority vote of all members elected to the Legislative Authority, but the suspension shall not be for a longer period than 15 days, unless the hearing of the charges is extended upon the application of the accused, in which event the suspension shall not exceed 30 days.
(R.C. § 733.37)

(D) *Power of the Legislative Authority as to process.* For the purpose of investigating charges filed pursuant to division (A) of this section against the head of any department or officer, the Legislative Authority may issue subpoenas or compulsory process to compel the attendance of persons and the production of books and papers before it, and the Legislative Authority may provide by ordinance for exercising and enforcing this section.
(R.C. § 733.38)

(E) *Oaths; compulsory testimony; costs.* In all cases in which the attendance of witnesses may be compelled for an investigation under division (D) of this section, any member of the Legislative Authority may administer the requisite oaths, and the Legislative Authority has the same power to compel the giving of testimony by attending witnesses as is conferred upon courts. In all these cases, witnesses shall be entitled to the same privileges and immunities as are allowed witnesses in civil cases. Witnesses shall be paid the same fees and mileage provided for under R.C. § 1901.26, and the costs of all such proceedings shall be payable from the General Fund of the municipality.
(R.C. § 733.39) (Rev. 2010)

§ 31.022 VACANCIES IN OFFICE OF MAYOR.

When the Mayor is absent from the municipality, or is unable for any cause to perform his or her duties, the President Pro Tempore of the Legislative Authority shall be acting Mayor. In case of the death, resignation, or removal of the Mayor, the President Pro Tempore shall become the Mayor and shall hold office until his or her successor is elected and qualified. Such successor shall be elected to the office for the unexpired term at the first regular municipal election that occurs more than 40 days after the vacancy has occurred, except that when the unexpired term ends within one year immediately following the date of the election, an election to fill the unexpired term shall not be held and the

President of the Legislative Authority shall hold the office for the unexpired term.
(R.C. § 733.25)

§ 31.023 DISPOSITION OF FINES AND OTHER MONEYS.

(A) Except as otherwise provided in R.C. § 4511.193, all fines, forfeitures and costs in ordinance cases and all fees that are collected by the Mayor, that in any manner come into the Mayor's hands, or that are due the Mayor or the Chief of Police or other officer of the municipality, any other fees and expenses that have been advanced out of the treasury of the municipality, and all money received by the Mayor for the use of the municipality shall be paid by the Mayor into the treasury of the municipality on the first Monday of each month. At the first regular meeting of the Legislative Authority each month, the Mayor shall submit a full statement of all money received, from whom and for what purposes received, and when paid into the treasury. Except as otherwise provided by R.C. § 307.515 or R.C. § 4511.19, all fines and forfeitures collected by the Mayor in state cases, together with all fees and expenses collected that have been advanced out of the county treasury, shall be paid by the Mayor to the county treasury on the first business day of each month. Except as otherwise provided by R.C. § 307.515 or R.C. § 4511.19, the Mayor shall pay all court costs and fees collected by the Mayor in state cases into the municipal treasury on the first business day of each month.

(B) This section does not apply to fines collected by the Mayor's Court for violations of R.C. § 4513.263(B), or any substantially equivalent municipal ordinance, all of which shall be forwarded to the Treasurer of State as provided in R.C. § 4513.263(E).
(R.C. § 733.40) (Rev. 2010)

CLERK

§ 31.040 ELECTION, TERM, QUALIFICATIONS OF THE CLERK.

The Clerk shall be elected for a term of four years, commencing on April 1 next after his or her election. He or she shall be an elector of the municipality.
(R.C. § 733.26)
Cross-reference:
Vacancies, filling of, see § 30.07(D)
Statutory reference:
Continuing education programs for fiscal officer, see R.C. § 733.81

§ 31.041 POWERS AND DUTIES OF CLERK.

(A) The Clerk shall attend all meetings of the Legislative Authority and keep a record of its proceedings and of all rules, bylaws, resolutions, and ordinances passed or adopted, which shall be subject to the inspection of all persons interested. In case of the absence of the Clerk, the Legislative Authority shall appoint one of its members to perform his or her duties.

(B) The Clerk shall attend training programs for new clerks and annual training programs of continuing education for clerks that are provided by the Auditor of State pursuant to R.C. § 117.44.
(R.C. § 733.27) (Rev. 1997)

§ 31.042 BOOKS AND ACCOUNTS; MERGER OF OFFICES.

The Clerk shall keep the books of the municipality, exhibit accurate statements of all moneys received and expended, of all the property owned by the municipality and the income derived therefrom, and of all taxes and assessments. The Legislative Authority may, by majority vote, merge the duties of the Clerk of the Board of Trustees of Public Affairs with those of the Clerk, allowing the Clerk such additional assistance and compensation in performing the additional duties as the Legislative Authority determines.
(R.C. § 733.28)

§ 31.043 SEAL OF CLERK.

The Legislative Authority shall provide a seal for the Clerk, in the center of which shall be the name of the municipality, and around the margin "Village Clerk", an impression of which seal shall be affixed to all transcripts, orders, certificates, or other papers requiring authentication.
(R.C. § 733.29)

§ 31.044 COMBINED OFFICES OF CLERK AND TREASURER; FISCAL OFFICER.

(A) *Office of Clerk-Treasurer.*

(1) (a) The Legislative Authority may, by ordinance or resolution passed by at least a majority vote, combine the duties of the Clerk and the Treasurer into one office, to be known as the Clerk-Treasurer. The combination shall be effective on January 1 following the next regular municipal election at which the Clerk is to be elected, provided that a Clerk-Treasurer shall be elected at such election pursuant to this section and shall be elected for a term of four years, commencing on the first day of April following his or her election. Between the first day of January and the first day of April following such an election, the Clerk shall perform the duties of Clerk-Treasurer. Council shall file certification of the action with the Board of Elections not less than 120 days before the day of the next municipal primary election at which the Clerk is to be elected, provided that in villages under 2,000 population in which no petition for a primary election was filed pursuant to R.C. § 3513.01, or in villages in which no primary is held

pursuant to R.C. § 3513.02, the action shall be certified to the Board of Elections not less than 120 days before the next general election at which the Clerk is to be elected.

(b) At the succeeding regular municipal election and thereafter, the Clerk-Treasurer shall be elected for a term of four years, commencing on the first day of April following the Clerk-Treasurer's election. The Clerk-Treasurer shall be an elector of the municipality.

(2) In addition to the circumstances described in division (A)(1) of this section, when a vacancy exists in the office of Treasurer or Clerk, the Legislative Authority may, by ordinance or resolution passed by at least a majority vote, combine the duties of the Clerk and the Treasurer into one office, to be known as the Clerk-Treasurer. The combination shall be effective on the effective date of the ordinance or resolution combining the duties of the offices of Clerk and Treasurer. At the next regular municipal election at which the Clerk would have been elected and each four years thereafter, the Clerk-Treasurer shall be elected for a term of four years, commencing on the first day of April following the Clerk-Treasurer's election. The Clerk-Treasurer shall be an elector of the municipality.

(3) The Clerk-Treasurer shall perform the duties provided by law for the Clerk and the Treasurer. All laws pertaining to the Clerk and to the Treasurer shall be construed to apply to the Clerk-Treasurer, provided that the initial compensation for the office of Clerk-Treasurer shall be established by the Legislative Authority and that action shall not be subject to R.C. § 731.13 relating to the time when the compensation of elected officials shall be fixed and pertaining to changes in compensation of officials during the term of office.

(4) If and when the municipality has a Clerk-Treasurer, the Legislative Authority may separate the offices by ordinance or resolution passed by at least a majority vote. The action to separate the offices may be taken in either of the following circumstances:

(a) When a vacancy exists in the office of Clerk-Treasurer, in which case the separation shall be effective upon the effective date of the ordinance or resolution.

(b) When the action of the Legislative Authority is certified to and filed with the Board of Elections not less than 120 days before the day of the next primary election at which the Clerk and Treasurer are to be elected, provided that in villages under 2,000 population in which no petition for a primary election was filed pursuant to R.C. § 3513.01, or in villages in which no primary is held pursuant to R.C. § 3513.02, the action shall be certified to the Board of Elections not less than 120 days before the next general election at which the Clerk and Treasurer are to be elected. (R.C. § 733.261) (Rev. 2011)

(B) *Office of Fiscal Officer.*

(1) (a) In lieu of having the elected office of Clerk and the office of Treasurer, or the combined elected office of Clerk-Treasurer, the municipality may combine the duties of the Clerk and Treasurer into one appointed office, to be known as the Fiscal Officer. To make this change, the Legislative Authority shall pass, by a two-thirds vote, an ordinance or resolution proposing to make the change effective on the first day of January following the next regular municipal election at which the Clerk or Clerk-Treasurer is to be elected.

(b) So that no election for the office of Clerk or Clerk-Treasurer is held after the passage of the ordinance or resolution, the Legislative Authority shall file a certified copy of the ordinance or resolution with the Board of Elections not less than 120 days before the day of the next succeeding municipal primary election at which candidates for the office of Clerk or Clerk-Treasurer are to be nominated, or, in villages with a population of under 2,000 in which no petition for a primary election is filed under R.C. § 3513.01 or in villages in which no primary is held under R.C. § 3513.02, not less than 120 days before the next succeeding regular municipal election at which the Clerk or Clerk-Treasurer is to be elected.

(2) In addition to the circumstances described in division (B)(1) of this section, when a vacancy exists in the office of Clerk or Clerk-Treasurer, the Legislative Authority may pass, by a two-thirds vote, an ordinance or resolution to combine the duties of the Clerk and the Treasurer into the appointed office of Fiscal Officer. That change shall take effect on the effective date of the ordinance or resolution.

(3) A Fiscal Officer appointed under this section shall perform the duties provided by law for the Clerk and Treasurer and any other duties consistent with the nature of the office that are provided for by municipal ordinance.

(4) (a) A Fiscal Officer shall be appointed by the Mayor, but that appointment does not become effective until it is approved by a majority vote of the Legislative Authority. The Fiscal Officer need not be an elector of the village or reside in the village at the time of appointment; however, the Fiscal Officer shall become a resident of the village within six months after the appointment takes effect, unless an ordinance is passed approving the Fiscal Officer's residence outside of the village.

(b) The Fiscal Officer may be removed without cause either by the Mayor with the consent of a majority of the members of the Legislative Authority or by a three-fourths vote of the Legislative Authority with or without the consent of the Mayor.

(5) (a) The Legislative Authority of a village that has a Fiscal Officer may abolish that appointed office and return to an elected office of Clerk-Treasurer by passing an ordinance or resolution by a two-thirds vote.

(b) If a vacancy exists in the office of Fiscal Officer when this ordinance or resolution is passed, the abolition shall take effect on the effective date of the ordinance or resolution, and the Mayor shall appoint a Clerk-Treasurer to serve until the first day of April following the next regular municipal election at which a Clerk-Treasurer can be elected. So an election can be held, the Legislative Authority shall file a certified copy of the ordinance or resolution with the Board of Elections not less than 120 days before the day of the next succeeding municipal primary election.

(c) If a vacancy does not exist in the office of Fiscal Officer when the abolishing ordinance or resolution is passed, the Legislative Authority shall certify a copy of the ordinance or resolution to the Board of Elections not less than 120 days before the day of the next succeeding municipal primary election.

(d) The person elected at the next regular municipal election as Clerk-Treasurer under the circumstances described in this division shall serve a four-year term commencing on the first day of April following that election.
(R.C. § 733.262) (Rev. 2011)
Statutory reference:
Continuing education programs for fiscal officer, see R.C. § 733.81

TREASURER

§ 31.060 ELECTION, TERM, QUALIFICATIONS OF THE TREASURER.

The Treasurer shall be elected for a term of four years, commencing on January 1 next after his or her election. He or she shall be an elector of the municipality.
(R.C. § 733.42)
Cross-reference:
Vacancies, filling of, see § 30.07(D)
Statutory reference:
Continuing education programs for Treasurers, see R.C. §§ 135.22 and 733.81

§ 31.061 ACCOUNTS OF TREASURER.

(A) The Treasurer shall keep an accurate account of:

(1) All moneys received by him or her, showing the amount thereof, the time received, from whom, and on what account received;

(2) All disbursements made by him or her, showing the amount thereof, the time made, to whom, and on what account paid.

(B) He or she shall so arrange his or her books so that the amount received and paid on account of separate Funds, or specified appropriations, shall be exhibited in separate accounts. In addition to the ordinary duties of the Treasurer, he or she shall have such powers and perform such duties as are required by any ordinance of the municipality, not inconsistent with Title VII of the Ohio Revised Code, and not incompatible with the nature of the office.
(R.C. § 733.43)

§ 31.062 POWERS AND DUTIES.

(A) The Treasurer shall demand and receive from the County Treasurer taxes levied and assessments made and certified to the County Auditor by the Legislative Authority, and placed on the tax list by the Auditor for collection, moneys from persons authorized to collect or required to pay them, accruing to the municipality from any judgments, fines, penalties, forfeitures, licenses, and costs taxed in Mayor's Court, and debts due the municipality. These funds shall be disbursed by the Treasurer and County Auditor on the order of any person authorized by law or ordinance to issue orders therefor.

(B) The Treasurer of a village that does not have a charter form of government shall not disburse any funds except upon an order signed by at least one member of the Legislative Authority or the Village Clerk and countersigned by the Treasurer. The Clerk-Treasurer or fiscal officer of a village that does not have a charter form of government shall not disburse any funds except upon an order signed by at least one member of the Legislative Authority and countersigned by the Clerk-Treasurer or village fiscal officer.
(R.C. § 733.44) (Rev. 2018)

§ 31.063 QUARTERLY ACCOUNT; ANNUAL REPORT.

The Treasurer shall settle and account with the Legislative Authority, quarterly, and at any other time which it by resolution or ordinance requires. At the first regular meeting of the Legislative Authority in January of each year, the Treasurer shall report to it the condition of the finances of the municipality, the amount received by the Treasurer, the sources of the receipts, the disbursements made by him or her, and on what account, during the year preceding. This account shall exhibit the balance due on each fund which has come into the Treasurer's hands during the year.
(R.C. § 733.45)

§ 31.064 RECEIPT AND DISBURSEMENT OF FUNDS.

(A) The Treasurer shall receive and disburse all funds of the municipality and such other funds as arise in or belong to any department or part of the municipality, except as provided in division (B) of this section.

(B) The Treasurer of a village that does not have a charter form of government shall not disburse any funds except upon an order signed by at least one member of the

Legislative Authority or the Village Clerk and countersigned by the Treasurer. The Clerk-Treasurer or fiscal officer of a village that does not have a charter form of government shall not disburse any funds except upon an order signed by at least one member of the Legislative Authority and countersigned by the Clerk-Treasurer or village fiscal officer.
(R.C. § 733.46) (Rev. 2018)

§ 31.065 DUTY OF DELIVERING MONEY AND PROPERTY.

The Treasurer, at the expiration of his or her term of office, or on his or her resignation or removal, shall deliver to his or her successor, all moneys, books, papers, and other property in his or her possession as Treasurer. In the case of the death or incapacity of the Treasurer, his or her legal representatives shall, in like manner, deliver the money and property which were in the Treasurer's hands to the person entitled thereto.
(R.C. § 733.47)

STREET COMMISSIONER

§ 31.080 QUALIFICATIONS.

(A) So long as the municipality has not provided for the appointment of an Administrator under R.C. § 735.271 or a substantially equivalent municipal ordinance, a Street Commissioner shall be appointed by the Mayor and confirmed by the Legislative Authority for a term of one year. He or she need not be a resident of the municipality at the time of his or her appointment, but shall become a resident thereof within six months after his or her appointment and confirmation, unless the residence requirement is waived by ordinance. Vacancies in the office of Street Commissioner shall be filled by the Mayor for the unexpired term.

(B) The appointment of a Street Commissioner shall include a probationary period of six months. If an appointment is made for an unexpired term, and if the same Street Commissioner is reappointed at the end of that term, the probationary period shall continue into his or her next term. No appointment is final until the appointee has satisfactorily completed his or her probationary period. If the service of the appointee is unsatisfactory during the probationary period, he or she may be removed by the Mayor and the reasons for the removal shall be communicated to the Legislative Authority. If a person is appointed to successive terms as Street Commissioner, he or she shall serve only one six month probationary period during those successive terms.

(C) The Marshal shall be eligible to appointment as Street Commissioner.
(R.C. § 735.31) (Rev. 1999)

§ 31.081 GENERAL DUTIES.

Under the direction of the Mayor or other chief executive officer, the Street Commissioner, or an engineer, when one is provided by the Legislative Authority, shall supervise the improvement and repair of streets, avenues, alleys, lands, lanes, squares, wards, landings, market houses, bridges, viaducts, sidewalks, sewers, drains, ditches, culverts, ship channels, streams, and water courses. The Street Commissioner or engineer shall also supervise the lighting, sprinkling, and cleaning of all public places, and shall perform such other duties, consistent with the nature of his or her office, as the Mayor or other chief executive officer requires.
(R.C. § 735.32)

§ 31.082 ASSISTANTS.

The Street Commissioner or engineer mentioned in § 31.081 shall have such assistants as the Legislative Authority provides, who shall be employed by the Street Commissioner, and serve for such time and compensation as is fixed by the Legislative Authority.
(R.C. § 735.33)

OTHER OFFICIALS

§ 31.100 LEGAL COUNSEL.

(A) Except as provided in division (B) of this section, when it considers it necessary, the Legislative Authority may provide legal counsel for the municipality, or for any department or official of the municipality, for a period not to exceed two years and shall provide compensation for the legal counsel.

(B) (1) A petition may be filed with the Clerk, signed by registered electors residing in the municipality equal in number to not less than 10% of the total vote cast for all candidates for Governor in the municipality at the most recent general election at which a Governor was elected, requesting that the question be placed before the electors whether, instead of the Legislative Authority appointing legal counsel for the municipality or for any department or official of the municipality, the Mayor shall appoint an attorney or law firm as the legal counsel with the advice and consent of the Legislative Authority. Within two weeks after receipt of the petition, the Clerk shall certify it to the Board of Elections, which shall determine its sufficiency and validity. The petition shall be certified to the Board of Elections not less than 90 days prior to the election at which the question is to be voted upon.

(2) At the election, if a majority of the electors of the municipality approves the question, then effective immediately when the Mayor considers it necessary, the Mayor shall appoint, with the advice and consent of the Legislative Authority, an attorney or law firm as legal counsel

for the municipality, or for any department or official of the municipality, for a period not to exceed two years. The appointment of legal counsel under this division shall be pursuant to a contract approved by the Mayor and a majority vote of the Legislative Authority. The contract shall provide for the compensation and other terms of the engagement of the legal counsel, and the Legislative Authority shall provide that compensation for the legal counsel.

(C) When acting under this section, the Legislative Authority acts in its administrative capacity.
(R.C. § 733.48) (Rev. 2011)

§ 31.101 ADMINISTRATOR.

(A) *Appointment, powers, term and removal.* The Legislative Authority may establish the position of Administrator by ordinance. The Administrator established under this section shall have those powers provided by division (B) of this section. The Administrator shall be appointed by the Mayor, but shall not take office unless his or her appointment has been approved by a majority vote of the members elected to the Legislative Authority. The Administrator need not be an elector or reside in the municipality at the time of his or her appointment; however, he or she shall become a resident of the municipality within six months after his or her appointment by the Mayor and confirmation by the Legislative Authority, unless his or her residence outside the municipality is approved by ordinance. The Administrator shall not be an elected official of the municipality at the time of his or her appointment or during his or her tenure in office. The Administrator shall serve at the pleasure of the Mayor and Legislative Authority and may be removed without cause by the Mayor with the consent of a majority of the members elected to the Legislative Authority, or he or she may be removed without cause by the affirmative vote of three-fourths of the members elected to the Legislative Authority, without the consent of the Mayor. The Legislative Authority may abolish the position of Administrator by ordinance.
(R.C. § 735.271)

(B) *Abolishment and re-establishment of Board of Public Affairs.*

(1) Upon the establishment of the position of Administrator, his or her appointment by the Mayor and confirmation by the Legislative Authority, as provided by division (A) of this section, the Board of Trustees of Public Affairs, if such a Board has been created in accordance with R.C. § 735.28, shall be abolished and the term of office of members of the Board shall terminate. All contracts entered into by the Board and rules and regulations promulgated and other action taken by the Board shall continue in effect until they have terminated of their own accord or until they have been modified, changed, revised, amended or repealed in the manner provided by law.

(2) If the Legislative Authority abolishes the position of Administrator, as provided by division (A) of this section, a Board of Trustees of Public Affairs shall be established by operation of law and the Mayor shall appoint three members of this Board, subject to the confirmation of the Legislative Authority, who shall serve until the successors of the appointed members have been elected at the next regular election of municipal officers held in the municipality occurring more than 100 days after the appointment of such members by the Mayor, as provided by R.C. § 735.28. The Board shall have those powers and duties provided by R.C. §§ 735.28 and 735.29 and as otherwise provided by law.
(R.C. § 735.272) (Rev. 2002)

(C) *Powers and duties of the Administrator.*

(1) The Administrator shall manage, conduct, and control the water works, electric light plants, artificial or natural gas plants, or other similar public utilities, furnish supplies of water, electricity, or gas, and collect all water, electric and gas rents.

(2) The Administrator may make such bylaws and regulations as it deems necessary for the safe, economical, and efficient management and protection of the works, plants, and public utilities. These bylaws and regulations, when not repugnant to municipal ordinances and resolutions or to the Ohio Constitution, shall have the same validity of ordinances.

(3) The rates for service and charges for municipally owned utilities shall be determined by the Legislative Authority.

(4) The Administrator shall have the same powers or perform the same duties as are provided in R.C. §§ 743.05 through 743.07, 743.10, 743.11, 743.18, and 743.24, and all the powers and duties relating to water works in any such sections shall extend to and include electric light, power, gas plants, and other similar public utilities.

(5) The Administrator shall supervise the improvement and repair of streets, avenues, alleys, lands, lanes, squares, landings, market houses, bridges, viaducts, sidewalks, sewers, drains, ditches, culverts, streams, and water courses as well as lighting, sprinkling, and cleaning of all streets, alleys, and public buildings and places.

(6) The Administrator shall appoint officers, employees, agents, clerks, and assistants, provided the positions are first authorized by the Legislative Authority, but the appointments shall be subject to approval by the Mayor. Such appointments and the Mayor's approval shall be in writing, and shall be filed with the Clerk.

(7) The Administrator shall be under the general supervision and control of the Mayor, and shall have such other powers and duties as are prescribed by ordinance or by law and which are not inconsistent herewith. The Administrator shall perform all duties and shall have all powers of Boards of Public Affairs and Street Commissioners as prescribed by law, except as otherwise provided by R.C. §§ 735.271 and 735.272.
(R.C. § 735.273)

Cross-reference:
Administrator, contracting and central purchasing, see § 32.025(B)

§ 31.102 BOARD OF TRUSTEES OF PUBLIC AFFAIRS.

(A) *Appointment; election; organization.*

(1) If a water works, electric light plant, artificial or natural gas plant or other similar public utility is situated in the municipality, or when the Legislative Authority orders a water works, electric light plant, artificial or natural gas plant or other similar public utility to be constructed, or to be leased or purchased from any individual, company or corporation, or when the Legislative Authority determines to establish a schedule of rates or charges of rents for use of the sewerage system and sewage pumping, treatment and disposal works of the municipality, The Legislative Authority shall establish a Board of Trustees of Public Affairs, which shall consist of three members who are residents of the municipality.

(2) All members shall have four-year terms, except that members of boards established after July 26, 1967, shall be elected as follows: at the next regular election of municipal officials occurring more than 100 days after the appointment of the first members of the Board as provided in this section, one member shall be elected for a term of two years and two members shall be elected for terms of four years each. Thereafter, all such members shall be elected for terms of four years.

(3) When the Legislative Authority establishes such Board, the Mayor shall appoint the members thereof, subject to the confirmation of the Legislative Authority. The successors of such appointed members shall be elected at the next regular election of municipal officers held in the municipality which occurs more than 100 days after the appointment.

(4) In case of a vacancy in the Board from death, resignation or otherwise, it shall be filled for the unexpired term by appointment by the Mayor, subject to confirmation by the Legislative Authority.

(5) The Board shall organize by electing one of its members President. Unless the office of Clerk of the Board has been consolidated with the office of Clerk of the municipality, as authorized by R.C. § 733.28, it may elect a Clerk, who shall be known as the Clerk of the Board of Trustees of Public Affairs.
(R.C. § 735.28)

(B) *General powers and duties.*

(1) The Board of Trustees of Public Affairs appointed under division (A) of this section shall manage, conduct and control the waterworks, electric light plants, artificial or natural gas plants or other similar public utilities, furnish supplies of water, electricity or gas, collect all water, electric and gas rents or charges and appoint necessary officers, employees and agents.

(2) The Board may make such bylaws and rules as it determines to be necessary for the safe, economical and efficient management and protection of the works, plants and public utilities. These bylaws and rules, when not repugnant to local ordinances or to the Constitution or laws of the state, shall have the same validity as ordinances.

(3) For the purpose of paying the expenses of conducting and managing the waterworks, plants and public utilities or of making necessary additions thereto and extensions and repairs thereon, the Board may assess a water rent or charge, or a light, power, gas or utility rent, of sufficient amount and in such manner as it determines to be most equitable, upon all tenements and premises supplied therewith. When the rents, except water rents and charges, are not paid when due, the Board may certify them to the County Auditor to be placed on the duplicate and collected as other municipal taxes, or it may collect them by actions at law in the name of the municipality. When water rents or charges are not paid when due, the Board may do either or both of the following:

(a) Certify them, together with any penalties, to the County Auditor. The County Auditor shall place the certified amount on the real property tax list and duplicate against the property served by the connection if he or she also receives from the Board additional certification that the unpaid rents or charges have arisen pursuant to a service contract made directly with an owner who occupies the property served. The amount placed on the tax list and duplicate shall be a lien on the property served from the date placed on the list and duplicate and shall be collected in the same manner as other taxes, except that, notwithstanding R.C. § 323.15, the County Treasurer shall accept a payment in such amount when separately tendered as payment for the full amount of the unpaid water rents or charges and associated penalties. The lien shall be released immediately upon payment in full of the certified amount. Any amounts collected by the County Treasurer under this division shall be placed for immediate distribution to the municipality, in the appropriate distinct fund established for water rents and charges.

(b) Collect them by action at law in the name of the municipality from an owner, tenant or other person who is liable to pay the rents or charges.

(4) The Board shall have the same powers and perform the same duties as are provided in R.C. §§ 743.01, 743.05 through 743.07, 743.10, 743.11, 743.18, 743.24 and 735.05 through 735.09, which powers and duties relating to waterworks in any of these sections shall extend to and include electric light, power and gas plants, and such other duties as are prescribed by law or ordinance not inconsistent herewith.

(5) If the Board assesses water rents or charges, it shall determine the actual amount of rents due, based upon an actual reading of each customer's meter at least once in

each three-month period, and at least quarterly the Board shall render a bill for the actual amount shown by the meter reading to be due, except that estimated bills may be rendered if access to a customer's meter was unobtainable for a timely reading. If the Board assesses water rents or charges, it shall establish procedures providing fair and reasonable opportunity for resolution of billing disputes.

(6) When property to which water service is provided is about to be sold, any party to the sale or his or her agent may request the Board to read the meter at that property and to render, within ten days following the date on which the request is made, a final bill for all outstanding rents and charges for water service. Such a request shall be made at least 14 days prior to the transfer of the title of the property.

(7) At any time prior to a certification under division (B)(3)(a) of this section, the Board shall accept any partial payment of unpaid water rents or charges, in the amount of $10 or more.

(R.C. § 735.29) (Rev. 2002)

Cross-reference:

Abolishment and re-establishment of Board of Trustees of Public Affairs, see § 31.101(B)

Merger of offices of Clerk and Clerk of Board of Trustees of Public Affairs, see § 31.042

§ 31.103 FIRE ENGINEER, ENGINEER, SUPERINTENDENT OF MARKETS.

If the municipality has a Fire Engineer, Engineer or Superintendent of Markets, each such officer shall perform the duties prescribed by Title VII of the Ohio Revised Code and such other duties, not incompatible with the nature of his or her office, as the Legislative Authority by ordinance requires, and shall receive for his or her services such compensation by fees or salary, or both, as is provided by ordinance.

(R.C. § 733.80) (Rev. 2002)

CHAPTER 32: LEGISLATIVE AUTHORITY

Section

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GENERAL PROVISIONS

§ 32.001 MEMBERS OF THE LEGISLATIVE AUTHORITY; ELECTION; TERMS OF OFFICE.

(A) Except as otherwise provided in division (B) or (C) of this section, the legislative power of each municipality shall be vested in, and exercised by, a Legislative Authority, composed of six members, who shall be elected by the electors of the municipality at large, for terms of four years.

(B) The Legislative Authority may adopt an ordinance or resolution that, if approved by a majority of the electors voting on the issue, would reduce the number of members of the Legislative Authority to five. A certified copy of the ordinance or resolution shall be filed with the Board of Elections no later than 4:00 p.m. of the ninetieth day before the day of the next election at which members of the Legislative Authority are to be elected.

(C) The electors may propose a reduction in the number of members of the Legislative Authority from six to

five by initiative petition in accordance with the procedure set forth in R.C. § 731.28.

(D) If a majority of the votes cast on the question proposed under division (B) or (C) of this section is in the affirmative, the Legislative Authority shall be composed of five members, who shall be elected at large, for terms of four years. If members of the Legislative Authority have staggered terms of office as required by this section, the decrease in number of members shall be implemented as necessary over the next two municipal elections at which members of the Legislative Authority would be elected. If the Legislative Authority has adopted an ordinance or resolution to eliminate staggered terms of office under division (E) of this section, the five members shall be elected as set forth in division (E)(2)(b) of this section.
(R.C. § 731.09) (Rev. 2014)

(E) (1) The Legislative Authority may, by the adoption of an ordinance or resolution to eliminate staggered terms of office, determine that all members of the Legislative Authority shall be elected at the same municipal election as provided for in this section.

(2) At the regular municipal election occurring not less than 90 days after the certification of the ordinance or resolution to the Board of Elections eliminating staggered terms of office, the following apply:

(a) If there are six members of the Legislative Authority, the number of members eligible for election at that regular municipal election shall be elected to two-year nonstaggered terms, and all members of the Legislative Authority shall be elected to four-year nonstaggered terms at all following municipal elections.

(b) If there are five members of the Legislative Authority, a number of members that is one less than the number of members that would otherwise be eligible for election at that regular municipal election but for the first-time implementation of the new membership of five, or, in the case of a village that has previously reduced its number of members to five, then the number of members eligible for election at that regular municipal election shall be elected to two-year nonstaggered terms, and all members shall be elected to four-year nonstaggered terms at all following municipal elections.
(R.C. § 731.091) (Rev. 2014)

§ 32.002 PRESIDENT PRO TEMPORE; EMPLOYEES.

(A) At the first meeting in January of each year, the Legislative Authority shall immediately proceed to elect a President Pro Tempore from its own number, who shall serve until the first meeting in January next after his or her election. The Legislative Authority may provide employees for the municipality as it determines, and employees may be removed at any regular meeting by a majority of the members elected to the Legislative Authority.

(B) When the Mayor is absent from the municipality, or is unable, for any cause, to perform his or her duties, the President Pro Tempore shall be the acting Mayor, and shall have the same powers and perform the same duties as the Mayor.
(R.C. § 731.10)

§ 32.003 VACANCY WHEN PRESIDENT PRO TEMPORE BECOMES MAYOR.

When the President Pro Tempore of the Legislative Authority becomes the Mayor, the vacancy thus created shall be filled as provided in § 32.006, and the Legislative Authority shall elect another President Pro Tempore from its own number, who shall have the same rights, powers, and duties as his or her predecessor.
(R.C. § 731.11)

§ 32.004 QUALIFICATIONS OF MEMBERS OF THE LEGISLATIVE AUTHORITY.

(A) Each member of the Legislative Authority shall have resided in the municipality for at least one year immediately preceding the member's election, and shall be an elector of the municipality. No member of the Legislative Authority shall hold any other public office, be interested in any contract with the municipality, or hold employment with the municipality, except that the member may be a notary public, a member of the state militia, or a volunteer firefighter of the village; provided that the member shall not receive any compensation for his or her services as a volunteer firefighter of the village in addition to his or her regular compensation as a member of the Legislative Authority. Any member who ceases to possess any of these qualifications, or who moves from the municipality, shall forfeit his or her office.

(B) The purpose of establishing a one-year residency requirement in this section is to recognize that the municipality has a substantial and compelling interest in encouraging qualified candidacies for election to the office of member of the Legislative Authority by ensuring that a candidate for the office has every opportunity to become knowledgeable with and concerned about the problems and needs of the area the candidate seeks to represent. In enacting this requirement, the municipality finds that the one-year period is reasonably related to this purpose, while leaving unimpaired a person's right to travel, to vote, and to be a candidate for public office.
(R.C. § 731.12) (Rev. 1999)

§ 32.005 COMPENSATION AND BONDS OF MUNICIPAL OFFICERS AND EMPLOYEES.

The Legislative Authority shall fix the compensation and bonds of all officers, clerks, and employees of the municipality, except as otherwise provided by law. The Legislative Authority shall, in the case of elective officers, fix their compensation for the ensuing term of office at a meeting held not later than five days prior to the last day fixed by law

for filing as a candidate for that office. All bonds shall be made with sureties subject to the approval of the Mayor. The compensation so fixed shall not be increased or diminished during the term for which any officer is elected or appointed. This section does not prohibit the payment of any increased costs of continuing to provide the identical benefits provided to an officer at the commencement of his or her term of office.
(R.C. § 731.13)

§ 32.006 VACANCY.

(A) Except as otherwise provided in division (B) of this section, when the office of a member of the Legislative Authority becomes vacant, the vacancy shall be filled by election by the Legislative Authority for the unexpired term. If the Legislative Authority fails within 30 days to fill the vacancy, the Mayor shall fill it by appointment, except that subject to division (B) of this section, when the vacancy occurs because of the operation of R.C. § 733.25, or a substantially equivalent municipal ordinance, the successor shall hold office only for the period the President Pro Tempore of the Legislative Authority holds the office of Mayor.

(B) When a vacancy occurs in the office of a member of the Legislative Authority of a village with a population of less than 2,000 because of the operation of R.C. § 733.25, or a substantially equivalent municipal ordinance, at the time the President Pro Tempore becomes Mayor, the President Pro Tempore shall decide whether he or she wishes to serve the remainder of his or her unexpired term as a member of the Legislative Authority when the Mayor's successor is elected and qualified in accordance with R.C. § 733.25, or a substantially equivalent municipal ordinance. If the President Pro Tempore decides to serve the remainder of his or her unexpired term as a member of the Legislative Authority, the vacancy on the Legislative Authority shall not be filled and the President Pro Tempore shall resume serving his or her unexpired term on the Legislative Authority as soon as the Mayor's successor is elected and qualified. If the President Pro Tempore decides not to resume serving the remainder of his or her unexpired term as a member of the Legislative Authority as soon as the Mayor's successor is elected and qualified, then the vacancy in the office of the member of the Legislative Authority shall be filled in accordance with this section.
(R.C. § 731.43(A)) (Rev. 1999)

§ 32.007 JUDGE OF ELECTION AND QUALIFICATION OF MEMBERS; QUORUM AND SPECIAL MEETINGS.

The Legislative Authority shall be the judge of the election and qualification of its members. A majority of all the members elected shall be a quorum, but a less number may adjourn from day to day and compel attendance of absent members in a manner and under penalties as are prescribed by ordinance. The Legislative Authority shall provide rules for the manner of calling special meetings.
(R.C. § 731.44)
Cross-reference:
Open meetings, see § 30.10

§ 32.008 RULES; JOURNAL; EXPULSION OF MEMBERS.

The Legislative Authority shall determine its own rules, and keep a journal of its proceedings. It may punish or expel any member for disorderly conduct or violation of its rules, and declare his or her seat vacant for absence without valid excuse, where the absence has continued for two months. No expulsion shall take place without the concurrence of two-thirds of all the members elected, and until the delinquent member has been notified of the charge against him or her, and has had an opportunity to be heard.
(R.C. § 731.45)

§ 32.009 MEETINGS.

The Legislative Authority shall not be required to hold more than one regular meeting in each week. The meetings may be held at a time and place as is prescribed by ordinance, and shall, at all times, be open to the public. The Mayor, or any three members of the Legislative Authority, may call special meetings upon at least 12 hours' notice to each member, served personally or left at his or her usual place of residence.
(R.C. § 731.46)
Cross-reference:
Open meetings, see § 30.10

§ 32.010 GENERAL POWERS.

The Legislative Authority shall have the management and control of the finances and property of the municipality, except as otherwise provided.
(R.C. § 731.47)

§ 32.011 FAILURE TO TAKE OATH OR GIVE BOND.

The Legislative Authority may declare vacant the office of any person elected or appointed to the office who, within ten days after he or she has been notified of his or her appointment or election, or obligation to give a new or additional bond, fails to take the required official oath or to give any bond required of him or her.
(R.C. § 731.49)

§ 32.012 NOTICE WHEN NEW BOND REQUIRED.

(A) When the Legislative Authority declares by resolution that an officer shall give a new bond, written notice shall be served by the Clerk upon the officer designated, and a copy of the notice, with a statement of the time and place of service, shall be recorded in the proceedings of the Legislative Authority.

(B) If the officer fails to give the new bond, with sureties, to the satisfaction of the Mayor, within ten days after such service, the Legislative Authority shall declare the office vacant, and the vacancy shall be filled in the manner provided in Title VII of the Ohio Revised Code.

(C) When a new bond is accepted or the Legislative Authority declares the office vacant, the sureties of the original bond shall cease to be liable for the acts of that officer done thereafter, but shall continue to be liable for his or her acts then already done.
(R.C. § 731.50)

§ 32.013 CARE, SUPERVISION AND MANAGEMENT OF PUBLIC INSTITUTIONS.

The Legislative Authority shall provide by resolution or ordinance for the care, supervision, and management of all public parks, baths, libraries, market houses, crematories, sewage disposal plants, houses of refuge and correction, workhouses, infirmaries, hospitals, pesthouses or any of the institutions owned, maintained or established by the municipality. When the Legislative Authority determines to plat any of the streets, it shall provide for the platting thereof.
(R.C. § 735.27) (Rev. 2002)

CONTRACTS, BIDS AND PROCEEDINGS

§ 32.025 CONTRACTS BY THE LEGISLATIVE AUTHORITY OR ADMINISTRATOR.

(A) *Contracts by the Legislative Authority.*

(1) All contracts made by the Legislative Authority shall be executed in the name of the municipality and signed on its behalf by the Mayor and Clerk. Except where the contract is for equipment, services, materials or supplies to be purchased under R.C. § 125.04, 713.23(D), or 5513.01, or available from a qualified nonprofit agency pursuant to R.C. §§ 4115.31 through 4115.35, or required to be purchased from a qualified nonprofit agency under R.C. §§ 125.60 through 125.6012, or, during the period of emergency declared by Executive Order 2020-01D, issued on March 9, 2020, when the purchase is for personal protective equipment necessary to respond to that emergency, when any expenditure, other than the compensation of persons employed in the municipality, exceeds $50,000, such contracts shall be in writing and made to the lowest and best bidder after advertising once a week for not less than two consecutive weeks in a newspaper of general circulation within the municipality. The Legislative Authority may also cause notice to be inserted in trade papers or other publications designated by it or to be distributed by electronic means, including posting the notice on the Legislative Authority's internet web site. If the Legislative Authority posts the notice on its web site, it may eliminate the second notice otherwise required to be published in a newspaper of general circulation within the municipality, provided that the first notice published in such newspaper meets all of the following requirements:

(a) It is published at least two weeks before the opening of bids.

(b) It includes a statement that the notice is posted on the Legislative Authority's internet web site.

(c) It includes the internet address of the Legislative Authority's internet web site.

(d) It includes instructions describing how the notice may be accessed on the Legislative Authority's internet web site.

(2) The bids shall be opened and shall be publicly read by the Clerk or a person designated by the Clerk at the time, date and place specified in the advertisement to bidders or specifications. The time, date and place of bid openings may be extended to a late date by the Legislative Authority, provided that written or oral notice of the change shall be given to all persons who have received or requested specifications no later than 96 hours prior to the original time and date fixed for the opening. This division does not apply to the municipality if an Administrator has been appointed pursuant to the provisions of R.C. § 735.271, or a substantially equivalent municipal ordinance.

(3) As used in this division (A), ***PERSONAL PROTECTIVE EQUIPMENT*** means equipment worn to minimize exposure to hazards that cause workplace injuries and illnesses.
(R.C. § 731.14) (Rev. 2021)

(B) *Contract by Administrator; central purchasing.*

(1) In those municipalities that have established the position of Administrator as provided by R.C. § 735.271, or a substantially equivalent municipal ordinance, the Administrator shall make contracts, purchase supplies and materials, and provide labor for any work under the Administrator's supervision involving not more than $50,000. When an expenditure, other than the compensation of persons employed by the municipality, exceeds $50,000, the expenditure shall first be authorized and directed by ordinance of the Legislative Authority. When so authorized and directed, except where the contract is for equipment, services, materials, or supplies to be purchased under R.C. § 125.04, 713.23(D), or 5513.01 or available from a qualified nonprofit agency pursuant to R.C. §§ 4115.31 through 4115.35, or required to be purchased from a qualified nonprofit agency under R.C. §§ 125.60 through 125.6012, the

Administrator shall make a written contract with the lowest and best bidder after advertisement for not less than two nor more than four consecutive weeks in a newspaper of general circulation within the municipality or as provided in R.C. § 7.16. The bids shall be opened and shall be publicly read by the Administrator or a person designated by the Administrator at the time, date and place specified in the advertisement to bidders or specifications. The time, date and place of bid openings may be extended to a later date by the Administrator, provided that written or oral notice of the change shall be given to all persons who have received or requested specifications no later than 96 hours prior to the original time and date fixed for the opening. All contracts shall be executed in the name of the municipality and signed on its behalf by the Administrator and the Clerk.

(2) The Legislative Authority may provide, by ordinance, for central purchasing for all offices, departments, divisions, boards, and commissions of the municipality, under the direction of the Administrator who shall make contracts, purchase supplies or materials, and provide labor for any work of the municipality in the manner provided by this division (B).
(R.C. § 731.141) (Rev. 2013)

§ 32.026 BIDS AND PROCEEDINGS.

Each bid on any contract under § 32.025 shall contain the full name of every person interested in the bid. If the bid is for the construction, demolition, alteration, repair, or reconstruction of an improvement, it shall meet the requirements of R.C. § 153.54. If the bid is for any other contract authorized by § 32.025, it shall be accompanied by a sufficient bond or certified check, cashiers check, or money order on a solvent bank or savings and loan association that, if the bid is accepted, a contract will be entered into and the performance of it properly secured. If the bid for work embraces both labor and materials, it shall be separately stated, with the price thereof. The Legislative Authority or Administrator, in the event an Administrator has been appointed as provided by R.C. § 735.271, or a substantially equivalent municipal ordinance, may reject any and all bids. The contract shall be between the municipality and the bidder, and the municipality shall pay the contract price in cash. When a bonus is offered for completion of a contract prior to a specified date, the Legislative Authority or Administrator, in the event an Administrator has been appointed as provided in R.C. § 735.271, or a substantially equivalent municipal ordinance, may exact a prorated penalty in like sum for each day or delay beyond the specified date. When there is reason to believe there is collusion or combination among bidders, the bids of those concerned therein shall be rejected.
(R.C. § 731.15) (Rev. 1999)

§ 32.027 ALTERATIONS OR MODIFICATIONS OF CONTRACT.

When it becomes necessary in the opinion of the Legislative Authority or Administrator, in the event an Administrator has been appointed as provided in R.C. § 735.271, or a substantially equivalent municipal ordinance, in the prosecution of any work under contract, to make alterations or modifications in the contract, the alterations or modifications shall be made only by the Legislative Authority by resolution or by the Administrator in writing, in the event an Administrator had been appointed as provided in R.C. § 735.271, or a substantially equivalent municipal ordinance, but the resolution or written modification shall be of no effect until the price to be paid for the work and material, or both, under the altered or modified contract has been agreed upon in writing and signed by the contractor, and by the Mayor or Administrator in the event an Administrator has been appointed as provided in R.C. § 735.271, or a substantially equivalent municipal ordinance, on behalf of the municipality. No contractor shall recover anything for work or material because of any alteration or modification unless the contract is made as provided in this section, nor shall the contractor recover for the work or material, or either, more than the agreed price. The law relating to requiring bids and the awarding of contracts for public buildings, so far as they apply, shall remain in effect. A duplicate copy of each contract shall be filed in the office of the Treasurer.
(R.C. § 731.16) (Rev. 1999)

§ 32.028 CONTRACT RESTRICTIONS.

The Legislative Authority shall not enter into any contract which is not to go into full operation during the term for which all the members of the Legislative Authority are elected.
(R.C. § 731.48)

§ 32.029 AWARD TO LOWEST RESPONSIVE AND RESPONSIBLE BIDDER.

(A) (1) If the municipality is required by law or by an ordinance or resolution adopted under division (C) of this section to award a contract to the lowest responsive and responsible bidder, a bidder on the contract shall be considered responsive if the bidder's proposal responds to bid specifications in all material respects and contains no irregularities or deviations from the specifications which would affect the amount of the bid or otherwise give the bidder a competitive advantage. The factors that the municipality shall consider in determining whether a bidder on the contract is responsible include the experience of the bidder, the bidder's financial condition, conduct and performance on previous contracts, facilities, management skills, and ability to execute the contract properly.

(2) For purposes of this division, the provision of a bid guaranty in accordance with R.C. § 153.54(A)(1) and (B) issued by a surety licensed to do business in this state is evidence of financial responsibility, but the municipality may

request additional financial information for review from an apparent low bidder after it opens all submitted bids. The municipality shall keep additional financial information it receives pursuant to a request under this division confidential, except under proper order of a court. The additional financial information is not a public record under R.C. § 149.43.

(3) An apparent low bidder found not to be responsive and responsible shall be notified by the municipality of that finding and the reasons for it. The notification shall be given in writing and either by certified mail or, if the municipality has record of an internet identifier of record associated with the bidder, by ordinary mail and by that internet identifier of record.

(B) Where the municipality has adopted an ordinance or resolution under division (C) of this section and determines to award a contract to a bidder other than the apparent low bidder or bidders for the construction, reconstruction, improvement, enlargement, alteration, repair, painting or decoration of a public improvement, it shall meet with the apparent low bidder or bidders upon a filing of a timely written protest. The protest must be received within five days of the notification required in division (A) of this section. No final award shall be made until the municipality either affirms or reverses its earlier determination. Notwithstanding any other provision of the Ohio Revised Code, the procedure described in this division is not subject to R.C. Chapter 119.

(C) The municipality may, by ordinance or resolution, adopt a policy of requiring each competitively bid contract it awards to be awarded to the lowest responsive and responsible bidder in accordance with this section.

(D) As used in this section, ***INTERNET IDENTIFIER OF RECORD*** means an electronic mail address, or any other designation used for self-identification or routing in internet communication or posting, provided for the purpose of receiving communication.
(R.C. § 9.312) (Rev. 2019)

ORDINANCES AND RESOLUTIONS

§ 32.040 ORDINANCES AND RESOLUTIONS AS EVIDENCE.

Printed copies of the ordinances and resolutions of the municipality, published under its authority, and transcripts of any resolutions or ordinances, or of any act or proceeding of the municipality, recorded in any book or entered on any minutes or journal kept under the direction of the municipality, and certified by the Clerk, shall be received in evidence throughout the state for any purpose for which the original books, ordinances, minutes or journals would be received.
(R.C. § 731.42) (Rev. 2002)

§ 32.041 PASSAGE PROCEDURE.

(A) The following procedures shall apply to the passage of ordinances and resolutions of the municipality:

(1) Each ordinance and resolution shall be read by title only, provided that the Legislative Authority may, by a majority vote of its members, require any reading to be in full.

(2) Each ordinance or resolution shall be read on three different days, provided that the Legislative Authority may dispense with this rule by a vote of at least three-fourths of its members.

(3) The vote on the passage of each ordinance or resolution shall be taken by yeas and nays and entered upon the journal.

(4) Each ordinance or resolution shall be passed, except as otherwise provided by law, by a vote of at least a majority of all the members of the Legislative Authority.

(B) Action by the Legislative Authority, not required by law to be by ordinance or resolution, may be taken by motion approved by at least a majority vote of the members present at the meeting when the action is taken.
(R.C. § 731.17) (Rev. 2002)

§ 32.042 STYLE OF ORDINANCES.

The style of all ordinances shall be: "Be it ordained by the [*Legislative Authority*] of [*municipality*], State of Ohio."
(R.C. § 731.18) (Rev. 2002)

§ 32.043 SUBJECT AND AMENDMENT OF ORDINANCES AND RESOLUTIONS.

No ordinance or resolution shall contain more than one subject, which shall be clearly expressed in its title. No ordinance or section thereof shall be revived or amended unless the new ordinance contains the entire ordinance or section revived or amended and unless the ordinance or section so amended is repealed. Each such resolution and ordinance shall be adopted or passed by a separate vote of the Legislative Authority and the yeas and nays shall be entered upon the journal.
(R.C. § 731.19) (Rev. 2002)

§ 32.044 AUTHENTICATION AND RECORDING OF ORDINANCES AND RESOLUTIONS.

Ordinances and resolutions shall be authenticated by the signature of the Presiding Officer and Clerk of Council of the municipality. A succinct summary of ordinances of a general nature or providing for improvements shall be published as provided by §§ 32.045 and 32.047 before going into operation. No ordinance shall take effect until the expiration of ten days after the first publication of the notice. As soon as

a resolution or ordinance is passed and signed, it shall be recorded by the Clerk in a book furnished by the Legislative Authority for that purpose.
(R.C. § 731.20) (Rev. 2012)

§ 32.045 PUBLICATION OF ORDINANCES AND RESOLUTIONS; PROOF OF PUBLICATION AND CIRCULATION.

(A) A succinct summary of each municipal ordinance or resolution and all statements, orders, proclamations, notices and reports required by law or ordinance to be published, shall be published in a newspaper of general circulation in the municipality. Proof of the publication and required circulation of any newspaper used as a medium of publication as provided by this section shall be made by affidavit of the proprietor of the newspaper, and shall be filed with the Clerk of the Legislative Authority.

(B) The publication shall contain notice that the complete text of each such ordinance or resolution may be obtained or viewed at the office of the Clerk of the Legislative Authority and may be viewed at any other location designated by the Legislative Authority. The Legal Counsel of the municipality shall review the summary of an ordinance or resolution published under this section prior to forwarding it to the Clerk for publication, to ensure that the summary is legally accurate and sufficient.

(C) Upon publication of a summary of an ordinance or resolution in accordance with this section, the Clerk of the Legislative Authority shall supply a copy of the complete text of each such ordinance or resolution to any person, upon request, and may charge a reasonable fee, set by the Legislative Authority, for each copy supplied. The Clerk shall post a copy of the text at the Clerk's office and at every other location designated by the Legislative Authority.
(R.C. § 731.21) (Rev. 2012)

§ 32.046 NOTICE FOR PROPOSED AMENDMENTS TO THE MUNICIPAL CHARTER.

In accordance with Section 9 of Article XVIII of the Ohio Constitution, notice of proposed amendments to the municipal Charter, if and when one is adopted by and for the municipality, shall be given in one of the following ways:

(A) Not less than 30 days prior to the election at which the amendment is to be submitted to the electors, the Clerk of the municipality shall mail a copy of the proposed Charter amendment to each elector whose name appears upon the poll or registration books of the last regular or general election held therein.

(B) The full text of the proposed Charter amendment shall be published once a week for not less than two consecutive weeks in a newspaper of general circulation in the municipality or as provided in R.C. § 7.16, with the first publication being at least 15 days prior to the election at which the amendment is to be submitted to the electors.
(R.C. § 731.211) (Rev. 2012)

§ 32.047 TIMES OF PUBLICATION REQUIRED.

The publication required in § 32.045 shall be for the following times:

(A) Summaries of ordinances or resolutions, and proclamations of elections, once a week for two consecutive weeks or as provided in R.C. § 7.16;

(B) Notices, not less than two nor more than four consecutive weeks or as provided in R.C. § 7.16; and

(C) All other matters shall be published once.
(R.C. § 731.22) (Rev. 2012)

§ 32.048 PUBLICATION AND CERTIFICATION OF ORDINANCES IN BOOK FORM.

(A) When ordinances are revised, codified, rearranged, published in book form and certified as correct by the Clerk of the Legislative Authority and the Mayor, such publication shall be a sufficient publication, and the ordinances so published, under appropriate titles, chapters and sections, shall be held the same in law as though they had been published in a newspaper. A new ordinance so published in book form, a summary of which has not been published as required by §§ 32.045 and 32.047 and which contains entirely new matter, shall be published as required by those sections. If the revision or codification is made by the municipality and contains new matter, it shall be a sufficient publication of the codification, including the new matter, to publish, in the manner required by such sections, a notice of the enactment of the codifying ordinance, containing the title of the ordinance and a summary of the new matters covered by it. This revision and codification may be made under appropriate titles, chapters and sections and in one ordinance containing one or more subjects.

(B) Except as provided by this section, a succinct summary of all ordinances, including emergency ordinances, shall be published in accordance with § 32.045.
(R.C. § 731.23) (Rev. 2012)

§ 32.049 ADOPTION OF TECHNICAL ORDINANCES AND CODES.

(A) The Legislative Authority may adopt standard ordinances and codes, prepared and promulgated by the state, or any department, board or other agency thereof, or any code prepared and promulgated by a public or private organization which publishes a model or standard code, including but not limited to codes and regulations pertaining to fire, fire hazards, fire prevention, plumbing, electricity, buildings, refrigeration machinery, piping, boilers, heating or air conditioning, by incorporation by reference.

(B) The publication required by §§ 32.045 through 32.051 shall clearly identify the code, shall state the purpose of the code, shall state that a complete copy of the code is on file with the Clerk of the Legislative Authority for inspection by the public and also on file in the County Law Library and that the Clerk has copies available for distribution to the public at cost. If the Legislative Authority amends or deletes any provision of the code, the publication shall contain a brief summary of the deletion or amendment.

(C) If the agency which originally promulgated or published the code thereafter amends the code, the Legislative Authority may adopt such amendment or change by incorporation by reference in an amending ordinance by the same procedure as required for the adoption of the original code, without the necessity of setting forth in full in the amending ordinance the provisions of the original ordinance or code.

(D) Ordinances or codes adopted by the municipality under this section shall be deemed to be a full and complete compliance with §§ 32.045 through 32.051, and no other publication is necessary.
(R.C. § 731.231) (Rev. 2002)

§ 32.050 CERTIFICATE OF CLERK AS TO PUBLICATION.

Immediately after the expiration of the period of publication of summaries of ordinances required by § 32.047, the Clerk of the Legislative Authority shall enter on the record of ordinances, in a blank to be left for that purpose under the recorded ordinance, a certificate stating in which newspaper and on what dates the publication was made, and shall sign the Clerk's name thereto officially. Such certificate shall be prima facie evidence that legal publication of the summary of the ordinance was made.
(R.C. § 731.24) (Rev. 2012)

§ 32.051 PUBLICATION WHEN NO NEWSPAPER PUBLISHED IN MUNICIPALITY.

(A) If no newspaper is generally circulated in the municipality, publication of summaries of ordinances and resolutions, and publication of all statements, orders, proclamations, notices and reports, required by law or ordinance to be published, shall be accomplished by posting copies thereof in not less than five of the most public places in the municipality, as determined by the Legislative Authority, for a period of not less than 15 days prior to the effective date thereof.

(B) Notices to bidders for the construction of public improvements and notices of the sale of bonds shall be published in a newspaper of general circulation in the municipality, for the time prescribed in § 32.047.

(C) Where the publication is by posting, the Clerk shall make a certificate as to the posting, and as to the times when and the places where the posting is done, in the manner provided in § 32.050, and the certificate shall be prima facie evidence that the copies were posted as required.
(R.C. § 731.25) (Rev. 2012)

§ 32.052 EFFECT OF NOT MAKING PUBLICATION.

It is a sufficient defense to any suit or prosecution under an ordinance, to show that no publication or posting was made as required by §§ 32.045 through 32.051.
(R.C. § 731.26) (Rev. 2002)

§ 32.053 ORDINANCES PROVIDING FOR APPROPRIATIONS OR STREET IMPROVEMENTS; EMERGENCY ORDINANCES.

Ordinances or other measures providing for appropriations for the current expenses of the municipality, or for street improvements petitioned for by the owners of a majority of the feet front of the property benefitted and to be especially assessed for the cost thereof, and emergency ordinances or measures necessary for the immediate preservation of the public peace, health or safety in the municipality, shall go into immediate effect. Such emergency ordinances or measures must, upon a yea and nay vote, receive a two-thirds vote of all the members elected to the Legislative Authority, and the reasons for the necessity shall be set forth in one section of the ordinance or other measure.
(R.C. § 731.30) (Rev. 2002)

INITIATIVE AND REFERENDUM

§ 32.070 INITIATIVE PETITIONS.

(A) Ordinances and other measures providing for the exercise of any powers of government granted by the Constitution or delegated to the municipality by the General Assembly may be proposed by initiative petition. Such initiative petition must contain the signatures of not less than 10% of the number of electors who voted for Governor at the most recent general election for the office of Governor in the municipality.

(B) When a petition is filed with the Clerk, signed by the required number of electors proposing an ordinance or other measure, the Clerk shall, after ten days, transmit a certified copy of the text of the proposed ordinance or measure to the Board of Elections. The Clerk shall transmit the petition to the Board, together with the certified copy of the proposed ordinance or other measure. The Board shall examine all signatures on the petition to determine the number of electors of the municipality who signed the petition. The Board shall return the petition to the Clerk within ten days after receiving it, together with a statement attesting to the number of such electors who signed the petition.

(C) The Board shall submit the proposed ordinance or measure for the approval or rejection of the electors of the municipality at the next general election occurring subsequent to 90 days after the Clerk certifies the sufficiency and validity of the initiative petition to the Board. No ordinance or other measure proposed by initiative petition and approved by a majority of the electors voting upon the measure in the municipality shall be subject to the veto of the Mayor.

(D) As used in this section, ***CERTIFIED COPY*** means a copy containing a written statement attesting that it is a true and exact reproduction of the original proposed ordinance or other measure.
(R.C. § 731.28) (Rev. 2011)

§ 32.071 REFERENDUM PETITIONS.

(A) Any ordinance or other measure passed by the Legislative Authority shall be subject to the referendum except as provided in § 32.072. No ordinance or other measure shall go into effect until 30 days after it is passed by the Legislative Authority, except as provided in § 32.072.

(B) When a petition, signed by 10% of the number of electors who voted for Governor at the most recent general election for the office of Governor in the municipality, is filed with the Clerk within 30 days after any ordinance or other measure is filed with the Mayor or passed by the Legislative Authority, or, if the Mayor has vetoed the ordinance or any measure and returned it to the Legislative Authority, the petition may be filed within 30 days after the Legislative Authority has passed the ordinance or measure over the veto, ordering that the ordinance or measure be submitted to the electors of the municipality for their approval or rejection, the Clerk shall, after ten days, and not later than 4:00 p.m. of the 90th day before the day of election, transmit a certified copy of the text of the ordinance or measure to the Board of Elections. The Clerk shall transmit the petition to the Board, together with the certified copy of the ordinance or measure. The Board shall examine all signatures on the petition to determine the number of electors of the municipality who signed the petition. The Board shall return the petition to the Clerk within ten days after receiving it, together with a statement attesting to the number of such electors who signed the petition. The Board shall submit the ordinance or measure to the electors of the municipality, for their approval or rejection, at the next general election occurring subsequent to 90 days after the Clerk certifies the sufficiency and validity of the petition to the Board.

(C) No such ordinance or measure shall go into effect until approved by the majority of those voting upon it. The provisions of this subchapter do not prevent the municipality, after the passage of any ordinance or other measure, from proceeding at once to give any notice or make any publication required by the ordinance or other measure.

(D) As used in this section, ***CERTIFIED COPY*** means a copy containing a written statement attesting that it is a true and exact reproduction of the original ordinance or other measure.
(R.C. § 731.29) (Rev. 2011)

§ 32.072 MORE THAN ONE ORDINANCE REQUIRED; APPLICATION OF SUBCHAPTER.

Whenever the Legislative Authority is required to pass more than one ordinance or other measure to complete the legislation necessary to make and pay for any public improvement, this subchapter shall apply only to the first ordinance or other measure required to be passed and not to any subsequent ordinances and other measures relating thereto. Ordinances or other measures providing for appropriations for the current expenses of the municipality, or for street improvements petitioned for by the owners of a majority of the feet front of the property benefitted and to be especially assessed for the cost thereof, and emergency ordinances or measures necessary for the immediate preservation of the public peace, health, or safety in the municipality, shall go into immediate effect. Such emergency ordinances or measures must, upon a yea and nay vote, receive a two-thirds vote of all the members elected to the Legislative Authority, and the reasons for the necessity shall be set forth in one section of the ordinance or other measure.
(R.C. § 731.30) (Rev. 2002)

§ 32.073 PRESENTATION OF PETITIONS.

(A) Any initiative or referendum petition may be presented in separate parts, but each part of any initiative petition shall contain a full and correct copy of the title and text of the proposed ordinance or other measure, and each part of any referendum petition shall contain the number and a full and correct copy of the title of the ordinance or other measure sought to be referred. Each signer of any such petition must be an elector of the municipality in which the election, upon the ordinance or measure proposed by the initiative petition, or the ordinance or measure referred to by the referendum petition, is to be held. Petitions shall be governed in all other respects by the rules set forth in R.C. § 3501.38. In determining the validity of any such petition, all signatures which are found to be irregular shall be rejected, but no petition shall be declared invalid in its entirety when one or more signatures are found to be invalid, except when the number of valid signatures is found to be less than the total number required by this section.

(B) The petitions and signatures upon such petitions shall be prima facie presumed to be in all respects sufficient. No ordinance or other measure submitted to the electors of the municipality, and receiving an affirmative majority of the votes cast thereon, shall be held ineffective or void on account of the insufficiency of the petitions by which the submission of the ordinance or measure was procured, nor shall the rejection, by a majority of the votes cast thereon, of any ordinance or other measure submitted to the electors of the municipality, be held invalid for the insufficiency.

(C) Ordinances proposed by initiative petition and referendums receiving an affirmative majority of the votes cast thereon, shall become effective on the fifth day after the day on which the Board of Elections certifies the official vote on that question.
(R.C. § 731.31) (Rev. 2002)

§ 32.074 COPY OF PROPOSED ORDINANCE OR MEASURE TO BE FILED WITH CLERK.

(A) Whoever seeks to propose an ordinance or measure in the municipality by initiative petition or files a referendum petition against any ordinance or measure shall, before circulating the petition, file a certified copy of the proposed ordinance or measure with the Clerk.

(B) As used in this section, ***CERTIFIED COPY*** means a copy containing a written statement attesting that it is a true and exact reproduction of the original proposed ordinance or measure or of the original ordinance or measure. (R.C. § 731.32) (Rev. 2002)

§ 32.075 WORDS TO BE PRINTED IN RED.

At the top of each part of the petition mentioned in § 32.074, the following words shall be printed in red:

NOTICE

Whoever knowingly signs this petition more than once, signs a name other than his or her own, or signs when not a legal voter is liable to prosecution.

(R.C. § 731.33) (Rev. 2002)

§ 32.076 DESIGNATION OF COMMITTEE FILING PETITION; PUBLIC INSPECTION OF PETITIONS; ORDINANCES PASSED OR REPEALED PRIOR TO ELECTION.

(A) The petitioners may designate in any initiative or referendum petition a committee of not less than three of their number, who shall be regarded as filing the petition.

(B) After a petition has been filed with the Clerk, it shall be kept open for public inspection for ten days.

(C) If, after a petition proposing an ordinance or other measure has been filed with the Clerk, the proposed ordinance or other measure, or a substitute for the proposed ordinance or measure approved by the committee, is passed by the Legislative Authority, the majority of the committee shall notify the Board of Elections in writing and the proposed ordinance or measure shall not be submitted to a vote of the electors.

(D) If, after a verified referendum petition has been filed against any ordinance or measure, the Legislative Authority repeals the ordinance or measure, or it is held to be invalid, the Board shall not submit the ordinance or measure to a vote of the electors.
(R.C. § 731.34) (Rev. 2002)

§ 32.077 ITEMIZED STATEMENT BY CIRCULATOR OF PETITION.

(A) The circulator of an initiative or referendum petition, or his or her agent, shall, within five days after the petition is filed with the Clerk, file an itemized statement, made under penalty of election falsification, showing in detail:

(1) All moneys or things of value paid, given or promised for circulating the petition;

(2) Full names and addresses of all persons to whom the payments or promises were made;

(3) Full names and addresses of all persons who contributed anything of value to be used in circulating such petitions; and

(4) Time spent and salaries earned while circulating or soliciting signatures to petitions by persons who were regular salaried employees of some person who authorized them to solicit signatures for or circulate the petition as a part of their regular duties.

(B) The statement provided for in division (A) of this section shall not be required from persons who take no other part in circulating a petition than signing declarations to parts of the petition and soliciting signatures to them.

(C) The statement shall be open to public inspection for a period of one year.
(R.C. 731.35) (Rev. 2002)

§ 32.078 PROHIBITED PRACTICES RELATIVE TO PETITIONS.

No person shall, directly or indirectly:

(A) Willfully misrepresent the contents of any initiative or referendum petition;

(B) Pay or offer to pay any elector anything of value for signing an initiative or referendum petition;

(C) Promise to help another person to obtain appointment to any office provided for by the Constitution or laws of the state or by the ordinances of any municipal corporation, or to any position or employment in the service of the state or any political subdivision thereof, as a consideration for obtaining signatures to an initiative or referendum petition;

(D) Obtain signatures to any initiative or referendum petition as a consideration for the assistance or promise of assistance of another person in securing an appointment to any office or position provided for by the Constitution or laws of the state or by the ordinances of any municipal corporation therein, or employment in the service of the state or any subdivision thereof;

(E) Alter, add to or erase any signature or name on the parts of a petition after the parts have been filed with the Clerk of the municipality; or

(F) Fail to file the sworn itemized statement required by § 32.077.
(R.C. § 731.36)

(G) Whoever violates this section shall be fined not less than $100 nor more than $500.
(R.C. § 731.99(A)) (Rev. 2002)

§ 32.079 ACCEPTING PREMIUMS FOR SIGNING.

(A) No person shall accept anything of value for signing an initiative or referendum petition.
(R.C. § 731.38)

(B) Whoever violates this section shall be fined not more than $25.
(R.C. § 731.99(C)) (Rev. 2002)

§ 32.080 THREATS IN SECURING SIGNATURES.

(A) No person shall, directly or indirectly, by intimidation or threats, influence or seek to influence any person to sign or abstain from signing, or to solicit signatures to or abstain from soliciting signatures to, an initiative or referendum petition.
(R.C. § 731.40)

(B) Whoever violates this section is guilty of a minor misdemeanor.
(R.C. § 731.99(B)) (Rev. 2002)

§ 32.081 APPLICATION OF SUBCHAPTER IF CHARTER ADOPTED.

This subchapter will not apply to the municipality if and when it adopts its own Charter containing an initiative and referendum provision for its own ordinances and other legislative measures.
(R.C. § 731.41) (Rev. 2002)

CHAPTER 33: JUDICIAL AUTHORITY

Section

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GENERAL PROVISIONS

§ 33.01 JURISDICTION IN ORDINANCE CASES AND TRAFFIC VIOLATIONS.

(A) In all municipalities having a population of more than 200 not being the site of a municipal court nor a place where a judge sits pursuant to R.C. § 1901.021 or by designation of the judges pursuant to R.C. § 1901.021, the Mayor has jurisdiction, except as provided in divisions (B), (C) and (E) of this section and subject to the limitation contained in R.C. § 1905.03 and the limitation contained in R.C. § 1905.031, to hear and determine any prosecution for the violation of an ordinance of the municipality, to hear and determine any case involving a violation of a vehicle parking or standing ordinance of the municipality unless the violation is required to be handled by a parking violations bureau or joint parking violations bureau pursuant to R.C. Chapter 4521, and to hear and determine all criminal cases involving any moving traffic violation occurring on a state highway located within the boundaries of the municipality, subject to the limitations of R.C. §§ 2937.08 and 2938.04.

(B) (1) In all municipalities having a population of more than 200 not being the site of a municipal court nor a place where a judge of a court sits as required pursuant to R.C. § 1901.021 or by designation of the judges pursuant to R.C. § 1901.021, the Mayor has jurisdiction, subject to the limitation contained in R.C. § 1905.03, to hear and determine prosecutions involving a violation of an ordinance of the municipality relating to operating a vehicle while under the influence of alcohol, a drug of abuse, or a combination of them or relating to operating a vehicle with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath, or urine, and to hear and determine criminal causes involving a violation of R.C. § 4511.19 or a substantially equivalent municipal ordinance that occur on a state highway located within the boundaries of the municipality, subject to the limitations of R.C. §§ 2937.08 and 2938.04, only if the person charged with the violation, within ten years of the date of the violation charged, has not been convicted of or pleaded guilty to any of the following:

(a) A violation of an ordinance of any municipality relating to operating a vehicle while under the influence of alcohol, a drug of abuse, or a combination of them or relating to operating a vehicle with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath, or urine;

(b) A violation of R.C. § 4511.19 or a substantially equivalent municipal ordinance;

(c) A violation of any ordinance of any municipality or of any section of the Ohio Revised Code that regulates the operation of vehicles upon the streets, to which all of the following apply:

1. The person, in the case in which the conviction was obtained or the plea of guilty was entered, had been charged with a violation of an ordinance of a type described in division (B)(1)(a) of this section, or with a violation of R.C. § 4511.19 or a substantially equivalent municipal ordinance;

2. The charge of the violation described in division (B)(1)(c)1. of this section was dismissed or reduced;

3. The violation of which the person was convicted or to which he or she pleaded guilty arose out of the same facts and circumstances and the same act as did the charge that was dismissed or reduced;

(d) A violation of a statute of the United States or any other state or a municipal ordinance of a municipality located in any other state that is substantially equivalent to R.C. § 4511.19.

(2) The Mayor does not have jurisdiction to hear and determine any prosecution or criminal cause involving a violation described in division (B)(1)(a) or (B)(1)(b) of this section, regardless of where the violation occurred, if the person charged with the violation, within ten years of the violation charged, has been convicted of or pleaded guilty to any violation listed in division (B)(1)(a), (B)(1)(b), (B)(1)(c), or (B)(1)(d) of this section.

(3) If the Mayor, in hearing a prosecution involving a violation of an ordinance of the municipality he or she serves relating to operating a vehicle while under the influence of alcohol, a drug of abuse, or a combination of them or relating to operating a vehicle with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath, or urine, or in hearing a criminal cause involving a violation of R.C. § 4511.19 or a substantially equivalent municipal ordinance, determines that the person charged, within ten years of the violation charged, has been convicted of or pleaded guilty to any violation listed in division (B)(1)(a), (B)(1)(b), (B)(1)(c), or (B)(1)(d) of this section, the Mayor immediately shall transfer the case to the county court or municipal court with jurisdiction over the violation charged, in accordance with R.C. § 1905.032.

(C) (1) In all municipalities having a population of more than 200 not being the site of a municipal court and not being a place where a judge of a court listed in division (A) of this section sits as required pursuant to R.C. § 1901.021 or by designation of the judges pursuant to R.C. § 1901.021, the Mayor, subject to R.C. §§ 1901.031, 2937.08, and 2938.04, has jurisdiction to hear and determine prosecutions involving a violation of a municipal ordinance that is substantially equivalent to R.C. § 4510.14(A) or 4510.16 and to hear and determine criminal causes that involve a moving traffic violation, that involve a violation of R.C. § 4510.14(A) or 4510.16, and that occur on a state highway located within the boundaries of the municipality only if all of the following apply regarding the violation and the person charged:

(a) Regarding a violation of R.C. § 4510.16 or a violation of a municipal ordinance that is substantially equivalent to that division, the person charged with the violation, within six years of the date of the violation charged, has not been convicted of or pleaded guilty to any of the following:

1. A violation of R.C. § 4510.16;

2. A violation of a municipal ordinance that is substantially equivalent to R.C. § 4510.16;

3. A violation of any municipal ordinance or section of the Ohio Revised Code that regulates the operation of vehicles upon the highways or streets, in a case in which, after a charge against the person of a violation of a type described in division (C)(1)(a)1. or (C)(1)(a)2. of this section was dismissed or reduced, the person is convicted of or pleads guilty to a violation that arose out of the same facts and circumstances and the same act as did the charge that was dismissed or reduced.

(b) Regarding a violation of R.C. § 4510.14(A) or a violation of a municipal ordinance that is substantially equivalent to that division, the person charged with the violation, within six years of the date of the violation charged, has not been convicted of or pleaded guilty to any of the following:

1. A violation of R.C. § 4510.14(A);

2. A violation of a municipal ordinance that is substantially equivalent to R.C. § 4510.14(A);

3. A violation of any municipal ordinance or section of the Ohio Revised Code that regulates the operation of vehicles upon the highways or streets, in a case in which, after a charge against the person of a violation of a type described in division (C)(1)(b)1. or (C)(1)(b)2. of this section was dismissed or reduced, the person is convicted of or pleads guilty to a violation that arose out of the same facts and circumstances and the same act as did the charge that was dismissed or reduced.

(2) The Mayor does not have jurisdiction to hear and determine any prosecution or criminal cause involving a violation described in division (C)(1)(a)1. or (C)(1)(a)2. of this section if the person charged with the violation, within six years of the violation charged, has been convicted of or pleaded guilty to any violation listed in division (C)(1)(a)1. through (C)(1)(a)3. of this section and does not have jurisdiction to hear and determine any prosecution or criminal cause involving a violation described in division (C)(1)(b)1. or (C)(1)(b)2. of this section if the person charged with the violation, within six years of the violation charged, has been convicted of or pleaded guilty to any violation listed in division (C)(1)(b)1. through (C)(1)(b)3. of this section.

(3) If the Mayor, in hearing a prosecution involving a violation of an ordinance of the municipality he or she serves that is substantially equivalent to R.C.

§ 4510.14(A) or 4510.16 or a violation of R.C. § 4510.14(A) or 4510.16, determines that, under division (C)(2) of this section, he or she does not have jurisdiction of the prosecution, the Mayor immediately shall transfer the case to the county court or municipal court with jurisdiction over the violation in accordance with R.C. § 1905.032.

(D) If the Mayor has jurisdiction pursuant to division (B)(1) of this section to hear and determine a prosecution or criminal cause involving a violation described in division (B)(1)(a) or (B)(1)(b) of this section, the authority of the Mayor to hear or determine the prosecution or cause is subject to the limitation contained in R.C. § 1905.03(C). If the Mayor has jurisdiction pursuant to division (A) or (C) of this section to hear and determine a prosecution or criminal cause involving a violation other than a violation described in division (B)(1)(a) or (B)(1)(b) of this section, the authority of the Mayor to hear or determine the prosecution or cause is subject to the limitation contained in R.C. § 1905.031(C).

(E) (1) The Mayor of a municipal corporation does not have the jurisdiction to hear and determine any prosecution or criminal cause involving any of the following:

(a) A violation of R.C. § 2919.25 or 2919.27;

(b) A violation of R.C. § 2903.11, 2903.12, 2903.13, 2903.211 or 2911.211 that involves a person who was a family or household member of the defendant at the time of the violation;

(c) A violation a municipal ordinance that is substantially equivalent to an offense described in division (E)(1)(a) or (E)(1)(b) of this section and that involves a person who was a family or household member of the defendant at the time of the violation.

(2) The Mayor of a municipal corporation does not have the jurisdiction to hear and determine a motion filed pursuant to R.C. § 2919.26 or filed pursuant to a municipal ordinance that is substantially equivalent to that section or to issue a protection order pursuant to that section or a substantially equivalent municipal ordinance.

(3) As used in this section, ***FAMILY OR HOUSEHOLD MEMBER*** has the same meaning as in R.C. § 2919.25.

(F) In keeping his or her docket and files, the Mayor and a Mayor's Court Magistrate appointed under R.C. § 1905.05 shall be governed by the laws pertaining to county courts.
(R.C. § 1905.01) (Rev. 2018)
Cross-reference:
Mayor generally, see §§ 31.015 et seq.

§ 33.02 POWERS OF MAYOR AND MAYOR'S COURT MAGISTRATE IN CRIMINAL MATTERS.

(A) The Mayor has, within the corporation limits, all the powers conferred upon sheriffs to suppress disorder and keep the peace.

(B) The Mayor shall award and issue all writs and process that are necessary to enforce the administration of justice throughout the municipality. The Mayor shall subscribe his or her name and affix his or her official seal to all writs, process, transcripts, and other official papers. A Mayor's Court Magistrate, in hearing and determining prosecutions and criminal causes that are within the scope of his or her authority under R.C. § 1905.05, has the same powers and duties as are granted to or imposed upon a Mayor under this division.

(C) The Mayor shall be disqualified in any criminal case in which he or she was the arresting officer, assisted in the arrest, or was present at the time of arrest, and shall not hear the case.
(R.C. § 1905.20)

§ 33.03 DUTIES OF MAYOR AND MAYOR'S COURT MAGISTRATE; FEES; OFFICE; SEAL.

(A) The Mayor and a Mayor's Court Magistrate shall keep a docket. Neither the Mayor nor a Mayor's Court Magistrate shall retain or receive for his or her own use any of the fines, forfeitures, fees, or costs he or she collects. A Mayor's Court Magistrate shall account for all the fines, forfeitures, fees, and costs he or she collects and transfer them to the Mayor. The Mayor shall account for and dispose of all the fines, forfeitures, fees, and costs he or she collects, including all such fines, forfeitures, fees, and costs that are transferred to him or her by a Mayor's Court Magistrate, as provided in R.C. § 733.40.

(B) The Mayor shall be paid such fixed annual salary as the Legislative Authority provides under R.C. §§ 731.08 and 731.13, and a Mayor's Court Magistrate shall receive compensation as provided in R.C. § 1905.05.

(C) The Mayor shall keep an office, provided by the Legislative Authority, at a convenient place in the municipality, and shall be furnished by the Legislative Authority with the corporate seal of the municipality. In the center of the seal shall be the words, "Mayor of the Village of . . . ."
(R.C. § 1905.21)

§ 33.04 MAYOR'S COURT MAGISTRATE.

(A) A Mayor of a municipality that has a Mayor's Court may appoint a person as Mayor's Court Magistrate to hear and determine prosecutions and criminal cases in the Mayor's Court that are within the jurisdiction of the Mayor's Court, as set forth in R.C. § 1905.01. No person shall be appointed as a Mayor's Court Magistrate unless the person

has been admitted to the practice of law in this state and, for a total of at least three years preceding his or her appointment or the commencement of his or her service as magistrate, has been engaged in the practice of law in this state or served as a judge of a court of record in any jurisdiction in the United States, or both.

(1) A person appointed as a Mayor's Court Magistrate under this division is entitled to hear and determine prosecutions and criminal cases in the Mayor's Court that are within the jurisdiction of the Mayor's Court, as set forth in R.C. § 1905.01. If a Mayor is prohibited from hearing or determining a prosecution or cause that charges a person with a violation of R.C. § 4511.19 or a municipal OVI ordinance as defined in R.C. § 4511.181 due to the operation of R.C. § 1905.03(C), or is prohibited from hearing or determining any other prosecution or cause due to the operation of R.C. § 1905.031(C), the prohibition against the Mayor hearing or determining the prosecution or causes does not affect and shall not be construed as affecting the jurisdiction or authority of a person appointed as a Mayor's Court Magistrate under this division to hear and determine the prosecution or cause in accordance with this section. In hearing and determining such prosecutions and causes, the magistrate has the same powers, duties, and authority as does a Mayor who conducts a Mayor's Court to hear and determine prosecutions and causes in general, including but not limited to the power and authority to decide the prosecution or cause, enter judgement, and impose sentence; the powers, duties, and authority granted to Mayors of Mayor's Courts by this chapter, in relation to the hearing and determination of prosecutions and causes in Mayor's Courts; and the powers, duties, and authority granted to Mayors of Mayor's Courts by any provisions of the Ohio Revised Code, in relation to the hearing and determination of prosecutions and causes in Mayor's Courts. A judgement entered and a sentence imposed by a Mayor's Court Magistrate do not have to be reviewed or approved by the Mayor who appointed the Magistrate, and have the same force and effect as if they had been entered or imposed by the Mayor.

(2) A person appointed as a Mayor's Court Magistrate under this division is not entitled to hear or determine any prosecution or criminal cause other than prosecutions and causes that are within the jurisdiction of the Mayor's Court, as set forth in R.C. § 1905.01.

(3) A municipality that a Mayor's Court Magistrate serves shall pay the compensation for the services of the Magistrate, which shall be either a fixed annual salary set by the Legislative Authority or a fixed annual amount or fees for services rendered set under a contract the Magistrate and the municipality enter into.

(B) The appointment of a person as a Mayor's Court Magistrate under division (A) of this section does not preclude the Mayor that appointed the Magistrate, subject to the limitation contained in R.C. § 1905.03 and the limitation contained in R.C. § 1905.031, from also hearing and determining prosecutions and criminal causes in the Mayor's Court that are within the jurisdiction of the Mayor's Court, as set forth in R.C. § 1905.01.
(R.C. § 1905.05) (Rev. 2007)

§ 33.05 POWER TO SUSPEND DRIVER'S LICENSE IN OVI CASES.

(A) (1) The Mayor of a municipal corporation that has a Mayor's Court, and a Mayor's Court Magistrate, are entitled to suspend, and shall suspend, in accordance with R.C. §§ 4510.02, 4510.07, and 4511.19, the driver's or commercial driver's license or permit or nonresident operating privilege of any person who is convicted of or pleads guilty to a violation of R.C. § 4511.19(A), of a municipal ordinance relating to operating a vehicle while under the influence of alcohol, a drug of abuse, or a combination of them, or of a municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath, or urine that is substantially equivalent to R.C. § 4511.19(A).

(2) The Mayor of a municipal corporation that has a Mayor's Court, and a Mayor's Court Magistrate, are entitled to suspend, and shall suspend, in accordance with R.C. §§ 4510.02, 4510.07, and 4511.19, the driver's or commercial driver's license or permit or nonresident operating privilege of any person who is convicted of or pleads guilty to a violation of R.C. § 4511.19(B) or of a municipal ordinance relating to the operating of a vehicle with a prohibited concentration of alcohol in the whole blood, blood serum or plasma, breath, or urine that is substantially equivalent to R.C. § 4511.19(B).

(B) Suspension of a commercial driver's license under this section shall be concurrent with any period of disqualification or suspension under R.C. § 3123.58 or 4506.16. No person who is disqualified for life from holding a commercial driver's license under R.C. § 4506.16 shall be issued a driver's license under R.C. Chapter 4507 during the period for which the commercial driver's license was suspended under this section.
(R.C. § 1905.201) (Rev. 2007)

Cross-reference:
Driving while intoxicated or drugged, see § 73.01

CONTEMPT OF COURT

§ 33.20 SUMMARY PUNISHMENT FOR CONTEMPT.

A court, or judge at chambers, may summarily punish a person guilty of misbehavior in the presence of or so near the court or judge as to obstruct the administration of justice.
(R.C. § 2705.01) (Rev. 1997)

§ 33.21 ACTS IN CONTEMPT OF COURT.

(A) A person guilty of any of the following acts may be punished for contempt:

(1) Disobedience of, or resistance to, a lawful writ, process, order, rule, judgment, or command of a court or officer;

(2) Misbehavior of an officer of the court in the performance of official duties, or in official transactions;

(3) A failure to obey a subpoena duly served, or a refusal to be sworn or to answer as a witness, when lawfully required;

(4) The rescue or attempted rescue of a person or of property in the custody of an officer by virtue of an order or process of court held by the officer;

(5) A failure upon the part of a person recognized to appear as a witness in a court to appear in compliance with the terms of the person's recognizance;

(6) A failure to comply with an order issued pursuant to R.C. § 3109.19 or 3111.81;

(7) A failure to obey a subpoena issued by the Department of Job and Family Services or a child support enforcement agency pursuant to R.C. § 5101.37;

(8) A willful failure to submit to genetic testing, or a willful failure to submit a child to genetic testing, as required by an order for genetic testing issued under R.C. § 3111.41.
(R.C. § 2705.02) (Rev. 2001)

(B) If a person summoned to appear as provided in R.C. § 2935.10(B) fails to appear without just cause and personal service of the summons was had upon the person, he or she may be found guilty of contempt of court, and may be fined not to exceed $20 for such contempt. Upon failure to appear, the court or magistrate may forthwith issue a warrant for his or her arrest.
(R.C. § 2935.11) (Rev. 1999)

§ 33.22 HEARING.

In cases under § 33.21, a charge in writing shall be filed with the Clerk of the Court, an entry thereof made upon the journal, and an opportunity given to the accused to be heard, by himself, herself or counsel. This section does not prevent the court from issuing process to bring the accused into court, or from holding him or her in custody pending such proceedings.
(R.C. § 2705.03) (Rev. 1997)

§ 33.23 CONTEMPT ACTION FOR FAILURE TO PAY SUPPORT, FAILURE TO COMPLY OR INTERFERENCE WITH A VISITATION ORDER; SUMMONS.

(A) As used in this section, ***TITLE IV-D CASE*** has the same meaning as in R.C. § 3125.01.

(B) (1) Any party who has a legal claim to any support ordered for a child, spouse, or former spouse may initiate a contempt action for failure to pay the support. In Title IV-D cases, the contempt action for failure to pay support also may be initiated by an attorney retained by the party who has the legal claim, the prosecuting attorney, or an attorney of the Department of Job and Family Services or the child support enforcement agency.

(2) Any parent who is granted parenting time rights under a parenting time order or decree issued pursuant to R.C. § 3109.051 or 3109.12, any person who is granted visitation rights under a visitation order or decree issued pursuant to R.C. § 3109.051, 3109.11 or 3109.12 or pursuant to any other provision of the Ohio Revised Code, or any other person who is subject to any parenting time or visitation order or decree, may initiate a contempt action for the failure to comply with, or an interference with, the order or decree.

(C) In any contempt action initiated pursuant to division (B) of this section, the accused shall appear upon the summons and order to appear that is issued by the court. The summons shall include all of the following:

(1) Notice that failure to appear may result in the issuance of an order of arrest, and in cases involving alleged failure to pay support, the issuance of an order for the payment of support by withholding an amount from the personal earnings of the accused or by withholding or deducting an amount from some other asset of the accused;

(2) Notice that the accused has a right to counsel, and that if indigent, the accused must apply for a public defender or court appointed counsel within three business days after receipt of the summons;

(3) Notice that the court may refuse to grant a continuance at the time of the hearing for the purposes of the accused obtaining counsel if the accused fails to make a good faith effort to retain counsel or to obtain a public defender;

(4) Notice of the potential penalties that could be imposed upon the accused if the accused is found guilty of contempt for failure to pay support or for a failure to comply with, or an interference with, a parenting time or visitation order or decree;

(5) Notice that the court may grant limited driving privileges under R.C. § 4510.021 pursuant to a request made by the accused, if the driver's license was suspended based on a notice issued pursuant to R.C. § 3123.54 by the child support enforcement agency and if the request is accompanied by a recent non-certified copy of a driver's abstract from the Registrar of Motor Vehicles.

(D) If the accused is served as required by the Rules of Civil Procedure or by any special statutory proceedings that are relevant to the case, the court may order the attachment of the person of the accused upon failure to appear as ordered by the court.

(E) The imposition of any penalty under § 33.25 shall not eliminate any obligation of the accused to pay any past, present or future support obligation or any obligation of the accused to comply with or refrain from interfering with the parenting time or visitation order or decree. The court shall have jurisdiction to make a finding of contempt for the failure to pay support and to impose the penalties set forth in § 33.25 in all cases in which past due support is at issue even if the duty to pay support has terminated, and shall have jurisdiction to make a finding of contempt for a failure to comply with, or an interference with, a parenting time or visitation order or decree and to impose the penalties set forth in § 33.25 in all cases in which the failure or interference is at issue even if the parenting time or visitation order or decree is no longer in effect.
(R.C. § 2705.031) (Rev. 2013)

§ 33.24 RIGHT OF ACCUSED TO BAIL.

(A) In proceedings under § 33.21, if the writ is not returnable forthwith, the court may fix the amount of a bond to be given by the accused, with surety to the satisfaction of the sheriff. Upon the return of a writ, when it is not convenient to hear the charge without delay, the court shall fix the amount of a bond to be given, with surety to the satisfaction of the Clerk of the Court, for the appearance of the accused to answer the charge.

(B) On the execution of such bond, the accused shall be released from custody.
(R.C. § 2705.04) (Rev. 1997)

§ 33.25 HEARING ON CONTEMPT; PENALTIES; SUPPORT ORDERS; FAILURE TO WITHHOLD OR DEDUCT MONEY PURSUANT TO SUPPORT ORDER.

(A) In all contempt proceedings, the court shall conduct a hearing. At the hearing, the court shall investigate the charge and hear any answer or testimony that the accused makes or offers and shall determine whether the accused is guilty of the contempt charge. If the accused is found guilty, the court may impose any of the following penalties:

(1) For a first offense, a fine of not more than $250, a definite term of imprisonment of not more than 30 days in jail, or both;

(2) For a second offense, a fine of not more than $500, a definite term of imprisonment of not more than 60 days in jail, or both;

(3) For a third or subsequent offense, a fine of not more than $1,000, a definite term of imprisonment of not more than 90 days in jail, or both.

(B) In all contempt proceedings initiated pursuant to § 33.23 against an employer, the Bureau of Workers' Compensation, an employer that is paying workers' compensation benefits, a board, board of trustees, or other governing entity of a retirement system, person paying or distributing income to an obligor under a support order, or financial institution that is ordered to withhold or deduct an amount of money from the income or other assets of a person required to pay support and that fails to withhold or deduct the amount of money as ordered by the support order, the court may also require the employer, the Bureau of Workers' Compensation, an employer that is paying workers' compensation benefits, a board, board of trustees, or other governing entity of a retirement system, person paying or distributing income to an obligor under a support order, or financial institution to pay the accumulated support arrearages.
(R.C. § 2705.05) (Rev. 1997)

§ 33.26 IMPRISONMENT UNTIL ORDER OBEYED.

When the contempt consists of the omission to do an act which the accused yet can perform, he or she may be imprisoned until he or she performs it.
(R.C. § 2705.06) (Rev. 1997)

§ 33.27 PROCEEDINGS WHEN PARTY RELEASED ON BAIL FAILS TO APPEAR.

If the party released on bail under § 33.24 fails to appear upon the day named, the court may issue another order or arrest, or order the bond for his or her appearance to be prosecuted, or both. If the bond is prosecuted, the measure of damages in the action is the extent of loss or injury sustained by the aggrieved party by reason of the misconduct for which the contempt was prosecuted, and the costs of the proceeding. Such recovery is for the benefit of the party injured.
(R.C. § 2705.07) (Rev. 1997)

§ 33.28 RELEASE OF PRISONER COMMITTED FOR CONTEMPT.

When a person is committed to jail for contempt, the court or judge who made the order may discharge him or her from imprisonment when it appears that the public interest will not suffer thereby.
(R.C. § 2705.08) (Rev. 1997)

§ 33.29 JUDGMENT FINAL.

The judgment and orders of a court or officer made in cases of contempt may be reviewed on appeal. Appeal proceedings shall not suspend execution of the order or judgment until the person in contempt files a bond in the

court rendering the judgment, or in the court or before the officer making the order, payable to the state, with sureties to the acceptance of the clerk of that court, in an amount fixed by the reviewing court, or a judge thereof, conditioned that if judgment is rendered against the person, he or she will abide by and perform the order or judgment.
(R.C. § 2705.09) (Rev. 1997)

§ 33.30 ALTERNATIVE REMEDY.

This subchapter furnishes a remedy in cases not provided for by another section of this code or the Ohio Revised Code.
(R.C. § 2705.10) (Rev. 1997)

CHAPTER 34: POLICE DEPARTMENT

Section

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Cross-reference:

Assault of police dog or horse, see § 136.15
Disposition of unclaimed or forfeited property held by Police Department, see § 130.17
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Statutory reference:

Canine units:
Registration, see R.C. § 955.012
Regulations, see O.A.C. Chapter 109:2-7
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Power of municipality to establish a police department, see R.C. § 715.05
Purchase of police dogs or horses by law enforcement officers, see R.C. § 9.62

§ 34.01 MARSHAL AND POLICE CHIEF SYNONYMOUS.

The designation "Marshal", wherever used in this code, is defined to include the term "Police Chief", and the designation "Police Chief", wherever used in this code, is defined to include the term "Marshal".

§ 34.02 APPOINTMENT OF MARSHAL.

(A) Each municipality shall have a Marshal or designated Police Chief, appointed by the Mayor with the advice and consent of the Legislative Authority, who need not be a resident of the municipality at the time of appointment, but shall become a resident thereof within six months after appointment by the Mayor and confirmation by the Legislative Authority, unless the residence requirement is waived by ordinance, and who shall continue in office until removed therefrom as provided by § 34.06.

(B) No person shall receive an appointment under this section unless, not more than 60 days prior to receiving an appointment, the person has passed a physical examination given by a licensed physician, a physician assistant, a clinical nurse specialist, a certified nurse practitioner, or a certified nurse-midwife, showing that the person meets the physical requirements necessary to perform the duties of Marshal as established by the Legislative Authority. The appointing authority shall, prior to making any appointment, file with the Ohio Police and Fire Pension Fund a copy of the report or findings of this licensed physician, physician assistant, clinical nurse specialist, certified nurse practitioner, or certified nurse-midwife. The professional fee for the physical examination shall be paid for by the Legislative Authority. (R.C. § 737.15) (Rev. 2003)

§ 34.03 DEPUTY MARSHALS AND POLICE OFFICERS.

(A) The Mayor shall, when provided for by the Legislative Authority, and subject to its confirmation, appoint all deputy marshals, police officers, night guards, and special police officers. All officers shall continue in office until removed therefrom for the cause and in the manner provided by § 34.08.

(B) No person shall receive an appointment under this section unless the person has, not more than 60 days prior to receiving appointment, passed a physical examination given by a licensed physician, a physician assistant, a clinical nurse specialist, a certified nurse practitioner, or a certified nurse-midwife, showing that the person meets the physical requirements necessary to perform the duties of the position to which the person is to be appointed as established by the Legislative Authority. The appointing authority shall, prior to making any appointment, file with the Ohio Police and Fire Pension Fund a copy of the report or findings of the licensed physician, physician assistant, clinical nurse specialist, certified nurse practitioner, or certified nurse-midwife. The

professional fee for the physical examination shall be paid for by the Legislative Authority.
(R.C. § 737.16) (Rev. 2003)

§ 34.04 AUXILIARY POLICE UNITS.

(A) The Legislative Authority may establish, by ordinance, an auxiliary police unit within the police department, and provide for the regulation of auxiliary police officers. The Mayor shall be the executive head of the auxiliary police unit, shall make all appointments and removals of auxiliary police officers, subject to any general rules prescribed by the Legislative Authority by ordinance, and shall prescribe rules for the organization, training, administration, control, and conduct of the auxiliary police unit. The Marshal shall have exclusive control of the stationing and transferring of all auxiliary police officers, under such general rules as the Mayor prescribes.

(B) (1) The Legislative Authority may establish, by ordinance, a parking enforcement unit within the police department, and provide for the regulation of parking enforcement officers. The Mayor shall be the executive head of the parking enforcement unit, shall make all appointments and removals of parking enforcement officers, subject to any general rules prescribed by the Legislative Authority by ordinance, and shall prescribe rules for the organization, training, administration, control, and conduct of the parking enforcement unit. The Mayor may appoint parking enforcement officers who agree to serve for nominal compensation, and persons with physical disabilities may receive appointments as parking enforcement officers.

(2) The authority of the parking enforcement officers shall be limited to the enforcement of ordinances governing parking in handicapped parking locations and fire lanes and any other parking ordinances specified in the ordinance creating the parking enforcement unit. Parking enforcement officers shall have no other powers.

(3) The training of parking enforcement officers shall include instruction in general administrative rules and procedures governing the parking enforcement unit, the role of the judicial system as it relates to parking regulations and enforcement, proper techniques and methods relating to the enforcement of parking ordinances, human interaction skills, and first aid.
(R.C. § 737.161)

§ 34.05 OFFENSES AFFECTING EMPLOYMENT OF LAW ENFORCEMENT OFFICERS; PROBATIONARY PERIOD; FINAL APPOINTMENT.

(A) *Offenses affecting employment.*

(1) As used in this section, ***FELONY*** has the same meaning as in R.C. § 109.511.

(2) (a) The Mayor shall not appoint a person as a Marshal, a deputy marshal, a police officer, a night security officer, a special police officer, or an auxiliary police officer on a permanent basis, on a temporary basis, for a probationary term, or on other than a permanent basis if the person previously has been convicted of or has pleaded guilty to a felony.

(b) 1. The Mayor shall terminate the employment of a Marshal, deputy marshal, police officer, night security officer, special police officer, or auxiliary police officer who does either of the following: pleads guilty to a felony; or pleads guilty to a misdemeanor pursuant to a negotiated plea agreement as provided in R.C. § 2929.43(D) in which the Marshal, deputy marshal, police officer, night security officer, special police officer, or auxiliary police officer agrees to surrender the certificate awarded to that person under R.C. § 109.77.

2. The Mayor shall suspend from employment a Marshal, deputy marshal, police officer, night security officer, special police officer, or auxiliary police officer who is convicted, after trial, of a felony. If the Marshal, deputy marshal, police officer, night security officer, special police officer, or auxiliary police officer files an appeal from that conviction and the conviction is upheld by the highest court to which the appeal is taken or if that person does not file a timely appeal, the Mayor shall terminate that person's employment. If the Marshal, deputy marshal, police officer, night security officer, special police officer, or auxiliary police officer files an appeal that results in that person's acquittal of the felony or conviction of a misdemeanor, or in the dismissal of the felony charge against that person, the Mayor shall reinstate that person. A Marshal, deputy marshal, police officer, night security officer, special police officer, or auxiliary police officer who is reinstated under this division shall not receive any back pay unless that person's conviction of the felony was reversed on appeal, or the felony charge was dismissed, because the court found insufficient evidence to convict that person of the felony.

(c) This division (A)(2) of this section does not apply regarding an offense that was committed prior to January 1, 1997.

(d) The suspension from employment, or the termination of the employment, of a Marshal, deputy marshal, police officer, night security officer, special police officer, or auxiliary police officer under division (A)(2)(b) of this section shall be in accordance with R.C. Chapter 119.
(R.C. § 737.162) (Rev. 2004)

(B) *Probationary period; final appointment.* Any appointments made shall be for a probationary period of six months continuous service, and no appointments shall be deemed finally made until the appointee has satisfactorily served his or her probationary period. At the end of the probationary period the Mayor shall transmit to the Legislative Authority a record of the employee's service with his or her recommendations thereon; and with the

concurrence of the Legislative Authority, the Mayor may remove or finally appoint the employee.
(R.C. § 737.17) (Rev. 1997)

§ 34.06 REMOVAL PROCEEDINGS; SUSPENSION; APPEALS.

(A) Except as provided in § 34.05(A), if the Mayor has reason to believe that a duly appointed Marshal of the municipality has been guilty of incompetency, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, or any other acts of misfeasance, malfeasance, or nonfeasance in the performance of his or her official duty, the Mayor shall file with the Legislative Authority written charges against the person, setting forth in detail the reason therefor and immediately shall serve a true copy thereof upon the person against whom they are made.

(B) Charges filed under this section shall be heard at the next regular meeting of the Legislative Authority occurring not less than five days after the date the charges have been served on the person against whom they are made. The person against whom charges are filed may appear in person and by counsel at the hearing, examine all witnesses, and answer all charges against him or her.

(C) At the conclusion of the hearing, the Legislative Authority may dismiss the charges, suspend the accused from office for not more than 60 days, or remove the accused from office.

(D) Action of the Legislative Authority removing or suspending the accused from office shall require the affirmative vote of two-thirds of all elected members.

(E) In the case of removal from office, the person so removed may appeal on questions of law and fact the decision of the Legislative Authority to the Court of Common Pleas. The person shall take the appeal within ten days from the date of the finding of the Legislative Authority.
(R.C. § 737.171) (Rev. 1997)

§ 34.07 GENERAL POWERS.

(A) The Marshal shall be the peace officer of the municipality and the executive head, under the Mayor, of the police force. The Marshal, and the deputy marshals, police officers, or night security officers under him or her shall have the powers conferred by law upon police officers in all municipalities of the state, and other powers not inconsistent with the nature of their offices as are conferred by ordinance.

(B) A Marshal, deputy marshal, or police officer of a municipality may participate, as the director of an organized crime task force established under R.C. § 177.02 or as a member of the investigatory staff of such a task force, in an investigation of organized criminal activity in any counties in this state under R.C. §§ 177.01 through 177.03.
(R.C. § 737.18)

§ 34.08 POWERS AND DUTIES OF MARSHAL.

(A) The Marshal has exclusive authority over the stationing and transfer of all deputies, officers, and employees within the police department under the general rules that the Mayor prescribes.

(B) (1) Except as provided in § 34.05(A), the Marshal has the exclusive right to suspend any of the deputies, officers, or employees in the police department who are under the management and control of the Marshal for incompetence, gross neglect of duty, gross immorality, habitual drunkenness, failure to obey orders given them by the proper authority, or for any other reasonable or just cause.

(2) If an employee is suspended under this section, the Marshal immediately shall certify this fact in writing, together with the cause for the suspension, to the Mayor and immediately shall serve a true copy of the charge upon the person against whom they are made. Within five days after receiving this certification, the Mayor shall inquire into the cause of the suspension and shall render a judgment on it. If the Mayor sustains the charges, the judgment of the Mayor may be for the person's suspension, reduction in rank, or removal from the department.

(3) Suspensions of more than three days, reduction in rank, or removal from the department under this section may be appealed to the Legislative Authority within five days from the date of the Mayor's judgment. The Legislative Authority shall hear the appeal at its next regularly scheduled meeting. The person against whom the judgment has been rendered may appear in person and by counsel at the hearing, examine all witnesses and answer all charges against him or her.

(4) At the conclusion of the hearing, the Legislative Authority may dismiss the charges, uphold the Mayor's judgment, or modify the judgment to one of suspension for not more than 60 days, reduction in rank, or removal from the department.

(5) Action of the Legislative Authority removing or suspending the accused from the department requires the affirmative vote of two-thirds of all members elected to it.

(6) In the case of removal from the department, the person so removed may appeal on questions of law and fact the decision of the Legislative Authority to the Court of Common Pleas of the county in which the municipality is situated. The person shall take the appeal within ten days from the date of the finding of the Legislative Authority.

(C) The Marshal shall suppress all riots, disturbances, and breaches of the peace, and to that end may call upon the citizens to aid him or her. The Marshal shall arrest all disorderly persons in the municipality, and pursue and arrest any person fleeing from justice in any part of the state. The Marshal shall arrest any person in the act of committing an offense against the laws of the state or the ordinances of the municipality, and forthwith bring the person before the Mayor or other competent authority for examination or trial.

The Marshal shall receive and execute proper authority for the arrest and detention of criminals fleeing or escaping from other places or states.

(D) In the discharge of his or her duties, the Marshal shall have the powers and be subject to the responsibilities of constables, and for services performed by the Marshal or his or her deputies the same fees and expenses shall be taxed as are allowed constables.
(R.C. § 737.19) (Rev. 1997)

§ 34.09 DISPOSITION OF FINES AND PENALTIES.

All fees, costs, fines, and penalties collected by the Marshal shall immediately be paid to the Mayor, who shall report to the Legislative Authority monthly the amount thereof, from whom and for what purpose collected, and when paid to the Mayor.
(R.C. § 737.20)

§ 34.10 PROPERTY RECOVERED BY POLICE.

(A) Stolen or other property recovered by members of the police force shall be deposited and kept in a place designated by the Mayor. Each article shall be entered in a book kept for that purpose, with the name of the owner, if ascertained, the person from whom taken, the place where found with general circumstances, the date of its receipt, and the name of the officer recovering it.

(B) An inventory of all money or other property shall be given to the party from whom taken, and, in case it is not claimed by some person within 30 days after arrest and seizure, it shall be delivered to the person from whom taken, and to no other person, either attorney, agent, factor, or clerk, except by special order of the Mayor.
(R.C. § 737.29)
Cross-reference:
Disposition of unclaimed or forfeited property held by Police Department; regulations, see § 130.17

§ 34.11 DISPOSITION TO CLAIMANT.

If, within 30 days, the money or property recovered under § 34.10 is claimed by any person other than the person from whom the property was recovered from, it shall be retained by the custodian thereof until after the discharge or conviction of the person from whom it was taken, and so long as it may be required as evidence in any case in court. If the claimant establishes to the satisfaction of the court that he or she is the rightful owner, it shall be restored to him or her; otherwise, it shall be returned to the accused person, personally, and not to any attorney, agent, factor, or clerk of the accused person, except upon special order of the Mayor after all liens and claims in favor of the municipality have first been discharged and satisfied.
(R.C. § 737.31)
Cross-reference:
Disposition of unclaimed or forfeited property held by Police Department; regulations, see § 130.17

§ 34.12 SALE OF UNCLAIMED PROPERTY; DISPOSITION OF PROCEEDS.

(A) Except as otherwise provided in this section and unless the property involved is required to be disposed of pursuant to another section of the Ohio Revised Code, property that is unclaimed for 90 days or more shall be sold by the Marshal, Police Chief or licensed auctioneer at public auction, after notice of the sale has been provided by publication once a week for three successive weeks in a newspaper of general circulation in the county or as provided in R.C. § 7.16. The proceeds of the sale shall be paid to the Treasurer and shall be credited to the General Fund of the municipality.

(B) If authorized to do so by an ordinance adopted by the Legislative Authority of the municipality and if the property involved is not required to be disposed of pursuant to another section of the Ohio Revised Code, the Police Chief or Marshal may contribute property that is unclaimed for 90 days or more to one or more public agencies, to one or more nonprofit organizations no part of the net income of which inures to the benefit of any private shareholder or individual and no substantial part of the activities of which consists of carrying on propaganda or otherwise attempting to influence legislation, or to one or more organizations satisfying IRC § 501(c)(3) or (c)(19).
(R.C. § 737.32) (Rev. 2012)
Cross-reference:
Disposition of unclaimed or forfeited property held by Police Department; regulations, see § 130.17

§ 34.13 EXPENSES OF STORAGE AND SALE; NOTICE.

Upon the sale of any unclaimed or impounded property as provided in § 34.12, if any such unclaimed or impounded property was ordered removed to a place of storage or stored, or both, by or under the direction of the Police Chief or Marshal, any expenses or charges for the removal or storage, or both, and costs of sale, provided the same are approved by the Police Chief or Marshal, shall first be paid from the proceeds of the sale. Notice shall be given by registered mail 30 days before the date of sale to the owner and mortgagee, or other lien holder, at their last known address.
(R.C. § 737.33)
Cross-reference:
Disposition of unclaimed or forfeited property held by Police Department; regulations, see § 130.17

§ 34.14 CONTRACTS FOR POLICE PROTECTION; NONRESIDENT SERVICE WITHOUT CONTRACT.

(A) The Legislative Authority, in order to obtain police protection or to obtain additional police protection or to allow

police officers to work in multi-jurisdictional drug, gang or career criminal task forces, may enter into contracts with one or more municipal corporations, townships, township police districts, joint police districts, or county sheriffs in the state, with one or more park districts created pursuant to R.C. § 511.18 or 1545.01, with one or more port authorities, or with a contiguous municipal corporation in an adjoining state, upon any terms that are agreed upon, for services of police departments or the use of police equipment or for the interchange of services of police departments or police equipment within the several territories of the contracting subdivisions.

(B) The provisions of R.C. Chapter 2744, insofar as it applies to the operation of police departments, shall apply to the contracting political subdivisions and to the Police Department members when they are rendering service outside their own subdivisions pursuant to the contracts.

(C) Police Department members acting outside the subdivision in which they are employed, pursuant to a contract entered into under this section, shall be entitled to participate in any indemnity fund established by their employer to the same extent as while acting within the employing subdivision. Those members shall be entitled to all the rights and benefits of R.C. Chapter 4123, to the same extent as while performing service within the subdivision.

(D) The contracts may provide for:

(1) A fixed annual charge to be paid at the times agreed upon and stipulated in the contract;

(2) Compensation based upon:

(a) A stipulated price for each call or emergency;

(b) The number of members or pieces of equipment employed; or

(c) The elapsed time of service required in each call or emergency;

(3) Compensation for loss or damage to equipment while engaged in rendering police services outside the limits of the political subdivision owning and furnishing the equipment; and

(4) Reimbursement of the political subdivision in which the police department members are employed for any indemnity award or premium contribution assessed against the employing subdivision for workers' compensation benefits for injuries or death of its police department members occurring while engaged in rendering police services pursuant to the contract.
(R.C. § 737.04) (Rev. 2012)

(E) *Nonresident service without contract.*

(1) The Police Department may provide police protection to any county, municipal corporation, township or township police district, or joint police district of the state, to a park district created pursuant to R.C. § 511.18 or 1545.01, to a port authority, to any multi-jurisdictional drug, gang or career criminal task force, or to a governmental entity of an adjoining state without a contract to provide police protection, upon the approval, by resolution, of the Legislative Authority and upon authorization by an officer or employee of the Police Department who is designated by title of office or position, pursuant to the resolution of the Legislative Authority, to give the authorization.

(2) The provisions of R.C. Chapter 2744, insofar as it applies to the operation of police departments, shall apply to the municipality and to members of its Police Department when the members are rendering police services pursuant to this section outside the municipality.

(3) Police Department members acting, as provided in this section, outside the municipality, shall be entitled to participate in any pension or indemnity fund established by their employer to the same extent as while acting within the municipality. Those members shall be entitled to all the rights and benefits of R.C. Chapter 4123, to the same extent as while performing services within the municipality.
(R.C. § 737.041) (Rev. 2012)

§ 34.15 PEACE OFFICER ADMINISTERING OATHS; ACKNOWLEDGING COMPLAINTS, SUMMONSES, AFFIDAVITS AND RETURNS OF COURT ORDERS.

(A) As used in this section, ***PEACE OFFICER*** has the same meaning as in R.C. § 2935.01, except that the term does not include, for any purpose, the superintendent or any trooper of the State Highway Patrol.

(B) A peace officer who has completed a course of in-service training that includes training in the administration of oaths and the acknowledgment of documents and that is approved by the chief legal officer of the political subdivision in which the peace officer is elected or of the political subdivision or other entity in which or by which the peace officer is appointed or employed may administer oaths and acknowledge criminal and juvenile complaints, summonses, affidavits, and returns of court orders in matters related to the peace officer's official duties.

(C) A trooper of the State Highway Patrol who has completed a course of in-service training that includes training in the administration of oaths and the acknowledgment of documents and that is approved by the Ohio Director of Public Safety may administer oaths and acknowledge criminal and juvenile court complaints, summonses, affidavits, and returns of court orders in matters related to the trooper's official duties.

(D) Except as authorized by division (B) or (C) of this section, no peace officer or trooper who has completed a course of in-service training of a type described in division (B) or (C) of this section shall knowingly perform any act that

is specifically required of a notary public unless the peace officer or trooper has complied with R.C. Chapter 147. (R.C. § 2935.081) (Rev. 2019)

CHAPTER 35: FIRE DEPARTMENT

Section

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Cross-reference:

Fire Engineer, see § 31.103
Fire prevention, fireworks and explosives, see Chapter 91

Statutory reference:

Power of municipality to establish a fire department, see R.C. § 715.05

GENERAL PROVISIONS

§ 35.01 MUNICIPAL FIRE REGULATIONS; FIRE DEPARTMENT.

The Legislative Authority may establish all necessary regulations to guard against the occurrence of fires and protect the property and lives of its citizens against damage and accidents resulting therefrom, and for that purpose may establish and maintain a fire department, provide for the establishment and organization of fire engine and hose companies and rescue units, establish the hours of labor of the members of its fire department who shall not be required to be on duty continuously more than six days in every seven, and provide bylaws and regulation for the government of companies and their members as is necessary and proper. (R.C. § 737.21)

Cross-reference:

Driving over fire hose, see § 72.121
False alarms, see § 132.09
Fireworks, explosives, fire prevention, see Chapter 91

§ 35.02 FIRE CHIEF; FIRE PREVENTION OFFICER; EMPLOYMENT OF FIREFIGHTERS; CRIMINAL RECORDS CHECK FOR FIREFIGHTERS.

(A) Each municipality establishing a fire department shall have a Fire Chief as the Department's head, appointed by the Mayor with the advice and consent of the Legislative Authority, who shall continue in office until removed from office as provided by R.C. §§ 733.35 through 733.39. Neither this section nor any section of the Ohio Revised Code requires, or shall be construed to require, that the Fire Chief be a resident of the municipality.

(B) In each municipality not having a fire department, the Mayor shall, with the advice and consent of the Legislative Authority, appoint a Fire Prevention Officer who shall exercise all of the duties of a Fire Chief, except those involving the maintenance and operation of fire apparatus.

(C) The Legislative Authority may fix the compensation it considers best. The appointee shall continue in office until removed from office as provided by R.C. §§ 733.35 through 733.39. The provisions of § 35.03 shall extend to the Fire Prevention Officer.

(D) The Legislative Authority may provide for the appointment of permanent full-time paid firefighters as it considers best and fix their compensation, or for the services of volunteer firefighters, who shall be appointed by the Mayor with the advice and consent of the Legislative Authority, and shall continue in office until removed from office.

(E) No person shall be appointed as a permanent full-time paid firefighter of the municipality unless either of the following applies:

(1) The person has received a certificate issued under former R.C. § 3303.07 or R.C. § 4765.55 evidencing satisfactory completion of a firefighter training program;

(2) The person began serving as a permanent full-time paid firefighter with the municipality prior to July 2, 1970, and receives a fire training certificate issued under R.C. § 4765.55.

(F) No person who is appointed as a volunteer firefighter of the municipality shall remain in that position unless either of the following applies:

(1) Within one year of the appointment, the person has received a certificate issued under former R.C. § 3303.07 or R.C. § 4765.55 evidencing satisfactory completion of a firefighter training program;

(2) The person has served as a permanent full-time paid firefighter with the municipality prior to July 2, 1970, or as a volunteer firefighter with the municipality prior to July 2, 1979, and receives a certificate issued under R.C. § 4765.55(C)(3).

(G) No person shall receive an appointment under this section unless the person has, not more than 60 days prior to receiving the appointment, passed a physical examination given by a licensed physician, a physician assistant, a clinical nurse specialist, a certified nurse practitioner, or a certified nurse-midwife, showing that the person meets the physical requirements necessary to perform the duties of the position to which the person is to be appointed as established by the Legislative Authority. The appointing authority shall, prior to making an appointment, file with the Ohio Police and Fire Pension Fund or the Local Volunteer Firefighter's Dependents Fund Board a copy of the report or findings of that licensed physician, physician assistant, clinical nurse specialist, certified nurse practitioner, or certified nurse-midwife. The professional fee for the physical examination shall be paid for by the Legislative Authority.
(R.C. § 737.22) (Rev. 2008)

(H) *Criminal records check for firefighters.*

(1) The Fire Chief may request the Superintendent of the Ohio Bureau of Criminal Identification and Investigation ("BCII") to conduct a criminal records check with respect to any person who is under consideration for appointment or employment as a permanent, full-time paid firefighter or any person who is under consideration for appointment as a volunteer firefighter.

(2) (a) The Fire Chief may request that the Superintendent of BCII obtain information from the Federal Bureau of Investigation as a part of the criminal records check requested pursuant to division (H)(1) of this section.

(b) The Fire Chief, authorized by division (H)(1) of this section to request a criminal records check, shall provide to each person for whom the Fire Chief intends to request a criminal records check a copy of the form prescribed pursuant to R.C. § 109.578(C)(1) and a standard impression sheet to obtain fingerprint impressions prescribed pursuant to R.C. § 109.578(C)(2), obtain the completed form and impression sheet from the person, and forward the completed form and impression sheet to the Superintendent of BCII at the time the criminal records check is requested.

(c) Any person subject to a criminal records check who receives a copy of the form and a copy of the impression sheet pursuant to division (H)(2)(b) of this section and who is requested to complete the form and provide a set of fingerprint impressions shall complete the form or provide all the information necessary to complete the form and shall provide the impression sheet with the impressions of the person's fingerprints. If a person fails to provide the information necessary to complete the form or fails to provide impressions of the person's fingerprints, the appointing authority shall not appoint or employ the person as a permanent full-time paid firefighter or a volunteer firefighter.

(3) (a) Except as otherwise provided in division (H)(3)(b) of this section, an appointing authority shall not appoint or employ a person as a permanent, full-time paid firefighter or a volunteer firefighter if the Fire Chief has requested a criminal records check pursuant to division (H)(1) of this section and the criminal records check indicates that the person previously has been convicted of or pleaded guilty to any of the following:

1. A felony;

2. A violation of R.C. § 2909.03;

3. A violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses described in division (H)(3)(a)1. or (H)(3)(a)2. of this section.

(b) Notwithstanding division (H)(3)(a) of this section, an appointing authority may appoint or employ a person as a permanent, full-time paid firefighter or a volunteer firefighter if all of the following apply:

1. The Fire Chief has requested a criminal records check pursuant to division (H)(1) of this section.

2. The criminal records check indicates that the person previously has been convicted of or pleaded guilty to any of the offenses described in division (H)(3)(a) of this section.

3. The person meets rehabilitation standards established in rules adopted under division (H)(5) of this section.

(c) If the Fire Chief requests a criminal records check pursuant to division (H)(1) of this section, an appointing authority may appoint or employ a person as a permanent, full-time paid firefighter or volunteer firefighter conditionally until the criminal records check is completed

and the Fire Chief receives the results. If the results of the criminal records check indicate that, pursuant to division (H)(3)(a) of this section, the person subject to the criminal records check is disqualified from appointment or employment, the Fire Chief shall release the person from appointment or employment.

(4) The Fire Chief shall pay to the BCII the fee prescribed pursuant to R.C. § 109.578(C)(3) for each criminal records check conducted in accordance with that section. The Fire Chief may charge the applicant who is subject to the criminal records check a fee for the costs the Fire Chief incurs in obtaining the criminal records check. A fee charged under this division shall not exceed the amount of fees the Fire Chief pays for the criminal records check. If a fee is charged under this division, the Fire Chief shall notify the applicant at the time of the applicant's initial application for appointment or employment of the amount of the fee and that, unless the fee is paid, the applicant will not be considered for appointment or employment.

(5) The appointing authority shall adopt rules in accordance with R.C. Chapter 119 to implement this division (H). The rules shall include rehabilitation standards a person who has been convicted of or pleaded guilty to an offense listed in division (H)(3)(a) of this section must meet for the appointing authority to appoint or employ the person as a permanent, full-time paid firefighter or a volunteer firefighter.

(6) The Fire Chief requesting a criminal records check for an applicant shall inform each applicant, at the time of the person's initial application for appointment or employment, that the applicant is required to provide a set of impressions of the person's fingerprints and that the Fire Chief requires a criminal records check to be conducted and satisfactorily completed in accordance with R.C. § 109.578.

(7) As used in this section:

APPOINTING AUTHORITY. Means any person or body that has the authority to hire, appoint, or employ permanent, full-time paid firefighters and volunteer firefighters under R.C. § 737.22.

CRIMINAL RECORDS CHECK. Has the same meaning as in R.C. § 109.578.

SUPERINTENDENT OF BCII. Has the same meaning as in R.C. § 2151.86.
(R.C. § 737.221) (Rev. 2003)

§ 35.03 SCHOOLING OF OFFICERS AND FIREFIGHTERS OF FIRE DEPARTMENT.

The Legislative Authority may send any of the officers and firefighters of its fire department to schools of instruction designed to promote the efficiency of firefighters, and, if authorized in advance, may pay their necessary expenses from the funds used for the maintenance and operation of the fire department.
(R.C. § 737.23)

§ 35.04 LEGISLATIVE AUTHORITY MAY PURCHASE ENGINES AND EQUIPMENT.

The Legislative Authority may purchase the necessary fire engines and other equipment as is necessary for the extinguishment of fires and the saving of lives, and may establish lines of fire alarm telegraph within the limits of the municipality.
(R.C. § 737.24)

§ 35.05 BUILDINGS FOR DEPARTMENT.

The Legislative Authority may provide or erect necessary and suitable buildings containing rooms for fire engines and other equipment, and provide for the meetings of the fire and hose companies.
(R.C. § 737.25)

§ 35.06 RECORDS.

The Fire Chief shall keep in convenient form a complete record of all fires. The record shall include the time of the alarm, location of fire, cause of fire (if known), type of building, name of owner and tenant, purpose for which occupied, value of building and contents, members of the department responding to the alarm, and other information as he or she may deem advisable, or as may be required from time to time by the Legislative Authority.

§ 35.07 MAXIMUM CONSECUTIVE HOURS FOR FIREFIGHTERS ON DUTY.

(A) Whenever the municipality employs three or more full-time paid firefighters, the Fire Chief shall divide the uniform force into not less than two platoons, and where the uniform force is so divided into two platoons, the Chief shall keep a platoon of the uniform force on duty 24 hours after which the platoon serving 24 consecutive hours shall be allowed to remain off duty for at least 24 consecutive hours, except in cases of extraordinary emergency. Each individual member of the platoons, in addition to receiving a minimum of 24 hours off duty in each period of 48 hours, shall receive an additional period of 24 consecutive hours off duty in each period of eight days, so that no individual member shall be on duty more than a total of 72 hours in any period of eight days. The Chief shall arrange the schedule of working hours to comply with this section. The Chief may, however, in cases of sickness, death, or on other necessary occasions, permit the exchange of working hours between members of the department. All employees of the fire department shall be given not less than two weeks' leave of absence annually, with full pay. This section, insofar as it relates to off duty periods, does not apply to the municipality if it adopts a 40-hour week, or if it has a three platoon system, the members of which work 24 consecutive hours, immediately followed by 48 consecutive hours off duty, but the provisions relating to the two weeks' leave of absence do apply.

(B) As used in this section, ***FULL-TIME PAID FIREFIGHTERS*** does not include volunteer firefighters, or firefighters who work part time.
(R.C. § 4115.02)

§ 35.08 INVESTIGATION OF CAUSE OF FIRE.

(A) *Investigation of fires generally.*

(1) The Legislative Authority may invest any officer of the fire or police department with the power, and impose on him or her the duty, to be present at all fires, investigate the cause thereof, examine witnesses, compel the attendance of witnesses and the production of books and papers, and to do and perform all other acts necessary to the effective discharge of such duties.

(2) The officer may administer oaths, make arrests, and enter for the purpose of examination any building which, in his or her opinion, is in danger from fire. The officer shall report his or her proceedings to the Legislative Authority at such times as are required.
(R.C. § 737.27)

(B) *Investigation of major fires.*

(1) The Fire Chief, or the Fire Prevention Officer, shall investigate the cause, origin, and circumstances of each major fire, as determined by the rules of the State Fire Marshal, occurring in the municipality by which property has been destroyed or damaged, and shall make an investigation to determine whether the fire was the result of carelessness or design. The investigation shall be commenced within two days, not including Sunday, if the fire occurred on that day. The State Fire Marshal may superintend the investigation.

(2) An officer making an investigation of a fire occurring in the municipality shall notify the State Fire Marshal, and within one week of the occurrence of the fire shall furnish him or her a written statement of all facts relating to its cause and origin, and other information as is required by forms provided by the State Fire Marshal.

(3) In the performance of the duties imposed by this chapter, the Fire Chief or Fire Prevention Officer, at any time of day or night, may enter upon and examine any building or premises where a fire has occurred, and other buildings and premises adjoining or near thereto.
(R.C. § 3737.24)

§ 35.09 RIGHT TO EXAMINE BUILDINGS, PREMISES, AND VEHICLES.

The Fire Chief, other members of the department as may be designated by the Chief, and the Fire Prevention Officer may at all reasonable hours enter into all buildings and upon all premises and vehicles within their jurisdiction for the purpose of examination.
(R.C. § 3737.14(A))

§ 35.10 BURNING BUILDINGS FOR FIREFIGHTING INSTRUCTION OR RESEARCH.

No building that contains asbestos shall be burned for the purpose of instruction in the methods of firefighting or research in the control of fires.
(R.C. § 3737.14(B))
Statutory reference:
Notification requirements, see R.C. § 3737.14(C), (D)

§ 35.11 IMPERSONATING FIRE SAFETY INSPECTOR.

(A) No person who is not a certified fire safety inspector shall act as such or hold himself or herself out to be such, unless prior to commencing any inspection function, he or she discloses the purpose for which he or she is making the inspection and the fact that he or she is not employed by any state or local fire service or agency, and that he or she is not acting in an official capacity for any governmental subdivision or agency.
(R.C. § 3737.64)

(B) Whoever violates division (A) of this section is guilty of a misdemeanor of the fourth degree.
(R.C. § 3737.99(D))

§ 35.12 STANDARDS FOR EQUIPMENT.

(A) No person shall sell, offer for sale, or use any fire protection or fire fighting equipment that does not meet the minimum standards established by the State Fire Marshal in the Ohio Fire Code.

(B) Except for public and private mobile fire trucks, no person shall service, test, repair, or install for profit any fire protection or fire fighting equipment without a certificate or a provisional certificate issued by the State Fire Marshal pursuant to R.C. § 3737.65.
(R.C. § 3737.65(A), (B))

(C) Whoever violates division (A) or (B) of this section is guilty of a misdemeanor of the third degree.
(R.C. § 3737.99(E))

§ 35.13 PERSONS ENTITLED TO BE KNOWN AS FIREFIGHTERS.

(A) As used in this section:

FIREFIGHTING AGENCY. Has the same meaning as in R.C. § 9.60.

PRIVATE FIRE COMPANY. Has the same meaning as in R.C. § 9.60.

(B) No person shall claim to the public to be or act as a firefighter, volunteer firefighter, member of a fire department, Fire Chief, or Fire Prevention Officer unless the

person is recognized as a firefighter, volunteer firefighter, member of a fire department, member of a private fire company, Fire Chief, or Fire Prevention Officer by the State Fire Marshal or has received a certificate issued under R.C. § 4765.55 or former R.C. § 3303.07 evidencing satisfactory completion of a firefighter training program and has been appointed by the governing board of a firefighting agency or, in the case of a volunteer firefighter, receives such a certificate within one year after appointment by the governing board of a firefighting agency.
(R.C. § 3737.66) (Rev. 2008)

(C) Whoever violates division (B) of this section is guilty of a misdemeanor of the first degree.
(R.C. § 3737.99(G))

§ 35.14 FIREFIGHTING AND EMERGENCY SERVICES AGREEMENTS.

(A) As used in this section:

EMERGENCY MEDICAL SERVICE. Has the same meaning as in R.C. § 4765.01.

EMERGENCY MEDICAL SERVICE ORGANIZATION. Has the same meaning as in R.C. § 4765.01.

FIRE PROTECTION. Means the use of firefighting equipment by the Fire Department of a firefighting agency or a private fire company, and includes the provision of ambulance, emergency medical, and rescue services by those entities.

FIREFIGHTING AGENCY. Means the municipality, other municipal corporation, a township, township fire district, joint ambulance district, joint emergency medical services district or joint fire district and the office of the State Fire Marshal.

MOTOR VEHICLE. Has the same meaning as in R.C. § 4511.01.

PRIVATE FIRE COMPANY. Means a nonprofit group or organization owning and operating firefighting equipment not controlled by a firefighting agency.

(B) Any firefighting agency, private fire company, or emergency medical service organization may contract with any governmental entity in this state or another jurisdiction to provide fire protection or emergency medical services, as appropriate, whether on a regular basis or only in times of emergency, upon the approval of the governing boards or administrative heads of the entities that are parties to the contract.

(C) The municipality may contract with any firefighting agency, private fire company, or emergency medical service organization of this state or another jurisdiction to obtain fire protection or emergency medical services, as appropriate, whether on a regular basis or only in times of emergency, upon the approval of the governing boards or administrative heads of the entities that are parties to the contract.

(D) (1) Any firefighting agency other than the office of the State Fire Marshal, private fire company, or emergency medical service organization may provide fire protection or emergency medical services, as appropriate, to any governmental entity in this state or another jurisdiction, without a contract to provide fire protection or emergency medical services, upon the approval of the governing board of the agency, company, or organization and upon authorization by an officer or employee of the agency, company, or organization designated by that individual's title, office, or position pursuant to the authorization of the governing board of the agency, company, or organization.

(2) The office of the State Fire Marshal may provide fire protection or emergency medical services, as appropriate, to any governmental entity, firefighting agency, private fire company, or emergency medical service organization in this state or another jurisdiction, without a contract to provide fire protection or emergency medical services, upon the authorization of the State Fire Marshal.

(E) (1) The provisions of R.C. Chapter 2744, insofar as it is applicable to the operation of fire departments or emergency medical service organizations, applies to a political subdivision that is operating a fire department or emergency medical service organization, and to the members of the fire department or emergency medical service organization, when the members are rendering service pursuant to this section outside the boundaries of the political subdivision.

(2) Members acting outside the boundaries of the political subdivision that is operating the fire department or emergency medical service organization may participate in any pension or indemnity fund established by the political subdivision to the same extent as while acting within the boundaries of the political subdivision, and are entitled to all the rights and benefits of R.C. Chapter 4123, to the same extent as while performing service within the boundaries of the political subdivision.

(F) A private fire company or private, nonprofit emergency medical service organization providing service pursuant to this section to a governmental entity in this state or another jurisdiction has the same immunities and defenses in a civil action that a political subdivision has under R.C. § 2744.02. The employees of such a fire company or emergency medical service organization have the same immunities and defenses in a civil action that employees of a political subdivision have under R.C. § 2744.03.

(G) (1) The office of the State Fire Marshal, when providing services pursuant to this section, is liable for injury, death, or loss to person or property caused by the negligent operation of any motor vehicle by its employees upon the public roads, highways, or streets in the state when the employees are engaged within the scope of their employment and authority, without regard to the proximity of that

operation to the office of the State Fire Marshal. Notwithstanding R.C. § 2743.02(A)(1), the following are full defenses to that liability:

(a) An employee providing fire protection was operating a motor vehicle while engaged in duty at a fire, proceeding toward a place where a fire is in progress or is believed to be in progress, or answering any other emergency and the operation of the vehicle did not constitute willful or wanton misconduct.

(b) An employee providing emergency medical services was operating a motor vehicle while responding to or completing a call for emergency medical care or treatment, the employee was holding a valid driver's license issued under R.C. Chapter 4507, the operation of the vehicle did not constitute willful or wanton misconduct, and the operation complies with the precautions described in R.C. § 4511.03.

(2) An employee of the office of the State Fire Marshal, when providing service pursuant to this section, is immune from liability for injury, death, or loss to person or property caused by the operation of any motor vehicle upon the public roads, highways, or streets in the state, without regard to the proximity of that operation to the office of the State Fire Marshal, unless one of the following applies:

(a) The operation of the vehicle was manifestly outside the scope of the employee's employment of official responsibilities.

(b) The operation of the vehicle constituted willful or wanton misconduct.
(R.C. § 9.60) (Rev. 2003)

§ 35.15 REGULATION OF CONSTRUCTION IN FIRE LIMITS.

The Legislative Authority may regulate the erection of houses and business structures and prohibit the erection of buildings within such limits as it deems proper, unless the outer walls are constructed of noncombustible material, and, on the petition of the owners of not less than two-thirds of the ground included in any square or half-square, may prohibit the erection thereon of any building, or addition to any building more than ten feet high, unless the outer walls are made of iron, stone, brick and mortar, or of some of them, and may provide for the removal of any building or additions erected in violation of the prohibition.
(R.C. § 737.28) (Rev. 2002)

VOLUNTEER FIREFIGHTERS' DEPENDENTS FUND BOARD

§ 35.30 DEFINITIONS.

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

FIRE DEPARTMENT. A volunteer fire department, a fire department of a political subdivision or fire district of the state, or a private volunteer company that has elected to participate in the Volunteer Firefighters' Dependents Fund pursuant to R.C. § 146.02.

MEMBER OF THE FUND. Includes a political subdivision or fire district of the state that maintains, in whole or in part, a volunteer fire department or employs volunteer firefighters, and a private volunteer fire company that has elected to participate in the Volunteer Firefighters' Dependents Fund.

PRIVATE VOLUNTEER FIRE COMPANY. A company of trained volunteer firefighters having a contract to furnish fire protection or emergency service or both to a political subdivision or fire district of the state.

TOTALLY AND PERMANENTLY DISABLED. The term means that a volunteer firefighter is unable to engage in any substantial gainful employment for a period of not less than twelve months by reason of a medically determinable physical impairment that is permanent or presumed to be permanent.

VOLUNTEER FIREFIGHTER.

(1) The term means both of the following, subject to division (2) of this definition:

(a) A duly appointed member of a fire department on either a non-pay or part-pay basis who is ineligible to be a member of the Ohio Police and Fire Pension Fund, or whose employment as a firefighter does not in itself qualify any such person for membership in the Public Employees Retirement System, or who has wived membership in the Public Employees Retirement System;

(b) Firefighters drafted, requisitioned, or appointed to serve in an emergency.

(2) (a) A volunteer firefighter who is a member of the Public Employees Retirement System shall be considered a volunteer firefighter for purposes of this chapter and R.C. Chapter 146 and, in particular, for purposes of R.C. § 146.12(A) and (B), until the firefighter has at least 1.5 years of Ohio service credit for purposes of R.C. § 145.45(B);

(b) A volunteer firefighter who is a member of the Public Employees Retirement System shall be considered a volunteer firefighter for purposes of this chapter

and R.C. Chapter 146 and, in particular, for purposes of R.C. § 146.12(C), until the firefighter has at least five years of total service credit for purposes of R.C. §§ 145.35 and 145.36 or R.C. § 145.361.

VOLUNTEER FIREFIGHTERS' DEPENDENTS FUND. The Fund established by R.C. § 146.07.
(R.C. § 146.01) (Rev. 2003)

§ 35.31 ESTABLISHMENT.

(A) If and when the municipality has a Fire Department employing volunteer firefighters, it shall be a member of the Volunteer Firefighters' Dependents Fund and shall establish a Volunteer Firefighters' Dependents Fund Board.

(B) A private volunteer fire company which has contracted to afford fire protection to a political subdivision or fire district may become a member of the Volunteer Firefighters' Dependents Fund by election and shall, if it so elects, establish a Volunteer Firefighters' Dependents Fund Board. The company shall notify the State Fire Marshal and the governing body of the political subdivision or fire district with which it has its major contract of the election to become a member of the Fund.
(R.C. § 146.02) (Rev. 2002)

§ 35.32 MEMBERSHIP; VACANCIES.

(A) A Volunteer Firefighters' Dependents Fund Board provided for in § 35.31(A) shall consist of five members chosen as follows:

(1) Two members elected by the Legislative Authority of the political subdivision or the Legislative Authority of the fire district;

(2) Two members elected by the Fire Department or the volunteer firefighters;

(3) One member elected by the Board members who were elected pursuant to divisions (A)(1) and (A)(2) of this section. This member shall be an elector of the municipality or the fire district, but not a public employee, a member of Legislative Authority or a member of the Fire Department.

(B) A Volunteer Firefighters' Dependents Fund Board provided for in § 35.31(B) shall consist of five members chosen as follows:

(1) Two members elected by Legislative Authority of the political subdivision or the Legislative Authority of the fire district with which the private volunteer fire company has its major contract;

(2) Two members elected by the private volunteer fire company;

(3) One member elected by the Board members who were elected pursuant to divisions (B)(1) and (B)(2) of this section. This member shall be an elector of a political subdivision or fire district with which the private volunteer fire company has contracted to afford fire protection, but not a public employee, a member of the Legislative Authority or a member of the fire company.

(C) Any vacancy occurring in a Volunteer Firefighters' Dependents Fund Board shall be filled at a special election called by the Secretary of the Board.
(R.C. § 146.03) (Rev. 2002)

§ 35.33 ELECTION AND TERM OF MEMBERS.

(A) The term of each member of the Volunteer Firefighters' Dependents Fund Board is one year and begins on January 1.

(B) Election of Board members provided for in § 35.32(A)(1) and (B)(1) shall be held each year no earlier than November 1 and no later than the second Monday in December, and the election of the Board members provided for in § 35.32(A)(3) and (B)(3) shall be held each year on or before December 31.

(C) The Board members provided for in § 35.32(A)(2) and (B)(2) shall be elected on or before the second Monday in December, as follows:

(1) The Secretary of the Board shall give notice of the election by posting it in a conspicuous place at the headquarters of the Fire Department or fire company and at the house of each company composing the Fire Department. Between 9:00 a.m. and 9:00 p.m. on the day designated, each member of the Department or company shall send in writing the name of two persons, members of the Department or company, who are the member's choices.

(2) All votes cast at the election shall be counted and recorded by the Board which shall announce the result. The two members receiving the highest number of votes are elected. If any two persons receive a tie vote, it shall be decided by lot or in any other way agreed upon by the persons for whom the tie vote was cast.
(R.C. § 146.04) (Rev. 2002)

§ 35.34 ORGANIZATION; RULES AND REGULATIONS; ROSTER.

(A) The Volunteer Firefighters' Dependents Fund Board shall meet promptly after its election and organize. A Chairperson and a Secretary shall be elected. The Secretary shall keep a complete record of the proceedings of the Board, which record shall be maintained as a permanent file.

(B) The Board may adopt rules necessary for the handling and processing of claims and shall perform such other duties as are necessary to carry out this subchapter and R.C. §§ 146.01 through 146.19.

(C) The Secretary of the Board shall immediately certify to the State Fire Marshal the names and addresses of the members elected, by whom elected, and the names of the Board Chairperson and Secretary. The Secretary shall also forward a certificate prepared by the Municipal Clerk or the clerk of the fire district of the current assessed valuation of the municipality or fire district if the municipality or fire district is a member of the Fund.

(D) A private volunteer fire company which is a member of the Fund shall provide the Secretary of the Board with a roster of the fire company members and shall report any changes to the Secretary when they occur. Only persons whose names appear on the list, and in no event more than an average number of 50 names per station operated by the volunteer fire company, are eligible for benefits under this subchapter and R.C. §§ 146.01 through 146.19.
(R.C. § 146.05) (Rev. 2002)

§ 35.35 COMPENSATION AND EXPENSES OF BOARD; LEGAL ADVISOR.

(A) The members of the Volunteer Firefighters' Dependents Fund Board shall serve without compensation. The municipality or the fire district within which the Board operates shall provide the necessary meeting place, stationery, postage, and supplies for the efficient conduct of its business.

(B) The legal advisor for the Board is the prosecuting attorney of the county in which the Board is located.
(R.C. § 146.06) (Rev. 2002)

CHAPTER 36: CIVIL ACTIONS AGAINST THE MUNICIPALITY

Section

36.01 Definitions
36.02 Nonliability of municipality; exceptions
36.03 Defenses and immunities
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36.06 Satisfaction of judgments
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36.08 Liability insurance
36.09 Certain actions unaffected
36.10 Certain charges against municipal officers filed with Probate Judge; proceedings

§ 36.01 DEFINITIONS.

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

EMERGENCY CALL. A call to duty including but not limited to communications from citizens, police dispatches, and personal observations by peace officers of inherently dangerous situations that demand an immediate response on the part of a peace officer.

EMPLOYEE. An officer, agent, employee, or servant, whether or not compensated or full-time or part-time, who is authorized to act and is acting within the scope of his or her employment for a political subdivision. The term does not include an independent contractor and does not include any individual engaged by a school district pursuant to R.C. § 3319.301. The term includes any elected or appointed official of a political subdivision. The term also includes a person who has been convicted of or pleaded guilty to a criminal offense and who has been sentenced to perform community service work in a political subdivision whether pursuant to R.C. § 2951.02 or otherwise, and a child who is found to be a delinquent child and who is ordered by a juvenile court pursuant to R.C. § 2152.19 or 2152.20 to perform community service or community work in a political subdivision.

GOVERNMENTAL FUNCTION.

(1) A function of a political subdivision that is specified in division (2) of this definition or that satisfies any of the following:

(a) A function that is imposed upon the state as an obligation of sovereignty and that is performed by a political subdivision voluntarily or pursuant to legislative requirement;

(b) A function that is for the common good of all citizens of the state; or

(c) A function that promotes or preserves the public peace, health, safety, or welfare, that involves activities that are not engaged in or not customarily engaged in by nongovernmental persons, and that is not specified in this section as a proprietary function.

(2) The term includes but is not limited to the following:

(a) The provision or nonprovision of police, fire, emergency medical, ambulance, and rescue services or protection;

(b) The power to preserve the peace; to prevent and suppress riots, disturbances, and disorderly assemblages; to prevent, mitigate, and clean up releases of oil and hazardous and extremely hazardous substances as defined in R.C. § 3750.01; and to protect persons and property;

(c) The provision of a system of public education;

(d) The provision of a free public library system;

(e) The regulation of the use of, and the maintenance and repair of, roads, highways, streets, avenues, alleys, sidewalks, bridges, aqueducts, viaducts, and public grounds;

(f) Judicial, quasi-judicial, prosecutorial, legislative, and quasi-legislative functions;

(g) The construction, reconstruction, repair, renovation, maintenance, and operation of buildings that are used in connection with the performance of a governmental function, including but not limited to office buildings and courthouses;

(h) The design, construction, reconstruction, renovation, repair, maintenance, and operation of jails, places of juvenile detention, workhouses, or any other detention facility, as defined in R.C. § 2921.01;

(i) The enforcement or nonperformance of any law;

(j) The regulation of traffic, and the erection or non-erection of traffic signs, signals, or control devices;

(k) The collection and disposal of solid wastes, as defined in R.C. § 3734.01 including but not limited to the operation of solid waste disposal facilities as "facilities" is defined in that section, and the collection and management of hazardous waste generated by households. As used in this subsection, ***HAZARDOUS WASTE GENERATED BY HOUSEHOLDS*** means solid waste originally generated by individual households that is listed specifically as hazardous waste in or exhibits one or more characteristics of hazardous waste as defined by rules adopted under R.C. § 3734.12, but that is excluded from regulation as a hazardous waste by those rules;

(l) The provision or nonprovision, planning or design, construction, or reconstruction of a public improvement, including but not limited to a sewer system;

(m) The operation of a job and family services department or agency, including but not limited to the provision of assistance to aged and infirm persons and to persons who are indigent;

(n) The operation of a health board, department, or agency, including but not limited to any statutorily required or permissive program for the provision of immunizations or other inoculations to all or some members of the public; provided that a governmental function does not include the supply, manufacture, distribution, or development of any drug or vaccine employed in any such immunization or inoculation program by any supplier, manufacturer, distributor, or developer of the drug or vaccine;

(o) The operation of mental health facilities, developmental disabilities facilities, alcohol treatment and control centers, and children's homes or agencies;

(p) The provision or nonprovision of inspection services of all types, including but not limited to inspections in connection with building, zoning, sanitation, fire, plumbing, and electrical codes, and the taking of actions in connection with those types of codes, including but not limited to the approval of plans for the construction of buildings or structures and the issuance or revocation of building permits or stop work orders in connection with buildings or structures;

(q) Urban renewal projects and the elimination of slum conditions, including the performance of any activity that a County Land Reutilization Corporation is authorized to perform under R.C. Chapter 1724 or R.C. Chapter 5722;

(r) Flood control measures;

(s) The design, construction, reconstruction, renovation, operation, care, repair, and maintenance of a township cemetery;

(t) The issuance of revenue obligations under R.C. § 140.06;

(u) The design, construction, reconstruction, renovation, repair, maintenance, and operation of any school athletic facility, school auditorium, or gymnasium or any recreation area or facility, including but not limited to any of the following:

1. A park, playground, or playfield;

2. An indoor recreational facility;

3. A zoo or zoological park;

4. A bath, swimming pool, pond, water park, wading pool, wave pool, water slide or other type of aquatic facility;

5. A golf course;

6. A bicycle motocross facility or other type of recreational area or facility in which bicycling, skating, skate boarding, or scooter riding is engaged;

7. A rope course or climbing walls; and

8. An all-purpose vehicle facility in which all-purpose vehicles, as defined in R.C. § 4519.01, are contained, maintained, or operated for recreational activities;

(v) The provision of public defender services by a county or joint county public defender's office pursuant to R.C. Chapter 120;

(w) 1. At any time before regulations prescribed pursuant to 49 U.S.C. § 20153 become effective, the designation, establishment, design, construction, implementation, operation, repair, or maintenance of a public road rail crossing in a zone within a municipal corporation in which, by ordinance, the Legislative Authority of the municipal corporation regulates the sounding of locomotive horns, whistles, or bells;

2. On and after the effective date of regulations prescribed pursuant to 49 U.S.C. § 20153, the designation, establishment, design, construction, implementation, operation, repair, or maintenance of a public road rail crossing in such a zone or of a supplementary safety measure, as defined in 49 U.S.C. § 20153, at or for a public road rail crossing, if and to the extent that the public road rail crossing is excepted, pursuant to subsection (c) of that section, from the requirement of the regulations prescribed under subsection (b) of that section; and

(x) A function that the General Assembly mandates a political subdivision to perform.

LAW. Any provision of the Constitution, statutes, or rules of the United States or of this state, provisions of charters, ordinances, resolutions, and rules of political subdivisions, and written policies adopted by boards of education. When used in connection with the "common law", this definition does not apply.

MOTOR VEHICLE. Has the same meaning as in R.C. § 4511.01.

POLITICAL SUBDIVISION or ***SUBDIVISION.*** A municipal corporation, township, county, school district, or other body corporate and politic responsible for governmental activities in a geographic area smaller than that of the state. The term includes but is not limited to a county hospital commission appointed under R.C. § 339.14, board of hospital commissioners appointed for a municipal hospital under R.C. § 749.04, board of hospital trustees appointed for a municipal hospital under R.C. § 749.22, regional planning commission created pursuant to R.C. § 713.21, county planning commission created pursuant to R.C. § 713.22, joint planning council created pursuant to R.C. § 713.231, interstate regional planning commission created pursuant to R.C. § 713.30, port authority created pursuant to R.C. § 4582.02 or 4582.26 or in existence on December 16, 1964, regional council established by political subdivisions pursuant to R.C. Chapter 167, emergency planning district and joint emergency planning district designated under R.C. § 3750.03, joint emergency medical services district created pursuant to R.C. § 307.052, a fire and ambulance district created pursuant to R.C. § 505.375, joint interstate emergency planning district established by an agreement entered into under that section, and a county solid waste management district and joint solid waste management district established under R.C. § 343.01 or 343.012, a community school established under R.C. Chapter 3314, county land reutilization corporation organized under R.C. Chapter 1724, the county or counties served by a community-based correctional facility and program or district community-based correction facility and program established and operated under R.C. §§ 2301.51 through 2301.58, a community-based correctional facility and program or district community-based correctional facility and program that is so established and operated, and the facility governing board of a community-based correctional facility and program or district community-based correctional facility and program that is so established and operated.

PROPRIETARY FUNCTION.

(1) A function of a political subdivision that is specified in division (2) of this definition or that satisfies both of the following:

(a) The function is not one described in divisions (1)(a) or (1)(b) of the definition of "governmental function" contained in this section, and is not one specified in division (2) of the definition of "governmental function" contained in this section;

(b) The function is one that promotes or preserves the public peace, health, safety, or welfare and that involves activities that are customarily engaged in by nongovernmental persons.

(2) The term includes but is not limited to the following:

(a) The operation of a hospital by one or more political subdivisions;

(b) The design, construction, reconstruction, renovation, repair, maintenance, and operation of a public cemetery other than a township cemetery;

(c) The establishment, maintenance, and operation of a utility, including but not limited to a light, gas, power, or heat plant, a railroad, a busline or other transit company, an airport, and a municipal water supply system;

(d) The maintenance, destruction, operation, and upkeep of a sewer system; and

(e) The operation and control of a public stadium, auditorium, civic or social center, exhibition hall, arts and crafts center, band or orchestra, or off-street parking facility.

PUBLIC ROADS. Means public roads, highways, streets, avenues, alleys, and bridges within a political subdivision. The term does not include berms, shoulders, rights-of-way, or traffic control devices unless the traffic control devices are mandated by the *Ohio Manual of Uniform Traffic Control Devices*.

STATE. The State of Ohio, including but not limited to the General Assembly, the Supreme Court, the offices of all elected state officers, and all departments, boards, offices, commissions, agencies, colleges, and universities, institutions, and other instrumentalities of the State of Ohio. The term does not include political subdivisions.
(R.C. § 2744.01) (Rev. 2017)

§ 36.02 NONLIABILITY OF MUNICIPALITY; EXCEPTIONS.

(A) *Classifications of functions; nonliability; jurisdiction of the courts.*

(1) For the purposes of this chapter, the functions of political subdivisions are classified as governmental functions and proprietary functions. Except as provided in division (B) of this section, a political subdivision is not liable in damages in a civil action for injury, death, or loss to person or property allegedly caused by any act or omission of the political subdivision or an employee of the political subdivision in connection with a governmental or proprietary function.

(2) The defenses and immunities conferred under this chapter and R.C. Chapter 2744 apply in connection with all governmental and proprietary functions performed by the political subdivision and its employees, whether performed on behalf of the political subdivision or on behalf of another political subdivision.

(3) Subject to statutory limitations upon their monetary jurisdiction, the Courts of Common Pleas, the

Municipal Courts, and the County Courts have jurisdiction to hear and determine civil actions governed by or brought pursuant to this chapter.

(B) *Exceptions.* Subject to § 36.03 and R.C. §§ 2744.03 and 2744.05, a political subdivision is liable in damages in a civil action for injury, death, or loss to person or property allegedly caused by an act or omission of the political subdivision or of any of its employees in connection with a governmental or proprietary function, as follows:

(1) Except as otherwise provided in this division, political subdivisions are liable for injury, death, or loss to person or property caused by the negligent operation of any motor vehicle by their employees when the employees are engaged within the scope of their employment and authority. The following are full defenses to that liability:

(a) A member of a municipal police department or any other police agency was operating a motor vehicle while responding to an emergency call and the operation of the vehicle did not constitute willful or wanton misconduct;

(b) A member of a municipal fire department or any other firefighting agency was operating a motor vehicle while engaged in duty at a fire, proceeding toward a place where a fire is in progress or is believed to be in progress, or answering any other emergency alarm and the operation of the vehicle did not constitute willful or wanton misconduct;

(c) A member of an emergency medical service owned or operated by a political subdivision was operating a motor vehicle while responding to or completing a call for emergency medical care or treatment, the member was holding a valid commercial driver's license issued pursuant to R.C. Chapter 4506 or a driver's license issued pursuant to R.C. Chapter 4507, the operation of the vehicle did not constitute willful or wanton misconduct, and the operation complies with the precautions of R.C. § 4511.03.

(2) Except as otherwise provided in R.C. §§ 3314.07 and 3746.24, political subdivisions are liable for injury, death, or loss to person or property caused by the negligent performance of acts by their employees with respect to proprietary functions of the political subdivisions.

(3) Except as otherwise provided in R.C. § 3746.24, political subdivisions are liable for injury, death, or loss to person or property caused by their negligent failure to keep public roads in repair and other negligent failure to remove obstructions from public roads, except that it is a full defense to that liability, when a bridge within a municipality is involved, that the municipality does not have the responsibility for maintaining or inspecting the bridge.

(4) Except as otherwise provided in R.C. § 3746.24, political subdivisions are liable for injury, death, or loss to person or property that is caused by the negligence of their employees and that occurs within or on the grounds of, and is due to physical defects within or on the grounds of, buildings that are used in connection with the performance of a governmental function, including but not limited to office buildings and courthouses, but not including jails, places of juvenile detention, workhouses, or any other detention facility, as defined in R.C. § 2921.01.

(5) In addition to the circumstances described in divisions (B)(1) through (B)(4) of this section, a political subdivision is liable for injury, death, or loss to person or property when civil liability is expressly imposed upon the political subdivision by a section of the Ohio Revised Code, including but not limited to R.C. §§ 2743.02 and 5591.37. Civil liability shall not be construed to exist under another section of this code or the Ohio Revised Code merely because that section imposes a responsibility or mandatory duty upon a political subdivision, because that section provides for a criminal penalty, because of a general authorization in that section that a political subdivision may sue and be sued, or because that section uses the term "shall" in a provision pertaining to a political subdivision.

(C) An order that denies a political subdivision or an employee of a political subdivision the benefit of an alleged immunity from liability as provided in this chapter or any other provision of the law is a final order.
(R.C. § 2744.02) (Rev. 2008)

§ 36.03 DEFENSES AND IMMUNITIES.

(A) In a civil action brought against a political subdivision or an employee of a political subdivision to recover damages for injury, death, or loss to person or property allegedly caused by any act or omission in connection with a governmental or proprietary function, the following defenses or immunities may be asserted to establish nonliability:

(1) The political subdivision is immune from liability if the employee involved was engaged in the performance of a judicial, quasi-judicial, prosecutorial, legislative, or quasi-legislative function.

(2) The political subdivision is immune from liability if the conduct of the employee involved, other than negligent conduct, that gave rise to the claim of liability was required by law or authorized by law, or if the conduct of the employee involved that gave rise to the claim of liability was necessary or essential to the exercise of powers of the political subdivision or employee.

(3) The political subdivision is immune from liability if the action or failure to act by the employee involved that gave rise to the claim of liability was within the discretion of the employee with respect to policy making, planning, or enforcement powers by virtue of the duties and responsibilities of the office or position of the employee.

(4) The political subdivision is immune from liability if the action or failure to act by the political subdivision or employee involved that gave rise to the claim of liability, resulted in injury or death to a person who had

been convicted of or pleaded guilty to a criminal offense and who, at the time of the injury or death, was serving any portion of his or her sentence by performing community service work for or in the political subdivision whether pursuant to R.C. § 2951.02 or otherwise, or resulted in injury or death to a child who was found to be a delinquent child and who, at the time of the injury or death, was performing community service or community work for or in a political subdivision in accordance with the order of a juvenile court entered pursuant to R.C. § 2152.19 or 2152.20, and if, at the time of that person's or child's injury or death, the person or child was covered for purposes of R.C. Chapter 4123 in connection with the community service or community work for or in the political subdivision.

(5) The political subdivision is immune from liability if the injury, death, or loss to person or property resulted from the exercise of judgment or discretion in determining whether to acquire, or how to use, equipment, supplies, materials, personnel, facilities, and other resources, unless the judgment or discretion was exercised with malicious purpose, in bad faith, or in a wanton or reckless manner.

(6) In addition to any immunity or defense referred to in division (A)(7) of this section and in circumstances not covered by that division or R.C. §§ 3314.07 and 3746.24, the employee is immune from liability unless one of the following applies:

(a) His or her acts or omissions were manifestly outside the scope of his or her employment or official responsibilities;

(b) His or her acts or omissions were with malicious purpose, in bad faith, or in a wanton or reckless manner;

(c) Civil liability is expressly imposed upon the employee by a section of the Ohio Revised Code. Civil liability shall not be construed to exist under another section of the Ohio Revised Code merely because that section imposes a responsibility or mandatory duty upon an employee, because that section provides for a criminal penalty, because of a general authorization in that section that an employee may sue and be sued, or because the section uses the term "shall" in a provision pertaining to an employee.

(7) The political subdivision, and an employee who is the Chief Legal Officer of a political subdivision, an assistant of any such person, or a judge of a court of this state, is entitled to any defense or immunity available at common law or established by the Ohio Revised Code.

(B) Any immunity or defense conferred upon, or referred to in connection with, an employee by division (A)(6) or (A)(7) of this section does not affect or limit any liability of a political subdivision for an act or omission of the employee as provided in § 36.02 above.
(R.C. § 2744.03) (Rev. 2003)

§ 36.04 LIMITATION OF ACTIONS.

(A) An action against a political subdivision to recover damages for injury, death, or loss to person or property allegedly caused by any act or omission in connection with a governmental or proprietary function, whether brought as an original action, cross-claim, counterclaim, third-party claim, or claim for subrogation, shall be brought within two years after the cause of action accrues, or within any applicable shorter period of time for bringing the action provided by the Ohio Revised Code. The period of limitation contained in this division shall be tolled pursuant to R.C. § 2305.16. This section applies to actions brought against political subdivisions by all persons, governmental entities, and the state.

(B) In the complaint filed in a civil action against a political subdivision or an employee of a political subdivision to recover damages for injury, death, or loss to person or property allegedly caused by an act or omission in connection with a governmental or proprietary function, whether filed in an original action, cross-claim, counterclaim, third-party claim, or claim for subrogation, the complainant shall include a demand for a judgment for the damages that the judge in a nonjury trial or the jury in a jury trial finds that the complainant is entitled to be awarded, but shall not specify in that demand any monetary amount for damages sought.
(R.C. § 2744.04) (Rev. 2003)

§ 36.05 DAMAGES.

(A) Notwithstanding any other provision of the Ohio Revised Code or rules of a court to the contrary, in an action against a political subdivision to recover damages for injury, death or loss to person or property caused by an act or omission in connection with a governmental or proprietary function, punitive or exemplary damages shall not be awarded.

(B) (1) If a claimant receives or is entitled to receive benefits for injuries or loss allegedly incurred from a policy or policies of insurance or any other source, the benefits shall be disclosed to the court, and the amount of the benefits shall be deducted from any award against a political subdivision recovered by the claimant. No insurer or other person is entitled to bring an action under a subrogation provision in an insurance or other contract against a political subdivision with respect to those benefits. The amount of the benefits shall be deducted from an award against a political subdivision under division (B)(1) of this section regardless of whether the claimant may be under an obligation to pay back the benefits upon recovery, in whole or in part, for the claim. A claimant whose benefits have been deducted from an award under division (B)(1) of this section is not considered fully compensated and shall not be required to reimburse a subrogated claim for benefits deducted from an award pursuant to division (B)(1) of this section.

(2) Nothing in division (B)(1) of this section shall be construed to do either of the following:

(a) Limit the rights of a beneficiary under a life insurance policy or the rights of sureties under fidelity or surety bonds;

(b) Prohibit the Department of Medicaid from recovering from the political subdivision, pursuant to R.C. § 5160.37, the cost of medical assistance under a medical assistance program.

(C) (1) There shall not be any limitation on compensatory damages that represent the actual loss of the person who is awarded the damages. However, except in wrongful death actions brought pursuant to R.C. Chapter 2125, damages that arise from the same cause of action, transaction or occurrence, or series of transactions or occurrences and that do not represent the actual loss of the person who is awarded the damages shall not exceed $250,000 in favor of any one person. The limitation on damages that do not represent the actual loss of the person who is awarded the damages provided in this section does not apply to court costs that are awarded to a plaintiff, or to interest on a judgment rendered in favor of a plaintiff, in an action against a political subdivision.

(2) (a) As used in this section, ***THE ACTUAL LOSS OF THE PERSON WHO IS AWARDED THE DAMAGES*** includes all of the following:

1. All wages, salaries, or other compensation lost by the person injured as a result of the injury, including wages, salaries, or other compensation lost as of the date of a judgment and future expected lost earnings of the person injured;

2. All expenditures of the person injured or another person on behalf of the person injured for medical care or treatment, for rehabilitation services, or for other care, treatment, services, products, or accommodations that were necessary because of the injury;

3. All expenditures to be incurred in the future, as determined by the court, by the person injured or another person on behalf of the person injured for medical care or treatment, for rehabilitation services, or for other care, treatment, service, products or accommodations that will be necessary because of the injury;

4. All expenditures of a person whose property was injured or destroyed or of another person on behalf of the person whose property was injured or destroyed in order to repair or replace the property that was injured or destroyed;

5. All expenditures of the person injured or of the person whose property was injured or destroyed or of another person on behalf of the person injured or of the person whose property was injured or destroyed in relation to the actual preparation or presentation of the claim involved;

6. Any other expenditures of the person injured or of the person whose property was injured or destroyed or of another person on behalf of the person injured or of the person whose property was injured or destroyed that the court determines represent an actual loss experienced because of the personal or property injury or property loss.

(b) As used in this section, ***THE ACTUAL LOSS OF THE PERSON WHO IS AWARDED THE DAMAGES*** does not include any fees paid or owed to an attorney for any services rendered in relation to a personal or property injury or property loss, and does not include any damages awarded for pain and suffering, for the loss of society, consortium, companionship, care, assistance, attention, protection, advice, guidance, counsel, instruction, training, or education of the person injured, for mental anguish, or for any other intangible loss.
(R.C. § 2744.05) (Rev. 2014)

§ 36.06 SATISFACTION OF JUDGMENTS.

(A) Real or personal property, and moneys, accounts, deposits, or investments of a political subdivision are not subject to execution, judicial sale, garnishment, or attachment to satisfy a judgment rendered against a political subdivision in a civil action to recover damages for injury, death, or loss to person or property caused by an act or omission of the political subdivision or any of its employees in connection with a governmental or proprietary function. Those judgments shall be paid from funds of the political subdivisions that have been appropriated for that purpose, but, if sufficient funds are not currently appropriated for the payment of judgments, the fiscal officer of a political subdivision shall certify the amount of any unpaid judgments to the taxing authority of the political subdivision for inclusion in the next succeeding budget and annual appropriation measure and payment in the next succeeding fiscal year as provided by R.C. § 5705.08, unless any judgment of that nature is to be paid from the proceeds of bonds issued pursuant to R.C. § 133.14 or pursuant to annual installments authorized by divisions (B) or (C) of this section.

(B) (1) (a) As used in this section, ***THE ACTUAL LOSS OF THE PERSON WHO IS AWARDED THE DAMAGES*** includes all of the following:

1. All wages, salaries, or other compensation lost by the person injured as a result of the injury, as of the date of judgment;

2. All expenditures of the person injured or of another person on behalf of the person injured for medical care or treatment, for rehabilitation services, or for other care, treatment, services, products, or accommodations that were necessary because of the injury;

3. All expenditures of a person whose property was injured or destroyed or of another person on behalf of the person whose property was injured or destroyed in order to repair or replace the property that was injured or destroyed;

4. All expenditures of the person injured or whose property was injured or destroyed or of another person on behalf of the person injured whose property was injured or destroyed in relation to the actual preparation or presentation of the claim involved;

5. Any other expenditure of the person injured or whose property was injured or destroyed or of another person on behalf of the person injured or of the person whose property was injured or destroyed that the court determines represent an actual loss experienced because of the personal or property injury or property loss.

(b) As used in this section, ***THE ACTUAL LOSS OF THE PERSON WHO IS AWARDED THE DAMAGES*** does not include any of the following:

1. Wages, salaries, or other compensation lost by the person injured as a result of the injury that are future expected earnings of that person;

2. Expenditures to be incurred in the future, as determined by the court, by the person injured or by another person on behalf of the person injured for medical care or treatment, for rehabilitation services, or for other care, treatment, services, products, or accommodations that will be necessary because of the injury;

3. Any fees paid or owed to an attorney for any services rendered in relation to a personal or property injury or property loss;

4. Any damages awarded for pain and suffering, for the loss of society, consortium, companionship, care, assistance, attention, protection, advice, guidance, counsel, instruction, training, or education of the person injured, for mental anguish, or for any other intangible loss.

(2) (a) Except as specifically provided to the contrary in this section, a court that renders a judgment against a political subdivision as described in division (A) of this section and that is not in favor of the state may authorize the political subdivision, upon the motion of the political subdivision, to pay the judgment or a specified portion of the judgment in annual installments over a period not to exceed ten years, subject to the payment of interest at the rate specified in R.C. § 1343.03(A). A court shall not authorize the payment in installments under this division of any portion of a judgment or entire judgment that represents the actual loss of the person who is awarded the damages.

(b) Additionally, a court shall not authorize the payment in installments under this division of any portion of a judgment or entire judgment that does not represent the actual loss of the person who is awarded the damages unless the court, after balancing the interests of the political subdivision and of the person in whose favor the judgment was rendered, determines that installment payments would be appropriate under the circumstances and would not be unjust to the person in whose favor the judgment was rendered. If a court makes that determination, it shall fix the amount of the installment payments in a manner that achieves for the person in whose favor the judgment was rendered the same economic result over the period as that person would have received if the judgment or portion of the judgment subject to the installment payments had been paid in a lump sum payment.

(C) At the option of a political subdivision, a judgment as described in division (A) of this section and that is rendered in favor of the state may be paid in equal annual installments over a period not to exceed ten years, without the payment of interest.
(R.C. § 2744.06) (Rev. 2003)

§ 36.07 DEFENDING AND INDEMNIFYING EMPLOYEES.

(A) (1) Except as otherwise provided in division (A)(2) of this section, a political subdivision shall provide for the defense of an employee, in any state or federal court, in any civil action or proceeding which contains an allegation for damages for injury, death, or loss to person or property caused by an act or omission of the employee in connection with a governmental or proprietary function. Amounts expended by a political subdivision in the defense of its employees shall be from funds appropriated for this purpose or from proceeds of insurance.

(2) A political subdivision does not have the duty to provide for the defense of an employee under division (A)(1) of this section if any of the following apply:

(a) The act or omission occurred while the employee was not acting in good faith.

(b) The act or omission occurred while the employee was acting manifestly outside the scope of the employee's employment or official responsibilities.

(c) The civil action or proceeding is commenced by or on behalf of a political subdivision.

(d) The employee is an employee of a regional council of governments established under R.C. Chapter 167 and both of the following apply:

1. The employee is not also an employee of a political subdivision that is a member of the council.

2. The act or omission, if proven, would constitute a violation of R.C. Chapter 102 or R.C. Chapter 2921.

(B) (1) Except as otherwise provided in division (B)(2) of this section, a political subdivision shall indemnify and hold harmless an employee in the amount of any judgment, other than a judgment for punitive or exemplary damages, that is obtained against the employee in a state or federal court or as a result of a law of a foreign jurisdiction

and that is for damages for injury, death, or loss to person or property caused by an act or omission in connection with a governmental or proprietary function.

(2) A political subdivision is not required to indemnify and hold harmless an employee under division (B)(1) of this section if any of the following apply:

(a) At the time of the act or omission, the employee was not acting in good faith.

(b) At the time of the act or omission, the employee was not acting within the scope of the employee's employment or official responsibilities.

(c) The employee is an employee of a regional council of governments established under R.C. Chapter 167 and both of the following apply:

1. The employee is not also an employee of a political subdivision that is a member of the council.

2. The act or omission constitutes a violation of R.C. Chapter 102 or R.C. Chapter 2921.

(C) (1) A political subdivision may enter into a consent judgment or settlement and may secure releases from liability for itself or an employee, with respect to any claim for injury, death, or loss to person or property caused by an act or omission in connection with a governmental or proprietary function.

(2) No action or appeal of any kind shall be brought by any person, including any employee or a taxpayer, with respect to the decision of a political subdivision pursuant to division (C)(1) of this section whether to enter into a consent judgment or settlement or to secure releases, or concerning the amount and circumstances of a consent judgment or settlement. Amounts expended for any settlement shall be from funds appropriated for this purpose.

(D) (1) If a political subdivision refuses to provide an employee with a defense in a civil action or proceeding as described in division (A) of this section, upon the motion of the political subdivision, the court shall conduct a hearing regarding the political subdivision's duty to defend the employee in that civil action. The political subdivision shall file the motion within 30 days of the close of discovery in the action. After the motion is filed, the employee shall have not less than 30 days to respond to the motion.

(2) At the request of the political subdivision or the employee, the court shall order the motion to be heard at an oral hearing. At the hearing on the motion, the court shall consider all evidence and arguments submitted by the parties. The court shall determine whether the political subdivision has the duty to defend the employee under division (A) of this section. The pleadings shall not be determinative of whether the employee acted in good faith or was manifestly outside the scope of employment or official responsibilities.

(3) If the court determines that the political subdivision has the duty to defend the employee under division (A) of this section, the court shall order the political subdivision to defend the employee in the action.
(R.C. § 2744.07) (Rev. 2019)

§ 36.08 LIABILITY INSURANCE.

(A) (1) A political subdivision may use public funds to secure insurance with respect to its and its employees' potential liability in damages in civil actions for injury, death, or loss to persons or property allegedly caused by an act or omission of the political subdivision or any of its employees in connection with a governmental or proprietary function. The insurance may be at the limits, for the circumstances, and subject to the terms and conditions, that are determined by the political subdivision in its discretion. The insurance may be for the period of time that is set forth in specifications for competitive bids or, when competitive bidding is not required, for the period of time that is mutually agreed upon by the political subdivision and insurance company. The period of time does not have to be, but can be, limited to the fiscal cycle under which the political subdivision is funded and operated.

(2) (a) Regardless of whether a political subdivision procures a policy of liability insurance pursuant to division (A)(1) of this section or otherwise, the political subdivision may establish and maintain a self-insurance program relative to its and its employees' potential liability in damages in civil actions for injury, death, or loss to persons or property allegedly caused by an act or omission of the political subdivision or any of its employees in connection with a governmental or proprietary function. The political subdivision may reserve such funds as it deems appropriate in a special fund that may be established pursuant to an ordinance or resolution of the political subdivision and not subject to R.C. § 5705.12. The political subdivision may allocate the costs of insurance of a self-insurance program, or both, among the funds or accounts in the subdivision's treasury on the basis of relative exposure and loss experience. The political subdivision may require any deductibles under an insurance or self-insurance program, or both, to be paid from funds or accounts in the subdivision's treasury from which a loss was directly attributable. If it so chooses, the political subdivision may contract with any person, other political subdivision, or regional council of governments for purposes of the administration of the program.

(b) Political subdivisions that have established self-insurance programs relative to their and their employees' potential liability as described in division (A)(2)(a) of this section may mutually agree that their self-insurance programs will be jointly administered in a specific manner.

(B) The purchase of liability insurance, or the establishment and maintenance of a self-insurance program, by a political subdivision does not constitute a waiver of any immunity or defense of the political subdivision or its employees, except that the political subdivision may

specifically waive any immunity or defense to which it or its employees may be entitled if a provision to that effect is specifically included in the policy of insurance or in a written plan of operation of the self-insurance program, or if any, the legislative enactment of the political subdivision authorizing the purchase of the insurance or the establishment and maintenance of the self-insurance program. Such a specific waiver shall be only to the extent of the insurance or self-insurance program coverage.

(C) The authorizations for political subdivisions to secure insurance and to establish and maintain self-insurance programs in this section are in addition to any other authority to secure insurance or to establish and maintain self-insurance programs that is granted pursuant to the Ohio Revised Code or the Ohio Constitution, and they are not in derogation of any other authorization.
(R.C. § 2744.08) (Rev. 2006)

(D) If a political subdivision, pursuant to division (A)(2)(a) of this section or a joint self-insurance pool pursuant to R.C. § 2744.081, has allocated costs to, or required the payment of deductibles from, funds or accounts in the subdivision's treasury, the subdivisions's fiscal officer, pursuant to ordinance or resolution of the Legislative Authority, shall transfer amounts equal to those costs or deductibles from the funds or accounts of the subdivision's General Fund if both of the following occur:

(1) The subdivision requests payment from the employee responsible for the funds or accounts for those costs or deductibles;

(2) The employee receiving the request fails to remit payment within 45 days after the date of receipt of the request.

(E) The provisions of R.C. §§ 5705.14, 5705.15, and 5705.16 do not apply to transfers made pursuant to division (D) of this section.
(R.C. § 2744.082) (Rev. 2014)
Statutory reference:
Joint municipal self-insurance pools, see R.C. § 2744.081

§ 36.09 CERTAIN ACTIONS UNAFFECTED.

This chapter does not apply to, and shall not be construed to apply to, the following:

(A) Civil actions that seek to recover damages from a political subdivision or any of its employees for contractual liability;

(B) Civil actions by an employee, or the collective bargaining representative of an employee, against his or her political subdivision relative to any matter that arises out of the employment relationship between the employee and the political subdivision;

(C) Civil actions by an employee of a political subdivision against the political subdivision relative to wages, hours, conditions, or other terms of his or her employment;

(D) Civil actions by sureties, and the rights of sureties, under fidelity or surety bonds;

(E) Civil claims based upon alleged violations of the Constitution or statutes of the United States, except that the provisions of § 36.07 shall apply to such claims or related civil actions.
(R.C. § 2744.09)

§ 36.10 CERTAIN CHARGES AGAINST MUNICIPAL OFFICERS FILED WITH PROBATE JUDGE; PROCEEDINGS.

(A) *Generally.*

(1) When a complaint under oath is filed with the probate judge of the county in which the municipality or the larger part thereof is situated, by any elector of the municipality, signed and approved by four other electors thereof, the judge shall forthwith issue a citation to any person charged in the complaint for his or her appearance before the judge within ten days from the filing thereof, and shall also furnish the accused and the Solicitor or Director of Law with a copy thereof. The complaint shall charge any of the following:

(a) That a member of the Legislative Authority has received, directly or indirectly, compensation for his or her services as a member thereof, as a committee person, or otherwise, contrary to law;

(b) That a member of the Legislative Authority or an officer of the municipality is or has been interested, directly or indirectly, in the profits of a contract, job, work or service, or is or has been acting as a commissioner, architect, superintendent or engineer in work undertaken or prosecuted by the municipality, contrary to law; or

(c) That a member of the Legislative Authority or an officer of the municipality has been guilty of misfeasance or malfeasance in office.

(2) Before acting upon the complaint, the judge shall require the party complaining to furnish sufficient security for costs.
(R.C. § 733.72)

(B) *Appearance of counsel; jury.* On the day fixed by the probate judge for the return of the citation issued pursuant to division (A) of this section, the Solicitor or Director of Law shall appear on behalf of the complainant to conduct the prosecution, and the accused may also appear by counsel. A time shall be set for hearing the case, which shall be not more than ten days after the return. If a jury is demanded by either party, the probate judge shall direct the summoning of 12

jurors in the manner provided by R.C. Chapter 2313. If the municipality does not have a Solicitor or Director of Law, or if the Solicitor or Director of Law is accused of any misfeasance or malfeasance in his or her office, the Prosecuting Attorney shall appear on behalf of the complainant to conduct the prosecution.
(R.C. § 733.73) (Rev. 2013)

(C) *Challenge of jurors.* On the day fixed for trial under division (B) of this section, if a jury is impaneled, either party, in addition to the peremptory challenges allowed by law in other cases, may object for good cause to any juror summoned, and vacancies occurring for any cause may be filled by the probate judge from the bystanders until the panel is full, unless the party charged, or the party's counsel, demands that additional jurors be summoned to fill such vacancy.
(R.C. § 733.74) (Rev. 2013)

(D) *Proceedings on the trial.* On the day designated under division (B) of this section for the trial, the trial shall take place, unless continued on affidavit for good cause to another time not exceeding ten days. On the trial, the Solicitor or Director of Law shall appear for the prosecution, examine witnesses designated by the complainant, and such others as he or she discovers, and either party may have process from the probate judge to compel the attendance of witnesses.
(R.C. § 733.75)

(E) *Removal of officer if found guilty.* If, on the trial, the charges in the complaint mentioned in division (A) of this section are sustained by the verdict of the jury, or by the decision of the probate judge when there is no jury, the judge shall enter the charges and findings thereon upon the record of the court, make an order removing the officer from office, and forthwith transmit a certified copy thereof to the Presiding Officer of the Legislative Authority, whereupon the vacancy shall be filled as provided by law.
(R.C. § 733.76)

(F) *Payment of costs.* The cost and expenses of the trial shall be charged against the party filing the complaint under division (A) of this section, the accused, or the municipality, or apportioned among them, as the probate judge directs, and shall be collected as in other cases. No costs or expenses shall be charged to the accused if he or she is acquitted upon trial. If an appeal on questions of law is instituted by the officer complained of, to reverse or vacate the order of the probate court, the officer shall not exercise the functions of his or her office until the order is finally reversed or vacated.
(R.C. § 733.77) (Rev. 2002)

TITLE V: PUBLIC WORKS

Editor's note: *Title V has been reserved for local ordinances dealing with regulations concerning public works such as gas, electrical and other utility services, solid waste disposal, water and sewer regulations, and the like.*

TITLE VII: TRAFFIC CODE

Chapter

70. GENERAL PROVISIONS

71. LICENSING PROVISIONS

72. TRAFFIC RULES

73. MOTOR VEHICLE CRIMES

74. EQUIPMENT AND LOADS

75. BICYCLES, MOTORCYCLES, AND OFF-ROAD VEHICLES

76. PARKING REGULATIONS

OHIO LEGISLATIVE HISTORY REFERENCES – TITLE VII

Ohio Revised Code Section	*2021 Basic Code Section*
2921.331(A) - (C), (E), (F)	70.02
2935.28	70.08
3767.201	70.09(A)
3767.99(D)	70.09(B)
4501.01(LL)	70.01
4501.01(TT)	72.061(G)
4503.05	71.02
4503.11(A), (D)	71.01(B), (G)(2)
4503.111	71.01(C), (G)(3)
4503.12(A), (D)	71.01(D), (G)(4)
4503.21	71.01(A), (G)(1)
4503.236	71.03
4505.18	71.04
4506.01	71.45
4506.011	71.46
4506.03	71.48(A) - (C), (G)
4506.04	71.47(A), (B), (D)(1), (D)(2)
4506.05	71.48(D) - (G)
4506.10(A), (E)	71.49
4506.12(I), (J)	71.47(C), (D)(3)
4506.15	71.50(A), (D)
4506.17(H), (N)	71.50(B), (D)
4506.19	71.51
4506.20	71.52
4506.23	71.50(C)
4506.99	71.99
4507.02(A)	71.22(A)
4507.03	71.22(B)
4507.04	71.22(C)
4507.05(F), (I)	71.21(B), (K)
4507.071(B) - (J)	71.21(C) - (K)
4507.213	71.22(D)
4507.30	71.20
4507.31	71.21(A), (K)
4507.321	71.23
4507.35	71.26
4507.36	71.27
4507.99	71.99
4509.74	73.33
4510.037	71.28(C)
4510.04	71.28(D), 71.30(H), 71.31(E), 71.32(D)
4510.05	71.25(A)
4510.11	71.28(A)
4510.111	71.28(B)
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CHAPTER 70: GENERAL PROVISIONS

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GENERAL PROVISIONS

§ 70.01 DEFINITIONS.

Except as otherwise provided, the definitions set forth in R.C. § 4501.01 shall apply to this Title, Chapter 95, and the penal laws of the municipality. For the purpose of this Title and Chapter 95, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AGRICULTURAL TRACTOR. Every self-propelled vehicle designed or used for drawing other vehicles or wheeled machinery, but having no provision for carrying loads independently of such other vehicles, and used principally for agricultural purposes.

ALLEY. A street or highway intended to provide access to the rear or side of lots or buildings in urban districts, and not intended for the purpose of through vehicular traffic, and any street or highway that has been declared an "alley" by the Legislative Authority of the municipality in which the street or highway is located.

ARTERIAL STREET. Any United States or state numbered route, controlled-access highway, or other major radial or circumferential street or highway designated by local authorities within their respective jurisdictions as part of a major arterial system of streets or highways.

BEACON. A highway traffic signal with one or more signal sections that operate in a flashing mode.

BICYCLE. Every device, other than a device that is designed solely for use as a play vehicle by a child, that is propelled solely by human power upon which a person may ride, and that has two or more wheels, any of which is more than 14 inches in diameter.

BUS. Every motor vehicle designed for carrying more than nine passengers, and used for the transportation of persons other than in a ridesharing arrangement, and every motor vehicle, automobile for hire, or funeral car, other than a taxicab or motor vehicle used in a ridesharing arrangement, designed and used for the transportation of persons for compensation.

BUSINESS DISTRICT. The territory fronting upon a street or highway, including the street or highway, between successive intersections within the municipality, where 50% or more of the frontage between successive intersections is occupied by buildings in use for business, or within or outside

the municipality where 50% or more of the frontage for a distance of 300 feet or more is occupied by buildings in use for business, and the character of the territory is indicated by official traffic-control devices.

CHAUFFEURED LIMOUSINE. A motor vehicle that is designed to carry nine or fewer passengers and is operated for hire pursuant to a prearranged contract for the transportation of passengers on public roads and highways along a route under the control of the person hiring the vehicle and not over a defined and regular route. "Prearranged contract" means an agreement, made in advance of boarding, to provide transportation from a specific location in an chauffeured limousine. The term does not include any vehicle that is used exclusively in the business of funeral directing. (R.C. § 4501.01(LL)) (Rev. 2014)

CHILD DAY-CARE CENTER. Has the same meaning as set forth in R.C. § 5104.01.

COMMERCIAL TRACTOR. Every motor vehicle having motive power designed or used for drawing other vehicles, and not so constructed as to carry any load thereon, or designed or used for drawing other vehicles while carrying a portion of the other vehicles, or the load thereon, or both.

CONTROLLED-ACCESS HIGHWAY. Every street or highway in respect to which owners or occupants of abutting lands and other persons have no legal right or access to or from the same except at certain points only and in a manner as may be determined by the public authority having jurisdiction over the street or highway.

CROSSWALK.

(1) That part of a roadway at intersections ordinarily included within the real or projected prolongation of property lines and curb lines or, in the absence of curbs, the edges of the traversable roadway;

(2) Any portion of a roadway at an intersection or elsewhere, distinctly indicated for pedestrian crossing by lines or other markings on the surface;

(3) Notwithstanding the foregoing provisions of this definition, there shall not be a crosswalk where the Legislative Authority has placed signs indicating no crossing.

DRIVER. Any person who drives or is in actual physical control of a vehicle.

ELECTRIC BICYCLE. Means a "class 1 electric bicycle", a "class 2 electric bicycle", or a "class 3 electric bicycle" as defined below.

(1) ***CLASS 1 ELECTRIC BICYCLE.*** Means a bicycle that is equipped with fully operable pedals and an electric motor of less than 750 watts that provides assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour.

(2) ***CLASS 2 ELECTRIC BICYCLE.*** Means a bicycle that is equipped with fully operable pedals and an electric motor of less than 750 watts that may provide assistance regardless of whether the rider is pedaling and is not capable of providing assistance when the bicycle reaches the speed of 20 miles per hour.

(3) ***CLASS 3 ELECTRIC BICYCLE.*** Means a bicycle that is equipped with fully operable pedals and an electric motor of less than 750 watts that provides assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches the speed of 28 miles per hour.

EMERGENCY VEHICLE. Emergency vehicles of municipal, township or county departments or public utility corporations, when identified as such as required by law, the Director of Public Safety, or local authorities, and motor vehicles when commandeered by a police officer.

EXPLOSIVES. Any chemical compound or mechanical mixture that is intended for the purpose of producing an explosion that contains any oxidizing and combustible units or other ingredients in such proportions, quantities, or packing that an ignition by fire, by friction, by concussion, by percussion, or by a detonator of any part of the compound or mixture may cause a sudden generation of highly heated gases, such that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects, or of destroying life or limb. Manufactured articles shall not be held to be explosives when the individual units contain explosives in limited quantities of such nature or in such packing that it is impossible to procure a simultaneous or a destructive explosion of the units, to the injury of life, limb, or property by fire, friction, concussion, percussion, or by a detonator, such as fixed ammunition for small arms, firecrackers, or safety fuse matches.

EXPRESSWAY. A divided arterial highway for through traffic with full or partial control of access with an excess of 50% of all crossroads separated in grade.

FLAMMABLE LIQUID. Any liquid which has a flash point of 70°F or less, as determined by a tagliabue or equivalent closed cup test device.

FREEWAY. A divided multi-lane highway for through traffic with crossroads separated in grade and with full control of access.

FUNERAL ESCORT VEHICLE. Any motor vehicle, including a funeral hearse, while used to facilitate the movement of a funeral procession.

GROSS WEIGHT. The weight of a vehicle plus the weight of any load thereon.

HIGHWAY. The entire width between the boundary lines of every way open to the use of the public as a thoroughfare for purposes of vehicular travel.

HIGHWAY MAINTENANCE VEHICLE. A vehicle used in snow and ice removal or road surface maintenance, including a snow plow, traffic line striper, road sweeper, mowing machine, asphalt distributing vehicle, or other such vehicle designed for use in specific highway maintenance activities.

HIGHWAY TRAFFIC SIGNAL. A power-operated traffic control device by which traffic is warned or directed to take some specific action. The term does not include a power-operated sign, steadily illuminated pavement marker, warning light, or steady burning electric lamp.

HYBRID BEACON. A type of beacon that is intentionally placed in a dark mode between periods of operation where no indications are displayed and, when in operation, displays both steady and flashing traffic control signal indications.

INTERSECTION.

(1) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, the lateral boundary lines of the roadways of two highways that join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways that join at any other angle might come into conflict. The junction of an alley or driveway with a roadway or highway does not constitute an intersection unless the roadway or highway at the junction is controlled by a traffic control device.

(2) If a highway includes two roadways that are 30 feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway constitutes a separate intersection. If both intersecting highways include two roadways 30 feet or more apart, then every crossing of any two roadways of such highways constitutes a separate intersection.

(3) At a location controlled by a traffic control signal, regardless of the distance between the separate intersections as described in division (2) of this definition:

(a) If a stop line, yield line, or crosswalk has not been designated on the roadway within the median between the separate intersections, the two intersections and the roadway and median constitute one intersection.

(b) Where a stop line, yield line, or crosswalk line is designated on the roadway on the intersection approach, the area within the crosswalk and any area beyond the designated stop line or yield line constitute part of the intersection.

(c) Where a crosswalk is designated on a roadway on the departure from the intersection, the intersection includes the area that extends to the far side of the crosswalk.

LANED HIGHWAY. A highway the roadway of which is divided into two or more clearly marked lanes for vehicular traffic.

LOCAL AUTHORITIES. Every county, municipal, and other local board or body having authority to adopt police regulations under the Constitution and laws of this state.

MEDIAN. The area between two roadways of a divided highway, measured from edge of traveled way to edge of traveled way, but excluding turn lanes. The width of a median may be different between intersections, between interchanges, and at opposite approaches of the same intersection.

MOTOR VEHICLE. Every vehicle propelled or drawn by power other than muscular power or power collected from overhead electric trolley wires, except motorized bicycles, electric bicycles, road rollers, traction engines, power shovels, power cranes and other equipment used in construction work, and not designed for or employed in general highway transportation, hole-digging machinery, well-drilling machinery, ditch-digging machinery, farm machinery, and trailers designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a street or highway for a distance of no more than ten miles and at a speed of 25 miles per hour or less.

MOTORCYCLE. Every motor vehicle, other than a tractor, having a seat or saddle for the use of the operator and designed to travel on not more than three wheels in contact with the ground, including but not limited to motor vehicles known as "motor-driven cycle", "motor scooter", "autocycle", "cab-enclosed motorcycle", or "motorcycle" without regard to weight or brake horsepower.

MOTORIZED BICYCLE or ***MOPED.*** Any vehicle having either two tandem wheels or one wheel in the front and two wheels in the rear, that may be pedaled, and that is equipped with a helper motor of not more than 50 cubic centimeters piston displacement that produces not more than one brake horsepower and is capable of propelling the vehicle at a speed of not greater than 20 miles per hour on a level surface. The terms do not include an electric bicycle.

MOTORIZED WHEELCHAIR. Any self-propelled vehicle designed for, and used by, a person with a disability and that is incapable of a speed in excess of eight miles per hour.

MULTI-WHEEL AGRICULTURAL TRACTOR. A type of agricultural tractor that has two or more wheels or tires on each side of one axle at the rear of the tractor, is designed or used for drawing other vehicles or wheeled machinery, has no provision for carrying loads independently of the drawn vehicles or machinery, and is used principally for agricultural purposes.

OPERATE. To cause or have caused movement of a vehicle.

OPERATOR. Any person who drives or is in actual physical control of a vehicle.

PARKED or ***PARKING.*** The standing of a vehicle upon a street, road, alley, highway or public ground, whether

accompanied or unaccompanied by a driver, but does not include the temporary standing of a vehicle for the purpose of and while actually engaged in loading or loading merchandise or passengers.

PEDESTRIAN. Any natural person afoot. The term includes a personal delivery device as defined in R.C. § 4511.513 unless the context clearly suggests otherwise.

PERSON. Every natural person, firm, partnership, association or corporation.

POLE TRAILER. Every trailer or semitrailer attached to the towing vehicle by means of a reach, pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregular shaped loads such as poles, pipes, or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

POLICE OFFICER. Every officer authorized to direct or regulate traffic, or to make arrests for violations of traffic regulations.

PREDICATE MOTOR VEHICLE OR TRAFFIC OFFENSE. Any of the following:

(1) A violation of R.C. § 4511.03, 4511.051, 4511.12, 4511.132, 4511.16, 4511.20, 4511.201, 4511.21, 4511.211, 4511.213, 4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 4511.29, 4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 4511.36, 4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 4511.43, 4511.431, 4511.432, 4511.44, 4511.441, 4511.451, 4511.452, 4511.46, 4511.47, 4511.48, 4511.481, 4511.49, 4511.50, 4511.511, 4511.53, 4511.54, 4511.55, 4511.56, 4511.57, 4511.58, 4511.59, 4511.60, 4511.61, 4511.64, 4511.66, 4511.661, 4511.68, 4511.70, 4511.701, 4511.71, 4511.711, 4511.712, 4511.713, 4511.72, 4511.73, 4511.763, 4511.771, 4511.78, or 4511.84;

(2) A violation of R.C. § 4511.17(A)(2), 4511.51(A) through (D), or 4511.74(A);

(3) A violation of any provision of R.C. §§ 4511.01 through 4511.76 for which no penalty otherwise is provided in the section that contains the provision violated;

(4) A violation of R.C. § 4511.214;

(5) A violation of a municipal ordinance that is substantially equivalent to any section or provision set forth or described in division (1), (2), (3), or (4) of this definition.

PRIVATE ROAD OPEN TO PUBLIC TRAVEL. A private toll road or road, including any adjacent sidewalks that generally run parallel to the road, within a shopping center, airport, sports arena, or other similar business or recreation facility that is privately owned but where the public is allowed to travel without access restrictions. The term includes a gated toll road but does not include a road within a private gated property where access is restricted at all times, a parking area, a driving aisle within a parking area, or a private grade crossing.

PRIVATE ROAD OR DRIVEWAY. Every way or place in private ownership used for vehicular travel by the owner, and those having express or implied permission from the owner, but not by other persons.

PUBLIC SAFETY VEHICLE. Any of the following:

(1) Ambulances, including private ambulance companies under contract to a municipality, township, or county, and private ambulances and nontransport vehicles bearing license plates issued under R.C. § 4503.49;

(2) Motor vehicles used by public law enforcement officers or other persons sworn to enforce the criminal and traffic laws of the state;

(3) Any motor vehicle when properly identified as required by the Director of Public Safety, when used in response to fire emergency calls or to provide emergency medical service to ill or injured persons, and when operated by a duly qualified person who is a member of a volunteer rescue service or a volunteer fire department, and who is on duty pursuant to the rules or directives of that service. The State Fire Marshal shall be designated by the Director of Public Safety as the certifying agency for all public safety vehicles described herein;

(4) Vehicles used by fire departments, including motor vehicles when used by volunteer firefighters responding to emergency calls in the fire department service when identified as required by the Director of Public Safety;

(5) Any vehicle used to transport or provide emergency medical service to an ill or injured person, when certified as a public safety vehicle, shall be considered such a vehicle when transporting an ill or injured person to a hospital, regardless of whether such vehicle has already passed a hospital;

(6) Vehicles used by the Motor Carrier Enforcement Unit for the enforcement of orders and rules of the Public Utilities Commission as specified in R.C. § 5503.34.

RAILROAD. A carrier of persons or property operating upon rails placed principally on a private right-of-way.

RAILROAD SIGN OR SIGNAL. Any sign, signal, or device erected by authority of a public body or official or by a railroad, and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

RAILROAD TRAIN. A steam engine or an electric or other motor, with or without cars coupled thereto, operated by a railroad.

RESIDENCE DISTRICT. The territory, not comprising a business district, fronting on a street or highway, including the street or highway, where, for a distance of 300 feet or

more, the frontage is improved with residences or residences and buildings in use for business.

RIDESHARING ARRANGEMENT. Includes the transportation of persons in a motor vehicle where the transportation is incidental to another purpose of a volunteer driver, and includes arrangements known as carpools, vanpools, and buspools.

RIGHT-OF-WAY. Either of the following, as the context requires:

(1) The right of a vehicle or pedestrian to proceed uninterruptedly in a lawful manner in the direction in which it, he or she is moving, in preference to another vehicle or pedestrian approaching from a different direction into its, his or her path;

(2) A general term denoting land, property, or the interest therein, usually in the configuration of a strip, acquired for or devoted to transportation purposes. When used in this context, "right-of-way" includes the roadway, shoulders or berm, ditch, and slopes extending to the right-of-way limits under the control of the state or local authority.

ROAD SERVICE VEHICLE. Means wreckers, utility repair vehicles, and state, county, and municipal service vehicles equipped with visual signals by means of flashing, rotating, or oscillating lights.

ROADWAY. That portion of a highway improved, designed, or ordinarily used for vehicular travel, except the berm or shoulder. If a highway includes two or more separate roadways, the term means any roadway separately, but not all the roadways collectively.

RURAL MAIL DELIVERY VEHICLE. Every vehicle used to deliver United States mail on a rural mail delivery route.

SAFETY ZONE. The area or space officially set apart within a roadway for the exclusive use of pedestrians, and protected or marked or indicated by adequate signs so as to be plainly visible at all times.

SCHOOL BUS. Every bus designed for carrying more than nine passengers which is owned by a public, private, or governmental agency or institution of learning, and operated for the transportation of children to or from a school session or a school function, or owned by a private person and operated for compensation for the transportation of children to or from a school session or a school function; provided the term does not include a bus operated by a municipally owned transportation system, a mass transit company operating exclusively within the territorial limits of a municipality, or within such limits and the territorial limits of municipalities immediately contiguous to the municipality, nor a common passenger carrier certified by the Public Utilities Commission unless the bus is devoted exclusively to the transportation of children to and from a school session or a school function, and the term does not include a van or bus used by a licensed child day-care center or Type A Family Day-Care Home to transport children from the child day-care center or Type A Family Day-Care Home to a school if the van or bus does not have more than 15 children in the van or bus at any time.

SEMITRAILER. Every vehicle designed or used for carrying persons or property with another and separate motor vehicle so that in operation a part of its own weight or that of its load, or both, rests upon and is carried by another vehicle.

SHARED-USE PATH. A bikeway outside the traveled way and physically separated from motorized vehicular traffic by an open space or barrier and either within the highway right-of-way or within an independent alignment. A shared-use path also may be used by pedestrians, including skaters, joggers, users of manual and motorized wheelchairs, and other authorized motorized and non-motorized users. A shared-use path does not include any trail that is intended to be used primarily for mountain biking, hiking, equestrian use, or other similar uses, or any other single track or natural surface trail that has historically been reserved for non-motorized use.

SIDEWALK. That portion of a street between the curb lines, or the lateral line of a roadway, and the adjacent property lines, intended for the use of pedestrians.

STANDING. When prohibited, means any halting of a vehicle, even momentarily, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device.

STATE HIGHWAY. A highway under the jurisdiction of the Department of Transportation, outside the limits of municipalities, provided that the authority conferred upon the Director of Transportation in R.C. § 5511.01 to erect state highway route markers and signs directing traffic shall not be modified by R.C. §§ 4511.01 through 4511.79 and 4511.99.

STATE ROUTE. Every highway which is designated with an official state route number and so marked.

STOP. When required, means a complete cessation of movement.

STOP INTERSECTION. Any intersection at one or more entrances of which stop signs are erected.

STOPPING. When prohibited, means any halting of a vehicle, even momentarily, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device.

STREET. The entire width between the boundary lines of every way open to the use of the public as a thoroughfare for purposes of vehicular travel.

THROUGH HIGHWAY. Every street or highway as provided in R.C. § 4511.65, or a substantially equivalent municipal ordinance.

THRUWAY. A through highway whose entire roadway is reserved for through traffic and on which roadway parking is prohibited.

TRAFFIC. Pedestrians, ridden or herded animals, vehicles, streetcars, and other devices, either singly or together, while using for purposes of travel any highway or private road open to public travel.

TRAFFIC CONTROL DEVICE. A flagger, sign, signal, marking, or other device used to regulate, warn, or guide traffic, placed on, over, or adjacent to a street, highway, private road open to public travel, pedestrian facility, or shared-use path by authority of a public agency or official having jurisdiction, or, in the case of a private road open to public travel, by authority of the private owner or private official having jurisdiction.

TRAFFIC CONTROL SIGNAL. Any highway traffic signal by which traffic is alternately directed to stop and permitted to proceed.

TRAILER. Every vehicle designed or used for carrying persons or property wholly on its own structure, and for being drawn by a motor vehicle, including any vehicle when formed by or operated as a combination of a semitrailer and a vehicle of the dolly type, such as that commonly known as a trailer dolly, a vehicle used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm when drawn or towed on a street or highway at a speed greater than 25 miles per hour and a vehicle designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a street or highway for a distance of more than ten miles or at a speed of more than 25 miles per hour.

TRUCK. Every motor vehicle, except trailers and semitrailers, designed and used to carry property.

TYPE A FAMILY DAY-CARE HOME. Has the same meaning as set forth in R.C. § 5104.01.

URBAN DISTRICT. The territory contiguous to and including any street or highway which is built up with structures devoted to business, industry, or dwelling houses situated at intervals of less than 100 feet for a distance of one-quarter of a mile or more, and the character of the territory is indicated by official traffic-control devices.

VEHICLE. Every device, including a motorized bicycle and an electric bicycle, in, upon, or by which any person or property may be transported or drawn upon a highway, except that the term does not include any motorized wheelchair, any electric personal assistive mobility device, any personal delivery device as defined in R.C. § 4511.513, any device that is moved by power collected from overhead electric trolley wires or that is used exclusively upon stationary rails or tracks, or any device, other than a bicycle, that is moved by human power.

WASTE COLLECTION VEHICLE. A vehicle used in the collection of garbage, refuse, trash, or recyclable materials.
(R.C. § 4511.01) (Rev. 2020)

§ 70.02 COMPLIANCE WITH ORDER OF POLICE OFFICER.

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

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

(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 division (A) of this section is a misdemeanor of the first degree.

(3) Except as provided in divisions (C)(4) and (C)(5) of this section, a violation of division (B) of this section is a misdemeanor of the first degree.

(4) Except as provided in division (C)(5) of this section, a violation of division (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 division (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 division (B) of this section and division (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 division (B) of this section, shall consider, along with the factors set forth in 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 division (A) of this section or a misdemeanor violation of division (B) of this section, the court shall impose a class five suspension from the range specified in R.C. § 4510.02(A)(5). If the offender previously has been found guilty of an offense under this section or under 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 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.

(E) As used in this section:

MOVING VIOLATION. Has the same meaning as in R.C. § 2743.70.

POLICE OFFICER. Has the same meaning as in R.C. § 4511.01.
(R.C. § 2921.331(A) - (C), (E), (F)) (Rev. 2013)
Cross-reference:
Resisting arrest, see § 136.08

§ 70.03 EMERGENCY VEHICLES TO PROCEED CAUTIOUSLY PAST RED OR STOP SIGNAL.

(A) The driver of any emergency vehicle or public safety vehicle, when responding to an emergency call, upon approaching a red or stop signal or any stop sign, shall slow down as necessary for safety to traffic, but may proceed cautiously past the red or stop sign or signal with due regard for the safety of all persons using the street or highway.

(B) Except as otherwise provided in this division, 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.

(C) 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 § 70.99(B).
(R.C. § 4511.03) (Rev. 2019)

§ 70.04 EXCEPTIONS GENERALLY; EMERGENCY, PUBLIC SAFETY AND CORONER VEHICLES EXEMPT.

(A) The provisions of this traffic code, except for §§ 73.01 and 73.02, do not apply to persons, teams, motor vehicles, and other equipment while actually engaged in work upon the surface of a highway within an area designated by traffic-control devices, but apply to those persons and vehicles when traveling to or from such work.

(B) The driver of a highway maintenance vehicle owned by this state or any political subdivision of this state, while the driver is engaged in the performance of official duties upon a street or highway, provided the highway maintenance vehicle is equipped with flashing lights and such other markings as are required by law and such lights are in operation when the driver and vehicle are so engaged, shall be exempt from criminal prosecution for violations of R.C. §§ 4511.22, 4511.25, 4511.26, 4511.27, 4511.28, 4511.30, 4511.31, 4511.33, 4511.35, 4511.66, and 4513.02, and R.C. §§ 5577.01 through 5577.09, and any substantially equivalent municipal ordinance.

(C) (1) This section does not exempt a driver of a highway maintenance vehicle from civil liability arising from a violation of R.C. § 4511.22, 4511.25, 4511.26, 4511.27, 4511.28, 4511.30, 4511.31, 4511.33, 4511.35, 4511.66, or 4513.02 or R.C. §§ 5577.01 through 5577.09, or any substantially equivalent municipal ordinance.

(2) This section does not exempt a driver of a vehicle who is not a state employee and who is engaged in the transport of highway maintenance equipment from criminal liability for a violation of R.C. §§ 5577.01 through 5577.09, or any substantially equivalent municipal ordinance.

(D) As used in this section, ***ENGAGED IN THE PERFORMANCE OF OFFICIAL DUTIES*** includes driving a highway maintenance vehicle to and from the manufacturer or vehicle maintenance provider and transporting a highway maintenance vehicle, equipment, or materials to and from a work location.
(R.C. § 4511.04) (Rev. 2018)

(E) The provisions of R.C. §§ 4511.12, 4511.13, 4511.131, 4511.132, 4511.14, 4511.202, 4511.21, 4511.211, 4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 4511.29, 4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 4511.36, 4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 4511.43, 4511.431, 4511.432, 4511.44, 4511.441, 4511.57, 4511.58, 4511.59, 4511.60, 4511.61, 4511.62, 4511.66, 4511.68, 4511.681, and 4511.69, and any substantially equivalent municipal ordinances, do not apply to the driver of an emergency vehicle or public safety vehicle if the emergency vehicle or public safety vehicle is responding to an emergency call, is equipped with and displaying at least one flashing, rotating, or oscillating light visible under normal atmospheric conditions from a distance of 500 feet to the front of the vehicle and if the driver of the vehicles is giving an audible signal by siren, exhaust whistle, or bell. This section does not relieve the driver of an emergency vehicle or public safety vehicle from the duty to drive with due regard for the safety of all persons and property upon the highway.
(R.C. § 4511.041) (Rev. 2013)

(F) The provisions of R.C. §§ 4511.25, 4511.26, 4511.27, 4511.28, 4511.29, 4511.30, 4511.31, 4511.32, 4511.33, 4511.35, 4511.36, 4511.37, 4511.38, and 4511.66, or any substantially equivalent municipal ordinances, do not apply to a coroner, deputy coroner or coroner's investigator operating a motor vehicle in accordance with R.C. § 4513.171 or a substantially equivalent municipal ordinance. This division does not relieve a coroner, deputy coroner or coroner's investigator operating a motor vehicle from the duty to drive with due regard for the safety of all persons and property upon the highway.
(R.C. § 4511.042) (Rev. 1999)

§ 70.05 PERSONS RIDING OR DRIVING ANIMALS UPON ROADWAYS.

Every person riding, driving, or leading an animal upon a roadway is subject to the provisions of this traffic code, applicable to the driver of a vehicle, except those provisions of this traffic code which by their nature are inapplicable.
(R.C. § 4511.05)

§ 70.06 PROHIBITIONS AGAINST PEDESTRIANS AND SLOW-MOVING VEHICLES ON FREEWAYS.

(A) No person, unless otherwise directed by a police officer, shall:

(1) As a pedestrian, occupy any space within the limits of the right-of-way of a freeway, except: in a rest area; on a facility that is separated from the roadway and shoulders of the freeway and is designed and appropriately marked for pedestrian use; in the performance of public works or official duties; as a result of an emergency caused by an accident or breakdown of a motor vehicle; or to obtain assistance;

(2) Occupy any space within the limits of the right-of-way of a freeway, with: an animal-drawn vehicle; a ridden or led animal; herded animals; a pushcart; a bicycle, except on a facility that is separated from the roadway and shoulders of the freeway and is designed and appropriately marked for bicycle use; an electric bicycle; a bicycle with motor attached; a motor-driven cycle with a motor which produces not to exceed five brake horsepower; an agricultural tractor; farm machinery; except in the performance of public works or official duties.

(B) Except as otherwise provided in this division, 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.

(C) 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 § 70.99(B).
(R.C. § 4511.051) (Rev. 2020)
Statutory reference:
Designation of a freeway, see R.C. § 4511.011

§ 70.07 USE OF PRIVATE PROPERTY FOR VEHICULAR TRAVEL.

The provisions of this traffic code do not prevent the owner of real property, used by the public for purposes of vehicular travel by permission of the owner and not as a matter of right, from prohibiting such use or from requiring additional conditions to those specified in this traffic code, or otherwise regulating such use as may seem best to the owner.
(R.C. § 4511.08)

§ 70.08 NAMES OF PERSONS DAMAGING REAL PROPERTY BY OPERATION OF VEHICLE TO BE PROVIDED TO OWNER.

(A) As used in this section, ***MOTOR VEHICLE*** has the same meaning as in R.C. § 4501.01.

(B) If damage is caused to real property by the operation of a motor vehicle in, or during the, violation of any section of the Ohio Revised Code or of any municipal ordinance, the law enforcement agency that investigates the case, upon request of the real property owner, shall provide the owner with the names of the persons who are charged with the commission of the offense. If a request for the names is made, the agency shall provide the names as soon as possible after the persons are charged with the offense.

(C) The personnel of law enforcement agencies who act pursuant to division (B) of this section in good faith are not liable in damages in a civil action allegedly arising from their actions taken pursuant to that division. Political

subdivisions and the state are not liable in damages in a civil action allegedly arising from the actions of personnel of their law enforcement agencies if the personnel have immunity under this division.
(R.C. § 2935.28)

§ 70.09 LIMITED ACCESS HIGHWAYS; BARRIERS ALONG; VEHICLES TO ENTER AND LEAVE AT DESIGNATED INTERSECTIONS.

(A) No person, firm or corporation shall cut, injure, remove, or destroy any fence or other barrier designed and erected to prevent traffic from entering or leaving a limited access highway without the permission of the Director of Transportation, except in a case of emergency where life or property is in danger. No person, firm or corporation shall cause a vehicle of any character to enter or leave a limited access highway at any point other than intersections designated by the Director for such purposes, except in a case of emergency where life or property is in danger.
(R.C. § 3767.201)

(B) Whoever violates this section is guilty of a minor misdemeanor.
(R.C. § 3767.99(D))

§ 70.10 THROUGH HIGHWAYS.

(A) All state routes are hereby designated as through highways, provided that stop signs, yield signs, or traffic-control signals shall be erected at all intersections with such through highways by the Department of Transportation as to highways under its jurisdiction and by local authorities as to highways under their jurisdiction, except as otherwise provided in this section. Where two or more state routes that are through highways intersect, and no traffic-control signal is in operation, stop signs or yield signs shall be erected at one or more entrances thereto by the Department or by local authorities having jurisdiction, except as otherwise provided in this section. Whenever the Director of Transportation determines on the basis of an engineering and traffic investigation that stop signs are necessary to stop traffic on a through highway for safe and efficient operation, nothing in this section shall be construed to prevent such installations. When circumstances warrant, the Director also may omit stop signs on roadways intersecting through highways under his or her jurisdiction. Before the Director either installs or removes a stop sign under this division, he or she shall give notice, in writing, of that proposed action to the affected local authority at least 30 days before installing or removing the stop sign.

(B) Other streets or highways, or portions thereof, are hereby designated as through highways if they are within the municipality, if they have a continuous length of more than one mile between the limits of the street or highway or portion thereof, and if they have stop or yield signs or traffic-control signals at the entrances of the majority of intersecting streets or highways. For purposes of this section, the limits of the street or highway, or portion thereof, shall be the municipal corporation line, the physical terminus of the street or highway, or any point on the streets or highway at which vehicular traffic thereon is required by regulatory signs to stop or yield to traffic on the intersecting street, provided, that in residence districts, the municipality may by ordinance designate such street or highway, or portion thereof, not to be a through highway and thereafter the affected residence district shall be indicated by official traffic-control devices. Where two or more through highways designated under this division intersect and no traffic-control signal is in operation, stop signs or yield signs shall be erected at one or more entrances thereto by the Department or by local authorities having jurisdiction, except as otherwise provided in this section.

(C) The Department or local authorities having jurisdiction need not erect stop signs at intersections they find to be so constructed as to permit traffic to safely enter a through highway without coming to a stop. Signs shall be erected at such intersections indicating that the operator of a vehicle shall yield the right-of-way to or merge with all traffic proceeding on the through highway.

(D) Local authorities, with reference to highways under their jurisdiction, may designate additional through highways, and shall erect stop signs, yield signs, or traffic-control signals at all streets and highways intersecting such through highways, or may designate any intersection as a stop or yield intersection, and shall erect like signs at one or more entrances to the intersection.
(R.C. § 4511.65) (Rev. 1999)

§ 70.11 OFFICER MAY REMOVE IGNITION KEY.

A law enforcement officer may remove the ignition key left in the ignition switch of an unlocked and unattended motor vehicle parked on a street or highway. The officer removing the key shall place notification upon the vehicle detailing his or her name and badge number, the place where the key may be reclaimed, and the procedure for reclaiming the key. The key shall be returned to the owner of the motor vehicle upon presentation of proof of ownership.
(R.C. § 4549.05) (Rev. 1999)

§ 70.12 REMOVAL OF VEHICLES AFTER ACCIDENTS.

(A) If a motor vehicle accident occurs on any highway, public street, or other property open to the public for purposes of vehicular travel and if any motor vehicle, cargo, or personal property that has been damaged or spilled as a result of the motor vehicle accident is blocking the highway, street, or other property or is otherwise endangering public safety, a public safety official may do either of the following without the consent of the owner but with the approval of the law enforcement agency conducting any investigation of the accident:

(1) Remove, or order the removal of, the motor vehicle if the motor vehicle is unoccupied, cargo, or personal property from the portion of the highway, public street, or

property ordinarily used for vehicular travel on the highway, public street, or other property open to the public for purposes of vehicular travel.

(2) If the motor vehicle is a commercial motor vehicle, 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 public safety official. If the public safety official determines that the motor vehicle cannot be removed within the specified period of time, the public safety official shall remove or order the removal of the motor vehicle.

(B) (1) Except as provided in division (B)(2) of this section, the Department of Transportation, any employee of the Department of Transportation, or a public safety official who authorizes or participates in the removal of any unoccupied motor vehicle, cargo, or personal property as authorized by division (A) of this section, regardless of whether the removal is executed by a private towing service, is not liable for civil damages for any injury, death, or loss to person or property that results from the removal of that unoccupied motor vehicle, cargo, or personal property. Further, except as provided in division (B)(2) of this section, if a public safety official authorizes, employs, or arranges to have a private towing service remove any unoccupied motor vehicle, cargo, or personal property as authorized by division (A) of this section, that private towing service is not liable for civil damages for any injury, death, or loss to person or property that results from the removal of that unoccupied motor vehicle, cargo, or personal property.

(2) Division (B)(1) of this section does not apply to any of the following:

(a) Any person or entity involved in the removal of an unoccupied motor vehicle, cargo, or personal property pursuant to division (A) of this section if that removal causes or contributes to the release of a hazardous material or to structural damage to the roadway;

(b) A private towing service that was not authorized, employed, or arranged by a public safety official to remove an unoccupied motor vehicle, cargo, or personal property under this section;

(c) Except as provided in division (B)(2)(d) of this section, a private towing service that was authorized, employed, or arranged by a public safety official to perform the removal of the unoccupied motor vehicle, cargo, or personal property but the private towing service performed the removal in a negligent manner;

(d) A private towing service that was authorized, employed, or arranged by a public safety official to perform the removal of the unoccupied motor vehicle, cargo, or personal property that was endangering public safety but the private towing service performed the removal in a reckless manner.

(C) As used in divisions (A) and (B) of this section:

HAZARDOUS MATERIAL. Has the same meaning as in R.C. § 2305.232.

PUBLIC SAFETY OFFICIAL. Means any of the following:

(a) The sheriff of the county, or the chief of police in the municipal corporation, township, or township, port authority, or joint police district, in which the accident occurred;

(b) A state highway patrol trooper;

(c) The chief of the fire department having jurisdiction where the accident occurred;

(d) A duly authorized subordinate acting on behalf of an official specified in divisions (a) to (c) of this definition.
(R.C. § 4513.66) (Rev. 2020)

(D) If a towing service is removing a motor vehicle, and the removal was not authorized under R.C. § 4513.60, 4513.601, 4513.61, or 4513.66, or any substantially equivalent municipal ordinance, prior to removing the motor vehicle, the towing service shall provide a written estimate of the price for the removal to the operator of the motor vehicle, if requested.

(E) The towing service shall ensure that any estimate provided under division (D) of this section includes the fees, services to be rendered, and destination of the vehicle.

(F) If a towing service fails to provide a written estimate as required by this section, the towing service shall not charge fees for the towing and storage of the motor vehicle that exceed 25% of any applicable fees established by the public utilities commission in rules adopted under R.C. § 4921.25(B)(4) or, if the vehicle was towed within a municipal corporation that has established vehicle removal and storage fees, 25% of the fees established by the municipal corporation.

(G) Any storage facility that accepts towed vehicles shall conspicuously post a notice at the entrance to the storage facility that states the limitation on fees established under division (F) of this section.
(R.C. § 4513.68) (Rev. 2018)

TRAFFIC-CONTROL DEVICES

§ 70.30 OBEYING TRAFFIC-CONTROL DEVICES.

(A) (1) No pedestrian or driver of a vehicle shall disobey the instructions of any traffic-control device placed in accordance with the provisions of this traffic code, unless at the time otherwise directed by a police officer.

(2) No provision of this traffic code for which signs are required shall be enforced against an alleged violator if, at the time and place of the alleged violation, an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section of this traffic code does not state that signs are required, that section shall be effective even though no signs are erected or in place.
(R.C. § 4511.12(A))

(B) (1) Except as provided in division (C) of this section, any operator of a commercial motor vehicle, upon approaching a scale location established for the purpose of determining the weight of the vehicle and its load, shall comply with any traffic control device or the order of a peace officer directing the vehicle to proceed to be weighed or otherwise inspected.

(2) Any operator of a commercial motor vehicle, upon bypassing a scale location in accordance with division (C) of this section, shall comply with an order of a peace officer to stop the vehicle to verify the use and operation of an electronic clearance device.

(C) Any operator of a commercial motor vehicle that is equipped with an electronic clearance device authorized by the Superintendent of the State Highway Patrol under R.C. § 4549.081 may bypass a scale location, regardless of the instruction of a traffic control device to enter the scale facility, if either of the following apply:

(1) The in-cab transponder displays a green light or other affirmative visual signal and also sounds an affirmative audible signal;

(2) Any other criterion established by the Superintendent of the State Highway Patrol is met.

(D) Any peace officer may order the operator of a commercial motor vehicle that bypasses a scale location to stop the vehicle to verify the use and operation of an electronic clearance device.

(E) As used in this section, ***COMMERCIAL MOTOR VEHICLE*** means any combination of vehicles with a gross vehicle weight rating or an actual gross vehicle weight of more than 10,000 pounds if the vehicle is used in interstate or intrastate commerce to transport property and also means any vehicle that is transporting hazardous materials for which placarding is required pursuant to 49 C.F.R. parts 100 through 180.
(R.C. § 4511.121(A) - (C), (E))

(F) No person shall use an electronic clearance device if the device or its use is not in compliance with rules of the Superintendent of the State Highway Patrol.
(R.C. § 4549.081(B))

(G) (1) Except as otherwise provided in this division, whoever violates division (A) of 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 division (A) of 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 division (A) of 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 § 70.99(B).
(R.C. § 4511.12(B)) (Rev. 2019)

(2) Whoever violates division (B) of 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 a violation of division (B) of this section or any substantially equivalent state law or municipal ordinance, whoever violates division (B) of 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 or pleaded guilty to two or more violations of division (B) of this section or any substantially equivalent state law or municipal ordinance, whoever violates division (B) of 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 § 70.99(B).
(R.C. § 4511.121(D)) (Rev. 2019)

(3) Whoever violates division (F) of this section is guilty of a misdemeanor of the fourth degree on a first offense and a misdemeanor of the third degree on each subsequent offense.
(R.C. § 4549.081(C)) (Rev. 2005)

Statutory reference:

Placing traffic-control devices on state highways, permission required, see R.C. § 4511.10
Traffic-control devices to conform to the state manual and specifications, see R.C. § 4511.11
Uniform system of traffic-control devices, see R.C. § 4511.09

§ 70.31 SIGNAL LIGHTS.

Highway traffic signal indications for vehicles and pedestrians shall have the following meanings:

(A) *Steady green signal indication.*

(1) (a) Vehicular traffic facing a circular green signal indication is permitted to proceed straight through or turn right or left or make a u-turn movement except as such movement is modified by a lane-use sign, turn prohibition sign, lane marking, roadway design, separate turn signal indication, or other traffic control device. Such vehicular traffic, including vehicles turning right or left or making a u-turn movement, shall yield the right-of-way to both of the following:

1. Pedestrians lawfully within an associated crosswalk;

2. Other vehicles lawfully within the intersection.

(b) In addition, vehicular traffic turning left or making a u-turn movement to the left shall yield the right-of-way to other vehicles approaching from the opposite direction so closely as to constitute an immediate hazard during the time when such turning vehicle is moving across or within the intersection.

(2) Vehicular traffic facing a green arrow signal indication, displayed alone or in combination with another signal indication, is permitted to cautiously enter the intersection only to make the movement indicated by such arrow, or such other movement as is permitted by other indications displayed at the same time. Such vehicular traffic, including vehicles turning right or left or making a u-turn movement, shall yield the right-of-way to both of the following:

(a) Pedestrians lawfully within an associated crosswalk;

(b) Other traffic lawfully using the intersection.

(3) (a) Unless otherwise directed by a pedestrian signal indication, as provided in R.C. § 4511.14, pedestrians facing a circular green signal indication are permitted to proceed across the roadway within any marked or unmarked associated crosswalk. The pedestrian shall yield the right-of-way to vehicles lawfully within the intersection or so close as to create an immediate hazard at the time that the green signal indication is first displayed.

(b) Pedestrians facing a green arrow signal indication, unless otherwise directed by a pedestrian signal indication or other traffic control device, shall not cross the roadway.

(B) *Steady yellow signal indication.*

(1) Vehicular traffic facing a steady circular yellow signal indication is thereby warned that the related green movement or the related flashing arrow movement is being terminated or that a steady red signal indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection. The provisions governing vehicular operation under the movement being terminated shall continue to apply while the steady circular yellow signal indication is displayed.

(2) Vehicular traffic facing a steady yellow arrow signal indication is thereby warned that the related green arrow movement or the related flashing arrow movement is being terminated. The provisions governing vehicular operation under the movement being terminated shall continue to apply while the steady yellow arrow signal indication is displayed.

(3) Pedestrians facing a steady circular yellow or yellow arrow signal indication, unless otherwise directed by a pedestrian signal indication as provided in R.C. § 4511.14 or other traffic control device, shall not start to cross the roadway.

(C) *Steady red signal indication.*

(1) (a) Vehicular traffic facing a steady circular red signal indication, unless entering the intersection to make another movement permitted by another signal indication, shall stop at a clearly marked stop line; but if there is no stop line, traffic shall stop before entering the crosswalk on the near side of the intersection; or if there is no crosswalk, then before entering the intersection; and shall remain stopped until a signal indication to proceed is displayed except as provided in divisions (C)(1), (C)(2), and (C)(3) of this section.

(b) Except when a traffic control device is in place prohibiting a turn on red or a steady red arrow signal indication is displayed, vehicular traffic facing a steady circular red signal indication is permitted, after stopping, to enter the intersection to turn right, or to turn left from a one-way street into a one-way street. The right to proceed with the turn shall be subject to the provisions that are applicable after making a stop at a stop sign.

(2) (a) Vehicular traffic facing a steady red arrow signal indication shall not enter the intersection to make the movement indicated by the arrow and, unless entering the intersection to make another movement permitted by another signal indication, shall stop at a clearly marked stop line; but if there is no stop line, before entering the crosswalk on the near side of the intersection; or if there is no crosswalk, then before entering the intersection; and shall remain stopped until a signal indication or other traffic control device permitting the movement indicated by such red arrow is displayed.

(b) When a traffic control device is in place permitting a turn on a steady red arrow signal indication, vehicular traffic facing a steady red arrow indication is permitted, after stopping, to enter the intersection to turn right, or to turn left from a one-way street into a one-way street. The right to proceed with the turn shall be limited to the direction indicated by the arrow and shall be subject to the provisions that are applicable after making a stop at a stop sign.

(3) Unless otherwise directed by a pedestrian signal indication as provided in R.C. § 4511.14 or other traffic control device, pedestrians facing a steady circular red or steady red arrow signal indication shall not enter the roadway.

(4) Local authorities by ordinance, or the Director of Transportation on state highways, may prohibit a right or a left turn against a steady red signal at any intersection, which shall be effective when signs giving notice thereof are posted at the intersection.

(D) *Flashing green signal indication.* A flashing green signal indication has no meaning and shall not be used.

(E) *Flashing yellow signal indication.*

(1) (a) Vehicular traffic, on an approach to an intersection, facing a flashing circular yellow signal indication, is permitted to cautiously enter the intersection to proceed straight through or turn right or left or make a u-turn movement except as such movement is modified by lane-use signs, turn prohibition signs, lane markings, roadway design, separate turn signal indications, or other traffic control devices. Such vehicular traffic, including vehicles turning right or left or making a u-turn movement, shall yield the right-of-way to both of the following:

1. Pedestrians lawfully within an associated crosswalk;

2. Other vehicles lawfully within the intersection.

(b) In addition, vehicular traffic turning left or making a u-turn to the left shall yield the right-of-way to other vehicles approaching from the opposite direction so closely as to constitute an immediate hazard during the time when such turning vehicle is moving across or within the intersection.

(2) (a) Vehicular traffic, on an approach to an intersection, facing a flashing yellow arrow signal indication, displayed alone or in combination with another signal indication, is permitted to cautiously enter the intersection only to make the movement indicated by such arrow, or other such movement as is permitted by other signal indications displayed at the same time. Such vehicular traffic, including vehicles turning right or left or making a u-turn, shall yield the right-of-way to both of the following:

1. Pedestrians lawfully within an associated crosswalk;

2. Other vehicles lawfully within the intersection.

(b) In addition, vehicular traffic turning left or making a u-turn to the left shall yield the right-of-way to other vehicles approaching from the opposite direction so closely as to constitute an immediate hazard during the time when such turning vehicle is moving across or within the intersection.

(3) Pedestrians facing any flashing yellow signal indication at an intersection, unless otherwise directed by a pedestrian signal indication or other traffic control device, are permitted to proceed across the roadway within any marked or unmarked associated crosswalk. Pedestrians shall yield the right-of-way to vehicles lawfully within the intersection at the time that the flashing yellow signal indication is first displayed.

(4) When a flashing circular yellow signal indication is displayed as a beacon to supplement another traffic control device, road users are notified that there is a need to pay additional attention to the message contained thereon or that the regulatory or warning requirements of the other traffic control device, which might not be applicable at all times, are currently applicable.

(F) *Flashing red signal indication.*

(1) Vehicular traffic, on an approach to an intersection, facing a flashing circular red signal indication, shall stop at a clearly marked stop line; but if there is no stop line, before entering the crosswalk on the near side of the intersection; or if there is no crosswalk, at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection. The right to proceed shall be subject to the provisions that are applicable after making a stop at a stop sign.

(2) Pedestrians facing any flashing red signal indication at an intersection, unless otherwise directed by a pedestrian signal indication or other traffic control device, are permitted to proceed across the roadway within any marked or unmarked associated crosswalk. Pedestrians shall yield the right-of-way to vehicles lawfully within the intersection at the time that the flashing red signal indication is first displayed.

(3) When a flashing circular red signal indication is displayed as a beacon to supplement another traffic control device, road users are notified that there is a need to pay additional attention to the message contained thereon or that the regulatory requirements of the other traffic control device, which might not be applicable at all times, are currently applicable. Use of this signal indication shall be limited to supplementing stop, do not enter, or wrong way signs, and to applications where compliance with the supplemented traffic control device requires a stop at a designated point.

(G) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.

(H) This section does not apply at railroad grade-crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by R.C. §§ 4511.61 and 4511.62.
(R.C. § 4511.13) (Rev. 2014)

§ 70.32 SIGNALS OVER REVERSIBLE LANES.

The meanings of lane-use control signal indications are as follows:

(A) *A steady downward green arrow.* A road user is permitted to drive in the lane over which the arrow signal indication is located.

(B) *A steady yellow "X".* A road user is to prepare to vacate the lane over which the signal indication is located because a lane control change is being made to a steady red "X" signal indication.

(C) *A steady white two-way left-turn arrow.* A road user is permitted to use a lane over which the signal indication is located for a left turn, but not for through travel, with the understanding that common use of the lane by oncoming road users for left turns also is permitted.

(D) *A steady white one-way left-turn arrow.* A road user is permitted to use a lane over which the signal indication is located for a left turn, without opposing turns in the same lane, but not for through travel.

(E) *A steady red "X".* A road user is not permitted to use the lane over which the signal indication is located and that this signal indication shall modify accordingly the meaning of other traffic controls present.
(R.C. § 4511.131) (Rev. 2013)

§ 70.33 AMBIGUOUS OR NON-WORKING TRAFFIC SIGNALS.

(A) The driver of a vehicle who approaches an intersection where traffic is controlled by traffic control signals shall do all of the following if the signal facing the driver exhibits no colored lights or colored lighted arrows, exhibits a combination of such lights or arrows that fails to clearly indicate the assignment of right-of-way, or, if the vehicle is a bicycle or an electric bicycle, the signals are otherwise malfunctioning due to the failure of a vehicle detector to detect the presence of the bicycle or electric bicycle:

(1) Stop at a clearly marked stop line, but if none, stop before entering the crosswalk on the near side of the intersection, or, if none, stop before entering the intersection;

(2) Yield the right-of-way to all vehicles in the intersection or approaching on an intersecting road, if the vehicles will constitute an immediate hazard during the time the driver is moving across or within the intersection or junction of roadways;

(3) Exercise ordinary care while proceeding through the intersection.

(B) Except as otherwise provided in this division, 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.

(C) 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 § 70.99(B).
(R.C. § 4511.132) (Rev. 2020)

§ 70.34 PEDESTRIAN-CONTROL SIGNALS.

Whenever special pedestrian-control signals exhibiting the words "walk" or "don't walk", or the symbol of a walking person or an upraised palm are in place, these signals shall indicate the following instructions:

(A) A steady walking person signal indication, which symbolizes "walk", means that a pedestrian facing the signal indication is permitted to start to cross the roadway in the direction of the signal indication, possibly in conflict with turning vehicles. The pedestrian shall yield the right-of-way to vehicles lawfully within the intersection at the time that the walking person signal indication is first shown.

(B) A flashing upraised hand signal indication, which symbolizes "don't walk", means that a pedestrian shall not start to cross the roadway in the direction of the signal indication, but that any pedestrian who has already started to cross on a steady walking person signal indication shall proceed to the far side of the traveled way of the street or highway, unless otherwise directed by a traffic control device to proceed only to the median of a divided highway or only to some other island or pedestrian refuge area.

(C) A steady upraised hand signal indication means that a pedestrian shall not enter the roadway in the direction of the signal indication.

(D) Nothing in this section shall be construed to invalidate the continued use of pedestrian control signals utilizing the word "wait" if those signals were installed prior to March 28, 1985.

(E) A flashing walking person signal indication has no meaning and shall not be used.
(R.C. § 4511.14) (Rev. 2013)

§ 70.35 UNAUTHORIZED SIGNS AND SIGNALS PROHIBITED.

(A) (1) No person shall place, maintain, or display upon or in view of any highway any unauthorized sign, signal, marking, or device which purports to be, is an imitation of, or resembles a traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or hides from view or interferes with the effectiveness of any traffic-control device or any railroad sign or signal, and no person shall place or maintain, nor shall any public authority permit, upon any highway any traffic sign or signal

bearing thereon any commercial advertising. This section does not prohibit either the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for traffic-control devices, or the erection upon private property of traffic-control devices by the owner of real property in accordance with R.C. §§ 4511.211 and 4511.432.

(2) Every prohibited sign, signal, marking, or device is a public nuisance, and the authority having jurisdiction over the highway may remove the same or cause it to be removed.

(B) Except as otherwise provided in this division, 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.
(R.C. § 4511.16) (Rev. 2013)

§ 70.36 ALTERATION, DEFACEMENT, OR REMOVAL PROHIBITED.

(A) No person, without lawful authority, shall do any of the following:

(1) Knowingly move, deface, damage, destroy, or otherwise improperly tamper with any traffic-control device, any railroad sign or signal, or any inscription, shield, or insignia on the device, sign, or signal, or any part of the device, sign, or signal;

(2) Knowingly drive upon or over any freshly applied pavement marking material on the surface of a roadway while the marking material is in an undried condition, and is marked by flags, markers, signs, or other devices intended to protect it;

(3) Knowingly move, damage, destroy, or otherwise improperly tamper with a manhole cover.

(B) (1) Except as otherwise provided in this division, whoever violates division (A)(1) or (A)(3) of this section is guilty of a misdemeanor of the third degree. If a violation of division (A)(1) or (A)(3) of this section creates a risk of physical harm to any person, the offender is guilty of a misdemeanor of the first degree. If a violation of division (A)(1) or (A)(3) of this section causes serious physical harm to property that is owned, leased, or controlled by a state or local authority, the offender is guilty of a felony to be prosecuted under appropriate state law.

(2) Except as otherwise provided in this division, whoever violates division (A)(2) of 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 division (A)(2) of 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 division (A)(2) of this section is guilty of a misdemeanor of the third degree.
(R.C. § 4511.17) (Rev. 2013)

§ 70.37 UNAUTHORIZED POSSESSION OR SALE OF DEVICES.

(A) As used in this section, ***TRAFFIC CONTROL DEVICE*** means any sign, traffic control signal or other device conforming to and placed or erected in accordance with the manual adopted under R.C. § 4511.09 by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic, including signs denoting the names of streets and highways, but does not mean any pavement marking.

(B) No individual shall buy or otherwise possess, or sell, a traffic control device, except when one of the following applies:

(1) In the course of the individual's employment by the state or a local authority for the express or implied purpose of manufacturing, providing, erecting, moving or removing such a traffic control device;

(2) In the course of the individual's employment by any manufacturer of traffic control devices other than a state or local authority;

(3) For the purpose of demonstrating the design and function of a traffic control device to state or local officials;

(4) When the traffic control device has been purchased from the state or a local authority at a sale of property that is no longer needed or is unfit for use; or

(5) When the traffic control device has been properly purchased from a manufacturer for use on private property and the person possessing the device has a sales receipt for the device or other acknowledgment of sale issued by the manufacturer.

(C) This section does not preclude, and shall not be construed as precluding, prosecution for theft in violation of R.C. § 2913.02, or a substantially equivalent municipal ordinance, or for receiving stolen property in violation of R.C. § 2913.51, or a substantially equivalent municipal ordinance.

(D) Whoever violates this section is guilty of a misdemeanor of the third degree.
(R.C. § 4511.18) (Rev. 2013)

§ 70.38 SIGNAL PREEMPTION DEVICES; PROHIBITIONS.

(A) (1) No person shall possess a portable signal preemption device.

(2) No person shall use a portable signal preemption device to affect the operation of a traffic-control device.

(B) Division (A)(1) of this section does not apply to any of the following persons and division (A)(2) of this section does not apply to any of the following persons when responding to an emergency call:

(1) A peace officer, as defined in R.C. § 109.71(A)(1), (A)(12), (A)(14), or (A)(19);

(2) A state highway patrol officer;

(3) A person while occupying a public safety vehicle as defined in R.C. § 4511.01(E)(1), (E)(3), or (E)(4).

(C) Whoever violates division (A)(1) of this section is guilty of a misdemeanor of the fourth degree. Whoever violates division (A)(2) of this section is guilty of a misdemeanor of the first degree.

(D) As used in this section, ***PORTABLE SIGNAL PREEMPTION DEVICE*** means a device that, if activated by a person, is capable of changing a traffic-control signal to green out of sequence.
(R.C. § 4511.031) (Rev. 2013)

§ 70.99 PENALTY.

(A) *Generally.* Whoever violates any provision of this traffic code for which no penalty otherwise is provided in the section violated is guilty of one of the following:

(1) Except as otherwise provided in division (A)(2) or (A)(3) of this section, a minor misdemeanor;

(2) 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, a misdemeanor of the fourth degree;

(3) If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to two or more predicate motor vehicle or traffic offenses, a misdemeanor of the third degree.
(R.C. § 4511.99) (Rev. 2004)

(B) *Violations committed while distracted.*

(1) As used in this section and each section referenced in division (B)(2) of this section, all of the following apply:

(a) "Distracted" means doing either of the following while operating a vehicle:

1. Using a handheld electronic wireless communications device, as defined in R.C. § 4511.204, except when utilizing any of the following:

a. The device's speakerphone function;

b. A wireless technology standard for exchanging data over short distances;

c. A "voice-operated or hands-free" device that allows the person to use the electronic wireless communications device without the use of either hand except to activate, deactivate, or initiate a feature or function;

d. Any device that is physically or electronically integrated into the motor vehicle.

2. Engaging in any activity that is not necessary to the operation of a vehicle and impairs, or reasonably would be expected to impair, the ability of the operator to drive the vehicle safely.

(b) "Distracted" does not include operating a motor vehicle while wearing an earphone or earplug over or in both ears at the same time. A person who so wears earphones or earplugs may be charged with a violation of R.C. § 4511.84, or any substantially equivalent municipal ordinance.

(c) "Distracted" does not include conducting any activity while operating a utility service vehicle or a vehicle for or on behalf of a utility, provided that the driver of the vehicle is acting in response to an emergency, power outage, or a circumstance affecting the health or safety of individuals. As used in this division (B)(1)(c):

UTILITY means an entity specified in R.C. § 4905.03(A), (C), (D), (E), or (G).

UTILITY SERVICE VEHICLE means a vehicle owned or operated by a utility.

(2) If an offender violates R.C. § 4511.03, 4511.051, 4511.12, 4511.121, 4511.132, 4511.21, 4511.211, 4511.213, 4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 4511.29, 4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 4511.36, 4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 4511.43, 4511.431, 4511.44, 4511.441, 4511.451, 4511.46, 4511.47, 4511.54, 4511.55, 4511.57, 4511.58, 4511.59, 4511.60, 4511.61, 4511.64, 4511.71, 4511.711, 4511.712, 4511.713, 4511.72, or 4511.73, or any substantially equivalent municipal ordinance, while distracted and the distracting activity is a contributing factor to the commission of the violation, the offender is subject to the applicable penalty for the violation and,

notwithstanding R.C. § 2929.28, is subject to an additional fine of not more than $100 as follows:

(a) 1. Subject to Traffic Rule 13, if a law enforcement officer issues an offender a ticket, citation, or summons for a violation of any of the aforementioned sections of the Ohio Revised Code, or any substantially equivalent municipal ordinance, that indicates that the offender was distracted while committing the violation and that the distracting activity was a contributing factor to the commission of the violation, the offender may enter a written plea of guilty and waive the offender's right to contest the ticket, citation, or summons in a trial provided that the offender pays the total amount of the fine established for the violation and pays the additional fine of $100.

2. In lieu of payment of the additional fine of $100, the offender instead may elect to attend a distracted driving safety course, the duration and contents of which shall be established by the Ohio Director of Public Safety. If the offender attends and successfully completes the course, the offender shall be issued written evidence that the offender successfully completed the course. The offender shall be required to pay the total amount of the fine established for the violation, but shall not be required to pay the additional fine of $100, so long as the offender submits to the court both the offender's payment in full and such written evidence.

(b) 1. If the offender appears in person to contest the ticket, citation, or summons in a trial and the offender pleads guilty to or is convicted of the violation, the court, in addition to all other penalties provided by law, may impose the applicable penalty for the violation and may impose the additional fine of not more than $100.

2. If the court imposes upon the offender the applicable penalty for the violation and an additional fine of not more than $100, the court shall inform the offender that, in lieu of payment of the additional fine of not more than $100, the offender instead may elect to attend the distracted driving safety course described in division (B)(2)(a) of this section. If the offender elects the course option and attends and successfully completes the course, the offender shall be issued written evidence that the offender successfully completed the course. The offender shall be required to pay the total amount of the fine established for the violation, but shall not be required to pay the additional fine of not more than $100, so long as the offender submits to the court the offender's payment and such written evidence.
(R.C. § 4511.991) (Rev. 2020)

(C) *Sentencing.* Whoever is convicted of or pleads guilty to a misdemeanor or minor misdemeanor shall be sentenced in accordance with § 130.99.

Cross-reference:

Imposing sentence for misdemeanor, see § 130.18
Multiple sentences, see § 130.19

Statutory reference:

Reimbursement for costs of confinement, see R.C. §§ 2929.36 et seq.

CHAPTER 71: LICENSING PROVISIONS

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MOTOR VEHICLE LICENSING

§ 71.01 DISPLAY OF LICENSE PLATES OR VALIDATION STICKERS; REGISTRATION.

(A) (1) No person who is the owner or operator of a motor vehicle shall fail to display in plain view on the rear of the motor vehicle a license plate that displays the distinctive number and registration mark assigned to the motor vehicle by the Ohio Director of Public Safety, including any county identification sticker and any validation sticker issued under R.C. §§ 4503.19 and 4503.191.

(2) The license plate shall be securely fastened so as not to swing, and shall not be covered by any material that obstructs its visibility.

(3) No person to whom a temporary license placard or windshield sticker has been issued for the use of a motor vehicle under R.C. § 4503.182, and no operator of that motor vehicle, shall fail to display the temporary license placard in plain view from the rear of the vehicle either in the rear window or on an external rear surface of the motor vehicle, or fail to display the windshield sticker in plain view on the rear window of the motor vehicle. No temporary license placard or windshield sticker shall be covered by any material that obstructs its visibility.
(R.C. § 4503.21(A)) (Rev. 2021)

(B) Except as otherwise provided by R.C. §§ 4503.103, 4503.173, 4503.41, 4503.43, and 4503.46, no person who is the owner or chauffeur of a motor vehicle operated or driven upon the public roads or highways shall fail to file annually the application for registration or to pay the tax therefor.
(R.C. § 4503.11(A))

(C) (1) Within 30 days of becoming a resident of this state, any person who owns a motor vehicle operated or driven upon the public roads or highways shall register the vehicle in this state. If such a person fails to register a vehicle owned by the person, the person shall not operate any motor vehicle in this state under a license issued by another state.

(2) For purposes of division (C)(1) of this section, ***RESIDENT*** means any person to whom any of the following applies:

(a) The person maintains their principal residence in this state and does not reside in this state as a result of the person's active service in the United States armed forces.

(b) The person is determined by the Registrar of Motor Vehicles to be a resident in accordance with standards adopted by the Registrar under R.C. § 4507.01.
(R.C. § 4503.111(A), (C)) (Rev. 2016)

(D) Upon the transfer of ownership of a motor vehicle, the registration of the motor vehicle expires, and the original owner immediately shall remove the license plates from the motor vehicle, except as otherwise provided in R.C. § 4503.12.
(R.C. § 4503.12(A)) (Rev. 2020)

(E) No person shall operate or drive upon the highways of this municipality a motor vehicle acquired from a former owner who has registered the motor vehicle, while the motor vehicle displays the distinctive number or identification mark assigned to it upon its original registration.
(R.C. § 4549.11(A)) (Rev. 2004)

(F) No person who is the owner of a motor vehicle and a resident of this state shall operate or drive the motor vehicle upon the highways of this municipality while it displays a distinctive number or identification mark issued by or under the authority of another state, without complying with the laws of this state relating to the registration and identification of motor vehicles.
(R.C. § 4549.12(A)) (Rev. 2004)

(G) (1) (a) Whoever violates division (A) of this section is guilty of a minor misdemeanor.

(b) The offense established under division (A) of this section is a strict liability offense and 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.
(R.C. § 4503.21(B), (C)) (Rev. 2021)

(2) Whoever violates division (B) of this section is guilty of a minor misdemeanor.
(R.C. § 4503.11(D)) (Rev. 2016)

(3) (a) Whoever violates division (C) of this section is guilty of a minor misdemeanor.

(b) The offense established under division (G)(3)(a) of this section is a strict liability offense and strict liability is a culpable mental state for purposes of R.C. § 2901.20. The designation of this offense as a strict liability offense shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is not a strict liability offense.
(R.C. § 4503.111(B)) (Rev. 2016)

(4) Whoever violates division (D) of this section is guilty of a misdemeanor of the fourth degree.
(R.C. § 4503.12(D)) (Rev. 2020)

(5) Whoever violates division (E) of this section is guilty of operation of a motor vehicle bearing license plates or an identification mark issued to another, a minor misdemeanor on a first offense and a misdemeanor of the fourth degree on each subsequent offense.
(R.C. § 4549.11(B)) (Rev. 2004)

(6) Whoever violates division (F) of this section is guilty of illegal operation by a resident of this state of a motor vehicle bearing the distinctive number or identification mark issued by a foreign jurisdiction, a minor misdemeanor.
(R.C. § 4549.12(B)) (Rev. 2010)

§ 71.02 IMPROPER USE OF NONCOMMERCIAL MOTOR VEHICLE.

(A) No person shall use a motor vehicle registered as a noncommercial motor vehicle for other than the purposes set forth in R.C. § 4501.01.

(B) Whoever violates this section is guilty of a misdemeanor of the fourth degree.
(R.C. § 4503.05) (Rev. 2004)

§ 71.03 OPERATING MOTOR VEHICLE ORDERED IMMOBILIZED; FORFEITURE.

(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 R.C. § 4503.233.

(B) A motor vehicle that is operated by a person during a violation of division (A) of this section shall be criminally forfeited to the state in accordance with the procedures contained in R.C. § 4503.234.

(C) Whoever violates division (A) of this section is guilty of a misdemeanor of the second degree.
(R.C. § 4503.236) (Rev. 2004)

§ 71.04 OPERATION OR SALE WITHOUT CERTIFICATE OF TITLE.

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

(1) Operate in this municipality a motor vehicle for which a certificate of title is required without having that certificate in accordance with R.C. Chapter 4505 or, if a physical certificate of title has not been issued for a motor vehicle, operate the motor vehicle in this state knowing that the ownership information relating to the vehicle has not been entered into the automated title processing system by a Clerk of a Court of Common Pleas;

(2) Display or display for sale or sell as a dealer or acting on behalf of a dealer, a motor vehicle without having obtained a manufacturer's or importer's certificate, a certificate of title, or an assignment of a certificate of title for it as provided in R.C. Chapter 4505;

(3) Fail to surrender any certificate of title or any certificate of registration or license plates upon cancellation of the same by the Registrar of Motor Vehicles and notice of the cancellation as prescribed in R.C. Chapter 4505;

(4) Fail to surrender the certificate of title to a Clerk of a Court of Common Pleas as provided in R.C. Chapter 4505 in case of the destruction or dismantling or change of a motor vehicle in such respect that it is not the motor vehicle described in the certificate of title;

(5) Violate any rules adopted pursuant to R.C. Chapter 4505;

(6) Except as otherwise provided in R.C. Chapters 4505 and 4517, sell at wholesale a motor vehicle ownership of which is not evidenced by an Ohio certificate of title, or the current certificate of title issued for the motor vehicle, or the manufacturer's certificate of origin, and all title assignments that evidence the seller's ownership of the motor vehicle, and an odometer disclosure statement that complies with R.C. § 4505.06 and subchapter IV of the "Motor Vehicle Information and Cost Savings Act", 86 Stat. 961 (1972), 15 U.S.C. § 1981;

(7) Operate in this state a motor vehicle knowing that the certificate of title to the vehicle or ownership of the vehicle as otherwise reflected in the automated title processing system has been canceled.

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

(C) Whoever violates this section shall be fined not more than $200, imprisoned not more than 90 days, or both.
(R.C. § 4505.18) (Rev. 2004)

§ 71.05 DISPLAY OF CERTIFICATE OF REGISTRATION.

(A) (1) The operator of a "commercial car", as defined in R.C. § 4501.01, when the commercial car is required to be registered under state law, shall, when operating the commercial car, trailer or semitrailer on the streets, roads, or highways of this municipality display inside or on the vehicle the certificate of registration for the commercial car, trailer or semitrailer provided for in R.C. § 4503.19, or shall carry the certificate on the operator's person and display it upon the demand of any peace officer.

(2) Every person operating a commercial car, trailer or semitrailer required to be registered under state law shall permit the inspection of the certificate of registration upon demand of any peace officer.

(B) Whoever violates division (A) of this section is guilty of a commercial car certificate of registration violation, a minor misdemeanor.
(R.C. § 4549.18) (Rev. 2004)

§ 71.06 USE OF UNAUTHORIZED PLATES.

(A) No person shall operate or drive a motor vehicle upon the public roads and highways in this municipality if it displays a license plate or a distinctive number or identification mark that meets any of the following criteria:

(1) It is fictitious;

(2) It is a counterfeit or an unlawfully made copy of any distinctive number or identification mark;

(3) It belongs to another motor vehicle, provided that this section does not apply to a motor vehicle that is operated on the public roads and highways in this municipality when the motor vehicle displays license plates that originally were issued for a motor vehicle that previously was owned by the same person who owns the motor vehicle that is operated on the public roads and highways in this municipality during the 30-day period described in R.C. § 4503.12(A)(4).

(B) A person who fails to comply with the transfer of registration provisions of R.C. § 4503.12 and is charged with a violation of that section shall not be charged with a violation of this section.

(C) Whoever violates division (A)(1), (A)(2), or (A)(3) of this section is guilty of operating a motor vehicle bearing an invalid license plate or identification mark, a misdemeanor of the fourth degree on a first offense and a misdemeanor of the third degree on each subsequent offense. (R.C. § 4549.08) (Rev. 2004)

§ 71.07 OPERATING WITHOUT DEALER OR MANUFACTURER LICENSE PLATES.

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

(B) Whoever violates division (A) of this section is guilty of illegal operation of a manufacturer's or dealer's motor vehicle, a minor misdemeanor.
(R.C. § 4549.10) (Rev. 2021)

DRIVER'S LICENSES

§ 71.20 PROHIBITED ACTS.

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

(1) Display or cause or permit to be displayed, or possess any identification card, driver's or commercial driver's license, temporary instruction permit, or commercial driver's license temporary instruction permit knowing the same to be fictitious, or to have been canceled, suspended, or altered;

(2) Lend to a person not entitled thereto, or knowingly permit a person not entitled thereto to use any identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license temporary instruction permit issued to the person so lending or permitting the use thereof;

(3) Display, or represent as one's own, any identification card, driver's or commercial driver's license, temporary instruction permit, or commercial driver's license temporary instruction permit not issued to the person so displaying the same;

(4) Fail to surrender to the Registrar of Motor Vehicles, upon the Registrar's demand, any identification card, driver's or commercial driver's license, temporary instruction permit, or commercial driver's license temporary instruction permit that has been suspended or canceled;

(5) In any application for an identification card, driver's or commercial driver's license, temporary instruction permit, or commercial driver's license temporary instruction permit or any renewal or duplicate thereof, knowingly conceal a material fact or present any physician's statement required under R.C. § 4507.08 or 4507.081 when knowing the same to be false or fictitious.

(B) Whoever violates any division of this section is guilty of a misdemeanor of the first degree.
(R.C. § 4507.30) (Rev. 2005)

Statutory reference:

Use of license to violate liquor laws; suspension; procedures, see R.C. § 4510.33

§ 71.21 PERMITTING MINOR TO OPERATE VEHICLE PROHIBITED; TEMPORARY INSTRUCTION PERMIT; PROBATIONARY LICENSE.

(A) No person shall cause or knowingly permit any minor to drive a motor vehicle upon a highway as an operator, unless the minor has first obtained a license or permit to drive a motor vehicle under R.C. Chapter 4507.
(R.C. § 4507.31(A))

(B) (1) No holder of a temporary instruction permit issued under R.C. § 4507.05(A) shall operate a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking in violation of the conditions established under R.C. § 4507.05(A).

(2) (a) Except as provided in division (B)(2)(b) of this section, no holder of a temporary instruction permit that is issued under R.C. § 4507.05(A) and that is issued on or after July 1, 1998, and who has not attained the age of 18 years, shall operate a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking between the hours of midnight and 6:00 a.m.

(b) The holder of a temporary instruction permit issued under R.C. § 4507.05(A) on or after July 1, 1998, who has not attained the age of 18 years, may operate a motor vehicle upon a highway or any public or private property used by the public for purposed of vehicular travel or parking between the hours of midnight and 6:00 a.m. if, at the time of such operation, the holder is accompanied by the holder's parent, guardian, or custodian, and the parent, guardian, or custodian holds a current valid driver's or commercial driver's license issued by this state, is actually occupying a seat beside the permit holder, and does not have a prohibited concentration of alcohol in the whole blood, blood serum or plasma, breath, or urine as provided in R.C. § 4511.19(A).
(R.C. § 4507.05(F)) (Rev. 2008)

(C) (1) (a) No holder of a probationary driver's license who has held the license for less than 12 months shall operate a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking between the hours of midnight and 6:00 a.m. unless the holder is accompanied by the holder's parent or guardian.

(b) No holder of a probationary driver's license who has held the license for 12 months or longer shall operate a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking between the hours of 1:00 a.m. and 5:00 a.m. unless the holder is accompanied by the holder's parent or guardian.

(2) (a) Subject to division (E)(1) of this section, division (C)(1)(a) of this section does not apply to the holder of a probationary driver's license who is doing either of the following:

1. Traveling to or from work between the hours of midnight and 6:00 a.m., provided that the holder has in the holder's immediate possession written documentation from the holder's employer.

2. Traveling to or from an official function sponsored by the school the holder attends between the hours of midnight and 6:00 a.m., provided that the holder has in the holder's immediate possession written documentation from an appropriate official of the school;

3. Traveling to or from an official religious event between the hours of midnight and 6:00 a.m., provided that the holder has in the holder's immediate possession written documentation from an appropriate official affiliated with the event.

(b) Division (C)(1)(b) of this section does not apply to the holder of a probationary driver's license who is doing either of the following:

1. Traveling to or from work between the hours of 1:00 a.m. and 5:00 a.m., provided that the holder has in the holder's immediate possession written documentation from the holder's employer.

2. Traveling to or from an official function sponsored by the school the holder attends between the hours of 1:00 a.m. and 5:00 a.m., provided that the holder has in the holder's immediate possession written documentation from an appropriate official of the school;

3. Traveling to or from an official religious event between the hours of 1:00 a.m. and 5:00 a.m., provided that the holder has in the holder's immediate possession written documentation from an appropriate official affiliated with the event.

(3) An employer, school official, or official affiliated with a religious event is not liable in damages in a civil action for any injury, death, or loss to person or property that allegedly arises from, or is related to, the fact that the employer, school official, or official affiliated with a religious event provided the holder of a probationary driver's license with the written documentation described in division (C)(2) of this section. The Registrar of Motor Vehicles shall make available at no cost a form to serve as the written documentation described in division (C)(2) of this section, and employers, school officials, officials affiliated with religious events, and holders of probationary driver's licenses may utilize that form or may choose to utilize any other written documentation to meet the requirements of that division.

(4) No holder of a probationary driver's license who has held the license for less than 12 months shall operate a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking with more than one person who is not a family member occupying the vehicle unless the probationary license holder is accompanied by the probationary license holder's parent, guardian, or custodian.

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

(E) (1) If a person is issued a probationary driver's license prior to attaining the age of 17 years and the person pleads guilty to, is convicted of, or is adjudicated in juvenile court of having committed a moving violation during the six-month period commencing on the date on which the person is issued the probationary driver's license, the court with jurisdiction over the violation may order that the holder must be accompanied by the holder's parent or guardian whenever the holder is operating a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking for a period not to exceed six months or the date the holder attains the age of 17 years, whichever occurs first.

(2) Any person who is subject to the operating restrictions established under division (E)(1) of this section as a result of a first moving violation may petition the court for driving privileges without being accompanied by the holder's parent or guardian during the period of time determined by the court under that division. In granting the driving privileges, the court shall specify the purposes of the privileges and shall issue the person appropriate forms setting forth the privileges granted. If a person is convicted of, pleads guilty to, or is adjudicated in juvenile court of having committed a second or subsequent moving violation, the court with jurisdiction over the violation may terminate any driving privileges previously granted under this division.

(3) No person shall violate any operating restriction imposed under division (E)(1) or (E)(2) of this section.

(F) No holder of a probationary license shall operate a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking unless the total number of occupants of the vehicle does not exceed the total number of occupant restraining devices originally installed in the motor vehicle by its manufacturer, and each occupant of the vehicle is wearing all of the available elements of a properly adjusted occupant restraining device.

(G) A restricted license may be issued to a person who is 14 or 15 years of age under proof of hardship satisfactory to the Registrar of Motor Vehicles.

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

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

(J) As used in this section:

FAMILY MEMBER. A family member of a probationary license holder includes any of the following:

(a) A spouse;

(b) A child or stepchild;

(c) A parent, stepparent, grandparent, or parent-in-law;

(d) An aunt or uncle;

(e) A sibling, whether of the whole or half blood or by adoption, a brother-in-law, or a sister-in-law;

(f) A son or daughter of the probationary license holder's stepparent if the stepparent has not adopted the probationary license holder;

(g) An eligible adult, as defined in R.C. § 4507.05.

MOVING VIOLATION. Means any violation of any statute or ordinance that regulates the operation of vehicles on the highways or streets. The term does not include a violation of R.C. § 4513.263 or a substantially equivalent municipal ordinance, or a violation of any statute or ordinance regulating pedestrians or the parking of vehicles, vehicle size or load limitations, vehicle fitness requirements, or vehicle registration.

OCCUPANT RESTRAINING DEVICE. Has the same meaning as in R.C. § 4513.263.
(R.C. § 4507.071(B) - (I)) (Rev. 2016)

(K) (1) Whoever violates division (A) of this section is guilty of a misdemeanor of the first degree.
(R.C. § 4507.31(B)) (Rev. 2004)

(2) Whoever violates divisions (B), (C)(1), (C)(4), (E)(3), or (F) of this section is guilty of a minor misdemeanor.
(R.C. §§ 4507.05(I), 4507.071(J)) (Rev. 2010)

§ 71.22 LICENSE REQUIRED AS DRIVER OR COMMERCIAL DRIVER ON PUBLIC OR PRIVATE PROPERTY; NONRESIDENT EXEMPTION.

(A) (1) (a) No person shall permit the operation of a motor vehicle upon any public or private property used by the public for purposes of vehicular travel or parking, knowing the operator does not have a valid driver's license issued to the operator by the Registrar of Motor Vehicles under R.C. Chapter 4507 or a valid commercial driver's license issued under R.C. Chapter 4506. Except as otherwise provided in this division, whoever violates this division is guilty of an unclassified misdemeanor. When the offense is an unclassified misdemeanor, the offender shall be sentenced pursuant to § 130.18, § 130.99 or R.C. §§ 2929.21 to 2929.28, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to § 130.99(E) or R.C. § 2929.26; notwithstanding § 130.99(G)(1)(b)1. and R.C. § 2929.28(A)(2)(a), the offender may be fined up to $1,000; and, notwithstanding § 130.99(F)(1)(c) and R.C. § 2929.27(A)(3), the offender may be ordered pursuant to § 130.99(F)(3) or R.C. § 2929.27(C) to serve a term of community service of up to 500 hours. The failure of an offender to complete a term of community service imposed by the court may be punished as indirect criminal contempt under R.C. § 2705.02(A) that may be filed in the underlying case.

(b) If, within three years of the offense, the offender previously has been convicted of or pleaded guilty to two or more violations of this section or a substantially equivalent municipal ordinance, the offense is a misdemeanor of the first degree.

(2) No person shall receive a driver's license, or a motorcycle operator's endorsement of a driver's or commercial driver's license, unless and until the person surrenders to the Registrar all valid licenses issued to the person by another jurisdiction recognized by this state. The Registrar shall report the surrender of a license to the issuing authority, together with information that a license is now issued in this state. The Registrar shall destroy any such license that is not returned to the issuing authority. No person shall be permitted to have more than one valid license at any time.
(R.C. § 4507.02(A)) (Rev. 2012)

(B) (1) No person shall be required to obtain a driver's or commercial driver's license for the purpose of temporarily driving, operating, drawing, moving, or

propelling a road roller or road machinery upon a street or highway.

(2) No person shall be required to obtain a driver's or commercial driver's license for the purpose of temporarily driving, operating, drawing, moving, or propelling any agricultural tractor or implement of husbandry upon a street or highway at a speed of 25 miles per hour or less.

(3) No person shall drive, operate, draw, move, or propel any agricultural tractor or implement of husbandry upon a street or highway at a speed greater than 25 miles per hour unless the person has a current, valid driver's or commercial driver's license.

(4) No person having a valid driver's or commercial driver's license shall be required to have a motorcycle operator's endorsement to operate a motorcycle having three wheels with a motor of not more than 50 cubic centimeters piston displacement.

(5) No person having a valid driver's or commercial driver's license shall be required to have a motorcycle operator's endorsement to operate an autocycle or a cab-enclosed motorcycle.

(6) Every person on active duty in the military or naval forces of the United States, when furnished with a driver's permit and when operating an official motor vehicle in connection with such duty, is exempt from the license requirements of R.C. Chapters 4506 and 4507. Every person on active duty in the military or naval forces of the United States or in service with the peace corps, volunteers in service to America, or the foreign service of the United States, is exempt from the license requirements of such sections for the period of the person's active duty or service and for six months thereafter, provided such person was a licensee under such sections at the time the person commenced the person's active duty or service. This section does not prevent such a person or the person's spouse or dependent from making an application, as provided in R.C. § 4507.10(C), for the renewal of a driver's license or motorcycle operator's endorsement or as provided in R.C. § 4506.14 for the renewal of a commercial driver's license during the period of the person's active duty or service.

(7) Whoever violates division (B)(3) of this section is guilty of a misdemeanor of the first degree.
(R.C. § 4507.03) (Rev. 2017)

(C) Nonresidents, permitted to drive upon the highways of their own state, may operate any motor vehicle upon any highway in this state without examination or license under R.C. §§ 4507.01 through 4507.39, inclusive, upon condition that such nonresident may be required at any time or place to prove lawful possession or their right to operate such motor vehicle, and to establish proper identity.
(R.C. § 4507.04) (Rev. 2004)

(D) *Surrender of driver's license from another state.*

(1) Any person who becomes a resident of this state, within 30 days of becoming a resident, shall surrender any driver's license issued by another state to the Registrar of Motor Vehicles or a deputy registrar. If such a person intends to operate a motor vehicle upon the public roads or highways, the person shall apply for a driver's license in this state. If the person fails to apply for a driver's license within 30 days of becoming a resident, the person shall not operate any motor vehicle in this state under a license issued by another state.

(2) (a) Whoever violates division (D)(1) of this section is guilty of a minor misdemeanor.

(b) The offense established under division (D)(2)(a) of this section is a strict liability offense and strict liability is a culpable mental state for purposes of R.C. § 2901.20. The designation of this offense as a strict liability offense shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is not a strict liability offense.

(3) For purposes of division (D)(1) of this section, "resident" means any person to whom any of the following applies:

(a) The person maintains their principal residence in this state and does not reside in this state as a result of the person's active service in the United States armed forces.

(b) The person is determined by the Registrar of Motor Vehicles to be a resident in accordance with standards adopted by the Registrar under R.C. § 4507.01.
(R.C. § 4507.213) (Rev. 2020)

§ 71.23 EMPLOYMENT OF A MINOR TO OPERATE A TAXICAB PROHIBITED.

(A) Notwithstanding the definition of "chauffeur" in R.C. § 4501.01, no person shall employ any minor for the purpose of operating a taxicab.

(B) Whoever violates this section is guilty of a misdemeanor of the first degree.
(R.C. § 4507.321) (Rev. 2004)

§ 71.24 RESTRICTION AGAINST OWNER LENDING VEHICLE FOR USE OF ANOTHER.

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

(1) The offender knows or has reasonable cause to believe that the other person does not have a valid driver's or commercial driver's license or permit or valid nonresident driving privileges;

(2) The offender knows or has reasonable cause to believe that the other person's driver's or commercial driver's license or permit or nonresident operating privileges have been suspended or canceled under R.C. Chapter 4510 or any other provision of the Ohio Revised Code.

(3) The offender knows or has reasonable cause to believe that the other person's act of driving the motor vehicle would violate any prohibition contained in R.C. Chapter 4509.

(4) The offender knows or has reasonable cause to believe that the other person's act of driving would violate R.C. § 4511.19 or any substantially equivalent municipal ordinance.

(5) The offender knows or has reasonable cause to believe that the vehicle is the subject of an immobilization waiver order issued under R.C. § 4503.235 and the other person is prohibited from operating the vehicle under that order.

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

(1) Regarding an operator allegedly in the category described in division (A)(1), (A)(3), or (A)(5) of this section, the offender and the operator of the motor vehicle reside in the same household and are related by consanguinity or affinity.

(2) Regarding an operator allegedly in the category described in division (A)(2) of this section, the offender and the operator of the motor vehicle reside in the same household, and the offender knows or has reasonable cause to believe that the operator has been charged with or convicted of any violation of law or ordinance, or has committed any other act or omission, that would or could result in the suspension or cancellation of the operator's license, permit, or privilege.

(3) Regarding an operator allegedly in the category described in division (A)(4) of this section, the offender and the operator of the motor vehicle occupied the motor vehicle together at the time of the offense.

(C) Whoever violates this section is guilty of wrongful entrustment of a motor vehicle, and shall be punished as provided in divisions (C) to (H) of this section.

(1) Except as provided in division (C)(2) of this section, whoever violates division (A)(1), (A)(2), or (A)(3) of this section is guilty of an unclassified misdemeanor. When the offense is an unclassified misdemeanor, the offender shall be sentenced pursuant to § 130.18, § 130.99 or R.C. §§ 2929.21 to 2929.28, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to § 130.99(E) or R.C. § 2929.26; notwithstanding § 130.99(G)(1)(b)1. and R.C. § 2929.28(A)(2)(a), the offender may be fined up to $1,000; and, notwithstanding § 130.99(F)(1)(c) and R.C. § 2929.27(A)(3), the offender may be ordered pursuant to § 130.99(F)(3) or R.C. § 2929.27(C) to serve a term of community service of up to 500 hours. The failure of an offender to complete a term of community service imposed by the court may be punished as indirect criminal contempt under R.C. § 2705.02(A) that may be filed in the underlying case.

(2) (a) If, within three years of a violation of division (A)(1), (A)(2), or (A)(3) of this section, the offender previously has pleaded guilty to or been convicted of two or more violations of division (A)(1), (A)(2), or (A)(3) of this section, R.C. § 4511.203(A)(1), (A)(2), or (A)(3), or a substantially equivalent municipal ordinance, the offender is guilty of a misdemeanor of the first degree.

(b) Whoever violates division (A)(4) or (A)(5) of this section is guilty of a misdemeanor of the first degree.

(3) For any violation of this section, in addition to the penalties imposed under this Code or R.C. Chapter 2929, the court may impose a class seven suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in R.C. § 4510.02(A)(7), and, if the vehicle involved in the offense is registered in the name of the offender, the court may order one of the following:

(a) Except as otherwise provided in division (C)(3)(b) or (C)(3)(c) of this section, the court may order, for 30 days, the immobilization of the vehicle involved in the offense and the impoundment of that vehicle's license plates. If issued, the order shall be issued and enforced under R.C. § 4503.233.

(b) If the offender previously has been convicted of or pleaded guilty to one violation of this section, R.C. § 4511.203, or a substantially equivalent municipal ordinance, the court may order, for 60 days, the immobilization of the vehicle involved in the offense and the impoundment of that vehicle's license plates. If issued, the order shall be issued and enforced under R.C. § 4503.233.

(c) If the offender previously has been convicted of or pleaded guilty to two or more violations of this section, R.C. § 4511.203, or a substantially equivalent municipal ordinance, the court may order the criminal forfeiture to the state of the vehicle involved in the offense. If issued, the order shall be issued and enforced under R.C. § 4503.234.

(4) If title to a motor vehicle that is subject to an order for criminal forfeiture under division (C)(3)(c) of this section is assigned or transferred and R.C. § 4503.234(B)(2)

or (B)(3) applies, in addition to or independent of any other penalty established by law, the court may fine the offender the value of the vehicle as determined by publications of the National Automobile Dealers Association. The proceeds from any fine imposed under this division shall be distributed in accordance with R.C. § 4503.234(C)(2).

(D) If a court orders the criminal forfeiture of a vehicle under division (C)(3)(a) or (C)(3)(b) of this section, the court shall not release the vehicle from the immobilization before the termination of the period of immobilization ordered unless the court is presented with current proof of financial responsibility with respect to that vehicle.

(E) If a court orders the criminal forfeiture of a vehicle under division (C)(3)(c) of this section, upon receipt of the order from the court, neither the Registrar of Motor Vehicles nor any deputy registrar shall accept any application for the registration or transfer of registration of any motor vehicle owned or leased by the person named in the order. The period of denial shall be five years after the date the order is issued, unless, during that five-year period, the court with jurisdiction of the offense that resulted in the order terminates the forfeiture and notifies the Registrar of the termination. If the court terminates the forfeiture and notifies the Registrar, the Registrar shall take all necessary measures to permit the person to register a vehicle owned or leased by the person or to transfer the registration of the vehicle.

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

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

(H) For purposes of this section, a vehicle is owned by a person if, at the time of a violation of this section, the vehicle is registered in the person's name.
(R.C. § 4511.203) (Rev. 2012)

§ 71.25 SUSPENSION OF DRIVER'S LICENSE; LICENSE SUSPENDED BY COURT OF RECORD.

(A) Except as otherwise provided in R.C. § 4510.07 or in any other provision of the Ohio Revised Code, whenever an offender is convicted of or pleads guilty to a violation of any provision of this code that is substantially equivalent to a provision of the Ohio Revised Code, and a court is permitted or required to suspend a person's driver's or commercial driver's license or permit for a violation of that provision, a court, in addition to any other penalties authorized by law, may suspend the offender's driver's or commercial driver's license or permit or non resident operating privileges for the period of time the court determines appropriate, but the period of suspension imposed for the violation of the provision of this code shall not exceed the period of suspension that is permitted or required to be imposed for the violation of the provision of the Ohio Revised Code to which the provision of this code is substantially equivalent.
(R.C. § 4510.05) (Rev. 2004)

(B) Whenever a person is found guilty under the laws of this state or any ordinance of any political subdivision of this state, of operating a motor vehicle in violation of any such law or ordinance relating to reckless operation, the trial court of any court of record, in addition to or independent of all other penalties provided by law, may impose a class five suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege from the range specified in R.C. § 4510.02(A)(5).

(C) Suspension of a commercial driver's license under this section shall be concurrent with any period of suspension disqualification under R.C. § 3123.58 or 4506.16. No person who is disqualified for life from holding a commercial driver's license under R.C. § 4506.16 shall be issued a driver's license under R.C. Chapter 4507 during the period for which the commercial driver's license was suspended under this section, and no person whose commercial driver's license is suspended under this section shall be issued a driver's license under R.C. Chapter 4507 during the period of the suspension.
(R.C. § 4510.15) (Rev. 2005)

§ 71.26 DISPLAY OF LICENSE.

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

(B) (1) Except as provided in division (B)(2) of this section, whoever violates this section is guilty of an unclassified misdemeanor. When the offense is an unclassified misdemeanor, the offender shall be sentenced pursuant to § 130.18, § 130.99 or R.C. §§ 2929.21 to 2929.28, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to § 130.99(E) or R.C. § 2929.26; notwithstanding § 130.99(G)(1)(b)1. and R.C. § 2929.28(A)(2)(a), the offender may be fined up to $1,000; and notwithstanding § 130.99(F)(1)(c) and R.C. § 2929.27(A)(3), the offender may be ordered pursuant to § 130.99(F)(3) or R.C. § 2929.27(C) to serve a term of community service of up to 500 hours. The failure of an offender to complete a term of community service imposed by the court may be punished as indirect criminal contempt

under R.C. § 2705.02(A) that may be filed in the underlying case.

(2) If, within three years of the offense, the offender previously has been convicted of or pleaded guilty to two or more violations of this section, R.C. § 4507.35, or a substantially equivalent municipal ordinance, the offense is a misdemeanor of the first degree.
(R.C. § 4507.35) (Rev. 2012)

§ 71.27 PROHIBITION AGAINST FALSE STATEMENTS.

(A) No person shall knowingly make a false statement to any matter or thing required by the provisions of this traffic code.

(B) Whoever violates this section is guilty of a misdemeanor of the first degree.
(R.C. § 4507.36) (Rev. 2004)

§ 71.28 DRIVING UNDER SUSPENSION OR IN VIOLATION OF LICENSE RESTRICTION.

(A) *Driving under suspension or in violation of license restriction.*

(1) Except as provided in division (A)(2) of this section, division (B) of this section, § 71.31 and in R.C. §§ 4510.111 and 4510.16, no person whose driver's or commercial driver's license or permit or nonresident operating privilege has been suspended under any provision of the Ohio Revised Code, other than R.C. Chapter 4509, or under any applicable law in any other jurisdiction in which the person's license or permit was issued shall operate any motor vehicle upon the public roads and highways or upon any public or private property used by the public for purposes of vehicular travel or parking within this municipality during the period of suspension unless the person is granted limited driving privileges and is operating the vehicle in accordance with the terms of the limited driving privileges.

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

(3) Upon the request or motion of the prosecuting authority, a non-certified copy of the law enforcement automated data system report or a non-certified copy of a record of the Registrar of Motor Vehicles that shows the name, date of birth, and social security number of a person charged with a violation of division (A)(1) or (A)(2) of this section may be admitted into evidence as prima facie evidence that the license of the person was under suspension at the time of the alleged violation of division (A)(1) of this section or the person operated a motor vehicle in violation of a restriction at the time of the alleged violation of division (A)(2) of this section. The person charged with a violation of division (A)(1) or (A)(2) of this section may offer evidence to rebut this prima facie evidence.

(4) (a) Whoever violates division (A)(1) or (A)(2) of this section is guilty of a misdemeanor of the first degree. The court may impose upon the offender a class seven suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in R.C. § 4510.02(A)(7).

(b) 1. Except as provided in division (A)(4)(b)2. or (A)(4)(b)3. of this section, the court, in addition to any other penalty that it imposes on the offender and if the vehicle is registered in the offender's name and if, within three years of the offense, the offender previously has been convicted of or pleaded guilty to one violation of this section, R.C. § 4510.11, 4510.111 or 4510.16, or a substantially equivalent municipal ordinance, the court, in addition to or independent of any other sentence that it imposes upon the offender, may order the immobilization of the vehicle involved in the offense for 30 days and the impoundment of that vehicle's license plates for 30 days in accordance with R.C. § 4503.233.

2. If the vehicle is registered in the offender's name and if, within three years of the offense, the offender previously has been convicted of or pleaded guilty to two violations of this section, or any combination of two violations of this section, R.C. § 4510.11, 4510.111 or 4510.16, or of a substantially equivalent municipal ordinance, the court, in addition to any other sentence that it imposes on the offender, may order the immobilization of the vehicle involved in the offense for 60 days and the impoundment of that vehicle's license plates for 60 days in accordance with R.C. § 4503.233.

3. If the vehicle is registered in the offender's name and if, within three years of the offense, the offender previously has been convicted of or pleaded guilty to three or more violations of this section, or any combination of three or more violations of this section or R.C. § 4510.11, 4510.111 or 4510.16, or of a substantially equivalent municipal ordinance, the court, in addition to any other sentence that it imposes on the offender, may order the criminal forfeiture of the vehicle involved in the offense to the state.

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

(6) Any order of criminal forfeiture under this section shall be issued and enforced under R.C. § 4503.234. Upon receipt of the copy of the order from the court, neither the Registrar of Motor Vehicles nor a deputy registrar shall accept any application for the registration or transfer of registration of any motor vehicle owned or leased by the

person named in the declaration of forfeiture. The period of registration denial shall be five years after the date of the order, unless, during that period, the court having jurisdiction of the offense that led to the order terminates the forfeiture and notifies the Registrar of the termination. The Registrar then shall take necessary measures to permit the person to register a vehicle owned or leased by the person or to transfer registration of the vehicle.

(7) The offender shall provide the court with proof of financial responsibility as defined in R.C. § 4509.01. If the offender fails to provide that proof of financial responsibility, then, in addition to any other penalties provided by law, the court may order restitution pursuant to § 130.99(G) or R.C. § 2929.28 in an amount not exceeding $5,000 for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the vehicle before, during, or after committing the offense for which the offender is sentenced under this section.
(R.C. § 4510.11) (Rev. 2013)

(B) *Driving under suspension in violation of other provisions.*

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

(2) Upon the request or motion of the prosecuting authority, a non-certified copy of the law enforcement automated data system report or a non-certified copy of a record of the Registrar of Motor Vehicles that shows the name, date of birth, and social security number of a person charged with a violation of division (B)(1) of this section may be admitted into evidence as prima facie evidence that the license of the person was under suspension at the time of the alleged violation of division (B)(1) of this section. The person charged with a violation of division (B)(1) of this section may offer evidence to rebut this prima facie evidence.

(3) Whoever violates division (B)(1) of this section is guilty of driving under suspension and shall be punished as provided in division (B)(3)(a) or division (B)(3)(b) of this section.

(a) Except as otherwise provided in division (B)(3)(b) of this section, the offense is an unclassified misdemeanor. The offender shall be sentenced pursuant to § 130.18, § 130.99 or R.C. §§ 2929.21 to 2929.28, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to § 130.99(E) or R.C. § 2929.26; notwithstanding § 130.99(G)(1)(b)1. and R.C. § 2929.28(A)(2)(a), the offender may be fined up to $1,000; and, notwithstanding § 130.99(F)(1)(c) and R.C. § 2929.27(A)(3), the offender may be ordered pursuant to § 130.99(F)(3) or R.C. § 2929.27(C) to serve a term of community service of up to 500 hours. The failure of an offender to complete a term of community service imposed by the court may be punished as indirect criminal contempt under R.C. § 2705.02(A) that may be filed in the underlying case.

(b) If, within three years of the offense, the offender previously was convicted of or pleaded guilty to two or more violations of division (B)(1) of this section, or any combination of two or more violations of division (B)(1) of this section, R.C. § 4510.11, 4510.111 or 4510.16, or a substantially equivalent municipal ordinance, the offense is a misdemeanor of the fourth degree, and the offender shall provide the court with proof of financial responsibility as defined in R.C. § 4509.01. If the offender fails to provide that proof of financial responsibility, then in addition to any other penalties provided by law, the court may order restitution pursuant to R.C. § 2929.28 in an amount not exceeding $5,000 for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the vehicle before, during, or after committing the offense for which the offender is sentenced under this section.
(R.C. § 4510.111) (Rev. 2015)

(C) *Repeat traffic offender; point system suspension.* Any person whose driver's or commercial driver's license or permit or nonresident operating privileges are suspended as a repeat traffic offender under R.C. § 4510.037 and who, during the suspension, operates any motor vehicle upon any public roads and highways is guilty of driving under a twelve-point suspension, a misdemeanor of the first degree. The court shall sentence the offender to a minimum term of three days in jail. No court shall suspend the first three days of jail time imposed pursuant to this division.
(R.C. § 4510.037(J)) (Rev. 2012)

(D) It is an affirmative defense to any prosecution brought under division (A) of this section that the alleged offender drove under suspension, without a valid permit or driver's or commercial driver's license, or in violation of a restriction because of a substantial emergency, and because no other person was reasonably available to drive in response to the emergency.
(R.C. § 4510.04) (Rev. 2012)

§ 71.29 OPERATING MOTOR VEHICLE OR MOTORCYCLE WITHOUT VALID LICENSE.

(A) (1) No person, except those expressly exempted under R.C. §§ 4507.03, 4507.04, and 4507.05, shall operate any motor vehicle upon a public road or highway or any public or private property used by the public for purposes of vehicular travel or parking in this municipality unless the person has a valid driver's license issued under R.C. Chapter 4507 or a commercial driver's license issued under R.C. Chapter 4506.

(2) No person, except a person expressly exempted under R.C. §§ 4507.03, 4507.04, and 4507.05,

shall operate any motorcycle upon a public road or highway or any public or private property used by the public for purposes of vehicular travel or parking in this municipality unless the person has a valid license as a motorcycle operator that was issued upon application by the Registrar of Motor Vehicles under R.C. Chapter 4507. The license shall be in the form of an endorsement, as determined by the Registrar, upon a driver's or commercial driver's license, if the person has a valid license to operate a motor vehicle or commercial motor vehicle, or in the form of a restricted license as provided in R.C. § 4507.14, if the person does not have a valid license to operate a motor vehicle or commercial motor vehicle.

(B) Upon the request or motion of the prosecuting authority, a non-certified copy of the law enforcement automated data system report or a non-certified copy of a record of the Registrar of Motor Vehicles that shows the name, date of birth, and social security number of a person charged with a violation of division (A)(1) or (A)(2) of this section may be admitted into evidence as prima facie evidence that the person did not have either a valid driver's or commercial driver's license at the time of the alleged violation of division (A)(1) of this section or a valid license as a motorcycle operator either in the form of an endorsement upon a driver's or commercial driver's license or a restricted license at the time of the alleged violation of division (A)(2) of this section. The person charged with a violation of division (A)(1) or (A)(2) of this section may offer evidence to rebut this prima facie evidence.

(C) Whoever violates this section is guilty of operating a motor vehicle or motorcycle without a valid license and shall be punished as follows:

(1) If the trier of fact finds that the offender never has held a valid driver's or commercial driver's license issued by this state or any other jurisdiction, or, in a case involving the operation of a motorcycle by the offender, if the offender has never held a valid license as a motorcycle operator, either in the form of an endorsement upon a driver's or commercial driver's license or in the form of a restricted license, except as otherwise provided in this division, the offense is an unclassified misdemeanor. When the offense is an unclassified misdemeanor, the offender shall be sentenced pursuant to § 130.18, § 130.99 or R.C. §§ 2929.21 to 2929.28, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to § 130.99(E) or R.C. § 2929.26; notwithstanding § 130.99(G)(1)(b)1. and R.C. § 2929.28(A)(2)(a), the offender may be fined up to $1,000; and, notwithstanding § 130.99(F)(1)(c) and R.C. § 2929.27(A)(3), the offender may be ordered pursuant to § 130.99(F)(3) or R.C. § 2929.27(C) to serve a term of community service of up to 500 hours. The failure of an offender to complete a term of community service imposed by the court may be punished as indirect criminal contempt under R.C. § 2705.02(A) that may be filed in the underlying case. If the offender previously has been convicted of or pleaded guilty to any violation of this section or a substantially equivalent municipal ordinance, the offense is a misdemeanor of the first degree.

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

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

(E) If the offender is sentenced under division (C)(2) of this section, if within three years of the offense the offender previously was convicted of or pleaded guilty to one or more violations of R.C. § 4510.12, this section, or a substantially equivalent municipal ordinance, and if the offender's license was expired for more than six months at the time of the offense, the court may impose a class seven suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in R.C. § 4510.02(A)(7).
(R.C. § 4510.12) (Rev. 2012)

§ 71.30 DRIVING UNDER OVI SUSPENSION.

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

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

(1) Except as otherwise provided in division (B)(2) or (B)(3) of this section, driving under OVI suspension is a misdemeanor of the first degree. The court shall sentence the offender to all of the following:

(a) A mandatory jail term of three consecutive days. The three-day term shall be imposed, unless, subject to division (C) of this section, the court instead imposes a sentence of not less than 30 consecutive days of house arrest with electronic monitoring. A period of house arrest with electronic monitoring imposed under this division shall not exceed six months. If the court imposes a mandatory three-day jail term under this division, the court may impose a jail term in addition to that term, provided that

in no case shall the cumulative jail term imposed for the offense exceed six months;

(b) A fine of not less than $250 and not more than $1,000;

(c) A license suspension under division (E) of this section;

(d) If the vehicle the offender was operating at the time of the offense is registered in the offender's name, immobilization for 30 days of the offender's vehicle and impoundment for 30 days of the identification license plates of that vehicle. The order for immobilization and impoundment shall be issued and enforced in accordance with R.C. § 4503.233.

(2) If, within six years of the offense, the offender previously has been convicted of or pleaded guilty to one violation of this section or one equivalent offense, driving under OVI suspension is a misdemeanor of the first degree. The court shall sentence the offender to all of the following:

(a) A mandatory jail term of ten consecutive days. Notwithstanding the jail terms provided in R.C. §§ 2929.21 through 2929.28, the court may sentence the offender to a longer jail term of not more than one year. The 10-day mandatory jail term shall be imposed unless, subject to division (C) of this section, the court instead imposes a sentence of not less than 90 consecutive days of house arrest with electronic monitoring. The period of house arrest with electronic monitoring shall not exceed one year;

(b) Notwithstanding the fines provided for in R.C. Chapter 2929, a fine of not less than $500 and not more than $2,500;

(c) A license suspension under division (E) of this section;

(d) If the vehicle the offender was operating at the time of the offense is registered in the offender's name, immobilization of the offender's vehicle for 60 days and the impoundment for 60 days of the identification license plates of that vehicle. The order for immobilization and impoundment shall be issued and enforced in accordance with R.C. § 4503.233.

(3) If, within six years of the offense, the offender previously has been convicted of or pleaded guilty to two or more violations of this section or two or more equivalent offenses, driving under OVI suspension is a misdemeanor. The court shall sentence the offender to all of the following:

(a) A mandatory jail term of 30 consecutive days. Notwithstanding the jail terms provided in R.C. §§ 2929.21 through 2929.28, the court may sentence the offender to a longer jail term of not more than one year. The court shall not sentence the offender to a term of house arrest with electronic monitoring in lieu of the mandatory portion of the jail term;

(b) Notwithstanding the fines set forth in R.C. Chapter 2929, a fine of not less than $500 and not more than $2,500;

(c) A license suspension under division (E) of this section;

(d) If the vehicle the offender was operating at the time of the offense is registered in the offender's name, criminal forfeiture to the state of the offender's vehicle. The order of criminal forfeiture shall be issued and enforced in accordance with R.C. § 4503.234. If title to a motor vehicle that is subject to an order for criminal forfeiture under this division is assigned or transferred and R.C. § 4503.234(B)(2) or (B)(3) applies, the court may fine the offender the value of the vehicle as determined by publications of the National Automobile Dealers Association. The proceeds from any fine so imposed shall be distributed in accordance with R.C. § 4503.234(C)(2).

(C) (1) No court shall impose an alternative sentence of house arrest with electronic monitoring under division (B)(1) or (B)(2) of this section unless, within 60 days of the date of sentencing, the court issues a written finding on the record that, due to the unavailability of space at the jail where the offender is required to serve the jail term imposed, the offender will not be able to begin serving that term within the 60-day period following the date of sentencing.

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

(D) Fifty percent of any fine imposed by a court under division (B)(1), (B)(2), or (B)(3) of this section shall be deposited into the municipal Indigent Drivers Alcohol Treatment Fund under the control of that court, as created by the municipality pursuant to R.C. § 4511.191(H).

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

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

(2) A suspension of a commercial driver's license under this section shall be concurrent with any period

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

(F) The offender shall provide the court with proof of financial responsibility as defined in R.C. § 4509.01. If the offender fails to provide that proof of financial responsibility, then, in addition to any other penalties provided by law, the court may order restitution pursuant to § 130.99(G) or R.C. § 2929.28 in an amount not exceeding $5,000 for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the vehicle before, during, or after committing the offense that is a misdemeanor of the first degree under this section for which the offender is sentenced.

(G) As used in this section:

ELECTRONIC MONITORING. Has the same meaning as in R.C. § 2929.01.

EQUIVALENT OFFENSE. Means any of the following:

(a) A violation of a municipal ordinance, law of another state, or law of the United States that is substantially equivalent to division (A) of this section;

(b) A violation of a former law of this state that was substantially equivalent to division (A) of this section.

JAIL. Has the same meaning as in R.C. § 2929.01.

MANDATORY JAIL TERM. Means the mandatory term in jail of 3, 10, or 30 consecutive days that must be imposed under division (B)(1), (B)(2), or (B)(3) of this section upon an offender convicted of a violation of division (A) of this section and in relation to which all of the following apply:

(a) Except as specifically authorized under this section, the term must be served in a jail.

(b) Except as specifically authorized under this section, the term cannot be suspended, reduced, or otherwise modified pursuant to any provision of the Ohio Revised Code.
(R.C. § 4510.14) (Rev. 2012)

(H) It is an affirmative defense to any prosecution brought under this section that the alleged offender drove under suspension, without a valid permit or driver's or commercial driver's license, or in violation of a restriction because of a substantial emergency, and because no other person was reasonably available to drive in response to the emergency.
(R.C. § 4510.04) (Rev. 2004)
Statutory reference:
Immobilization of vehicle; impoundment of license plates; criminal forfeiture of vehicle, see R.C. § 4510.161

§ 71.31 DRIVING UNDER FINANCIAL RESPONSIBILITY LAW SUSPENSION OR CANCELLATION; DRIVING UNDER A NONPAYMENT OF JUDGMENT SUSPENSION.

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

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

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

(D) Whoever violates division (A) of this section is guilty of driving under financial responsibility law suspension or cancellation and shall be punished as provided in this division (D). Whoever violates division (B) of this section is guilty of driving under a nonpayment of judgment suspension and shall be punished as provided in this division (D).

(1) Except as otherwise provided in division (D)(2) of this section, the offense is an unclassified misdemeanor. When the offense is an unclassified misdemeanor, the offender shall be sentenced pursuant to § 130.18, § 130.99 or R.C. §§ 2929.21 to 2929.28, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to § 130.99(E) or R.C. § 2929.26; notwithstanding § 130.99(G)(1)(b)1. and R.C. § 2929.28(A)(2)(a), the offender may be fined up to $1,000; and, notwithstanding § 130.99(F)(1)(c) and R.C. § 2929.27(A)(3), the offender may be ordered pursuant to § 130.99(F)(3) or R.C. § 2929.27(C) to serve a term of community service of up to 500 hours. The failure of an offender to complete a term of community service imposed by the court may be punished as indirect criminal contempt under R.C. § 2705.02(A) that may be filed in the underlying case.

(2) If, within three years of the offense, the offender previously was convicted of or pleaded guilty to two or more violations of this section, or any combination of two violations of this section, R.C. § 4510.11, 4510.111 or 4510.16, or a substantially equivalent municipal ordinance, the offense is a misdemeanor of the fourth degree.

(3) The offender shall provide the court with proof of financial responsibility as defined in R.C. § 4509.01. If the offender fails to provide that proof of financial responsibility, then in addition to any other penalties provided by law, the court may order restitution pursuant to R.C. § 2929.28 in an amount not exceeding $5,000 for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the vehicle before, during, or after committing the offense for which the offender is sentenced under this section.
(R.C. § 4510.16) (Rev. 2015)

(E) It is an affirmative defense to any prosecution brought under this section that the alleged offender drove under suspension, without a valid permit or driver's or commercial driver's license, or in violation of a restriction because of a substantial emergency, and because no other person was reasonably available to drive in response to the emergency.
(R.C. § 4510.04) (Rev. 2020)

Statutory reference:

Immobilization of vehicle; impoundment of license plates; criminal forfeiture of vehicle, see R.C. § 4510.161

§ 71.32 FAILURE TO REINSTATE LICENSE.

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

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

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

(1) Except as provided in division (C)(2) of this section, whoever violates this section is guilty of an unclassified misdemeanor. When the offense is an unclassified misdemeanor, the offender shall be sentenced pursuant to § 130.18, § 130.99 or R.C. §§ 2929.21 to 2929.28, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to § 130.99(E) or R.C. § 2929.26; notwithstanding § 130.99(G)(1)(b)1. and R.C. § 2929.28(A)(2)(a), the offender may be fined up to $1,000; and, notwithstanding § 130.99(F)(1)(c) and R.C. § 2929.27(A)(3), the offender may be ordered pursuant to § 130.99(F)(3) or R.C. § 2929.27(C) to serve a term of community service of up to 500 hours. The failure of an offender to complete a term of community service imposed by the court may be punished as indirect criminal contempt under R.C. § 2705.02(A) that may be filed in the underlying case.

(2) If, within three years of a violation of division (A) of this section, the offender previously has pleaded guilty to or been convicted of two or more violations of this section, R.C. § 4510.21 or a substantially equivalent municipal ordinance, the offender is guilty of a misdemeanor of the first degree.

(3) In all cases, the court may impose upon the offender a class seven suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary driver's license, or nonresident operating privilege from the range specified in R.C. § 4510.02(A)(7).
(R.C. § 4510.21) (Rev. 2012)

(D) It is an affirmative defense to any prosecution brought under this section that the alleged offender drove under suspension, without a valid permit or driver's or commercial driver's license, or in violation of a restriction because of a substantial emergency, and because no other person was reasonably available to drive in response to the emergency.
(R.C. § 4510.04) (Rev. 2004)

COMMERCIAL DRIVER'S LICENSES

§ 71.45 DEFINITIONS.

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

ALCOHOL CONCENTRATION. The concentration of alcohol in a person's blood, breath or urine. When expressed as a percentage, it means grams of alcohol per the following: 100 milliliters of whole blood, blood serum, or blood plasma; 210 liters of breath; or 100 milliliters of urine.

COMMERCIAL DRIVER'S LICENSE. A license issued in accordance with R.C. Chapter 4506 that authorizes an individual to drive a commercial motor vehicle.

COMMERCIAL DRIVER'S LICENSE INFORMATION SYSTEM. The information system established pursuant to the requirements of the "Commercial Motor Vehicle Safety Act of 1986", 100 Stat. 3207-171, 49 U.S.C. App. 2701.

COMMERCIAL MOTOR VEHICLE. Except when used in R.C. § 4506.25, any motor vehicle designed or used to transport persons or property that meets any of the following qualifications:

(1) Any combination of vehicles with a gross vehicle weight or combined gross vehicle weight rating of 26,001 pounds or more, provided that the gross vehicle weight or gross vehicle weight rating of the vehicle or vehicles being towed is in excess of 10,000 pounds;

(2) Any single vehicle with a gross vehicle weight or gross vehicle weight rating of 26,001 pounds or more;

(3) Any single vehicle or combination of vehicles that is not a Class A or Class B vehicle, but is designed to transport 16 or more passengers including the driver;

(4) Any school bus with a gross vehicle weight or gross vehicle weight rating of less than 26,001 pounds that is designed to transport fewer than 16 passengers including the driver;

(5) Is transporting hazardous materials for which placarding is required under 49 C.F.R. part 172, subpart F, as amended; or

(6) Any single vehicle or combination of vehicles that is designed to be operated and to travel on a public street or highway and is considered by the Federal Motor Carrier Safety Administration to be a commercial motor vehicle, including but not limited to a motorized crane, a vehicle whose function is to pump cement, a rig for drilling wells, and a portable crane.

CONTROLLED SUBSTANCE. Includes all of the following:

(1) Any substance classified as a controlled substance under the "Controlled Substances Act", 80 Stat. 1242 (1970), 21 U.S.C. § 802(6), as amended;

(2) Any substance included in Schedules I through V of 21 C.F.R. part 1308, as amended;

(3) Any drug of abuse.

CONVICTION. An unvacated adjudication of guilt or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or an authorized administrative tribunal, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, the payment of a fine or court cost, or violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended or probated.

DISQUALIFICATION. Means any of the following:

(1) The suspension, revocation, or cancellation of a person's privileges to operate a commercial motor vehicle;

(2) Any withdrawal of a person's privileges to operate a commercial motor vehicle as the result of a violation of state or local law relating to motor vehicle traffic control other than parking, vehicle weight, or vehicle defect violations;

(3) A determination by the Federal Motor Carrier Safety Administration that a person is not qualified to operate a commercial motor vehicle under 49 C.F.R. § 391.

DOMICILED. Having a true, fixed, principal, and permanent residence to which an individual intends to return.

DOWNGRADE. Any of the following, as applicable:

(1) A change in the commercial driver's license, or commercial driver's license temporary instruction permit, holder's self-certified status as described in R.C. § 4506.10(A)(1);

(2) A change to a lesser class of vehicle;

(3) Removal of commercial driver's license privileges from the individual's driver's license.

DRIVE. To drive, operate or be in physical control of a motor vehicle.

DRIVER. Any person who drives, operates or is in physical control of a commercial motor vehicle or is required to have a commercial driver's license.

DRIVER'S LICENSE. A license issued by the Bureau of Motor Vehicles that authorizes an individual to drive.

DRUG OF ABUSE. Any controlled substance, dangerous drug as defined in R.C. § 4729.01, or over-the-counter medication that, when taken in quantities exceeding the recommended dosage, can result in impairment of judgment or reflexes.

ELECTRONIC DEVICE. Includes a cellular telephone, a personal digital assistant, a pager, a computer, and any other device used to input, write, send, receive, or read text.

ELIGIBLE UNIT OF LOCAL GOVERNMENT. A village, township, or county that has a population of not more than 3,000 persons according to the most recent federal census.

EMPLOYER. Any person, including the federal government, any state, and a political subdivision of any state, that owns or leases a commercial motor vehicle or assigns a person to drive such a motor vehicle.

ENDORSEMENT. An authorization on a person's commercial driver's license that is required to permit the person to operate a specified type of commercial motor vehicle.

FARM TRUCK. A truck controlled and operated by a farmer for use in the transportation to or from a farm, for a distance of not more than 150 miles, of products of the farm, including livestock and its products, poultry and its products, floricultural and horticultural products, and in the transportation to the farm, from a distance of not more than 150 miles, of supplies for the farm, including tile, fence and every other thing or commodity used in agricultural, floricultural, horticultural, livestock, and poultry production, and livestock, poultry, and other animals and things used for breeding, feeding, or other purposes connected with the operation of the farm, when the truck is operated in accordance with this definition and is not used in the operations of a motor carrier, as defined in R.C. § 4923.01.

FATALITY. The death of a person as the result of a motor vehicle accident occurring not more than 365 days prior to the date of death.

FELONY. Any offense under federal or state law that is punishable by death or imprisonment for a term exceeding one year and includes any offense specifically classified as a felony under the law of this state, regardless of the penalty that may be imposed.

FOREIGN JURISDICTION. Any jurisdiction other than a state.

GROSS VEHICLE WEIGHT RATING. The value specified by the manufacturer as the maximum loaded weight of a single or a combination vehicle. The gross vehicle weight rating of a combination vehicle is the gross vehicle weight rating of the power unit plus the gross vehicle weight rating of each towed unit.

HAZARDOUS MATERIALS. Any material that has been designated as hazardous under 49 U.S.C. § 5103 and is required to be placarded under 49 C.F.R. part 172, subpart F or any quantity of a material listed as a select agent or toxin in 42 C.F.R. part 73, as amended.

IMMINENT HAZARD. The existence of a condition that presents a substantial likelihood that death, serious illness, severe personal injury, or a substantial endangerment to health, property, or the environment may occur before the reasonably foreseeable completion date of a formal proceeding begun to lessen the risk of death, illness, injury, or endangerment.

MEDICAL VARIANCE. One of the following received by a driver from the Federal Motor Carrier Safety Administration that allows the driver to be issued a medical certificate:

(1) An exemption letter permitting operation of a commercial motor vehicle under 49 C.F.R. part 381, subpart C or 49 C.F.R. § 391.64;

(2) A skill performance evaluation certificate permitting operation of a commercial motor vehicle pursuant to 49 C.F.R. § 391.49.

MOBILE TELEPHONE. A mobile communication device that falls under or uses any commercial mobile radio service as defined in 47 C.F.R. part 20, except that mobile telephone does not include two-way or citizens band radio services.

MOTOR VEHICLE. A vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power used on highways, except that such term does not include a vehicle, machine, tractor, trailer, or semitrailer operated exclusively on a rail.

OUT-OF-SERVICE ORDER. A declaration by an authorized enforcement officer of a federal, state, local, Canadian, or Mexican jurisdiction declaring that the driver, commercial motor vehicle, or commercial motor carrier operation is out of service as defined in 49 C.F.R. § 390.5.

PEACE OFFICER. Has the same meaning as in R.C. § 2935.01.

PORTABLE TANK. A liquid or gaseous packaging designed primarily to be loaded onto or temporarily attached to a vehicle and equipped with skids, mountings, or accessories to facilitate handling of the tank by mechanical means.

PUBLIC SAFETY VEHICLE. Has the same meaning as in R.C. § 4511.01(E)(1) and (E)(3).

RECREATIONAL VEHICLE. Includes every vehicle that is defined as a recreational vehicle in R.C. § 4501.01 and is used exclusively for purposes other than engaging in business for profit.

RESIDENCE. Any person's residence determined in accordance with standards prescribed in the rules adopted by the Registrar.

SCHOOL BUS. Has the same meaning as in R.C. § 4511.01.

SERIOUS TRAFFIC VIOLATION. Any of the following:

(1) A conviction arising from a single charge of operating a commercial motor vehicle in violation of any provision of R.C. § 4506.03;

(2) (a) Except as provided in division (2)(b) of this definition, a violation while operating a commercial motor vehicle of a law of this state, or any municipal ordinance or county or township resolution, or any other substantially equivalent law of another state or political subdivision of another state, prohibiting either of the following:

1. Texting while driving;

2. Using a handheld mobile telephone.

(b) It is not a serious traffic violation if the person was texting or using a handheld mobile telephone to contact law enforcement or other emergency services.

(3) A conviction arising from the operation of any motor vehicle that involves any of the following:

(a) A single charge of any speed in excess of the posted speed limit by 15 miles per hour or more;

(b) Violations of R.C. § 4511.20 or R.C. § 4511.201 or any substantially equivalent ordinance or resolution, or of any substantially equivalent law of another state or political subdivision of another state;

(c) Violation of a law of this state or an ordinance or resolution relating to traffic control, other than a parking violation, or of any substantially equivalent law of another state or political subdivision of another state, that results in a fatal accident;

(d) Violation of R.C. § 4506.03 or a substantially equivalent municipal ordinance or county or township resolution, or of any substantially equivalent law of another state or political subdivision of another state, that involves the operation of a commercial motor vehicle without a valid commercial driver's license with the proper class or endorsement for the specific vehicle group being operated or for the passengers or type of cargo being transported;

(e) Violation of R.C. § 4506.03 or a substantially equivalent municipal ordinance or county or township resolution, or of any substantially equivalent law of another state or political subdivision of another state, that involves the operation of a commercial motor vehicle without a valid commercial driver's license being in the person's possession;

(f) Violation of R.C. § 4511.33 or R.C. § 4511.34, or any municipal ordinance or county or township resolution substantially equivalent to either of those sections, or any substantially equivalent law of another state or political subdivision of another state;

(g) Violation of any other law of this state, any law of another state, or any ordinance or resolution of a political subdivision of this state or another state that meets both of the following requirements:

1. It relates to traffic control, other than a parking violation;

2. It is determined to be a serious traffic violation by the United States Secretary of Transportation and is designated by the director as such by rule.

STATE. A state of the United States and includes the District of Columbia.

TANK VEHICLE. Any commercial motor vehicle that is designed to transport any liquid or gaseous materials within a tank or tanks that are either permanently or temporarily attached to the vehicle or its chassis and have an individual rated capacity of more than 119 gallons and an aggregate rated capacity of 1,000 gallons or more. The term does not include a commercial motor vehicle transporting an empty storage container tank that is not designed for transportation, has a rated capacity of 1,000 gallons or more, and is temporarily attached to a flatbed trailer.

TESTER. Means a person or entity acting pursuant to a valid agreement entered into pursuant to R.C. § 4506.09(B).

TEXTING. Manually entering alphanumeric text into, or reading text from, an electronic device. Texting includes short message service (SMS), e-mail, instant messaging, a command or request to access a world wide web page, pressing more than a single button to initiate or terminate a voice communication using a mobile telephone, or engaging in any other form of electronic text retrieval or entry, for present or future communication. Texting does not include the following:

(1) Using voice commands to initiate, receive, or terminate a voice communication using a mobile telephone;

(2) Inputting, selecting, or reading information on a global positioning system or navigation system;

(3) Pressing a single button to initiate or terminate a voice communication using a mobile telephone; or

(4) Using, for a purpose that is not otherwise prohibited by law, a device capable of performing multiple functions, such as a fleet management system, a dispatching

device, a mobile telephone, a citizens band radio, or a music player.

TEXTING WHILE DRIVING. Texting while operating a commercial motor vehicle, with the motor running, including while temporarily stationary because of traffic, a traffic control device, or other momentary delays. Texting while driving does not include operating a commercial motor vehicle with or without the motor running when the driver has moved the vehicle to the side of, or off, a highway and is stopped in a location where the vehicle can safely remain stationary.

UNITED STATES. The 50 states and the District of Columbia.

UPGRADE. A change in the class of vehicles, endorsements, or self-certified status as described in R.C. § 4506.10(A)(1) that expands the ability of a current commercial driver's license holder to operate commercial motor vehicles under this chapter or R.C. Chapter 4506.

USE OF A HANDHELD MOBILE TELEPHONE. Means:

(1) Using at least one hand to hold a mobile telephone to conduct a voice communication;

(2) Dialing or answering a mobile telephone by pressing more than a single button; or

(3) Reaching for a mobile telephone in a manner that requires a driver to maneuver so that the driver is no longer in a seated driving position, or restrained by a seat belt that is installed in accordance with 49 C.F.R. § 393.93 and adjusted in accordance with the vehicle manufacturer's instructions.

VEHICLE. Has the same meaning as in R.C. § 4511.01.
(R.C. § 4506.01) (Rev. 2016)

§ 71.46 USE OF ACTUAL GROSS WEIGHT IN LIEU OF RATING.

For purposes of this subchapter, the actual gross weight of a vehicle or combination of vehicles may be used in lieu of a gross vehicle weight rating to determine whether a vehicle or combination of vehicles qualifies as a commercial motor vehicle if the gross vehicle weight rating specified by the manufacturer for the vehicle of combination of vehicles is not determinable, or if the manufacturer of the vehicle has not specified a gross vehicle weight rating.
(R.C. § 4506.011) (Rev. 2006)

§ 71.47 PROHIBITED ACTS.

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

(1) Drive a commercial motor vehicle while having in the person's possession or otherwise under the person's control more than one valid driver's license issued by this state, any other state, or by a foreign jurisdiction;

(2) Drive a commercial motor vehicle on a highway in this municipality in violation of an out-of-service order while the person's driving privilege is suspended, revoked, or cancelled, or while the person is subject to disqualification;

(3) Drive a motor vehicle on a highway in the municipality under the authority of a commercial driver's license issued by another state or a foreign jurisdiction, after having been a resident of this state for 30 days or longer;

(4) Knowingly give false information in any application or certification required by R.C. § 4506.07.

(B) The municipality shall give every conviction occurring out of this state and notice of which was received by the state Department of Public Safety after December 31, 1989, full faith and credit and treat it for sanctioning purposes under this chapter as though the conviction had occurred in this state.
(R.C. § 4506.04(A), (B))

(C) No person shall drive any commercial motor vehicle for which an endorsement is required under R.C. § 4506.12 unless the proper endorsement appears on the person's commercial driver's license or commercial driver's license temporary instruction permit. No person shall drive a commercial motor vehicle in violation of a restriction established under R.C. § 4506.12 that appears on the person's commercial driver's license or commercial driver's license temporary instruction permit.
(R.C. § 4506.12(I)) (Rev. 2016)

(D) (1) Whoever violates division (A)(1), (A)(2) or (A)(3) of this section is guilty of a misdemeanor of the first degree.

(2) Whoever violates division (A)(4) of this section is guilty of falsification, a misdemeanor of the first degree. In addition, the provisions of R.C. § 4507.19 apply.
(R.C. § 4506.04(C))

(3) (a) Whoever violates division (C) of this section is guilty of a misdemeanor of the first degree.

(b) The offenses established under division (C) of this section are strict liability offenses and R.C. § 2901.20 does not apply. The designation of these offenses as strict liability offenses shall not be construed to imply that any other offense for which there is no specified degree of culpability, whether in this section or another section of this code or the Ohio Revised Code, is not a strict liability offense.
(R.C. § 4506.12(J)) (Rev. 2016)

§ 71.48 PREREQUISITES TO OPERATION OF COMMERCIAL MOTOR VEHICLE.

(A) Except as provided in divisions (B) or (C) of this section, the following shall apply:

(1) No person shall drive a commercial motor vehicle on a highway in this state unless the person holds, and has in the person's possession, any of the following:

(a) A valid commercial driver's license with proper endorsements for the motor vehicle being driven, issued by the Registrar of Motor Vehicles or by another jurisdiction recognized by this state;

(b) A valid examiner's commercial driving permit issued under R.C. § 4506.13;

(c) A valid restricted commercial driver's license and waiver for farm-related service industries issued under R.C. § 4506.24;

(d) A valid commercial driver's license temporary instruction permit issued by the Registrar, provided that the person is accompanied by an authorized state driver's license examiner or tester or a person who has been issued and has in the person's immediate possession a current, valid commercial driver's license and who meets the requirements of R.C. § 4506.06(B).

(2) No person's commercial driver's license temporary instruction permit shall be upgraded, and no commercial driver's license shall be upgraded, renewed, or issued to a person until the person surrenders to the registrar of motor vehicles all valid licenses and permits issued to the person by this state or by another jurisdiction recognized by this state. If the license or permit was issued by any other state or another jurisdiction recognized by this state, the Registrar shall report the surrender of a license or permit to the issuing authority, together with information that a license or permit is now issued in this state. The Registrar shall destroy any such license or permit that is not returned to the issuing authority.

(3) No person who has been a resident of this state for 30 days or longer shall drive a commercial motor vehicle under the authority of a commercial driver's license issued in another jurisdiction.

(B) Nothing in division (A) of this section applies to any qualified person when engaged in the operation of any of the following:

(1) A farm truck;

(2) Fire equipment for a fire department, volunteer or nonvolunteer fire company, fire district, joint fire district, or the State Fire Marshal;

(3) A public safety vehicle used to provide transportation or emergency medical service for ill or injured persons;

(4) A recreational vehicle;

(5) A commercial motor vehicle within the boundaries of an eligible unit of local government, if the person is employed by the eligible unit of local government and is operating the commercial motor vehicle for the purpose of removing snow or ice from a roadway by plowing, sanding, or salting, but only if either the employee who holds a commercial driver's license issued under R.C. Chapter 4506 and ordinarily operates a commercial motor vehicle for these purposes is unable to operate the vehicle, or the employing eligible unit of local government determines that a snow or ice emergency exists that requires additional assistance;

(6) A vehicle operated for military purposes by any member or uniformed employee of the armed forces of the United States or their reserve components, including the Ohio National Guard. This exception does not apply to United States reserve technicians;

(7) A commercial motor vehicle that is operated for nonbusiness purposes. "Operated for nonbusiness purposes" means that the commercial motor vehicle is not used in commerce as "commerce" is defined in 49 C.F.R. § 383.5, as amended, and is not regulated by the Public Utilities Commission pursuant to R.C. Chapter 4905, 4921, or 4923;

(8) A motor vehicle that is designed primarily for the transportation of goods and not persons, while that motor vehicle is being used for the occasional transportation of personal property by individuals not for compensation and not in the furtherance of a commercial enterprise;

(9) A police SWAT team vehicle;

(10) A police vehicle used to transport prisoners.

(C) Nothing contained in division (B)(5) of this section shall be construed as preempting or superseding any law, rule or regulation of this state concerning the safe operation of commercial motor vehicles.
(R.C. § 4506.03(A) - (C)) (Rev. 2016)

(D) Notwithstanding any other provision of law, a person may drive a commercial motor vehicle on a highway in this municipality if all of the following conditions are met:

(1) The person has a valid commercial driver's license or commercial driver's license temporary instruction permit issued by any state or jurisdiction in accordance with the minimum standards adopted by the Federal Motor Carrier Safety Administration under the "Commercial Motor Vehicle Safety Act of 1986", 100 Stat. 3207-171, 49 U.S.C. App., for issuance of commercial driver's licenses;

(2) The person's commercial driver's license or temporary instruction permit is not suspended, revoked, or canceled, and the person has the appropriate endorsements for the vehicle that is being driven;

(3) The person is not disqualified from driving a commercial motor vehicle;

(4) The person is not subject to an out-of-service order;

(5) The person is medically certified as physically qualified to operate a commercial motor vehicle in accordance with R.C. Chapter 4506.

(a) A person who submitted a medical examiner's certificate to the Registrar in accordance with R.C. § 4506.10(A)(1) and whose medical certification information is maintained in the commercial driver's license information system is not required to have the medical examiner's certificate in the person's possession when on duty.

(b) A person whose medical certification information is not maintained in the commercial driver's license information system shall have in the person's possession when on duty the original or a copy of the current medical examiner's certificate that was submitted to the Registrar. However, the person may operate a commercial motor vehicle with such proof of medical certification for not more than 15 days after the date the current medical examiner's certificate was issued to the person.

(c) A person who has a medical variance shall have in the person's possession the original or copy of the medical variance documentation at all times while on duty.

(E) No person shall drive a commercial motor vehicle on a highway in this municipality if the person does not meet the conditions specified in division (D) of this section.

(F) Except as set forth in 49 C.F.R. §§ 390.3(f), 391.2, 391.62, 391.67, and 391.68, no person holding a commercial driver's license temporary instruction permit or a commercial driver's license issued under R.C. Chapter 4506 may drive a commercial motor vehicle in interstate commerce until the person is at least 21 years of age.
(R.C. § 4506.05(A) - (C)) (Rev. 2016)

(G) (1) Whoever violates this section is guilty of a misdemeanor of the first degree.

(2) The offenses established under divisions (D), (E) and (F) of this section are strict liability offenses and R.C. § 2901.20 does not apply. The designation of these offenses as strict liability offenses shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is not a strict liability offense.
(R.C. §§ 4506.03(D), 4506.05(D)) (Rev. 2016)

§ 71.49 PHYSICAL QUALIFICATION TO OPERATE COMMERCIAL MOTOR VEHICLES.

(A) No person who holds a valid commercial driver's license shall drive a commercial motor vehicle unless the person is physically qualified to do so.

(1) Any person applying for a commercial driver's license or commercial driver's license temporary instruction permit, the renewal or upgrade of a commercial driver's license or commercial driver's license temporary instruction permit, or the transfer of a commercial driver's license from out of state shall self-certify to the Registrar for purposes of 49 C.F.R. § 383.71 one of the following in regard to the applicant's operation of a commercial motor vehicle, as applicable:

(a) 1. If the applicant operates or expects to operate a commercial motor vehicle in interstate or foreign commerce and is subject to and meets the requirements under 49 C.F.R. part 391, the applicant shall self-certify that the applicant is non-excepted interstate and shall provide the Registrar with the original or a copy of a medical examiner's certificate and each subsequently issued medical examiner's certificate prepared by a qualified medical examiner to maintain a medically certified status on the applicant's commercial driver licensing system driver record;

2. If the applicant operates or expects to operate a commercial motor vehicle in interstate commerce, but engages in transportation or operations excepted under 49 C.F.R. §§ 390.3(f), 391.2, 391.68, or 398.3 from all or parts of the qualification requirements of 49 C.F.R. part 391, the applicant shall self-certify that the applicant is excepted interstate and is not required to obtain a medical examiner's certificate;

(b) 1. If the applicant operates only in intrastate commerce and is subject to state driver qualification requirements, the applicant shall self-certify that the applicant is non-excepted intrastate;

2. If the applicant operates only in intrastate commerce and is excepted from all or parts of the state driver qualification requirements, the applicant shall self-certify that the applicant is excepted intrastate.

(2) Notwithstanding the expiration date on a person's commercial driver's license or commercial driver's license temporary instruction permit, every commercial driver's license or commercial driver's license temporary instruction permit holder shall provide the Registrar with the certification required by this section on or after January 30, 2012, but prior to January 30, 2014.

(B) Whoever violates this section is guilty of a misdemeanor of the first degree.
(R.C. § 4506.10(A), (E)) (Rev. 2016)

§ 71.50 CRIMINAL OFFENSES.

(A) No person who holds a commercial driver's license or commercial driver's license temporary instruction permit or who operates a motor vehicle for which a commercial driver's license or permit is required shall do any of the following:

(1) Drive a commercial motor vehicle while having a measurable or detectable amount of alcohol or of a controlled substance in the person's blood, breath, or urine;

(2) Drive a commercial motor vehicle while having an alcohol concentration of 0.04% or more by whole blood or breath;

(3) Drive a commercial motor vehicle while having an alcohol concentration of .048% or more by blood serum or blood plasma;

(4) Drive a commercial motor vehicle while having an alcohol concentration of .056% or more by urine;

(5) Drive a motor vehicle while under the influence of a controlled substance;

(6) Drive a motor vehicle in violation of R.C. § 4511.19 or a municipal OVI ordinance as defined in R.C. § 4511.181;

(7) Use a vehicle in the commission of a felony;

(8) Refuse to submit to a test under R.C. § 4506.17 or R.C. § 4511.191, or any substantially equivalent municipal ordinance;

(9) Operate a commercial motor vehicle while the person's commercial driver's license or permit or other commercial driving privileges are revoked, suspended, cancelled, or disqualified;

(10) Cause a fatality through the negligent operation of a commercial motor vehicle, including but not limited to the offenses of aggravated vehicular homicide, vehicular homicide, and vehicular manslaughter;

(11) Fail to stop after an accident in violation of R.C. §§ 4549.02 to 4549.03, or any substantially equivalent municipal ordinance;

(12) Drive a commercial motor vehicle in violation of any provision of R.C. §§ 4511.61 through 4511.63 or any federal or local law or ordinance pertaining to railroad-highway grade crossings;

(13) Use a motor vehicle in the commission of a felony involving the manufacture, distribution, or dispensing of a controlled substance as defined in R.C. § 3719.01 or the possession with intent to manufacture, distribute, or dispense a controlled substance.
(R.C. § 4506.15(A)) (Rev. 2016)

(B) No person shall refuse to immediately surrender the person's commercial driver's license or permit to a peace officer when required to do so by R.C. § 4506.17.
(R.C. § 4506.17(H)) (Rev. 2016)

(C) (1) Within the jurisdictional limits of the appointing authority, any peace officer shall stop and detain any person found violating division (A) of this section without obtaining a warrant. When there is reasonable ground to believe that a violation of division (A) of this section has been committed and a test or tests of the person's whole blood, blood plasma or blood serum, breath or urine is necessary, the peace officer shall take the person to an appropriate place for testing. If a person refuses to submit to a test after being warned as provided in R.C. § 4506.17(C), or submits to a test that discloses the presence of a controlled substance or an alcohol concentration of 0.04% or more by whole blood or breath, an alcohol concentration of .048% or more by blood serum or blood plasma, or an alcohol concentration of .056% or more by urine, the peace officer shall require that the person immediately surrender the person's commercial driver's license to the peace officer.

(2) As used in this division (C), ***JURISDICTIONAL LIMITS*** means the limits within which a peace officer may arrest and detain a person without a warrant under R.C. § 2935.03, except that the Superintendent and the troopers of the State Highway Patrol may stop and detain, without warrant, any person who, in the presence of the Superintendent or any trooper, is engaged in a violation of any of the provisions of this subchapter or R.C. Chapter 4506.
(R.C. § 4506.23) (Rev. 2006)

(D) Whoever violates this section is guilty of a misdemeanor of the first degree.
(R.C. §§ 4506.15(B), 4506.17(N)) (Rev. 2006)

Statutory reference:

Alcohol or controlled substance testing, disqualification of drivers, see R.C. § 4506.17

Disqualification of drivers for violations, see R.C. § 4506.16

§ 71.51 APPLICATION OF FEDERAL REGULATIONS.

(A) The provisions of 49 C.F.R. part 383, subpart C (Notification Requirements and Employer Responsibilities), as amended, shall apply to all commercial drivers or persons who apply for employment as commercial drivers. No person shall fail to make a report to the person's employer as required by this section.

(B) Whoever violates this section is guilty of a misdemeanor of the first degree.
(R.C. § 4506.19) (Rev. 2004)

§ 71.52 EMPLOYMENT OF DRIVERS OF COMMERCIAL VEHICLES.

(A) Each employer shall require every applicant for employment as a driver of a commercial vehicle to provide the applicant's employment history for the ten years preceding the date the employment application is submitted to the prospective employer. The following information shall be submitted:

(1) A list of the names and addresses of the applicant's previous employers for which the applicant was the operator of a commercial motor vehicle;

(2) The dates the applicant was employed by these employers;

(3) The reason for leaving each of these employers.

(B) No employer shall knowingly permit or authorize any driver employed by the employer to drive a commercial motor vehicle during any period in which any of the following apply:

(1) The driver's commercial driver's license is suspended, revoked, or cancelled by any state or a foreign jurisdiction;

(2) The driver has lost the privilege to drive, or currently is disqualified from driving, a commercial motor vehicle in any state or foreign jurisdiction;

(3) The driver, the commercial motor vehicle the driver is driving, or the motor carrier operation is subject to an out-of-service order in any state or a foreign jurisdiction;

(4) The driver has more than one driver's license.

(C) No employer shall knowingly permit or authorize a driver to operate a commercial motor vehicle in violation of R.C. § 4506.15.

(D) No employer shall knowingly permit or authorize a driver to operate a commercial motor vehicle if the driver does not hold a valid, current commercial driver's license or commercial driver's license temporary instruction permit bearing the proper class or endorsements for the vehicle. No employer shall knowingly permit or authorize a driver to operate a commercial motor vehicle in violation of the restrictions on the driver's commercial driver's license or commercial driver's license temporary instruction permit.

(E) (1) Whoever violates division (A), (B) or (D) of this section is guilty of a misdemeanor of the first degree.

(2) Whoever violates division (C) of this section is guilty of a felony to be prosecuted under appropriate state law.
(R.C. § 4506.20) (Rev. 2016)

§ 71.99 PENALTY.

Whoever violates any provision of this chapter for which no penalty otherwise is provided in the section that contains the provision violated is guilty of a misdemeanor of the first degree.
(R.C. §§ 4506.99, 4507.99) (Rev. 2005)

CHAPTER 72: TRAFFIC RULES

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Statutory reference:

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GENERAL PROVISIONS

§ 72.001 LANES OF TRAVEL UPON ROADWAYS.

(A) Upon all roadways of sufficient width, a vehicle shall be driven upon the right half of the roadway, except as follows:

(1) When overtaking and passing another vehicle proceeding in the same direction, or when making a left turn under the rules governing such movements;

(2) When an obstruction exists making it necessary to drive to the left of the center of the highway; provided, any person so doing shall yield the right-of-way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard;

(3) When driving upon a roadway divided into three or more marked lanes for traffic under the rules applicable thereon;

(4) When driving upon a roadway designated and posted with signs for one-way traffic;

(5) When otherwise directed by a police officer or traffic-control device.

(B) (1) Upon all roadways any vehicle proceeding at less than the prevailing and lawful speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic, and far enough to the right to allow passing by faster vehicles if such passing is safe and reasonable, except under any of the following circumstances:

(a) When overtaking and passing another vehicle proceeding in the same direction;

(b) When preparing for a left turn;

(c) When the driver must necessarily drive in a lane other than the right-hand lane to continue on the driver's intended route.

(2) Nothing in division (B)(1) of this section requires a driver of a slower vehicle to compromise the driver's safety to allow overtaking by a faster vehicle.

(C) Upon any roadway having four or more lanes for moving traffic and providing for two-way movement of traffic, no vehicle shall be driven to the left of the center line of the roadway, except when authorized by official traffic-control devices designating certain lanes to the left of the center of the roadway for use by traffic not otherwise permitted to use the lanes, or except as permitted under division (A)(2) of this section. This division shall not be construed as prohibiting the crossing of the center line in making a left turn into or from an alley, private road, or driveway.

(D) Except as otherwise provided in this division, 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.

(E) 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 § 70.99(B).
(R.C. § 4511.25) (Rev. 2019)

§ 72.002 DRIVING THROUGH SAFETY ZONE.

(A) No vehicle shall at any time be driven through or within a safety zone.

(B) Except as otherwise provided in this division, 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.

(C) 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 § 70.99(B).
(R.C. § 4511.60) (Rev. 2019)

§ 72.003 VEHICLES TRAVELING IN OPPOSITE DIRECTIONS.

(A) Operators of vehicles proceeding in opposite directions shall pass each other to the right, and upon

roadways having width for not more than one line of traffic in each direction, each operator shall give to the other one-half of the main traveled portion of the roadway or as nearly one-half as is reasonably possible.

(B) Except as otherwise provided in this division, 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.

(C) 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 § 70.99(B).
(R.C. § 4511.26) (Rev. 2019)

§ 72.004 RULES GOVERNING OVERTAKING AND PASSING OF VEHICLES.

(A) The following rules govern the overtaking and passing of vehicles proceeding in the same direction:

(1) The operator of a vehicle overtaking another vehicle proceeding in the same direction shall, except as provided in division (A)(3) of this section, signal to the vehicle to be overtaken, shall pass to the left thereof at a safe distance, and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle. When a motor vehicle overtakes and passes a bicycle or electric bicycle, three feet or greater is considered a safe passing distance.

(2) Except when overtaking and passing on the right is permitted, the operator of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle at the latter's audible signal, and the operator shall not increase the speed of the operator's vehicle until completely passed by the overtaking vehicle.

(3) The operator of a vehicle overtaking and passing another vehicle proceeding in the same direction on a divided highway as defined in R.C. § 4511.35, a limited access highway as defined in R.C. § 5511.02, or a highway with four or more traffic lanes is not required to signal audibly to the vehicle being overtaken and passed.

(B) Except as otherwise provided in this division, 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.

(C) 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 § 70.99(B).
(R.C. § 4511.27) (Rev. 2020)

§ 72.005 PERMISSION TO OVERTAKE AND PASS ON THE RIGHT.

(A) The driver of a vehicle may overtake and pass on the right of another vehicle only under the following conditions:

(1) When the vehicle overtaken is making or about to make a left turn; or

(2) Upon a roadway with unobstructed pavement of sufficient width for two or more lines of vehicles moving lawfully in the direction being traveled by the overtaking vehicle.

(B) The driver of a vehicle may overtake and pass another vehicle only under conditions permitting the movement in safety. The movement shall not be made by driving off the roadway.

(C) Except as otherwise provided in this division, 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.

(D) 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 § 70.99(B).
(R.C. § 4511.28) (Rev. 2019)

§ 72.006 DRIVING TO LEFT OF CENTER LINE.

(A) No vehicle shall be driven to the left of the center of the roadway in overtaking and passing traffic proceeding in the same direction, unless the left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit the overtaking and passing to be completely made without interfering with the safe operation of any traffic approaching from the opposite direction or any traffic overtaken. In every event, the overtaking vehicle must return to an authorized lane of travel as soon as practicable, and in the event the passing movement involves the use of a lane authorized for the traffic approaching from the opposite

direction, before coming within 200 feet of any approaching vehicle.

(B) Except as otherwise provided in this division, 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.

(C) 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 § 70.99(B).
(R.C. § 4511.29) (Rev. 2019)

§ 72.007 PROHIBITION AGAINST DRIVING UPON LEFT SIDE OF ROADWAY.

(A) No vehicle shall be driven upon the left side of the roadway under the following conditions:

(1) When approaching the crest of a grade or upon a curve in the highway, where the operator's view is obstructed within such a distance as to create a hazard in the event traffic might approach from the opposite direction;

(2) When the view is obstructed upon approaching within 100 feet of any bridge, viaduct, or tunnel; or

(3) When approaching within 100 feet of or traversing any intersection or railroad grade crossing.

(B) This section does not apply to vehicles upon a one-way roadway, upon a roadway where traffic is lawfully directed to be driven to the left side, or under the conditions described in R.C. § 4511.25(A)(2) or a substantially equivalent municipal ordinance.

(C) Except as otherwise provided in this division, 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.

(D) 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 § 70.99(B).
(R.C. § 4511.30) (Rev. 2019)

§ 72.008 HAZARDOUS ZONES.

(A) The Department of Transportation may determine those portions of any state highway where overtaking and passing other traffic or driving to the left of the center or center line of the roadway would be especially hazardous, and may, by appropriate signs or markings on the highway, indicate the beginning and end of such zones. When signs or markings are in place and clearly visible, every operator of a vehicle shall obey the directions of the signs or markings, notwithstanding the distances set out in R.C. § 4511.30.

(B) Division (A) of this section does not apply when all of the following apply:

(1) The slower vehicle is proceeding at less than half the speed of the speed limit applicable to that location.

(2) The faster vehicle is capable of overtaking and passing the slower vehicle without exceeding the speed limit.

(3) There is sufficient clear sight distance to the left of the center or center line of the roadway to meet the overtaking and passing provisions of R.C. § 4511.29, considering the speed of the slower vehicle.

(C) Except as otherwise provided in this division, 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.

(D) 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 § 70.99(B).
(R.C. § 4511.31) (Rev. 2019)

§ 72.009 ONE-WAY HIGHWAYS AND ROTARY TRAFFIC ISLANDS.

(A) (1) Upon a roadway designated and posted with signs for one-way traffic, a vehicle shall be driven only in the direction designated.

(2) A vehicle passing around a rotary traffic island shall be driven only to the right of the rotary traffic island.

(B) Except as otherwise provided in this division, 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.

(C) 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 § 70.99(B).
(R.C. § 4511.32) (Rev. 2019)

§ 72.010 RULES FOR DRIVING IN MARKED LANES.

(A) Whenever any roadway has been divided into two or more clearly marked lanes for traffic, or wherever within the municipality traffic is lawfully moving in two or more substantially continuous lines in the same direction, the following rules apply:

(1) A vehicle shall be driven, as nearly as is practicable, entirely within a single lane or line of traffic and shall not be moved from the lane or line until the driver has first ascertained that the movement can be made with safety.

(2) Upon a roadway which is divided into three lanes and provides for the two-way movement of traffic, a vehicle shall not be driven in the center lane, except when overtaking and passing another vehicle where the roadway is clearly visible and the center lane is clear of traffic within a safe distance, or when preparing for a left turn, or where the center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding, and is posted with signs to give notice of such allocation.

(3) Official signs may be erected directing specified traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction, regardless of the center of the roadway, or restricting the use of a particular lane to only buses during certain hours or during all hours, and drivers of vehicles shall obey the directions of such signs.

(4) Official traffic-control devices may be installed prohibiting the changing of lanes on sections of roadway, and drivers of vehicles shall obey the directions of every such device.

(B) Except as otherwise provided in this division, 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.

(C) 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 § 70.99(B).
(R.C. § 4511.33) (Rev. 2019)

§ 72.011 SPACE BETWEEN MOVING VEHICLES.

(A) (1) The operator of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of the vehicle and the traffic upon and the condition of the highway.

(2) The driver of any truck, or motor vehicle drawing another vehicle, when traveling upon a roadway outside a business or residence district, shall maintain a sufficient space, whenever conditions permit, between the vehicle and another vehicle ahead so an overtaking motor vehicle may enter and occupy the space without danger. This division does not prevent overtaking and passing nor does it apply to any lane specially designated for use by trucks.

(3) Motor vehicles being driven upon any roadway outside of a business or residence district in a caravan or motorcade shall maintain a sufficient space between the vehicles so an overtaking vehicle may enter and occupy the space without danger. This division shall not apply to funeral processions.

(B) Except as otherwise provided in this division, 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.

(C) 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 § 70.99(B).
(R.C. § 4511.34) (Rev. 2019)

§ 72.012 DIVIDED ROADWAYS.

(A) Whenever any highway has been divided into two roadways by an intervening space, or by a physical barrier, or a clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle shall be driven only upon the right-hand roadway, and no vehicle shall be driven over, across, or within any dividing space, barrier, or section, except through an opening, crossover, or intersection established by public authority. This section does not prohibit the occupancy of the dividing space, barrier, or section for the purpose of an emergency stop, or in compliance with an order of a police officer.

(B) Except as otherwise provided in this division, 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.

(C) 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 § 70.99(B).
(R.C. § 4511.35) (Rev. 2019)

§ 72.013 RULES FOR TURNS AT INTERSECTIONS.

(A) The driver of a vehicle intending to turn at an intersection shall be governed by the following rules:

(1) Approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.

(2) At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of the center line where it enters the intersection, and, after entering the intersection, the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered. Whenever practicable, the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

(3) At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of the vehicle, and, after entering the intersection, the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left hand lane of the roadway being entered lawfully available to traffic moving in that lane.

(B) The Department of Transportation and local authorities may cause markers, buttons, or signs to be placed within or adjacent to intersections, and thereby require and direct that a different course from that specified in this section be traveled by vehicles turning at an intersection, and when markers, buttons, or signs are so placed, no operator of a vehicle shall turn the vehicle at an intersection other than as directed and required by the markers, buttons, or signs.

(C) Except as otherwise provided in this division, 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.

(D) 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 § 70.99(B).
(R.C. § 4511.36) (Rev. 2019)

§ 72.014 U-TURNS AND TURNING IN ROADWAY PROHIBITED.

(A) Except as provided in R.C. § 4511.13 and division (B) of this section, no vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to or near the crest of a grade, if such vehicle cannot be seen within 500 feet by the driver of any other vehicle approaching from either direction.

(B) The driver of an emergency vehicle or public safety vehicle, when responding to an emergency call, may turn the vehicle so as to proceed in the opposite direction. This division applies only when the emergency vehicle or public safety vehicle is responding to an emergency call, is equipped with and displaying at least one flashing, rotating, or oscillating light visible under normal atmospheric conditions from a distance of 500 feet to the front of the vehicle, and when the driver of the vehicle is giving an audible signal by siren, exhaust whistle, or bell. This division does not relieve the driver of an emergency vehicle or public safety vehicle from the duty to drive with due regard for the safety of all persons and property upon the highway.

(C) Except as otherwise provided in this division, 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.

(D) 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 § 70.99(B).
(R.C. § 4511.37) (Rev. 2019)

§ 72.015 STARTING AND BACKING VEHICLES.

(A) (1) No person shall start a vehicle which is stopped, standing, or parked until the movement can be made with reasonable safety.

(2) Before backing, operators of vehicles shall give ample warning, and while backing they shall exercise vigilance not to injure person or property on the street or highway.

(3) No person shall back a motor vehicle on a freeway, except:

(a) In a rest area;

(b) In the performance of public works or official duties;

(c) As a result of an emergency caused by an accident or breakdown of a motor vehicle.

(B) Except as otherwise provided in this division, 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.

(C) 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 § 70.99(B).
(R.C. § 4511.38) (Rev. 2019)

§ 72.016 TURN AND STOP SIGNALS.

(A) (1) No person shall turn a vehicle or move right or left upon a highway unless and until the person has exercised due care to ascertain that the movement can be made with reasonable safety, nor without giving an appropriate signal in the manner hereinafter provided.

(2) When required, a signal of intention to turn or move right or left shall be given continuously during not less than the last 100 feet traveled by the vehicle before turning, except that in the case of a person operating a bicycle or electric bicycle, the signal shall be made not less than one time but is not required to be continuous. A bicycle or electric bicycle operator is not required to make a signal if the bicycle is in a designated turn lane, and a signal shall not be given when the operator's hands are needed for the safe operation of the bicycle or electric bicycle.

(3) No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear, when there is opportunity to give a signal.

(4) Any stop or turn signal required by this section shall be given either by means of the hand and arm, or by signal lights that clearly indicate to both approaching and following traffic the intention to turn or move right or left, except that any motor vehicle in use on a highway shall be equipped with, and the required signal shall be given by, signal lights when the distance from the center of the top of the steering post to the left outside limit of the body, cab or load of such motor vehicle exceeds 24 inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds 14 feet, whether a single vehicle or a combination of vehicles.

(5) The signal lights required by this section shall not be flashed on one side only on a disabled vehicle, flashed as a courtesy or "do pass" signal to operators of other vehicles approaching from the rear, nor be flashed on one side only of a parked vehicle except as may be necessary for compliance with this section.

(B) Except as otherwise provided in this division, 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.

(C) 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 § 70.99(B).
(R.C. § 4511.39) (Rev. 2020)

§ 72.017 HAND AND ARM SIGNALS.

(A) Except as provided in division (B) of this section, all signals required by the provisions of this traffic code, when given by hand and arm, shall be given from the left side of the vehicle in the following manner, and the signals shall indicate as follows:

(1) Left turn, hand and arm extended horizontally;

(2) Right turn, hand and arm extended upward;

(3) Stop or decrease speed, hand and arm extended downward.

(B) As an alternative to division (A)(2) of this section, a person operating a bicycle or electric bicycle may give a right turn signal by extending the right hand and arm horizontally and to the right side of the bicycle or electric bicycle.

(C) Except as otherwise provided in this division, 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.

(D) 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 § 70.99(B).
(R.C. § 4511.40) (Rev. 2020)

RIGHT-OF-WAY

§ 72.030 RIGHT-OF-WAY AT INTERSECTIONS.

(A) When two vehicles approach or enter an intersection from different streets or highways at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.

(B) The right-of-way rule declared in division (A) of this section is modified at through highways and otherwise as stated in this traffic code or R.C. Chapter 4511.

(C) Except as otherwise provided in this division, 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.

(D) 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 § 70.99(B).
(R.C. § 4511.41) (Rev. 2019)

§ 72.031 RIGHT-OF-WAY WHEN TURNING LEFT.

(A) The operator of a vehicle intending to turn to the left within an intersection or into an alley, private road, or driveway shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard.

(B) Except as otherwise provided in this division, 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.

(C) 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 § 70.99(B).
(R.C. § 4511.42) (Rev. 2019)

§ 72.032 RIGHT-OF-WAY AT THROUGH HIGHWAYS; STOP SIGNS; YIELD SIGNS.

(A) Except when directed to proceed by a law enforcement officer, every driver of a vehicle approaching a stop sign shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. After having stopped, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time the driver is moving across or within the intersection or junction of roadways.

(B) The driver of a vehicle approaching a yield sign shall slow down to a speed reasonable for the existing conditions, and if required for safety to stop, shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. After slowing, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time the driver is moving across or within the intersection or junction of roadways. Whenever a driver is involved in a collision with a vehicle in the intersection or junction of roadways, after driving past a yield sign without stopping, the collision shall be prima facie evidence of the driver's failure to yield the right-of-way.

(C) Except as otherwise provided in this division, 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.

(D) 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 § 70.99(B).
(R.C. § 4511.43) (Rev. 2019)

§ 72.033 STOP AT SIDEWALK AREA; STOP SIGNS ON PRIVATE ROADS AND DRIVEWAYS.

(A) The driver of a vehicle emerging from an alley, building, private road, or driveway within a business or residence district shall stop the vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across the alley, building entrance, road, or driveway, or in the event there is no sidewalk area, shall stop at the point nearest the street to be entered where the driver has a view of approaching traffic thereon.
(R.C. § 4511.431(A))

(B) The owner of a private road or driveway located in a private residential area containing 20 or more dwelling units may erect stop signs at places where the road or driveway intersects with another private road or driveway in the residential area, in compliance with all of the following requirements:

(1) The stop sign is sufficiently legible to be seen by an ordinarily observant person and meets the specifications of and is placed in accordance with the manual adopted by the Department of Transportation pursuant to R.C. § 4511.09;

(2) The owner has posted a sign at the entrance of the private road or driveway that is in plain view and clearly informs persons entering the road or driveway that they are entering private property, stop signs have been posted and must be obeyed, and the signs are enforceable by law enforcement officers under state law. The sign required by this division, where appropriate, may be incorporated with the sign required by R.C. § 4511.211(A)(2), or any substantially equivalent municipal ordinance.

(C) The provisions of R.C. § 4511.43(A) and R.C. § 4511.46, or any substantially equivalent municipal ordinance, shall be deemed to apply to the driver of a vehicle on a private road or driveway where a stop sign is placed in accordance with division (B) of this section and to a pedestrian crossing such a road or driveway at an intersection where a stop sign is in place.

(D) When a stop sign is placed in accordance with division (B) of this section, any law enforcement officer may apprehend a person found violating the stop sign and may stop and charge the person with violating the stop sign.

(E) As used in this section, and for the purpose of applying R.C. § 4511.43(A) and R.C. § 4511.46, or any substantially equivalent municipal ordinance, to conduct under this section:

INTERSECTION. Means:

(a) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two private roads or driveways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different private roads or driveways joining at any other angle may come in conflict.

(b) Where a private road or driveway includes two roadways 30 feet or more apart, then every crossing of two roadways of such private roads or driveways shall be regarded as a separate intersection.

OWNER. Has the same meaning as in R.C. § 4511.211.

PRIVATE RESIDENTIAL AREA CONTAINING 20 OR MORE DWELLING UNITS. Has the same meaning as in R.C. § 4511.211.

ROADWAY. Means that portion of a private road or driveway improved, designed or ordinarily used for vehicular travel, except the berm or shoulder. If a private road or driveway includes two or more separate roadways, the term means any such roadway separately but not all such roadways collectively.
(R.C.§ 4511.432(A) - (C), (E))

(F) Except as otherwise provided in this division, 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.
(R.C. §§ 4511.431(B), 4511.432(D)) (Rev. 2004)

(G) If the offender violates division (A) of this section 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 § 70.99(B).
(R.C. §§ 4511.431(B)) (Rev. 2019)

§ 72.034 RIGHT-OF-WAY ON PUBLIC HIGHWAY.

(A) The operator of a vehicle about to enter or cross a highway from any place other than another roadway shall yield the right-of-way to all traffic approaching on the roadway to be entered or crossed.

(B) Except as otherwise provided in this division, 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.

(C) If the offender violates division (A) of this section 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 § 70.99(B).
(R.C. § 4511.44) (Rev. 2019)

§ 72.035 PEDESTRIAN ON SIDEWALK HAS RIGHT-OF-WAY.

(A) The driver of a vehicle shall yield the right-of-way to any pedestrian on a sidewalk.

(B) Except as otherwise provided in this division, 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.

(C) 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 § 70.99(B).
(R.C. § 4511.441) (Rev. 2019)

§ 72.036 RIGHT-OF-WAY OF PUBLIC SAFETY VEHICLES.

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

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

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

(D) Except as otherwise provided in this division or division (E), whoever violates division (A) of this section is guilty of a misdemeanor of the fourth degree on a first offense. On a second offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree, and, on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the second degree.
(R.C. § 4511.45) (Rev. 2017)

(E) (1) When the failure of a motor vehicle operator to yield the right-of-way to a public safety vehicle as required by division (A) of this section impedes the ability of the public safety vehicle to respond to an emergency, any emergency personnel in the public safety vehicle may report the license plate number and a general description of the vehicle and the operator of the vehicle to the law enforcement agency exercising jurisdiction over the area where the alleged violation occurred.

(2) (a) Upon receipt of a report under division (E)(1) of this section, the law enforcement agency may conduct an investigation to attempt to determine or confirm the identity of the operator of the vehicle at the time of the alleged violation.

(b) If the identity of the operator at the time of an alleged violation of division (A) of this section is established, the law enforcement agency has probable cause to issue either a written warning or a citation for that violation, and the agency shall issue a written warning or a citation to the operator.

(c) If the identity of the operator of the vehicle at the time of the alleged violation cannot be established, the law enforcement agency may issue a written warning to the person who owned the vehicle at the time of the alleged violation. However, in the case of a leased or rented vehicle, the law enforcement agency shall issue the written warning to the person who leased or rented the vehicle at the time of the alleged violation.

(3) (a) Whoever violates division (A) of this section based on a report filed under division (E)(1) of this section is guilty of a minor misdemeanor and shall be fined $150.

(b) If a person who is issued a citation for a violation of division (A) of this section based on a report filed under division (E)(1) of this section does not enter a written plea of guilty and does not waive the person's right to contest the citation but instead appears in person in the proper court to answer the charge, the trier of fact cannot find beyond a reasonable doubt that the person committed that violation unless the emergency personnel who filed the report appears in person in the court and testifies.

(4) As used in this division (E):

LICENSE PLATE. Includes any temporary license placard issued under R.C. § 4503.182 or similar law of another jurisdiction.

PUBLIC SAFETY VEHICLE. Does not include an unmarked public safety vehicle or a vehicle used

by a public law enforcement officer or other person sworn to enforce the criminal and traffic laws of the state or a vehicle used by the motor carrier enforcement unit for the enforcement of orders and rules of the public utilities commission.
(R.C. § 4511.454) (Rev. 2017)

§ 72.037 FUNERAL PROCESSION HAS RIGHT-OF-WAY.

(A) As used in this section, ***FUNERAL PROCESSION*** means two or more vehicles accompanying the cremated remains or the body of a deceased person in the daytime when each of the vehicles has its headlights lighted and is displaying a purple and white or an orange and white pennant attached to each vehicle in such a manner as to be clearly visible to traffic approaching from any direction.

(B) Excepting public safety vehicles proceeding in accordance with R.C. § 4511.45 or a substantially equivalent municipal ordinance, or when directed otherwise by a police officer, pedestrians and the operators of all vehicles shall yield the right-of-way to each vehicle that is a part of a funeral procession. Whenever the lead vehicle in a funeral procession lawfully enters an intersection, the remainder of the vehicles in the procession may continue to follow the lead vehicle through the intersection, notwithstanding any traffic-control devices or right-of-way provisions of the Ohio Revised Code, provided that the operator of each vehicle exercises due care to avoid colliding with any other vehicle or pedestrian.

(C) No person shall operate any vehicle as a part of a funeral procession without having the headlights of the vehicle lighted and without displaying a purple and white or an orange and white pennant in such a manner as to be clearly visible to traffic approaching from any direction.

(D) Except as otherwise provided in this division, 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.

(E) 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 § 70.99(B).
(R.C. § 4511.451) (Rev. 2019)

§ 72.038 PEDESTRIANS YIELD RIGHT-OF-WAY TO PUBLIC SAFETY VEHICLE.

(A) Upon the immediate approach of a public safety vehicle, as stated in R.C. § 4511.45 or a substantially equivalent municipal ordinance, every pedestrian shall yield the right-of-way to the public safety vehicle.

(B) This section shall not relieve the driver of a public safety vehicle from the duty to exercise due care to avoid colliding with any pedestrian.

(C) Except as otherwise provided in this division, 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.
(R.C. § 4511.452) (Rev. 2004)

§ 72.039 PEDESTRIAN ON CROSSWALK HAS RIGHT-OF-WAY.

(A) When traffic-control signals are not in place, not in operation, or are not clearly assigning the right-of-way, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, or if required by R.C. § 4511.132 or a substantially equivalent municipal ordinance, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

(B) No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close as to constitute an immediate hazard.

(C) Division (A) of this section does not apply under the conditions stated in R.C. § 4511.48(B), or a substantially equivalent municipal ordinance.

(D) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass the stopped vehicle.

(E) Except as otherwise provided in this division, 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.

(F) 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 § 70.99(B).
(R.C. § 4511.46) (Rev. 2019)

§ 72.040 RIGHT-OF-WAY YIELDED TO BLIND PERSON.

(A) (1) As used in this section ***BLIND PERSON*** or ***BLIND PEDESTRIAN*** means a person having not more than 20/200 visual acuity in the better eye with correcting lenses, or visual acuity greater than 20/200, but with a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees.

(2) The driver of every vehicle shall yield the right-of-way to every blind pedestrian guided by a guide dog, or carrying a cane which is predominantly white or metallic in color, with or without a red tip.

(B) No person, other than a blind person, while on any public highway, street, alley, or other public thoroughfare, shall carry a white or metallic cane, with or without a red tip.

(C) Except as otherwise provided in this division, 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.

(D) 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 § 70.99(B).
(R.C. § 4511.47) (Rev. 2019)

§ 72.041 RIGHT-OF-WAY YIELDED BY PEDESTRIAN.

(A) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.

(B) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all traffic upon the roadway.

(C) Between adjacent intersections at which traffic-control signals are in operation, pedestrians shall not cross at any place except in a marked crosswalk.

(D) No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic-control devices; and when authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic-control devices pertaining to such crossing movements.

(E) This section does not relieve the operator of a vehicle from exercising due care to avoid colliding with any pedestrian upon any roadway.

(F) Except as otherwise provided in this division, 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.
(R.C. § 4511.48) (Rev. 2004)

PEDESTRIANS

§ 72.055 PEDESTRIAN MOVEMENT IN CROSSWALKS.

(A) Pedestrians shall move, whenever practicable, upon the right half of crosswalks.

(B) Except as otherwise provided in this division, 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.
(R.C. § 4511.49) (Rev. 2004)

§ 72.056 PEDESTRIAN WALKING ALONG HIGHWAY.

(A) Where a sidewalk is provided and its use is practicable, it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.

(B) Where a sidewalk is not available, any pedestrian walking along and upon a highway shall walk only on a shoulder, as far as practicable from the edge of the roadway.

(C) Where neither a sidewalk nor a shoulder is available, any pedestrian walking along and upon a highway shall walk as near as practicable to an outside edge of the roadway, and, if on a two-way roadway, shall walk only on the left side of the roadway.

(D) Except as otherwise provided in R.C. §§ 4511.13 and 4511.46, or any substantially equivalent municipal

ordinances, any pedestrian upon a roadway shall yield the right-of-way to all vehicles upon the roadway.

(E) Except as otherwise provided in this division, 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.
(R.C. § 4511.50) (Rev. 2004)

§ 72.057 PROHIBITION AGAINST SOLICITING RIDES; RIDING ON OUTSIDE OF VEHICLE.

(A) No person while on a roadway outside a safety zone shall solicit a ride from the driver of any vehicle.

(B) (1) Except as provided in division (B)(2) of this section, no person shall stand on a highway for the purpose of soliciting employment, business, or contributions from the occupant of any vehicle.

(2) The Legislative Authority, by ordinance, may authorize the issuance of a permit to a charitable organization to allow a person acting on behalf of the organization to solicit charitable contributions from the occupant of a vehicle by standing on a highway, other than a freeway as provided in R.C. § 4511.051(A)(1), that is under the jurisdiction of the municipality. The permit shall be valid for only one period of time, which shall be specified in the permit, in any calendar year. The Legislative Authority also may specify the locations where contributions may be solicited and may impose any other restrictions on or requirements regarding the manner in which the solicitations are to be conducted that the Legislative Authority considers advisable.

(3) As used in division (B)(2) of this section, ***CHARITABLE ORGANIZATION*** means an organization that has received from the Internal Revenue Service a currently valid ruling or determination letter recognizing the tax-exempt status of the organization pursuant to IRC § 501(c)(3).

(C) No person shall hang onto or ride on the outside of any motor vehicle while it is moving upon a roadway, except mechanics or test engineers making repairs or adjustments, or workers performing specialized highway or street maintenance or construction under authority of a public agency.

(D) No operator shall knowingly permit any person to hang onto or ride on the outside of any motor vehicle while it is moving upon a roadway, except mechanics or test engineers making repairs or adjustments, or workers performing specialized highway or street maintenance or construction under authority of a public agency.

(E) No driver of a truck, trailer, or semitrailer shall knowingly permit any person who has not attained the age of 16 years to ride in the unenclosed or unroofed cargo storage area of the driver's vehicle if the vehicle is traveling faster than 25 miles per hour, unless either of the following applies:

(1) The cargo storage area of the vehicle is equipped with a properly secured seat to which is attached a seat safety belt that is in compliance with federal standards for an occupant restraining device as defined in R.C. § 4513.263(A)(2), the seat and seat safety belt were installed at the time the vehicle was originally assembled, and the person riding in the cargo storage area is in the seat and is wearing the seat safety belt; or

(2) An emergency exists that threatens the life of the driver or the person being transported in the cargo storage area of the truck, trailer, or semitrailer.

(F) No driver of a truck, trailer, or semitrailer shall permit any person, except for those workers performing specialized highway or street maintenance or construction under authority of a public agency, to ride in the cargo storage area or on a tailgate of the driver's vehicle while the tailgate is unlatched.

(G) (1) Except as otherwise provided in this division, whoever violates any provision of divisions (A) through (D) of 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 any provision of divisions (A) through (D) of 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 any provision of divisions (A) through (D) of this section is guilty of a misdemeanor of the third degree.

(2) Whoever violates division (E) or (F) of this section is guilty of a minor misdemeanor.
(R.C. § 4511.51) (Rev. 2004)

§ 72.058 PEDESTRIAN ON BRIDGE OR RAILROAD CROSSING.

(A) No pedestrian shall enter or remain upon any bridge or approach thereto beyond the bridge signal, gate, or barrier after a bridge operation signal indication has been given.

(B) No pedestrian shall pass through, around, over, or under any crossing gate or barrier at a railroad grade crossing or bridge while the gate or barrier is closed or is being opened or closed.

(C) Except as otherwise provided in this division, 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.
(R.C. § 4511.511) (Rev. 2004)

§ 72.059 PERSONS OPERATING MOTORIZED WHEELCHAIRS.

Every person operating a motorized wheelchair shall have all of the rights and duties applicable to a pedestrian that are contained in this chapter, except those provisions which by their nature can have no application.
(R.C. § 4511.491)

§ 72.060 INTOXICATED OR DRUGGED PEDESTRIAN HAZARD ON HIGHWAY.

(A) A pedestrian who is under the influence of alcohol, any drug of abuse, or any combination of them to a degree that renders the pedestrian a hazard shall not walk or be upon a highway.

(B) Except as otherwise provided in this division, 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.
(R.C. § 4511.481) (Rev. 2004)

§ 72.061 OPERATION OF ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES.

(A) (1) Electric personal assistive mobility devices may be operated on the public streets, highways, sidewalks, and paths and portions of roadways set aside for the exclusive use of bicycles in accordance with this section.

(2) Except as otherwise provided in this section, those sections of this Traffic Code that by their nature are applicable to an electric personal assistive mobility device apply to the device and the person operating it whenever it is operated upon any public street, highway, sidewalk, or path or upon any portion of a roadway set aside for the exclusive use of bicycles.

(3) The municipality may regulate or prohibit the operation of electric personal assistive mobility devices on public streets, highways, sidewalks, and paths, or portions of roadways set aside for the exclusive use of bicycles, under its jurisdiction.

(B) No operator of an electric personal assistive mobility device shall do any of the following:

(1) Fail to yield the right-of-way to all pedestrians and human-powered vehicles at all times;

(2) Fail to give an audible signal before overtaking and passing a pedestrian;

(3) Operate the device at night unless the device or its operator is equipped with or wearing both of the following:

(a) A lamp pointing to the front that emits a white light visible from a distance of not less than 500 feet;

(b) A red reflector facing the rear that is visible from all distances from 100 feet to 600 feet when directly in front of lawful lower beams of head lamps on a motor vehicle;

(4) Operate the device on any portion of a street or highway that has an established speed limit of 55 miles per hour or more;

(5) Operate the device upon any path set aside for the exclusive use of pedestrians or other specialized use when an appropriate sign giving notice of the specialized use is posted on the path;

(6) If under 18 years of age, operate the device unless wearing a protective helmet on the person's head with the chin strap properly fastened;

(7) If under 16 years of age, operate the device unless, during the operation, the person is under the direct visual and audible supervision of another person who is 18 years of age or older and is responsible for the immediate care of the person under 16 years of age.

(C) No person who is under 14 years of age shall operate an electric personal assistive mobility device.

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

(E) Nothing in this section affects or shall be construed to affect any rule of the Director of Natural Resources or a board of park district commissioners governing the operation of vehicles on lands under the control of the Director or board, as applicable.

(F) Penalty.

(1) Whoever violates division (B) or (C) of this section is guilty of a minor misdemeanor and shall be punished as follows:

(a) The offender shall be fined $10;

(b) If the offender previously has been convicted of or pleaded guilty to a violation of division (B) or (C) of this section or a substantially equivalent state law or municipal ordinance, the court, in addition to imposing the fine required under division (F)(1)(a) of this section, shall do one of the following:

1. Order the impoundment for not less than one day but not more than 30 days of the electric personal assistive mobility device that was involved in the current violation of that division. The court shall order the device to be impounded at a safe indoor location designated by the court and may assess storage fees of not more than $5 per day; provided the total storage, processing, and release fees assessed against the offender or the device in connection with the device's impoundment or subsequent release shall not exceed $50.

2. If the court does not issue an impoundment order pursuant to division (F)(1)(b)1. of this section, issue an order prohibiting the offender from operating any electric personal assistive mobility device on the public streets, highways, sidewalks, and paths and portions of roadways set aside for the exclusive use of bicycles for not less than one day but not more than 30 days.

(2) Whoever violates division (D) of this section is guilty of a minor misdemeanor.
(R.C. § 4511.512) (Rev. 2004)

(G) As used in this code, ***ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE*** means a self-balancing two non-tandem wheeled device that is designed to transport only one person, has an electric propulsion system of an average of 750 watts, and when ridden on a paved level surface by an operator who weighs 170 pounds has a maximum speed of less than 20 miles per hour.
(R.C. § 4501.01(TT)) (Rev. 2005)

§ 72.062 OPERATION OF PERSONAL DELIVERY DEVICE ON SIDEWALKS AND CROSSWALKS.

(A) As used in this section:

ELIGIBLE ENTITY. Means a corporation, partnership, association, firm, sole proprietorship, or other entity engaged in business.

PERSONAL DELIVERY DEVICE. Means an electrically powered device to which all of the following apply:

(a) The device is intended primarily to transport property on sidewalks and crosswalks.

(b) The device weighs less than 90 pounds excluding any property being carried in the device.

(c) The device has a maximum speed of ten miles per hour.

(d) The device is equipped with technology that enables the operation of the device with active control or monitoring by a person, without active control or monitoring by a person, or both with or without active control or monitoring by a person.

PERSONAL DELIVERY DEVICE OPERATOR. Means an agent of an eligible entity who exercises direct physical control over, or monitoring of, the navigation and operation of a personal delivery device. The phrase does not include, with respect to a delivery or other service rendered by a personal delivery device, the person who requests the delivery or service. The phrase also does not include a person who only arranges for and dispatches a personal delivery device for a delivery or other service.

(B) An eligible entity may operate a personal delivery device on sidewalks and crosswalks so long as all of the following requirements are met:

(1) The personal delivery device is operated in accordance with all regulations, if any, established by each local authority within which the personal delivery device is operated.

(2) A personal delivery device operator is actively controlling or monitoring the navigation and operation of the personal delivery device.

(3) The eligible entity maintains an insurance policy that includes general liability coverage of not less than $100,000 for damages arising from the operation of the personal delivery device by the eligible entity and any agent of the eligible entity.

(4) The device is equipped with all of the following:

(a) A marker that clearly identifies the name and contact information of the eligible entity operating the personal delivery device and a unique identification number;

(b) A braking system that enables the personal delivery device to come to a controlled stop;

(c) If the personal delivery device is being operated between sunset and sunrise, a light on both the front and rear of the personal delivery device that is visible in clear weather from a distance of at least 500 feet to the front and rear of the personal delivery device when directly in front of low beams of headlights on a motor vehicle.

(C) No personal delivery device operator shall allow a personal delivery device to do any of the following:

(1) Fail to comply with traffic or pedestrian control devices and signals;

(2) Unreasonably interfere with pedestrians or traffic;

(3) Transport any hazardous material that would require a permit issued by the Public Utilities Commission;

(4) Operate on a street or highway, except when crossing the street or highway within a crosswalk.

(D) A personal delivery device has all of the rights and obligations applicable to a pedestrian under the same circumstances, except that a personal delivery device shall yield the right-of-way to human pedestrians on sidewalks and crosswalks.

(E) (1) No person shall operate a personal delivery device unless the person is authorized to do so under this section and complies with the requirements of this section.

(2) An eligible entity is responsible for both of the following:

(a) Any violation of this section that is committed by a personal delivery device operator; and

(b) Any other circumstance, including a technological malfunction, in which a personal delivery device operates in a manner prohibited by divisions (C)(1) to (C)(4) of this section.
(R.C. § 4511.513) (Rev. 2018) Penalty, see § 70.99

GRADE CROSSINGS

§ 72.075 STOP SIGNS AT GRADE CROSSINGS.

(A) As used in this section, ***ACTIVE GRADE CROSSING WARNING DEVICE*** means signs, signals, gates, or other protective devices erected or installed at a public highway-railway crossing at common grade and activated by an electrical circuit.

(B) The Department of Transportation and local authorities, with the approval of the Department, may designate dangerous highway crossings over railroad tracks and erect stop signs thereat.

(C) (1) The Department and local authorities shall erect stop signs at a railroad highway grade crossing in either of the following circumstances:

(a) New warning devices that are not active grade crossing warning devices are being installed at the grade crossing, and railroad crossbucks were the only warning devices at the grade crossing prior to the installation of the new warning devices.

(b) The grade crossing is constructed after July 1, 2013, and only warning devices that are not active grade crossing warning devices are installed at the grade crossing.

(2) Division (C)(1) of this section does not apply to a railroad highway grade crossing that the Director of Transportation has exempted from that division because of traffic flow or other considerations or factors.

(D) When stop signs are erected pursuant to division (B) or (C) of this section, the operator of any vehicle shall stop within 50, but not less than 15, feet from the nearest rail of the railroad tracks and shall exercise due care before proceeding across such grade crossing.

(E) Except as otherwise provided in this division, whoever violates division (D) of 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.

(F) 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 § 70.99(B).
(R.C. § 4511.61) (Rev. 2019)

§ 72.076 DRIVING VEHICLE ACROSS RAILROAD GRADE CROSSING.

(A) (1) Whenever any person driving a vehicle approaches a railroad grade crossing, the person shall stop within 50 feet but not less than 15 feet from the nearest rail of the railroad if any of the following circumstances exist at the crossing:

(a) A clearly visible electric or mechanical signal device gives warning of the immediate approach of a train.

(b) A crossing gate is lowered.

(c) A flagperson gives or continues to give a signal of the approach or passage of a train.

(d) There is insufficient space on the other side of the railroad grade crossing to accommodate the vehicle the person is operating without obstructing the passage of other vehicles, pedestrians or railroad trains, notwithstanding any traffic control signal indication to proceed.

(e) An approaching train is emitting an audible signal or is plainly visible, and is in hazardous proximity to the crossing.

(f) There is insufficient undercarriage clearance to safely negotiate the crossing.

(2) A person who is driving a vehicle and who approaches a railroad grade crossing shall not proceed as long as any of the circumstances described in divisions (A)(1)(a) through (A)(1)(f) of this section exist at the crossing.

(B) No person shall drive any vehicle through, around, or under any crossing gate or barrier at a railroad crossing while the gate or barrier is closed, or is being opened or closed unless the person is signaled by a law enforcement officer or flagperson that it is permissible to do so.

(C) Whoever violates this section is guilty of a misdemeanor of the fourth degree.
(R.C. § 4511.62) (Rev. 2004)

§ 72.077 VEHICLES REQUIRED TO STOP AT GRADE CROSSINGS.

(A) Except as provided in division (B) of this section, the operator of any bus, any school vehicle, or any vehicle transporting material required to be placarded under 49 C.F.R. parts 100 through 185, before crossing at grade any track of a railroad, shall stop the vehicle, and while so stopped, shall listen through an open door or open window, and look in both directions along the track for any approaching train and for signals indicating the approach of a train, and shall proceed only upon exercising due care after stopping, looking, and listening as required by this section. Upon proceeding, the operator of such a vehicle shall cross only in a gear that will ensure there will be no necessity for changing gears while traversing the crossing, and shall not shift gears while crossing the tracks.

(B) This section does not apply at grade crossings when any local authority has filed an application with the Public Utilities Commission requesting the approval of an exempt crossing, and the Public Utilities Commission has authorized and approved an exempt crossing as provided in R.C. § 4511.63(B).

(C) As used in this section:

BUS. Means any vehicle originally designed by its manufacturer to transport 16 or more passengers, including the driver, or carries 16 or more passengers, including the driver.

EXEMPT CROSSING. Means a highway rail grade crossing authorized and approved by the Public Utilities Commission under R.C. § 4511.63(B) at which vehicles may cross without making the stop otherwise required by this section.

SCHOOL VEHICLE. Means any vehicle used for the transportation of pupils to and from a school or school-related function if the vehicle is owned or operated by, or operated under contract with, a public or nonpublic school.

(D) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If the offender previously has been convicted of or pleaded guilty to one or more violations of this section or R.C. § 4511.63, 4511.76, 4511.761, 4511.762, 4511.764, 4511.77, or 4511.79, or a municipal ordinance that is substantially equivalent to any of those sections, whoever violates this section is guilty of a misdemeanor of the fourth degree.
(R.C. § 4511.63) (Rev. 2006)

§ 72.078 SLOW-MOVING VEHICLES OR EQUIPMENT CROSSING RAILROAD TRACKS.

(A) No person shall operate or move any crawler-type tractor, steam shovel, derrick, roller, or any equipment or structure having a normal operating speed of six or less miles per hour or a vertical body or load clearance of less than nine inches above the level surface of a roadway, upon or across any tracks at a railroad grade crossing without first complying with divisions (A)(1) and (A)(2) of this section.

(1) Before making any such crossing, the person operating or moving any such vehicle or equipment shall first stop the same, and while stopped, the person shall listen and look in both directions along the track for any approaching train and for signals indicating the approach of a train, and shall proceed only upon exercising due care.

(2) No such crossing shall be made when warning is given by automatic signal, crossing gates, or a flagperson, or otherwise of the immediate approach of a railroad train or car.

(B) If the normal sustained speed of the vehicle, equipment, or structure is not more than three miles per hour, the person owning, operating, or moving the same shall also give notice of the intended crossing to a station agent or superintendent of the railroad, and a reasonable time shall be given to the railroad to provide proper protection for the crossing. Where the vehicles or equipment are being used in constructing or repairing a section of highway lying on both sides of a railroad grade crossing, and in this construction or repair it is necessary to repeatedly move the vehicles or equipment over the crossing, one daily notice specifying when the work will start and stating the hours during which it will be prosecuted is sufficient.

(C) Except as otherwise provided in this division, 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.

(D) 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 § 70.99(B).
(R.C. § 4511.64) (Rev. 2019)

SCHOOL BUSES

§ 72.090 REGULATIONS CONCERNING SCHOOL BUSES.

(A) The driver of a vehicle, upon meeting or overtaking from either direction any school bus stopped for the purpose of receiving or discharging any school child, person attending programs offered by community boards of mental health and county boards of developmental disabilities, or child attending a program offered by a head start agency, shall stop at least ten feet from the front or rear of the school bus and shall not proceed until such school bus resumes motion, or until signaled by the school bus driver to proceed. It is no defense to a charge under this division that the school bus involved failed to display or be equipped with an automatically extended stop warning sign as required by division (B) of this section.

(B) Every school bus shall be equipped with amber and red visual signals meeting the requirements of R.C. § 4511.771 or a substantially equivalent municipal ordinance, and an automatically extended stop warning sign of a type approved by the state Board of Education, which shall be actuated by the driver of the bus whenever but only whenever the bus is stopped or stopping on the roadway for the purpose of receiving or discharging school children, persons attending programs offered by community boards of mental health and county boards of developmental disabilities, or children attending programs offered by head start agencies. A school bus driver shall not actuate the visual signals or the stop warning sign in designated school bus loading areas where the bus is entirely off the roadway or at school buildings when children or persons attending programs offered by community boards of mental health and county boards of developmental disabilities are loading or unloading at curbside or at buildings when children attending programs offered by head start agencies are loading or unloading at curbside. The visual signals and stop warning sign shall be synchronized or otherwise operated as required by rule of the Board.

(C) Where a highway has been divided into four or more traffic lanes, a driver of a vehicle need not stop for a school bus approaching from the opposite direction which has stopped for the purpose of receiving or discharging any school child, persons attending programs offered by community boards of mental health and county boards of developmental disabilities, or children attending programs offered by head start agencies. The driver of any vehicle overtaking the school bus shall comply with division (A) above.

(D) School buses operating on divided highways or on highways with four or more traffic lanes shall receive and discharge all school children, persons attending programs offered by community boards of mental health and county boards of developmental disabilities, and children attending programs offered by head start agencies on their residence side of the highway.

(E) No school bus driver shall start the driver's bus until after any child, person attending programs offered by community boards of mental health and county boards of developmental disabilities, or child attending a program offered by a head start agency who may have alighted therefrom has reached a place of safety on the child's or person's residence side of the road.

(F) (1) Whoever violates division (A) of this section may be fined an amount not to exceed $500. A person who is issued a citation for a violation of division (A) of this section is not permitted to enter a written plea of guilty and waive the person's right to contest the citation in a trial but instead must appear in person in the proper court to answer the charge.

(2) In addition to and independent of any other penalty provided by law, the court or mayor may impose upon an offender who violates this section a class seven suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license or nonresident operating privilege from the range specified in R.C. § 4510.02(A)(7). When a license is suspended under this section, the court or mayor shall cause the offender to deliver the license to the court, and the court or clerk of the court immediately shall forward the license to the Registrar of Motor Vehicles, together with notice of the court's action.

(G) As used in this section:

HEAD START AGENCY. Has the same meaning as in R.C. § 3301.32.

SCHOOL BUS. As used in relation to children who attend a program offered by a head start agency, means a bus that is owned and operated by a head start agency, is equipped with an automatically extended stop warning sign of a type approved by the State Board of Education, is painted the color and displays the markings described in R.C. § 4511.77, and is equipped with amber and red visual signals meeting the requirements of R.C. § 4511.77, irrespective of whether or not the bus has 15 or more children aboard at any time. The term does not include a van owned and operated by a head start agency, irrespective of its color, lights or markings.
(R.C. § 4511.75) (Rev. 2010)

§ 72.091 VIOLATION OF REGULATIONS; REPORT; INVESTIGATION; CITATION; WARNING.

(A) As used in this section, ***LICENSE PLATE*** includes but is not limited to any temporary license placard issued under R.C. § 4503.182 or substantially equivalent law of another jurisdiction.

(B) When the operator of a school bus believes that a motorist has violated R.C. § 4511.75(A) or a substantially equivalent municipal ordinance, the operator shall report the license plate number and general description of the vehicle and of the operator of the vehicle to the law enforcement agency exercising jurisdiction over the area where the alleged violation occurred. The information contained in the report relating to the license plate number and to the general description of the vehicle and the operator of the vehicle at the time of the alleged violation may be supplied by any person with first-hand knowledge of the information. Information of which the operator of the school bus has first-hand knowledge also may be corroborated by any other person.

(C) Upon receipt of the report of the alleged violation of R.C. § 4511.75(A) or a substantially equivalent municipal ordinance, the law enforcement agency shall conduct an investigation to attempt to determine the identity of the operator of the vehicle at the time of the alleged violation. If the identity of the operator at the time of the alleged violation is established, the reporting of the license plate number of the vehicle shall establish probable cause for the law enforcement agency to issue a citation for the violation of R.C. § 4511.75(A) or a substantially equivalent municipal ordinance. However, if the identity of the operator of the vehicle at the time of the alleged violation cannot be established, the law enforcement agency shall issue a warning to the owner of the vehicle at the time of the alleged violation, except in the case of a leased or rented vehicle when the warning shall be issued to the lessee at the time of the alleged violation.
(R.C. § 4511.751) (Rev. 1999)

§ 72.092 RESTRICTIONS ON THE OPERATION OF SCHOOL BUSES.

(A) No person shall operate a vehicle used for pupil transportation within this municipality in violation of the rules of the Department of Education of the Department of Public Safety. No person, being the owner thereof, or having the supervisory responsibility therefor, shall permit the operation of a vehicle used for pupil transportation within this municipality in violation of the rules of the Department of Education or the Department of Public Safety.

(B) As used in this section, ***VEHICLE USED FOR PUPIL TRANSPORTATION*** means any vehicle that is identified as such by the Department of Education by rule and that is subject to O.A.C. Chapter 3301-83.

(C) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If the offender previously has been convicted of or pleaded guilty to one or more violations of this section or R.C. § 4511.76, or R.C. § 4511.63, 4511.761, 4511.762, 4511.764, 4511.77, or 4511.79 or a municipal ordinance that is substantially equivalent to any of those sections, whoever violates this section is guilty of a misdemeanor of the fourth degree.
(R.C. § 4511.76(C), (F), (G)) (Rev. 2020)

§ 72.093 SCHOOL BUS INSPECTION.

(A) No person shall operate, nor shall any person being the owner thereof, or having supervisory responsibility therefor, permit the operation of, a school bus within this municipality, unless there is displayed thereon the decals issued by the state highway patrol bearing the proper date of inspection for the calendar year for which the inspection decals were issued.

(B) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If the offender previously has been convicted of or pleaded guilty to one or more violations of this section or R.C. § 4511.761, or R.C. § 4511.63, 4511.76, 4511.762, 4511.764, 4511.77, or 4511.79 or a municipal ordinance that is substantially equivalent to any of those sections, whoever violates this section is guilty of a misdemeanor of the fourth degree.

(C) Whenever a person is found guilty in a court of record of a violation of this section, the trial judge, in addition to or independent of all other penalties provided by law, may suspend for any period of time not exceeding three years, or cancel the license of any person, partnership, association, or corporation, issued under R.C. § 4511.763.
(R.C. § 4511.761) (Rev. 2004)

§ 72.094 SCHOOL BUS NOT USED FOR SCHOOL PURPOSES.

(A) Except as provided in division (B) of this section, no person who is the owner of a bus that previously was registered as a school bus that is used or is to be used exclusively for purposes other than the transportation of children shall operate the bus or permit it to be operated within this municipality unless the bus has been painted a color different from that prescribed for school buses by R.C. § 4511.77 or a substantially equivalent municipal ordinance and painted in such a way that the words “stop” and “school bus” are obliterated.

(B) Any church bus that previously was registered as a school bus and is registered under R.C. § 4503.07 may retain the paint color prescribed for school buses by R.C. § 4511.77 or a substantially equivalent municipal ordinance if the bus complies with all of the following:

(1) The words "school bus" required by R.C. § 4511.77 or a substantially equivalent municipal ordinance are covered or obliterated and the bus is marked on the front and rear with the words "church bus" painted in black lettering not less than ten inches in height.

(2) The automatically extending stop warning sign required by R.C. § 4511.75 or a substantially equivalent municipal ordinance is removed and the word "stop" required by R.C. § 4511.77 or a substantially equivalent municipal ordinance is covered or obliterated.

(3) The flashing red and amber lights required by R.C. § 4511.771 or a substantially equivalent municipal ordinance are covered or removed.

(4) The inspection decal required by R.C. § 4511.761 or a substantially equivalent municipal ordinance is covered or removed.

(5) The identification number assigned under R.C. § 4511.764 or a substantially equivalent municipal ordinance and marked in black lettering on the front and rear of the bus is covered or obliterated.

(C) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If the offender previously has been convicted of or pleaded guilty to one or more violations of this section or R.C. § 4511.762, or R.C. § 4511.63, 4511.76, 4511.761, 4511.764, 4511.77, or 4511.79 or a municipal ordinance that is substantially equivalent to any of those sections, whoever violates this section is guilty of a misdemeanor of the fourth degree.

(D) Whenever a person is found guilty in a court of record of a violation of this section, the trial judge, in addition to or independent of all other penalties provided by law, may suspend for any period of time not exceeding three years, or cancel the license of any person, partnership, association, or corporation, issued under R.C. § 4511.763.
(R.C. § 4511.762) (Rev. 2004)

§ 72.095 LICENSING BY DEPARTMENT OF PUBLIC SAFETY.

(A) No person, partnership, association, or corporation shall transport pupils to or from school on a school bus or enter into a contract with a board of education of any school district for the transportation of pupils on a school bus without being licensed by the Department of Public Safety.

(B) Except as otherwise provided in this division, 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.
(R.C. § 4511.763) (Rev. 2004)

§ 72.096 REGISTRATION AND IDENTIFICATION OF SCHOOL BUSES.

(A) No person shall operate, nor shall any person being the owner thereof or having supervisory responsibility therefor, permit the operation of a school bus within this municipality unless there is displayed thereon an identifying number in accordance with R.C. § 4511.764.

(B) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If the offender previously has been convicted of or pleaded guilty to one or more violations of R.C. § 4511.63, 4511.76, 4511.761, 4511.762, 4511.77, or 4511.79 or a municipal ordinance that is substantially equivalent to any of those sections, whoever violates this section is guilty of a misdemeanor of the fourth degree.
(R.C. § 4511.764) (Rev. 2004)

§ 72.097 SCHOOL BUS MARKING.

(A) No person shall operate, nor shall any person being the owner thereof or having supervisory responsibility therefor permit the operation of, a school bus within this municipality unless it is painted national school bus yellow and is marked on both front and rear with the words "school bus" in black lettering not less than eight inches in height and on the rear of the bus with the word "stop" in black lettering not less than ten inches in height.

(B) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If the offender previously has been convicted of or pleaded guilty to one or more violations of this section or R.C. § 4511.77, or R.C. § 4511.63, 4511.76, 4511.761, 4511.762, 4511.764, or 4511.79 or a municipal ordinance that is substantially equivalent to any of those sections, whoever violates this section is guilty of a misdemeanor of the fourth degree.

(C) Whenever a person is found guilty in a court of record of a violation of this section, the trial judge, in addition to or independent of all other penalties provided by law, may suspend, for any period of time not exceeding three years, or cancel the license of any person, partnership, association, or corporation issued under R.C. § 4511.763.
(R.C. § 4511.77) (Rev. 2004)

§ 72.098 FLASHING LIGHT SIGNAL LAMPS.

(A) Every school bus shall, in addition to any other equipment and distinctive markings required pursuant to R.C. §§ 4511.76, 4511.761, 4511.764 and 4511.77, and any substantially equivalent municipal ordinances, be equipped

with signal lamps mounted as high as practicable, which shall display to the front two alternately flashing red lights and two alternately flashing amber lights located at the same level and to the rear two alternately flashing red lights and alternately flashing amber lights located at the same level, and these lights shall be visible at 500 feet in normal sunlight. The alternately flashing red lights shall be spaced as widely as practicable, and the alternately flashing amber lights shall be located next to them.

(B) Except as otherwise provided in this division, 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.
(R.C. § 4511.771) (Rev. 2004)

§ 72.099 OCCUPANT RESTRAINING DEVICE FOR OPERATOR.

(A) On and after May 6, 1986, no person, school board, or governmental entity shall purchase, lease, or rent a new school bus unless the school bus has an occupant restraining device, as defined in R.C. § 4513.263, installed for use in its operator's seat.

(B) Whoever violates this section is guilty of a minor misdemeanor.
(R.C. § 4511.772) (Rev. 2004)

PROHIBITIONS

§ 72.115 OBSTRUCTION AND INTERFERENCE AFFECTING VIEW AND CONTROL OF DRIVER.

(A) No person shall drive a vehicle when it is so loaded, or when there are in the front seat such number of persons, as to obstruct the view of the driver to the front or sides of the vehicle, or to interfere with the driver's control over the driving mechanism of the vehicle.

(B) No passenger in a vehicle shall ride in a position as to interfere with the driver's view ahead or to the sides, or to interfere with the driver's control over the driving mechanism of the vehicle.

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

(D) Except as otherwise provided in this division, 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.
(R.C. § 4511.70) (Rev. 2004)

§ 72.116 OCCUPYING TRAVEL TRAILER WHILE IN MOTION.

(A) No person shall occupy any travel trailer or manufactured or mobile home while it is being used as a conveyance upon a street or highway.

(B) Except as otherwise provided in this division, 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.
(R.C. § 4511.701) (Rev. 2004)

§ 72.117 DRIVING UPON CLOSED HIGHWAY PROHIBITED.

(A) No person shall drive upon, along, or across a street or highway, or any part of a street or highway that has been closed in the process of its construction, reconstruction, or repair, and posted with appropriate signs by the authority having jurisdiction to close the highway.
(R.C. § 4511.71(A))

(B) (1) No person shall operate a vehicle on or onto a public street or highway that is temporarily covered by a rise in water level, including groundwater or an overflow of water, and that is clearly marked by a sign that specifies that the road is closed due to the rise in water level and that any person who uses the closed portion of the road may be fined up to $2,000.

(2) A person who is issued a citation for a violation of division (B)(1) of this section is not permitted to enter a written plea of guilty and waive the person's right to contest the citation in court, but instead must appear in person in the proper court to answer the charge.
(R.C. § 4511.714(A), (B)) (Rev. 2016)

(C) (1) (a) Except as otherwise provided in this division, whoever violates division (A) of 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 division (A) of 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 division (A) of this section is guilty of a misdemeanor of the third degree.

(b) 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 § 70.99(B).
(R.C. § 4511.71(B)) (Rev. 2019)

(2) (a) Whoever violates division (B) of this section is guilty of a minor misdemeanor.

(b) In addition to the financial sanctions authorized or required under R.C. § 2929.28 and to any costs otherwise authorized or required under any provision of law, the court imposing the sentence upon an offender who is convicted of or pleads guilty to a violation of division (B) of this section shall order the offender to reimburse one or more rescuers for the cost any such rescuer incurred in rescuing the person, excluding any cost of transporting the rescued person to a hospital or other facility for treatment of injuries, up to a cumulative maximum of $2,000. If more than one rescuer was involved in the emergency response, the court shall allocate the reimbursement proportionately, according to the cost each rescuer incurred. A financial sanction imposed under this section is a judgment in favor of the rescuer and, subject to a determination of indigency under R.C. § 2929.28(B), a rescuer may collect the financial sanction in the same manner as provided in R.C. § 2929.28.
(R.C. § 4511.714(C))

(D) As used in this section:

EMERGENCY MEDICAL SERVICE ORGANIZATION. Has the same meanings as in R.C. § 9.60.

FIREFIGHTING AGENCY. Has the same meanings as in R.C. § 9.60.

PRIVATE FIRE COMPANY. Has the same meanings as in R.C. § 9.60.

RESCUER. Means a state agency, political subdivision, firefighting agency, private fire company, or emergency medical service organization.
(R.C. § 4511.714(D))

§ 72.118 DRIVING UPON SIDEWALK AREA OR PATHS EXCLUSIVELY FOR BICYCLES.

(A) (1) No person shall drive any vehicle, other than a bicycle or an electric bicycle if the motor is not engaged, upon a sidewalk or sidewalk area, except upon a permanent or duly authorized temporary driveway.

(2) Nothing in this section shall be construed as prohibiting local authorities from regulating the operation of bicycles or electric bicycles, except that no local authority may require that bicycles or electric bicycles be operated on sidewalks.
(R.C. § 4511.711(A)) (Rev. 2020)

(B) (1) No person shall operate a motor vehicle, snowmobile, or all-purpose vehicle upon any path set aside for the exclusive use of bicycles, when an appropriate sign giving notice of such use is posted on the path.

(2) Nothing in this section shall be construed to affect any rule of the Director of Natural Resources governing the operation of motor vehicles, snowmobiles, all-purpose vehicles, and bicycles on lands under the Director's jurisdiction.
(R.C. § 4511.713(A))

(C) Except as otherwise provided in this division, 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.

(D) 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 § 70.99(B).
(R.C. §§ 4511.711(B), 4511.713(B)) (Rev. 2019)

§ 72.119 OBSTRUCTING PASSAGE OF OTHER VEHICLES.

(A) No driver shall enter an intersection or marked crosswalk, or drive onto any railroad grade crossing, unless there is sufficient space on the other side of the intersection, crosswalk, or grade crossing to accommodate the vehicle the driver is operating without obstructing the passage of other vehicles, pedestrians, or railroad trains, notwithstanding any traffic-control signal indication to proceed.

(B) Except as otherwise provided in this division, 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.

(C) 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 § 70.99(B).
(R.C. § 4511.712) (Rev. 2019)

§ 72.120 FOLLOWING AN EMERGENCY OR PUBLIC VEHICLE PROHIBITED; APPROACHING STATIONARY PUBLIC SAFETY VEHICLE AND CERTAIN OTHER VEHICLES WITH CAUTION.

(A) *Following an emergency or public vehicle prohibited.* The driver of any vehicle, other than an emergency vehicle or public safety vehicle on official business, shall not follow any emergency vehicle or public safety vehicle traveling in response to an alarm closer than 500 feet, or drive into or park the vehicle within the block where the fire apparatus has stopped in answer to a fire alarm, unless directed to do so by a police officer or a firefighter.
(R.C. § 4511.72(A))

(B) *Approaching stationary public safety vehicle with caution.*

(1) The driver of a motor vehicle, upon approaching a stationary public safety vehicle, emergency vehicle, road service vehicle, waste collection vehicle, vehicle used by the Public Utilities Commission to conduct motor vehicle inspections in accordance with R.C. §§ 4923.04 and 4923.06, or a highway maintenance vehicle that is displaying the appropriate visual signals by means of flashing, oscillating, or rotating lights, as prescribed in R.C. § 4513.17, shall do either of the following:

(a) If the driver of the motor vehicle is traveling on a highway that consists of at least two lanes that carry traffic in the same direction of travel as that of the driver's motor vehicle, the driver shall proceed with due caution and, if possible and with due regard to the road, weather, and traffic conditions, shall change lanes into a lane that is not adjacent to that of the stationary public safety vehicle, emergency vehicle, road service vehicle, waste collection vehicle, vehicle used by the Public Utilities Commission to conduct motor vehicle inspections in accordance with R.C. §§ 4923.04 and 4923.06, or a highway maintenance vehicle.

(b) If the driver is not traveling on a highway of a type described in division (B)(1)(a) of this section, or if the driver is traveling on a highway of that type but it is not possible to change lanes or if to do so would be unsafe, the driver shall proceed with due caution, reduce the speed of the motor vehicle, and maintain a safe speed for the road, weather, and traffic conditions.

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

(3) No person shall fail to drive a motor vehicle in compliance with divisions (B)(1)(a) or (B)(1)(b) of this section when so required by division (B) of this section.
(R.C. § 4511.213(A) - (C)) (Rev. 2015)

(C) *Penalty.*

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

(2) Notwithstanding § 130.99 or R.C. § 2929.28, upon a finding that a person operated a motor vehicle in violation of division (B)(3) of this section, the court, in addition to all other penalties provided by law, shall impose a fine of two times the usual amount imposed for the violation.

(3) 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 § 70.99(B).
(R.C. §§ 4511.213(D), 4511.72(B)) (Rev. 2019)

(D) The offense established under division (B) of this section is a strict liability offense and 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.
(R.C. §§ 4511.213(E)) (Rev. 2019)

§ 72.121 DRIVING OVER UNPROTECTED FIRE HOSE.

(A) No vehicle shall, without the consent of the fire department official in command, be driven over any unprotected hose of a fire department that is laid down on any street or private driveway to be used at any fire or alarm of fire.

(B) Except as otherwise provided in this division, 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.

(C) 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 § 70.99(B).
(R.C. § 4511.73) (Rev. 2019)

§ 72.122 PLACING INJURIOUS MATERIAL ON HIGHWAY OR DEPOSITING LITTER FROM MOTOR VEHICLE.

(A) (1) No person shall place or knowingly drop upon any part of a highway, lane, road, street, or alley any tacks, bottles, wire, glass, nails, or other articles which may damage or injure any person, vehicle, or animal traveling along or upon the highway, except such substances that may be placed upon the roadway by proper authority for the repair or construction thereof.

(2) Any person who drops or permits to be dropped or thrown upon any highway any destructive or injurious material shall immediately remove the same.

(3) Any person authorized to remove a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle.

(4) No person shall place any obstruction in or upon a highway without proper authority.

(B) No person, with intent to cause physical harm to a person or a vehicle, shall place or knowingly drop upon any part of a highway, lane, road, street, or alley any tacks, bottles, wire, glass, nails, or other articles which may damage or injure any person, vehicle, or animal traveling along or upon such highway, except such substances that may be placed upon the roadway by proper authority for the repair or construction thereof.
(R.C. § 4511.74(A), (B))

(C) No operator or occupant of a motor vehicle shall, regardless of intent, throw, drop, discard, or deposit litter from any motor vehicle in operation upon any street, road, or highway, except into a litter receptacle in a manner that prevents its being carried away or deposited by the elements.

(D) No operator of a motor vehicle in operation upon any street, road, or highway shall allow litter to be thrown, dropped, discarded, or deposited from the motor vehicle, except into a litter receptacle in a manner that prevents its being carried away or deposited by the elements.

(E) As used in this section, ***LITTER*** means garbage, trash, waste, rubbish, ashes, cans, bottles, wire, paper, cartons, boxes, automobile parts, furniture, glass, or anything else of an unsightly or unsanitary nature.
(R.C. § 4511.82(A), (B), (D))

(F) (1) Except as otherwise provided in this division, whoever violates division (A) of 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 division (A) of 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 division (A) of this section is guilty of a misdemeanor of the third degree.

(2) Whoever violates division (B) of this section is guilty of a misdemeanor of the first degree.
(R.C. § 4511.74(C)) (Rev. 2004)

(3) Whoever violates division (C) or (D) of this section is guilty of a minor misdemeanor.
(R.C. § 4511.82(C)) (Rev. 2004)

§ 72.123 TRANSPORTING CHILD NOT IN CHILD RESTRAINT SYSTEM PROHIBITED.

(A) When any child who is in either or both of the following categories is being transported in a motor vehicle, other than a taxicab or public safety vehicle as defined in R.C. § 4511.01, that is required by the United States Department of Transportation to be equipped with seat belts at the time of manufacture or assembly, the operator of the motor vehicle shall have the child properly secured in accordance with the manufacturer's instructions in a child restraint system that meets federal motor vehicle safety standards:

(1) A child who is less than four years of age;

(2) A child who weighs less than 40 pounds.

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

(1) A child who is less than four years of age;

(2) A child who weighs less than 40 pounds.

(C) When any child who is less than eight years of age and less than four feet nine inches in height, who is not required by division (A) or (B) of this section to be secured in a child restraint system, is being transported in a motor vehicle, other than a taxicab or public safety vehicle as defined in R.C. § 4511.01 or a vehicle that is regulated under R.C. § 5104.015, that is required by the United States Department of Transportation to be equipped with seat belts at the time of manufacture or assembly, the operator of the motor vehicle shall have the child properly secured in accordance with the manufacturer's instructions on a booster seat that meets federal motor vehicle safety standards.

(D) When any child who is at least eight years of age but not older than 15 years of age, and who is not otherwise

required by division (A), (B), or (C) of this section to be secured in a child restraint system or booster seat, is being transported in a motor vehicle, other than a taxicab or public safety vehicle as defined in R.C. § 4511.01, that is required by the United States Department of Transportation to be equipped with seat belts at the time of manufacture or assembly, the operator of the motor vehicle shall have the child properly restrained either in accordance with the manufacturer's instructions in a child restraint system that meets federal motor vehicle safety standards or in an occupant restraining device as defined in R.C. § 4513.263.

(E) Notwithstanding any provision of law to the contrary, no law enforcement officer shall cause an operator of a motor vehicle being operated on any street or highway to stop the motor vehicle for the sole purpose of determining whether a violation of division (C) or (D) of this section has been or is being committed or for the sole purpose of issuing a ticket, citation, or summons for a violation of division (C) or (D) of this section or causing the arrest of or commencing a prosecution of a person for a violation of division (C) or (D) of this section, and absent another violation of law, a law enforcement officer's view of the interior or visual inspection of a motor vehicle being operated on any street or highway may not be used for the purpose of determining whether a violation of division (C) or (D) of this section has been or is being committed.

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

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

(H) This section does not apply when an emergency exists that threatens the life of any person operating or occupying a motor vehicle that is being used to transport a child who otherwise would be required to be restrained under this section. This section does not apply to a person operating a motor vehicle who has an affidavit signed by a physician licensed to practice in this state under R.C. Chapter 4731 or a chiropractor licensed to practice in this state under R.C. Chapter 4734 that states that the child who otherwise would be required to be restrained under this section has a physical impairment that makes use of a child restraint system, booster seat, or an occupant restraining device impossible or impractical, provided that the person operating the vehicle has safely and appropriately restrained the child in accordance with any recommendations of the physician or chiropractor as noted on the affidavit.

(I) Nothing in this section shall be construed to require any person to carry with the person the birth certificate of a child to prove the age of the child, but the production of a valid birth certificate for a child showing that the child was not of an age to which this section applies is a defense against any ticket, citation, or summons issued for violating this section.

(J) (1) Whoever violates division (A), (B), (C), or (D) of this section shall be punished as follows, provided that the failure of an operator of a motor vehicle to secure more than one child in a child restraint system, booster seat, or occupant restraining device as required by this section that occurred at the same time, on the same day, and at the same location is deemed to be a single violation of this section:

(a) Except as otherwise provided in division (J)(1)(b) of this section, the offender is guilty of a minor misdemeanor and shall be fined not less than $25 nor more than $75.

(b) If the offender previously has been convicted of or pleaded guilty to a violation of division (A), (B), (C), or (D) of this section or of a state law or municipal ordinance that is substantially equivalent any of those divisions, the offender is guilty of a misdemeanor of the fourth degree.

(2) All fines imposed pursuant to division (J)(1) of this section shall be forwarded to the State Treasurer for deposit in the Child Highway Safety Fund created by R.C. § 4511.81(I).
(R.C. § 4511.81(A) - (H), (K), (L)) (Rev. 2013)

§ 72.124 OCCUPANT RESTRAINING DEVICES.

(A) *Definitions.* As used in this section:

AUTOMOBILE. Means any commercial tractor, passenger car, commercial car, or truck that is required to be factory-equipped with an occupant restraining device for the operator or any passenger by regulations adopted by the United States Secretary of Transportation pursuant to the "National Traffic and Motor Vehicle Safety Act of 1966", 80 Stat. 719, 15 U.S.C. § 1392.

COMMERCIAL CAR. Has the same meaning as in R.C. § 4501.01.

COMMERCIAL TRACTOR. Has the same meaning as in R.C. § 4501.01.

OCCUPANT RESTRAINING DEVICE. A seat safety belt, shoulder belt, harness, or other safety device for restraining a person who is an operator of or passenger in an automobile and that satisfies the minimum federal vehicle safety standards established by the United States Department of Transportation.

PASSENGER. Any person in an automobile, other than its operator, who is occupying a seating position for which an occupant restraining device is provided.

PASSENGER CAR. Has the same meaning as in R.C. § 4501.01.

TORT ACTION. A civil action for damages for injury, death, or loss to person or property. The term includes a product liability claim, as defined in R.C. § 2307.71, and as asbestos claim, as defined in R.C. § 2307.91, but does not include a civil action for damages for breach of contract or another agreement between persons.

VEHICLE and ***MOTOR VEHICLE.*** As used in the definitions of the terms set forth above, ***VEHICLE*** and ***MOTOR VEHICLE*** have the same meanings as in R.C. § 4511.01.

(B) *Prohibited acts.* No person shall do any of the following:

(1) Operate an automobile on any street or highway unless he or she is wearing all of the available elements of a properly adjusted occupant restraining device, or operate a school bus that has an occupant restraining device installed for use in its operator's seat unless he or she is wearing all of the available elements of the device, as properly adjusted.

(2) Operate an automobile on any street or highway unless each passenger in the automobile who is subject to the requirement set forth in division (B)(3) of this section is wearing all of the available elements of a properly adjusted occupant restraining device.

(3) Occupy, as a passenger, a seating position on the front seat of an automobile being operated on any street or highway unless he or she is wearing all of the available elements of a properly adjusted occupant restraining device.

(4) Operate a taxicab on any street or highway unless all factory-equipped occupant restraining devices in the taxicab are maintained in usable form.

(C) *Exceptions.*

(1) Division (B)(3) of this section does not apply to a person who is required by R.C. § 4511.81 or a substantially equivalent municipal ordinance to be secured in a child restraint device or booster seat.

(2) Division (B)(1) of this section does not apply to a person who is an employee of the United States Postal Service or of a newspaper home delivery service, during any period in which the person is engaged in the operation of an automobile to deliver mail or newspapers to addressees.

(3) Divisions (B)(1) and (B)(3) of this section do not apply to a person who has an affidavit signed by a physician licensed to practice in this state under R.C. Chapter 4731 or a chiropractor licensed to practice in this state under R.C. Chapter 4734 that states the following:

(a) That the person has a physical impairment that makes use of an occupant restraining device impossible or impractical;

(b) Whether the physical impairment is temporary, permanent, or reasonably expected to be permanent;

(c) If the physical impairment is temporary, how long the physical impairment is expected to make the use of an occupant restraining device impossible or impractical.

(4) Divisions (B)(1) and (B)(3) of this section do not apply to a person who has registered with the Registrar of Motor Vehicles in accordance with division (C)(5) of this section.

(5) A person who has received an affidavit under division (C)(3) of this section stating that the person has a permanent or reasonably expected to be permanent physical impairment that makes use of an occupant restraining device impossible or impracticable may register with the Registrar of Motor Vehicles attesting to that fact. Upon such registration, the Registrar shall make that information available in the law enforcement automated data system. A person included in the database under division (C)(5) of this section is not required to have the affidavit obtained in accordance with division (C)(3) of this section in their possession while operating or occupying an automobile.

(6) A physician or chiropractor who issues an affidavit for the purposes of division (C)(3) or (C)(4) of this section is immune from civil liability arising from any injury or death sustained by the person who was issued the affidavit due to the failure of the person to wear an occupant restraining device unless the physician or chiropractor, in issuing the affidavit, acted in a manner that constituted willful, wanton, or reckless misconduct.

(7) The Registrar of Motor Vehicles shall adopt rules in accordance with R.C. Chapter 119 establishing a process for a person to be included in the database under division (C)(5) of this section. The information provided and included in the database under division (C)(5) of this section is not a public record subject to inspection or copying under R.C. § 149.43.

(D) *Officers not permitted to stop cars to determine violation.* Notwithstanding any provision of law to the contrary, no law enforcement officer shall cause an operator of an automobile being operated on any street or highway to stop the automobile for the sole purpose of determining whether a violation of division (B) of this section has been or is being committed or for the sole purpose of issuing a ticket, citation, or summons for the violation or for causing the arrest of or commencing a prosecution of a person for the violation. No law enforcement officer shall view the interior or visually inspect any automobile being operated on any street or highway for the sole purpose of determining whether the violation has been or is being committed.

(E) *Use of fines for educational program.* All fines collected for violations of division (B) of this section shall be forwarded to the State Treasurer for deposit in the funds as set forth in R.C. § 4513.263(E).

(F) *Limitations on evidence used for prosecution.*

(1) Subject to division (F)(2) of this section, the failure of a person to wear all of the available elements of a properly adjusted occupant restraining device in violation of division (B)(1) or (B)(3) of this section or the failure of a person to ensure that each minor who is a passenger of an automobile being operated by that person is wearing all of the available elements of a properly adjusted occupant restraining device in violation of division (B)(2) of this section shall not be considered or used by the trier of fact in a tort action as evidence of negligence or contributory negligence. But, the trier of fact may determine based on evidence admitted consistent with the Ohio Rules of Evidence that the failure contributed to the harm alleged in the tort action and may diminish a recovery of compensatory damages that represents non-economic loss, as defined in R.C. § 2307.011, in a tort action that could have been recovered but for the plaintiff's failure to wear all of the available elements of a properly adjusted occupant restraining device. Evidence of that failure shall not be used as a basis for a criminal prosecution of the person other than a prosecution for a violation of this section; and shall not be admissible as evidence in a criminal action involving the person other than a prosecution for a violation of this section.

(2) If, at the time of an accident involving a passenger car equipped with occupant restraining devices, any occupant of the passenger car who sustained injury or death was not wearing an available occupant restraining device, was not wearing all of the available elements of such a device, or was not wearing such a device as properly adjusted, then, consistent with the Rules of Evidence, the fact that the occupant was not wearing the available occupant restraining device, was not wearing all of the available elements of such a device, or was not wearing such a device as properly adjusted is admissible in evidence in relation to any claim for relief in a tort action to the extent that the claim for relief satisfies all of the following:

(a) It seeks to recover damages for injury or death to the occupant;

(b) The defendant in question is the manufacturer, designer, distributor, or seller of the passenger car;

(c) The claim for relief against the defendant in question is that the injury or death sustained by the occupant was enhanced or aggravated by some design defect in the passenger car or that the passenger car was not crashworthy.

(G) *Penalty.*

(1) Whoever violates division (B)(1) of this section shall be fined $30.

(2) Whoever violates division (B)(2) shall be subject to the penalty set forth in § 70.99(B).

(3) Whoever violates division (B)(3) of this section shall be fined $20.

(4) Except as otherwise provided in this division, whoever violates division (B)(4) of this section is guilty of a minor misdemeanor. If the offender previously has been convicted of or pleaded guilty to a violation of division (B)(4) of this section, whoever violates division (B)(4) of this section is guilty of a misdemeanor of the third degree.
(R.C. § 4513.263) (Rev. 2020)

Cross-reference:
Child restraint systems, see § 72.123
Installation and sale of seat safety belts, see § 74.33
School bus operators, restraining devices, see § 72.099

§ 72.125 USE OF ENGINE BRAKES PROHIBITED.

(A) The non-emergency use of engine brakes within the municipality is prohibited.

(B) As used in this section, ***ENGINE BRAKES*** shall be defined to include but is not limited to Jake Brakes, Jacobs Brakes, C Brakes, PacBrakes, TekBrakes, and any other type of engine retarders commonly utilized within the trucking industry.

(C) This section does not apply to emergency vehicles operated by fire, police, or military units.

(D) Whoever violates this section is guilty of a minor misdemeanor.
(Rev. 2007)

§ 72.126 OPERATING MOTOR VEHICLE WHILE WEARING EARPHONES OR EARPLUGS.

(A) As used in this section:

EARPHONES. Any device that covers all or a portion of both ears and that does either of the following:

(a) Through either a physical connection to another device or a wireless connection, provides the listener with radio programs, music, or other information;

(b) Provides hearing protection.

EARPHONES does not include speakers or other listening devices that are built into protective headgear.

EARPLUGS. Any device that can be inserted into one or both ears and that does either of the following:

(a) Through either a physical connection to another device or a wireless connection, provides the listener with radio programs, music, or other information;

(b) Provides hearing protection.

(B) No person shall operate a motor vehicle while wearing earphones over, or earplugs in, both ears.

(C) This section does not apply to:

(1) Any person wearing a hearing aid;

(2) Law enforcement personnel while on duty;

(3) Fire Department personnel and emergency medical service personnel while on duty;

(4) Any person engaged in the operation of equipment for use in the maintenance or repair of any highway;

(5) Any person engaged in the operation of refuse collection equipment;

(6) Any person wearing earphones or earplugs for hearing protection while operating a motorcycle.

(D) Except as otherwise provided in this division, 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.
(R.C. § 4511.84) (Rev. 2021)

§ 72.127 CHAUFFEURED LIMOUSINES AND LIVERY SERVICES.

(A) The operator of a chauffeured limousine shall accept passengers only on the basis of prearranged contracts, as defined in R.C. § 4501.01, and shall not cruise in search of patronage unless the limousine is in compliance with any statute or ordinance governing the operation of taxicabs or other similar vehicles for hire.

(B) The operator of a chauffeured limousine may provide transportation to passengers who arrange for the transportation through an intermediary, including a digital dispatching service. Notwithstanding any law to the contrary, when providing transportation arranged through an intermediary, the operator of a chauffeured limousine may establish the fare and method of fare calculation, so long as the method of fare calculation is provided to the passenger upon request.

(C) No person shall advertise or hold himself or herself out as doing business as a limousine service or livery service or other similar designation unless each vehicle used by the person to provide the service is registered in accordance with R.C. § 4503.24 and is in compliance with R.C. § 4509.80.

(D) Whoever violates this section is guilty of a misdemeanor of the first degree.
(R.C. § 4511.85) (Rev. 2014)

Statutory reference:

Chauffeured limousine, motor vehicle licensing, see R.C. § 4503.24

Proof of financial responsibility, see R.C. § 4509.80

§ 72.128 OPERATING TRACTION ENGINE UPON IMPROVED HIGHWAYS.

(A) No person shall drive over the improved highways of this municipality a traction engine or tractor with tires or wheels equipped with ice picks, spuds, spikes, chains or other projections of any kind extending beyond the cleats, and no person shall tow or in any way pull another vehicle over the improved highways of this municipality which towed or pulled vehicle has tires or wheels equipped with ice picks, spuds, spikes, chains or other projections of any kind. As used in this section, "traction engine" or "tractor" applies to all self-propelling engines equipped with metal-tired wheels operated or propelled by any form of engine, motor or mechanical power.

(B) This municipality shall not adopt, enforce, or maintain any ordinance, rule or regulation contrary to or inconsistent with division (A), nor shall this municipality require any license tax upon or registration fee for any traction engine, tractor, or trailer, or any permit or license to operate. Operators of traction engines or tractors shall have the same rights upon the public streets and highways as the drivers of any other vehicles, unless some other safe and convenient way is provided, and no public road open to traffic shall be closed to traction engines or tractors.
(R.C. § 5589.08)

(C) Whoever violates this section is guilty of a minor misdemeanor.
(R.C. § 5589.99(B))

§ 72.129 CRACKING EXHAUST NOISES; PEELING OUT.

No person shall operate any motor vehicle, except when necessary for safe operation, or in compliance with law, in such a manner that the vehicle is so rapidly accelerated or started from a stopped position, or in the shifting of gears while in motion, that the exhaust system emits a loud, cracking or chattering noise unusual to its normal operation, or that the rubber tires of such vehicle squeal or leave tire marks on the roadway, commonly known as "peeling out".
(Rev. 2002) Penalty, see § 70.99

§ 72.130 SHORTCUTTING ACROSS PRIVATE PROPERTY.

No operator of a motor vehicle shall enter upon private property for the sole purpose of driving across such property, between abutting streets or other public ways thereof. The failure to stop on such property in connection with or in furtherance of the enterprise or activities being conducted on the property shall constitute prima facie evidence of the violation.
(Rev. 2002) Penalty, see § 70.99

§ 72.131 TEXTING WHILE DRIVING PROHIBITED.

(A) No person shall drive a motor vehicle on any street, highway, or property open to the public for vehicular traffic while using a handheld electronic wireless communications device to write, send, or read a text-based communication.

(B) Division (A) of this section does not apply to any of the following:

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

(2) A person driving a public safety vehicle who uses a handheld electronic wireless communications device in that manner in the course of the person's duties;

(3) A person using a handheld electronic wireless communications device in that manner whose motor vehicle is in a stationary position and who is outside a lane of travel;

(4) A person reading, selecting, or entering a name or telephone number in a handheld electronic wireless communications device for the purpose of making or receiving a telephone call;

(5) A person receiving wireless messages on a 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;

(6) A person receiving wireless messages via radio waves;

(7) A person using a device for navigation purposes;

(8) A person conducting wireless interpersonal communication with a device that does not require manually entering letters, numbers, or symbols or reading text messages, except to activate, deactivate, or initiate the device or a feature or function of the device;

(9) A person operating a commercial truck while using a mobile data terminal that transmits and receives data;

(10) A person using a handheld electronic wireless communications device in conjunction with a voice-operated or hands-free device feature or function of the vehicle.

(C) Notwithstanding any provision of law to the contrary, no law enforcement officer shall cause an operator of an automobile being operated on any street or highway to stop the automobile for the sole purpose of determining whether a violation of division (A) of this section has been or is being committed or for the sole purpose of issuing a ticket, citation, or summons for a violation of that nature or causing the arrest of or commencing a prosecution of a person for a violation of that nature, and no law enforcement officer shall view the interior or visually inspect any automobile being operated on any street or highway for the sole purpose of determining whether a violation of that nature has been or is being committed.

(D) Whoever violates division (A) of this section is guilty of a minor misdemeanor.

(E) A prosecution for a violation of this section does not preclude a prosecution for a violation of R.C. § 4511.204 based on the same conduct. However, if an offender is convicted of or pleads guilty to a violation of this section and is also convicted of or pleads guilty to a violation of R.C. § 4511.204 based on the same conduct, the two offenses are allied offenses of similar import under R.C. § 2941.25.

(F) As used in this section:

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 other substantially similar wireless device that is designed or used to communicate text.

VOICE-OPERATED OR HANDS-FREE DEVICE. A device that allows the user to vocally compose or send, or to listen to a text-based communication without the use of either hand except to activate or deactivate a feature or function.

WRITE, SEND, OR READ A TEXT-BASED COMMUNICATION. To manually write or send, or read a text-based communication using an electronic wireless communications device, including manually writing or

sending, or reading communications referred to as text messages, instant messages, or electronic mail.
(R.C. § 4511.204) (Rev. 2019)
Statutory reference:
No preemption for local regulations imposing greater penalties, see R.C. § 4511.204(E)

§ 72.132 USE OF ELECTRONIC WIRELESS COMMUNICATION DEVICES BY MINORS OR PROBATIONARY DRIVERS WHILE DRIVING PROHIBITED.

(A) No holder of a temporary instruction permit who has not attained the age of 18 years and no holder of a probationary driver's license shall drive a motor vehicle on any street, highway, or property used by the public for purposes of vehicular traffic or parking while using in any manner an electronic wireless communications device.

(B) Division (A) of this section does not apply to either of the following:

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

(2) A person using an electronic wireless communications device whose motor vehicle is in a stationary position and the motor vehicle is outside a lane of travel;

(3) A person using a navigation device in a voice-operated or hands-free manner who does not manipulate the device while driving.

(C) (1) Except as provided in division (C)(2) of this section, whoever violates division (A) of this section shall be fined $150. In addition, the court shall impose a class seven suspension of the offender's driver's license or permit for a definite period of 60 days.

(2) If the person previously has been adjudicated a delinquent child or a juvenile traffic offender for a violation of this section, whoever violates this section shall be fined $300. In addition, the court shall impose a class seven suspension of the person's driver's license or permit for a definite period of one year.

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

(E) As used in this section, ***ELECTRONIC WIRELESS COMMUNICATIONS DEVICE*** includes any of the following:

(1) A wireless telephone;

(2) A personal digital assistant;

(3) A computer, including a laptop computer and a computer tablet;

(4) A text-messaging device;

(5) Any other substantially similar electronic wireless device that is designed or used to communicate via voice, image, or written word.
(R.C. § 4511.205) (Rev. 2019)

CHAPTER 73: MOTOR VEHICLE CRIMES

Section

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Statutory reference:

Notice of arrest of certain commercial drivers, see R.C. § 5577.14

GENERAL PROVISIONS

§ 73.01 DRIVING UNDER THE INFLUENCE OF ALCOHOL OR DRUGS.

(A) (1) 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 0.08% or more but less than 0.17% by weight per unit volume of alcohol in the person's whole blood.

(c) The person has a concentration of 0.096% or more but less than 0.204% by weight per unit volume of alcohol in the person's blood serum or plasma.

(d) The person has a concentration of 0.08 grams or more but less than 0.17 grams by weight of alcohol per 210 liters of the person's breath.

(e) The person has a concentration of 0.11 grams or more but less than 0.238 grams by weight of alcohol per 100 milliliters of the person's urine.

(f) The person has a concentration of 0.17% or more by weight per unit volume of alcohol in the person's whole blood.

(g) The person has a concentration of 0.204% or more by weight per unit volume of alcohol in the person's blood serum or plasma.

(h) The person has a concentration of 0.17 grams or more by weight of alcohol per 210 liters of the person's breath.

(i) The person has a concentration of 0.238 grams or more by weight of alcohol per 100 milliliters of the person's urine.

(j) Except as provided in division (K) 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 500 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 100 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 150 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 50 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 150 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 50 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 2,000 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 50 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.

6. The person has a concentration of L.S.D. in the person's urine of at least 25 nanograms of L.S.D. per milliliter of the person's urine or a concentration of L.S.D. in the person's whole blood or blood serum or plasma of at least ten nanograms of L.S.D. per milliliter of the person's whole blood or blood serum or plasma.

7. The person has a concentration of marihuana in the person's urine of at least ten nanograms of marihuana per milliliter of the person's urine or has a concentration of marihuana in the person's whole blood or blood serum or plasma of at least two nanograms of marihuana per milliliter of the person's whole blood or blood serum or plasma.

8. Either of the following applies:

a. The person is under the influence of alcohol, a drug of abuse, or a combination of them, and the person has a concentration of marihuana metabolite in the person's urine of at least 15 nanograms of marihuana metabolite per milliliter of the person's urine or has a concentration of marihuana metabolite in the person's whole blood or blood serum or plasma of at least five nanograms of marihuana metabolite per milliliter of the person's whole blood or blood serum or plasma.

b. The person has a concentration of marihuana metabolite in the person's urine of at least 35 nanograms of marihuana metabolite per milliliter of the person's urine or has a concentration of marihuana metabolite in the person's whole blood or blood serum or plasma of at least 50 nanograms of marihuana metabolite per milliliter of the person's whole blood or blood serum or plasma.

9. The person has a concentration of methamphetamine in the person's urine of at least 500 nanograms of methamphetamine per milliliter of the person's urine or has a concentration of methamphetamine in the person's whole blood or blood serum or plasma of at least 100 nanograms of methamphetamine per milliliter of the person's whole blood or blood serum or plasma.

10. The person has a concentration of phencyclidine in the person's urine of at least 25 nanograms of phencyclidine per milliliter of the person's urine or has a concentration of phencyclidine in the person's whole blood or blood serum or plasma of at least ten nanograms of phencyclidine per milliliter of the person's whole blood or blood serum or plasma.

11. The State Board of Pharmacy has adopted a rule pursuant to R.C. § 4729.041 that specifies the amount of salvia divinorum and the amount of salvinorin A that constitute concentrations of salvia divinorum and salvinorin A in a person's urine, in a person's whole blood, or in a person's blood serum or plasma at or above which the person is impaired for purposes of operating any vehicle within this state, the rule is in effect, and the person has a concentration of salvia divinorum or salvinorin A of at least that amount so specified by rule in the person's urine, in the person's whole blood, or in the person's blood serum or plasma.

(2) No person who, within 20 years of the conduct described in division (A)(2)(a) of this section, previously has been convicted of or pleaded guilty to a violation of this division or a substantially equivalent state law or municipal ordinance, a violation of division (A)(1) or (B) of this section or a substantially equivalent state law or municipal ordinance, or any other equivalent offense shall do both of the following:

(a) Operate any vehicle within this municipality while under the influence of alcohol, a drug of abuse, or a combination of them;

(b) Subsequent to being arrested for operating the vehicle as described in division (A)(2)(a) of this section, being asked by a law enforcement officer to submit to a chemical test or tests under R.C. § 4511.191 or any substantially equivalent municipal ordinance, and being advised by the officer in accordance with R.C. § 4511.192 or any substantially equivalent municipal ordinance of the consequences of the person's refusal or submission to the test or tests, refuse to submit to the test or tests.

(B) No person under 21 years of age shall operate any vehicle within this municipality, if, at the time of the operation, any of the following apply:

(1) The person has a concentration of at least 0.02% but less than 0.08% by weight per unit volume of alcohol in the person's whole blood.

(2) The person has a concentration of at least 0.03% but less than 0.096% by weight per unit volume of alcohol in the person's blood serum or plasma.

(3) The person has a concentration of at least 0.02 grams but less than 0.08 grams by weight of alcohol per 210 liters of the person's breath.

(4) The person has a concentration of at least 0.028 grams but less than 0.11 grams by weight of alcohol per 100 milliliters of the person's urine.

(C) In any proceeding arising out of one incident, a person may be charged with a violation of division (A)(1)(a) or (A)(2) and a violation of division (B)(1), (B)(2), or (B)(3) of this section, but the person may not be convicted of more than one violation of these divisions.

(D) (1) (a) In any criminal prosecution or juvenile court proceeding for a violation of division (A)(1)(a) of this section or for an equivalent offense that is vehicle-related, the result of any test of any blood or urine withdrawn and analyzed at any health care provider, as defined in R.C. § 2317.02, may be admitted with expert testimony to be considered with any other relevant and competent evidence in determining the guilt or innocence of the defendant.

(b) In any criminal prosecution for a violation of division (A) or (B) of this section or for an equivalent offense that is vehicle-related, the court may admit evidence on the concentration of alcohol, drugs of abuse, controlled substances, metabolites of a controlled substance, or a combination of them in the defendant's whole blood, blood serum or plasma, breath, urine, or other bodily substance at the time of the alleged violation as shown by chemical analysis of the substance withdrawn within three hours of the time of the alleged violation. The three-hour time limit specified in this division regarding the admission of evidence does not extend or affect the two-hour time limit specified in R.C. § 4511.192(A) as the maximum period of time during which a person may consent to a chemical test or tests as described in that section. The court may admit evidence on the concentration of alcohol, drugs of abuse, or a combination of them as described in this division when a person submits to a blood test at the request of a law enforcement officer under R.C. § 4511.191 or a substantially equivalent municipal ordinance, or a blood or urine sample is obtained pursuant to a search warrant. Only a physician, a registered nurse, an emergency medical technician-intermediate, an emergency medical technician-paramedic, or a qualified technician, chemist, or phlebotomist shall withdraw a blood sample for the purpose of determining the alcohol, drug, controlled substance, metabolite of a controlled substance, or combination content of the whole blood, blood serum, or blood plasma. This limitation does not apply to the taking of breath or urine specimens. A person authorized to withdraw blood under this division may refuse to withdraw blood under this division, if in that person's opinion, the physical welfare of the person would be endangered by the withdrawing of blood. The bodily substance withdrawn under this division (D)(1)(b) shall be analyzed in accordance with methods approved by the Director of Health by an individual possessing a valid permit issued by the Director pursuant to R.C. § 3701.143.

(c) As used in division (D)(1)(b) of this section, ***EMERGENCY MEDICAL TECHNICIAN-INTERMEDIATE*** and ***EMERGENCY MEDICAL TECHNICIAN-PARAMEDIC*** have the same meanings as in R.C. § 4765.01.

(2) In a criminal prosecution for a violation of division (A) of this section or for an equivalent offense that is vehicle-related, if there was at the time the bodily substance was withdrawn a concentration of less than the applicable concentration of alcohol specified in divisions (A)(1)(b), (A)(1)(c), (A)(1)(d) and (A)(1)(e) of this section or less than the applicable concentration of a listed controlled substance or a listed metabolite of a controlled substance specified for a violation of division (A)(1)(j) of this section, that fact may be considered with other competent evidence in determining the guilt or innocence of the defendant. This division does not limit or affect a criminal prosecution for a violation of division (B) of this section.

(3) Upon the request of the person who was tested, the results of the chemical test shall be made available to the person or the person's attorney, immediately upon the completion of the chemical test analysis. If the chemical test was obtained pursuant to division (D)(1)(b) of this section, the person tested may have a physician, a registered nurse, or a qualified technician, chemist, or phlebotomist of the person's own choosing administer a chemical test or tests, at the person's expense, in addition to any administered at the request of a law enforcement officer. If the person was under arrest as described in R.C. § 4511.191(A)(5), the arresting officer shall advise the person at the time of the arrest that the person may have an independent chemical test taken at the person's own expense. If the person was under arrest other than described in R.C. § 4511.191(A)(5), the form to be read to the person to be tested, as required under § 73.02, shall state that the person may have an independent test performed at the person's expense. The failure or inability to obtain an additional chemical test by a person shall not preclude the admission of evidence relating to the chemical test or tests taken at the request of a law enforcement officer.

(4) (a) As used in division (D)(4)(b) and (D)(4)(c) of this section, ***NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION*** means the National Highway Traffic Safety Administration established as an administration of the United States Department of Transportation under 96 Stat. 2415 (1983), 49 U.S.C. § 105.

(b) In any criminal prosecution or juvenile court proceeding for a violation of division (A) or (B) of this section, of a municipal ordinance relating to operating a vehicle while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, or of a municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath, or urine, if a law enforcement officer has administered a field sobriety test to the operator of the vehicle

involved in the violation and if it is shown by clear and convincing evidence that the officer administered the test in substantial compliance with the testing standards for any reliable, credible, and generally accepted field sobriety tests that were in effect at the time the tests were administered, including but not limited to any testing standards then in effect that were set by the National Highway Traffic Safety Administration, all of the following apply:

1. The officer may testify concerning the results of the field sobriety test so administered.

2. The prosecution may introduce the results of the field sobriety test so administered as evidence in any proceedings in the criminal prosecution or juvenile court proceeding.

3. If testimony is presented or evidence is introduced under division (D)(4)(b)1. or (D)(4)(b)2. of this section and if the testimony or evidence is admissible under the Rules of Evidence, the court shall admit the testimony or evidence and the trier of fact shall give it whatever weight the trier of fact considers to be appropriate.

(c) Division (D)(4)(b) of this section does not limit or preclude a court, in its determination of whether the arrest of a person was supported by probable cause or its determination of any other matter in a criminal prosecution or juvenile court proceeding of a type described in that division, from considering evidence or testimony that is not otherwise disallowed by division (D)(4)(b) of this section.

(E) (1) Subject to division (E)(3) of this section, in any criminal prosecution or juvenile court proceeding for a violation of division (A)(1)(b), (A)(1)(c), (A)(1)(d), (A)(1)(e), (A)(1)(f), (A)(1)(g), (A)(1)(h), (A)(1)(i), or (A)(1)(j) or (B)(1), (B)(2), (B)(3), or (B)(4) of this section or for an equivalent offense that is substantially equivalent to any of those divisions, a laboratory report from any laboratory personnel issued a permit by the Department of Health authorizing an analysis as described in this division that contains an analysis of the whole blood, blood serum or plasma, breath, urine, or other bodily substance tested and that contains all of the information specified in this division shall be admitted as prima facie evidence of the information and statements that the report contains. The laboratory report shall contain all of the following:

(a) The signature, under oath, of any person who performed the analysis;

(b) Any findings as to the identity and quantity of alcohol, a drug of abuse, a controlled substance, a metabolite of a controlled substance, or a combination of them that was found;

(c) A copy of a notarized statement by the laboratory director of a designee of the director that contains the name of each certified analyst or test performer involved with the report, the analyst's or test performer's employment relationship with the laboratory that issued the report, and a notation that performing an analysis of the type involved is part of the analyst's or test performer's regular duties;

(d) An outline of the analyst's or test performer's education, training, and experience in performing the type of analysis involved and a certification that the laboratory satisfies appropriate quality control standards in general and, in this particular analysis, under rules of the Department of Health.

(2) Notwithstanding any other provision of law regarding the admission of evidence, a report of the type described in division (E)(1) of this section is not admissible against the defendant to whom it pertains in any proceeding, other than a preliminary hearing or a grand jury proceeding, unless the prosecutor has served a copy of the report on the defendant's attorney or, if the defendant has no attorney, on the defendant.

(3) A report of the type described in division (E)(1) of this section shall not be prima facie evidence of the contents, identity, or amount of any substance if, within seven days after the defendant to whom the report pertains or the defendant's attorney receives a copy of the report, the defendant or the defendant's attorney demands the testimony of the person who signed the report. The judge in the case may extend the seven-day time limit in the interest of justice.

(F) (1) Except as otherwise provided in this division, any physician, registered nurse, emergency medical technician-intermediate, emergency medical technician-paramedic, or qualified technician, chemist, or phlebotomist who withdraws blood from a person pursuant to this section or R.C. § 4511.19, 4511.191 or 4511.192, and any hospital, first-aid station, or clinic at which blood is withdrawn from a person pursuant to this section or R.C. § 4511.19, 4511.191 or 4511.192, is immune from criminal liability and civil liability based upon a claim of assault and battery or any other claim that is not a claim of malpractice, for any act performed in withdrawing blood from the person. The immunity provided in this division also extends to an emergency medical service organization that employs an emergency medical technician-intermediate or emergency medical technician-paramedic who withdraws blood under this section. The immunity provided in this division is not available to a person who withdraws blood if the person engages in willful or wanton misconduct.

(2) As used in division (F)(1), ***EMERGENCY MEDICAL TECHNICIAN-INTERMEDIATE*** and ***EMERGENCY MEDICAL TECHNICIAN-PARAMEDIC*** have the same meanings as in R.C. § 4765.01.

(G) (1) Whoever violates any provisions of divisions (A)(1)(a) through (A)(1)(i) or (A)(2) of this section is guilty of operating a vehicle under the influence of alcohol, a drug of abuse, or a combination of them. Whoever violates division (A)(1)(j) of this section is guilty of operating a vehicle while under the influence of a listed controlled substance or a listed metabolite of a controlled substance. The court shall sentence the offender for either offense under

R.C. Chapter 2929, except as otherwise authorized or required by divisions (G)(1)(a) through (G)(1)(e) of this section:

(a) Except as otherwise provided in division (G)(1)(b), (G)(1)(c), (G)(1)(d), or (G)(1)(e) of this section, the offender is guilty of a misdemeanor of the first degree, and the court shall sentence the offender to all of the penalties and sanctions provided in R.C. § 4511.19(G)(1)(a)(i) through (G)(1)(a)(iv).

(b) Except as otherwise provided in division (G)(1)(e) of this section, an offender who, within ten years of the offense, previously has been convicted of or pleaded guilty to one violation of division (A) or (B) of this section or one other equivalent offense is guilty of a misdemeanor of the first degree. The court shall sentence the offender to all of the penalties and sanctions provided in R.C. § 4511.19(G)(1)(b)(i) through (G)(1)(b)(v).

(c) Except as otherwise provided in division (G)(1)(e) of this section, an offender who, within ten years of the offense, previously has been convicted of or pleaded guilty to two violations of division (A) or (B) of this section or other equivalent offenses is guilty of a misdemeanor. The court shall sentence the offender to all of the penalties and sanctions provided in R.C. § 4511.19(G)(1)(c)(i) through (G)(1)(c)(vi).

(d) Except as otherwise provided in division (G)(1)(e) of this section, an offender who, within ten years of the offense, previously has been convicted of or pleaded guilty to three or more violations of division (A) or (B) of this section or other equivalent offenses or an offender who, within 20 years of the offense, previously has been convicted of or pleaded guilty to five or more violations of that nature is guilty of a felony to be prosecuted under appropriate state law.

(e) An offender who previously has been convicted of or pleaded guilty to a violation of R.C. § 4511.19(A) that was a felony, regardless of when the violation and the conviction or guilty plea occurred, is guilty of a felony to be prosecuted under appropriate state law.

(2) An offender who is convicted of or pleads guilty to a violation of division (A) of this section and who subsequently seeks reinstatement of the driver's or occupational driver's license or permit or nonresident operating privilege suspended under this section or R.C. § 4511.19 as a result of the conviction or guilty plea shall pay a reinstatement fee as provided in R.C. § 4511.191(F)(2).

(3) (a) If an offender is sentenced to a jail term under R.C. § 4511.19(G)(1)(b)(i) or (G)(1)(b)(ii) or (G)(1)(c)(i) or (G)(1)(c)(ii) and if, within 60 days of sentencing of the offender, the court issues a written finding on the record that, due to the unavailability of space at the jail where the offender is required to serve the term, the offender will not be able to begin serving that term within the 60-day period following the date of sentencing, the court may impose an alternative sentence as specified in R.C. § 4511.19(G)(3) that includes a term of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring.

(b) As an alternative to the mandatory jail terms as required by R.C. § 4511.19(G)(1), the court may sentence the offender as provided in R.C. § 4511.19(G)(3).

(4) If an offender's driver's or occupational driver's license or permit or nonresident operating privilege is suspended under division (G) of this section or R.C. § 4511.19(G) and if R.C. § 4510.13 permits the court to grant limited driving privileges, the court may grant the limited driving privileges in accordance with that section. If division (A)(7) of that section requires the court impose as a condition of the privileges that the offender must display on the vehicle that is driven subject to the privileges restricted license plates that are issued under R.C. § 4503.231, except as provided in division (B) of that section, the court shall impose that condition as one of the conditions of the limited driving privileges granted to the offender, except as provided in R.C. § 4503.231(B).

(5) Fines imposed under this section for a violation of division (A) of this section shall be distributed as provided in R.C. § 4511.19(G)(5).

(6) If title to a motor vehicle that is subject to an order of criminal forfeiture under division (G)(1)(c), (G)(1)(d), or (G)(1)(e) of this section is assigned or transferred and R.C. § 4503.234(B)(2) or (B)(3) applies, in addition to or independent of any other penalty established by law, the court may fine the offender the value of the vehicle as determined by publications of the National Automobile Dealers Association. The proceeds of any fine so imposed shall be distributed in accordance with division (C)(2) of that section.

(7) In all cases in which an offender is sentenced under division (G) of this section, the offender shall provide the court with proof of financial responsibility as defined in R.C. § 4509.01. If the offender fails to provide that proof of financial responsibility, the court, in addition to any other penalties provided by law, may order restitution pursuant to § 130.99(G) or R.C. § 2929.18 or 2929.28 in an amount not exceeding $5,000 for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the vehicle before, during, or after committing the offense for which the offender is sentenced under division (G) of this section.

(8) A court may order an offender to reimburse a law enforcement agency for any costs incurred by the agency with respect to a chemical test or tests administered to the offender if all of the following apply:

(a) The offender is convicted of or pleads guilty to a violation of division (A) of this section.

(b) The test or tests were of the offender's whole blood, blood serum or plasma, or urine.

(c) The test or tests indicated that the offender had a prohibited concentration of a controlled substance or a metabolite of a controlled substance in the offender's whole blood, blood serum or plasma, or urine at the time of the offense.

(9) As used in division (G) of this section, ***ELECTRONIC MONITORING*** has the same meaning as in R.C. § 2929.01.

(H) Whoever violates division (B) of this section is guilty of operating a motor vehicle after underage alcohol consumption and shall be punished as follows:

(1) Except as otherwise provided in division (H)(2) of this section, the offender is guilty of a misdemeanor of the fourth degree. In addition to any other sanction imposed for the offense, the court shall impose a class six 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 R.C. § 4510.02(A)(6). The court may grant limited driving privileges relative to the suspension under R.C. §§ 4510.021 and 4510.13. The court may grant unlimited driving privileges with an ignition interlock device relative to the suspension and may reduce the period of suspension as authorized under R.C. § 4510.022. If the court grants unlimited driving privileges under R.C. § 4510.022, the court shall suspend any jail term imposed under division (H)(1) of this section as required under that section.

(2) If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one or more violations of division (A) or (B) of this section or other equivalent offense or offenses, the offender is guilty of a misdemeanor of the third degree. In addition to any other sanction imposed for the offense, the court shall impose 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 R.C. § 4510.02(A)(4). The court may grant limited driving privileges relative to the suspension under R.C. §§ 4510.021 and 4510.13.

(3) If the offender also is convicted of or also pleads guilty to a specification of the type described in R.C. § 2941.1414 and if the court imposes a jail term for the violation of division (B) of this section, the court shall impose upon the offender an additional definite jail term pursuant to R.C. § 2929.24(E).

(4) The offender shall provide the court with proof of financial responsibility as defined in R.C. § 4509.01. If the offender fails to provide that proof of financial responsibility, then, in addition to any other penalties provided by law, the court may order restitution pursuant to § 130.99(G) or R.C. § 2929.28 in an amount not exceeding $5,000 for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the vehicle before, during, or after committing the violation of division (B) of this section.

(I) (1) No court shall sentence an offender to an alcohol treatment program under this section unless the treatment program complies with the minimum standards for alcohol treatment programs adopted under R.C. Chapter 5119 by the Director of Mental Health and Addiction Services.

(2) An offender who stays in a drivers' intervention program or in an alcohol treatment program under an order issued under this section shall pay the cost of the stay in the program. However, if the court determines that an offender who stays in an alcohol treatment program under an order issued under this section is unable to pay the cost of the stay in the program, the court may order that the cost be paid from the court's Indigent Drivers' Alcohol Treatment Fund.

(J) If a person whose driver's or commercial driver's license or permit or nonresident operating privilege is suspended under this section or R.C. § 4511.19 files an appeal regarding any aspect of the person's trial or sentence, the appeal itself does not stay the operation of the suspension.

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

(1) The person obtained the controlled substance pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs.

(2) The person injected, ingested, or inhaled the controlled substance in accordance with the health professional's directions.

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

(M) All terms defined in R.C. § 4510.01 apply to this section. If the meaning of a term defined in R.C. § 4510.01 conflicts with the meaning of the same term as defined in R.C. § 4501.01 or 4511.01, the term as defined in R.C. § 4510.01 applies to this section.
(R.C. § 4511.19(A) - (M)) (Rev. 2018)

(N) As used in this section, § 73.02 and § 73.03:

COMMUNITY RESIDENTIAL SANCTION. Has the same meaning as in R.C. § 2929.01.

CONTINUOUS ALCOHOL MONITORING. Has the same meaning as in R.C. § 2929.01.

DRUG OF ABUSE. Has the same meaning as in R.C. § 4506.01.

EQUIVALENT OFFENSE. Means any of the following:

(a) A violation of R.C. § 4511.19(A) or (B);

(b) A violation of a municipal OVI ordinance;

(c) A violation of R.C. § 2903.04 in a case in which the offender was subject to the sanctions described in division (D) of that section;

(d) A violation of R.C. § 2903.06(A)(1) or R.C. § 2903.08 or a municipal ordinance that is substantially equivalent to either of those divisions;

(e) A violation of R.C. § 2903.06(A)(2), (A)(3), or (A)(4), R.C. § 2903.08(A)(2), or former R.C. § 2903.07, or a municipal ordinance that is substantially equivalent to any of those divisions or that former section, in a case in which a judge or jury as the trier of fact found that the offender was under the influence of alcohol, a drug of abuse, or a combination of them;

(f) A violation of R.C. § 1547.11(A) or (B);

(g) A violation of a municipal ordinance prohibiting a person from operating or being in physical control of any vessel underway or from manipulating any water skis, aquaplane, or similar device on the waters of this state while under the influence of alcohol, a drug of abuse, or a combination of them or prohibiting a person from operating or being in physical control of any vessel underway or from manipulating any water skis, aquaplane, or similar device on the waters of this state with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath, or urine;

(h) A violation of an existing or former municipal ordinance, law of another state, or law of the United States that is substantially equivalent to R.C. § 4511.19(A) or (B) or R.C. § 1547.11(A) or (B);

(i) A violation of a former law of this state that was substantially equivalent to R.C. § 4511.19(A) or (B) or R.C. § 1547.11(A) or (B).

EQUIVALENT OFFENSE THAT IS VEHICLE-RELATED. Means an equivalent offense that is any of the following:

(a) A violation described in division (a), (b), (c), (d), or (e) of the definition for "equivalent offense" provided in this division (N);

(b) A violation of an existing or former municipal ordinance, law of another state, or law of the United States that is substantially equivalent to R.C. § 4511.19(A) or (B);

(c) A violation of a former law of this state that was substantially equivalent to R.C. § 4511.19(A) or (B).

JAIL. Has the same meaning as in R.C. § 2929.01.

MANDATORY JAIL TERM. Means the mandatory term in jail of 3, 6, 10, 20, 30, or 60 days that must be imposed under R.C. § 4511.19(G)(1)(a), (G)(1)(b), or (G)(1)(c) upon an offender convicted of a violation of division (A) of that section and in relation to which all of the following apply:

(a) Except as specifically authorized under R.C. § 4511.19, the term must be served in a jail.

(b) Except as specifically authorized under R.C. § 4511.19, the term cannot be suspended, reduced, or otherwise modified pursuant to R.C. §§ 2929.21 through 2929.28 or any other provision of the Ohio Revised Code.

MANDATORY PRISON TERM. Has the same meaning as in R.C. § 2929.01.

MANDATORY TERM OF LOCAL INCARCERATION. Has the same meaning as in R.C. § 2929.01.

MUNICIPAL OVI ORDINANCE and ***MUNICIPAL OVI OFFENSE.*** Mean any municipal ordinance prohibiting a person from operating a vehicle while under the influence of alcohol, a drug of abuse, or a combination of them or prohibiting a person from operating a vehicle with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath, or urine.

PRISON TERM. Has the same meaning as in R.C. § 2929.01.

SANCTION. Has the same meaning as in R.C. § 2929.01.
(R.C. § 4511.181) (Rev. 2009)

Cross-reference:
Endangering children, see § 135.14
Power to suspend driver's license, see § 33.05

Statutory reference:
Mandatory suspension periods; immobilizing or disabling device; restricted license, see R.C. § 4510.13
Trial judge to suspend driver's license, see R.C. § 4510.05

§ 73.02 IMPLIED CONSENT.

(A) (1) As used in this section:

ALCOHOL MONITORING DEVICE. Means any device that provides for continuous alcohol monitoring, any ignition interlock device, any immobilizing or disabling device other than an ignition interlock device that is constantly available to monitor the concentration of alcohol in a person's system, or any other device that provides for the automatic testing and periodic reporting of

alcohol consumption by a person and that a court orders a person to use as a sanction imposed as a result of the person's conviction of or plea of guilty to an offense.

COMMUNITY ADDICTION SERVICES PROVIDER. Has the same meaning as in R.C. § 5119.01.

PHYSICAL CONTROL. Has the same meaning as in R.C. § 4511.194.

(2) Any person who operates a vehicle upon a highway or any public or private property used by the public for vehicular travel or parking within this municipality or who is in physical control of a vehicle shall be deemed to have given consent to a chemical test or tests of the person's whole blood, blood serum or plasma, breath, or urine to determine the alcohol, drug of abuse, controlled substance, metabolite of a controlled substance, or combination content of the person's whole blood, blood serum or plasma, breath, or urine if arrested for a violation of § 73.01(A) or (B), § 73.03, R.C. § 4511.19(A) or (B), R.C. § 4511.194 or a substantially equivalent municipal ordinance, or any other municipal OVI ordinance.

(3) The chemical test or tests under division (A)(2) of this section shall be administered at the request of a law enforcement officer having reasonable grounds to believe the person was operating or in physical control of a vehicle in violation of a division, section, or ordinance identified in division (A)(2) of this section. The law enforcement agency by which the officer is employed shall designate which of the tests shall be administered.

(4) Any person who is dead or unconscious, or who otherwise is in a condition rendering the person incapable of refusal, shall be deemed to have consented as provided in division (A)(2) of this section, and the test or tests may be administered, subject to R.C. §§ 313.12 through 313.16.

(5) (a) If a law enforcement officer arrests a person for a violation of R.C. § 4511.19(A) or (B), R.C. § 4511.194 or a substantially equivalent municipal ordinance, or a municipal OVI ordinance and if the person if convicted would be required to be sentenced under R.C. § 4511.19(G)(1)(c), (d), or (e), the law enforcement officer shall request the person to submit, and the person shall submit, to a chemical test or tests of the person's whole blood, blood serum or plasma, breath, or urine for the purpose of determining the alcohol, drug of abuse, controlled substance, metabolite of a controlled substance, or combination content of the person's whole blood, blood serum or plasma, breath, or urine. A law enforcement officer who makes a request pursuant to this division that a person submit to a chemical test or tests is not required to advise the person of the consequences of submitting to, or refusing to submit to, the test or tests and is not required to give the person the form described in division (C) of this section, but the officer shall advise the person at the time of the arrest that if the person refuses to take a chemical test the officer may employ whatever reasonable means are necessary to ensure that the person submits to a chemical test of the person's whole blood or blood serum or plasma. The officer shall also advise the person at the time of the arrest that the person may have an independent chemical test taken at the person's own expense. Divisions (A)(3) and (A)(4) of this section apply to the administration of a chemical test or tests pursuant to this division.

(b) If a person refuses to submit to a chemical test upon a request made pursuant to division (A)(5)(a) of this section, the law enforcement officer who made the request may employ whatever reasonable means are necessary to ensure that the person submits to a chemical test of the person's whole blood or blood serum or plasma. A law enforcement officer who acts pursuant to this division to ensure that a person submits to a chemical test of the person's whole blood or blood serum or plasma is immune from criminal and civil liability based upon a claim for assault and battery or any other claim for the acts, unless the officer so acted with malicious purpose, in bad faith, or in a wanton or reckless manner.
(R.C. § 4511.191(A)) (Rev. 2016)

(B) Except as provided in division (A)(5) of this section, the arresting law enforcement officer shall give advice in accordance with this section to any person under arrest for a violation of § 73.01(A) or (B), § 73.03, R.C. § 4511.19(A) or (B), R.C. § 4511.194 or a substantially equivalent municipal ordinance, or any other municipal OVI ordinance. The officer shall give that advice in a written form that contains the information described in division (C) of this section and shall read the advice to the person. The form shall contain a statement that the form was shown to the person under arrest and read to the person by the arresting officer. One or more persons shall witness the arresting officer's reading of the form, and the witnesses shall certify to this fact by signing the form. The person must submit to the chemical test or tests, subsequent to the request of the arresting officer, within two hours of the time of the alleged violation and, if the person does not submit to the test or tests within that two-hour time limit, the failure to submit automatically constitutes a refusal to submit to the test or tests.

(C) Except as provided in division (A)(5) of this section, if a person is under arrest as described in division (B) of this section, before the person may be requested to submit to a chemical test or tests to determine the alcohol, drug of abuse, controlled substance, metabolite of a controlled substance, or combination content of the person's whole blood, blood serum or plasma, breath, or urine, the arresting officer shall read the following form to the person:

> You now are under arrest for (specifically state the offense under state law or a substantially equivalent municipal ordinance for which the person was arrested – operating a vehicle under the influence of alcohol, a drug, or a combination of them; operating a vehicle while under the influence of a listed controlled substance or a listed metabolite of a controlled substance; operating a vehicle after underage alcohol consumption; or having physical control of a vehicle while under the influence).

If you refuse to take any chemical test required by law, your Ohio driving privileges will be suspended immediately, and you will have to pay a fee to have the privileges reinstated. If you have a prior conviction of OVI, OVUAC, or operating a vehicle while under the influence of a listed controlled substance or a listed metabolite of a controlled substance under state or municipal law within the preceding 20 years, you are now under arrest for state OVI, and, if you refuse to take a chemical test, you will face increased penalties if you subsequently are convicted of the state OVI.

(Read this part unless the person is under arrest for solely having physical control of a vehicle while under the influence.) If you take any chemical test required by law and are found to be at or over the prohibited amount of alcohol, a controlled substance, or a metabolite of a controlled substance in your whole blood, blood serum or plasma, breath, or urine as set by law, your Ohio driving privileges will be suspended immediately, and you will have to pay a fee to have the privileges reinstated.

If you take a chemical test, you may have an independent chemical test taken at your own expense.

(D) If the arresting law enforcement officer does not ask a person under arrest as described in division (B) of this section or division (A)(5) of this section to submit to a chemical test or tests under R.C. § 4511.191 or this section, the arresting officer shall seize the Ohio or out-of-state driver's or commercial driver's license or permit of the person and immediately forward it to the court in which the arrested person is to appear on the charge. If the arrested person is not in possession of the person's license or permit or it is not in the person's vehicle, the officer shall order the person to surrender it to the law enforcement agency that employs the officer within 24 hours after the arrest, and, upon the surrender, the agency immediately shall forward the license or permit to the court in which the person is to appear on the charge. Upon receipt of the license or permit, the court shall retain it pending the arrested person's initial appearance and any action taken under R.C. § 4511.196.

(E) (1) If a law enforcement officer asks a person under arrest as described in division (A)(5) of this section to submit to a chemical test or tests under that division and the test results indicate a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the person's whole blood, blood serum or plasma, breath, or urine at the time of the alleged offense, or if a law enforcement officer asks a person under arrest as described in division (B) of this section to submit to a chemical test or tests under R.C. § 4511.191 or this section, if the officer advises the person in accordance with this section of the consequences of the person's refusal or submission, and if either the person refuses to submit to the test or tests or, unless the arrest was for a violation of § 73.03, R.C. § 4511.194 or a substantially equivalent municipal ordinance, the person submits to the test or tests and the test results indicate a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the person's whole blood, blood serum or plasma, breath, or urine at the time of the alleged offense, the arresting officer shall do all of the following:

(a) On behalf of the Registrar of Motor Vehicles, notify the person that, independent of any penalties or sanctions imposed upon the person, the person's Ohio driver's or commercial driver's license or permit or nonresident operating privilege is suspended immediately, that the suspension will last at least until the person's initial appearance on the charge, which will be held within five days after the date of the person's arrest or the issuance of a citation to the person, and that the person may appeal the suspension at the initial appearance or during the period of time ending 30 days after that initial appearance;

(b) Seize the driver's or commercial driver's license or permit of the person and immediately forward it to the Registrar. If the arrested person is not in possession of the person's license or permit or it is not in the person's vehicle, the officer shall order the person to surrender it to the law enforcement agency that employs the officer within 24 hours after the person is given notice of the suspension, and, upon the surrender, the officer's employing agency immediately shall forward the license or permit to the Registrar;

(c) Verify the person's current residence and, if it differs from that on the person's driver's or commercial driver's license or permit, notify the Registrar of the change;

(d) Send to the Registrar, within 48 hours after the arrest of the person, a sworn report that includes all of the following statements:

1. That the officer had reasonable grounds to believe that, at the time of the arrest, the arrested person was operating a vehicle in violation of R.C. § 4511.19(A) or (B) or a municipal OVI ordinance or for being in physical control of a stationary vehicle in violation of R.C. § 4511.194 or a substantially equivalent municipal ordinance;

2. That the person was arrested and charged with a violation of R.C. § 4511.19(A) or (B), R.C. § 4511.194 or a substantially equivalent municipal ordinance, or a municipal OVI ordinance;

3. Unless division (E)(1)(d)5. of this section applies, that the officer asked the person to take the designated chemical test or tests, advised the person in accordance with this section of the consequences of submitting to, or refusing to take, the test or tests, and gave the person the form described in division (C) of this section;

4. Unless division (E)(1)(d)5. of this section applies, that either the person refused to submit to the chemical test or tests or, unless the arrest was for a violation

of R.C. § 4511.194 or a substantially equivalent municipal ordinance, the person submitted to the chemical test or tests and the test results indicate a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the person's whole blood, blood serum or plasma, breath, or urine at the time of the alleged offense.

5. If the person was under arrest as described in division (A)(5) of this section and the chemical test or tests were performed in accordance with that division, that the person was under arrest as described in that division, that the chemical test or tests were performed in accordance with that division, and that test results indicated a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the person's whole blood, blood serum or plasma, breath, or urine at the time of the alleged offense.

(2) Division (E)(1) of this section does not apply to a person who is arrested for a violation of § 73.03, R.C. § 4511.194 or a substantially equivalent municipal ordinance, who is asked by a law enforcement officer to submit to a chemical test or tests under this section, and who submits to the test or tests, regardless of the amount of alcohol, a controlled substance, or a metabolite of a controlled substance that the test results indicate is present in the person's whole blood, blood serum or plasma, breath, or urine.

(F) The arresting officer shall give the officer's sworn report that is completed under this section to the arrested person at the time of the arrest, or the Registrar of Motor Vehicles shall send the report to the person by regular first class mail as soon as possible after receipt of the report, but not later than 14 days after receipt of it. An arresting officer may give an unsworn report to the arrested person at the time of the arrest provided the report is complete when given to the arrested person and subsequently is sworn to by the arresting officer. As soon as possible, but not later than 48 hours after the arrest of the person, the arresting officer shall send a copy of the sworn report to the court in which the arrested person is to appear on the charge for which the person was arrested.

(G) The sworn report of an arresting officer completed under this section is prima facie proof of the information and statements that it contains. It shall be admitted and considered as prima facie proof of the information and statements that it contains in any appeal under R.C. § 4511.197 relative to any suspension of a person's driver's or commercial driver's license or permit or nonresident operating privilege that results from the arrest covered by the report.
(R.C. § 4511.192) (Rev. 2010)

(H) (1) A suspension of a person's driver's or commercial driver's license or permit or nonresident operating privilege under this section for the time described in R.C. § 4511.191(B) or (C) is effective immediately from the time at which the arresting officer serves the notice of suspension upon the arrested person. Any subsequent finding that the person is not guilty of the charge that resulted in the person's being requested to take the chemical test or tests under division (A) of this section does not affect the suspension.

(2) If a person arrested for operating a vehicle in violation of § 73.01(A) or (B), R.C. § 4511.19(A) or (B), or any other municipal OVI ordinance, or for being in physical control of a vehicle in violation of § 73.03 or R.C. § 4511.194 or a substantially equivalent municipal ordinance, regardless of whether the person's driver's or commercial driver's license or permit or nonresident operating privilege is or is not suspended under R.C. § 4511.191(B) or (C) or R.C. Chapter 4510, the person's initial appearance on the charge resulting from the arrest shall be held within five days of the persons' arrest or the issuance of the citation to him or her, subject to any continuance granted by the court pursuant to R.C. § 4511.197 regarding the issues specified in that section.
(R.C. § 4511.191(D)) (Rev. 2005)

Statutory reference:

Continuous alcohol monitoring, see R.C. § 4511.198
Disposition of fines, immobilization of vehicle and impoundment of license plates, criminal forfeiture for municipal ordinance conviction, see R.C. § 4511.193
Effect of refusal to submit to test, seizure of license, suspension periods, appeal procedures, occupational driving privileges, and Indigent Drivers Alcohol Treatment Funds, see R.C. § 4511.191
Judicial pretrial suspension, initial appearance, see R.C. § 4511.196
Mandatory suspension periods; immobilizing or disabling device; restricted license, see R.C. § 4510.13
Seizure of vehicles upon arrest, see R.C. § 4511.195

§ 73.03 PHYSICAL CONTROL OF VEHICLE WHILE UNDER THE INFLUENCE.

(A) As used in this section, ***PHYSICAL CONTROL*** means being in the driver's position of the front seat of a vehicle and having possession of the vehicle's ignition key or other ignition device.

(B) No person shall be in physical control of a vehicle if, at the time of the physical control, any of the following apply:

(1) The person is under the influence of alcohol, a drug of abuse, or a combination of them.

(2) The person's whole blood, blood serum or plasma, breath, or urine contains at least the concentration of alcohol specified in § 73.01(A)(1)(b), (A)(1)(c), (A)(1)(d), or (A)(1)(e).

(3) Except as provided in division (E) of this section, the person has a concentration of a listed controlled substance or a listed metabolite of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or exceeds the concentration specified in § 73.01(A)(1)(j).

(C) (1) In any criminal prosecution or juvenile court proceeding for a violation of this section, if a law enforcement officer has administered a field sobriety test to the person in physical control of the vehicle involved in the violation and if it is shown by clear and convincing evidence that the officer administered the test in substantial compliance with the testing standards for any reliable, credible, and generally acceptable field sobriety tests that were in effect at the time the tests were administered, including but not limited to any testing standards then in effect what were set by the National Highway Traffic Safety Administration, all of the following apply:

(a) The officer may testify concerning the results of the field sobriety test so administered.

(b) The prosecution may introduce the results of the field sobriety test so administered as evidence in any proceedings in the criminal prosecution or juvenile court proceeding.

(c) If testimony is presented or evidence is introduced under division (C)(1)(a) or (C)(1)(b) of this section and if the testimony or evidence is admissible under the Rules of Evidence, the court shall admit the testimony or evidence, and the trier of fact shall give it whatever weight the trier of fact considers to be appropriate.

(2) Division (C)(1) of this section does not limit or preclude a court, in its determination of whether the arrest of a person was supported by probable cause or its determination of any other matter in a criminal prosecution or juvenile court proceeding of a type described in that division, from considering evidence or testimony that is not otherwise disallowed by division (C)(1) of this section.

(D) Whoever violates this section is guilty of having physical control of a vehicle while under the influence, a misdemeanor of the first degree. In addition to other sanctions imposed, the court may impose on the offender a class seven suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in R.C. § 4510.02(A)(7).

(E) Division (B)(3) of this section does not apply to a person who is in physical control of a vehicle while the person has a concentration of a listed controlled substance or a listed metabolite of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or exceeds the amount specified in § 73.01(A)(1)(j) if both of the following apply:

(1) The person obtained the controlled substance pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs.

(2) The person injected, ingested, or inhaled the controlled substance in accordance with the health professional's directions.
(R.C. § 4511.194) (Rev. 2007)

§ 73.04 DRIVING COMMERCIAL VEHICLE WITH IMPAIRED ALERTNESS OR ABILITY; USE OF DRUGS.

(A) No person shall drive a commercial motor vehicle, as defined in R.C. § 4506.01, or a commercial car or commercial tractor, as defined in R.C. § 4501.01, while the person's ability or alertness is so impaired by fatigue, illness, or other causes that it is unsafe for the person to drive such vehicle. No driver shall use any drug which would adversely affect the driver's ability or alertness.

(B) No owner, as defined in R.C. § 4501.01, of a commercial motor vehicle, commercial car or commercial tractor, or a person employing or otherwise directing the driver of such vehicle, shall require or knowingly permit a driver in any such condition described in division (A) of this section to drive such vehicle upon any street or highway.

(C) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If the offender previously has been convicted of or pleaded guilty to one or more violations of this section or R.C. § 4511.79, or R.C. § 4511.63, 4511.76, 4511.761, 4511.762, 4511.764, or 4511.77 or a municipal ordinance that is substantially equivalent to any of those sections, whoever violates this section is guilty of a misdemeanor of the fourth degree.
(R.C. § 4511.79) (Rev. 2004)

§ 73.05 RECKLESS OPERATION OF VEHICLES.

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

(B) Except as otherwise provided in this division, 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.
(R.C. § 4511.20) (Rev. 2004)
Cross-reference:
License suspension, see § 71.25

§ 73.06 RECKLESS OPERATION OFF STREETS AND HIGHWAYS; COMPETITIVE OPERATION.

(A) (1) No person shall operate a vehicle on any public or private property other than streets or highways in willful or wanton disregard of the safety of persons or property.

(2) This section 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.

(B) Except as otherwise provided in this division, 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.
(R.C. § 4511.201) (Rev. 2004)
Cross-reference:
License suspension, see § 71.25

§ 73.07 OPERATOR TO BE IN 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.
(R.C. § 4511.202) (Rev. 2008)

§ 73.08 IMMOBILIZING OR DISABLING DEVICE VIOLATION.

(A) (1) No offender who has been granted limited or unlimited driving privileges, during any period that the offender is required to operate only a motor vehicle equipped with an immobilizing or disabling device, shall request or permit any other person to breathe into the device if it is an ignition interlock device or another type of device that monitors the concentration of alcohol in a person's breath or to otherwise start the motor vehicle equipped with the device, for the purpose of providing the offender with an operable motor vehicle.

(2) No person shall breathe into an immobilizing or disabling device that is an ignition interlock device or another type of device that monitors the concentration of alcohol in a person's breath or otherwise start a motor vehicle equipped with an immobilizing or disabling device, for the purpose of providing an operable motor vehicle to another person who has been granted limited or unlimited driving privileges under the condition that the person operate only a motor vehicle equipped with an immobilizing or disabling device.

(3) No unauthorized person shall tamper with or circumvent the operation of an immobilizing or disabling device.

(B) Whoever violates this section is guilty of an immobilizing or disabling device violation, a misdemeanor of the first degree.
(R.C. § 4510.44) (Rev. 2018)

§ 73.09 STREET RACING DEFINED; PROHIBITED ON PUBLIC HIGHWAYS.

(A) As used in this section, ***STREET RACING*** means the operation of two or more vehicles from a point side by side at accelerating speeds in a competitive attempt to outdistance 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. Persons rendering assistance in any manner to such competitive use of vehicles shall be equally charged as the participants. The operation of two or more vehicles side by side either at speeds in excess of prima facie lawful speeds established by R.C. § 4511.21(B)(1)(a) through (B)(9) or a substantially equivalent municipal ordinance, 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.

(B) No person shall participate in street racing upon any public road, street, or highway in this municipality.

(C) Whoever violates this section is guilty of street racing, 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 privileges for not less than 30 days or more than three years. No judge shall suspend the first 30 days of any suspension of an offender's license, permit, or privilege imposed under this division.
(R.C. § 4511.251) (Rev. 2018)

§ 73.10 SPEED LIMITS.

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

(B) It is prima facie lawful, in the absence of a lower limit declared or established pursuant to this section by the Director of Transportation or local authorities, for the operator of a motor vehicle to operate the same at a speed not exceeding the following:

(1) (a) Twenty miles per hour in school zones during school recess and while children are going to or leaving school during the opening or closing hours, and when 20 miles per hour school speed limit signs are erected, except that on controlled-access highways and expressways, if the

right-of-way line fence has been erected without pedestrian opening, the speed shall be governed by division (B)(4) of this section, and on freeways, if the right-of-way line fence has been erected without pedestrian opening, the speed shall be governed by divisions (B)(10) and (B)(11) of this section. The end of every school zone may be marked by a sign indicating the end of the zone. Nothing in this section or in the *Manual and Specifications for a Uniform System of Traffic-Control Devices* shall be construed to require school zones to be indicated by signs equipped with flashing or other lights, or giving other special notice of the hours in which the school zone speed limit is in effect.

(b) As used in this section, ***SCHOOL*** means any school chartered under R.C. § 3301.16 and any nonchartered school that during the preceding year filed with the Department of Education in compliance with O.A.C. § 3301-35-08, a copy of the school's report for the parents of the school's pupils certifying that the school meets state minimum standards for nonchartered, nontax-supported schools and presents evidence of this filing to the jurisdiction from which it is requesting the establishment of a school zone. The term also includes a special elementary school that in writing requests the County Engineer to create a school zone at the location of the school. Upon receipt of such written request, the County Engineer shall create a school zone at that location by erecting appropriate signs.

(c) As used in this section, ***SCHOOL ZONE*** means that portion of a street or highway passing a school fronting upon the street or highway that is encompassed by projecting the school property lines to the fronting street or highway, and also includes that portion of a state highway. Upon request from local authorities for streets and highways under their jurisdiction and that portion of a state highway under the jurisdiction of the Director of Transportation or a request from a County Engineer in the case of a school zone for a special elementary school, the Director may extend the traditional school zone boundaries. The distances in divisions (B)(1)(c)1. through (B)(1)(c)3. below shall not exceed 300 feet per approach per direction, and are bounded by whichever of the following distances or combination thereof the Director approves as most appropriate:

1. The distance encompassed by projecting the school building lines normal to the fronting highway and extending a distance of 300 feet on each approach direction;

2. The distance encompassed by projecting the school property lines intersecting the fronting highway and extending a distance of 300 feet on each approach direction;

3. The distance encompassed by the special marking of the pavement for a principal school pupil crosswalk plus a distance of 300 feet on each approach direction of the highway.

(d) Nothing in this section shall be construed to invalidate the Director's initial action on August 9, 1976, establishing all school zones at the traditional school zone boundaries defined by projecting school property lines, except when those boundaries are extended as provided in divisions (B)(1)(a) and (B)(1)(c) of this section.

(e) As used in this division, ***CROSSWALK*** has the meaning given that term in R.C. § 4511.01(LL)(2).

(f) The Director may, upon request by resolution of the Legislative Authority and upon submission by the municipality of such engineering, traffic, and other information as the Director considers necessary, designate a school zone on any portion of a state route lying within the municipality that includes a crosswalk customarily used by children going to or leaving a school during recess and opening and closing hours, whenever the distance, as measured in a straight line, from the school property line nearest the crosswalk to the nearest point of a crosswalk is no more than 1,320 feet. Such a school zone shall include the distance encompassed by the crosswalk and extending 300 feet in each appropriate direction of the state route.

(g) As used in this section, ***SPECIAL ELEMENTARY SCHOOL*** means a school that meets all of the following:

1. It is not chartered and does not receive tax revenue from any source.

2. It does not educate children beyond the eighth grade.

3. It is located outside the limits of a municipal corporation.

4. A majority of the total number of students enrolled at the school are not related by blood.

5. The principal or other person in charge of the special elementary school annually sends a report to the superintendent of the school district in which the special elementary school is located indicating the total number of students enrolled at the school, but otherwise the principal or other person in charge does not report any other information or data to the superintendent.

(2) Twenty-five miles per hour in all other portions of the municipality, except on state routes outside business districts, through highways outside business districts, and alleys;

(3) Thirty-five miles per hour on all state routes or through highways within the municipality outside business districts, except as provided in divisions (B)(4) and (B)(6) of this section;

(4) Fifty miles per hour on controlled-access highways and expressways within the municipality, except as provided in divisions (B)(12), (B)(13), (B)(14), (B)(15), and (B)(16) of this section;

(5) Fifty-five miles per hour on highways outside the municipality, other than highways within island jurisdictions as provided in division (B)(8) of this section, highways as provided in divisions (B)(9) and (B)(10) of this section, and highways, expressways and freeways as provided in divisions (B)(12), (B)(13), (B)(14), and (B)(16) of this section;

(6) Fifty miles per hour on state routes within the municipality outside urban districts unless a lower prima facie speed is established as further provided in this section;

(7) Fifteen miles per hour on all alleys within the municipality;

(8) Thirty-five miles per hour on highways outside the municipality that are within an island jurisdiction;

(9) Thirty-five miles per hour on through highways, except state routes, that are outside municipal corporations and that are within a national park with boundaries extending through two or more counties;

(10) Sixty miles per hour on two-lane state routes outside municipal corporations as established by the Director under R.C. § 4511.21(H)(2);

(11) Fifty-five miles per hour on freeways with paved shoulders inside the municipality, other than freeways as provided in divisions (B)(14) and (B)(16) of this section;

(12) Sixty miles per hour on rural expressways with traffic control signals and on all portions of rural divided highways, except as provided in divisions (B)(13) and (B)(14) of this section;

(13) Sixty-five miles per hour on all rural expressways without traffic control signals;

(14) Seventy miles per hour on all rural freeways;

(15) Fifty-five miles per hour on all portions of freeways or expressways in congested areas as determined by the Director and that are located within a municipal corporation or within an interstate freeway outerbelt, except as provided in division (B)(16) of this section;

(16) Sixty-five miles per hour on all portions of freeways or expressways without traffic control signals in urbanized areas.

(C) It is prima facie unlawful for any person to exceed any of the speed limitations in divisions (B)(1)(a), (B)(2), (B)(3), (B)(4), (B)(6), (B)(7), (B)(8) and (B)(9) of this section or any declared or established pursuant to this section by the Director or local authorities and it is unlawful for any person to exceed any of the speed limitations in division (D) of this section. No person shall be convicted of more than one violation of this section for the same conduct, although violations of more than one provision of this section may be charged in the alternative in a single affidavit.

(D) No person shall operate a motor vehicle upon a street or highway as follows:

(1) At a speed exceeding 55 miles per hour, except upon a two-lane state route as provided in division (B)(10) of this section and upon a highway, expressway or freeway as provided in divisions (B)(12), (B)(13), (B)(14), and (B)(16) of this section;

(2) At a speed exceeding 60 miles per hour upon a two-lane state route as provided in division (B)(10) of this section and upon a highway as provided in division (B)(12) of this section;

(3) At a speed exceeding 65 miles per hour upon an expressway as provided in division (B)(13) of this section or upon a freeway as provided in division (B)(16) of this section, except upon a freeway as provided in division (B)(14) of this section;

(4) At a speed exceeding 70 miles per hour upon a freeway as provided in division (B)(14) of this section;

(5) At a speed exceeding the posted speed limit upon a highway, expressway or freeway for which the Director has determined and declared a speed limit pursuant to R.C. § 4511.21(I)(2) or (L)(2).

(E) Pursuant to R.C. § 4511.21(E), in every charge of violating this section, the affidavit and warrant shall specify the time, place and speed at which the defendant is alleged to have driven, and in charges made in reliance upon division (C) of this section also the speed which division (B)(1)(a), (B)(2), (B)(3), (B)(4), (B)(6), (B)(7), (B)(8) or (B)(9) of, or a limit declared or established pursuant to, this section or R.C. § 4511.21 declares is prima facie lawful at the time and place of such alleged violation, except that in affidavits where a person is alleged to have driven at a greater speed than will permit the person to bring the vehicle to stop within the assured clear distance ahead, the affidavit and warrant need not specify the speed at which the defendant is alleged to have driven.

(F) Pursuant to R.C. § 4511.21(F), when a speed in excess of both a prima facie limitation and a limitation in division (D) of this section is alleged, the defendant shall be charged in a single affidavit, alleging a single act, with a violation indicated of both division (B)(1)(a), (B)(2), (B)(3), (B)(4), (B)(6), (B)(7), (B)(8) or (B)(9) of this section, or of a limit declared or established pursuant to this section or R.C. § 4511.21 by the Director or local authorities, and of the limitation in division (D) of this section. If the court finds a violation of division (B)(1)(a), (B)(2), (B)(3), (B)(4), (B)(6), (B)(7), (B)(8) or (B)(9) of, or a limit declared or established pursuant to, this section or R.C. § 4511.21 has occurred, it shall enter a judgment of conviction under such division and dismiss the charge under division (D) of this section. If it finds no violation of division (B)(1)(a), (B)(2), (B)(3), (B)(4), (B)(6), (B)(7), (B)(8) or (B)(9) of, or a limit declared or established pursuant to, this section or R.C. § 4511.21, it shall then consider whether the evidence supports a conviction under division (D) of this section.

(G) Pursuant to R.C. § 4511.21(G), points shall be assessed for a violation of a limitation under division (D) of this section in accordance with R.C. § 4510.036.
(R.C. § 4511.21(A) - (G)) (Rev. 2020)

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

(I) As used in this section:

COMMERCIAL BUS. Means a motor vehicle designed for carrying more than nine passengers and used for the transportation of persons for compensation.

DIVIDED. Means a roadway having two or more travel lanes for vehicles moving in opposite directions and that is separated by a median of more than four feet, excluding turn lanes.

INTERSTATE SYSTEM. Has the same meaning as in 23 U.S.C. § 101.

NONCOMMERCIAL BUS. Includes but is not limited to a school bus, or a motor vehicle operated solely for the transportation of persons associated with a charitable or nonprofit organization.

OUTERBELT. A portion of a freeway that is part of the interstate system and is located in the outer vicinity of a major municipal corporation or group of municipal corporations, as designated by the Director.

RURAL. Means an area outside urbanized areas and outside of a business or urban district, and areas that extend within urbanized areas where the roadway characteristics remain mostly unchanged from those outside the urbanized areas.

URBANIZED AREA. Has the same meaning as in 23 U.S.C. § 101.
(R.C. § 4511.21(O)) (Rev. 2020)

(J) *Speed limits for private roads and driveways.*

(1) The owner of a private road or driveway located in a private residential area containing 20 or more dwelling units may establish a speed limit on the road or driveway by complying with all of the following requirements:

(a) The speed limit is not less than 25 miles per hour and is indicated by a sign that is in a proper position, is sufficiently legible to be seen by an ordinarily observant person, and meets the specifications for the basic speed limit sign included in the manual adopted by the Department of Transportation pursuant to R.C. § 4511.09;

(b) The owner has posted a sign at the entrance of the private road or driveway that is in plain view and clearly informs persons entering the road or driveway that they are entering private property, a speed limit has been established for the road or driveway, and the speed limit is enforceable by law enforcement officers under state law.

(2) No person shall operate a vehicle upon a private road or driveway as provided in division (J)(1) of this section at a speed exceeding any speed limit established and posted pursuant to division (J)(1).

(3) When a speed limit is established and posted in accordance with division (J)(1) of this section, a law enforcement officer may apprehend a person violating the speed limit of the residential area by utilizing any of the means described in R.C. § 4511.091 or by any other accepted method of determining the speed of a motor vehicle and may stop and charge the person with exceeding the speed limit.

(4) Pursuant to R.C. § 4511.211(D), points shall be assessed for violation of a speed limit established and posted in accordance with division (J)(1) of this section in accordance with R.C. § 4510.036.

(5) As used in this division (J):

OWNER. Includes but is not limited to a person who holds title to the real property in fee simple, a condominium owners' association, a property owners' association, a board of directors or trustees of a private community, and a nonprofit corporation governing a private community.

PRIVATE RESIDENTIAL AREA CONTAINING 20 OR MORE DWELLING UNITS. Does not include a Chautauqua assembly as defined in R.C. § 4511.90.
(R.C. § 4511.211(A) - (E)) (Rev. 2004)

(K) *Penalties.*

(1) *Divisions (A) through (I).*

(a) A violation of any provision of divisions (A) through (I) of this section is one of the following:

1. Except as otherwise provided in divisions (K)(1)(a)2., (K)(1)(a)3., (K)(1)(b), and (K)(1)(c) of this section, a minor misdemeanor;

2. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to two violations of any provision of divisions (A) through (I) of this section, R.C. § 4511.21, or any provision of any other municipal ordinance that is substantially equivalent to any provision of that section, a misdemeanor of the fourth degree;

3. If, within one year of the offense, the offender previously has been convicted of or pleaded

guilty to three or more violations of any provision of divisions (A) through (I) of this section, R.C. § 4511.21, or any provision of any other municipal ordinance that is substantially equivalent to any provision of that section, a misdemeanor of the third degree.

(b) If the offender has not previously been convicted of or pleaded guilty to a violation of any provision of division (A) through (I) of this section, R.C. § 4511.21, or any other municipal ordinance that is substantially equivalent to any provision of that section, and operated a motor vehicle faster than 35 miles an hour in a business district of the municipality, faster than 50 miles an hour in other portions of the municipality, or faster than 35 miles an hour in a school zone during recess or while children are going to or leaving school during the school's opening or closing hours, a misdemeanor of the fourth degree.

(c) Notwithstanding division (K)(1)(a) of this section, if the offender operated a motor vehicle in a construction zone where a sign was then posted in accordance with R.C. § 4511.98, the court, in addition to all other penalties provided by law, shall impose upon the offender a fine of two times the usual amount imposed for the violation. No court shall impose a fine of two times the usual amount imposed for the violation upon an offender if the offender alleges, in an affidavit filed with the court prior to the offender's sentencing, that the offender is indigent and is unable to pay the fine imposed pursuant to this division and if the court determines that the offender is an indigent person and unable to pay the fine.

(d) 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 § 70.99(B). (R.C. § 4511.21(P)) (Rev. 2019)

(2) *Division (J).*

(a) A violation of division (J)(2) of this section is one of the following:

1. Except as otherwise provided in divisions (K)(2)(a)2. and (K)(2)(a)3. of this section, a minor misdemeanor;

2. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to two violations of division (J)(2) of this section, R.C. § 4511.211(B), or any other municipal ordinance that is substantially equivalent to that division, a misdemeanor of the fourth degree;

3. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to three or more violations of division (J)(2) of this section, R.C. § 4511.211(B), or any other municipal ordinance that is substantially equivalent to that division, a misdemeanor of the third degree.

(b) 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 § 70.99(B). (R.C. § 4511.211(F)) (Rev. 2019)

Statutory reference:

Alteration of speed limits with approval of Director, see R.C. § 4511.21(H) through (N)

Arrest pending warrant when radar, electrical or mechanical timing device used to determine violation, see R.C. § 4511.091

§ 73.11 SLOW SPEED OR STOPPING.

(A) No person shall stop or operate a vehicle at such an unreasonably slow speed as to impede or block the normal and reasonable movement of traffic, except when stopping or reduced speed is necessary for safe operation or to comply with law.

(B) Whenever the Director of Transportation or local authorities determine on the basis of an engineering and traffic investigation that slow speeds on any part of a controlled-access highway, expressway, or freeway consistently impede the normal and reasonable movement of traffic, the Director or such local authority may declare a minimum speed limit below which no person shall operate a motor vehicle, except when necessary for safe operation or in compliance with the law. No minimum speed limit established hereunder shall be less than 30 miles per hour, greater than 50 miles per hour, nor effective until the provisions of R.C. § 4511.21 or a substantially equivalent municipal ordinance, relating to appropriate signs, have been fulfilled and local authorities have obtained the approval of the Director.

(C) In a case involving a violation of this section, the trier of fact, in determining whether the vehicle was being operated at an unreasonably slow speed, shall consider the capabilities of the vehicle and its operator.

(D) Except as otherwise provided in this division, 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.

(E) 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 § 70.99(B). (R.C. § 4511.22) (Rev. 2019)

§ 73.12 EMERGENCY VEHICLES EXCEPTED FROM SPEED LIMITATION.

The prima facie speed limitations set forth in R.C. § 4511.21 or a substantially equivalent municipal ordinance 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.
(R.C. § 4511.24) (Rev. 1999)

§ 73.13 SPEED REGULATIONS ON BRIDGES.

(A) (1) No person shall operate a vehicle over any bridge or other elevated structure constituting a part of a highway at a speed which is greater than the maximum speed that can be maintained with safety to such bridge or structure, when such structure is posted with signs as provided in this section.

(2) The Department of Transportation upon request from any local authority shall, or upon its own initiative may, conduct an investigation of any bridge or other elevated structure constituting a part of a highway, and if it finds that such structure cannot with safety withstand traffic traveling at the speed otherwise permissible under this Traffic Code, the Department shall determine and declare the maximum speed of traffic which such structure can withstand, and shall cause or permit suitable signs stating such maximum speed to be erected and maintained at a distance of a least 100 feet before each end of the structure.

(3) Upon the trial of any person charged with a violation of this section, proof of such determination of the maximum speed by the Department 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.

(B) Except as otherwise provided in this division, 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.

(C) 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 § 70.99(B).
(R.C. § 4511.23) (Rev. 2019)

§ 73.14 PRESENTING FALSE NAME OR INFORMATION TO OFFICER.

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

(B) Whoever violates this section is guilty of a misdemeanor of the first degree.
(R.C. § 4513.361) (Rev. 2004)

§ 73.15 PROHIBITION AGAINST RESISTING OFFICER.

(A) No person shall resist, hinder, obstruct, or abuse any sheriff, constable, or other official while that official is attempting to arrest offenders under any provision of this Title VII. No person shall interfere with any person charged under any provision of this Title VII with the enforcement of the law relative to public highways.

(B) Whoever violates this section is guilty of a minor misdemeanor.
(R.C. § 4513.36) (Rev. 2004)

(C) It is a defense to prosecution under this section that the hindrance, obstruction, resistance, or interference alleged consisted of constitutionally protected speech only.

§ 73.16 OPERATION RESTRICTED FOR MINI-TRUCKS AND LOW-SPEED, UNDER-SPEED, OR UTILITY VEHICLES.

(A) (1) No person shall operate a low-speed vehicle upon any street or highway having an established speed limit greater than 35 miles per hour.

(2) No person shall operate an under-speed or utility vehicle or a mini-truck upon any street or highway except as follows:

(a) Upon a street or highway having an established speed limit not greater than 35 miles per hour and only upon such streets or highways where the municipality has granted permission for such operation in accordance with division (E) of this section;

(b) A state park or political subdivision employee or volunteer operating a utility vehicle exclusively within the boundaries of state parks or political subdivision parks for the operation or maintenance of state or political subdivision park facilities.

(3) No person shall operate a motor-driven cycle or motor scooter upon any street or highway having an established speed limit greater than 45 miles per hour.

(B) This section does not prohibit either of the following:

(1) A person operating a low-speed, under-speed, or utility vehicle or a mini-truck from proceeding across an intersection of a street or highway having a speed limit greater than 35 miles per hour;

(2) A person operating a motor-driven cycle or motor scooter from proceeding across an intersection of a street or highway having a speed limit greater than 45 miles per hour.

(C) Nothing in this section shall prevent the municipality from adopting more stringent local ordinances, resolutions, or regulations governing the operation of a low-speed vehicle or a mini-truck, or a motor-driven cycle or motor scooter.

(D) Except as otherwise provided in this division, whoever violates division (A) of 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.
(R.C. § 4511.214) (Rev. 2014)

(E) By ordinance or resolution, the municipality may authorize the operation of under-speed or utility vehicles or mini-trucks on a public street or highway under its jurisdiction. The municipality shall do all of the following:

(1) Limit the operation of those vehicles to streets and highways having an established speed limit not greater than 35 miles per hour;

(2) Require the vehicle owner who wishes to operate an under-speed or utility vehicle or a mini-truck on the public streets or highways to submit the vehicle to an inspection conducted by a local law enforcement agency that complies with inspection requirements established by the Department of Public Safety under R.C. § 4513.02;

(3) Permit the operation on public streets or highways of only those vehicles that successfully pass the required vehicle inspection, are registered in accordance with R.C. Chapter 4503, and are titled in accordance with R.C. Chapter 4505;

(4) Notify the Director of Public Safety, in a manner the Director determines, of the authorization for the operation of under-speed or utility vehicles or mini-trucks.

(F) The municipality may establish additional requirements for the operation of under-speed or utility vehicles or mini-trucks on its streets and highways.
(R.C. § 4511.215) (Rev. 2014)

(G) Notwithstanding divisions (A) through (F) of this section, a person may operate a utility vehicle on any public roads or right-of-way, other than a freeway, when traveling from one farm field to another for agricultural purposes if the vehicle is displaying a triangular slow-moving vehicle emblem as described in R.C. § 4513.11.
(R.C. § 4511.216) (Rev. 2018)

(H) (1) Except as provided in this division (H) and divisions (E) and (F) of this section, no person shall operate a mini-truck within this municipality.

(2) A person may operate a mini-truck on a farm for agricultural purposes only when the owner of the farm qualifies for the current agricultural use valuation tax credit. A mini-truck may be operated by or on behalf of such a farm owner on public roads and rights-of-way only when traveling from one farm field to another.

(3) A person may operate a mini-truck on property owned or leased by a dealer who sells mini-trucks at retail.

(4) Whoever violates this division (H) shall be penalized as provided in division (D) of this section.
(R.C. § 4519.401) (Rev. 2014)

STOPPING AFTER ACCIDENT

§ 73.30 FAILURE TO STOP AFTER ACCIDENT.

(A) (1) In the case of a motor vehicle accident or collision with persons or property on a public road or highway, the operator of the motor vehicle, having knowledge of the accident or collision, immediately shall stop the operator's motor vehicle at the scene of the accident or collision. The operator shall remain at the scene of the accident or collision until the operator has given the operator's name and address and, if the operator is not the owner, the name and address of the owner of that motor vehicle, together with the registered number of that motor vehicle, to all of the following:

(a) Any person injured in the accident or collision;

(b) The operator, occupant, owner, or attendant of any motor vehicle damaged in the accident or collision;

(c) The police officer at the scene of the accident or collision.

(2) In the event an injured person is unable to comprehend and record the information required to be given under division (A)(1) of this section, the other operator involved in the accident or collision shall notify the nearest police authority concerning the location of the accident or collision, and the operator's name, address, and the registered number of the motor vehicle the operator was operating. The operator shall remain at the scene of the accident or collision until a police officer arrives, unless removed from the scene

by an emergency vehicle operated by a political subdivision or an ambulance.

(3) If the accident or collision is with an unoccupied or unattended motor vehicle, the operator who collides with the motor vehicle shall securely attach the information required to be given in this section, in writing, to a conspicuous place in or on the unoccupied or unattended motor vehicle.

(B) (1) Whoever violates division (A) of this section is guilty of failure to stop after an accident. Except as otherwise provided in division (B)(2) or (B)(3) of this section, failure to stop after an accident is a misdemeanor of the first degree.

(2) If the accident or collision results in serious physical harm to a person, failure to stop after an accident is a felony to be prosecuted under appropriate state law.

(3) If the accident or collision results in the death of a person, failure to stop after an accident is a felony to be prosecuted under appropriate state law.

(4) In all cases, the court, in addition to any other penalties provided by law, shall impose upon the offender a class five suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in R.C. § 4510.02(A)(5). No judge shall suspend the first six months of suspension of an offender's license, permit, or privilege required by this division.

(5) The offender shall provide the court with proof of financial responsibility as defined in R.C. § 4509.01. If the offender fails to provide that proof of financial responsibility, then, in addition to any other penalties provided by law, the court may order restitution pursuant to R.C. § 2929.18 or 2929.28 in an amount not exceeding $5,000 for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the motor vehicle before, during, or after committing the offense charged under this section.
(R.C. § 4549.02) (Rev. 2017)

§ 73.31 STOPPING AFTER ACCIDENT ON OTHER THAN PUBLIC ROADS OR HIGHWAYS.

(A) (1) In the case of a motor vehicle accident or collision resulting in injury or damage to persons or property on any public or private property other than a public road or highway, the operator of the motor vehicle, having knowledge of the accident or collision, shall stop at the scene of the accident or collision. Upon request of any person who is injured or damaged, or any other person, the operator shall give that person the operator's name and address, and, if the operator is not the owner, the name and address of the owner of that motor vehicle, together with the registered number of that motor vehicle, and, if available, exhibit the operator's driver's or commercial driver's license.

(2) If the operator of the motor vehicle involved in the accident or collision does not provide the information specified in division (A)(1) of this section, the operator shall give that information, within 24 hours after the accident or collision, to the police department of the city or village in which the accident or collision occurred, or if it occurred outside the corporate limits of a city or village, to the sheriff of the county in which the accident or collision occurred.

(3) If the accident or collision is with an unoccupied or unattended motor vehicle, the operator who collides with the motor vehicle shall securely attach the information required under division (A)(1) of this section, in writing, to a conspicuous place in or on the unoccupied or unattended motor vehicle.

(B) (1) Whoever violates division (A) of this section is guilty of failure to stop after a nonpublic road accident. Except as otherwise provided in division (B)(2) or (B)(3) of this section, failure to stop after a nonpublic road accident is a misdemeanor of the first degree.

(2) If the accident or collision results in serious physical harm to a person, failure to stop after a nonpublic road accident is a felony to be prosecuted under appropriate state law.

(3) If the accident or collision results in the death of a person, failure to stop after a nonpublic road accident is a felony to be prosecuted under appropriate state law.

(4) In all cases, the court, in addition to any other penalties provided by law, shall impose upon the offender a class five suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in R.C. § 4510.02(A)(5). No judge shall suspend the first six months of suspension of an offender's license, permit, or privilege required by this division.

(5) The offender shall provide the court with proof of financial responsibility as defined in R.C. § 4509.01. If the offender fails to provide that proof of financial responsibility, then, in addition to any other penalties provided by law, the court may order restitution pursuant to R.C. § 2929.18 or 2929.28 in an amount not exceeding $5,000 for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the motor vehicle before, during, or after committing the offense charged under this section.
(R.C. § 4549.021) (Rev. 2017)

§ 73.32 ACCIDENT INVOLVING DAMAGE TO REALTY.

(A) (1) The driver of any vehicle involved in an accident resulting in damage to real property, or personal property attached to real property, legally upon or adjacent to a public road or highway immediately shall stop and take reasonable steps to locate and notify the owner or person in

charge of the property of that fact, of the driver's name and address, and of the registration number of vehicle the driver is driving and, upon request and if available, shall exhibit the driver's driver's or commercial driver's license.

(2) If the owner or person in charge of the property cannot be located after reasonable search, the driver of the vehicle involved in the accident resulting in damage to the property, within 24 hours after accident, shall forward to the police department of the municipality the same information required to be given to the owner or person in control of the property and give the location of the accident and a description of the damage insofar as it is known.

(B) (1) Whoever violates division (A) of this section is guilty of failure to stop after an accident involving the property of others, a misdemeanor of the first degree.

(2) The offender shall provide the court with proof of financial responsibility as defined in R.C. § 4509.01. If the offender fails to provide that proof of financial responsibility, then, in addition to any other penalties provided by law, the court may order restitution pursuant to § 130.99(G) or R.C. § 2929.28 in an amount not exceeding $5,000 for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the motor vehicle before, during, or after committing the offense charged under this section.
(R.C. § 4549.03) (Rev. 2012)

§ 73.33 FAILURE TO REPORT ACCIDENT.

(A) No person shall fail to report a motor vehicle accident as required under state or local law.

(B) Whoever violates this section is guilty of a minor misdemeanor.
(R.C. § 4509.74) (Rev. 2004)

CHAPTER 74: EQUIPMENT AND LOADS

Section

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EQUIPMENT

§ 74.01 UNSAFE VEHICLES, PROHIBITION AGAINST OPERATION.

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

(B) Whoever violates this section is guilty of a minor misdemeanor.
(R.C. § 4513.02(A), (H)) (Rev. 2013)

§ 74.02 BUMPERS ON MOTOR VEHICLES.

(A) As used in this section:

GROSS VEHICLE WEIGHT RATING. Means the manufacturer's gross vehicle weight rating established for that vehicle.

MANUFACTURER. Has the same meaning as in R.C. § 4501.01.

MULTIPURPOSE PASSENGER VEHICLE. Means a motor vehicle with motive power, except a motorcycle, designed to carry ten persons or less, that is constructed either on a truck chassis or with special features for occasional off-road operation.

PASSENGER CAR. Means any motor vehicle with motive power, designed for carrying ten persons or less, except a multipurpose passenger vehicle or motorcycle.

TRUCK. Means every motor vehicle, except trailers and semitrailers, designed and used to carry property and having a gross vehicle weight rating of 10,000 pounds or less.

(B) Rules adopted by the Director of Public Safety, in accordance with R.C. Chapter 119, shall govern the maximum bumper height or, in the absence of bumpers and in cases where bumper height have been lowered or modified, the maximum height to the bottom of the frame rail of any passenger car, multipurpose passenger vehicle or truck.

(C) No person shall operate upon a street or highway any passenger car, multipurpose passenger vehicle or truck registered in this state that does not conform to the requirements of this section or any applicable rule adopted pursuant to R.C. § 4513.021.

(D) No person shall modify any motor vehicle registered in this state in such a manner as to cause the vehicle body or chassis to come in contact with the ground, expose the fuel tank to damage from collision, or cause the wheels to come in contact with the body under normal operation, and no person shall disconnect any part of the original suspension system of the vehicle to defeat the safe operation of that system.

(E) Nothing contained in this section or in the rules adopted pursuant to R.C. § 4513.021 shall be construed to prohibit either of the following:

(1) The installation upon a passenger car, multipurpose passenger vehicle or truck registered in this state of heavy duty equipment, including shock absorbers and overload springs:

(2) The operation on a street or highway of a passenger car, multipurpose passenger vehicle, or truck registered in this state with normal wear to the suspension system if the normal wear does not adversely affect the control of the vehicle.

(F) This section and the rules adopted pursuant to R.C. § 4513.021 do not apply to any specially designed or modified passenger car, multipurpose passenger vehicle, or truck when operated off a street or highway in races and similar events.

(G) Whoever violates this section is guilty of a minor misdemeanor.
(R.C. § 4513.021) (Rev. 2013)
Statutory reference:
Maximum height on bumpers, see O.A.C. Chapter 4501-43

§ 74.03 LIGHTED LIGHTS REQUIRED.

(A) Every vehicle, other than a motorized bicycle, operated upon a street or highway within this state shall display lighted lights and illuminating devices as required by R.C. §§ 4513.04 to 4513.37 during all of the following times:

(1) The time from sunset to sunrise;

(2) At any other time when, due to insufficient natural light or unfavorable atmospheric conditions, persons, vehicles, and substantial objects on the highway are not discernible at a distance of 1,000 feet ahead;

(3) At any time when the windshield wipers of the vehicle are in use because of precipitation on the windshield.

(B) Every motorized bicycle shall display at such times lighted lights meeting the rules adopted by the Ohio Director of Public Safety under R.C. § 4511.521. No motor vehicle, during any time specified in this section, shall be operated upon a street or highway within this state using only parking lights as illumination.

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

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

(E) Notwithstanding any provision of law to the contrary, no law enforcement officer shall cause the operator of a vehicle being operated upon a street or highway within this state to stop the vehicle solely because the officer

observes that a violation of division (A)(3) of this section has been or is being committed or for the sole purpose of issuing a ticket, citation, or summons for a violation of that division, or causing the arrest of or commencing a prosecution of a person for a violation of that division.

(F) Whoever violates this section is guilty of a minor misdemeanor.
(R.C. § 4513.03) (Rev. 2010)

§ 74.04 HEADLIGHTS.

(A) (1) Every motor vehicle, other than a motorcycle, shall be equipped with at least two headlights with at least one near each side of the front of the motor vehicle.

(2) Every motorcycle shall be equipped with at least one and not more than two headlights.

(B) Whoever violates this section is guilty of a minor misdemeanor.
(R.C. § 4513.04) (Rev. 2010)

§ 74.05 TAIL LIGHTS AND ILLUMINATION OF REAR LICENSE PLATE.

(A) (1) Every motor vehicle, trailer, semitrailer, pole trailer or vehicle which is being drawn at the end of a train of vehicles shall be equipped with at least one tail light mounted on the rear which, when lighted, shall emit a red light visible from a distance of 500 feet to the rear, provided that in the case of a train of vehicles only the tail light on the rearmost vehicle need be visible from the distance specified.

(2) Either a tail light or a separate light shall be so constructed and placed as to illuminate with a white light the rear registration plate, when such registration plate is required, and render it legible from a distance of 50 feet to the rear. Any tail light, together with any separate light for illuminating the rear registration plate, shall be so wired as to be lighted whenever the headlights or auxiliary driving lights are lighted, except where separate lighting systems are provided for trailers for the purpose of illuminating such registration plate.

(B) Whoever violates this section is guilty of a minor misdemeanor.
(R.C. § 4513.05) (Rev. 2010)

§ 74.06 RED REFLECTORS REQUIRED.

(A) (1) Every new motor vehicle sold after September 6, 1941, and operated on a highway, other than a commercial tractor to which a trailer or semitrailer is attached, shall carry at the rear, either as a part of the tail lamps or separately, two red reflectors meeting the requirements of this section, except that vehicles of the type mentioned in R.C. § 4513.07 or a substantially equivalent municipal ordinance shall be equipped with reflectors as required by the regulations provided for in that section.

(2) Every such reflector shall be of such size and characteristics and so maintained as to be visible at night from all distances within 300 feet to 50 feet from such vehicle.

(B) Whoever violates this section is guilty of a minor misdemeanor.
(R.C. § 4513.06) (Rev. 2010)

§ 74.07 SAFETY LIGHTING OF COMMERCIAL VEHICLES.

(A) (1) When the Director of Public Safety prescribes and promulgates regulations relating to clearance lights, marker lights, reflectors and stop lights on buses, trucks, commercial tractors, trailers, semitrailers and pole trailers, when operated upon any highway, these vehicles shall be equipped as required by such regulations, and such equipment shall be lighted at all times mentioned in R.C. § 4513.03 or a substantially equivalent municipal ordinance, except that clearance lights and side marker lights need not be lighted on any such vehicle when it is operated within the municipality where there is sufficient light to reveal any person or substantial object on the highway at a distance of 500 feet.

(2) Such equipment shall be in addition to all other lights specifically required by R.C. §§ 4513.03 through 4513.16, or any substantially equivalent municipal ordinances.

(3) Vehicles operated under the jurisdiction of the Public Utilities Commission are not subject to this section.

(B) Whoever violates this section is guilty of a minor misdemeanor.
(R.C. § 4513.07) (Rev. 2010)

§ 74.08 STOPLIGHT REGULATIONS.

(A) (1) Every motor vehicle, trailer, semitrailer, and pole trailer when operated upon a highway shall be equipped with two or more stop lights, except that passenger cars manufactured or assembled prior to January 1, 1967, motorcycles, and motor-driven cycles shall be equipped with at least one stop light. Stop lights shall be mounted on the rear of the vehicle, actuated upon application of the service brake, and may be incorporated with other rear lights. Such stop lights when actuated shall emit a red light visible from a distance of 500 feet to the rear; provided that in the case of a train of vehicles only the stop lights on the rearmost vehicle need be visible from the distance specified.

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

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

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

(B) Whoever violates this section is guilty of a minor misdemeanor.
(R.C. § 4513.071) (Rev. 2010)

§ 74.09 OBSCURED LIGHTS ON VEHICLES.

Whenever motor and other vehicles are operated in combination during the time that lights are required, any light, except tail lights, which by reason of its location on a vehicle of the combination would be obscured by another vehicle of the combination, need not be lighted, but this section does not affect the requirement that lighted clearance lights be displayed on the front of the foremost vehicle required to have clearance lights or that all lights required on the rear of the rearmost vehicle of any combination shall be lighted.
(R.C. § 4513.08)

§ 74.10 RED LIGHT OR FLAG REQUIRED.

(A) Whenever the load upon any vehicle extends to the rear four feet or more beyond the bed or body of this vehicle, there shall be displayed at the extreme rear end of the load, at the times specified in R.C. § 4513.03 or a substantially equivalent municipal ordinance, a red light or lantern plainly visible from a distance of at least 500 feet to the sides and rear. The red light or lantern required by this section is in addition to the red rear light required upon every vehicle. At any other time there shall be displayed at the extreme rear end of such load a red flag or cloth not less than 16 inches square.

(B) Whoever violates this section is guilty of a minor misdemeanor.
(R.C. § 4513.09) (Rev. 2010)

§ 74.11 LIGHTS ON PARKED VEHICLES.

(A) Except in case of an emergency, whenever a vehicle is parked or stopped upon a roadway open to traffic or a shoulder adjacent thereto, whether attended or unattended, during the times mentioned in R.C. § 4513.03 or a substantially equivalent municipal ordinance, such vehicle shall be equipped with one or more lights which shall exhibit a white or amber light on the roadway side visible from a distance of 500 feet to the front of such vehicle, and a red light visible from a distance of 500 feet to the rear. No lights need be displayed upon any such vehicle when it is stopped or parked within the municipality where there is sufficient light to reveal any person or substantial object within a distance of 500 feet upon such highway. Any lighted headlights upon a parked vehicle shall be depressed or dimmed.
(R.C. § 4513.10) (Rev. 1999)

(B) Whoever violates this section is guilty of a minor misdemeanor.
(R.C. § 4513.99) (Rev. 2013)

§ 74.12 LIGHTS AND EMBLEM ON SLOW-MOVING VEHICLES; LIGHTS AND REFLECTORS ON MULTI-WHEEL AGRICULTURAL TRACTORS OR FARM MACHINERY.

(A) All vehicles other than bicycles, including animal-drawn vehicles and vehicles referred to in R.C. § 4513.02(G), not specifically required to be equipped with lamps or other lighting devices by R.C. §§ 4513.03 through 4513.10, or any substantially equivalent municipal ordinances, shall, at the times specified in R.C. § 4513.03 or a substantially equivalent municipal ordinance, be equipped with at least one lamp displaying a white light visible from a distance of not less than 1,000 feet to the front of the vehicle and also shall be equipped with two lamps displaying red light visible from a distance of not less than 1,000 feet to the rear of the vehicle, or as an alternative, one lamp displaying a red light visible from a distance of not less than 1,000 feet to the rear and two red reflectors visible from all distances of 600 feet to 100 feet to the rear when illuminated by the lawful lower beams of headlamps. Lamps and reflectors required by this section shall meet standards adopted by the Director of Public Safety.

(B) All boat trailers, farm machinery and other machinery, including all road construction machinery, upon a street or highway, except when being used in actual construction and maintenance work in an area guarded by a flagperson, or where flares are used, or when operating or traveling within the limits of a construction area designated by the Director of Transportation, a city or village engineer, or the county engineer of the several counties, when such construction area is marked in accordance with requirements of the Director and the *Manual and Specifications for a Uniform System of Traffic-Control Devices*, as set forth in R.C. § 4511.09, which is designed for operation at a speed of 25 miles per hour or less, shall be operated at a speed not exceeding 25 miles per hour, and shall display a triangular slow-moving vehicle emblem (SMV). The emblem shall be mounted so as to be visible from a distance of not less than 500 feet to the rear. The Director of Public Safety shall adopt standards and specifications for the design and position of mounting the SMV emblem. The standards and specifications for SMV emblems referred to in this section shall correlate with and, so far as possible, conform with those approved by the American Society of Agricultural Engineers. A unit of farm machinery that is designed by its manufacturer to operate at a speed greater than 25 miles per hour may be

operated on a street or highway at a speed greater than 25 miles per hour provided it is operated in accordance with this section. As used in this division, "machinery" does not include any vehicle designed to be drawn by an animal.

(C) The use of the SMV emblem shall be restricted to animal-drawn vehicles and to the slow-moving vehicles specified in division (B) of this section operating or traveling within the limits of the highway. Its use on slow-moving vehicles being transported upon other types of vehicles or on any other type of vehicle or stationary object on the highway is prohibited.

(D) (1) No person shall sell, lease, rent or operate any boat trailer, farm machinery or other machinery defined as a slow-moving vehicle in division (B) of this section, except those units designed to be completely mounted on a primary power unit, which is manufactured or assembled on or after April 1, 1966, unless the vehicle is equipped with a slow-moving vehicle emblem mounting device as specified in division (B) of this section.

(2) No person shall sell, lease, rent, or operate on a street or highway any unit of farm machinery that is designed by its manufacturer to operate at a speed greater than 25 miles per hour unless the unit displays a slow-moving vehicle emblem as specified in division (B) of this section and a speed identification symbol that meets the specifications contained in the American Society of Agricultural Engineers Standard ANSI/ASAE S584 JAN2005, Agricultural Equipment: Speed Identification Symbol (SIS).

(E) Any boat trailer, farm machinery or other machinery defined as a slow-moving vehicle in division (B) of this section, in addition to the use of the slow-moving vehicle emblem, and any unit of farm machinery that is designed by its manufacturer to operate at a speed greater than 25 miles per hour, in addition to the display of a speed identification symbol, may be equipped with a red flashing light that shall be visible from a distance of not less than 1,000 feet to the rear at all times specified in R.C. § 4513.03 or a substantially equivalent municipal ordinance. When a double-faced light is used, it shall display amber light to the front and red light to the rear. In addition to the lights described in this division, farm machinery and motor vehicles escorting farm machinery may display a flashing, oscillating or rotating amber light, as permitted by R.C. § 4513.17 or a substantially equivalent municipal ordinance, and also may display simultaneously flashing turn signals or warning lights, as permitted by that section.

(F) (1) Every animal-drawn vehicle upon a street or highway shall at all times be equipped in one of the following ways:

(a) With a slow-moving vehicle emblem complying with division (B) of this section;

(b) With alternate reflective material complying with rules adopted under division (F)(2) below;

(c) With both a slow-moving vehicle emblem and alternate reflective material as specified in division (F)(2) below.

(2) Rules adopted by the Director of Public Safety, subject to R.C. Chapter 119, establishing standards and specifications for the position of mounting of the alternate reflective material authorized by this division, permit, as a minimum, the alternate reflective material to be black, gray, or silver in color. The alternate reflective material shall be mounted on the animal-drawn vehicle so as to be visible, at all times specified in R.C. § 4513.03 or a substantially equivalent municipal ordinance, from a distance of not less than 500 feet to the rear when illuminated by the lawful lower beams of headlamps.

(G) (1) Every unit of farm machinery that is designed by its manufacturer to operate at a speed greater than 25 miles per hour shall display a slow-moving vehicle emblem and a speed identification symbol that meets the specifications contained in the American Society of Agricultural Engineers Standard ANSI/ASAE S584 JAN2005, Agricultural Equipment: Speed Identification Symbol (SIS) when the unit is operated upon a street or highway, irrespective of the speed at which the unit is operated on the street or highway. The speed identification symbol shall indicate the maximum speed in miles per hour at which the unit of farm machinery is designed by its manufacturer to operate. The display of the speed identification symbol shall be in accordance with the standard prescribed in this division.

(2) If an agricultural tractor that is designed by its manufacturer to operate at a speed greater than 25 miles per hour is being operated on a street or highway at a speed greater than 25 miles per hour and is towing, pulling, or otherwise drawing a unit of farm machinery, the unit of farm machinery shall display a slow-moving vehicle emblem and a speed identification symbol that is the same as the speed identification symbol that is displayed on the agricultural tractor.

(H) When an agricultural tractor that is designed by its manufacturer to operate at a speed greater than 25 miles per hour is being operated on a street or highway at a speed greater than 25 miles per hour, the operator shall possess some documentation published or provided by the manufacturer indicating the maximum speed in miles per hour at which the manufacturer designed the agricultural tractor to operate.

(I) As used in this section, ***BOAT TRAILER*** means any vehicle designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a street or highway for a distance of no more than ten miles and at a speed of 25 miles per hour or less.
(R.C. § 4513.11) (Rev. 2008)

(J) Lights and reflector requirements for multi-wheel agricultural tractors or farm machinery.

(1) (a) Every multi-wheel agricultural tractor whose model year was 2001 or earlier, when being operated or traveling on a street or highway at the times specified in R.C. § 4513.03, or a substantially equivalent municipal ordinance, at a minimum shall be equipped with and display reflectors and illuminated amber lamps so that the extreme left and right projections of the tractor are indicated by flashing lamps displaying amber light, visible to the front and the rear; by amber reflectors, all visible to the front; and by red reflectors, all visible to the rear.

(b) The lamps displaying amber light need not flash simultaneously and need not flash in conjunction with any directional signals of the tractor.

(c) The lamps and reflectors required by division (J)(1)(a) of this section and their placement shall meet standards and specifications contained in rules adopted by the Director of Public Safety in accordance with R.C. Chapter 119. The rules governing the amber lamps, amber reflectors, and red reflectors and their placement shall correlate with and, as far as possible, conform with paragraphs 4.1.4.1, 4.1.7.1, and 4.1.7.2, respectively, of the American Society of Agricultural Engineers Standard ANSI/ASAE S279.10 OCT98, Lighting and Marking of Agricultural Equipment on Highways.

(2) Every unit of farm machinery whose model year was 2002 or later, when being operated or traveling on a street or highway at the times specified in R.C. § 4513.03, or a substantially equivalent municipal ordinance, shall be equipped with and display markings and illuminated lamps that meet or exceed the lighting, illumination, and marking standards and specifications that are applicable to that type of farm machinery for the unit's model year specified in the American Society of Agricultural Engineers Standard ANSI/ASAE S279.11 APR01, Lighting and Marking of Agricultural Equipment on Highways, or any subsequent revisions of that standard.

(3) The lights and reflectors required by division (J)(1) of this section are in addition to the slow-moving vehicle emblem and lights required or permitted by R.C. § 4513.11 or 4513.17, or a substantially equivalent municipal ordinance, to be displayed on farm machinery being operated or traveling on a street or highway.

(4) No person shall operate any unit of farm machinery on a street or highway or cause any unit of farm machinery to travel on a street or highway in violation of divisions (J)(1) or (J)(2) of this section.
(R.C. § 4513.111) (Rev. 2004)

(K) Whoever violates this section is guilty of a minor misdemeanor.
(R.C. §§ 4513.11(I), 4513.111(E)) (Rev. 2010)

§ 74.13 SPOTLIGHT AND AUXILIARY DRIVING LIGHTS.

(A) (1) Any motor vehicle may be equipped with not more than one spotlight and every lighted spotlight shall be so aimed and used upon approaching another vehicle that no part of the high-intensity portion of the beam will be directed to the left of the prolongation of the extreme left side of the vehicle, nor more than 100 feet ahead of the vehicle.

(2) Any motor vehicle may be equipped with not more than three auxiliary driving lights mounted on the front of the vehicle. Any such lights which do not conform to the specifications for auxiliary driving lights and the regulations for their use prescribed by the Director of Public Safety shall not be used.

(B) Whoever violates this section is guilty of a minor misdemeanor.
(R.C. § 4513.12) (Rev. 2010)

§ 74.14 COWL, FENDER, AND BACK-UP LIGHTS.

(A) (1) Any motor vehicle may be equipped with side cowl or fender lights which shall emit a white or amber light without glare.

(2) Any motor vehicle may be equipped with lights on each side thereof which shall emit a white or amber light without glare.

(3) Any motor vehicle may be equipped with back-up lights, either separately or in combination with another light. No back-up lights shall be continuously lighted when the motor vehicle is in forward motion.

(B) Whoever violates this section is guilty of a minor misdemeanor.
(R.C. § 4513.13) (Rev. 2010)

§ 74.15 TWO LIGHTS DISPLAYED.

(A) At all times mentioned in R.C. § 4513.03 or a substantially equivalent municipal ordinance, at least two lighted lights shall be displayed, one near each side of the front of every motor vehicle, except when such vehicle is parked subject to the regulations governing lights on parked vehicles.

(B) Whoever violates this section is guilty of a minor misdemeanor.
(R.C. § 4513.14) (Rev. 2010)

§ 74.16 HEADLIGHTS REQUIRED.

(A) Whenever a motor vehicle is being operated on a roadway or shoulder adjacent thereto during the times specified in R.C. § 4513.03 or a substantially equivalent

municipal ordinance, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons, vehicles and substantial objects at a safe distance in advance of the vehicle, subject to the following requirements:

(1) Whenever the driver of a vehicle approaches an oncoming vehicle, such driver shall use a distribution of light, or composite beam, so aimed that the glaring rays are not projected into the eyes of the oncoming driver.

(2) Every new motor vehicle registered in this state which has multiple-beam road lighting equipment shall be equipped with a beam indicator, which shall be lighted whenever the uppermost distribution of light from the headlights is in use, and shall not otherwise be lighted. This indicator shall be so designed and located that, when lighted, it will be readily visible without glare to the driver of the vehicle.

(B) Whoever violates this section is guilty of a minor misdemeanor.
(R.C. § 4513.15) (Rev. 2010)

§ 74.17 LIGHTS OF LESS INTENSITY.

(A) Any motor vehicle may be operated under the conditions specified in R.C. § 4513.03 or a substantially equivalent municipal ordinance when it is equipped with two lighted lights upon the front thereof capable of revealing persons and substantial objects 75 feet ahead, in lieu of lights required in R.C. § 4513.14 or a substantially equivalent municipal ordinance, provided that such vehicle shall not be operated at a speed in excess of 20 miles per hour.

(B) Whoever violates this section is guilty of a minor misdemeanor.
(R.C. § 4513.16) (Rev. 2010)

§ 74.18 NUMBER OF LIGHTS PERMITTED; RED AND FLASHING LIGHTS.

(A) Whenever a motor vehicle equipped with headlights is also equipped with any auxiliary lights or spotlight or any other light on the front thereof projecting a beam of an intensity greater than 300 candlepower, not more than a total of five of any such lights on the front of a vehicle shall be lighted at any one time when the vehicle is upon a highway.

(B) Any lighted light or illuminating device upon a motor vehicle, other than headlights, spotlights, signal lights, or auxiliary driving lights, that projects a beam of light of an intensity greater than 300 candlepower shall be so directed that no part of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than 75 feet from the vehicle.

(C) (1) Flashing lights are prohibited on motor vehicles, except as a means for indicating a right or a left turn, or in the presence of vehicular traffic hazard requiring unusual care in approaching, or overtaking or passing. This prohibition does not apply to emergency vehicles, road service vehicles servicing or towing a disabled vehicle, stationary waste collection vehicles actively collecting garbage, refuse, trash, or recyclable materials on the roadside, rural mail delivery vehicles, vehicles as provided in R.C. § 4513.182 or a substantially equivalent municipal ordinance, highway maintenance vehicles, funeral hearses, funeral escort vehicles, and similar equipment operated by the Department or local authorities, which shall be equipped with and display, when used on a street or highway for the special purpose necessitating such lights, a flashing, oscillating or rotating amber light, but shall not display a flashing, oscillating or rotating light of any other color, nor to vehicles or machinery permitted by R.C. § 4513.11 or a substantially equivalent municipal ordinance to have a flashing red light.

(2) When used on a street or highway, farm machinery and vehicles escorting farm machinery may be equipped with and display a flashing, oscillating or rotating amber light, and the prohibition contained in division (C)(1) of this section does not apply to such machinery or vehicles. Farm machinery may also display the lights described in R.C. § 4513.11 or a substantially equivalent municipal ordinance.

(D) Except a person operating a public safety vehicle, as defined in R.C. § 4511.01(E), or a school bus, no person shall operate, move, or park upon or permit to stand within the right-of-way of any public street or highway any vehicle or equipment that is equipped with and displaying a flashing red or a flashing combination red and white light, or an oscillating or rotating red light, or a combination red and white oscillating or rotating light; and except a public law enforcement officer, or other person sworn to enforce the criminal and traffic laws of the state, operating a public safety vehicle when on duty, no person shall operate, move or park upon or permit to stand within the right-of-way of any street or highway any vehicle or equipment that is equipped with, or upon which is mounted, and displaying a flashing blue or a flashing combination blue and white light, or an oscillating or rotating blue light, or a combination blue and white oscillating or rotating light.

(E) This section does not prohibit the use of warning lights required by law or the simultaneous flashing of turn signals on disabled vehicles or on vehicles being operated in unfavorable atmospheric conditions in order to enhance their visibility. This section also does not prohibit the simultaneous flashing of turn signals or warning lights whether on farm machinery or vehicles escorting farm machinery when used on a street or highway.
(R.C. § 4513.17) (Rev. 2019)

(F) (1) Notwithstanding any other provision of law, a motor vehicle operated by a coroner, deputy coroner or coroner's investigator may be equipped with a flashing, oscillating or rotating red or blue light and siren, whistle or bell capable of emitting sound audible under normal conditions from a distance of not less than 500 feet. Such a vehicle may display the flashing, oscillating or rotating red or blue light and may give the audible signal of the siren, whistle

or bell only when responding to a fatality or a fatal motor vehicle accident on a street or highway and only at those locations where the stoppage of traffic impedes the ability of the coroner, deputy coroner or coroner's investigator to arrive at the site of the fatality.

(2) This division (F) does not relieve the coroner, deputy coroner or coroner's investigator operating a motor vehicle from the duty to drive with due regard for the safety of all persons and property upon the highway.
(R.C. § 4513.171) (Rev. 1999)

(G) Whoever violates this section is guilty of a minor misdemeanor.
(R.C. §§ 4513.17(F), 4513.171(B)) (Rev. 2010)

§ 74.19 STANDARDS FOR LIGHTS ON SNOW REMOVAL EQUIPMENT AND OVERSIZE VEHICLES.

(A) It is unlawful to operate snow removal equipment on a highway unless the lights thereon comply with and are lighted when and as required by the standards and specifications adopted by the Director of Transportation pursuant to R.C. § 4513.18.

(B) Whoever violates this section is guilty of a minor misdemeanor.
(R.C. § 4513.18) (Rev. 2010)

§ 74.20 FLASHING LIGHTS PERMITTED FOR CERTAIN TYPES OF VEHICLES.

Rural mail delivery vehicles, state highway survey vehicles, and funeral escort vehicles are permitted to use flashing lights.
(R.C. § 4513.181)

§ 74.21 LIGHTS AND SIGN ON TRANSPORTATION FOR PRESCHOOL CHILDREN.

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

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

(C) Whoever violates this section is guilty of a minor misdemeanor.
(R.C. § 4513.99) (Rev. 2013)

§ 74.22 FOCUS AND AIM OF HEADLIGHTS.

(A) No person shall use any lights mentioned in R.C. §§ 4513.03 through 4513.18, or any substantially equivalent municipal ordinances, upon any motor vehicle, trailer or semitrailer unless these lights are equipped, mounted and adjusted as to focus and aim in accordance with regulations which are prescribed by the Director of Public Safety.

(B) The headlights on any motor vehicle shall comply with the headlamp color requirements contained in Federal Motor Vehicle Safety Standard Number 108, 49 C.F.R. § 571.108. No person shall operate a motor vehicle in violation of this division.

(C) Whoever violates this section is guilty of a minor misdemeanor.
(R.C. § 4513.19) (Rev. 2015)

§ 74.23 BRAKE EQUIPMENT; SPECIFICATIONS.

(A) The following requirements govern as to brake equipment on vehicles:

(1) Every motor vehicle, other than a motorcycle, when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and hold the motor vehicle, including two separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two wheels. If these two separate means of applying the brakes are connected in any way, then on such motor vehicles, manufactured or assembled after January 1, 1942, they shall be so constructed that failure of any one part of the operating mechanism shall not leave the motor vehicle without brakes on at least two wheels.

(2) Every motorcycle, when operated upon a highway shall be equipped with at least one adequate brake, which may be operated by hand or by foot.

(3) Every motorized bicycle shall be equipped with brakes meeting the rules adopted by the Director of Public Safety under R.C. § 4511.521.

(4) When operated upon the highways, the following vehicles shall be equipped with brakes adequate to control the movement of and to stop and to hold the vehicle, designed to be applied by the driver of the towing motor vehicle from its cab, and also designed and connected so that, in case of a breakaway of the towed vehicle, the brakes shall be automatically applied:

(a) Except as otherwise provided in this section, every trailer or semitrailer, except a pole trailer, with an empty weight of 2,000 pounds or more, manufactured or assembled on or after January 1, 1942;

(b) Every manufactured home or travel trailer with an empty weight of 2,000 pounds or more, manufactured or assembled on or after January 1, 2001.

(5) Every watercraft trailer with a gross weight or manufacturer's gross vehicle weight rating of 3,000 pounds or more that is manufactured or assembled on or after January 1, 2008, shall have separate brakes equipped with hydraulic surge or electrically operated brakes on two wheels.

(6) In any combination of motor-drawn trailers or semitrailers equipped with brakes, means shall be provided for applying the rearmost brakes in approximate synchronism with the brakes on the towing vehicle, and developing the required braking effort on the rearmost wheels at the fastest rate; or means shall be provided for applying braking effort first on the rearmost brakes; or both of the above means, capable of being used alternatively, may be employed.

(7) Every vehicle and combination of vehicles, except motorcycles and motorized bicycles, and except trailers and semitrailers of a gross weight of less than 2,000 pounds, and pole trailers, shall be equipped with parking brakes adequate to hold the vehicle on any grade on which it is operated, under all conditions of loading, on a surface free from snow, ice, or loose material. The parking brakes shall be capable of being applied in conformance with the foregoing requirements by the driver's muscular effort or by spring action or by equivalent means. Their operation may be assisted by the service brakes or other source of power provided that failure of the service brake actuation system or other power assisting mechanism will not prevent the parking brakes from being applied in conformance with the foregoing requirements. The parking brakes shall be so designed that when once applied they shall remain applied with the required effectiveness despite exhaustion of any source of energy or leakage of any kind.

(8) The same brake drums, brake shoes and lining assemblies, brake shoe anchors, and mechanical brake shoe actuation mechanism normally associated with the wheel brake assemblies may be used for both the service brakes and the parking brakes. If the means of applying the parking brakes and the service brakes are connected in any way, they shall be so constructed that failure of any one part shall not leave the vehicle without operative brakes.

(9) Every motor vehicle or combination of motor-drawn vehicles shall, at all times and under all conditions of loading, be capable of being stopped on a dry, smooth, level road free from loose material, upon application of the service or foot brake, within the following specified distances, or shall be capable of being decelerated at a sustained rate corresponding to these distances:

(a) Vehicles or combinations of vehicles having brakes on all wheels shall come to a stop in 30 feet or less from a speed of 20 miles per hour.

(b) Vehicles or combinations of vehicles not having brakes on all wheels shall come to a stop in 40 feet or less from a speed of 20 miles per hour.

(10) All brakes shall be maintained in good working order and shall be so adjusted as to operate as equally as practicable with respect to the wheels on opposite sides of the vehicle.
(R.C. § 4513.20) (Rev. 2008)

(B) Whoever violates this section is guilty of a minor misdemeanor.
(R.C. § 4513.99) (Rev. 2013)

§ 74.24 BRAKE FLUID.

(A) No hydraulic brake fluid for use in motor vehicles shall be sold in this municipality if the brake fluid is below the minimum standard of specifications for heavy duty type brake fluid established by the society of automotive engineers and the standard of specifications established by 49 C.F.R. § 571.116, as amended.

(B) All manufacturers, packers, or distributors of brake fluid selling such fluid in this municipality shall state on the containers that the brake fluid meets or exceeds the applicable minimum SAE standard of specifications, and the standard of specifications established in 49 C.F.R. § 571.116, as amended.
(R.C. § 4513.201) (Rev. 1998)

(C) Whoever violates this section is guilty of a minor misdemeanor.
(R.C. § 4513.99) (Rev. 2013)

§ 74.25 MINIMUM STANDARDS FOR BRAKES AND COMPONENTS.

(A) No brake lining, brake lining material, or brake lining assemblies for use as repair and replacement parts in motor vehicles shall be sold in this municipality if these items do not meet or exceed the minimum standard of specifications established by the Society of Automotive Engineers and the standard of specifications established in 49 C.F.R. § 571.105, as amended, and 49 C.F.R. § 571.135, as amended.

(B) All manufacturers or distributors of brake lining, brake lining material, or brake lining assemblies selling these items for use as repair and replacement parts in motor vehicles shall state that the items meet or exceed the applicable minimum standard of specifications.

(C) As used in this section, ***MINIMUM STANDARD OF SPECIFICATIONS*** means a minimum standard for brake system or brake component performance that meets the need for motor vehicle safety and complies with the applicable SAE standards and recommended practices, and the federal motor vehicle safety standards that cover the same aspect of performance for any brake lining, brake lining material, or brake lining assemblies.
(R.C. § 4513.202) (Rev. 1998)

(D) Whoever violates this section is guilty of a minor misdemeanor.
(R.C. § 4513.99) (Rev. 2013)

§ 74.26 HORNS, SIRENS, AND WARNING DEVICES.

(A) (1) Every motor vehicle when operated upon a highway shall be equipped with a horn which is in good working order and capable of emitting sound audible, under normal conditions, from a distance of not less than 200 feet.

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

(B) Whoever violates this section is guilty of a minor misdemeanor.
(R.C. § 4513.21) (Rev. 2010)

§ 74.27 MUFFLERS; EXCESSIVE SMOKE OR GAS.

(A) (1) Every motor vehicle and motorcycle with an internal combustion engine shall at all times be equipped with a muffler which is in good working order and in constant operation to prevent excessive or unusual noise, and no person shall use a muffler cutout, bypass or similar device upon a motor vehicle on a highway. Every motorcycle muffler shall be equipped with baffle plates.

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

(B) Whoever violates this section is guilty of a minor misdemeanor.
(R.C. § 4513.22) (Rev. 2010)

§ 74.28 REARVIEW MIRRORS.

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

(B) Whoever violates this section is guilty of a minor misdemeanor.
(R.C. § 4513.23) (Rev. 2010)

§ 74.29 WINDSHIELDS AND WIPERS.

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

(B) (1) No person shall drive any motor vehicle, other than a bus, with any sign, poster, or other nontransparent material upon the front windshield, sidewings, side, or rear windows of such vehicle other than a certificate or other paper required to be displayed by law, except that there may be in the lower left-hand or right-hand corner of the windshield a sign, poster, or decal not to exceed four inches in height by six inches in width. No sign, poster, or decal shall be displayed in the front windshield in such a manner as to conceal the vehicle identification number for the motor vehicle when, in accordance with federal law, that number is located inside the vehicle passenger compartment and so placed as to be readable through the vehicle glazing without moving any part of the vehicle.

(2) Division (B)(1) of this section does not apply to a person who is driving a passenger car with an electronic device, including an antenna, electronic tolling or other transponder, camera, directional navigation device, or other similar electronic device located in the front windshield if the device meets both of the following:

(a) It does not restrict the vehicle operator's sight lines to the road and highway signs and signals.

(b) It does not conceal the vehicle identification number.

(3) Division (B)(1) of this section does not apply to a person who is driving a commercial car with an electronic device, including an antenna, electronic tolling or other transponder, camera, directional navigation device, or other similar electronic device located in the front windshield if the device meets both of the following:

(a) It does not restrict the vehicle operator's sight lines to the road and highway signs and signals.

(b) It is mounted not more than six inches below the upper edge of the windshield and is outside the area swept by the vehicle's windshield wipers.

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

(D) Whoever violates this section is guilty of a minor misdemeanor.
(R.C. § 4513.24) (Rev. 2012)

§ 74.30 SOLID TIRE REQUIREMENTS.

(A) Every solid tire, as defined in R.C. § 4501.01, on a vehicle shall have rubber or other resilient material on its entire traction surface at least one inch thick above the edge of the flange of the entire periphery.
(R.C. § 4513.25)

(B) Whoever violates this section is guilty of a minor misdemeanor.
(R.C. § 4513.99) (Rev. 2013)

§ 74.31 REQUIREMENTS FOR SAFETY GLASS IN MOTOR VEHICLES; USE OF TINTED GLASS OR REFLECTORIZED MATERIAL.

(A) *Safety glass.*

(1) No person shall sell any new motor vehicle nor shall any new motor vehicle be registered, and no person shall operate any motor vehicle, which is registered in this state and which has been manufactured or assembled on or after January 1, 1936, unless the motor vehicle is equipped with safety glass, wherever glass is used in the windshields, doors, partitions, rear windows, and windows on each side immediately adjacent to the rear window.

(2) As used in this section, ***SAFETY GLASS*** means any product composed of glass so manufactured, fabricated, or treated as substantially to prevent shattering and flying of the glass when it is struck or broken, or such other or similar product as may be approved by the Registrar of Motor Vehicles.

(3) Glass other than safety glass shall not be offered for sale, or sold for use in, or installed in any door, window, partition, or windshield that is required by this section to be equipped with safety glass.
(R.C. § 4513.26)

(B) *Tinted or reflectorized material.*

(1) No person shall operate, on any highway or other public or private property open to the public for vehicular travel or parking, lease, or rent any motor vehicle that is registered in this state unless the motor vehicle conforms to the requirements concerning tinted glass and reflectorized material of R.C. § 4513.241 and of any applicable rule adopted under that section.

(2) No person shall install in or on any motor vehicle, any glass or other material that fails to conform to the requirements of R.C. § 4513.241 or of any rule adopted under that section.

(3) (a) No used motor vehicle dealer or new motor vehicle dealer, as defined in R.C. § 4517.01, shall sell any motor vehicle that fails to conform to the requirements of R.C. § 4513.241 or of any rule adopted under that section.

(b) No manufacturer, remanufacturer, or distributor, as defined in R.C. § 4517.01, shall provide to a motor vehicle dealer licensed under R.C. Chapter 4517 or to any other person, a motor vehicle that fails to conform to the requirements of R.C. § 4513.241 or of any rule adopted under that section.

(4) No reflectorized materials shall be permitted upon or in any front windshield, side windows, sidewings, or rear window.

(5) This division (B) does not apply to the manufacturer's tinting or glazing of motor vehicle windows or windshields that is otherwise in compliance with or permitted by Federal Motor Vehicle Safety Standard #205.

(6) With regard to any side window behind a driver's seat or any rear window other than any window on an emergency door, this division (B) does not apply to any school bus used to transport a child with disabilities pursuant to R.C. Chapter 3323, whom it is impossible or impractical to transport by regular school bus in the course of regular route transportation provided by a school district. As used in this division, ***CHILD WITH DISABILITIES*** has the same meaning as in R.C. § 3323.01.

(7) This division (B) does not apply to any school bus that is to be sold and operated outside the municipality.

(8) (a) This division (B) does not apply to a motor vehicle used by a law enforcement agency under either of the following circumstances:

1. The vehicle does not have distinctive markings of a law enforcement vehicle but is operated by or on behalf of the law enforcement agency in an authorized investigation or other activity requiring that the presence and identity of the vehicle occupants be undisclosed.

2. The vehicle primarily is used by the law enforcement canine unit for transporting a police dog.

(b) As used in this division, ***LAW ENFORCEMENT AGENCY*** means a police department, the office of a sheriff, the State Highway Patrol, a county prosecuting attorney, or a federal, state, or local governmental body that enforces criminal laws and that has employees who have a statutory power of arrest.
(R.C. § 4513.241(C) - (J)) (Rev. 2014)

(C) (1) Whoever violates division (A) of this section is guilty of a minor misdemeanor.
(R.C. § 4513.99) (Rev. 2013)

(2) Whoever violates division (B)(1),(B)(3)(b) or (B)(4) of this section is guilty of a minor misdemeanor.

(3) Whoever violates division (B)(3)(a) of this section is guilty of a minor misdemeanor if the dealer or the dealer's agent knew of the nonconformity at the time of sale.

(4) (a) Whoever violates division (B)(2) of this section is guilty of a misdemeanor of the fourth degree, except that an organization may not be convicted unless the act of installation was authorized by the board of directors, trustees, partners, or by a high managerial officer acting on behalf of the organization, and installation was performed by an employee of the organization acting within the scope of the person's employment.

(b) In addition to any other penalty imposed under this section, whoever violates division (B)(2) of this section is liable in a civil action to the owner of a motor vehicle on which was installed the nonconforming glass or material for any damages incurred by that person as a result of the installation of the nonconforming glass or material, costs of maintaining the civil action, and attorney fees.

(c) In addition to any other penalty imposed under this section, if the offender previously has been convicted of or pleaded guilty to a violation of division (B)(2) of this section and the offender is a motor vehicle repair operator registered under R.C. Chapter 4775 or a motor vehicle dealer licensed under R.C. Chapter 4517, whoever violates division (B)(2) of this section is subject to a registration or license suspension, as applicable, for a period of not more than 180 days.
(R.C. § 4513.241(K)) (Rev. 2014)
Statutory reference:
Recording and reporting violations, certain court requirements, see R.C. § 4513.241(L)
Regulations, see O.A.C. Chapter 4501-41

§ 74.32 DIRECTIONAL SIGNALS.

(A) (1) No person shall operate any motor vehicle manufactured or assembled on or after January 1, 1954, unless the vehicle is equipped with electrical or mechanical directional signals.

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

(B) As used in this section, ***DIRECTIONAL SIGNALS*** means an electrical or mechanical signal device capable of clearly indicating an intention to turn either to the right or to the left and which shall be visible from both the front and rear.

(C) All mechanical signal devices shall be self-illuminating devices when in use at the times mentioned in R.C. § 4513.03 or a substantially equivalent municipal ordinance.

(D) Whoever violates this section is guilty of a minor misdemeanor.
(R.C. § 4513.261) (Rev. 2004)

§ 74.33 INSTALLATION AND SALE OF SEAT SAFETY BELTS REQUIRED; DEFINITION.

(A) As used in this section and in R.C. § 4513.263 or a substantially equivalent municipal ordinance, the component parts of a seat safety belt include a belt, anchor attachment assembly, and a buckle or closing device.

(B) No person shall sell, lease, rent, or operate any passenger car, as defined in R.C. § 4501.01(E), that is registered or to be registered in this state and that is manufactured or assembled on or after January 1, 1962, unless the passenger car is equipped with sufficient anchorage units at the attachment points for attaching at least two sets of seat safety belts to its front seat. Such anchorage units at the attachment points shall be of such construction, design, and strength to support a loop load pull of not less than 4,000 pounds for each belt.

(C) No person shall sell, lease, or rent any passenger car, as defined in R.C. § 4501.01(E), that is registered or to be registered in this state and that is manufactured or assembled on or after January 1, 1966, unless the passenger car has installed in its front seat at least two seat safety belt assemblies.

(D) After January 1, 1966, neither any seat safety belt for use in a motor vehicle nor any component part of any such seat safety belt shall be sold in this municipality unless the seat safety belt or the component part satisfies the minimum standard of specifications established by the society of automotive engineers for automotive seat belts and unless the seat safety belt or component part is labeled so as to indicate that it meets those minimum standard specifications.

(E) Each sale, lease, or rental in violation of this section constitutes a separate offense.

(F) Whoever violates this section is guilty of a minor misdemeanor.
(R.C. § 4513.262) (Rev. 2004)
Statutory reference:
Child restraint systems, regulations, see O.A.C. Chapter 4501-37

§ 74.34 REQUIREMENTS FOR EXTRA SIGNAL EQUIPMENT.

(A) No person shall operate any motor truck, bus, or commercial tractor upon any highway at any time from sunset to sunrise unless there is carried in such vehicle, except as

provided in division (B) of this section, the following equipment which shall be of the types approved by the Director of Transportation.

(1) At least three flares or three red reflectors or three red electric lanterns, each of which is capable of being seen and distinguished at a distance of 500 feet under normal atmospheric conditions at nighttime;

(2) At least three red-burning fusees, unless red reflectors or red electric lanterns are carried;

(3) At least two red cloth flags, not less than two inches square, with standards to support them;

(4) The type of red reflectors shall comply with such standards and specifications in effect on September 16, 1963, or later established by the Interstate Commerce Commission and must be certified as meeting such standards by Underwriters Laboratories.

(B) No person shall operate at the time and under the conditions stated in this section any motor vehicle used in transporting flammable liquids in bulk, or in transporting compressed flammable gases, unless there is carried in such vehicle three red electric lanterns or three red reflectors meeting the requirements stated in division (A) of this section. There shall not be carried in any such vehicle any flare, fusee, or signal produced by a flame.

(C) This section does not apply to any person who operates any motor vehicle in a work area designated by protection equipment devices that are displayed and used in accordance with the manual adopted by the Department of Transportation under R.C. § 4511.09.
(R.C. § 4513.27) (Rev. 2001)

(D) Whoever violates this section is guilty of a minor misdemeanor.
(R.C. § 4513.99) (Rev. 2013)

§ 74.35 DISPLAY OF WARNING DEVICES ON DISABLED VEHICLES.

(A) Whenever any motor truck, bus, commercial tractor, trailer, semitrailer, or pole trailer is disabled upon any freeway, expressway, thruway and connecting, entering, or exiting ramps within the municipality, at any time when lighted lamps are required on vehicles, the operator of such vehicle shall display the following warning devices upon the highway during the time the vehicle is so disabled on the highway except as provided in division (B) of this section:

(1) A lighted fusee shall be immediately placed on the roadway at the traffic side of such vehicle, unless red electric lanterns or red reflectors are displayed.

(2) Within the burning period of the fusee and as promptly as possible, three lighted flares or pot torches, or three red reflectors or three red electric lanterns shall be placed on the roadway as follows:

(a) One at a distance of 40 paces or approximately 100 feet in advance of the vehicle;

(b) One at a distance of 40 paces or approximately 100 feet to the rear of the vehicle, except as provided in this section, each in the center of the lane of traffic occupied by the disabled vehicle;

(c) One at the traffic side of the vehicle.

(B) Whenever any vehicle used in transporting flammable liquids in bulk, or in transporting compressed flammable gases, is disabled upon a highway at any time or place mentioned in division (A) of this section, the driver of such vehicle shall display upon the roadway the following warning devices:

(1) One red electric lantern or one red reflector shall be immediately placed on the roadway at the traffic side of the vehicle;

(2) Two other red electric lanterns or two other red reflectors shall be placed to the front and rear of the vehicle in the same manner prescribed for flares in division (A) of this section.

(C) When a vehicle of a type specified in division (B) of this section is disabled, the use of flares, fusees, or any signal produced by flame as warning signals is prohibited.

(D) Whenever any vehicle of a type referred to in this section is disabled upon any freeway, expressway, thruway, and connecting, entering, or exiting ramps within the municipality, at any time when the display of fusees, flares, red reflectors, or electric lanterns is not required, the operator of such vehicle shall display two red flags upon the roadway in the lane of traffic occupied by the disabled vehicle, one at a distance of 40 paces or approximately 100 feet in advance of the vehicle, and one at a distance of 40 paces or approximately 100 feet to the rear of the vehicle, except as provided in this section.

(E) The flares, fusees, lanterns, red reflectors, and flags to be displayed as required in this section shall conform with the applicable requirements of R.C. § 4513.27 or a substantially equivalent municipal ordinance.

(F) In the event the vehicle is disabled near a curve, crest of a hill, or other obstruction of view, the flare, flag, reflector, or lantern in that direction shall be placed as to afford ample warning to other users of the highway, but in no case shall it be placed less than 40 paces or approximately 100 feet nor more than 120 paces or approximately 300 feet from the disabled vehicle.

(G) This section does not apply to the operator of any vehicle in a work area designated by protection equipment devices that are displayed and used in accordance with the manual adopted by the Department of Transportation under R.C. § 4511.09.

(H) Whoever violates this section is guilty of a minor misdemeanor.
(R.C. § 4513.28) (Rev. 2010)

§ 74.36 REQUIREMENTS FOR VEHICLES TRANSPORTING EXPLOSIVES.

(A) Any person operating any vehicle transporting explosives upon a highway shall at all times comply with the following requirements:

(1) The vehicle shall be marked or placarded on each side and on the rear with the word "EXPLOSIVES" in letters not less than eight inches high, or there shall be displayed on the rear of such vehicle a red flag not less than 24 inches square marked with the word "DANGER" in white letters six inches high, or shall be marked or placarded in accordance with Section 177.823 of the United States Department of Transportation regulations.

(2) The vehicle shall be equipped with not less than two fire extinguishers, filled and ready for immediate use, and placed at convenient points on such vehicle.
(R.C. § 4513.29)

(B) Whoever violates this section is guilty of a minor misdemeanor.
(R.C. § 4513.99) (Rev. 2013)

§ 74.37 STUDDED TIRES; SEASONAL USE PERMITTED.

(A) For the purposes of this section, ***STUDDED TIRE*** means any tire designed for use on a vehicle and equipped with metal studs or studs of wear-resisting material that project beyond the tread of the traction surface of the tire.

(B) (1) Except as provided in division (B)(2) of this section, no person shall operate any motor vehicle other than a public safety vehicle or school bus that is equipped with studded tires on any street or highway in this municipality, except during the period extending from the first day of November of each year through the fifteenth day of April of the succeeding year.

(2) A person may operate a motor vehicle that is equipped with retractable studded tires with the studs retracted at any time of the year, but shall operate the motor vehicle with the studs extended only as provided in division (B)(1) of this section.

(C) This section does not apply to the use of tire chains when there is snow or ice on the streets or highways where such chains are being used, or the immediate vicinity thereof.
(R.C. § 5589.081) (Rev. 2009)

(D) Whoever violates this section is guilty of a minor misdemeanor.
(R.C. § 5589.99(B))

§ 74.38 SAFETY INSPECTION DECALS FOR BUSES.

(A) *Definitions.* As used in this section:

BUS.

(a) Means any vehicle used for the transportation of passengers that meets at least one of the following:

1. Was originally designed by the manufacturer to transport more than 15 passengers, including the driver;

2. Either the gross vehicle weight rating or the gross vehicle weight exceeds 10,000 pounds.

(b) The term does not include a church bus as defined in R.C. § 4503.07 or a school bus unless the church bus or school bus is used in the transportation of passengers by a motor carrier.

(c) The term also does not include any of the following:

1. Any vehicle operated exclusively on a rail or rails;

2. A trolley bus operated by electric power derived from a fixed overhead wire furnishing local passenger transportation similar to street-railway service;

3. Vehicles owned or leased by government agencies or political subdivisions.

MOTOR CARRIER. Has the same meaning as in R.C. § 4923.01
(R.C. § 4513.50) (Rev. 2013)

(B) *Safety inspection decals.*

(1) Except as provided in division (B)(2) of this section, on and after July 1, 2001, no person shall operate a bus, nor shall any person being the owner of a bus or having supervisory responsibility for a bus, permit the operation of any bus unless the bus displays a valid, current safety inspection decal issued by the State Highway Patrol under R.C. § 4513.52.

(2) For the purpose of complying with the requirements of this section and R.C. § 4513.52, the owner or other operator of a bus may drive the bus directly to an inspection site conducted by the State Highway Patrol and directly back to the person's place of business without a valid registration and without displaying a safety inspection decal, provided that no passengers may occupy the bus during such operation.
(R.C. § 4513.51(A), (B))

(C) Whoever violates division (B)(1) of this section is guilty of a misdemeanor of the first degree.
(R.C. § 4513.51(D)) (Rev. 2004)

§ 74.39 AIR BAGS.

(A) As used in this section:

AIR BAG. Has the same meaning as in 49 C.F.R. § 579.4, as amended.

COUNTERFEIT AIR BAG. An air bag displaying a mark identical or similar to the genuine mark of a motor vehicle manufacturer, without the authorization of the motor vehicle manufacturer.

NONFUNCTIONAL AIR BAG. Any of the following:

(a) A replacement air bag that has been previously deployed or damaged;

(b) A replacement air bag that has an electrical fault that is detected by the air bag diagnostic system of a vehicle after the air bag is installed;

(c) A counterfeit air bag, air bag cover, or some other object that is installed in a vehicle to deceive an owner or operator of the vehicle into believing that a functional air bag has been installed.

(B) No person shall install or reinstall in any motor vehicle a counterfeit or nonfunctional air bag or any object intended to fulfill the function of an air bag other than an air bag that was designed in conformance with or that is regulated by Federal Motor Vehicle Safety Standard Number 208 for the make, model, and model year of the vehicle, knowing that the object is not in accordance with that standard.

(C) No person shall knowingly manufacture, import, sell, or offer for sale any of the following:

(1) A counterfeit air bag;

(2) A nonfunctional air bag;

(3) Any other object that is intended to be installed in a motor vehicle to fulfill the function of an air bag and that is not in conformance with Federal Motor Vehicle Safety Standard Number 208 for the make, model, and model year of the vehicle in which the object is intended to be installed.

(D) No person shall knowingly sell, install, or reinstall a device in a motor vehicle that causes the diagnostic system of a vehicle to inaccurately indicate that the vehicle is equipped with a functional air bag.

(E) (1) Whoever violates division (B) or (D) of this section is guilty of improper replacement of a motor vehicle air bag, a misdemeanor of the first degree on a first offense. On each subsequent offense, or if the violation results in serious physical harm to an individual, the person is guilty of a felony to be prosecuted under appropriate state law.

(2) A violation of division (C) of this section is a felony to be prosecuted under appropriate state law.

(3) Each manufacture, importation, installation, reinstallation, sale, or offer for sale in violation of this section shall constitute a separate and distinct violation.
(R.C. § 4549.20) (Rev. 2015)

LOADS

§ 74.50 PERMIT REQUIRED TO EXCEED LOAD LIMITS.

(A) (1) The municipality, with respect to highways under their jurisdiction, upon application in writing, shall issue a special regional heavy hauling permit authorizing the applicant to operate or move a vehicle or combination of vehicles as follows:

(a) At a size or weight of vehicle or load exceeding the maximum specified in R.C. §§ 5577.01 to 5577.09, or otherwise not in conformity with R.C. §§ 4513.01 to 4513.37.

(b) Upon any highway under the jurisdiction of municipality except those highways with a condition insufficient to bear the weight of the vehicle or combination of vehicles as stated in the application.

(c) Issuance of a special regional heavy hauling permit is subject to the payment of a fee established by the municipality in accordance with this section.

(2) In circumstances where a person is not eligible to receive a permit under division (A)(1) of this section, the municipality, with respect to highways under its jurisdiction, upon application in writing and for good cause shown, may issue a special permit in writing authorizing the applicant to operate or move a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum specified in R.C. §§ 5577.01 through 5577.09, or otherwise not in conformity with R.C. §§ 4513.01 through 4513.37, upon any highway under its jurisdiction.

(B) Notwithstanding R.C. §§ 715.22 and 723.01, the holder of a permit issued by the Director of Transportation under R.C. § 4513.34 may move the vehicle or combination of vehicles described in the permit on any highway that is a part of the state highway system when the movement is partly within and partly without the corporate limits of the municipality. No local authority shall require any other permit or license or charge any license fee or other charge against the holder of a permit for the movement of a vehicle or combination of vehicles on any highway which is a part of

the state highway system. The Ohio Director of Transportation shall not require the holder of a permit issued by the municipality to obtain a special permit for the movement of vehicles or combination of vehicles on highways within the jurisdiction of the municipality. Permits may be issued for any period of time not to exceed one year, as the local authority in its discretion determines advisable or for the duration of any public construction project.

(C) (1) The application for a permit issued under this section shall be in the form that the municipality prescribes. The municipality may prescribe a permit fee to be imposed and collected when any permit described in this section is issued. The permit fee may be in an amount sufficient to reimburse the municipality for the administrative costs incurred in issuing the permit, and also to cover the cost of normal and expected damage caused to the roadway or a street or highway structure as the result of the operation of the nonconforming vehicle or combination of vehicles.

(2) For the purposes of this section and of rules adopted by the Director under R.C. § 4513.34, milk transported in bulk by vehicle is deemed a nondivisible load.

(3) For purposes of this section and of rules adopted by the Director under R.C. § 4513.34, three or fewer aluminum coils, transported by a vehicle, are deemed a nondivisible load. The Director shall adopt rules establishing requirements for an aluminum coil permit that are substantially similar to the requirements for a steel coil permit under O.A.C. Chapter 5501:2-1.

(D) The municipality shall issue a special regional heavy hauling permit under division (A)(1) of this section upon application and payment of the applicable fee. However, the municipality may issue or withhold a special permit specified in division (A)(2) of this section. If a permit is to be issued, the municipality may limit or prescribe conditions of operation for the vehicle and may require the posting of a bond or other security conditioned upon the sufficiency of the permit fee to compensate for damage caused to the roadway or a street or highway structure. In addition, the municipality, as a condition of issuance of an overweight permit, may require the applicant to develop and enter into a mutual agreement with the municipality to compensate for or to repair excess damage caused to the roadway by travel under the permit.

(E) Every permit issued under this section shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any police officer or authorized agent of any authority granting the permit. No person shall violate any of the terms of a permit.

(F) The Director of Transportation may debar an applicant from applying for a special permit under this section upon a finding based on a reasonable belief that the applicant has done any of the actions specified in R.C. § 4513.34(F).

(G) Notice and procedures for debarment shall be as provided in R.C. § 4513.34(G).

(H) (1) No person shall violate the terms of a permit issued under this section that relate to gross load limits.

(2) No person shall violate the terms of a permit issued under this section that relate to axle load by more than 2,000 pounds per axle or group of axles.

(3) No person shall violate the terms of a permit issued under this section that relate to an approved route except upon order of a law enforcement officer or authorized agent of the issuing authority.

(I) A permit issued by the municipality under this section for the operation of a vehicle or combination of vehicles is valid for the purposes of the vehicle operation in accordance with the conditions and limitations specified on the permit. Such a permit is voidable by law enforcement only for operation of a vehicle or combination of vehicles in violation of the weight, dimension, or route provisions of the permit. However, a permit is not voidable for operation in violation of a route provision of a permit if the operation is upon the order of a law enforcement officer.
(R.C. § 4513.34) (Rev. 2020)

(J) Whoever violates this section is guilty of a minor misdemeanor.
(R.C. § 4513.99) (Rev. 2013)
Statutory reference:
Overweight or oversized vehicles, state permit regulations, see O.A.C. Chapter 5501:2-1

§ 74.51 LIMITATION OF LOAD EXTENSION ON LEFT SIDE OF VEHICLES.

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

(B) Whoever violates this section is guilty of a minor misdemeanor.
(R.C. § 4513.99) (Rev. 2013)

§ 74.52 ALL LOADS SHALL BE PROPERLY SECURED.

(A) No vehicle shall be driven or moved on any highway unless the vehicle is so constructed, loaded, or covered as to prevent any of its load from dropping, sifting, leaking, or otherwise escaping therefrom, except that sand or other substances may be dropped for the purpose of securing traction, or water or other substances may be sprinkled on a roadway in cleaning or maintaining the roadway.

(B) Except for a farm vehicle used to transport agricultural produce or agricultural production materials or a rubbish vehicle in the process of acquiring its load, no vehicle loaded with garbage, swill, cans, bottles, waste paper, ashes, refuse, trash, rubbish, waste, wire, paper, cartons, boxes,

glass, solid waste, or any other material of an unsanitary nature that is susceptible to blowing or bouncing from a moving vehicle shall be driven or moved on any highway unless the load is covered with a sufficient cover to prevent the load or any part of the load from spilling onto the highway.
(R.C. § 4513.31)

(C) Whoever violates this section is guilty of a minor misdemeanor.
(R.C. § 4513.99) (Rev. 2013)

§ 74.53 TOWING REQUIREMENTS; EXCEPTION TO SIZE AND WEIGHT RESTRICTIONS.

(A) (1) When one vehicle is towing another vehicle, the drawbar or other connection shall be of sufficient strength to pull all the weight towed thereby, and the drawbar or other connection shall not exceed 15 feet from one vehicle to the other, except the connection between any two vehicles transporting poles, pipe, machinery, or other objects of structural nature which cannot readily be dismembered.

(2) When one vehicle is towing another and the connection consists only of a chain, rope, or cable, there shall be displayed upon such connection a white flag or cloth not less than 12 inches square.

(3) In addition to such drawbar or other connection, each trailer and each semitrailer which is not connected to a commercial tractor by means of a fifth wheel shall be coupled with stay chains or cables to the vehicle by which it is being drawn. These chains or cables shall be of sufficient size and strength to prevent the towed vehicle's parting from the drawing vehicle in case the drawbar or other connection should break or become disengaged. In case of a loaded pole trailer, the connecting pole to the drawing vehicle shall be coupled to the drawing vehicle with stay chains or cables of sufficient size and strength to prevent the towed vehicle's parting from the drawing vehicle.

(4) Every trailer or semitrailer, except pole and cable trailers and pole and cable dollies operated by a public utility as defined in R.C. § 5727.01, shall be equipped with a coupling device which shall be so designed and constructed that the trailer will follow substantially in the path of the vehicle drawing it, without whipping or swerving from side to side. Vehicles used to transport agricultural produce or agricultural production materials between a local place of storage and supply and the farm, when drawn or towed on a street or highway at a speed of 25 miles per hour or less, and vehicles designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a street or highway for a distance of no more than ten miles and at a speed of 25 miles per hour or less, shall have a drawbar or other connection, including the hitch mounted on the towing vehicle, which shall be of sufficient strength to pull all the weight towed thereby. Only one such vehicle used to transport agricultural produce or agricultural production materials as provided in this section may be towed or drawn at one time except as follows:

(a) An agricultural tractor may tow or draw more than one such vehicle;

(b) A pickup truck or straight truck designed by the manufacturer to carry a load of not less than one-half ton and not more than two tons may tow or draw not more than two such vehicles that are being used to transport agricultural produce from the farm to a local place of storage. No vehicle being so towed by such a pickup truck or straight truck shall be considered to be a motor vehicle.
(R.C. § 4513.32) (Rev. 1999)

(B) Whoever violates this section is guilty of a minor misdemeanor.
(R.C. § 4513.99) (Rev. 2013)

(C) Exception to size and weight restrictions.

(1) The size and weight provisions of this chapter and R.C. Chapter 5577 do not apply to a any of the following:

(a) A person who is engaged in the initial towing or removal of a wrecked or disabled motor vehicle from the site of an emergency on a public highway where the vehicle became wrecked or disabled to the nearest site where the vehicle can be brought into conformance with the requirements of this chapter and R.C. Chapter 5577, to the nearest storage facility, or to the nearest qualified repair facility;

(b) A person who is en route to the site of an emergency on a public highway to remove a wrecked or disabled motor vehicle;

(c) A person who is returning from delivering a wrecked or disabled motor vehicle to a site, storage facility, or repair facility as specified in division (C)(1)(a) of this section.

(2) Any subsequent towing of a wrecked or disabled vehicle shall comply with the size and weight provisions of this chapter and R.C. Chapter 5577.

(3) No court shall impose any penalty prescribed in R.C. § 5577.99 or the civil liability established in R.C. § 5577.12 upon a person who is operating a vehicle in the manner described in division (C)(1) of this section.
(R.C. § 5577.15) (Rev. 2020)

§ 74.54 WEIGHING OF VEHICLE; REMOVAL OF EXCESS LOAD.

(A) Any police officer having reason to believe that the weight of a vehicle and its load is unlawful may require the driver of the vehicle to stop and submit to a weighing of it by means of a compact, self-contained, portable, sealed

scale specially adapted to determining the wheel loads of vehicles on highways; a sealed scale permanently installed in a fixed location, having a load-receiving element specially adapted to determining the wheel loads of highway vehicles; a sealed scale, permanently installed in a fixed location, having a load-receiving element specially adapted to determining the combined load of all wheels on a single axle or on successive axles of a highway vehicle; or a sealed scale adapted to weighing highway vehicles, loaded or unloaded.

(B) The driver of the vehicle shall, if necessary, be directed to proceed to the nearest available sealed scales to accomplish the weighing, provided the scales are within three miles of the point where the vehicle is stopped.

(C) Any vehicle stopped in accordance with this section may be held by the police officer for a reasonable time only to accomplish the weighing as prescribed by this section.

(D) All scales used in determining the lawful weight of a vehicle and its load shall be annually compared by a municipal, county or state sealer with the state standards or standards approved by the state, and the scales shall not be sealed if they do not conform to the state standards or standards approved by the state.

(E) At each end of a permanently installed scale, there shall be a straight approach in the same plane as the platform, of sufficient length and width to insure the level positioning of vehicles during weight determinations. During determination of weight by compact, self-contained, portable, sealed scales, specially adapted to determining the wheel loads of vehicles on highways, they shall always be used on a level terrain of sufficient length and width to accommodate the entire vehicle being weighed. Such terrain shall be level, or if not level, it shall be of such elevation that the difference in elevation between the wheels on any one axle does not exceed two inches and the difference in elevation between axles being weighed does not exceed one-quarter inch per foot of the distance between such axles.

(F) In all determinations of all weights, except gross weight, by compact, self-contained, portable, sealed scales, specially adapted to determining the wheel loads of vehicles on highways, all successive axles, 12 feet or less apart, shall be weighed simultaneously by placing one such scale under the outside wheel of each such axle. In determinations of gross weight by the use of compact, self-contained, portable, sealed scales, specially adapted to determining the wheel loads of vehicles on highways, all axles shall be weighed simultaneously by placing one such scale under the outside wheel of each axle.

(G) Whenever an officer, upon weighing a vehicle and load, determines that the weight is unlawful, he or she may require the driver to stop the vehicle in a suitable place and remain standing until such portion of the load is removed as is necessary to reduce the weight of the vehicle to the limit permitted under R.C. §§ 5577.01 through 5577.14 and this chapter.
(R.C. § 4513.33)

Statutory reference:
Alteration of weight limits, approval of Director required, see R.C. § 4513.33

§ 74.55 OPERATION OF VEHICLE EXCEEDING WEIGHT LIMITS PROHIBITED.

(A) No traction engine, steam roller, or other vehicle, load, object or structure, whether propelled by muscular or motor power, not including vehicles run upon stationary rails or tracks, fire engines, fire trucks, or other vehicles or apparatus belonging to or used by any municipal or volunteer fire department in the discharge of its functions, shall be operated or moved over or upon the improved public streets, highways, bridges, or culverts in this municipality upon wheels, rollers or otherwise, weighing in excess of the weights prescribed in this subchapter or R.C. §§ 5577.01 et seq., including the weight of the vehicle, object, structure or contrivance and load, except upon special permission granted as provided by R.C. § 4513.34 or a substantially equivalent municipal ordinance.
(R.C. § 5577.02) (Rev. 1999)

(B) Whoever violates the weight provisions of this section shall be fined $80 for the first 2,000 pounds, or fraction thereof, of overload; for overloads in excess of 2,000 pounds, but not in excess of 5,000 pounds, such person shall be fined $100, and in addition thereto $1 per 100 pounds of overload; for overloads in excess of 5,000 pounds but not in excess of 10,000 pounds, such person shall be fined $130, and in addition thereto $2 per 100 pounds of overload, or imprisoned not more than 30 days, or both. For all overloads in excess of 10,000 pounds, such person shall be fined $160, and in addition thereto $3 per 100 pounds of overload, or imprisoned not more than 30 days, or both. Whoever violates the weight provisions of vehicle and load relating to gross load limits shall be fined not less than $100. No penalty prescribed in this division (B)(2) shall be imposed on any vehicle combination if the overload on any one axle does not exceed 1,000 pounds, and if the immediately preceding or following axle, excepting the front axle of the vehicle combination, is underloaded by the same or greater amount. For purposes of this division (B)(2), two axles on one vehicle less than eight feet apart shall be considered as one axle.
(R.C. § 5577.99(A)) (Rev. 1997)

§ 74.56 LOAD LIMITS.

(A) *Weight of load; width of tire.* No person, firm or corporation shall transport over the improved public streets, alleys, intercounty highways, state highways, bridges or culverts in this municipality, in any vehicle propelled by muscular, motor or other power, any burden, including weight of vehicle and load, greater than the following:

(1) (a) In vehicles having metal tires three inches or less in width, a load of 500 pounds for each inch of the total width of the tire on all wheels;

(b) When the tires on such vehicles exceed three inches in width, an additional load of 800 pounds shall be permitted for each inch by which the total width of the tires on all wheels exceeds 12 inches.

(2) In vehicles having tires of rubber or other similar substance, for each inch of the total width of tires on all wheels, as follows:

Tire Width (in inches)	***Load Limit (in pounds)***
3	450
3.5	450
4	500
5	600
6 and over	650

(3) The total width of tires on all wheels shall be, in the case of solid tires of rubber or other similar substance, the actual width in inches of all such tires between the flanges at the base of the tires, but in no event shall that portion of tire coming in contact with the road surface be less than two-thirds the width so measured between the flanges.

(4) In the case of pneumatic tires, of rubber or other similar substance, the total width of tires on all wheels shall be the actual width of all such tires, measured at the widest portion thereof when inflated and not bearing a load.

(5) In no event shall the load, including the proportionate weight of vehicle that can be concentrated on any wheel, exceed 650 pounds to each inch in width of the tread as defined in this division (A) for solid tires, or each inch in the actual diameter of pneumatic tires measured when inflated and not bearing a load.
(R.C. § 5577.03)

(B) *Vehicles with pneumatic tires, load limits.*

(1) The maximum wheel load of any one wheel of any vehicle, load, object or structure operated or moved upon improved public highways, streets, bridges or culverts shall not exceed 650 pounds per inch width of pneumatic tire, measured as prescribed by division (A) of this section.

(2) The weight of the vehicle and load imposed upon a road surface that is part of the interstate system by vehicles with pneumatic tires shall not exceed any of the following weight limitations:

(a) On any one axle, 20,000 pounds;

(b) On any tandem axle, 34,000 pounds;

(c) On any two or more consecutive axles, the maximum weight as determined by application of the formula provided in division (B)(3) of this section.

(3) (a) For purposes of division (B)(2)(c) of this section, the maximum gross weight on any two or more consecutive axles shall be determined by application of the following formula: $W = 500[(LN/–1) + 12N + 36]$

(b) In this formula, W equals the overall gross weight on any group of two or more consecutive axles to the nearest 500 pounds, L equals the distance in rounded whole feet between the extreme of any group of two or more consecutive axles, and N equals the number of axles in the group under consideration. However, two consecutive sets of tandem axles may carry a gross load of 34,000 pounds each, provided the overall distance between the first and last axles of such consecutive sets of tandem axles is 36 feet or more.

(4) Except as provided in division (B)(9) of this section, the weight of vehicle and load imposed upon a road surface that is not part of the interstate system by vehicles with pneumatic tires shall not exceed any of the following weight limitations:

(a) On any one axle, 20,000 pounds.

(b) On any two successive axles:

1. Spaced four feet or less apart, and weighed simultaneously, 24,000 pounds;

2. Spaced more than four feet apart, and weighed simultaneously, 34,000 pounds, plus 1,000 pounds per foot or fraction thereof, over four feet, not to exceed 40,000 pounds.

(c) On any three successive load-bearing axles designed to equalize the load between such axles and spaced so that each such axle of the three-axle group is more than four feet from the next axle in the three-axle group and so that the spacing between the first axle and the third axle in the three-axle group is no more than nine feet, and with such load-bearing three-axle group weighed simultaneously as a unit:

1. A weight of 48,000 pounds, with the total weight of the vehicle and load not exceeding 38,000 pounds plus an additional 900 pounds for each foot of spacing between the front axle and the rearmost axle of the vehicle;

2. As an alternative to division (B)(4)(c)1. of this section, 42,500 pounds, if part of a six-axle vehicle combination with at least 20 feet of spacing between the front axle and rearmost axle, with the total weight of the vehicle and load not exceeding 54,000 pounds plus an additional 600 pounds per each foot of spacing between the front axle and the rearmost axle of the vehicle.

(d) The total weight of the vehicle and load utilizing any combination of axles, other than as provided for three-axle groups in division (B)(4) of this section, shall not exceed 38,000 pounds plus an additional 900 pounds for each foot of spacing between the front axle and the rearmost axle of the vehicle.

(5) Notwithstanding divisions (B)(2) and (B)(4) of this section, the maximum overall gross weight of a vehicle and load imposed upon the road surface shall not exceed 80,000 pounds.

(6) Notwithstanding any other provision of law, when a vehicle is towing another vehicle, such drawbar or other connection shall be of a length such as will limit the spacing between nearest axles of the respective vehicles to a distance not in excess of 12.5 feet.

(7) As used in division (B)(2) of this section, ***TANDEM AXLE*** means two or more consecutive axles whose centers may be included between parallel transverse vertical planes spaced more than 40 inches but not more than 96 inches apart, extending across the full width of the vehicle.

(8) This division (B) does not apply to passenger bus type vehicles operated by a regional transit authority pursuant to R.C. §§ 306.30 through 306.54.

(9) Either division (B)(2) or (B)(4) of this section applies to the weight of a vehicle and its load imposed upon any road surface that is not a part of the interstate system by vehicles with pneumatic tires. As between divisions (B)(2) and (B)(4) of this section, only the division that yields the highest total gross vehicle weight limit shall be applied to any such vehicle. Once that division has been determined, only the limits contained in the subdivisions of that division shall apply to that vehicle.
(R.C. § 5577.04) (Rev. 2002)

(C) *Axle and wheel load, gross weights and towing connection length for solid rubber tires.*

(1) No vehicle, load, object or structure having a maximum axle load greater than 16,000 pounds when such vehicle is equipped with solid rubber tires shall be operated or moved upon the improved public highways, streets, bridges or culverts. The maximum wheel load of any one wheel of such vehicle shall not exceed 650 pounds per inch width of tire, measured as prescribed by division (A) of this section, nor shall any solid tire or rubber or other resilient material, on any wheel of any such vehicle, be less than one inch thick when measure from the top of the flanges of the tire channel.

(2) The weight of vehicle and load imposed upon the road surface by any two successive axles, spaces four feet or less apart, shall not exceed 19,000 pounds for solid tires; or by any two successive axles spaced more than four feet but less than eight feet apart, shall not exceed 24,000 pounds for solid tires; or by any two successive axles, spaced eight feet or more apart, shall not exceed 28,000 pounds for solid tires; nor shall the total weight of vehicle and load exceed, for solid rubber tires, 28,000 pounds plus an additional 600 pounds for each foot or fraction thereof of spacing between the front axle and the rear-most axle of the vehicle; nor shall the weight of the vehicle and load imposed upon the road surface by any vehicle equipped with solid rubber tires exceed 80% of the permissible weight of vehicle and load as provided for pneumatic tires.

(3) Notwithstanding any other provision of law, when a vehicle is towing another vehicle, such drawbar or other connection shall be of a length such as will limit the spacing between the nearest axles of the respective vehicles to a distance not in excess of 12.5 feet. If the provisions of this division (C) are held to exceed the weight limitations or other provisions set forth in the "Federal-Aid Highway Act of 1958", 72 Stat. 902, 23 U.S.C. § 127, this division (C) shall become null and void to the extent of such inconsistency.
(R.C. § 5577.041)

(D) *Penalties.*

(1) Whoever violates this section is guilty of a minor misdemeanor on a first offense; on a second or subsequent offense, such person is guilty of a misdemeanor of the fourth degree.
(R.C. § 5577.99(C)) (Rev. 2005)

(2) Whoever violates the weight provisions of this section shall be punished as set forth in § 74.55(B).

(E) *Modification of load limits.* The load limits established in this section may be modified or waived upon special permission granted as provided in R.C. § 4513.34 or a substantially equivalent municipal ordinance.
(Rev. 1999)

§ 74.57 MAXIMUM WIDTH, HEIGHT, AND LENGTH.

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

(B) No such vehicle shall have a width:

(1) In excess of 104 inches for passenger bus type vehicles operated exclusively within the municipality.

(2) In excess of 102 inches, excluding such safety devices as are required by law, for passenger bus type vehicles operated over freeways, and such other state roads with minimum pavement widths of 22 feet, except those roads or portions of roads over which operation of 102-inch buses is prohibited by order of the Director of Transportation.

(3) In excess of 132 inches for traction engines.

(4) In excess of 102 inches for recreational vehicles, excluding safety devices and retracted awnings and other appurtenances of six inches or less in width and except that the Director may prohibit the operation of 102-inch recreational vehicles on designated state highways or portions of highways.

(5) In excess of 102 inches, including load, for all other vehicles, except that the Director may prohibit the operation of 102-inch vehicles on such state highways or portions of state highways as the Director designates.

(C) No such vehicle shall have a length:

(1) In excess of 66 feet for passenger bus type vehicles and articulated passenger bus type vehicles operated by a regional transit authority pursuant to R.C. §§ 306.30 through 306.54.

(2) In excess of 45 feet for all other passenger bus type vehicles.

(3) In excess of 53 feet for any semitrailer when operated in a commercial tractor-semitrailer combination, with or without load, except that the Director may prohibit the operation of any such commercial tractor-semitrailer combination on such state highways or portions of state highways as the Director designates.

(4) In excess of 28.5 feet for any semitrailer or trailer when operated in a commercial tractor-semitrailer-trailer or commercial tractor-semitrailer-semitrailer combination, except that the Director may prohibit the operation of any such commercial tractor-semitrailer-trailer or commercial tractor-semitrailer-semitrailer combination on such state highways or portions of state highways as the Director designates.

(5) (a) In excess of 97 feet for drive-away saddlemount vehicle transporter combinations and drive-away saddlemount with fullmount vehicle transporter combinations when operated on any interstate, United States route, or state route, including reasonable access travel on all other roadways for a distance not to exceed one road mile from any interstate, United States route, or state route, not to exceed three saddlemounted vehicles, but which may include one fullmount;

(b) In excess of 75 feet for drive-away saddlemount vehicle transporter combinations and drive-away saddlemount with fullmount vehicle transporter combinations when operated on any roadway not designated as an interstate, United States route, or state route, not to exceed three saddlemounted vehicles, but which may include one fullmount.

(6) In excess of 65 feet for any other combination of vehicles coupled together, with or without load, except as provided in division (C)(3) and (C)(4), and in division (E) below.

(7) In excess of 45 feet for recreational vehicles.

(8) In excess of 50 feet for all other vehicles, except trailers and semitrailers, with or without load.

(D) No such vehicle shall have a height in excess of 13.5 feet, with or without load.

(E) An automobile transporter or boat transporter shall be allowed a length of 65 feet, and a stinger-steered automobile transporter or stinger-steered boat transporter shall be allowed a length of 75 feet, except that the load thereon may extend no more than four feet beyond the rear of such vehicles and may extend no more than three feet beyond the front of such vehicles, and except further that the Director may prohibit the operation of a stinger-steered automobile transporter, stinger-steered boat transporter, or a B-train assembly on any state highway or portion of any state highway that the Director designates.

(F) (1) The widths prescribed in division (B) of this section shall not include side mirrors, turn signal lamps, marker lamps, handholds for cab entry and egress, flexible fender extensions, mud flaps, splash and spray suppressant devices, and load-induced tire bulge.

(2) The widths prescribed in division (B)(5) of this section shall not include automatic covering devices, tarp and tarp hardware, and tiedown assemblies, provided these safety devices do not extend more than three inches from either side of the vehicle.

(3) The lengths prescribed in divisions (C)(2) through (C)(7) shall not include safety devices, bumpers attached to the front or rear of such bus or combination, non-property carrying devices or components that do not extend more than 24 inches beyond the rear of the vehicle and are needed for loading or unloading, B-train assembly used between the first and second semitrailer of a commercial tractor-semitrailer-semitrailer combination, energy conservation devices as provided in any regulations adopted by the Secretary of the United States Department of Transportation, or any noncargo-carrying refrigerator equipment attached to the front of trailers and semitrailers. In special cases, vehicles that dimensions exceed those prescribed by this section may operate in accordance with rules adopted by the Director.

(G) (1) This section does not apply to fire engines, fire trucks, or other vehicles or apparatus belonging to the municipality or to the volunteer fire department thereof or used by such department in the discharge of its functions. This section does not apply to vehicles and pole trailers used in the transportation of wooden and metal poles, nor to the transportation of pipes or well-drilling equipment, nor to farm machinery and equipment.

(2) The owner or operator of any vehicle, machinery, or equipment not specifically enumerated in this section but the dimensions of which exceed the dimensions provided by this section, when operating the same on the highways and streets of the municipality, shall comply with the rules of the Director governing such movement. Any person adversely affected shall have the same right of appeal as provided in R.C. Chapter 119.

(3) This section does not require the municipality or any railroad or other private corporation to provide sufficient vertical clearance to permit the operation of such vehicle, or to make any changes in or about existing structures now crossing streets, roads, and other public thoroughfares.

(H) As used in this section, ***RECREATIONAL VEHICLE*** has the same meaning as in R.C. § 4501.01.
(R.C. § 5577.05) (Rev. 2014)

(I) No person shall violate any rule or regulation promulgated by the Director of Transportation in accordance with R.C. § 5577.05.
(R.C. § 5577.06)

(J) Whoever violates this section is guilty of a minor misdemeanor on a first offense; on a second or subsequent offense, such person is guilty of a misdemeanor of the fourth degree.
(R.C. § 5577.99(C)) (Rev. 2005)

§ 74.58 STATEMENT OF GROSS VEHICLE WEIGHT.

(A) No person shall issue or aid in issuing any bill of lading or other document of like nature in lieu thereof, which bill or document is to accompany a shipment of goods or property by truck, trailer, semitrailer, commercial tractor, or any other commercial vehicle used for the transportation of property, the gross weight of which, with load, exceeds three tons, with intent to defraud by misrepresentation thereon the weight of such goods of property to be so transported.

(B) Any driver or operator of a commercial car, trailer or semitrailer may obtain from any person, firm, partnership, corporation or association, including the owner, lessee, or operator of such commercial car, trailer or semitrailer, owning and operating sealed scales in this state, a written "statement of gross vehicle weight" showing the gross weight of the vehicle including the cargo on the vehicle, the name and address of the person issuing the statement, and the date and place where the vehicle and its cargo were weighed. The driver or operator of the commercial car, trailer or semitrailer shall retain such statement of gross vehicle weight on his or her person, and any law enforcement officer may request that such driver or operator exhibit it to him or her. If, upon examining the statement of gross vehicle weight, the law enforcement officer has reason to believe that the information contained therein is correct in every respect, he or she shall indorse it with his or her name and the date and place where it was exhibited to him or her. The law enforcement officer may then permit such driver or operator to proceed without weighing by a law enforcement officer. No person shall willfully issue a written statement of gross vehicle weight and knowingly give any false information in such statement.
(R.C. § 5577.10)

(C) Whoever violates division (A) of this section shall be fined not more than $5,000 or imprisoned for not less than 30 days nor more than six months, or both.
(R.C. § 5577.99(D))

§ 74.59 WHEEL PROTECTORS REQUIRED ON HEAVY COMMERCIAL VEHICLES.

(A) No person shall drive or operate, or cause to be driven or operated, any commercial car, trailer, or semitrailer, used for the transportation of goods or property, the gross weight of which, with load, exceeds three tons, upon the public highways, streets, bridges, and culverts within the municipality, unless such vehicle is equipped with suitable metal protectors or substantial flexible flaps on the rearmost wheels of such vehicle or combination of vehicles to prevent, as far as practicable, the wheels from throwing dirt, water, or other materials on the windshields of following vehicles. Such protectors or flaps shall have a ground clearance of not more than one-third of the distance from the center of the rearmost axle to the center of the flaps under any conditions of loading of the vehicle, and they shall be at least as wide as the tires they are protecting. If the vehicle is so designed and constructed that such requirements are accomplished by means of fenders, body construction, or other means of enclosure, then no such protectors or flaps are required. Rear wheels not covered at the top by fenders, bodies, or other parts of the vehicle shall be covered at the top by protective means extending at least to the center line of the rearmost axle.
(R.C. § 5577.11) (Rev. 2001)

(B) Whoever violates this section shall be fined not more than $25.
(R.C. § 5577.99(E))

§ 74.60 LIABILITY FOR DAMAGES; PROSECUTION; APPLICATION OF MONIES.

Any person violating any law relating to or regulating the use of the improved public roads shall be liable for all damage resulting to any such street, highway, bridge or culvert by reason of such violation. In case of any injury to such street, highway, bridge or culvert, such damages shall be collected by civil action for recovery of such damages brought by the proper authorities of the municipality. All damages collected under this section shall be paid into the treasury of the municipality and credited to any fund for the repairs of streets, highways, roads, bridges or culverts.
(R.C. § 5577.12)

§ 74.61 WEIGHT EXCEPTIONS FOR CERTAIN VEHICLES.

(A) As used in this section:

COAL TRUCK. Means a truck transporting coal from the site where it is mined when the truck is operated in accordance with this section.

FARM COMMODITIES. Includes livestock, bulk milk, corn, soybeans, tobacco and wheat.

FARM MACHINERY. Has the same meaning as in R.C. § 4501.01.

FARM TRUCK. Means a truck used in the transportation from a farm of farm commodities when the truck is operated in accordance with this section.

LOG TRUCK. Means a truck used in the transportation of timber from the site of its cutting when the truck is operated in accordance with this section.

SOLID WASTE. Has the same meaning as in R.C. § 3743.01.

SOLID WASTE HAUL VEHICLE. Means a vehicle hauling solid waste for which a bill of lading has not been issued.

(B) (1) Notwithstanding R.C. §§ 5577.02 and 5577.04, or any substantially equivalent municipal ordinance, the following vehicles under the described conditions may exceed by no more than 7.5% the weight provisions of R.C. §§ 5577.01 to 5577.09, or any substantially equivalent municipal ordinance, and no penalty prescribed in R.C. § 5577.99, or any substantially equivalent municipal ordinance, shall be imposed:

(a) A coal truck transporting coal, from the place of production to the first point of delivery where title to the coal is transferred;

(b) A farm truck or farm machinery transporting farm commodities, from the place of production to the first point of delivery where the commodities are weighed and title to the commodities is transferred;

(c) A log truck transporting timber, from the site of its cutting to the first point of delivery where the timber is transferred;

(d) A solid waste haul vehicle hauling solid waste, from the place of production to the first point of delivery where the solid waste is disposed of or title to the solid waste is transferred.

(2) In addition, if any of the vehicles listed in division (B)(1) of this section and operated under the conditions described in that division does not exceed by more than 7.5% the gross vehicle weight provisions of R.C. §§ 5577.01 to 5577.09, or any substantially equivalent municipal ordinance, and does not exceed the wheel or axle-load limits of those sections by more than 7.5%, no penalty prescribed in R.C. § 5577.99, or any substantially equivalent municipal ordinance, for a wheel or axle overload shall be imposed.

(C) If any of the vehicles listed in division (B)(1) of this section and operated under the conditions described in that division exceeds the weight provisions of R.C. §§ 5577.01 to 5577.09, or any substantially equivalent municipal ordinance, by more than the percentage allowance of either divisions (B)(1) or (B)(2) of this section, both of the following apply without regard to the allowance provided by this division (B) of this section:

(1) The applicable penalty prescribed in R.C. § 5577.99, or any substantially equivalent municipal ordinance;

(2) The civil liability imposed by R.C. § 5577.12, or any substantially equivalent municipal ordinance.

(D) (1) Division (B) of this section does not apply to the operation of a farm truck, log truck, or farm machinery transporting farm commodities during the months of February and March.

(2) Regardless of when the operation occurs, division (B) of this section does not apply to the operation of a vehicle on either of the following:

(a) A highway that is part of the interstate system;

(b) A highway, road, or bridge that is subject to reduced maximum weights under R.C. § 4513.33, 5577.07, 5577.071, 5577.08, 5577.09, or 5591.42, or any substantially equivalent municipal ordinance.
(R.C. § 5577.042) (Rev. 2012)

(E) Notwithstanding R.C. §§ 5577.02 and 5577.04, or any substantially equivalent municipal ordinance, the following vehicles under the described conditions may exceed by no more than 7.5% the weight provisions of R.C. §§ 5577.01 to 5577.09, or any substantially equivalent municipal ordinance, and no penalty prescribed in R.C. § 5577.99, or any substantially equivalent municipal ordinance, shall be imposed:

(1) A surface mining truck transporting minerals from the place where the minerals are loaded to any of the following:

(a) The construction site where the minerals are discharged;

(b) The place where title to the minerals is transferred;

(c) The place of processing.

(2) A vehicle transporting hot mix asphalt material from the place where the material is first mixed to the paving site where the material is discharged;

(3) A vehicle transporting concrete from the place where the material is first mixed to the site where the material is discharged;

(4) A vehicle transporting manure, turf, sod, or silage from the site where the material is first produced to the first place of delivery;

(5) A vehicle transporting chips, sawdust, mulch, bark, pulpwood, biomass, or firewood from the site where the

product is first produced or harvested to first point where the product is transferred.

(F) In addition, if any of the vehicles listed in division (E) of this section and operated under the conditions described in that division do not exceed by more than 7.5% the gross vehicle weight provisions of R.C. §§ 5577.01 to 5577.09, or any substantially equivalent municipal ordinance, and do not exceed the wheel or axle-load limits of those sections by more than 7.5%, no penalty prescribed in R.C. § 5577.99, or any substantially equivalent municipal ordinance, for a wheel or axle overload shall be imposed.

(G) If any of the vehicles listed in division (E) of this section and operated under the conditions described in that division exceed the weight provisions of R.C. §§ 5577.01 to 5577.09, or any substantially equivalent municipal ordinance, by more than the percentage allowance of either divisions (E) or (F) of this section, both of the following apply without regard to the allowance provided by division (E) or (F) of this section:

(1) The applicable penalty prescribed in R.C. § 5577.99, or any substantially equivalent municipal ordinance;

(2) The civil liability imposed by R.C. § 5577.12, or any substantially equivalent municipal ordinance.

(H) Divisions (E) and (F) of this section do not apply to the operation of a vehicle listed in division (E) of this section on either of the following:

(1) A highway that is part of the interstate system;

(2) A highway, road, or bridge that is subject to reduced maximum weights under R.C. § 4513.33, 5577.07, 5577.071, 5577.08, 5577.09, or 5591.42, or any substantially equivalent municipal ordinance.
(R.C. § 5577.043) (Rev. 2012)

(I) Notwithstanding R.C. §§ 5577.02 and 5577.04, or any substantially equivalent municipal ordinance, a vehicle fueled solely by compressed natural gas or liquid natural gas may exceed by not more than 2,000 pounds the gross vehicle weight provisions of R.C. §§ 5577.01 to 5577.09, or any substantially equivalent municipal ordinance, or the axle load limits of those sections.

(J) If a vehicle described in division (I) of this section exceeds the weight provisions of R.C. §§ 5577.01 to 5577.09, or any substantially equivalent municipal ordinance, by more than the allowance provided for in division (I) of this section, both of the following apply:

(1) The applicable penalty prescribed in R.C. § 5577.99, or any substantially equivalent municipal ordinance;

(2) The civil liability imposed by R.C. § 5577.12, or any substantially equivalent municipal ordinance.

(K) Division (I) of this section does not apply to the operation of a vehicle on a highway, road, or bridge that is subject to reduced maximum weights under R.C. § 4513.33, 5577.07, 5577.071, 5577.08, 5577.09, or 5591.42, or any substantially equivalent municipal ordinance.
(R.C. § 5577.044) (Rev. 2020)

CHAPTER 75: BICYCLES, MOTORCYCLES, AND OFF-ROAD VEHICLES

Section

General Provisions

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Cross-reference:

Operation restricted for mini-trucks and low-speed, under-speed, or utility vehicles, see § 73.16

Statutory reference:

Bicycle regulations to be consistent with state law, see R.C. § 4511.07(A)(8)

Protective eye devices required for motorcycle operators and passengers; helmets required for persons under 18 years of age, see O.A.C. § 4501-17-01

GENERAL PROVISIONS

§ 75.01 BICYCLES; APPLICATION OF TITLE VII.

(A) The provisions of this title that are applicable to bicycles and electric bicycles apply whenever a bicycle or electric bicycle is operated upon any highway or upon any path set aside for the exclusive use of bicycles.

(B) Except as provided in division (D) of this section, a bicycle operator or electric bicycle operator who violates any provisions of this title described in division (A) of this section that is applicable to bicycles or electric bicycles may be issued a ticket, citation, or summons by a law enforcement officer for the violation in the same manner as the operator of a motor vehicle would be cited for the same violation. A person who commits any such violation while operating a bicycle or electric bicycle shall not have any points assessed against the person's driver's license, commercial driver's license, temporary instruction permit, or probationary license under R.C. § 4510.036.

(C) Except as provided in division (D) of this section, in the case of a violation of any provision of this title described in division (A) of this section by a bicycle operator, electric bicycle operator, or motor vehicle operator when the trier of fact finds that the violation by the motor vehicle operator endangered the lives of bicycle riders or electric bicycle riders at the time of the violation, the court, notwithstanding any provision of the Ohio Revised Code to the contrary, may require the bicycle operator, electric bicycle operator, or motor vehicle operator to take and successfully complete a bicycling skills course approved by the court in addition to or in lieu of any penalty otherwise prescribed by this Traffic Code or the Ohio Revised Code for that violation.

(D) Divisions (B) and (C) of this section do not apply to violations of R.C. § 4511.19, or a substantially equivalent municipal ordinance.
(R.C. § 4511.52) (Rev. 2020)

§ 75.02 OPERATION OF MOTORIZED BICYCLE.

(A) No person shall operate a motorized bicycle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking, unless all of the following conditions are met:

(1) The person is 14 or 15 years of age and holds a valid probationary motorized bicycle license issued after the person has passed the test provided for in this section, or the person is 16 years of age or older and holds either a valid commercial driver's license issued under R.C. Chapter 4506 or a driver's license issued under R.C. Chapter 4507 or a valid motorized bicycle license issued after the person has passed the test provided for in this section, except that if a person is 16 years of age, has a valid probationary motorized bicycle license and desires a motorized bicycle license, the person is not required to comply with the testing requirements provided for in this section.

(2) The motorized bicycle is equipped in accordance with the rules adopted under division (B) of this section and is in proper working order.

(3) The person, if under 18 years of age, is wearing a protective helmet on the person's head with the chin strap properly fastened and the motorized bicycle is equipped with a rearview mirror.

(4) The person operates the motorized bicycle when practicable within three feet of the right edge of the roadway obeying all traffic rules applicable to vehicles.

(B) The Director of Public Safety, subject to R.C. Chapter 119, shall adopt and promulgate rules concerning protective helmets, the equipment of motorized bicycles, and the testing and qualifications of persons who do not hold a valid driver's or commercial driver's license. The test shall be as near as practicable to the examination required for a motorcycle operator's endorsement under R.C. § 4507.11. The test shall also require the operator to give an actual demonstration of the operator's ability to operate and control a motorized bicycle by driving one under the supervision of an examining officer.

(C) Every motorized bicycle license expires on the birthday of the applicant in the fourth year after the date it is issued, but in no event shall any motorized bicycle license be issued for a period longer than four years.

(D) No person operating a motorized bicycle shall carry another person upon the motorized bicycle.

(E) The protective helmet and rearview mirror required by division (A)(3) of this section shall, on and after January 1, 1985, conform with rules adopted by the Director under division (B) of this section.

(F) Whoever violates division (A), (D), or (E) of this section is guilty of a minor misdemeanor.
(R.C. § 4511.521) (Rev. 2020)

Statutory reference:

Suspension of probationary motorized bicycle license by the state, see R.C. § 4510.34

§ 75.03 ELECTRIC BICYCLES.

(A) (1) On and after January 1, 2020, manufacturers and distributors of electric bicycles shall permanently affix a label, in a prominent location, to each electric bicycle. The label shall specify whether the electric bicycle is a class 1, class 2, or class 3 electric bicycle, the top assisted speed that the electric bicycle is capable of reaching, and the motor wattage of the electric bicycle.

(2) No person shall modify an electric bicycle in a manner that changes the top assisted speed that the electric bicycle is capable of reaching unless the person also modifies the label required under division (A)(1) of this section to reflect the modification.

(B) (1) The manufacturer of an electric bicycle shall ensure that the electric bicycle complies with the equipment and manufacturing requirements for bicycles established by the consumer product safety commission under 16 C.F.R. §§ 1512 et seq.

(2) The manufacturer shall manufacture all class 1 electric bicycles and class 3 electric bicycles so that when the rider ceases pedaling the electric motor ceases to provide assistance. The manufacturer shall manufacture all class 2 electric bicycles so that when the rider applies the brakes or releases or activates a switch or similar mechanism the electric motor ceases to provide assistance.

(3) All class 3 electric bicycles shall be equipped with a speedometer that displays the speed of the electric bicycle in miles per hour.

(C) (1) The operation of a class 1 electric bicycle and a class 2 electric bicycle is permitted on a path set aside for the exclusive use of bicycles or on a shared-use path, unless the county, township, municipal corporation, other local authority, or state agency as defined in R.C. § 1.60 with control over the path by resolution, ordinance, or rule prohibits the use of a class 1 electric bicycle or class 2 electric bicycle on such a path.

(2) No person shall operate a class 3 electric bicycle on a path set aside for the exclusive use of bicycles or a shared-use path unless that path is within or adjacent to a highway or the county, township, municipal corporation, or local authority, or state agency as defined in R.C. § 1.60 with control over the path by resolution, ordinance, or rule authorizes the use of a class 3 electric bicycle on such a path.

(3) No person shall operate a class 1 electric bicycle, a class 2 electric bicycle, or a class 3 electric bicycle on a path that is intended to be used primarily for mountain biking, hiking, equestrian use, or other similar uses, or any other single track or natural surface trail that has historically been reserved for non-motorized use, unless the county, township, municipal corporation, other local authority, or state agency as defined in R.C. § 1.60 with control over the path by resolution, ordinance, or rule authorizes the use of a class 1 electric bicycle, a class 2 electric bicycle, or a class 3 electric bicycle on such a path.

(D) (1) No person under 16 years of age shall operate a class 3 electric bicycle; however, a person under 16 years of age may ride as a passenger on a class 3 electric bicycle that is designed to accommodate passengers.

(2) No person shall operate or be a passenger on a class 3 electric bicycle unless the person is wearing a protective helmet that meets the standards established by the Consumer Product Safety Commission or the American Society for Testing and Materials.

(E) (1) Except as otherwise provided in this division, whoever operates an electric bicycle in a manner that is prohibited under division (C) of this section and whoever violates division (D) of this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one

predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

(2) The offenses established under division (E)(1) of this section are strict liability offenses and strict liability is a culpable mental state for purposes of R.C. § 2901.20. The designation of these offenses as strict liability offenses shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is not a strict liability offense.
(R.C. § 4511.522) (Rev. 2020)

§ 75.04 RULES FOR BICYCLES, MOTORCYCLES, AND SNOWMOBILES.

(A) As used in this section, ***SNOWMOBILE*** has the same meaning as given that term in R.C. § 4519.01.

(B) (1) No person operating a bicycle or electric bicycle shall ride other than upon or astride the permanent and regular seat attached thereto or carry any other person upon such bicycle or electric bicycle other than upon a firmly attached and regular seat thereon, and no person shall ride upon a bicycle or electric bicycle other than upon such a firmly attached and regular seat.

(2) No person operating a motorcycle shall ride other than upon or astride the permanent and regular seat or saddle attached thereto, or carry any other person upon such motorcycle other than upon a firmly attached and regular seat or saddle thereon, and no person shall ride upon a motorcycle other than upon such a firmly attached and regular seat or saddle.

(3) No person shall ride upon a motorcycle that is equipped with a saddle other than while sitting astride the saddle, facing forward, with one leg on each side of the motorcycle.

(4) No person shall ride upon a motorcycle that is equipped with a seat other than while sitting upon the seat.

(5) No person operating a bicycle or electric bicycle shall carry any package, bundle, or article that prevents the driver from keeping at least one hand upon the handlebars.

(6) No bicycle, electric bicycle, or motorcycle shall be used to carry more persons at one time than the number for which it is designed and equipped. No motorcycle shall be operated on a highway when the handlebars rise higher than the shoulders of the operator when the operator is seated in the operator's seat or saddle.

(C) (1) Except as provided in division (C)(3) of this section, no person shall operate or be a passenger on a snowmobile or motorcycle without using safety glasses or other protective eye device. Except as provided in division (C)(3) of this section, no person who is under the age of 18 years, or who holds a motorcycle operator's endorsement or license bearing a "novice" designation that is currently in effect as provided in R.C. § 4507.13, shall operate a motorcycle on a highway, or be a passenger on a motorcycle, unless wearing a protective helmet on the person's head, and no other person shall be a passenger on a motorcycle operated by such a person unless similarly wearing a protective helmet. The helmet, safety glasses, or other protective eye device shall conform with rules adopted by the Ohio Director of Public Safety. The provisions of this paragraph or a violation thereof shall not be used in the trial of any civil action.

(2) (a) Except as provided in division (C)(3) of this section, no person shall operate a motorcycle with a valid temporary instruction permit and temporary instruction permit identification card issued by the Registrar of Motor Vehicles pursuant to R.C. § 4507.05 unless the person, at the time of such operation, is wearing on the person's head a protective helmet that conforms with rules adopted by the Ohio Director of Public Safety.

(b) No person shall operate a motorcycle with a valid temporary instruction permit and temporary instruction permit identification card issued by the Registrar of Motor Vehicles pursuant to R.C. § 4507.05 in any of the following circumstances:

1. At any time when lighted lights are required by R.C. § 4513.03(A)(1);

2. While carrying a passenger;

3. On any limited access highway or heavily congested roadway.

(3) Divisions (C)(1) and (C)(2)(a) of this section do not apply to a person who operates or is a passenger in an autocycle or cab-enclosed motorcycle when the occupant compartment top is in place enclosing the occupants.

(D) Nothing in this section shall be construed as prohibiting the carrying of a child in a seat or trailer that is designed for carrying children and is firmly attached to the bicycle or electric bicycle.

(E) Except as otherwise provided in this division, whoever violates division (B) or (C)(1) or (C)(2) of 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 division (B) or (C)(1) or (C)(2) of 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 division (B) or (C)(1) or (C)(2) of this section is guilty of a misdemeanor of the third degree.
(R.C. § 4511.53) (Rev. 2020)

§ 75.05 PROHIBITION AGAINST ATTACHING BICYCLES AND SLEDS TO VEHICLES.

(A) (1) No person riding upon any bicycle, electric bicycle, coaster, roller skates, sled, skateboard, or toy vehicle shall attach the same or self to any vehicle upon a roadway.

(2) No operator shall knowingly permit any person riding upon any bicycle, electric bicycle, coaster, roller skates, sled, skateboard, or toy vehicle to attach the same or self to any vehicle while it is moving upon a roadway.

(3) This section does not apply to towing a disabled vehicle.

(B) Except as otherwise provided in this division, 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.

(C) 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 § 70.99(B).
(R.C. § 4511.54) (Rev. 2020)

§ 75.06 RIDING BICYCLES; MOTORCYCLES ABREAST.

(A) Every person operating a bicycle or electric bicycle upon a roadway shall ride as near to the right side of the roadway as practicable obeying all traffic rules applicable to vehicles and exercising due care when passing a standing vehicle or one proceeding in the same direction.

(B) Persons riding bicycles, electric bicycles, or motorcycles upon a roadway shall ride not more than two abreast in a single lane, except on paths or parts of roadways set aside for the exclusive use of bicycles, electric bicycles, or motorcycles.

(C) This section does not require a person operating a bicycle or electric bicycle to ride at the edge of the roadway when it is unreasonable or unsafe to do so. Conditions that may require riding away from the edge of the roadway include when necessary to avoid fixed or moving objects, parked or moving vehicles, surface hazards, or if it otherwise is unsafe or impracticable to do so, including if the lane is too narrow for the bicycle or electric bicycle and an overtaking vehicle to travel safely side by side within the lane.

(D) Except as otherwise provided in this division, 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.

(E) 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 § 70.99(B).
(R.C. § 4511.55) (Rev. 2020)

§ 75.07 EQUIPMENT OF BICYCLES.

(A) Every bicycle or electric bicycle when in use at the times specified in R.C. § 4513.03 or a substantially equivalent municipal ordinance shall be equipped with the following:

(1) A lamp mounted on the front of either the bicycle or electric bicycle or the operator that shall emit a white light visible from a distance of at least 500 feet to the front and 300 feet to the sides. A generator-powered lamp that emits light only when the bicycle or electric bicycle is moving may be used to meet this requirement.

(2) A red reflector on the rear that shall be visible from all distances from 100 feet to 600 feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle;

(3) A lamp emitting either flashing or steady red light visible from a distance of 500 feet to the rear shall be used in addition to the red reflector. If the red lamp performs as a reflector in that it is visible as specified in division (A)(2) of this section, the red lamp may serve as the reflector and a separate reflector is not required.

(B) Additional lamps and reflectors may be used in addition to those required under division (A) of this section, except that red lamps and red reflectors shall not be used on the front of the bicycle or electric bicycle and white lamps and white reflectors shall not be used on the rear of the bicycle or electric bicycle.

(C) A bicycle or electric bicycle may be equipped with a device capable of giving an audible signal, except that a bicycle or electric bicycle shall not be equipped with nor shall any person use upon a bicycle or electric bicycle any siren or whistle.

(D) Every bicycle and electric bicycle shall be equipped with an adequate brake when used on a street or highway.

(E) Except as otherwise provided in this division, 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.
(R.C. § 4511.56) (Rev. 2020)

SNOWMOBILES, OFF-HIGHWAY MOTORCYCLES, AND ALL-PURPOSE VEHICLES

§ 75.25 DEFINITIONS.

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

ALL-PURPOSE VEHICLE. Any self-propelled vehicle designed primarily for cross-country travel on land and water, or on more than one type of terrain, and steered by wheels or caterpillar treads, or any combination thereof, including vehicles that operate on a cushion of air, vehicles commonly known as all-terrain vehicles, all season vehicles, mini-bikes and trail bikes. The term does not include a utility vehicle as defined in R.C. § 4501.01 or any vehicle principally used in playing golf, any motor vehicle or aircraft required to be registered under R.C. Chapter 4503 or R.C. Chapter 4561, and any vehicle excepted from definition as a motor vehicle by R.C. § 4501.01(B).

DEALER. Any person or firm engaged in the business of manufacturing or selling snowmobiles, off-highway motorcycles, or all-purpose vehicles at wholesale or retail, or who rents, leases or otherwise furnishes snowmobiles, off-highway motorcycles, or all-purpose vehicles for hire.

ELECTRONIC. Has the same meaning as in R.C. § 4501.01.

ELECTRONIC DEALER. A dealer whom the Registrar of Motor Vehicles designates under R.C. § 4519.511.

ELECTRONIC RECORD. Has the same meaning as in R.C. § 4501.01.

HIGHWAY. Has the same meaning as in R.C. § 4511.01.

INTERSTATE HIGHWAY. Any part of the interstate system of highways as defined in subsection (e), 90 Stat. 431 (1976), 23 U.S.C. § 103, as amended.

LIMITED ACCESS HIGHWAY OR FREEWAY. Have the same meanings as in R.C. § 5511.02.

MINI-TRUCK. A vehicle that has four wheels, is propelled by an electric motor with a rated power of 7,500 watts or less or an internal combustion engine with a piston displacement capacity of 660 cubic centimeters or less, has a total dry weight of 900 to 2,200 pounds, contains an enclosed cabin and a seat for the vehicle operator, resembles a pickup truck or van with a cargo area or bed located at the rear of the vehicle, and was not originally manufactured to meet federal motor vehicle safety standards.

OFF-HIGHWAY MOTORCYCLE. Every motorcycle, as defined in R.C. § 4511.01, that is designed to be operated primarily on lands other than a street or highway.

OPERATOR. Any person who operates or is in actual physical control of a snowmobile, off-highway motorcycle, or all-purpose vehicle.

OWNER. Any person or firm, other than a lienholder or dealer, having title to a snowmobile, off-highway motorcycle, or all-purpose vehicle, or other right to the possession thereof.

PROOF OF FINANCIAL RESPONSIBILITY. Has the same meaning as in R.C. § 4509.01.

SNOWMOBILE. Any self-propelled vehicle designed primarily for use on snow or ice, and steered by skis, runners or caterpillar treads.

STATE HIGHWAY and ***STATE ROUTE.*** Have the same meanings as in R.C. § 4511.01.

STREET. Has the same meaning as in R.C. § 4511.01.
(R.C. § 4519.01) (Rev. 2018)

§ 75.26 EQUIPMENT.

(A) In addition to any rules or regulations promulgated by the Ohio Director of Public Safety pursuant to R.C. § 4519.20 and R.C. Chapter 119, equipment of snowmobiles, off-highway motorcycles, and all-purpose vehicles shall include but not necessarily be limited to requirements for the following items of equipment:

(1) At least one headlight having a minimum candlepower of sufficient intensity to reveal persons and objects at a distance of at least 100 feet ahead under normal atmospheric conditions during hours of darkness;

(2) At least one red tail light having a minimum candlepower of sufficient intensity to be plainly visible from a distance of 500 feet to the rear under normal atmospheric conditions during hours of darkness;

(3) Every snowmobile, while traveling on packed snow, shall be capable of carrying a driver who weighs 175 pounds or more, and, while carrying such driver, be capable of stopping in no more than 40 feet from an initial steady speed of 20 miles per hour, or locking its traction belt; and

(4) A muffler system capable of precluding the emission of excessive smoke or exhaust fumes, and of limiting the engine noise of vehicles. On snowmobiles manufactured after January 1, 1973, such requirement shall

include sound dampening equipment such that noise does not exceed 82 decibels on the "A" scale at 50 feet as measured according to SAE J192 (September 1970).

(B) No person shall operate any snowmobile, off-highway motorcycle, or all-purpose vehicle in violation of this section, except that equipment specified in division (A)(1) and (A)(2) of this section shall not be required on snowmobiles, off-highway motorcycles, or all-purpose vehicles operated during the daylight hours.
(R.C. § 4519.20(A), (B))

(C) No person shall sell, offer for sale, lease, rent or otherwise furnish for hire in this municipality any new snowmobile, off-highway motorcycle, or all-purpose vehicle that fails to comply with any rule adopted by the Ohio Director of Public Safety under R.C. § 4519.20 after the effective date of the rule.
(R.C. § 4519.22(A))

(D) (1) Except as otherwise provided in this division, whoever violates division (B) of this section shall be fined not more than $50. If the offender within the preceding year previously has committed a violation of division (B) of this section or of R.C. § 4519.20(B), whoever violates division (B) of this section shall be fined not less than $15 nor more than $100, imprisoned not more than three days, or both.
(R.C. § 4519.20(C)) (Rev. 2004)

(2) Except as otherwise provided in this division, whoever violates division (C) of this section shall be fined not more than $50. If the offender within the preceding year previously has committed a violation of division (C) of this section or of R.C. § 4519.22(A), whoever violates this section shall be fined not less than $15 nor more than $100, imprisoned not more than three days, or both.
(R.C. § 4519.22(B)) (Rev. 2004)

§ 75.27 CODE APPLICATION; PROHIBITED OPERATION.

(A) The applicable provisions of this traffic code apply to the operation of snowmobiles, off-highway motorcycles, and all-purpose vehicles, except that no person shall operate a snowmobile, off-highway motorcycle, or all-purpose vehicle as follows:

(1) On any state highway, including a limited access highway or freeway or the right-of-way thereof, except for emergency travel during such time and in such manner as the Ohio Director of Public Safety designates or except as authorized by R.C. § 4519.41(F);

(2) On any private property, or in any nursery or planting area, without the permission of the owner or other person having the right to possession of the property;

(3) On any land or waters controlled by the state, except at those locations where a sign has been posted permitting such operation;

(4) On the tracks or right-of-way of any operating railroad;

(5) While transporting any firearm, bow or other implement for hunting that is not unloaded and securely encased;

(6) For the purpose of chasing, pursuing, capturing or killing any animal or wild fowl; or

(7) During the time from sunset to sunrise, unless displaying lighted lights as required by R.C. § 4519.20 or a substantially equivalent municipal ordinance.

(B) Whoever violates this section shall be fined not less than $50 nor more than $500, imprisoned not less than 3 nor more than 30 days, or both.
(R.C. § 4519.40) (Rev. 2018)
Cross-reference:
Operation restricted for mini-trucks and low-speed, under-speed, or utility vehicles, see § 73.16

§ 75.28 PERMITTED OPERATION.

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

(A) To make a crossing of a highway, other than a highway as designated in R.C. § 4519.40(A)(1) or a substantially equivalent municipal ordinance, whenever the crossing can be made in safety and will not interfere with the movement of vehicular traffic approaching from any direction on the highway, and provided that the operator yields the right-of-way to any approaching traffic that presents an immediate hazard;

(B) On highways in the county or township road systems whenever the local authority having jurisdiction over such highways so permits;

(C) Off and alongside street or highway for limited distances from the point of unloading from a conveyance to the point at which the snowmobile, off-highway motorcycle, or all-purpose vehicle is intended and authorized to be operated;

(D) On the berm or shoulder of a highway, other than a highway as designated in R.C. § 4519.40(A)(1) or a substantially equivalent municipal ordinance, when the terrain permits such operation to be undertaken safely and without the necessity of entering any traffic lane;

(E) On the berm or shoulder or a county or township road, while traveling from one area of operation of the snowmobile, off-highway motorcycle, or all-purpose vehicle to another such area.

(F) For snowmobiles without metal studded tracks and all-purpose vehicles, on state highways located on an island in Lake Erie, including limited access highways and freeways, between the first day of November and the thirtieth

day of April, provided that all of the following conditions apply:

(1) The operator has a valid driver's license as required under R.C. § 4519.44.

(2) The snowmobile or all-purpose vehicle is in compliance with rules governing safety equipment adopted under R.C. § 4519.20.

(3) The owner of the snowmobile or all-purpose vehicle maintains proof of financial responsibility for both on-road and off-road use of the snowmobile or all-purpose vehicle.

(4) The operator obeys all traffic rules and regulations.
(R.C. § 4519.41) (Rev. 2018)

§ 75.29 LICENSING REQUIREMENTS OF OPERATOR.

(A) No person who does not hold a valid, current motor vehicle driver's or commercial driver's license, motorcycle operator's endorsement or probationary license, issued under R.C. Chapter 4506 or R.C. Chapter 4507 or a valid, current driver's license issued by another jurisdiction, shall operate a snowmobile, off-highway motorcycle, or all-purpose vehicle on any street or highway in this municipality, on any portion of the right-of-way thereof, or on any public land or waters.

(B) No person who is less than 16 years of age shall operate a snowmobile, off-highway motorcycle, or all-purpose vehicle on any land or waters other than private property or waters owned by or leased to the person's parent or guardian, unless accompanied by another person who is 18 years of age or older, and who holds a license as provided in division (A) of this section, except that the Ohio Department of Natural Resources may permit such operation on state controlled land under its jurisdiction when such person is less than 16 years of age and is accompanied by a parent or guardian who is a licensed driver 18 years of age or older.

(C) Whoever violates this section shall be fined not less than $50 nor more than $500, imprisoned not less than 3 nor more than 30 days, or both.
(R.C. § 4519.44) (Rev. 2010)

§ 75.30 MAINTENANCE OF VEHICLES FOR HIRE.

(A) Any dealer who rents, leases or otherwise furnishes a snowmobile, off-highway motorcycle, or all-purpose vehicle for hire shall maintain the vehicle in safe operating condition. No dealer, or agent or employee of a dealer, shall rent, lease or otherwise furnish a snowmobile, off-highway motorcycle, or all-purpose vehicle for hire to any person who does not hold a license as required by R.C. § 4519.44(A) or a substantially equivalent municipal ordinance, or to any person whom the dealer or an agent or employee of the dealer has reasonable cause to believe is incompetent to operate the vehicle in a safe and lawful manner.

(B) Whoever violates this section shall be fined not less than $100 nor more than $500.
(R.C. § 4519.45) (Rev. 2004)

§ 75.31 ACCIDENT REPORTS.

(A) The operator of a snowmobile, off-highway motorcycle, or all-purpose vehicle involved in any accident resulting in bodily injury to or death of any person or damage to the property of any person in excess of $100 shall report the accident within 48 hours to the Chief of Police, and within 30 days shall forward a written report of the accident to the Ohio Registrar of Motor Vehicles on a form prescribed by the Registrar. If the operator is physically incapable of making the reports and there is another participant in the accident not so incapacitated, the participant shall make the reports. In the event there is no other participant, and the operator is other than the owner, the owner, within the prescribed periods of time, shall make the reports.

(B) Any law enforcement officer or other person authorized by R.C. §§ 4519.42 and 4519.43 who investigates or receives information of an accident involving a snowmobile, off-highway motorcycle, or all-purpose vehicle shall forward to the Registrar a written report of the accident within 48 hours.
(R.C. § 4519.46) (Rev. 1999)

§ 75.32 IMPOUNDING OF VEHICLE.

(A) Whenever a person is found guilty of operating a snowmobile, off-highway motorcycle, or all-purpose vehicle in violation of any rule authorized to be adopted under R.C. § 4519.21 or 4519.42, the trial judge of any court of record, in addition to or independent of any other penalties provided by law, may impound for not less than 60 days the certificate of registration and license plate, if applicable, of that snowmobile, off-highway motorcycle, or all-purpose vehicle. The court shall send the impounded certificate of registration and license plate, if applicable, to the Registrar of Motor Vehicles, who shall retain the certificate of registration and license plate, if applicable, until the expiration of the period of impoundment.

(B) If a court impounds the certificate of registration and license plate of an all-purpose vehicle pursuant to R.C. § 2911.21, the court shall send the impounded certificate of registration and license plate to the Registrar, who shall retain them until the expiration of the period of impoundment.
(R.C. § 4519.47) (Rev. 2010)

§ 75.33 LOCAL CONTROL WITHIN POLICE POWER.

Nothing contained in this subchapter shall prevent the municipality from regulating the operation of snowmobiles, off-highway motorcycle, and all-purpose vehicles on streets and highways and other public property under municipal jurisdiction, and within the reasonable exercise of the police power, except that no registration or licensing of any snowmobile, off-highway motorcycle, or all-purpose vehicle required to be registered or titled under R.C. Chapter 4519 shall be required.
(R.C. § 4519.48) (Rev. 1999)

§ 75.34 REGISTRATION OF VEHICLES.

(A) (1) Except as provided in division (B), (C) and (D) of this section, no person shall operate any snowmobile, off-highway motorcycle, or all-purpose vehicle within this municipality unless the snowmobile, off-highway motorcycle, or all-purpose vehicle is registered and numbered in accordance with R.C. §§ 4519.03 and 4519.04.

(2) Except as provided in R.C. § 4511.215 or a substantially equivalent municipal ordinance, no registration is required for a mini-truck that is operated within this state. A mini-truck may be operated only in accordance with R.C. § 4511.215 and R.C. § 4519.401, or any substantially equivalent municipal ordinance.

(B) (1) No registration is required for a snowmobile or off-highway motorcycle that is operated exclusively upon lands owned by the owner of the snowmobile or off-highway motorcycle, or on lands to which the owner of the snowmobile or off-highway motorcycle has a contractual right.

(2) No registration is required for an all-purpose vehicle that is used primarily for agricultural purposes when the owner qualifies for the current agricultural use valuation tax credit, unless it is to be used on any public land, trail, or right-of-way.

(3) Any all-purpose vehicle exempted from registration under division (B)(2) of this section and operated for agricultural purposes may use public roads and rights-of-way when traveling from one farm field to another, when such use does not violate R.C. § 4519.41.

(4) No registration is required for a snowmobile or all-purpose vehicle that is operated on a state highway as authorized by R.C. § 4519.41(F).

(C) No registration is required for a snowmobile, off-highway motorcycle, or all-purpose vehicle owned and used in this state by a resident of another state whenever that state has in effect a registration law similar to R.C. Chapter 4519 and the snowmobile, off-highway motorcycle, or all-purpose vehicle is properly registered under that state's law. Any snowmobile, off-highway motorcycle, or all-purpose vehicle owned and used in this state by a resident of a state not having a registration law similar to R.C. Chapter 4519 shall comply with R.C. § 4519.09.

(D) No registration is required for a snowmobile, off-highway motorcycle, or all-purpose vehicle owned and used in this municipality by the United States, another state or a political subdivision thereof, but the snowmobile, off-highway motorcycle, or all-purpose vehicle shall display the name of the owner thereon.

(E) The owner or operator of any all-purpose vehicle operated or used upon the waters in this municipality shall comply with R.C. Chapter 1547 and R.C. Chapter 1548 relative to the operation of watercraft.

(F) Whoever violates division (A) of this section shall be fined not less than $50 nor more than $100.
(R.C. § 4519.02) (Rev. 2019)

Statutory reference:

Destruction or disposal of vehicle; transfer of ownership; change of address; loss of certificate, see R.C. § 4519.05
Registration of emergency vehicles, see R.C. § 4519.08
Registration procedure, see R.C. § 4519.03
Temporary license placards and fees, see R.C. § 4519.10
Temporary operating permit for certain nonresidents, see R.C. § 4519.09

§ 75.35 CERTIFICATE OF TITLE; PROHIBITIONS.

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

(1) Operate in this state an off-highway motorcycle or all-purpose vehicle without having a certificate of title for the off-highway motorcycle or all-purpose vehicle if such a certificate is required by R.C. Chapter 4519 to be issued for the off-highway motorcycle or all-purpose vehicle, or, if a physical certificate of title has not been issued for it, operate an off-highway motorcycle or all-purpose vehicle knowing that the ownership information related to the motorcycle or vehicle has not been entered into the automated title processing system by a Clerk of a Court of Common Pleas.

(2) Operate in this municipality an off-highway motorcycle or all-purpose vehicle is a certificate of title to the off-highway motorcycle or all-purpose vehicle has been issued and then has been canceled.

(3) Fail to surrender any certificate of title upon cancellation of it by the Registrar of Motor Vehicles and notice of the cancellation as prescribed in R.C. Chapter 4519.

(4) Fail to surrender the certificate of title to a Clerk of a Court of Common Pleas as provided in R.C. Chapter 4519, in case of the destruction or dismantling of, or change in, the off-highway motorcycle or all-purpose vehicle described in the certificate of title.

(5) Violate any provision of R.C. §§ 4519.51 through 4519.70 for which no penalty is otherwise provided or any lawful rules adopted pursuant to those sections.

(6) Operate in this state an off-highway motorcycle or all-purpose vehicle knowing that the certificate of title to or ownership of the motorcycle or vehicle as otherwise reflected in the automated title processing system has been canceled.

(B) Whoever violates this section shall be fined not more than $200, imprisoned not more than 90 days, or both. (R.C. § 4519.66) (Rev. 2010)

Statutory reference:

Certificate of title: rules and procedures, see R.C. §§ 4519.51 et seq.

Stolen vehicles and restrictions on sale or transfer, felony provisions, see R.C. § 4519.67

CHAPTER 76: PARKING REGULATIONS

Section

76.01 Prohibition against parking on highways
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76.05 Parking near curb; privileges for persons with disabilities
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76.09 Bus stops and taxicab stands
76.10 Parking in alleys and narrow streets; exceptions
76.11 Registered owner prima facie liable for unlawful parking
76.12 Waiver

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Unclaimed and abandoned vehicles, see Chapter 95

Unlawful furnishing of prescription to enable persons to be issued handicapped parking placards or license plates, see § 138.17

Statutory reference:

Noncriminal parking infractions, local option to create, see R.C. Chapter 4521

§ 76.01 PROHIBITION AGAINST PARKING ON HIGHWAYS.

(A) (1) Upon any highway, no person shall stop, park, or leave standing any vehicle, whether attended or unattended, upon the paved or main traveled part of the highway if it is practicable to stop, park, or so leave such vehicle off the paved or main traveled part of the highway. In every event a clear and unobstructed portion of the 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 highway.

(2) 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 highway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving the disabled vehicle in such position.

(B) Except as otherwise provided in this division, 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.
(R.C. § 4511.66) (Rev. 2004)

§ 76.02 CONDITION WHEN MOTOR VEHICLE LEFT UNATTENDED.

(A) (1) No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key from the ignition, effectively setting the parking brake, and, when the motor vehicle is standing upon any grade, turning the front wheels to the curb or side of the highway.

(2) The requirements of this section relating to the stopping of the engine, locking of the ignition, and removing the key from the ignition of a motor vehicle do not apply to any of the following:

(a) A motor vehicle that is parked on residential property;

(b) A motor vehicle that is locked, regardless of where it is parked;

(c) An emergency vehicle ;

(d) A public safety vehicle.

(B) Except as otherwise provided in this division, 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.
(R.C. § 4511.661) (Rev. 2018)

§ 76.03 POLICE MAY REMOVE ILLEGALLY PARKED VEHICLE.

(A) Whenever any police officer finds a vehicle standing upon a highway in violation of R.C. § 4511.66 or a substantially equivalent municipal ordinance, such officer

may move such vehicle, or require the driver or other person in charge of the vehicle to move the same, to a position off the paved or improved or main traveled part of such highway.

(B) Whenever any police officer finds a vehicle unattended upon any highway, bridge, or causeway, or in any tunnel, where such vehicles constitutes an obstruction to traffic, such officer may provide for the removal of such vehicle to the nearest garage or other place of safety.
(R.C. § 4511.67) (Rev. 1999)

§ 76.04 PARKING PROHIBITIONS.

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

(1) On a sidewalk, except as provided in division (B) of this section;

(2) In front of a public or private driveway;

(3) Within an intersection;

(4) Within ten feet of a fire hydrant;

(5) On a crosswalk;

(6) Within 20 feet of a crosswalk at an intersection;

(7) Within 30 feet of, and upon the approach to, any flashing beacon, stop sign, or traffic-control device;

(8) Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by a traffic-control device;

(9) Within 50 feet of the nearest rail of a railroad crossing;

(10) Within 20 feet of a driveway entrance to any fire station and, on the side of the street opposite the entrance to any fire station, within 75 feet of the entrance when it is properly posted with signs;

(11) Alongside or opposite any street excavation or obstruction when such standing or parking would obstruct traffic;

(12) Alongside any vehicle stopped or parked at the edge or curb of a street;

(13) Upon any bridge or elevated structure upon a highway, or within a highway tunnel;

(14) At any place where signs prohibit stopping;

(15) Within one foot of another parked vehicle;

(16) On the roadway portion of a freeway, expressway, or thruway.

(B) A person shall be permitted, without charge or restriction, to stand or park on a sidewalk a motor-driven cycle or motor scooter that has an engine not larger than 150 cubic centimeters, or a bicycle or electric bicycle, provided that the motor-driven cycle, motor scooter, bicycle, or electric bicycle does not impede the normal flow of pedestrian traffic. This division does not authorize any person to operate a vehicle in violation of R.C. § 4511.711, or any substantially equivalent municipal ordinance.

(C) Except as otherwise provided in this division, whoever violates division (A) of 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.
(R.C. § 4511.68) (Rev. 2020)

§ 76.05 PARKING NEAR CURB; PRIVILEGES FOR PERSONS WITH DISABILITIES.

(A) Every vehicle stopped or parked upon a roadway where there is an adjacent curb shall be stopped or parked with the right-hand wheels of the vehicle parallel with and not more than 12 inches from the right-hand curb, unless it is impossible to approach so close to the curb; in such case the stop shall be made as close to the curb as possible and only for the time necessary to discharge and receive passengers or to load or unload merchandise. Local authorities by ordinance may permit angle parking on any roadway under their jurisdiction, except that angle parking shall not be permitted on a state route within the municipality unless an unoccupied roadway width of not less than 25 feet is available for free-moving traffic.

(B) Local authorities by ordinance may permit parking of vehicles with the left-hand wheels adjacent to and within 12 inches of the left-hand curb of a one-way roadway.

(C) (1) (a) Except as provided in division (C)(1)(b) of this section, no vehicle shall be stopped or parked on a road or highway with the vehicle facing in a direction other than the direction of travel on that side of the road or highway.

(b) The operator of a motorcycle may back the motorcycle into an angled parking space so that when the motorcycle is parked it is facing in a direction other than the direction of travel on the side of the road or highway.

(2) The operator of a motorcycle may back the motorcycle into a parking space that is located on the side of,

and parallel to, a road or highway. The motorcycle may face any direction when so parked. Not more than two motorcycles at a time shall be parked in a parking space as described in division (C)(2) of this section irrespective of whether or not the space is metered.

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

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

(F) (1) (a) No person shall stop, stand, or park any motor vehicle at special parking locations provided under division (E) of this section, or at special clearly marked parking locations provided in or on privately owned parking lots, parking garages, or other parking areas and designated in accordance with that division, unless one of the following applies:

1. The motor vehicle is being operated by or for the transport of a person with a disability that limits or impairs the ability to walk and is displaying a valid removable windshield placard or special license plates; or

2. The motor vehicle is being operated by or for the transport of a handicapped person and is displaying a parking card or special handicapped license plates.

(b) Any motor vehicle that is parked in a special marked parking location in violation of division (F)(1)(a)1. or (F)(1)(a)2. of this section may be towed or otherwise removed from the parking location by the law enforcement agency of the municipality. A motor vehicle that is so towed or removed shall not be released to its owner until the owner presents proof of ownership of the motor vehicle and pays all towing and storage fees normally imposed by the municipality for towing and storing motor vehicles. If the motor vehicle is a leased vehicle, it shall not be released to the lessee until the lessee presents proof that that person is the lessee of the motor vehicle and pays all towing and storage fees normally imposed by the municipality for towing and storing motor vehicles.

(c) If a person is charged with a violation of division (F)(1)(a)1. or (F)(1)(a)2. of this section, it is an affirmative defense to the charge that the person suffered an injury not more than 72 hours prior to the time the person was issued the ticket or citation and that, because of the injury, the person meets at least one of the criteria contained in R.C. § 4503.44(A)(1).

(2) No person shall stop, stand, or park any motor vehicle in an area that is commonly known as an access aisle, which area is marked by diagonal stripes and is located immediately adjacent to a special parking location provided under division (E) of this section or at a special clearly marked parking location provided in or on a privately owned parking lot, parking garage, or other parking area and designated in accordance with that division.

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

(H) No owner of an office, facility, or parking garage where special parking locations are required to be designated in accordance with division (E) of this section shall fail to properly mark the special parking locations in accordance with that division or fail to maintain the markings of the special locations, including the erection and maintenance of the fixed or movable signs.

(I) Nothing in this section shall be construed to require a person or organization to apply for a removable windshield placard or special license plates if the parking card or special license plates issued to the person or organization under prior law have not expired or been surrendered or revoked.

(J) As used in this section:

HANDICAPPED PERSON. Means any person who has lost the use of one or both legs or one or both arms,

who is blind, deaf, or so severely handicapped as to be unable to move without the aid of crutches or a wheelchair, or whose mobility is restricted by a permanent cardiovascular, pulmonary, or other handicapping condition.

PERSON WITH A DISABILITY THAT LIMITS OR IMPAIRS THE ABILITY TO WALK. Has the same meaning as in R.C. § 4503.44.

SPECIAL LICENSE PLATES and ***REMOVABLE WINDSHIELD PLACARD.*** Mean any license plates or removable windshield placard or temporary removable windshield placard issued under R.C. § 4503.41 or 4503.44, and also mean any substantially equivalent license plates or removable windshield placard or temporary removable windshield placard issued by a state, district, country, or sovereignty.

(K) Penalty.

(1) Whoever violates division (A) or (C) of this section is guilty of a minor misdemeanor.

(2) (a) Whoever violates division (F)(1)(a)1. or (F)(1)(a)2. of this section is guilty of a misdemeanor and shall be punished as provided in division (K)(2)(a) and (K)(2)(b) of this section. Except as otherwise provided in division (K)(2)(a) of this section, an offender who violates division (F)(1)(a)1. or (F)(1)(a)2. of this section shall be fined not less than $250 nor more than $500. An offender who violates division (F)(1)(a)1. or (F)(1)(a)2. of this section shall be fined not more than $100 if the offender, prior to sentencing, proves either of the following to the satisfaction of the court:

1. At the time of the violation of division (F)(1)(a)1. of this section, the offender or the person for whose transport the motor vehicle was being operated had been issued a removable windshield placard that then was valid or special license plates that then were valid but the offender or the person neglected to display the placard or license plates as described in division (F)(1)(a)1. of this section.

2. At the time of the violation of division (F)(1)(a)2. of this section, the offender or the person for whose transport the motor vehicle was being operated had been issued a parking card that then was valid or special handicapped license plates that then were valid but the offender or the person neglected to display the card or license plates as described in division (F)(1)(a)2. of this section.

(b) In no case shall an offender who violates division (F)(1)(a)1. or (F)(1)(a)2. be sentenced to any term of imprisonment.

(c) An arrest or conviction for a violation of division (F)(1)(a)1. or (F)(1)(a)2. of this section does not constitute a criminal record and need not be reported by the person so arrested or convicted in response to any inquiries contained in any application for employment, license, or other right or privilege, or made in connection with the person's appearance as a witness.

(d) The clerk of the court shall pay every fine collected under divisions (K)(2) and (K)(3) of this section to the municipality. Except as provided in division (K)(2) of this section, the municipality shall use the fine moneys it receives under divisions (K)(2) and (K)(3) of this section to pay the expenses it incurs in complying with the signage and notice requirements contained in division (E) of this section. The municipality may use up to 50% of each fine it receives under divisions (K)(2) and (K)(3) of this section to pay the costs of educational, advocacy, support, and assistive technology programs for persons with disabilities, and for public improvements within the municipality that benefit or assist persons with disabilities, if governmental agencies or nonprofit organizations offer the programs.

(3) Whoever violates division (F)(2) of this section shall be fined not less than $250 nor more than $500. In no case shall an offender who violates division (F)(2) of this section be sentenced to any term of imprisonment. An arrest or conviction for a violation of division (F)(2) of this section does not constitute a criminal record and need not be reported by the person so arrested or convicted in response to any inquiries contained in any application for employment, license, or other right or privilege, or made in connection with the person's appearance as a witness.

(4) Whoever violates division (H) of this section shall be punished as follows:

(a) Except as otherwise provided in division (K)(4) of this section, the offender shall be issued a warning.

(b) If the offender previously has been convicted of or pleaded guilty to a violation of division (H) of this section or of a municipal ordinance that is substantially equivalent to that division, the offender shall not be issued a warning but shall be fined not more than $25 for each parking location that is not properly marked or whose markings are not properly maintained.
(R.C. § 4511.69) (Rev. 2016)

Cross-reference:
Unlawful furnishing of prescription to enable persons to be issued handicapped parking placards or license plates, see § 138.17

Statutory reference:
Buildings, access for disabled persons, see R.C. § 3781.111

§ 76.06 PARKING ON PRIVATE PROPERTY IN VIOLATION OF POSTED PROHIBITION.

(A) 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:

(1) Park a vehicle on the property without the owner's consent;

(2) Park a vehicle on the property in violation of any condition or regulation posted by the owner.

(B) Whoever violates this section is guilty of a minor misdemeanor.
(R.C. § 4511.681) (Rev. 2004)
Cross-reference:
Towing from private property, requirements, see § 95.01

§ 76.07 SELLING, WASHING OR REPAIRING VEHICLE UPON ROADWAY.

No person shall stop, stand or park a vehicle upon any roadway for the principal purpose of:

(A) Displaying such vehicle for sale; or

(B) Washing, greasing or repairing such vehicle except repairs necessitated by an emergency.
(Rev. 2002) Penalty, see § 70.99

§ 76.08 TRUCK LOADING ZONES.

No person shall stop, stand or park a vehicle for any purpose or length of time, other than for the expeditious unloading and delivery or pickup and loading of materials, in any place marked as a truck loading zone during hours when the provisions applicable to such zones are in effect. In no case shall the stop for loading and unloading of materials exceed 30 minutes.
(Rev. 2002) Penalty, see § 70.99

§ 76.09 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) No operator of a bus shall stop, stand or park such vehicle upon any street or other public way 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) No operator of a bus shall fail to enter a bus stop on a street or other public way in such a manner that the bus when stopped to load or unload passengers or baggage is in a position with the right front wheel of such vehicle not further than 18 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) No operator of a taxicab shall stand or park such vehicle upon any street or other public way 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.
(Rev. 2002) Penalty, see § 70.99

§ 76.10 PARKING IN ALLEYS AND NARROW STREETS; EXCEPTIONS.

(A) 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.

(B) 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 30 minutes.
(Rev. 2002) Penalty, see § 70.99

§ 76.11 REGISTERED OWNER PRIMA FACIE LIABLE FOR UNLAWFUL PARKING.

In any hearing on a charge of illegally parking a motor vehicle, testimony that a vehicle bearing a certain license plate was found unlawfully parked as prohibited by the provisions of this Traffic Code, and further testimony that the record of the Ohio Registrar of Motor Vehicles shows that the license plate was issued to the defendant, shall be prima facie evidence that the vehicle which was unlawfully parked, was so parked by the defendant. A certified registration copy, showing such fact, from the Registrar shall be proof of such ownership.
(Rev. 2002)

§ 76.12 WAIVER.

Any person charged with a violation of any provision of this chapter for which payment of a prescribed fine may be made, may pay such sum in the manner prescribed on the issued traffic ticket. Such payment shall be deemed a plea of guilty, waiver of court appearance and acknowledgment of conviction of the alleged offense and may be accepted in full satisfaction of the prescribed penalty for such alleged violation. Payment of the prescribed fine need not be accepted when laws prescribe that a certain number of such offenses shall require court appearance.
(Rev. 2002)

TITLE IX: GENERAL REGULATIONS

Chapter

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91. FIREWORKS, EXPLOSIVES, FIRE PREVENTION

92. INTOXICATING LIQUORS

93. NUISANCES

94. STREETS AND SIDEWALKS

95. UNCLAIMED AND ABANDONED VEHICLES

96. WATERCRAFT

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955.99(G)	90.01(D)
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CHAPTER 90: ANIMALS

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ANIMALS RUNNING AT LARGE

§ 90.01 DOGS OR OTHER ANIMALS RUNNING AT LARGE; NUISANCE, DANGEROUS OR VICIOUS DOGS; HEARINGS.

(A) *Animals running at large.*

(1) No person, who is the owner or keeper of horses, mules, cattle, bison, sheep, goats, swine, llamas, alpacas, or poultry, shall permit them to run at large in the public road, highway, street, lane, or alley, or upon unenclosed land, or cause the animals to be herded, kept, or detained for the purpose of grazing on premises other than those owned or lawfully occupied by the owner or keeper of the animals.
(R.C. § 951.02) (Rev. 2018)

(2) Whoever recklessly violates division (A)(1) of this section is guilty of a misdemeanor of the fourth degree.
(R.C. § 951.99) (Rev. 2012)

(3) The owner or keeper of an animal described in division (A)(1) of this section who negligently permits it to run at large in violation of division (A)(1) of this section is liable for all damages resulting from injury, death, or loss to person or property caused by the animal in any of the places specified in division (A)(1) of this section or upon the premises of another without reference to the fence that may enclose the premises.

(4) The running at large of any animal specified in division (A)(1) of this section in or upon any of the places specified in division (A)(1) of this section is prima facie evidence in a civil action for damages under division (A)(3) of this section that the owner or keeper of the animal negligently permitted the animal to run at large in violation of division (A)(1) of this section.
(R.C. § 951.10) (Rev. 2012)

(B) *Dogs running at large; dangerous dogs; debarked or surgically silenced dangerous dogs.*

(1) As used in this division (B), ***DANGEROUS DOG*** has the same meaning as in R.C. § 955.11.

(2) No owner, keeper, or harborer of any female dog shall permit it to go beyond the premises of the owner, keeper, or harborer at any time the dog is in heat unless the dog is properly in leash.

(3) Except when a dog is lawfully engaged in hunting and accompanied by the owner, keeper, harborer, or handler of the dog, no owner, keeper, or harborer of any dog shall fail at any time to do either of the following:

(a) Keep the dog physically confined or restrained upon the premises of the owner, keeper, or harborer by a leash, tether, adequate fence, supervision, or secure enclosure to prevent escape;

(b) Keep the dog under the reasonable control of some person.

(4) Except when a dangerous dog is lawfully engaged in hunting or training for the purpose of hunting and is accompanied by the owner, keeper, harborer, or handler of the dog, no owner, keeper, or harborer of a dangerous dog shall fail to do either of the following:

(a) While the dog is on the premises of the owner, keeper, or harborer, securely confine it at all times in a locked pen that has a top, locked fenced yard, or other locked enclosure that has a top.

(b) While the dog is off the premises of the owner, keeper, or harborer, keep that dog on a chain-link leash or tether that is not more than six feet in length and additionally do at least one of the following: keep the dog in a locked pen that has a top, locked fenced yard, or other locked enclosure that has a top; have the leash or tether controlled by a person who is of suitable age and discretion or securely attach, tie, or affix the leash or tether to the ground or a stationary object or fixture so that the dog is adequately restrained and station a person in close enough proximity to that dog so as to prevent it from causing injury to any person; or muzzle that dog.

(5) No person who has been convicted of or pleaded guilty to three or more violations of division (B)(3) of this section involving the same dog and no owner, keeper, or harborer of a dangerous dog shall fail to do the following:

(a) Obtain liability insurance with an insurer authorized to write liability insurance in this state providing coverage in each occurrence because of damage or bodily injury to or death of a person caused by the dangerous dog if so ordered by a court and provide proof of that liability insurance upon request to any law enforcement officer, county dog warden, or public health official charged with enforcing this section;

(b) Obtain a dangerous dog registration certificate from the County Auditor pursuant to division (B)(9) of this section, affix a tag that identifies the dog as a dangerous dog to the dog's collar, and ensure that the dog wears the collar and tag at all times;

(c) Notify the local dog warden immediately if any of the following occurs:

1. The dog is loose or unconfined.

2. The dog bites a person, unless the dog is on the property of the owner of the dog, and the person who is bitten is unlawfully trespassing or committing a criminal act within the boundaries of that property.

3. The dog attacks another animal while the dog is off the property of the owner of the dog.

(d) If the dog is sold, given to another person, or dies, notify the County Auditor within ten days of the sale, transfer, or death.

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

(a) Debark or surgically silence a dog that the person knows or has reason to believe is a dangerous dog;

(b) Possess a dangerous dog if the person knows or has reason to believe that the dog has been debarked or surgically silenced;

(c) Falsely attest on a waiver form provided by the veterinarian under division (B)(7) of this section that the person's dog is not a dangerous dog or otherwise provide false information on that written waiver form.

(7) Before a veterinarian debarks or surgically silences a dog, the veterinarian may give the owner of the dog a written waiver form that attests that the dog is not a dangerous dog. The written waiver form shall include all of the following:

(a) The veterinarian's license number and current business address;

(b) The number of the license of the dog if the dog is licensed;

(c) A reasonable description of the age, coloring, and gender of the dog as well as any notable markings on the dog;

(d) The signature of the owner of the dog attesting that the owner's dog is not a dangerous dog;

(e) A statement that R.C. § 955.22(F) prohibits any person from doing any of the following:

1. Debarking or surgically silencing a dog that the person knows or has reason to believe is a dangerous dog;

2. Possessing a dangerous dog if the person knows or has reason to believe that the dog has been debarked or surgically silenced;

3. Falsely attesting on a waiver form provided by the veterinarian under R.C. § 955.22(G) that the person's dog is not a dangerous dog or otherwise provide false information on that written waiver form.

(8) It is an affirmative defense to a charge of a violation of division (B)(6) of this section that the veterinarian who is charged with the violation obtained, prior to debarking or surgically silencing the dog, a written waiver form that complies with division (B)(7) of this section and that attests that the dog is not a dangerous dog.

(9) (a) The County Auditor shall issue a dangerous dog registration certificate to a person who is the owner of a dog, who is 18 years of age or older, and who provides the following to the County Auditor:

1. A fee of $50;

2. The person's address, phone number, and other appropriate means for the local dog warden or County Auditor to contact the person;

3. With respect to the person and the dog for which the registration is sought, all of the following:

a. Either satisfactory evidence of the dog's current rabies vaccination or a statement from a licensed veterinarian that a rabies vaccination is medically contraindicated for the dog;

b. Either satisfactory evidence of the fact that the dog has been neutered or spayed or a statement from a licensed veterinarian that neutering or spaying of the dog is medically contraindicated;

c. Satisfactory evidence of the fact that the person has posted and will continue to post clearly visible signs at the person's residence warning both minors and adults of the presence of a dangerous dog on the property;

d. Satisfactory evidence of the fact that the dog has been permanently identified by means of a microchip and the dog's microchip number.

(b) Upon the issuance of a dangerous dog registration certificate to the owner of a dog, the County Auditor shall provide the owner with a uniformly designed tag that identifies the animal as a dangerous dog. The owner shall renew the certificate annually for the same fee and in the same manner as the initial certificate was obtained. If a certificate holder relocates to a new county, the certificate holder shall follow the procedure in division (B)(9)(c)2. of this section and, upon the expiration of the certificate issued in the original county, shall renew the certificate in the new county.

(c) 1. If the owner of a dangerous dog for whom a registration certificate has previously been obtained relocates to a new address within the same county, the owner shall provide notice of the new address to the County Auditor within ten days of relocating to the new address.

2. If the owner of a dangerous dog for whom a registration certificate has previously been obtained relocates to a new address within another county, the owner shall do both of the following within ten days of relocating to the new address:

a. Provide written notice of the new address and a copy of the original dangerous dog registration certificate to the County Auditor of the new county;

b. Provide written notice of the new address to the County Auditor of the county where the owner previously resided.

(d) The owner of a dangerous dog shall present the dangerous dog registration certificate upon being requested to do so by any law enforcement officer, dog warden, or public health official charged with enforcing this section.
(R.C. § 955.22) (Rev. 2013)

(C) *Hearing.*

(1) The municipal court or county court that has territorial jurisdiction over the residence of the owner, keeper, or harborer of a dog shall conduct any hearing concerning the designation of the dog as a nuisance dog, dangerous dog, or vicious dog.

(2) If a person who is authorized to enforce this chapter has reasonable cause to believe that a dog in the person's jurisdiction is a nuisance dog, dangerous dog, or vicious dog, the person shall notify the owner, keeper, or harborer of that dog, by certified mail or in person, of both of the following:

(a) That the person has designated the dog a nuisance dog, dangerous dog, or vicious dog, as applicable;

(b) That the owner, keeper, or harborer of the dog may request a hearing regarding the designation in accordance with this division (C). The notice shall include instructions for filing a request for a hearing in the county in which the dog's owner, keeper, or harborer resides.

(3) If the owner, keeper, or harborer of the dog disagrees with the designation of the dog as a nuisance dog, dangerous dog, or vicious dog, as applicable, the owner, keeper, or harborer, not later than ten days after receiving notification of the designation, may request a hearing regarding the determination. The request for a hearing shall be in writing and shall be filed with the municipal court or county court that has territorial jurisdiction over the residence of the dog's owner, keeper, or harborer. At the hearing, the

person who designated the dog as a nuisance dog, dangerous dog, or vicious dog has the burden of proving, by clear and convincing evidence, that the dog is a nuisance dog, dangerous dog, or vicious dog. The owner, keeper, or harborer of the dog or the person who designated the dog as a nuisance dog, dangerous dog, or vicious dog may appeal the court's final determination as in any other case filed in that court.

(4) A court, upon motion of an owner, keeper, or harborer or an attorney representing the owner, keeper, or harborer, may order that the dog designated as a nuisance dog, dangerous dog, or vicious dog be held in the possession of the owner, keeper, or harborer until the court makes a final determination under this section or during the pendency of an appeal, as applicable. Until the court makes a final determination and during the pendency of any appeal, the dog shall be confined or restrained in accordance with the provisions of division (B)(4) that apply to dangerous dogs regardless of whether the dog has been designated as a vicious dog or a nuisance dog rather than a dangerous dog. The owner, keeper, or harborer of the dog shall not be required to comply with any other requirements established in this Code or the Ohio Revised Code that concern a nuisance dog, dangerous dog, or vicious dog, as applicable, until the court makes a final determination and during the pendency of any appeal.

(5) If a dog is finally determined under this division (C), or on appeal as described in this division (C), to be a vicious dog, § 90.28(D) and divisions (B)(4) to (B)(9) of this section apply with respect to the dog and the owner, keeper, or harborer of the dog as if the dog were a dangerous dog, and § 90.36 applies with respect to the dog as if it were a dangerous dog, and the court shall issue an order that specifies that those provisions apply with respect to the dog and the owner, keeper, or harborer in that manner. As part of the order, the court shall require the owner, keeper, or harborer to obtain the liability insurance required under division (B)(5)(a) in an amount described in division (D)(4)(b) of this section.

(6) As used in this division (C), ***NUISANCE DOG***, ***DANGEROUS DOG***, and ***VICIOUS DOG*** have the same meanings as in R.C. § 955.11.
(R.C. § 955.222) (Rev. 2013)

(D) *Penalty.*

(1) (a) Whoever violates division (B)(2) of this section or commits a violation of division (B)(3) of this section that involves a dog that is not a nuisance dog, dangerous dog, or vicious dog shall be fined not less than $25 or more than $100 on a first offense, and on each subsequent offense shall be fined not less than $75 or more than $250 and may be imprisoned for not more than 30 days.

(b) In addition to the penalties prescribed in division (D)(1)(a) of this section, if the offender is guilty of a violation of division (B)(2) of this section or a violation of division (B)(3) of this section that involves a dog that is not a nuisance dog, dangerous dog, or vicious dog, the court may order the offender to personally supervise the dog that the offender owns, keeps, or harbors, to cause that dog to complete dog obedience training, or to do both.
(R.C. § 955.99(E))

(2) (a) Whoever commits a violation of division (B)(3) of this section that involves a nuisance dog is guilty of a minor misdemeanor on the first offense and of a misdemeanor of the fourth degree on each subsequent offense involving the same dog. Upon a person being convicted of or pleading guilty to a third violation of division (B)(3) of this section involving the same dog, the court shall require the offender to register the involved dog as a dangerous dog.

(b) In addition to the penalties prescribed in division (D)(2)(a) of this section, if a violation of division (B)(3) of this section involves a nuisance dog, the court may order the offender to personally supervise the nuisance dog that the offender owns, keeps, or harbors, to cause that dog to complete dog obedience training, or to do both.
(R.C. § 955.99(F))

(3) Whoever commits a violation of division (B)(3) of this section that involves a dangerous dog, or a violation of division (B)(4) of this section is guilty of a misdemeanor of the fourth degree on a first offense and of a misdemeanor of the third degree on each subsequent offense. Additionally, the court may order the offender to personally supervise the dangerous dog that the offender owns, keeps, or harbors, to cause that dog to complete dog obedience training, or to do both, and the court may order the offender to obtain liability insurance pursuant to division (B)(5) of this section. The court, in the alternative, may order the dangerous dog to be humanely destroyed by a licensed veterinarian, the county dog warden, or the county humane society at the owner's expense. With respect to a violation of division (B)(3) of this section that involves a dangerous dog, until the court makes a final determination and during the pendency of any appeal of a violation of that division and at the discretion of the dog warden, the dog shall be confined or restrained in accordance with division (B)(4) of this section or at the county dog pound at the owner's expense.
(R.C. § 955.99(G))

(4) (a) Whoever commits a violation of division (B)(3) of this section that involves a vicious dog is guilty of one of the following:

1. A felony to be prosecuted under appropriate state law if the dog kills or seriously injures a person. Additionally, the court shall order that the vicious dog be humanely destroyed by a licensed veterinarian, the county dog warden, or the county humane society at the owner's expense.

2. A misdemeanor of the first degree if the dog causes serious injury to a person. Additionally, the court may order the vicious dog to be humanely destroyed by a licensed veterinarian, the county dog warden, or the county humane society at the owner's expense.

(b) If the court does not order the vicious dog to be destroyed under division (D)(4)(a)2. of this section, the court shall issue an order that specifies that § 90.28(D) and divisions (B)(4) to (B)(9) of this section apply with respect to the dog and the owner, keeper, or harborer of the dog as if the dog were a dangerous dog and that § 90.36 applies with respect to the dog as if it were a dangerous dog. As part of the order, the court shall order the offender to obtain the liability insurance required under division (B)(5)(a) of this section in an amount, exclusive of interest and costs, that equals or exceeds $100,000. Until the court makes a final determination and during the pendency of any appeal of a violation of division (B)(3) of this section and at the discretion of the dog warden, the dog shall be confined or restrained in accordance with the provisions described in division (B)(4) of this section or at the county dog pound at the owner's expense.
(R.C. § 955.99(H))

(5) Whoever violates division (B)(5)(b) of this section is guilty of a misdemeanor of the fourth degree.
(R.C. § 955.99(J))

(6) Whoever violates division (B)(6)(a), (B)(6)(b), or (B)(6)(c) of this section is guilty of a felony to be prosecuted under appropriate state law. Additionally, the court shall order that the dog involved in the violation be humanely destroyed by a licensed veterinarian, the county dog warden, or the county humane society. Until the court makes a final determination and during the pendency of any appeal of a violation of division (B)(6)(a), (B)(6)(b), or (B)(6)(c) of this section and at the discretion of the dog warden, the dog shall be confined or restrained in accordance with the provisions of division (B)(4) of this section or at the county dog pound at the owner's expense.
(R.C. § 955.99(L))

(7) Whoever violates division (B)(5)(a), (B)(5)(c), or (B)(5)(d) of this section is guilty of a minor misdemeanor.
(R.C. § 955.99(M))

(8) Whoever violates division (B)(9)(d) of this section is guilty of a minor misdemeanor.
(R.C. § 955.99(N))

(9) (a) If a dog is confined at the county dog pound pursuant to division (D)(3), (D)(4), or (D)(6) of this section, the county dog warden shall give written notice of the confinement to the owner of the dog. If the county dog warden is unable to give the notice to the owner of the dog, the county dog warden shall post the notice on the door of the residence of the owner of the dog or in another conspicuous place on the premises at which the dog was seized. The notice shall include a statement that a security in the amount of $100 is due to the county dog warden within ten days to secure payment of all reasonable expenses, including medical care and boarding of the dog for 60 days, expected to be incurred by the county dog pound in caring for the dog pending the determination. The county dog warden may draw from the security any actual costs incurred in caring for the dog.

(b) If the person ordered to post security under division (D)(9)(a) of this section does not do so within ten days of the confinement of the animal, the dog is forfeited, and the county dog warden may determine the disposition of the dog unless the court issues an order that specifies otherwise.

(c) Not more than ten days after the court makes a final determination under division (D)(3), (D)(4), or (D)(6) of this section, the county dog warden shall provide the owner of the dog with the actual cost of the confinement of the dog. If the county dog warden finds that the security provided under division (D)(9)(a) of this section is less than the actual cost of confinement of the dog, the owner shall remit the difference between the security provided and the actual cost to the county dog warden within 30 days after the court's determination. If the county dog warden finds that the security provided under division (D)(9)(a) of this section is greater than that actual cost, the county dog warden shall remit the difference between the security provided and the actual cost to the owner within 30 days after the court's determination.
(R.C. § 955.99(P))

(10) As used in this division (D), ***NUISANCE DOG***, ***DANGEROUS DOG***, and ***VICIOUS DOG*** have the same meanings as in R.C. § 955.11.
(R.C. § 955.99(Q)) (Rev. 2013)

Statutory reference:

Power of municipality to regulate animals running at large, see R.C. §§ 715.23 and 955.221

§ 90.02 CONFINING ANIMAL FOUND AT LARGE; PUBLICATION OF NOTICE; LIEN.

A person finding an animal at large in violation of § 90.01(A)(1) may, and a law enforcement officer of the municipality on view or information shall, take and confine that animal, promptly giving notice of the taking and confining of the animal to the owner or keeper, if known, and if not known, by publishing a notice describing the animal once in a newspaper of general circulation in the county or municipality where the animal was found. If the owner or keeper does not appear and claim the animal and pay the compensation prescribed in § 90.04 for so taking, advertising, and keeping it within ten days from the date of the notice, that person or the county shall have a lien for that compensation and the animal may be sold at public auction as provided in R.C. § 1311.49. The residue of the proceeds of sale shall be paid and deposited by the Treasurer in the General Funds of the county.
(R.C. § 951.11) (Rev. 2012)

§ 90.03 UNAVOIDABLE ESCAPES.

If it is proven that an animal running at large in violation of § 90.01(A)(1) escaped from its owner or keeper without the owner's or keeper's knowledge or fault, the animal shall be returned to its owner or keeper upon payment

of the compensation prescribed in § 90.04 for its taking, advertising and keeping.
(R.C. § 951.12) (Rev. 2012)

§ 90.04 FEES.

(A) The person or municipality whose law enforcement officer takes an animal running at large in violation of § 90.01(A)(1) is entitled to receive from the owner or keeper of the animal the following compensation:

(1) For taking and advertising each animal, $5.00; and

(2) Reasonable expenses actually incurred for keeping each animal.

(B) Compensation for taking, advertising, and keeping a single herd or flock shall not exceed $50.00 when the flock or herd belongs to one person.
(R.C. § 951.13) (Rev. 2018)

§ 90.05 RABIES QUARANTINE ORDERS OF MAYOR.

(A) Whenever, in the judgment of the Mayor or his or her designee, rabies is prevalent, he or she shall declare a quarantine of all dogs in the municipality or a part thereof. During the quarantine, the owner, keeper, or harborer of any dog shall keep it confined on the premises of the owner, keeper, or harborer or in a pound, kennel, or other suitable place, at the expense of the owner, keeper, or harborer, except that a dog may be permitted to leave the premises of its owner, keeper, or harborer if it is under leash or under the control of a responsible person. The quarantine order shall be considered an emergency and need not be published.

(B) When the quarantine has been declared, the Mayor or his or her designee may require the vaccination for rabies of all dogs within the municipality or part thereof.
(R.C. § 955.26) (Rev. 2014)

(C) No person shall violate a rabies quarantine order issued under this section or R.C. § 955.26.
(R.C. § 955.39)

(D) Whoever violates division (C) of this section is guilty of a minor misdemeanor for a first offense; for each subsequent offense such person is guilty of a misdemeanor of the fourth degree.
(R.C. § 955.99(C))

§ 90.06 INTERFERING WITH ENFORCEMENT OF QUARANTINE ORDERS.

(A) No person shall hinder, obstruct, resist or interfere with any enforcing officer while engaged in enforcing an order issued under § 90.05.

(B) It is a defense to prosecution under this section that the hindrance, obstruction, resistance, or interference alleged consisted of constitutionally protected speech only.
Penalty, see § 90.99

§ 90.07 DOGS MAY BE KILLED FOR CERTAIN ACTS.

Subject to R.C. § 955.261(A)(2) and (A)(3), a dog that is chasing or approaching in a menacing fashion or apparent attitude of attack that attempts to bite or otherwise endanger, or that kills or injures a person, or a dog that chases, threatens, harasses, injures, or kills livestock, poultry, other domestic animal, or other animal that is the property of another person, except a cat or another dog, can be killed at the time of that chasing, threatening, harassment, approaching, attempt, killing or injury. If, in attempting to kill such a dog, a person wounds it, the person is not liable to prosecution under the criminal laws or ordinances that punish cruelty to animals. Nothing in this section precludes a law enforcement officer from killing a dog that attacks a police dog as defined in R.C. § 2921.321.
(R.C. § 955.28(A)) (Rev. 2013)

OFFENSES RELATING TO ANIMALS

§ 90.20 ABANDONING ANIMALS.

(A) No owner or keeper of a dog, cat, or other domestic animal shall abandon the animal.
(R.C. § 959.01)

(B) Whoever violates division (A) of this section is guilty of a misdemeanor of the second degree on a first offense and a misdemeanor of the first degree on each subsequent offense.
(R.C. § 959.99(E)(3)) (Rev. 2003)

§ 90.21 INJURING ANIMALS.

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

(B) Except as otherwise provided in this division, whoever violates division (A) of this section is guilty of a misdemeanor of the second degree. If the value of the animal killed or the injury done amounts to $300 or more, whoever violates division (A) of this section is guilty of a misdemeanor of the first degree.
(R.C. § 959.99(B))

(C) This section does not apply to a person killing or injuring an animal or attempting to do so while endeavoring

to prevent it from trespassing upon his or her enclosure, or while it is so trespassing, or while driving it away from his or her premises; provided within 15 days thereafter, payment is made for damages done to such animal by killing or injuring, less the actual amount of damage done by such animal while so trespassing, or a sufficient sum of money is deposited with the nearest judge of a county court or judge of a municipal court having jurisdiction within such time to cover the damages. The deposit shall remain in the custody of such judge until there is a determination of the damage resulting from such killing or injury and from the trespass. The judge and his or her bondsmen shall be responsible for the safekeeping of such money and for the payment thereof as for money collected upon a judgment.
(R.C. § 959.04)

§ 90.22 POISONING ANIMALS.

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

(B) Whoever violates division (A) of this section is guilty of a misdemeanor of the fourth degree.
(R.C. § 959.99(C))

(C) This section does not apply to a person killing or injuring an animal or attempting to do so while endeavoring to prevent it from trespassing upon his or her enclosure, or while it is so trespassing, or while driving it away from his or her premises; provided that within 15 days thereafter, payment is made for damages done to such animal by killing or injuring, less the actual amount of damage done by such animal while so trespassing, or a sufficient sum of money is deposited with the nearest judge of a county court or judge of a municipal court having jurisdiction within such time to cover the damages. The deposit shall remain in the custody of such judge until there is a determination of the damage resulting from such killing or injury and from the trespass. The judge and his or her bondsmen shall be responsible for the safekeeping of such money and for the payment thereof as for money collected upon a judgment.
(R.C. § 959.04)

§ 90.23 CRUELTY TO ANIMALS; CRUELTY TO COMPANION ANIMALS.

(A) No person shall:

(1) Torture an animal, deprive one of necessary sustenance, unnecessarily or cruelly beat, needlessly mutilate or kill, or impound or confine an animal without supplying it during the confinement with a sufficient quantity of good wholesome food and water;

(2) Impound or confine an animal without affording it, during the confinement, access to shelter from wind, rain, snow, or excessive direct sunlight, if it can reasonably be expected that the animal would otherwise become sick or in some other way suffer. This division does not apply to animals impounded or confined prior to slaughter. For the purpose of this section, ***SHELTER*** means an artificial enclosure, windbreak, sunshade, or natural windbreak or sunshade that is developed from the earth's contour, tree development, or vegetation;

(3) Carry or convey an animal in a cruel or inhuman manner;

(4) Keep animals other than cattle, poultry or fowl, swine, sheep, or goats in an enclosure without wholesome exercise and change of air, nor feed cows on food that produces impure or unwholesome milk;

(5) Detain livestock in railroad cars or compartments longer than 28 hours after they are so placed without supplying them with necessary food, water, and attention, nor permit the stock to be so crowded as to overlie, crush, wound, or kill each other.

(B) Upon the written request of the owner or person in custody of any particular shipment of livestock, which written request shall be separate and apart from any printed bill of lading or other railroad form, the length of time in which the livestock may be detained in any cars or compartment without food, water, and attention may be extended to 36 hours without penalty therefor. Division (A) of this section does not prevent the dehorning of cattle.

(C) All fines collected for violations of division (A) of this section shall be paid to the society or association for the prevention of cruelty to animals, if there is one in the municipality; otherwise, all fines shall be paid to the General Fund.
(R.C. § 959.13)

(D) *Cruelty to companion animals.*

(1) As used in this section:

BOARDING KENNEL. Has the same meaning as in R.C. § 956.01.

CAPTIVE WHITE-TAILED DEER. Has the same meaning as in R.C. § 1531.01.

COMPANION ANIMAL. Means any animal that is kept inside a residential dwelling and any dog or cat regardless of where it is kept, including a pet store as defined in R.C. § 956.01. The term does not include livestock or any wild animal.

CRUELTY. Has the same meaning as in R.C. § 1717.01.

DOG KENNEL. Means an animal rescue for dogs that is registered under R.C. § 956.06, a boarding kennel, or a training kennel.

FEDERAL ANIMAL WELFARE ACT. Means the "Laboratory Animal Act of 1966", Pub. L. No. 89-544, 80 Stat. 350 (1966), 7 U.S.C. §§ 2131 et seq., as amended by the "Animal Welfare Act of 1970", Pub. L. No. 91-579, 84 Stat. 1560 (1970), the "Animal Welfare Act Amendments of 1976", Pub. L. No. 94-279, 90 Stat. 417 (1976), and the "Food Security Act of 1985", Pub. L. No. 99-198, 99 Stat. 1354 (1985), and as it may be subsequently amended.

LIVESTOCK. Means horses, mules, and other equidae; cattle, sheep, goats, and other bovidae; swine and other suidae; poultry; alpacas; llamas; captive white-tailed deer; and any other animal that is raised or maintained domestically for food or fiber.

PRACTICE OF VETERINARY MEDICINE. Has the same meaning as in R.C. § 4741.01.

RESIDENTIAL DWELLING. Means a structure or shelter or the portion of a structure or shelter that is used by one or more humans for the purpose of a habitation.

SERIOUS PHYSICAL HARM. Means any of the following:

1. Physical harm that carries an unnecessary or unjustifiable substantial risk of death;

2. Physical harm that involves either partial or total permanent incapacity;

3. Physical harm that involves acute pain of a duration that results in substantial suffering or that involves any degree of prolonged or intractable pain;

4. Physical harm that results from a person who confines or who is the custodian or caretaker of a companion animal depriving the companion animal of good, wholesome food and water that proximately causes the death of the companion animal.

TORMENT. Has the same meaning as in R.C. § 1717.01.

TORTURE. Has the same meaning as in R.C. § 1717.01.

TRAINING KENNEL. Means an establishment operating for profit that keeps, houses, and maintains dogs for the purpose of training the dogs in return for a fee or other consideration.

WILD ANIMAL. Has the same meaning as in R.C. § 1531.01.

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

(3) No person shall knowingly cause serious physical harm to a companion animal.

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

(a) Torture, torment, or commit an act of cruelty against the companion animal;

(b) Deprive the companion animal of necessary sustenance or confine the companion animal without supplying it during the confinement with sufficient quantities of good, wholesome food and water if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the deprivation or confinement;

(c) Impound or confine the companion animal without affording it, during the impoundment or confinement, with access to shelter from heat, cold, wind, rain, snow, or excessive direct sunlight if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the lack of adequate shelter.

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

(a) Torture, torment, needlessly mutilate or maim, cruelly beat, poison, needlessly kill, or commit an act of cruelty against the companion animal;

(b) Deprive the companion animal of necessary sustenance or confine the companion animal without supplying it during the confinement with sufficient quantities of good, wholesome food and water if it is reasonably expected that the companion animal would die or experience unnecessary or unjustifiable pain or suffering as a result of the deprivation or confinement;

(c) Impound or confine the companion animal without affording it, during the impoundment or confinement, with access to shelter from heat, cold, wind, rain, snow, or excessive direct sunlight if it is reasonably expected that the companion animal would die or experience unnecessary or unjustifiable pain or suffering as a result of or due to the lack of adequate shelter.

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

(a) Torture, torment, or commit an act of cruelty against the companion animal;

(b) Deprive the companion animal of necessary sustenance or confine the companion animal without supplying it during the confinement with sufficient quantities of good, wholesome food and water if it can

reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the deprivation or confinement;

(c) Impound or confine the companion animal without affording it, during the impoundment or confinement, with access to shelter from heat, cold, wind, rain, snow, or excessive direct sunlight if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the lack of adequate shelter.

(7) Divisions (D)(2), (D)(3), (D)(4), (D)(5), and (D)(6) of this section do not apply to any of the following:

(a) A companion animal used in scientific research conducted by an institution in accordance with the federal animal welfare act and related regulations;

(b) The lawful practice of veterinary medicine by a person who has been issued a license, temporary permit, or registration certificate to do so under R.C. Chapter 4741;

(c) Dogs being used or intended for use for hunting or field trial purposes, provided that the dogs are being treated in accordance with usual and commonly accepted practices for the care of hunting dogs;

(d) The use of common training devices, if the companion animal is being treated in accordance with usual and commonly accepted practices for the training of animals;

(e) The administering of medicine to a companion animal that was properly prescribed by a person who has been issued a license, temporary permit, or registration certificate under R.C. Chapter 4741.

(8) Notwithstanding any section of the Ohio Revised Code that otherwise provides for the distribution of fine moneys, the Clerk of Court shall forward all fines the Clerk collects that are so imposed for any violation of this division (D) to the Treasurer of the municipality, whose county humane society or law enforcement agency is to be paid the fine money as determined under this division. The Treasurer shall pay the fine moneys to the county humane society or the county, township, municipal corporation, or state law enforcement agency in this state that primarily was responsible for or involved in the investigation and prosecution of the violation. If a county humane society receives any fine moneys under this division, the county humane society shall use the fine moneys either to provide the training that is required for humane agents under R.C. § 1717.06 or to provide additional training for humane agents.
(R.C. § 959.131) (Rev. 2017)

(E) Whoever violates division (A) of this section is guilty of a misdemeanor of the second degree. In addition, the court may order the offender to forfeit the animal or livestock and may provide for its disposition including but not limited to the sale of the animal or livestock. If an animal or livestock is forfeited and sold pursuant to this division, the proceeds from the sale first shall be applied to pay the expenses incurred with regard to the care of the animal from the time it was taken from the custody of the former owner. The balance of the proceeds from the sale, if any, shall be paid to the former owner of the animal.
(R.C. § 959.99(D))

(F) (1) Whoever violates division (D)(2) of this section is guilty of a misdemeanor of the first degree on a first offense and a felony to be prosecuted under appropriate state law on each subsequent offense.

(2) Whoever violates division (D)(3) of this section is guilty of a felony to be prosecuted under appropriate state law.

(3) Whoever violates division (D)(4) of this section is guilty of a misdemeanor of the second degree on a first offense and a misdemeanor of the first degree on each subsequent offense.

(4) Whoever violates division (D)(5) of this section is guilty of a felony to be prosecuted under appropriate state law.

(5) Whoever violates division (D)(6) of this section is guilty of a misdemeanor of the first degree.

(6) (a) A court may order a person who is convicted of or pleads guilty to a violation of division (D) of this section to forfeit to an impounding agency, as defined in R.C. § 959.132, any or all of the companion animals in that person's ownership or care. The court also may prohibit or place limitations on the person's ability to own or care for any companion animals for a specified or indefinite period of time.

(b) A court may order a person who is convicted of or pleads guilty to a violation of division (D) of this section to reimburse an impounding agency for the reasonably necessary costs incurred by the agency for the care of a companion animal that the agency impounded as a result of the investigation or prosecution of the violation, provided that the costs were not otherwise paid under R.C. § 959.132.

(7) If a court has reason to believe that a person who is convicted of or pleads guilty to a violation of division (D) of this section suffers from a mental or emotional disorder that contributed to the violation, the court may impose as a community control sanction or as a condition of probation a requirement that the offender undergo psychological evaluation or counseling. The court shall order the offender to pay the costs of the evaluation or counseling.
(R.C. § 959.99(E)) (Rev. 2017)

Statutory reference:

Impoundment of companion animals; notice and hearing, see R.C. § 959.132

§ 90.24 ANIMAL FIGHTS.

(A) No person shall knowingly do either of the following:

(1) Engage in cockfighting, bearbaiting, or pitting an animal against another;

(2) Use, train, or possess any animal for seizing, detaining, or maltreating a domestic animal.

(B) No person shall knowingly do either of the following:

(1) Be employed at cockfighting, bearbaiting, or pitting an animal against another;

(2) Do any of the following regarding an event involving cockfighting, bearbaiting, or pitting an animal against another:

(a) Wager money or anything else of value on the results of the event;

(b) Pay money or give anything else of value in exchange for admission to or being present at the event;

(c) Receive money or anything else of value in exchange for the admission of another person to the event or for another person to be present at the event;

(d) Use, possess, or permit or cause to be present at the event any device or substance intended to enhance an animal's ability to fight or to inflict injury on another animal;

(e) Permit or cause a minor to be present at the event if any person present at or involved with the event is conducting any of the activities described in division (B)(1) or (B)(2)(a), (B)(2)(b), (B)(2)(c), or (B)(2)(d) of this section.

(C) A person who knowingly witnesses cockfighting, bearbaiting, or an event in which one animal is pitted against another when a violation of division (B) of this section is occurring at the cockfighting, bearbaiting, or event is an aider and abettor and has committed a violation of this division.
(R.C. § 959.15) (Rev. 2018)

(D) (1) Whoever violates division (A) of this section is guilty of a misdemeanor of the fourth degree.

(2) Whoever violates division (B) or (C) of this section is guilty of a felony to be prosecuted under appropriate state law.
(R.C. § 959.99(C), (I)) (Rev. 2018)

Statutory reference:

Dogfighting, felony provisions, see R.C. § 959.16

§ 90.25 TRAPSHOOTING.

(A) Live birds or fowl shall not be used as targets in trapshooting.
(R.C. § 959.17)

(B) Whoever violates division (A) of this section is guilty of a misdemeanor of the fourth degree.
(R.C. § 959.99(C))

§ 90.26 LOUD DOG.

(A) No person shall own, harbor or keep in custody a dog which disturbs the peace by barking, yelping, howling or making other loud noises to the annoyance and/or discomfort of any person. Continuous barking, yelping, howling and/or making other loud noises for 15 consecutive minutes by such dog, whether confined inside a residence or building or to the outside area, shall be deemed to have disturbed the peace and to have caused the annoyance and discomfort of persons; provided, that at the time of the complaint, no person or persons were trespassing or threatening to trespass upon the private property of the owner, and provided that the dog was not being teased or provoked in any manner.

(B) Any person who shall allow any dog habitually to remain, be lodged or fed within any dwelling, building, yard or enclosure owned or occupied by such person shall be considered as harboring or keeping such dog.

(C) Upon an initial complaint, an enforcement officer shall warn the person in writing of the violation. Upon a second such complaint within 30 days, the enforcement officer shall charge the person with a violation of this section.

(D) Division (A) of this section does not apply to owners, operators or employees of licensed veterinary hospitals, licensed kennels, or licensed animal boarding establishments, nor does this section apply to blind, deaf or hearing impaired, or mobility impaired persons when the dog serves as an assistance dog.

(E) Whoever violates this section is guilty of a minor misdemeanor.
(Rev. 2007)

Cross-reference:

Nuisances generally, see Chapter 93

§ 90.27 DOG TAGS.

(A) No owner of a dog, except a dog constantly confined to a dog kennel registered under R.C. Chapter 955 or one licensed under R.C. Chapter 956, shall fail to require the dog to wear, at all times, a valid tag issued in connection with a certificate of registration. A dog found not wearing at any time a valid tag shall be prima-facie evidence of lack of registration and shall subject any dog found not wearing such a tag to impounding, sale, or destruction.
(R.C. § 955.10) (Rev. 2014)

(B) Whoever violates division (A) of this section shall be guilty of a minor misdemeanor.
(R.C. § 955.99(B))

§ 90.28 NUISANCE, DANGEROUS AND VICIOUS DOG DEFINED; TRANSFER OF OWNERSHIP CERTIFICATE; FORM STATING DOG'S PRIOR BEHAVIOR.

(A) As used in this section:

DANGEROUS DOG.

(a) A dog that, without provocation, and subject to division (b) of this definition, has done any of the following:

1. Caused injury, other than killing or serious injury, to any person;

2. Killed another dog;

3. Been the subject of a third or subsequent violation of R.C. § 955.22(C) or any substantially equivalent municipal ordinance.

(b) "Dangerous dog" does not include a police dog that has caused injury, other than killing or serious injury, to any person or has killed another dog while the police dog is being used to assist one or more law enforcement officers in the performance of their official duties.

MENACING FASHION. Means a dog that would cause any person being chased or approached to reasonably believe that the dog will cause physical injury to that person.

NUISANCE DOG.

(a) Subject to division (b) of this definition, "nuisance dog" means a dog that without provocation and while off the premises of its owner, keeper, or harborer has chased or approached a person in either a menacing fashion or an apparent attitude of attack or has attempted to bite or otherwise endanger any person.

(b) "Nuisance dog" does not include a police dog that, while being used to assist one or more law enforcement officers in the performance of official duties, has chased or approached a person in either a menacing fashion or an apparent attitude of attack or has attempted to bite or otherwise endanger any person.

POLICE DOG. Means a dog that has been trained and may be used to assist one or more law enforcement officers in the performance of their official duties.

SERIOUS INJURY. Any of the following:

(a) Any physical harm that carries a substantial risk of death;

(b) Any physical harm that involves a permanent incapacity, whether partial or total, or a temporary, substantial incapacity;

(c) Any physical harm that involves a permanent disfigurement or a temporary, serious disfigurement;

(d) Any physical harm that involves acute pain of a duration that results in substantial suffering or any degree of prolonged or intractable pain.

VICIOUS DOG.

(a) A dog that, without provocation and subject to division (b) of this definition, has killed or caused serious injury to any person.

(b) "Vicious dog" does not include either of the following:

1. A police dog that has killed or caused serious injury to any person while the police dog is being used to assist one or more law enforcement officers in the performance of their official duties;

2. A dog that has killed or caused serious injury to any person while a person was committing or attempting to commit a trespass or other criminal offense on the property of the owner, keeper, or harborer of the dog.

WITHOUT PROVOCATION. A dog acts without provocation when it was not teased, tormented, or abused by a person, or it was not coming to the aid or the defense of a person who was not engaged in illegal or criminal activity and who was not using the dog as a means of carrying out such activity.

(B) Upon the transfer of ownership of any dog, the seller of the dog shall give the buyer a transfer of ownership certificate that shall be signed by the seller. The certificate shall contain the registration number of the dog, the name of the seller, and a brief description of the dog. Blank forms of the certificate may be obtained from the County Auditor. A transfer of ownership shall be recorded by the Auditor upon presentation of a transfer of ownership certificate that is signed by the former owner of a dog and that is accompanied by a fee of $5.

(C) Prior to the transfer of ownership or possession of any dog, upon the buyer's or other transferee's request, the seller or other transferor of the dog shall give to the person a written notice relative to the behavior and propensities of the dog.

(D) Within ten days after the transfer of ownership or possession of any dog, if the seller or transferor of the dog has knowledge that the dog is a dangerous dog, the seller or other transferor shall give to the buyer or transferee, the Board of Health for the district in which the buyer or other transferee resides, and the dog warden of the county in which the buyer or other transferee resides a completed copy of a

written form on which the seller shall furnish the following information:

(1) The name and address of the buyer or other transferee of the dog;

(2) The age, sex, color, breed and current registration number of the dog;

(3) In addition, the seller shall answer the following questions which shall be specifically stated on the form as follows:

Has the dog ever chased or attempted to attack or bite a person? If yes, describe the incident(s) in which the behavior occurred.

Has the dog ever bitten a person? If yes, describe the incident(s) in which the behavior occurred.

Has the dog ever seriously injured or killed a person? If yes, describe the incident(s) in which the behavior occurred.

(4) The dog warden of the county in which the seller resides furnishes the form to the seller at no cost.

(E) No seller or other transferor of a dog shall fail to comply with the applicable requirements of divisions (B) to (D) of this section.
(R.C. § 955.11) (Rev. 2013)

(F) (1) Whoever violates division (E) of this section because failure to comply with division (B) of this section is guilty of a minor misdemeanor.

(2) Whoever violates division (E) of this section because of a failure to comply with division (C) or (D) of this section is guilty of a minor misdemeanor on a first offense and of a misdemeanor of the fourth degree on each subsequent offense.
(R.C. § 955.99(A)) (Rev. 2013)

§ 90.29 FAILURE TO REGISTER DOG OR DOG KENNEL.

(A) No owner, keeper, or harborer of a dog more than three months of age, nor owner of a dog kennel, shall fail to file an application for registration required by R.C. § 955.01, nor shall he or she fail to pay the legal fee therefor.
(R.C. § 955.21)

(B) Whoever violates this section shall be fined not less than $25 nor more than $100 on a first offense, and on each subsequent offense shall be fined not less than $75 nor more than $250 and may be imprisoned for not more than 30 days.
(R.C. § 955.99(E))

§ 90.30 HINDERING THE CAPTURE OF UNREGISTERED DOG.

(A) No person shall obstruct or interfere with anyone lawfully engaged in capturing an unlicensed dog or making an examination of a dog wearing a tag.
(R.C. § 955.24)

(B) Whoever violates this section is guilty of a minor misdemeanor.
(R.C. § 955.99(B))

(C) It is a defense to prosecution under this section that the hindrance, obstruction, resistance, or interference alleged consisted of constitutionally protected speech only.

§ 90.31 UNLAWFUL TAG.

(A) No person shall own, keep, or harbor a dog wearing a fictitious, altered, or invalid registration tag or a registration tag not issued by the County Auditor in connection with the registration of that animal.
(R.C. § 955.25)

(B) Whoever violates this section is guilty of a minor misdemeanor.
(R.C. § 955.99(B))

§ 90.32 RIGHTS OF BLIND, DEAF OR HEARING IMPAIRED, OR MOBILITY IMPAIRED PERSON, OR TRAINER WITH ASSISTANCE DOG.

(A) When either a blind, deaf or hearing impaired, or mobility impaired person, or a trainer of an assistance dog is accompanied by an assistance dog, the person or the trainer, as applicable, is entitled to the full and equal accommodations, advantages, facilities, and privileges of all public conveyances, hotels, and lodging places, all places of public accommodation, amusement, or resort, and other places to which the general public is invited, and may take the dog into such conveyances and places, subject only to the conditions and limitations applicable to all persons not so accompanied, except that:

(1) The dog shall not occupy a seat in any public conveyance; and

(2) The dog shall be leashed while using the facilities of a common carrier.

(3) Any dog in training to become an assistance dog shall be covered by a liability insurance policy provided by the nonprofit special agency engaged in such work protecting members of the public against personal injury or property damage caused by the dog.

(B) No person shall deprive a blind, deaf or hearing impaired, or mobility impaired person, or a trainer of an assistance dog who is accompanied by an assistance dog of any of the advantages, facilities, or privileges provided in

division (A) of this section, nor charge the person or trainer a fee or charge for the dog.
(R.C. § 955.43(A), (B)) (Rev. 2007)

(C) As used in this section:

ASSISTANCE DOG. Means a guide dog, hearing dog, or service dog that has been trained by a nonprofit special agency.

BLIND. Means either of the following:

(a) Vision 20/200 or less in the better eye with proper correction;

(b) Field defect in the better eye with proper correction that contracts the peripheral field so that the diameter of the visual field subtends an angle no greater than 20 degrees.

GUIDE DOG. Means a dog that has been trained or is in training to assist a blind person.

HEARING DOG. Means a dog that has been trained or is in training to assist a deaf or hearing-impaired person.

INSTITUTIONS OF EDUCATION. Means:

(a) Any state university or college as defined in R.C. § 3345.32;

(b) Any private college or university that holds a certificate of authorization issued by the Ohio Board of Regents pursuant to R.C. Chapter 1713;

(c) Any elementary or secondary school operated by a board of education;

(d) Any chartered or nonchartered nonpublic elementary or secondary school; or

(e) Any school issued a certificate of registration by the state Board of Career Colleges and Schools.

MOBILITY IMPAIRED PERSON. Means any person, regardless of age, who is subject to a physiological defect or deficiency regardless of its cause, nature, or extent that renders the person unable to move about without the aid of crutches, a wheelchair, or any other form of support, or that limits the person's functional ability to ambulate, climb, descend, sit, rise, or perform any related function. The term includes a person with a neurological or psychological disability that limits the person's functional ability to ambulate, climb, descend, sit, rise, or perform any related function, and also includes a person with a seizure disorder and a person who is diagnosed with autism.

SERVICE DOG. Means a dog that has been trained or is in training to assist a mobility impaired person.
(R.C. §§ 955.011(B), 955.43(C)) (Rev. 2012)

(D) Whoever violates any provision of this section shall be guilty of a misdemeanor of the fourth degree.
(R.C. § 955.99(D))
Cross-reference:
Assaulting assistance dog, see § 136.15

§ 90.33 RETAIL SALE AND TRANSPORTATION OF DOGS.

(A) No person shall sell, offer to sell, or expose for sale to the general public at retail any dog under the age of eight weeks.

(B) No person shall receive or ship, for sale to the general public at retail, any dog that is not accompanied by a certificate, issued by a licensed veterinarian who is accredited by the United States Department of Agriculture and authorized to issue health certificates for animals in interstate commerce, certifying that the dog is sufficiently sound and healthy to be reasonably expected to withstand the intended transportation without adverse effect.

(C) This section does not apply to the transportation of dogs in interstate commerce by common carrier, provided that neither the point of shipment nor the point of receiving is within this state.

(D) No person responsible for the transportation of a pregnant dog shall be liable in damages for any injury or illness of, or the death of, the dog or any puppies, whenever the injuries, illness or death results from the birth of such puppies during the time the dog is being transported.
(R.C. § 955.50)

(E) Whoever violates this section is guilty of a minor misdemeanor for a first offense; each subsequent offense is a misdemeanor of the fourth degree.
(R.C. § 955.99(C))

§ 90.34 COLORING RABBITS OR BABY POULTRY; REGULATION OF SALE AND DISPLAY.

(A) No person shall dye or otherwise color any rabbit or baby poultry, including but not limited to chicks and ducklings. No person shall sell, offer for sale, expose for sale, raffle or give away any rabbit or baby poultry which has been dyed or otherwise colored. No poultry younger than four weeks of age may be sold, given away or otherwise distributed to any person in lots of less than six. Stores, shops, vendors and others offering young poultry for sale or other distribution shall provide and operate brooders or other heating devices that may be necessary to maintain poultry in good health, and shall keep adequate food and water available to the poultry at all times.
(R.C. § 925.62)

(B) Whoever violates this section is guilty of a misdemeanor of the fourth degree on a first offense; each subsequent offense is a misdemeanor of the third degree.
(R.C. § 925.99(B))

§ 90.35 JACKLIGHTING PROHIBITED.

(A) No person shall throw or cast the rays of a spotlight or other artificial light from any vehicle into any field, woodland, or forest while having in his or her possession a hunting device, or throw or cast the rays of a spotlight or other artificial light from any vehicle into any field, woodland, or forest for the purpose of locating a wild animal.

(B) This section does not apply to law enforcement officers, wildlife officers, military personnel, and officers or employees of the Department of Natural Resources while in the performance of their duties, or to any landowner or lessee having a reason to use a light while engaged in surveillance or protection of his or her property.

(C) An officer whose duty it is to enforce this chapter may arrest a person whom he or she has reasonable grounds to believe is violating this section, search the vehicle for firearms or other hunting implements in the possession or under the control of that person, and seize the same.
(R.C. § 1533.161)

(D) Whoever violates division (A) of this section is guilty of a misdemeanor of the third degree.
(R.C. § 1533.99(B))

§ 90.36 RESTRICTIONS ON DOG OWNERSHIP FOR CERTAIN CONVICTED FELONS.

(A) No person who is convicted of or pleads guilty to a felony offense of violence committed on or after May 22, 2012 or a felony violation of any provision of R.C. Chapter 959, R.C. Chapter 2923 or R.C. Chapter 2925 committed on or after May 22, 2012 shall knowingly own, possess, have custody of, or reside in a residence with either of the following for a period of three years commencing either upon the date of release of the person from any period of incarceration imposed for the offense or violation or, if the person is not incarcerated for the offense or violation, upon the date of the person's final release from the other sanctions imposed for the offense or violation:

(1) An unspayed or unneutered dog older than 12 weeks of age;

(2) Any dog that has been determined to be a dangerous dog under R.C. Chapter 955 or any substantially equivalent municipal ordinance.

(B) A person described in division (A) of this section shall microchip for permanent identification any dog owned, possessed by, or in the custody of the person.

(C) (1) Division (A) of this section does not apply to any person who is confined in a correctional institution of the Department of Rehabilitation and Correction.

(2) Division (A) of this section does not apply to any person with respect to any dog that the person owned, possessed, had custody of, or resided in a residence with prior to May 22, 2012.
(R.C. § 955.54) (Rev. 2013)

(D) Whoever violates division (A) or (B) of this section is guilty of a misdemeanor of the first degree.
(R.C. § 955.99(O)) (Rev. 2013)

§ 90.37 SEXUAL CONDUCT WITH AN ANIMAL.

(A) As used in this section:

ANIMAL. Means a nonhuman mammal, bird, reptile, or amphibian, either dead or alive.

OFFENSE. Means a violation of this section or an attempt, in violation of R.C. § 2923.02, to violate this section.

OFFICER. Has the same meaning as in R.C. § 959.132.

SEXUAL CONDUCT. Means either of the following committed for the purpose of sexual gratification:

(a) Any act done between a person and animal that involves contact of the penis of one and the vulva of the other, the penis of one and the penis of the other, the penis of one and the anus of the other, the mouth of one and the penis of the other, the mouth of one and the anus of the other, the vulva of one and the vulva of the other, the mouth of one and the vulva of the other, any other contact between a reproductive organ of one and a reproductive organ of the other, or any other insertion of a reproductive organ of one into an orifice of the other;

(b) Without a bona fide veterinary or animal husbandry purpose to do so, the insertion, however slight, of any part of a person's body or any instrument, apparatus, or other object into the vaginal, anal, or reproductive opening of an animal.

(B) No person shall knowingly engage in sexual conduct with an animal or knowingly possess, sell, or purchase an animal with the intent that it be subjected to sexual conduct.

(C) No person shall knowingly organize, promote, aid, or abet in the conduct of an act involving any sexual conduct with an animal.

(D) An officer may seize and cause to be impounded at an impounding agency an animal that the officer has probable cause to believe is the subject of an offense. With respect to an animal so seized and impounded, all procedures and requirements that are established in R.C. § 959.132, and

all other provisions of that section, apply to the seizure, impoundment, and disposition of the animal. References in R.C. § 959.132 to "section 959.131 of the Revised Code", "companion animal", and "offense" shall be construed, respectively, as being references to "§ 90.37 of this Code" and to "animal" and "offense" as defined in this section, for purposes of application under this section only.
(R.C. § 959.21) (Rev. 2018)

(E) (1) Whoever violates this section is guilty of a misdemeanor of the second degree. In addition, the court may order the offender to forfeit the animal or livestock and may provide for its disposition including but not limited to the sale of the animal or livestock. If an animal or livestock is forfeited and sold pursuant to this division, the proceeds from the sale first shall be applied to pay the expenses incurred with regard to the care of the animal from the time it was taken from the custody of the former owner. The balance of the proceeds from the sale, if any, shall be paid to the former owner of the animal.
(R.C. § 959.99(D)) (Rev. 2018)

(2) If a court has reason to believe that a person who is convicted of or pleads guilty to a violation of this section suffers from a mental or emotional disorder that contributed to the violation, the court may impose as a community control sanction or as a condition of probation a requirement that the offender undergo psychological evaluation or counseling. The court shall order the offender to pay the costs of the evaluation or counseling.
(R.C. § 959.99(E)(7)) (Rev. 2018)

§ 90.99 PENALTY.

Whoever violates any provision of this chapter for which another penalty is not specifically provided shall be subject to the penalty as provided in § 10.99.

CHAPTER 91: FIREWORKS, EXPLOSIVES, FIRE PREVENTION

Section

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Cross-reference:
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Fire Department, see Chapter 35
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Vehicles carrying explosives, see § 74.36

Statutory reference:
Fire Marshal, fire safety, see R.C. Chapter 3737
Fireworks, state law provisions, see R.C. Chapter 3743
Ohio Fire Code, see O.A.C. Chapter 1301:7-7
Open burning, see O.A.C. Chapter 3745-19
Power to regulate explosives, see R.C. § 715.60

FIREWORKS AND EXPLOSIVES

§ 91.01 DEFINITIONS.

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

1.3G FIREWORKS. Display fireworks consistent with regulations of the United States Department of Transportation as expressed using the designation “Division 1.3" in Title 49 of the Code of Federal Regulations.

1.4G FIREWORKS. Consumer fireworks consistent with regulations of the United States Department of Transportation as expressed using the designation “Division 1.4" in Title 49 of the Code of Federal Regulations.

BEER. Has the same meaning as in R.C. § 4301.01.

BOOBY TRAP. A small tube that has a string protruding from both ends that has a friction-sensitive composition and that is ignited by pulling the ends of the string.

CIGARETTE LOAD. A small wooden peg that is coated with a small quantity of explosive composition and that is ignited in a cigarette.

CONTROLLED SUBSTANCE. Has the same meaning as in R.C. § 3719.01.

DISCHARGE SITE. An area immediately surrounding the mortars used to fire aerial shells.

FIREWORKS. Any composition or device prepared for the purpose of producing a visible or an audible effect by combustion, deflagration, or detonation, except ordinary matches and except as provided in R.C. § 3743.80.

FIREWORKS INCIDENT. Any action or omission that occurs at a fireworks exhibition that results in injury or death,

or a substantial risk of injury or death, to any person, and that involves either of the following:

(1) The handling or other use, or the results of the handling or other use, of fireworks or associated equipment or other materials;

(2) The failure of any person to comply with any applicable requirement imposed by this chapter or R.C. Chapter 3743, or any applicable rule adopted under this chapter or R.C. Chapter 3743.

FIREWORKS INCIDENT SITE. A discharge site or other location at a fireworks exhibition where a fireworks incident occurs, a location where an injury or death associated with a fireworks incident occurs, or a location where evidence of a fireworks incident or an injury or death associated with a fireworks incident is found

FIREWORKS PLANT. All buildings and other structures in which the manufacturing of fireworks, or the storage or sale of manufactured fireworks by a manufacturer, takes place.

HIGHWAY. Any public street, road, alley, way, lane or other public thoroughfare.

INTOXICATING LIQUOR. Has the same meaning as in R.C. § 4301.01.

LICENSED BUILDING. A building on the licensed premises of a licensed manufacturer or wholesaler of fireworks that is approved for occupancy by the building official having jurisdiction.

LICENSED EXHIBITOR OF FIREWORKS or ***LICENSED EXHIBITOR.*** A person licensed pursuant to R.C. §§ 3743.50 through 3743.55.

LICENSED MANUFACTURER OF FIREWORKS or ***LICENSED MANUFACTURER.*** A person licensed pursuant to R.C. §§ 3743.02 through 3743.08.

LICENSED PREMISES. The real estate upon which a licensed manufacturer or wholesaler of fireworks conducts business.

LICENSED WHOLESALER OF FIREWORKS or ***LICENSED WHOLESALER.*** A person licensed pursuant to R.C. §§ 3743.15 through 3743.21.

LIST OF LICENSED EXHIBITORS. The list required by R.C. § 3743.51(C).

LIST OF LICENSED MANUFACTURERS. The list required by R.C. § 3743.03(C).

LIST OF LICENSED WHOLESALERS. The list required by R.C. § 3743.16(C).

MANUFACTURING OF FIREWORKS. The making of fireworks from raw materials, none of which in and of themselves constitute fireworks, or the processing of fireworks.

NAVIGABLE WATERS. Any body of water susceptible of being used in its ordinary condition as a highway of commerce over which trade and travel is or may be conducted in the customary modes, but does not include a body of water that is not capable of navigation by barges, tugboats, and other large vessels.

NOVELTIES and ***TRICK NOISEMAKERS.***

(1) Devices that produce a small report intended to surprise the user, including but not limited to booby traps, cigarette loads, party poppers, and snappers;

(2) Snakes or glow worms;

(3) Smoke devices;

(4) Trick matches.

PARTY POPPER. A small plastic or paper item that contains not more than 16 milligrams of friction-sensitive explosive composition that is ignited by pulling a string protruding from the item, and from which paper streamers are expelled when the item is ignited.

PROCESSING OF FIREWORKS. The making of fireworks from materials all or part of which in and of themselves constitute fireworks, but does not include the mere packaging or repackaging of fireworks.

RAILROAD. Any railway or railroad that carries freight or passengers for hire, but does not include auxiliary tracks, spurs, and sidings installed and primarily used in serving a mine, quarry or plant.

RETAIL SALE or ***SELL AT RETAIL.*** A sale of fireworks to a purchaser who intends to use the fireworks and not to resell them.

SMOKE DEVICE. A tube or sphere that contains pyrotechnic composition that, upon ignition, produces white or colored smoke as the primary effect.

SNAKE or ***GLOW WORM.*** A device that consists of a pressed pellet of pyrotechnic composition that produces a large snake-like ash upon burning, which ash expands in length as the pellet burns.

SNAPPER. A small paper-wrapped item that contains a minute quantity of explosive composition coated on small bits of sand and that, when dropped, implodes.

STORAGE LOCATION. A single parcel or contiguous parcels of real estate approved by the Fire Marshal pursuant to R.C. § 3743.04(I) or R.C. § 3743.17(G) that are separate from a licensed premises containing a retail showroom, and which parcel or parcels a licensed manufacturer or wholesaler of fireworks may use only for the distribution, possession, and storage of fireworks in accordance with this chapter.

TRICK MATCH. A kitchen or book match that is coated with a small quantity of explosive composition and that, upon ignition, produces a small report or a shower of sparks.

WHOLESALE SALE or ***SELL AT WHOLESALE.*** A sale of fireworks to a purchaser who intends to resell the fireworks so purchased.

WIRE SPARKLER. A sparkler consisting of a wire or stick coated with a nonexplosive pyrotechnic mixture that produces a shower of sparks upon ignition and that contains no more than 100 grams of this mixture.
(R.C. § 3743.01) (Rev. 2020)

§ 91.02 POSSESSION, SALE, AND USE OF FIREWORKS.

(A) No person shall possess fireworks in this municipality or shall possess for sale or sell fireworks in this municipality, except a licensed manufacturer of fireworks as authorized by R.C. §§ 3743.02 through 3743.08, a licensed wholesaler of fireworks as authorized by R.C. §§ 3743.15 through 3743.21, a shipping permit holder as authorized by R.C. § 3743.40, an out-of-state resident as authorized by R.C. § 3743.44, a resident of this state as authorized by R.C. § 3743.45, or a licensed exhibitor of fireworks as authorized by R.C. §§ 3743.50 through 3743.55, or as authorized by any municipal ordinance that is substantially equivalent to any of these statutes, and except as provided in R.C. § 3743.80 or a substantially equivalent municipal ordinance.

(B) Except as provided in R.C. § 3743.80 or a substantially equivalent municipal ordinance, and except for licensed exhibitors of fireworks authorized to conduct a fireworks exhibition pursuant to R.C. §§ 3743.50 through 3743.55 or a substantially equivalent municipal ordinance, no person shall discharge, ignite, or explode any fireworks in this municipality.

(C) No person shall use in a theater or public hall what is technically known as fireworks showers, or a mixture containing potassium chlorate and sulphur.

(D) No person shall sell fireworks of any kind to a person under 18 years of age. No person under 18 years of age shall enter a fireworks sales showroom unless that person is accompanied by a parent, legal guardian, or other responsible adult. No person under 18 years of age shall touch or possess fireworks on a licensed premises without the consent of the licensee. A licensee may eject any person from a licensed premises that is in any way disruptive to the safe operation of the premises.

(E) Except as otherwise provided in R.C. § 3743.44, no person, other than a licensed manufacturer, licensed wholesaler, licensed exhibitor, or shipping permit holder shall possess 1.3G fireworks in this municipality.
(R.C. § 3743.65(A) - (E)) (Rev. 2016) Penalty, see § 91.99

Statutory reference:
Felony offense for disabling a fire suppression system, see R.C. § 3743.65(F)

§ 91.03 PERMIT TO USE FIREWORKS.

(A) An exhibitor of fireworks licensed under R.C. §§ 3743.50 through 3743.55 who wishes to conduct a public fireworks exhibition shall apply for approval to conduct the exhibition to the Fire Chief or fire prevention officer and to the Police Chief or other similar chief law enforcement officer, or the designee of the Police Chief or other similar chief law enforcement officer, having jurisdiction over the premises.

(B) The approval required by division (A) of this section shall be evidenced by the Fire Chief or fire prevention officer and by the Police Chief or other similar chief law enforcement officer, or the designee of the Police Chief or similar chief law enforcement officer, signing a permit for the exhibition. Any exhibitor of fireworks who wishes to conduct a public fireworks exhibition may obtain a copy of the form from the State Fire Marshal or, if available, from the Fire Chief, a fire prevention officer, the Police Chief or other similar chief law enforcement officer, or a designee of the Police Chief or other similar chief law enforcement officer.

(C) Before a permit is signed and issued to a licensed exhibitor of fireworks, the Fire Chief or fire prevention officer, in consultation with the Police Chief or other similar chief law enforcement officer, or the designee of the Police Chief or other similar chief law enforcement officer, shall inspect the premises on which the exhibition will take place and shall determine that, in fact, the applicant for the permit is a licensed exhibitor of fireworks. Each applicant shall show his or her license as an exhibitor of fireworks to the Fire Chief or fire prevention officer.

(D) The Fire Chief or fire prevention officer and the Police Chief or other similar chief law enforcement officer, or the designee of the Police Chief or other similar chief law enforcement officer, shall give approval to conduct a public fireworks exhibition only if satisfied, based on the inspection, that the premises on which the exhibition will be conducted allow the exhibitor to comply with the rules adopted by the State Fire Marshal pursuant to R.C. § 3743.53(B) and (E) and that the applicant is, in fact, a licensed exhibitor of fireworks. The Fire Chief or fire prevention officer, in consultation with the Police Chief or other similar chief law enforcement officer or with the designee of the Police Chief or other similar chief law enforcement officer, may inspect the premises immediately prior to the exhibition to determine if the exhibitor has complied with the rules, and may revoke a permit for noncompliance with the rules.

(E) If the Legislative Authority has prescribed a fee for the issuance of a permit for a public fireworks exhibition, the Fire Chief or fire prevention officer and Police Chief or other similar chief law enforcement officer, or their designee, shall not issue a permit until the exhibitor pays the requisite fee.

(F) Each exhibitor shall provide an indemnity bond in the amount of at least one million dollars with surety satisfactory to the Fire Chief or fire prevention officer and to the Police Chief or other similar chief law enforcement officer, or the designee of the Police Chief or other similar chief law enforcement officer, conditioned for the payment of all final judgments that may be rendered against the exhibitor on account of injury, death, or loss to person or property emanating from the fireworks exhibitor, or proof of insurance coverage of at least one million dollars for liability arising from injury, death, or loss of persons or property emanating from the fireworks exhibition. The Legislative Authority may require the exhibitor to provide an indemnity bond or proof of insurance coverage in amounts greater than those required by this division. The Fire Chief or fire prevention officer and Police Chief or other similar chief law enforcement officer, or their designee, shall not issue a permit until the exhibitor provides the bond or proof of the insurance coverage required by this division or by the Legislative Authority.

(G) Each permit for a fireworks exhibition issued by the Fire Chief or fire prevention officer and by the Police Chief or other similar chief law enforcement officer, or the designee of the Police Chief or other similar chief law enforcement officer, shall contain a distinct number, designate the municipality, and identify the certified fire safety inspector, Fire Chief, or fire prevention officer who will be present before, during and after the exhibition, where appropriate. A copy of each permit issued shall be forwarded by the Fire Chief or fire prevention officer and by the Police Chief or other similar chief law enforcement officer, or designee of the Police Chief or other similar chief law enforcement officer, issuing it to the State Fire Marshal. A permit is not transferable or assignable.

(H) The Fire Chief or fire prevention officer and Police Chief or other similar chief law enforcement officer, or designee of the Police Chief or other similar chief law enforcement officer, shall keep a record of issued permits for fireworks exhibitions. In this list, the Fire Chief, fire prevention officer, Police Chief or other similar chief law enforcement officer, or designee of the Police Chief or other similar chief law enforcement officer, shall list the name of the exhibitor, his or her license number, the premises on which the exhibition will be conducted, the date and time of the exhibition, and the number and political subdivision designation of the permit issued to the exhibitor for the exhibition.

(I) The Legislative Authority shall require that a certified fire safety inspector, Fire Chief or fire prevention officer be present before, during and after the exhibition, and shall require the certified fire safety inspector, Fire Chief or fire prevention officer to inspect the premises where the exhibition is to take place and determine whether the exhibition is in compliance with this chapter and R.C. Chapter 3743.

(R.C. § 3743.54(B) - (F)) (Rev. 2002) Penalty, see § 91.99

Statutory reference:

Notice of fireworks incident, see R.C. § 3743.541

§ 91.04 MANUFACTURING OR WHOLESALE SALE WITHOUT A LICENSE; PROHIBITIONS.

(A) No licensed manufacturer or licensed wholesaler of fireworks shall knowingly fail to comply with the rules adopted by the State Fire Marshal pursuant to R.C. §§ 3743.05 and 3743.18 or the requirements of R.C. §§ 3743.06 and 3743.19.

(B) No licensed manufacturer or licensed wholesaler of fireworks shall fail to maintain complete inventory, wholesale sale and retail records as required by R.C. §§ 3743.07 and 3743.20, or to permit an inspection of these records or the premises of a fireworks plant or the wholesaler pursuant to R.C. §§ 3743.08 and 3743.21.

(C) No licensed manufacturer or licensed wholesaler of fireworks shall fail to comply with an order of the State Fire Marshal issued pursuant to R.C. §§ 3743.01(B)(1) and 3743.21(B)(1) within the specified period of time.

(D) No licensed manufacturer or licensed wholesaler of fireworks shall fail to comply with an order of the State Fire Marshal issued pursuant to R.C. §§ 3743.08(B)(2) and 3743.21(B)(2) until the nonconformities are eliminated, corrected or otherwise remedied or the 72 hour period specified in those divisions has expired, whichever occurs first.

(E) No person shall smoke or shall carry a pipe, cigarette, or cigar, or a match, lighter, other flame-producing item, or open flame on, or shall carry a concealed source of ignition into, the premises of a fireworks plant or on the premises of a wholesaler of fireworks, except as smoking is authorized in specified lunchrooms or restrooms by a manufacturer or wholesaler pursuant to R.C. § 3743.06(C) or R.C. § 3743.19(D).

(F) No person shall have possession or control of, or be under the influence of, any intoxicating liquor, beer, or controlled substance while on the premises of the fireworks plant or on the premises of a wholesaler of fireworks.

(R.C. §§ 3743.60(E) - (J), 3743.61(E) - (J)) (Rev. 1998) Penalty, see § 91.99

Statutory reference:

Felony provisions, see R.C. §§ 3743.60(A) through (D) and 3743.61(A) through (D)

§ 91.05 PURCHASERS TO COMPLY WITH LAW; UNAUTHORIZED PURCHASES.

(A) No person who resides in another state and purchases fireworks in this municipality shall obtain possession of the fireworks in this municipality unless the person complies with R.C. § 3743.44.

(B) No person who resides in another state and who purchases fireworks in this municipality shall obtain possession of fireworks in this municipality other than from a licensed manufacturer or wholesaler, or fail, when transporting 1.3G fireworks, to transport them directly out of

the state within 72 hours after the time of their purchase. No such person shall give or sell to any other person in this municipality fireworks that the person has acquired in this state.

(C) No person who resides in this state and purchases fireworks in this municipality shall obtain possession of the fireworks in this municipality unless the person complies with R.C. § 3743.45.

(D) No person who resides in this state and who purchases fireworks in this municipality under R.C. § 3743.45 shall obtain possession of the fireworks in this municipality other than from a licensed manufacturer or licensed wholesaler, or fail, when transporting the fireworks, to transport them directly out of the state within 48 hours after the time of their purchase. No such person shall give or sell to any other person in this municipality fireworks that the person has acquired in this state.
(R.C. § 3743.63) (Rev. 2016) Penalty, see § 91.99

§ 91.06 EXHIBITION WITHOUT A LICENSE; PROHIBITIONS FOR EXHIBITIONS.

(A) No licensed exhibitor of fireworks shall fail to comply with the applicable requirements of the rules adopted by the State Fire Marshal pursuant to R.C. § 3743.53(B) and (E) or to comply with R.C. § 3743.53(C) and (D).

(B) No licensed exhibitor of fireworks shall conduct a fireworks exhibition unless a permit has been secured for the exhibition pursuant to R.C. § 3743.54 or a substantially equivalent municipal ordinance, or if a permit so secured is revoked by a Fire Chief or fire prevention officer, in consultation with a Police Chief or other similar chief law enforcement officer, or with a designee of a Police Chief or other similar chief law enforcement officer, pursuant to those sections.

(C) No licensed exhibitor of fireworks shall acquire fireworks for use at a fireworks exhibition other than in accordance with R.C. §§ 3743.54 and 3743.55, or a substantially equivalent municipal ordinance.

(D) No licensed exhibitor of fireworks or other person associated with the conduct of a fireworks exhibition shall have possession or control of, or be under the influence of, any intoxicating liquor, beer, or controlled substance while on the premises on which the exhibition is being conducted.

(E) No licensed exhibitor of fireworks shall permit an employee to assist the licensed exhibitor in conducting fireworks exhibitions unless the employee is registered with the State Fire Marshal under R.C. § 3743.56.
(R.C. § 3743.64(C) - (G)) (Rev. 2002) Penalty, see § 91.99
Statutory reference:
Felony provisions, see R.C. § 3743.64(A), (B), and (H)
Notice of fireworks incident, see R.C. § 3743.541

§ 91.07 UNAUTHORIZED TRANSPORTATION OR SHIPPING.

(A) No person shall transport fireworks in this municipality except in accordance with the rules adopted by the State Fire Marshal pursuant to R.C. § 3743.58.

(B) As used in this division, ***FIREWORKS*** includes only 1.3G and 1.4G fireworks. No person shall ship fireworks into this municipality by mail, parcel post, or common carrier unless the person possesses a valid shipping permit issued under R.C. § 3743.40, and the fireworks are shipped directly to the holder of a license issued under R.C. § 3743.03, 3743.16 or 3743.51.

(C) No person shall ship fireworks within this municipality by mail, parcel post, or common carrier unless the fireworks are shipped directly to the holder of a license issued under R.C. § 3743.01, 3743.16 or 3743.51.
(R.C. § 3743.66) (Rev. 1998) Penalty, see § 91.99

§ 91.08 APPLICATION OF SUBCHAPTER.

This subchapter does not apply to the following:

(A) The manufacture, sale, possession, transportation, storage, or use in emergency situations of pyrotechnic signaling devices and distress signals for marine, aviation, or highway use;

(B) The manufacture, sale, possession, transportation, storage or use of fusees, torpedoes, or other signals necessary for the safe operation of railroads;

(C) The manufacture, sale, possession, transportation, storage or use of blank cartridges in connection with theaters or shows, or in connection with athletics as signals for ceremonial purposes;

(D) The manufacture for, the transportation, storage, possession or use by, or the sale to the armed forces of the United States and the militia of this state of pyrotechnic devices;

(E) The manufacture, sale, possession, transportation, storage or use of toy pistols, toy canes, toy guns, or other devices in which paper or plastic caps containing 0.25 grains or less of explosive material are used, provided that they are constructed so that a hand cannot come into contact with a cap when it is in place for explosion, or apply to the manufacture, sale, possession, transportation, storage or use of those caps;

(F) The manufacture, sale, possession, transportation, storage or use of novelties and trick noisemakers, auto burglar alarms, or model rockets and model rocket motors designed, sold, and used for the purpose of propelling recoverable aero models;

(G) The manufacture, sale, possession, transportation, storage or use of wire sparklers.

(H) The conduct of radio-controlled special effect exhibitions that use an explosive black powder charge of not more than one-quarter pound per charge, and that are not connected in any manner to propellant charges; provided, that the exhibition complies with all of the following:

(1) No explosive aerial display is conducted in the exhibition;

(2) The exhibition is separated from spectators by not less than 200 feet;

(3) The person conducting the exhibition complies with regulations of the Bureau of Alcohol, Tobacco and Firearms of the United States Department of the Treasury and the United States Department of Transportation with respect to the storage and transport of the explosive black powder used in the exhibition.
(R.C. § 3743.80) (Rev. 2008)

§ 91.09 ARREST OF OFFENDER; SEIZURE AND FORFEITURE OF FIREWORKS; DISTRIBUTION OF FINES.

(A) The Fire Marshal, an assistant fire marshal, or a certified fire safety inspector may arrest, or may cause the arrest of, any person whom he or she finds in the act of violating, or who he or she has reasonable cause to believe has violated, any provision of this subchapter. Any arrest shall be made in accordance with statutory and constitutional provisions governing arrests by law enforcement officers.

(B) If the Fire Marshal, an assistant fire marshal, or certified fire safety inspector has probable cause to believe that fireworks are being manufactured, sold, possessed, transported, or used in violation of this subchapter, he or she may seize the fireworks. Any seizure of fireworks shall be made in accordance with statutory and constitutional provisions governing searches and seizures by law enforcement officers. The Fire Marshal's office or certified fire safety inspector's office shall impound at the site or safely keep seized fireworks pending the time they are no longer needed as evidence. A sample of the seized fireworks is sufficient for evidentiary purposes. The remainder of the seized fireworks may be disposed of pursuant to an order from a court of competent jurisdiction after notice and a hearing.

(C) Fireworks manufactured, sold, possessed, transported, or used in violation of this subchapter shall be forfeited by the offender. The Fire Marshal's office or certified fire safety inspector's office shall dispose of seized fireworks pursuant to the procedures specified in R.C. §§ 2981.11 to 2981.13 for the disposal of forfeited property by law enforcement agencies, and the Fire Marshal or that office is not liable for claims for the loss of or damages to the seized fireworks.

(D) This section does not affect the authority of peace officers, as defined in R.C. § 2935.01, to make arrests for violations of this subchapter or to seize fireworks manufactured, sold, possessed, transported, or used in violation of this subchapter.

(E) Any fines imposed for a violation of this subchapter relating to the sale, purchase, possession, or discharge of fireworks shall be distributed as set forth in R.C. § 3743.68(D).
(R.C. § 3743.68) (Rev. 2008)

§ 91.10 SAFETY REQUIREMENTS FOR FIREWORKS SHOWROOM STRUCTURES.

(A) (1) Except as described in division (A)(2) of this section, all retail sales of 1.4G fireworks by a licensed manufacturer or wholesaler shall only occur from an approved retail sales showroom on a licensed premises or from a representative sample showroom as described in this section on a licensed premises. For the purposes of this section, a retail sale includes the transfer of the possession of the 1.4G fireworks from the licensed manufacturer or wholesaler to the purchaser of the fireworks.

(2) Sales of 1.4G fireworks to a licensed exhibitor for a properly permitted exhibition shall occur in accordance with the provisions of the Ohio Revised Code and rules adopted by the State Fire Marshal under R.C. Chapter 119. Such rules shall specify, at a minimum, that the licensed exhibitor holds a license under R.C. § 3743.51, that the exhibitor possesses a valid exhibition permit issued in accordance with R.C. § 3743.54, and that the fireworks shipped are to be used at the specifically permitted exhibition.

(B) All wholesale sales of fireworks by a licensed manufacturer or wholesaler shall only occur from a licensed premises to persons who intend to resell the fireworks purchased at wholesale. A wholesale sale by a licensed manufacturer or wholesaler may occur as follows:

(1) The direct sale and shipment of fireworks to a person outside of this state;

(2) From an approved retail sales showroom as described in this section;

(3) From a representative sample showroom as described in this section;

(4) By delivery of wholesale fireworks to a purchaser at a licensed premises outside of a structure or building on that premises. All other portions of the wholesale sales transaction may occur at any location on a licensed premises.

(5) Any other method as described in rules adopted by the Fire Marshal under R.C. Chapter 119.

(C) (1) A licensed manufacturer or wholesaler shall only sell 1.4G fireworks from a representative sample showroom or a retail sales showroom. Each licensed premises shall only contain one sales structure.

(2) A representative sample showroom shall consist of a structure constructed and maintained in accordance with the Nonresidential Building Code adopted under R.C. Chapter 3781 and the Fire Code adopted under R.C. § 3737.82 for a use and occupancy group that permits mercantile sales. A representative sample showroom shall not contain any pyrotechnics, pyrotechnic materials, fireworks, explosives, explosive materials, or any similar hazardous materials or substances. A representative sample showroom shall be used only for the public viewing of fireworks product representations, including paper materials, packaging materials, catalogs, photographs, or other similar product depictions. The delivery of product to a purchaser of fireworks at a licensed premises that has a representative sample structure shall not occur inside any structure on a licensed premises. Such product delivery shall occur on the licensed premises in a manner prescribed by rules adopted by the State Fire Marshal pursuant to R.C. Chapter 119.

(3) If a manufacturer or wholesaler elects to conduct sales from a retail sales showroom, the showroom structures, to which the public may have any access and in which employees are required to work, on all licensed premises, shall comply with the following safety requirements:

(a) A fireworks showroom that is constructed or upon which expansion is undertaken on and after June 30, 1997, shall be equipped with interlinked fire detection, fire suppression, smoke exhaust, and smoke evacuation systems that are approved by the Superintendent of Industrial Compliance in the Department of Commerce.

(b) A fireworks showroom that first begins to operate on or after June 30, 1997, and to which the public has access for retail purposes shall not exceed 5,000 square feet in floor area.

(c) A newly constructed or an existing fireworks showroom structure that exists on September 23, 2008, but that, on or after September 23, 2008, is altered or added to in a manner requiring the submission of plans, drawings, specifications, or data pursuant to R.C. § 3791.04, shall comply with a graphic floor plan layout that is approved by the State Fire Marshal and Superintendent of Industrial Compliance showing width of aisles, parallel arrangement of aisles to exits, number of exits per wall, maximum occupancy load, evacuation plan for occupants, height of storage or display of merchandise, and other information as may be required by the State Fire Marshal and Superintendent of Industrial Compliance.

(d) A fireworks showroom structure that exists on June 30, 1997, shall be in compliance on or after June 30, 1997, with floor plans showing occupancy load limits and internal circulation and egress patterns that are approved by the State Fire Marshal and Superintendent of Industrial Compliance, and that are submitted under seal as required by R.C. § 3791.04.

(D) The safety requirements established in division (C) of this section are not subject to any variance, waiver, or exclusion pursuant to this chapter or any applicable building code.
(R.C. § 3743.25) (Rev. 2013) Penalty, see § 91.99

§ 91.11 STORAGE OF EXPLOSIVES.

It shall be unlawful to store at any time within the municipality a quantity of gunpowder or other similar explosive weighing in excess of 100 pounds.
Penalty, see § 91.99
Statutory reference:
Illegal manufacture or processing of explosives, felony provisions, see R.C. § 2923.17

§ 91.12 BLASTING PERMIT.

No person shall cause a blast to occur within the municipality without making application in writing beforehand, setting forth the exact nature of the intended operation, and receiving a permit to blast from the Mayor or other proper municipal officer. The Mayor or other proper municipal officer before granting such permit may require the applicant to provide a bond to indemnify the municipality and all other persons against injury or damages which might result from the proposed blasting.
Penalty, see § 91.99

FIRE PREVENTION

§ 91.30 REMOVAL OF FLAMMABLE MATERIALS OR OBSTRUCTIONS.

Any flammable or combustible materials not arranged or stored in such a manner as to afford reasonable safety against the danger of fire, or any matter stored or arranged in such a manner as to impede or prevent access to, or exit from, any premises in case of fire, shall be ordered by the Fire Chief to be removed or rearranged in such manner as to eliminate any fire hazard. The order shall be in writing and delivered to the owner, lessee, or occupant of the premises.
Penalty, see § 91.99

§ 91.31 PROTECTIVE APPLIANCES.

If the Fire Chief finds upon inspection that the appliances for protection against fire are wholly wanting or are inadequate in number, condition, size, arrangement, or efficiency for the reasonable protection of the premises against fire, he or she shall cause an order in writing to be delivered to the owner, lessee, or occupant requiring the installation, replacement, or repair of appliances adequate for the reasonable protection of the premises in case of fire.
Penalty, see § 91.99

§ 91.32 COMPLIANCE WITH ORDER.

An order to correct the hazardous conditions specified in either § 91.30 or 91.31 shall be directed to the owner, lessee, or occupant of the premises, building, or structure, or to the person in control of the articles, material, goods, wares, or merchandise, or to the owner thereof, as the circumstances may require. It is made the duty of the owner, lessee, or occupant of the premises, building, or structure, and of the person in control of such articles, materials, goods, wares, and merchandise, or the owner thereof, to comply with the order with all reasonable dispatch and diligence.
Penalty, see § 91.99

§ 91.33 WASTE RECEPTACLES.

Waste paper, ashes, oil rags, waste rags, excelsior, or any material of a similar hazardous nature shall not be accumulated in any cellar or any other portion of any building of any kind. Proper fireproof receptacles shall be provided for such hazardous materials.
Penalty, see § 91.99

§ 91.34 HOTEL TO HAVE FIRE WARNING DEVICE PRODUCING VISIBLE SIGNAL.

(A) Every hotel shall have available at least one operational single station automatic fire warning device approved by the Fire Chief that produces a visible warning signal when activated by every product of combustion. The device, at the discretion of the owner, may also be activated by an early warning fire protection system. Hotels having fewer than 75 rooms shall have at least one warning device available for its guests. Hotels having more than 75 rooms shall have available for its guests one device for every group of 75 rooms. Upon the request of a guest, such a device, if available, shall be installed in the guest's room.

(B) As used in this section, ***HOTEL*** means every establishment kept, used, maintained, advertised, or held out to the public to be a place where sleeping accommodations are offered to guests in which five or more rooms are used for accommodation of such guests, whether the rooms are in one or several structures, except as otherwise provided in R.C. § 5739.091.
(R.C. §§ 3781.107, 5739.01(M)) (Rev. 2021)

(C) Whoever violates the provisions of this section shall be fined not more than $1,000.
(R.C. §§ 3791.02, 3791.03)

§ 91.35 FIRE SUPPRESSION SYSTEMS.

(A) Every building constructed in this municipality with floors used for human occupancy located more than 75 feet in height above the lower level of fire department vehicle access shall have a fire suppression system installed and in operation in conformity with the rules of the state Board of Building Standards adopted pursuant to R.C. § 3781.10.

(B) As used in this section:

FIRE SUPPRESSION SYSTEM. Means a system that includes devices and equipment to detect a fire, actuates an alarm, and suppress or control a fire.

HUMAN OCCUPANCY. Does not include floors of buildings where occupancy by humans is limited to ingress, egress, and limited access for maintenance and repair.
(R.C. § 3781.108(A), (B))

(C) Whoever violates the provisions of this section shall be fined not more than $1,000.
(R.C. §§ 3791.02, 3791.03)

§ 91.36 VIOLATIONS OF STATE FIRE CODE PROHIBITED.

(A) No person shall knowingly violate any provision of the State Fire Code or any order made pursuant to it.
(R.C. § 3737.51(A))

(B) Except as a violation of R.C. § 2923.17, regarding the felonies of unlawful possession of a dangerous ordnance and illegal manufacture or processing of explosives, involves subject matter covered by the State Fire Code, whoever violates division (A) of this section is guilty of a misdemeanor of the first degree.
(R.C. § 3737.99(B))
Statutory reference:
Fire Code violations, see R.C. §§ 3737.41 et seq.
Ohio Fire Code, see O.A.C. Chapter 1301:7-7

§ 91.37 POSTING ARSON NOTICES IN HOTELS, MOTELS AND OTHER PLACES.

(A) The owner, operator or lessee of any hotel, motel or transient residential building shall post the provisions of R.C. §§ 2909.02 and 2909.03, regarding aggravated arson and arson, in a conspicuous place in each room occupied by guests in such building. The owner, operator or lessee of any nontransient residential building, institution, school or place of assembly shall post the provisions of such sections in conspicuous places upon such premises. No person shall fail to comply with this section.
(R.C. § 3737.61)

(B) Whoever violates division (A) of this section is guilty of a minor misdemeanor.
(R.C. § 3737.99(C))

§ 91.38 NEGLIGENT BURNING.

(A) No person shall set, kindle, or cause to be set or kindled any fire which, through his or her negligence, spreads beyond its immediate confines to any structure, field or wooded lot.
(R.C. § 3737.62)

(B) Whoever violates division (A) of this section is guilty of a misdemeanor of the fourth degree.
(R.C. § 3737.99(D))
Cross-reference:
Arson, see § 131.02

§ 91.39 SPREADING ALARM OF UNFRIENDLY FIRE.

(A) The owner, operator or lessee, an employee of any owner, operator or lessee, an occupant, and any person in direct control of any building regulated under the state building code, upon the discovery of an unfriendly fire, or upon receiving information that there is an unfriendly fire upon the premises, shall immediately, and with all reasonable dispatch and diligence, call or otherwise notify the fire department concerning the fire, and shall spread an alarm immediately to all occupants of the building.

(B) As used in this section, ***UNFRIENDLY FIRE*** means a fire of a destructive nature as distinguished from a controlled fire intended for a beneficial purpose.
(R.C. § 3737.63)

(C) Whoever violates this section is guilty of a misdemeanor of the third degree.
(R.C. § 3737.99(E))

§ 91.40 UNVENTED HEATERS.

(A) The use of a brazier, salamander, space heater, room heater, furnace, water heater, or other burner or heater using wood, coal, coke, fuel oil, kerosene, gasoline, natural gas, liquid petroleum gas or similar fuel, and tending to give off carbon monoxide or other harmful gases must comply with the following provisions;

(1) When used in living quarters, or in any enclosed building or space in which persons are usually present, shall be used with a flue or vent so designed, installed, and maintained as to vent the products of combustion outdoors; except in storage, factory, or industrial buildings which are provided with sufficient ventilation to avoid the danger of carbon monoxide poisoning.

(2) When used as a portable or temporary burner or heater at a construction site, or in a warehouse, shed, or structure in which persons are temporarily present, shall be vented as provided in division (A)(1) or used with sufficient ventilation to avoid the danger of carbon monoxide poisoning.

(B) This section does not apply to domestic ranges, laundry stoves, gas logs installed in a fireplace with an adequate flue, or hot plates, unless the same are used as space or room heaters.

(C) No person shall negligently use, or, being the owner, person in charge, or occupant of premises, negligently permit the use of a burner or heater in violation of the standards for venting and ventilation provided in this section.

(D) Division (A) above does not apply to any kerosene-fired space or room heater that is equipped with an automatic extinguishing tip-over device, or to any natural gas-fired or liquid petroleum gas-fired space or room heater that is equipped with an oxygen depletion safety shut-off system, and that has its fuel piped from a source outside the building in which it is located, that are approved by an authoritative source recognized by the State Fire Marshal in the State Fire Code adopted by him or her under R.C. § 3737.82.

(E) The State Fire Marshal may make rules to ensure the safe use of unvented kerosene, natural gas, or liquid petroleum gas heaters exempted from division (A) above when used in assembly buildings, business buildings, high hazard buildings, institutional buildings, mercantile buildings, and type R-1 and R-2 residential buildings, as these groups of buildings are defined in rules adopted by the Board of Building Standards under R.C. § 3781.10. No person shall negligently use, or, being the owner, person in charge or occupant of premises, negligently permit the use of a heater in violation of any rules adopted under this division.

(F) The State Fire Marshal may make rules prescribing standards for written instructions containing ventilation requirements and warning of any potential fire hazards that may occur in using a kerosene, natural gas, or liquid petroleum gas heater. No person shall sell or offer for sale any kerosene, natural gas, or liquid petroleum gas heater unless the manufacturer provides with the heater written instructions that comply with any rules adopted under this division.

(G) No product labeled as a fuel additive for kerosene heaters and having a flash point below 100°F or 37.8°C shall be sold, offered for sale, or used in any kerosene space heater.

(H) No device that prohibits any safety feature on a kerosene, natural gas, or liquid petroleum gas space heater from operating shall be sold, offered for sale, or used in connection with any kerosene, natural gas, or liquid petroleum gas space heater.

(I) No person shall sell or offer for sale any kerosene-fired, natural gas, or liquid petroleum gas-fired heater that is not exempt from division (A) above, unless it is marked conspicuously by the manufacturer on the container with the phrase “Not Approved For Home Use”.

(J) No person shall use a cabinet-type, liquid petroleum gas-fired heater having a fuel source within the heater, inside any building, except as permitted by the State Fire Marshal in the State Fire Code adopted by him or her under R.C. § 3737.82.
(R.C. § 3701.82)

(K) Whoever violates this section is guilty of a misdemeanor of the first degree.
(R.C. § 3701.99(B)) (Rev. 2005)

OPEN BURNING

§ 91.55 DEFINITIONS.

(A) *General definitions.* For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AGRICULTURAL WASTE. Any waste material generated by crop, horticultural, or livestock production practices, and includes such items as woody debris and plant matter from stream flooding, bags, cartons, structural materials, and landscape wastes that are generated in agricultural activities, but does not include land clearing waste; buildings (including dismantled/fallen barns); garbage; dead animals; animal waste; motor vehicles and parts thereof; nor economic poisons and containers thereof, unless the manufacturer has identified open burning as a safe disposal procedure.

AIR CURTAIN BURNER. An engineered apparatus consisting of a motorized high-velocity fan and an air distribution system designed to aid in the efficient combustion of materials placed in a manufactured steel structure and for which a permit-to-install has been obtained as required in O.A.C. Chapter 3745-31 and a permit-to-operate has been obtained as required in O.A.C. Chapter 3745-77.

AIR CURTAIN DESTRUCTOR. An engineered apparatus consisting of a motorized high-velocity fan and an air distribution system designed to aid in the efficient combustion of materials placed in an adjacent pit. An air curtain burner may be used in place of an air curtain destructor, but an air curtain destructor may not be used in place of an air curtain burner.

BUILDING MATERIALS. Those materials resulting from the alteration, construction, destruction, rehabilitation, or repair of any human-made physical structure, including, without limitation, houses, buildings, industrial or commercial facilities, or roadways.

ECONOMIC POISONS. Include but are not restricted to pesticides such as insecticides, fungicides, rodenticides, miticides, nematocides and fumigants; herbicides; seed disinfectants; and defoliants.

EMERGENCY BURNING. The burning of clean wood waste or deceased animals caused by a natural disaster or an uncontrolled event such as the following:

(a) A tornado.

(b) High winds.

(c) An earthquake.

(d) An explosion.

(e) A flood.

(f) A hail storm, a rain storm, or an ice storm.

GARBAGE. Any waste material resulting from the handling, processing, preparation, cooking and consumption of food or food products.

INHABITED BUILDING. Any inhabited private dwelling house and any public structure which may be used as a place of resort, assembly, education, entertainment, lodging, trade, manufacture, repair, storage, traffic, or occupancy by the public. Examples would include, but are not limited to, highway rest stops, restaurants, motels, hotels and gas stations.

LAND CLEARING WASTE. Plant waste material which is removed from land, including plant waste material removed from stream banks during projects involving more than one property owner, for the purpose of rendering the land useful for residential, commercial, or industrial development. Land clearing waste also includes the plant waste material generated during the clearing of land for new agricultural development.

LANDSCAPE WASTE. Any plant waste material, except garbage, including trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery, yard trimmings, and crop residues.

OHIO EPA. The Ohio Environmental Protection Agency Director or agencies delegated authority by the Director of the Ohio Environmental Protection Agency pursuant to R.C. § 3704.03 or the Chief of any Ohio Environmental Protection Agency District Office.

OPEN BURNING. The burning of any materials wherein air contaminants resulting from combustion are emitted directly into the ambient air without passing through a stack or chimney. Open burning includes the burning of any refuse or salvageable material in any device not subject to or designed specifically to comply with the requirements of O.A.C. 3745-17-09 or O.A.C. 3745-17-10.

RESIDENTIAL WASTE. Any waste material, including landscape waste, generated on the property of a one-, two- or three-family residence as a result of residential activities, but not including garbage, rubber, grease, asphalt, liquid petroleum products, or plastics.

RESTRICTED AREA. The area within the boundary of the municipality, plus a zone extending 1,000 feet beyond the boundaries of a municipality having a population of 1,000 to 10,000 persons and a zone extending one mile beyond any municipality having a population of 10,000 persons or more according to the latest federal census.

UNRESTRICTED AREA. All areas outside the boundaries of a restricted area as defined in this section.

(B) *Referenced materials.* This subchapter includes references to certain matter or materials. The text of the referenced materials is not included in the legislation

contained in this subchapter. Information on the availability of the referenced materials as well as the date of, and/or the particular edition or version of the material is included in this section. For materials subject to change, only the specific versions specified in this section are referenced. Material is referenced as it exists on the effective date of this section. Except for subsequent annual publication of existing (unmodified) Code of Federal Regulation compilations, any amendment or revision to a referenced document is not applicable unless and until this section has been amended to specify the new dates.

(1) *Availability.* The referenced materials are available as follows:

(a) *Clean Air Act.* Information and copies may be obtained by writing to: Superintendent of Documents, Attn: New Orders, PO Box 371954, Pittsburgh, PA 15250-7954. The full text of the act as amended in 1990 is also available in electronic format at www.epa.gov/oar/caa/. A copy of the act is also available for inspection and use at most public libraries and the State Library of Ohio.

(b) *Code of Federal Regulations (C.F.R.).* Information and copies may be obtained by writing to: Superintendent of Documents, Attn: New Orders, PO Box 371954, Pittsburgh, PA 15250-7954. The full text of the C.F.R. is also available in electronic format at http://www.ecfr.gov. The C.F.R. compilations are also available for inspection and use at most public libraries and the State Library of Ohio.

(c) *National Fire Protection Association.* Information on the National Fire Protection Association codes may be obtained by contacting the Association at 1 Batterymarch Park, Quincy, Massachusetts 02169-7471, 617-770-3000. Codes may be ordered at www.nfpa.org/catalog/home/index.asp. Copies of the code exist or are available at most public libraries and the State Library of Ohio.

(2) *Referenced materials.*

(a) 40 C.F.R. § 60.2974: "Am I required to apply for and obtain a title V operating permit for my air curtain incinerator that burns only wood waste, clean lumber, and yard waste?" as published in the July 1, 2017 Code of Federal Regulations.

(b) 40 C.F.R. § 60.3069: "Am I required to apply for and obtain a title V operating permit for my air curtain incinerator that burns only wood waste, clean lumber, and yard waste?" as published in the July 1, 2017 Code of Federal Regulations.

(c) NFPA publication 1403: "Standard on Live Fire Training Evolutions, Chapter 4, Acquired Structures" published April 30, 2007.

(d) Section 129 of the Clean Air Act, contained in 42 U.S.C. § 7429: "Solid waste combustion" published January 6, 2017 in Supplement IV of the 2012 Edition of the United States Code.
(O.A.C. § 3745-19-01) (Rev. 2019)

§ 91.56 RELATIONS TO OTHER PROHIBITIONS.

(A) Notwithstanding any provision in O.A.C. Chapter 3745-19, no open burning shall be conducted in an area where an air alert, warning or emergency under O.A.C. Chapter 3745-25 is in effect.

(B) No provisions of O.A.C. Chapter 3745-19 permitting open burning, and no permission to open burn granted by the Ohio EPA, shall exempt any person from compliance with any section of the Ohio Revised Code, or any regulation of any state department, or any local ordinance or regulation dealing with open burning.
(O.A.C. § 3745-19-02) (Rev. 1999) Penalty, see § 91.99

§ 91.57 OPEN BURNING IN RESTRICTED AREAS.

(A) No person or property owner shall cause or allow open burning in a restricted area except as provided in divisions (B) to (D) of this section or in R.C. § 3704.11.

(B) Open burning shall be allowed for the following purposes without notification to or permission from the Ohio EPA:

(1) Heating tar, welding, acetylene torches, highway safety flares, heating for warmth of outdoor workers and strikers, smudge pots and similar occupational needs.

(2) Bonfires, campfires and outdoor fireplace equipment, whether for cooking food for human consumption, pleasure, religious, ceremonial, warmth, recreational, or similar purposes, if the following conditions are met:

(a) They are fueled with clean seasoned firewood, natural gas or equivalent, or any clean burning fuel with emissions that are equivalent to or lower than those created from the burning of seasoned firewood;

(b) They are not used for waste disposal purposes; and

(c) They shall have a total fuel area of three feet or less in diameter and two feet or less in height.

(3) Disposal of hazardous explosive materials, military munitions or explosive devices that require immediate action to prevent endangerment of human health, public safety, property or the environment and that are excluded from the requirement to obtain a hazardous waste permit pursuant to O.A.C. 3745-50-45(D)(1)(d).

(4) Recognized training in the use of fire extinguishers for commercial or industrial fire prevention.

(5) Fires set at the direction of federal, state, and local law enforcement officials for the purpose of destruction of cannabis sativa (marijuana) plant vegetation, processed marijuana material and/or other drugs seized by federal, state, or local law enforcement officials.

(6) Fires allowed by divisions (B)(1), (B)(2), and (B)(4) of this section shall not be used for waste disposal purposes and shall be of minimum size sufficient for their intended purpose; the fuel shall be chosen to minimize the generation and emission of air contaminants.

(C) Open burning shall be allowed for the following purposes with prior notification to the Ohio EPA in accordance with § 91.58(B):

(1) Prevention or control of disease or pests, with written or oral verification to the Ohio EPA from the Ohio Department of Health or local health department, the Centers for Disease Control and Prevention, cooperative extension service, Ohio Department of Agriculture, or U.S. Department of Agriculture, that open burning is the only appropriate disposal method.

(2) Bonfires or campfires used for ceremonial purposes that do not meet the requirements of division (B)(2) of this section, provided the following conditions are met:

(a) They have a total fuel area no greater than five feet in diameter by five feet in height and burn no longer than three hours;

(b) They are not used for waste disposal purposes; and

(c) They are fueled with clean seasoned firewood, natural gas or equivalent, or any clean burning fuel with emissions that are equivalent to or lower than those created from the burning of seasoned firewood.

(3) Disposal of agricultural waste generated on the premises if the following conditions are observed:

(a) The fire is set only when atmospheric conditions will readily dissipate contaminants;

(b) The fire does not create a visibility hazard on the roadways, railroad tracks, or air fields;

(c) The fire is located at a point on the premises no less than 1,000 feet from any inhabited building not located on said premises;

(d) The wastes are stacked and dried to provide the best practicable condition for efficient burning; and

(e) No materials are burned which contain rubber, grease, asphalt, liquid petroleum products, plastics or building materials.

(4) Recognized horticultural, silvicultural (forestry), range management, prairie and grassland management, invasive species management, or wildlife management practices, if all of the following conditions are met:

(a) The fire shall be performed within 180 days of submitting the notification.

(b) The fire shall be performed when it is anticipated weather conditions will minimize the dispersion of smoke near populated areas and the smoke does not create a visibility hazard on roadways, railroad tracks, or air fields. Smoke dispersion conditions shall be evaluated before, during, and after the fire and actions taken to minimize smoke impacts.

(c) The person making the notification shall notify the local fire department having jurisdiction over the burn area at least 24 hours before the fire is anticipated to occur.

(d) The person making the notification shall provide reasonable notification to populations potentially impacted by the smoke before the fire occurs. Populations potentially impacted shall include, at a minimum, those within one-quarter mile of the burn site. Reasonable notification shall include one of the following:

1. Posting notice of intent to burn, including contact information for the person making the notification and the anticipated date that the fire will occur, within open view from a public roadway adjacent to and outside of the property on which the fire will occur.

2. Posting a notice in a newspaper of general circulation in the local community in which the fire will occur. The notice shall include, at a minimum, the address of the property at which the fire will occur, contact information for the person making the notification and the anticipated date that the fire will occur.

3. Delivering written notice directly to residences and businesses within a minimum of one-quarter mile of the burn site. Notices shall include, at a minimum, the address of the property at which the fire will occur, contact information for the person making the notification and the anticipated date that the fire will occur.

(e) The person making the notification shall document information on the weather, smoke conditions, any air quality concerns before, during, and after the fire, the actual number of acres burned, the time the fire was initially kindled, the time when active kindling ceased and the time at which mop up activities ceased. The person making the notification shall maintain this information for a minimum of one year from the date of the fire and shall provide this information to the appropriate Ohio EPA district office or local air agency within ten days upon request.

(f) Reasonable access to the burn site shall be provided to Ohio EPA representatives at any time during the fire.

(D) Open burning shall be allowed for the following purposes upon receipt of written permission from the Ohio EPA, in accordance with § 91.58(A), provided that any conditions specified in the permission are followed:

(1) Disposal of ignitable or explosive materials where the Ohio EPA determines that there is no practical alternate method of disposal, excluding those materials identified in division (B)(3) of this section;

(2) Instruction in methods of fire fighting or for research in the control of fires as recognized by the State Fire Marshal Division of the Ohio Department of Commerce and the guidelines set forth in the National Fire Protection Association's (NFPA) publication 1403, *Standard on Live Fire Training Evolutions, Chapter 4, Acquired Structures*, provided that the application required in § 91.58(A)(1) is submitted by the commercial or public entity responsible for the instruction;

(3) In emergency or other extraordinary circumstances for any purpose determined to be necessary by the Director and performed as identified in the appendix to O.A.C. § 3745-19-03. If deemed necessary, the open burning may be authorized with prior oral approval by the Director followed by the issuance of a written permission to open burn within seven working days of the oral approval;

(4) Fires or pyrotechnic effects, for purposes other than waste disposal, set as part of commercial film-making or video production activities for motion pictures and television.

(O.A.C. § 3745-19-03) (Rev. 2019) Penalty, see § 91.99

§ 91.58 PERMISSION AND NOTICE TO OPEN BURN.

(A) *Permission.*

(1) An application for permission to open burn shall be submitted in writing to Ohio EPA. The applicant shall allow Ohio EPA at least ten working days to review the permit. Applicant may proceed with burn upon receipt of written permission from Ohio EPA. Saturday, Sunday, and legal holidays shall not be considered working days. The application shall be in such form and contain such information as required by the Ohio EPA.

(2) Except as provided in divisions (A)(6) and (A)(7) of this section, such applications shall contain, as a minimum, the following information:

(a) The purpose of the proposed burning;

(b) The quantity or acreage and the nature of the materials to be burned;

(c) The date or dates when such burning will take place;

(d) The location of the burning site, including a map showing distances to residences, populated areas, roadways, air fields, and other pertinent landmarks; and

(e) The methods or actions which will be taken to reduce the emissions of air contaminants.

(3) Permission to open burn shall not be granted unless the applicant demonstrates to the satisfaction of the Ohio EPA that open burning is necessary to the public interest; will be conducted in a time, place, and manner as to minimize the emission of air contaminants, when atmospheric conditions are appropriate; and will have no serious detrimental effect upon adjacent properties or the occupants thereof. The Ohio EPA may impose such conditions as may be necessary to accomplish the purpose of O.A.C. Chapter 3745-19.

(4) Except as provided in division (A)(6) of this section, permission to open burn must be obtained for each specific project. In emergencies where public health or environmental quality will be seriously threatened by delay while written permission is sought, the fire may be set with oral permission of the Ohio EPA.

(5) Violations of any of the conditions set forth by the Ohio EPA in granting permission to open burn shall be grounds for revocation of such permission and refusal to grant future permission, as well as for the imposition of other sanctions provided by law.

(6) The Ohio Department of Commerce, Division of State Fire Marshal, may request permission to open burn on an annual basis for the purpose of training firefighters on pre-flashover conditions using the Ohio Fire Academy's mobile training laboratory at either the academy or at other training sites in Ohio. The annual application required pursuant to division (A)(1) of this section shall contain information as required in division (A)(2) of this section, except the information required in divisions (A)(2)(c) and (A)(2)(d) of this section need not be provided unless it is available at the time of submittal of the application. The Academy shall contact the appropriate Ohio EPA District Office or local air agency at least five working days before each training session of the date or dates when the training session will take place and its location. Saturday, Sunday, and legal holidays shall not be considered a working day.

(7) For open burning defined under § 91.57(D)(2) and O.A.C. 3745-19-04(C)(2), permission to open burn shall not be granted unless the applicant provides proof of written notice of intent to demolish received by the appropriate Ohio EPA field office in accordance with O.A.C. 3745-20-03.

(B) *Notification.*

(1) Notification shall be submitted in writing at least ten working days before the fire is to be set. Saturday, Sunday, and legal holidays shall not be considered a working day. It shall be in such form and contain such information as shall be required by the Ohio EPA.

(2) Such notification shall inform the Ohio EPA regarding the following:

(a) The purpose of the proposed burning;

(b) The nature and quantities of materials to be burned;

(c) The date or dates when such burning will take place; and

(d) The location of the burning site.

(3) The Ohio EPA, after receiving notification, may determine that the open burning is not allowed under O.A.C. Chapter 3745-19 and the Ohio EPA shall notify the applicant to this effect.
(O.A.C. § 3745-19-05) (Rev. 2019) Penalty, see § 91.99

§ 91.99 PENALTY.

(A) Whoever violates any provision of this chapter for which another penalty is not specifically provided shall be subject to the penalty as provided in § 10.99.

(B) (1) Except as otherwise provided in division (B)(2) or (B)(3) of this section, whoever violates any provisions of §§ 91.01 through 91.08 is guilty of a misdemeanor of the first degree.

(2) If the offender previously has been convicted of or pleaded guilty to a violation of R.C. § 3743.60(I) or R.C. § 3743.61(I), or a substantially equivalent municipal ordinance, a violation of § 91.04(E) is a felony to be prosecuted under appropriate state law.

(3) Whoever violates § 91.06(A) is guilty of a misdemeanor of the first degree. In addition to any other penalties that may be imposed on a licensed exhibitor of fireworks under this division and unless the third sentence of this division applies, the person's license as an exhibitor of fireworks or as an assistant exhibitor of fireworks shall be suspended, and the person is ineligible to apply for either type of licence, for a period of five years. If the violation of § 91.06(A) results in serious physical harm to persons or serious physical harm to property, the person's license as an exhibitor of fireworks or as an assistant exhibitor of fireworks shall be revoked, and that person is ineligible to apply for a license as or to be licensed as an exhibitor of fireworks or as an assistant exhibitor of fireworks in this state.
(R.C. § 3743.99(C), (D)) (Rev. 2002)
Statutory reference:
Civil penalties for violations of State Fire Code, see R.C. § 3737.51(B) through (H)

CHAPTER 92: INTOXICATING LIQUORS

Section

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§ 92.01 DEFINITIONS.

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

ALCOHOL. Ethyl alcohol, whether rectified or diluted with water or not, whatever its origin may be, and includes synthetic ethyl alcohol. The term does not include denatured alcohol and wood alcohol.

AT RETAIL. For use or consumption by the purchaser and not for resale.

BEER.

(1) Includes all beverages brewed or fermented wholly or in part from malt products and containing 0.5% or more of alcohol by volume.

(2) Beer, regardless of the percent of alcohol by volume, is not intoxicating liquor for purposes of this code, the Ohio Revised Code, or any rules adopted under it.

CIDER. All liquids that are fit to use for beverage purposes that contain 0.5% of alcohol by volume, but not more than 6% of alcohol by weight that are made through the normal alcoholic fermentation of the juice of sound, ripe apples, including, without limitation, flavored, sparkling, or carbonated cider and cider made from pure condensed apple must.

CLUB. A corporation or association of individuals organized in good faith for social, recreational, benevolent, charitable, fraternal, political, patriotic, or athletic purposes, which is the owner, lessor, or occupant of a permanent building or part of a permanent building operated solely for such purposes, membership in which entails the prepayment of regular dues, and includes the place so operated.

COMMUNITY FACILITY. Means either of the following:

(1) Any convention, sports or entertainment facility or complex, or any combination of these, that is used by or accessible to the general public and that is owned or operated in whole or in part by the state, a state agency, or a political subdivision of the state or that is leased from, or located on property owned by or leased from, the state, a state agency, a political subdivision of the state, or a convention facilities authority created pursuant to R.C. § 351.02;

(2) An area designated as a community entertainment district pursuant to R.C. § 4301.80.

CONTROLLED ACCESS ALCOHOL AND BEVERAGE CABINET. A closed container, either refrigerated, in whole or in part, or nonrefrigerated, access to the interior of which is restricted by means of a device that requires the use of a key, magnetic card, or similar device and from which beer, intoxicating liquor, other beverages, or food may be sold.

HOTEL. The same meaning as in R.C. § 3731.01, subject to the exceptions mentioned in R.C. § 3731.03.

INTOXICATING LIQUOR and ***LIQUOR.*** All liquids and compounds, other than beer, containing 0.5% or more of alcohol by volume which are fit to use for beverage purposes, from whatever source and by whatever process produced, by whatever name called, and whether they are medicated, proprietary, or patented. The terms include cider and alcohol, and all solids and confections which contain 0.5% or more of alcohol by volume.

LOW-ALCOHOL BEVERAGE. Any brewed or fermented malt product or any product made from the fermented juices of grapes, fruits, or other agricultural products that contains either no alcohol or less than 0.5% of alcohol by volume. The beverages described in this definition do not include a soft drink such as root beer, birch beer, or ginger beer.

MANUFACTURE. All processes by which beer or intoxicating liquor is produced, whether by distillation, rectifying, fortifying, blending, fermentation, brewing, or in any other manner.

MANUFACTURER. Any person engaged in the business of manufacturing beer or intoxicating liquor.

MIXED BEVERAGES. Include bottled and prepared cordials, cocktails, highballs, and solids and confections that are obtained by mixing any type of whiskey, neutral spirits, brandy, gin or other distilled spirits with, or over, carbonated or plain water, pure juices from flowers and plants, and other flavoring materials. The completed product shall contain not less than 0.5% of alcohol by volume and not more than 21% of alcohol by volume.

NIGHTCLUB. A place habitually operated for profit, where food is served for consumption on the premises, and one or more forms of amusement are provided or permitted for a consideration that may be in the form of a cover charge or may be included in the price of the food and beverages, or both, purchased by patrons.

PERSON. Includes firms and corporations.

PHARMACY. An establishment as defined in R.C. § 4729.01, that is under the management or control of a licensed pharmacist in accordance with R.C. § 4729.27.

RESTAURANT. A place located in a permanent building provided with space and accommodations wherein, in consideration of the payment of money, hot meals are habitually prepared, sold, and served at noon and evening, as the principal business of the place. The term does not include pharmacies, confectionery stores, lunch stands, nightclubs, and filling stations.

SALE and ***SELL.*** The exchange, barter, gift, offer for sale, sale, distribution, and delivery of any kind, and the transfer of title or possession of beer and intoxicating liquor either by constructive or actual delivery by any means or devices whatever, including the sale of beer or intoxicating liquor by means of a controlled access alcohol and beverage cabinet pursuant to R.C. § 4301.21. Such terms do not include the mere solicitation of orders for beer or intoxicating liquor from the holders of permits issued by the Division of Liquor Control authorizing the sale of the beer or intoxicating liquor, but no solicitor shall solicit any orders until the solicitor has been registered with the Division pursuant to R.C. § 4303.25.

SALES AREA OR TERRITORY. An exclusive geographic area or territory that is assigned to a particular A or B permit holder and that either has one or more political subdivisions as its boundaries or consists of an area of land with readily identifiable geographic boundaries. The term does not include, however, any particular retail location in an exclusive geographic area or territory that had been assigned to another A or B permit holder before April 9, 2001.

SEALED CONTAINER. Any container having a capacity of not more than 128 fluid ounces, the opening of which is closed to prevent the entrance of air.

SPIRITUOUS LIQUOR. All intoxicating liquors containing more than 21% of alcohol by volume.

VEHICLE. All means of transportation by land, by water, or by air, and everything made use of in any way for such transportation.

WHOLESALE DISTRIBUTOR and ***DISTRIBUTOR.*** A person engaged in the business of selling to retail dealers for purposes of resale.

WINE. All liquids fit to use for beverage purposes containing not less than 0.5% of alcohol by volume and not more than 21% of alcohol by volume, which is made from the fermented juices of grapes, fruits, or other agricultural products. Except as provided in R.C. § 4301.01(B)(3), the term does not include cider.
(R.C. §§ 4301.01, 4301.244) (Rev. 2017)

§ 92.02 EXEMPTIONS FROM CHAPTER.

The provisions of this chapter do not prevent the following:

(A) The storage of intoxicating liquor in bonded warehouses, established in accordance with the Acts of

Congress and under the regulation of the United States, located in the municipality, or the transportation of intoxicating liquor to or from bonded warehouses of the United States wherever located.

(B) A bona fide resident of this state who is the owner of a warehouse receipt from obtaining or transporting to the resident's residence for the resident's own consumption and not for resale spirituous liquor stored in a government bonded warehouse in this state or in another state prior to December 1933, subject to such terms as are prescribed by the Division of Liquor Control.

(C) The manufacture of cider from fruit for the purpose of making vinegar, and nonintoxicating cider and fruit juices for use and sale.

(D) A licensed physician or dentist from administering or dispensing intoxicating liquor or alcohol to a patient in good faith in the actual course of the practice of the physician's or dentist's profession.

(E) The sale of alcohol to physicians, dentists, druggists, veterinary surgeons, manufacturers, hospitals, infirmaries, or medical or educational institutions using the alcohol for medicinal, mechanical, chemical or scientific purposes.

(F) The sale, gift, or keeping for sale by druggists and others of any of the medicinal preparations manufactured in accordance with the formulas prescribed by the United States Pharmacopoeia and National Formulary, patent or proprietary preparations, and other bona fide medicinal and technical preparations, which contain no more alcohol than is necessary to hold the medicinal agents in solution and to preserve the same, which are manufactured and sold as medicines and not as beverages, are unfit for use for beverage purposes, and the sale of which does not require the payment of a United States liquor dealer's tax.

(G) The manufacture and sale of tinctures or of toilet, medicinal and antiseptic preparations and solutions not intended for internal human use nor to be sold as beverages, and which are unfit for beverage purposes, if upon the outside of each bottle, box, or package of which there is printed in English, conspicuously and legibly, the quantity by volume of alcohol in the preparation or solution.

(H) The manufacture and keeping for sale of the food products known as flavoring extracts when manufactured and sold for cooking, culinary or flavoring purposes, and which are unfit for use for beverage purposes.

(I) The lawful sale of wood alcohol or of ethyl alcohol for external use when combined with other substances as to make it unfit for internal use.

(J) The manufacture, sale, and transport of ethanol or ethyl alcohol for use as fuel. As used in this division, ***ETHANOL*** has the same meaning as in R.C. § 122.075.

(K) The purchase and importation into the municipality or the purchase at wholesale from A or B permit holders in this state of beer and intoxicating liquor for use in manufacturing processes of nonbeverage food products under terms prescribed by the Division, provided that the terms prescribed by the Division shall not increase the cost of the beer or intoxicating liquor to any person, firm or corporation purchasing and importing it into this municipality or purchasing it from an A or B permit holder for that use.

(L) Any resident of this state or any member of the armed forces of the United States who has attained the age of 21 years from bringing into this municipality for personal use and not for resale not more than one liter of spirituous liquor, 4.5 liters of wine, or 288 ounces of beer in any 30-day period, and the same is free of any tax consent fee when the resident or member of the armed forces physically possesses and accompanies the spirituous liquor, wine or beer on returning from a foreign country, another state, or an insular possession of the United States.

(M) Persons at least 21 years of age who collect ceramic commemorative bottles containing spirituous liquor that have unbroken federal tax stamps on them from selling or trading the bottles to other collectors. The bottles shall originally have been purchased at retail from the Division, legally imported under division (L) of this section, or legally imported pursuant to a supplier registration issued by the Division. The sales shall be for the purpose of exchanging a ceramic commemorative bottle between private collectors and shall not be for the purpose of selling the spirituous liquor for personal consumption. The sale or exchange authorized by this division shall not occur on the premises of any permit holder, shall not be made in connection with the business of any permit holder, and shall not be made in connection with any mercantile business.

(N) The sale of beer or intoxicating liquor without a liquor permit at a private residence, not more than five times per calendar year at a residence address, at an event that has the following characteristics:

(1) The event is for a charitable, benevolent, or political purpose, but shall not include any event the proceeds of which are for the profit or gain of any individual;

(2) The event has in attendance not more than 50 people;

(3) The event shall be for a period not to exceed 12 hours;

(4) The sale of beer and intoxicating liquor at the event shall not take place between 2:30 a.m. and 5:30 a.m.;

(5) No person under 21 years of age shall purchase or consume beer or intoxicating liquor at the event and no beer or intoxicating liquor shall be sold to any person under 21 years of age at the event; and

(6) No person at the event shall sell or furnish beer or intoxicating liquor to an intoxicated person.

(O) The possession or consumption of beer or intoxicating liquor by a person who is under 21 years of age and who is a student at an accredited college or university, provided that both of the following apply:

(1) The person is required to taste and expectorate the beer or intoxicating liquor for a culinary, food service, or hospitality course.

(2) The person is under the direct supervision of the instructor of the culinary, food service, or hospitality course.
(R.C. § 4301.20) (Rev. 2021)

§ 92.03 RESTRICTIONS APPLICABLE TO SALE OF BEER AND INTOXICATING LIQUOR FOR CONSUMPTION ON THE PREMISES.

(A) The sale of beer or intoxicating liquor for consumption on the premises is subject to the following restrictions, in addition to those imposed by the rules and orders of the Division of Liquor Control:

(1) Except as otherwise provided in this chapter or in R.C. Chapter 4301, beer or intoxicating liquor may be served to a person not seated at a table unless there is reason to believe that the beer or intoxicating liquor so served will be consumed by a person under 21 years of age.

(2) Beer or intoxicating liquor may be served by a hotel in the room of a bona fide guest, and may be sold by a hotel holding a D-5a permit, or a hotel holding a D-3 or D-5 permit that otherwise meets all of the requirements for holding a D-5a permit, by means of a controlled access alcohol and beverage cabinet that shall be located only in the hotel room of a registered guest. A hotel may sell beer or intoxicating liquor as authorized by its permit to a registered guest by means of a controlled access alcohol and beverage cabinet in accordance with the following requirements:

(a) Only a person 21 years of age or older who is a guest registered to stay in a guestroom shall be provided a key, magnetic card, or other similar device necessary to obtain access to the contents of a controlled access alcohol and beverage cabinet in that guestroom.

(b) The hotel shall comply with R.C. § 4301.22, or a substantially equivalent municipal ordinance, in connection with the handling, restocking, and replenishing of the beer and intoxicating liquor in the controlled access alcohol and beverage cabinet.

(c) The hotel shall replenish or restock beer and intoxicating liquor in any controlled access alcohol and beverage cabinet only during the hours during which the hotel may serve or sell beer and intoxicating liquor.

(d) The registered guest shall verify in writing that the guest has read and understands the language that shall be posted on the controlled access alcohol and beverage cabinet as required by division (A)(2)(e) of this section.

(e) A hotel authorized to sell beer and intoxicating liquor pursuant to division (A)(2) of this section shall post on the controlled access alcohol and beverage cabinet, in conspicuous language, the following notice:

> The alcoholic beverages contained in this cabinet shall not be removed from the premises.

(f) The hotel shall maintain a record of each sale of beer or intoxicating liquor made by the hotel by means of a controlled access alcohol and beverage cabinet for any period in which the permit holder is authorized to hold the permit pursuant to R.C. §§ 4303.26 and 4303.27 and any additional period during which an applicant exercises its right to appeal a rejection by the Division of Liquor Control to renew a permit pursuant to R.C. § 4303.271. The records maintained by the hotel shall comply with both of the following:

1. Include the name, address, age, and signature of each hotel guest who is provided access by the hotel to a controlled access alcohol and beverage cabinet pursuant to division (A)(2)(a) of this section;

2. Be made available during business hours to authorized agents of the Division of Liquor Control pursuant to R.C. § 4301.10(A)(6) or to enforcement agents of the Department of Public Safety pursuant to R.C. §§ 5502.13 through 5502.19.

(g) The hotel shall observe all other applicable rules adopted by the Division of Liquor Control and the Liquor Control Commission.

(3) The seller shall not require the purchase of food with the purchase of beer or intoxicating liquor; nor shall the seller of beer or intoxicating liquor give away food of any kind in connection with the sale of beer or intoxicating liquor, except as authorized by rule of the state Liquor Control Commission.

(4) Except as otherwise provided in R.C. § 4301.62(C)(8), the seller shall not permit the purchaser to remove beer or intoxicating liquor so sold from the premises.

(5) A hotel authorized to sell beer and intoxicating liquor pursuant to division (A)(2) of this section shall provide a registered guest with the opportunity to refuse to accept a key, magnetic card, or other similar device necessary to obtain access to the contents of a controlled access alcohol and beverage cabinet in that guest room. If a registered guest refuses to accept such key, magnetic card, or other similar device, the hotel shall not assess any charges on the registered guest for use of the controlled access alcohol and beverage cabinet in that guest room.
(R.C. § 4301.21) (Rev. 2017)

(B) Whoever violates division (A)(4) of this section is guilty of a misdemeanor of the first degree.
(R.C. § 4301.99(C))

§ 92.04 RESTRICTIONS ON SALE OF BEER AND LIQUOR.

(A) *Restrictions on sales.* Sales of beer and intoxicating liquor under all classes of permits and from liquor stores are subject to the following restrictions, in addition to those imposed by the rules or orders of the state Division of Liquor Control.

(1) (a) Except as otherwise provided in this chapter or in R.C. Chapter 4301, no beer or intoxicating liquor shall be sold to any person under 21 years of age.

(b) No low-alcohol beverage shall be sold to any person under 18 years of age. No permit issued by the Division shall be suspended, revoked, or cancelled because of a violation of this division (A)(1)(b).

(c) No intoxicating liquor shall be handled by any person under 21 years of age, except that a person 18 years of age or older employed by a permit holder may handle or sell beer or intoxicating liquor in sealed containers in connection with wholesale or retail sales, and any person 19 years of age or older employed by a permit holder may handle intoxicating liquor in open containers when acting in the capacity of a server in a hotel, restaurant, club, or night club, as defined in R.C. § 4301.01, or in the premises of a D-7 permit holder. This section does not authorize persons under 21 years of age to sell intoxicating liquor across a bar. Any person employed by a permit holder may handle beer or intoxicating liquor in sealed containers in connection with manufacturing, storage, warehousing, placement, stocking, bagging, loading, or unloading, and may handle beer or intoxicating liquor in open containers in connection with cleaning tables or handling empty bottles or glasses.

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

(3) (a) No sales of intoxicating liquor shall be made after 2:30 a.m. on Sunday, except under either of the following circumstances:

1. Intoxicating liquor may be sold on Sunday under authority of a permit that authorizes Sunday sale.

2. Spiritous liquor may be sold on Sunday by any person awarded an agency contract under R.C. § 4301.17 if the sale of spiritous liquor is authorized in the applicable precinct as the result of an election on question (B)(1) or (B)(2) of R.C. § 4301.351 and if the agency contract authorizes the sale of spiritous liquor on Sunday.

(b) This section does not prevent the municipality from adopting a closing hour for the sale of intoxicating liquor earlier than 2:30 a.m. on Sunday or to provide that no intoxicating liquor may be sold prior to that hour on Sunday.

(4) (a) No holder of a permit shall give away any beer or intoxicating liquor of any kind at any time in connection with the permit holder's business. However, with the exception of an A-1-A permit holder that also has been issued an A-2 or A-2f permit, an A-1-A, A-1c, or D permit holder may provide to a paying customer not more than a total of four tasting samples of beer, wine, or spirituous liquor, as authorized by the applicable permit, in any twenty-four-hour period. The permit holder shall provide the tasting samples free of charge, at the permit holder's expense, only to a person who is 21 years of age or older. The person shall consume the tasting samples on the premises of the permit holder. A distributor is not responsible for the costs of providing tasting samples authorized under division (A)(4) of this section.

(b) As used in division (A)(4) of this section:

TASTING SAMPLE. Means one of the following, as applicable:

a. An amount not to exceed two ounces of beer;

b. An amount not to exceed two ounces of wine;

c. An amount not to exceed a quarter ounce of spirituous liquor.

D PERMIT HOLDER. Means a person that has been issued a D-1, D-2, D-2x, D-3, D-3a, D-3 x, D-4, D-5, D-5a, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, D-6, or D-7 permit.

(5) Except as otherwise provided in this division, no retail permit holder shall display or permit the display on the outside of any licensed retail premises, on any lot of ground on which the licensed premises are situated, or on the exterior of any building of which the licensed premises are a part, any sign, illustration, or advertisement bearing the name, brand name, trade name, trademark, designation, or other emblem of, or indicating the manufacturer, producer, distributor, place of manufacture, production, or distribution of, any beer or intoxicating liquor. Signs, illustrations, or advertisements bearing the name, brand name, trade name, trademark, designation, or other emblem of or indicating the manufacturer, producer, distributor, place of manufacture, production, or distribution of beer or intoxicating liquor may be displayed and permitted to be displayed on the interior or in the show windows of any licensed premises, if the particular brand or type of product so advertised is actually available for sale on the premises at the time of that display. The Liquor Control Commission shall determine by rule the size and character of those signs, illustrations, or advertisements.

(6) No retail permit holder shall possess on the licensed premises any barrel or other container from which beer is drawn, unless there is attached to the spigot or other

dispensing apparatus the name of the manufacturer of the product contained in the barrel or other container, provided that, if the beer is served at a bar, the manufacturer's name or brand shall appear in full view of the purchaser. The Commission shall regulate the size and character of the devices provided for in this section.

(7) Except as otherwise provided in this division, no sale of any gift certificate shall be permitted whereby beer or intoxicating liquor of any kind is to be exchanged for the certificate, unless the gift certificate can be exchanged only for food, and beer or intoxicating liquor, for on-premises consumption and the value of the beer or intoxicating liquor does not exceed more than 30% of the total value of the gift certificate. The sale of gift certificates for the purchase of beer, wine, or mixed beverages shall be permitted for the purchase of beer, wine, or mixed beverages for off-premises consumption. Limitations on the use of a gift certificate for the purchase of beer, wine, or mixed beverages for off-premises consumption may be expressed by clearly stamping or typing on the face of the certificate that the certificate may not be used for the purchase of beer, wine, or mixed beverages for on-premises consumption.
(R.C. § 4301.22) (Rev. 2018)

(B) *Division (A)(1) not modified or affected.* The provisions of R.C. §§ 4301.633 through 4301.637, or substantially equivalent municipal ordinances, shall not be deemed to modify or affect division (A)(1) of this section or R.C. § 4301.22(A).
(R.C. § 4301.638) (Rev. 2003)

(C) *Penalties.*

(1) Whoever violates divisions (A)(1)(b) or (A)(3) of this section is guilty of a misdemeanor of the fourth degree.
(R.C. § 4301.99(B))

(2) Whoever violates divisions (A)(1)(a), (A)(1)(c) or (A)(2) of this section is guilty of a misdemeanor of the third degree.
(R.C. § 4301.99(D), (H)) (Rev. 2005)

Statutory reference:

Suspension of beer and liquor sales during emergency, see R.C. § 4301.251

§ 92.05 PERMIT REQUIRED; ACTIVITIES PROHIBITED WITHOUT PERMIT.

(A) *Permit required.*

(1) No person personally or by the person's clerk, agent, or employee, shall manufacture, manufacture for sale, offer, keep, or possess for sale, furnish or sell, or solicit the purchase or sale of any beer or intoxicating liquor in this state, or transport, import, or cause to be transported or imported any beer, intoxicating liquor, or alcohol in or into this municipality for delivery, use or sale, unless the person has fully complied with R.C. Chapters 4301 and 4303 or is the holder of a permit issued by the Division of Liquor Control and in force at the time.

(2) No manufacturer, supplier, wholesale distributor, broker, or retailer of beer or intoxicating liquor, or other person shall employ, retain, or otherwise utilize any person in this state to act as an employee, agent, solicitor, or salesperson, or act in any other representative capacity to sell, solicit, take orders, or receive offers to purchase or expressions of interest to purchase beer or intoxicating liquor from any person, at any location other than a liquor permit premises, except as specifically authorized by R.C. Chapter 4301 or R.C. Chapter 4303 or rules adopted thereunder. No function, event, or party shall take place at any location other than a liquor permit premises where any person acts in any manner to sell, solicit, take orders, or receive offers to purchase or expressions of intent to purchase beer or intoxicating liquor to or from any person, except as specifically authorized by R.C. Chapter 4301 or R.C. Chapter 4303 or rules adopted thereunder.
(R.C. § 4303.25) (Rev. 2009)

(B) *Activities prohibited without permit.*

(1) No person, personally or by the person's clerk, agent, or employee, who is not the holder of an A permit issued by the Division of Liquor Control, in force at the time, and authorizing the manufacture of beer or intoxicating liquor, or who is not an agent or employee of the Department authorized to manufacture beer or intoxicating liquor, shall manufacture any beer or intoxicating liquor for sale, or shall manufacture spirituous liquor.

(2) No person, personally or by the person's clerk, agent, or employee, who is not the holder of an A, B, C, D, E, F, G, I, or S permit issued by the Department, in force at the time, and authorizing the sale of beer, intoxicating liquor, or alcohol, or who is not an agent or employee of the Department or the Tax Commissioner authorized to sell beer, intoxicating liquor, or alcohol, shall sell, keep, or possess beer, intoxicating liquor, or alcohol for sale to any persons other than those authorized by this chapter and R.C. Chapters 4301 and 4303 to purchase any beer or intoxicating liquor, or sell any alcohol at retail. This division does not apply to or affect the sale or possession for sale of any low-alcohol beverage.

(3) No person, personally or by the person's clerk, agent, or employee, who is the holder of a permit issued by the Department, shall sell, keep, or possess for sale any intoxicating liquor not purchased from the Department or from the holder of a permit issued by the Department authorizing the sale of intoxicating liquor, unless the same has been purchased with the special consent of the Department. The Department shall revoke the permit of any person convicted of a violation of this division.
(R.C. § 4301.58) (Rev. 2009)

(C) *Penalty.* Whoever violates division (B) of this section is guilty of a misdemeanor of the first degree.
(R.C. § 4301.99(C)) (Rev. 1999)

§ 92.06 ILLEGAL TRANSPORTATION PROHIBITED.

(A) No person, who is not the holder of an H permit shall transport beer, intoxicating liquor, or alcohol in this municipality. This section does not apply to the transportation and delivery of beer, alcohol, or intoxicating liquor purchased or to be purchased from the holder of a permit issued by the Division of Liquor Control, in force at the time, and authorizing the sale and delivery of the beer, alcohol, or intoxicating liquor so transported, or to the transportation and delivery of beer, intoxicating liquor, or alcohol purchased from the Department or the Tax Commissioner, or purchased by the holder of an A or B permit outside this state, and transported within this municipality by them in their own trucks for the purpose of sale under their permits.
(R.C. § 4301.60)

(B) Whoever violates this section is guilty of a misdemeanor of the first degree.
(R.C. § 4301.99(C))

§ 92.07 OPEN CONTAINER PROHIBITED; EXCEPTION.

(A) As used in this section:

CHAUFFEURED LIMOUSINE. Means a vehicle registered under R.C. § 4503.24.

HIGHWAY. Has the same meaning as in R.C. § 4511.01.

MOTOR VEHICLE. Has the same meaning as in R.C. § 4511.01.

STREET. Has the same meaning as in R.C. § 4511.01.

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

(1) Except as provided in division (C)(1)(e) of this section, in a state liquor store;

(2) Except as provided in division (C) of this section, on the premises of the holder of any permit issued by the Division of Liquor Control;

(3) In any other public place;

(4) Except as provided in division (D) or (E) of this section, while operating or being a passenger in or on a motor vehicle on any street, highway, or other public or private property open to the public for purposes of vehicular travel or parking;

(5) Except as provided in division (D) or (E) of this section, while being in or on a stationary motor vehicle on any street, highway, or other public or private property open to the public for purposes of vehicular travel or parking.

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

(a) Beer or intoxicating liquor that has been lawfully purchased for consumption on the premises where bought from the holder of an A-1-A, A-2, A-2f, A-3a, D-1, D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, D-7, D-8, E, F, F-2, F-5, F-7, or F-8 permit;

(b) Beer, wine, or mixed beverages served for consumption on the premises by the holder of an F-3 permit, wine served as a tasting sample by an A-2 permit holder or S permit holder for consumption on the premises of a farmers market for which an F-10 permit has been issued, or wine served for consumption on the premises by the holder of an F-4 or F-6 permit;

(c) Beer or intoxicating liquor consumed on the premises of a convention facility as provided in R.C. § 4303.201;

(d) Beer or intoxicating liquor to be consumed during tastings and samplings approved by rule of the Liquor Control Commission;

(e) Spiritous liquor to be consumed for purposes of a tasting sample, as defined in R.C. § 4301.171.

(2) A person may have in the person's possession on an F liquor permit premises an opened container of beer or intoxicating liquor that was not purchased from the holder of the F permit if the premises for which the F permit is issued is a music festival and the holder of the F permit grants permission for that possession on the premises during the period for which the F permit is issued. As used in this division (C)(2), ***MUSIC FESTIVAL*** means a series of outdoor live musical performances extending for a period of at least three consecutive days and located on an area of land of at least 40 acres.

(3) (a) A person may have in the person's possession on a D-2 liquor permit premises an opened or unopened container of wine that was not purchased from the holder of the D-2 permit if the premises for which the D-2 permit is issued is an outdoor performing arts center, the person is attending an orchestral performance, and the holder of the D-2 permit grants permission for the possession and consumption of wine in certain predesignated areas of the premises during the period for which the D-2 permit is issued.

(b) As used in division (C)(3)(a) of this section:

ORCHESTRAL PERFORMANCE. Means a concert comprised of a group of not fewer than 40 musicians playing various musical instruments.

OUTDOOR PERFORMING ARTS CENTER. Means an outdoor performing arts center that is located on not less than 150 acres of land and that is open for performances from the first day of April to the last day of October of each year.

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

(5) (a) A person may have in the person's possession on an F-9 liquor permit premises an opened or unopened container of beer or intoxicating liquor that was not purchased from the holder of the F-9 permit if the person is attending either of the following:

1. An orchestral performance and the F-9 permit holder grants permission for the possession and consumption of beer or intoxicating liquor in certain predesignated areas of the premises during the period for which the F-9 permit is issued;

2. An outdoor performing arts event or orchestral performance that is free of charge and the F-9 permit holder annually hosts not less than 25 other events or performances that are free of charge on the permit premises.

(b) As used in division (C)(5) of this section, ***ORCHESTRAL PERFORMANCE*** has the same meaning as in division (C)(3)(b) of this section.

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

1. The person is attending a racing event at the facility; and

2. The owner of the facility grants permission for the possession and consumption of beer or intoxicating liquor on the property of the facility.

(b) As used in division (C)(6)(a) of this section:

OUTDOOR MOTORSPORTS FACILITY. An outdoor racetrack to which all of the following apply:

a. It is 2.4 miles or more in length.

b. It is located on 200 acres or more of land.

c. The primary business of the owner of the facility is the hosting and promoting of racing events.

d. The holder of a D-1, D-2, or D-3 permit is located on the property of the facility.

RACING EVENT. A motor vehicle racing event sanctioned by one or more motor racing sanctioning organizations.

(7) (a) A person may have in the person's possession an opened container of beer or intoxicating liquor at an outdoor location within an outdoor refreshment area created under R.C. § 4301.82 if the opened container of beer or intoxicating liquor was purchased from an A-1, A-1-A, A-1c, A-2, A-2f, D class, or F class permit holder to which both of the following apply:

1. The permit holder's premises is located within the outdoor refreshment area.

2. The permit held by the permit holder has an outdoor refreshment area designation.

(b) Division (C)(7) of this section does not authorize a person to do either of the following:

1. Enter the premises of an establishment within an outdoor refreshment area while possessing an opened container of beer or intoxicating liquor acquired elsewhere;

2. Possess an opened container of beer or intoxicating liquor while being in or on a motor vehicle within an outdoor refreshment area, unless the possession is otherwise authorized under division (D) or (E) of this section.

(c) As used in division (C)(7) of this section, "D class permit holder" does not include a D-6 or D-8 permit holder.

(8) (a) A person may have in the person's possession on the property of a market, within a defined F-8 permit premises, an opened container of beer or intoxicating liquor that was purchased from a D permit premises that is located immediately adjacent to the market if both of the following apply:

1. The market grants permission for the possession and consumption of beer and intoxicating liquor within the defined F-8 permit premises;

2. The market is hosting an event pursuant to an F-8 permit and the market has notified the division of liquor control about the event in accordance with R.C. § 4303.208(A)(3).

(b) As used in division (C)(8) of this section, ***MARKET*** means a market, for which an F-8 permit is held, that has been in operation since 1860.

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

(1) The person or guest is a passenger in the limousine.

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

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

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

(1) The opened bottle of wine is securely resealed by the permit holder or an employee of the permit holder before the bottle is removed from the premises. The bottle shall be secured in such a manner that it is visibly apparent if the bottle has been subsequently opened or tampered with.

(2) The opened bottle of wine that is resealed in accordance with division (E)(1) of this section is stored in the trunk of a motor vehicle or, if the motor vehicle does not have a trunk, behind the last upright seat or in an area not normally occupied by the driver or passengers and not easily accessible by the driver.

(F) (1) Except if an ordinance or resolution is enacted or adopted under division (F)(2) of this section, this section does not apply to a person who, pursuant to a prearranged contract, is a passenger riding on a commercial quadricycle when all of the following apply:

(a) The person is not occupying a seat in the front of the commercial quadricycle where the operator is steering or braking.

(b) The commercial quadricycle is being operated on a street, highway, or other public or private property open to the public for purposes of vehicular travel or parking.

(c) The person has in their possession on the commercial quadricycle an opened container of beer or wine.

(d) The person has in their possession on the commercial quadricycle not more than either 36 ounces of beer or 18 ounces of wine.

(2) The Legislative Authority may enact an ordinance or adopt a resolution, as applicable, that prohibits a passenger riding on a commercial quadricycle from possessing an opened container of beer or wine.

(3) As used in this section, ***COMMERCIAL QUADRICYCLE*** means a vehicle that has fully-operative pedals for propulsion entirely by human power and that meets all of the following requirements:

(a) It has four wheels and is operated in a manner similar to a bicycle.

(b) It has at least five seats for passengers.

(c) It is designed to be powered by the pedaling of the operator and the passengers.

(d) It is used for commercial purposes.

(e) It is operated by the vehicle owner or an employee of the owner.

(G) (1) This section does not apply to a person that has in the person's possession an opened container of beer or intoxicating liquor on the premises of a market if the beer or intoxicating liquor has been purchased from a D liquor permit holder that is located in the market.

(2) As used in division (G) of this section, ***MARKET*** means an establishment that:

(a) Leases space in the market to individual vendors, not less than 50% of which are retail food establishments or food service operations licensed under R.C. Chapter 3717;

(b) Has an indoor sales floor area of not less than 22,000 square feet;

(c) Hosts a farmer's market on each Saturday from April through December.
(R.C. § 4301.62) (Rev. 2020)

(H) Whoever violates this section is guilty of a minor misdemeanor.
(R.C. § 4301.99(A))

§ 92.08 UNDERAGE PERSON SHALL NOT PURCHASE INTOXICATING LIQUOR OR BEER.

(A) Except as otherwise provided in this chapter or in R.C. Chapter 4301, no person under the age of 21 years shall purchase beer or intoxicating liquor.
(R.C. § 4301.63)

(B) Whoever violates this section shall be fined not less than $25 nor more than $100. The court imposing a fine for a violation of this section may order that the fine be paid by the performance of public work at a reasonable hour rate established by the court. The court shall designate the time within which the public work shall be completed.
(R.C. § 4301.99(E))

§ 92.09 PROHIBITIONS; MINORS UNDER 18 YEARS; LOW-ALCOHOL BEVERAGES.

(A) As used in this section, ***UNDERAGE PERSON*** means a person under 18 years of age.

(B) No underage person shall purchase any low-alcohol beverage.

(C) No underage person shall order, pay for, share the cost of, or attempt to purchase any low-alcohol beverage.

(D) No person shall knowingly furnish any false information as to the name, age, or other identification of any underage person for the purpose of obtaining or with the intent to obtain any low-alcohol beverage for an underage person, by purchase or as a gift.

(E) No underage person shall knowingly show or give false information concerning his or her name, age, or other identification for the purpose of purchasing or otherwise obtaining any low-alcohol beverage in any place in this municipality.

(F) No person shall sell or furnish any low-alcohol beverage to, or buy any low-alcohol beverage for, an underage person, unless given by a physician in the regular line of his or her practice or given for established religious purposes, or unless the underage person is accompanied by a parent, spouse who is not an underage person, or legal guardian.

(G) (1) No person who is the owner or occupant of any public or private place shall knowingly allow any underage person to remain in or on the place while possessing or consuming any low-alcohol beverage, unless the low-alcohol beverage is given to the person possessing or consuming it by that person's parent, spouse who is not an underage person, or legal guardian, and the parent, spouse who is not an underage person, or legal guardian is present when the person possesses or consumes the low-alcohol beverage.

(2) An owner of a public or private place is not liable for acts or omissions in violation of division (G)(1) that are committed by a lessee of that place, unless the owner authorizes or acquiesces in the lessee's acts or omissions.

(H) No permit issued by the Division of Liquor Control shall be suspended, revoked, or cancelled because of a violation of either division (F) or (G).

(I) No underage person shall knowingly possess or consume any low-alcohol beverage in any public or private place, unless he or she is accompanied by a parent, spouse who is not an underage person, or legal guardian, or unless the low-alcohol beverage is given by a physician in the regular line of his or her practice or given for established religious purposes.

(J) No parent, spouse who is not an underage person, or legal guardian of an underage person shall knowingly permit the underage person to violate this section.
(R.C. § 4301.631)

(K) (1) Whoever violates any provision of this section for which no other penalty is provided is guilty of a misdemeanor of the fourth degree.
(R.C. § 4301.99(B))

(2) Whoever violates division (B) of this section shall be fined not less than $25 nor more than $100. The court imposing a fine for a violation of division (B) of this section may order that the fine be paid by the performance of public work at a reasonable hour rate established by the court. The court shall designate the time within which the public work shall be completed.
(R.C. § 4301.99(E))

§ 92.10 ALCOHOL VAPORIZING DEVICES PROHIBITED.

(A) As used in this section, ***ALCOHOL VAPORIZING DEVICE*** means a machine or other device that mixes beer or intoxicating liquor with pure oxygen or any other gas to produce a vaporized product for the purpose of consumption by inhalation.

(B) No person shall sell or offer for sale an alcohol vaporizing device.

(C) No person shall purchase or use an alcohol vaporizing device.
(R.C. § 4301.65)

(D) (1) Whoever violates division (B) of this section is guilty of misdemeanor of the third degree. For a second or subsequent violation occurring within a period of five consecutive years after the first violation, a person is guilty of a misdemeanor of the first degree.
(R.C. § 4301.99(J))

(2) Whoever violates division (C) of this section is guilty of a minor misdemeanor.
(R.C. § 4301.99(A)) (Rev. 2007)

§ 92.11 MISREPRESENTATION TO OBTAIN ALCOHOLIC BEVERAGE FOR A MINOR PROHIBITED.

(A) Except as otherwise provided in this chapter or in R.C. Chapter 4301, no person shall knowingly furnish any false information as to the name, age, or other identification of any person under 21 years of age, for the purpose of obtaining, or with the intent to obtain, beer or intoxicating liquor for a person under 21 years of age, by purchase, or as a gift.
(R.C. § 4301.633)

(B) Whoever violates this section is guilty of a misdemeanor of the first degree.
(R.C. § 4301.99(C))

§ 92.12 MISREPRESENTATION BY A MINOR UNDER 21 YEARS.

(A) Except as otherwise provided in this chapter or in R.C. Chapter 4301, no person under the age of 21 years shall knowingly show or give false information concerning his or her name, age, or other identification for the purpose of purchasing or otherwise obtaining beer or intoxicating liquor in any place in this municipality where beer or intoxicating liquor is sold under a permit issued by the Division of Liquor Control, or sold by the Division of Liquor Control.
(R.C. § 4301.634)

(B) (1) Whoever violates division (A) of this section is guilty of a misdemeanor of the first degree. If, in committing a first violation of division (A), the offender presented to the permit holder or his or her employee or agent a false, fictitious, or altered identification card, a false or fictitious driver's license purportedly issued by any state, or a driver's license issued by any state that has been altered, the offender is guilty of a misdemeanor of the first degree and shall be fined not less than $250 and not more than $1,000, and may be sentenced to a term of imprisonment of not more than six months.

(2) On a second violation in which, for the second time, the offender presented to the permit holder or his or her employee or agent a false, fictitious, or altered identification card, a false or fictitious driver's license purportedly issued by any state, or a driver's license issued by any state that has been altered, the offender is guilty of a misdemeanor of the first degree and shall be fined not less than $500 nor more than $1,000, and may be sentenced to a term of imprisonment of not more than six months. The court also may impose a class seven suspension of the offender's driver's or commercial driver's license or permit or nonresident operation privilege from the range specified in R.C. § 4510.02(A)(7).

(3) On a third or subsequent violation in which, for the third or subsequent time, the offender presented to the permit holder or his or her employee or agent a false, fictitious, or altered identification card, a false or fictitious driver's license purportedly issued by any state, or a driver's license issued by any state that has been altered, the offender is guilty of a misdemeanor of the first degree and shall be fined not less than $500 nor more than $1,000, and may be sentenced to a term of imprisonment of not more than six months. Except as provided in this division, the court also may impose a class six suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege from the range specified in R.C. § 4510.02(A)(6), and the court may order that the suspension or denial remain in effect until the offender attains the age of 21 years. The court, in lieu of suspending the offender's temporary instruction permit, probationary driver's license, or driver's license, instead may order the offender to perform a determinate number of hours of community service, with the court determining the actual number of hours and the nature of the community service the offender shall perform.
(R.C. § 4301.99(F)) (Rev. 2013)

§ 92.13 SALE TO UNDERAGE PERSONS PROHIBITED.

(A) Except as otherwise provided in this chapter or in R.C. Chapter 4301, no person shall sell beer or intoxicating liquor to an underage person, shall buy beer or intoxicating liquor for an underage person, or shall furnish it to an underage person unless given by a physician in the regular line of the physician's practice or given for established religious purposes or unless the underage person is supervised by a parent, spouse who is not an underage person, or legal guardian. In proceedings before the Liquor Control Commission, no permit holder, or no employee or agent of a permit holder, charged with a violation of this division shall be charged, for the same offense, with a violation of R.C. § 4301.22(A)(1) or a substantially equivalent municipal ordinance.

(B) No person who is the owner or occupant of any public or private place shall knowingly allow any underage person to remain in or on the place while possessing or consuming beer or intoxicating liquor, unless the intoxicating liquor or beer is given to the person possessing or consuming it by that person's parent, spouse who is not an underage person, or legal guardian and the parent, spouse who is not an underage person, or legal guardian is present at the time of the person's possession or consumption of the beer or intoxicating liquor. An owner of a public or private place is not liable for acts or omissions in violation of this division that are committed by a lessee of that place, unless the owner authorizes or acquiesces in the lessee's acts or omissions.

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

(1) That beer or intoxicating liquor will be consumed by an underage person on the premises of the accommodations that the person engages or uses, unless the person engaging or using the accommodations is the spouse of the underage person and who is not an underage person, or is the parent or legal guardian of all of the underage persons, who consume beer or intoxicating liquor on the premises and that person is on the premises at all times when beer or intoxicating liquor is being consumed by an underage person.

(2) That a drug of abuse will be consumed on the premises of the accommodations by any person, except a person who obtained the drug of abuse pursuant to a prescription issued by a licensed health professionals authorized to prescribe drugs and has the drug of abuse in the original container in which it was dispensed to the person.

(D) (1) No person is required to permit the engagement of accommodations at any hotel, inn, cabin, or campground by an underage person or for an underage

person, if the person engaging the accommodations knows or has reason to know that the underage person is intoxicated, or that the underage person possesses any beer or intoxicating liquor and is not supervised by a parent, spouse who is not an underage person, or legal guardian who is or will be present at all times when the beer or intoxicating liquor is being consumed by the underage person.

(2) No underage person shall knowingly engage or attempt to engage accommodations at any hotel, inn, cabin, or campground by presenting identification that falsely indicates that the underage person is 21 years of age or older for the purpose of violating this section.

(E) (1) No underage person shall knowingly order, pay for, share the cost of, attempt to purchase, possess, or consume any beer or intoxicating liquor in any public or private place. No underage person shall knowingly be under the influence of any beer or intoxicating liquor in any public place. The prohibitions set forth in this division against an underage person knowingly possessing, consuming, or being under the influence of any beer or intoxicating liquor shall not apply if the underage person is supervised by a parent, spouse who is not an underage person, or legal guardian, or the beer or intoxicating liquor is given by a physician in the regular line of the physician's practice or given for established religious purposes.

(2) (a) If a person is charged with violating division (E)(1) of this section in a complaint filed under R.C. § 2151.27, the court may order the child into a diversion program specified by the court and hold the complaint in abeyance pending successful completion of the diversion program. A child is ineligible to enter into a diversion program under this division if the child previously has been diverted pursuant to this division. If the child completes the diversion program to the satisfaction of the court, the court shall dismiss the complaint and order the child's record in the case sealed under R.C. §§ 2151.356 through 2151.358. If the child fails to satisfactorily complete the diversion program, the court shall proceed with the complaint.

(b) If a person is charged in a criminal complaint with violating division (E)(1) of this section, R.C. § 2935.36 shall apply to the offense, except that a person is ineligible for diversion under that section if the person previously has been diverted pursuant to divisions (E)(2)(a) or (E)(2)(b) of this section. If the person completes the diversion program to the satisfaction of the court, the court shall dismiss the complaint and order the record in the case sealed under R.C. § 2953.52. If the person fails to satisfactorily complete the diversion program, the court shall proceed with the complaint.

(F) No parent, spouse who is not an underage person, or legal guardian of a minor shall knowingly permit the minor to violate this section or R.C. § 4301.63, 4301.633, or 4301.634, or any substantially equivalent municipal ordinance.

(G) The operator of any hotel, inn, cabin, or campground shall make the provisions of this section available in writing to any person engaging or using accommodations at the hotel, inn, cabin, or campground.

(H) As used in this section:

DRUG OF ABUSE. Has the same meaning as in R.C. § 3719.011.

HOTEL. Has the same meaning as in R.C. § 3731.01.

LICENSED HEALTH PROFESSIONAL AUTHORIZED TO PRESCRIBE DRUGS. Has the same meaning as in R.C. § 4729.01.

MINOR. Means a person under the age of 18 years.

PRESCRIPTION. Has the same meaning as in R.C. § 4729.01.

UNDERAGE PERSON. Means a person under the age of 21 years.
(R.C. § 4301.69) (Rev. 2007)

(I) The provisions of R.C. §§ 4301.633 through 4301.637, or substantially equivalent municipal ordinances, shall not be deemed to modify or affect divisions (A) through (H) of this section or R.C. § 4301.69.
(R.C. § 4301.638) (Rev. 2003)

(J) (1) Except as provided in division (J)(2) of this section, whoever violates this section is guilty of a misdemeanor of the first degree. If an offender who violates division (E)(1) of this section was under the age of 18 years at the time of the offense and the offense occurred while the offender was the operator of or a passenger in a motor vehicle, the court, in addition to any other penalties it imposes upon the offender, shall suspend the offender's temporary instruction permit or probationary driver's license for a period of six months. If the offender is 15 years and six months of age or older and has not been issued a temporary instruction permit or probationary driver's license, the offender shall not be eligible to be issued such a license or permit for a period of six months. If the offender has not attained the age of 15 years and six months, the offender shall not be eligible to be issued a temporary instruction permit until the offender attains the age of 16 years.
(R.C. § 4301.99(C)) (Rev. 2003)

(2) Whoever violates division (A) of this section is guilty of a misdemeanor, shall be fined not less than $500 nor more than $1,000, and in addition to the fine, may be imprisoned for a definite term of not more than six months.
(R.C. § 4301.99(I)) (Rev. 1999)

Statutory reference:

Changes to law if federal uniform drinking age repealed or declared unconstitutional, see R.C. § 4301.691

§ 92.14 POSTING OF CARD.

(A) (1) Except as otherwise provided in R.C. § 4301.691, every place in this municipality where beer, intoxicating liquor, or any low-alcohol beverage is sold for beverage purposes shall display at all times, in a prominent place on the premises thereof, a printed card, which shall be furnished by the Division of Liquor Control and which shall read substantially as follows:

WARNING TO PERSONS UNDER AGE

If you are under the age of 21
Under the statutes of the state of Ohio, if you order, pay for, share the cost of, or attempt to purchase, or possess or consume beer or intoxicating liquor in any public place, or furnish false information as to name, age, or other identification, you are subject to a fine of up to $1,000, or imprisonment up to 6 months, or both.

If you are under the age of 18
Under the statutes of the state of Ohio, if you order, pay for, share the cost of, or attempt to purchase, or posses or consume, any type of beer or wine that contains either no alcohol or less than one-half of one per cent of alcohol by volume in any public place, or furnish false information as to the name, age, or other identification, you are subject to a fine of up to $250 or to imprisonment up to 30 days, or both.

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

(B) (1) Every place in this municipality for which a D permit has been issued under R.C. Chapter 4303 shall be issued a printed card by the Division of Liquor Control that shall read substantially as follows:

WARNING
If you are carrying a firearm
Under the statutes of Ohio, if you possess a firearm in any room in which liquor is being dispensed in premises for which a D permit has been issued under Chapter 4303 of the Revised Code, you may be guilty of a felony and may be subjected to a prison term of up to one year.

(2) No person shall be subject to any criminal prosecution or any proceedings before the Division of Liquor Control or the Liquor Control Commission for failing to display this card. No permit issued by the Department shall be suspended, revoked, or canceled because of the failure of the permit holder to display this card.
(R.C. § 4301.637) Penalty, see § 92.99

Statutory reference:
Carrying concealed weapon, felony, see R.C. § 2923.12
Possessing firearm in liquor permit premises, exceptions, defenses, see R.C. § 2923.121

§ 92.15 GOOD FAITH ACCEPTANCES OF SPURIOUS IDENTIFICATION.

(A) No permit holder, agent or employee of a permit holder, or any other person may be found guilty of a violation of any section of this chapter in which age is any element of the offense, if any court of record finds all of the following:

(1) That the person buying, at the time of so doing, exhibited to the permit holder, the agent or employee of the permit holder, or the other person a driver's or commercial driver's license or an identification card as defined in R.C. § 4301.61, a military identification card issued by the United States Department of Defense, or a United States or foreign passport, that displays a picture of the individual for whom the license, card, or passport was issued and shows that the person buying was then at least 21 years of age if the person was buying beer as defined in R.C. § 4301.01 or intoxicating liquor, or that the person was then at least 18 years of age if the person was buying any low-alcohol beverage;

(2) That the permit holder, the agent or employee of the permit holder, or the other person made a bona fide effort to ascertain the true age of the person buying by checking the identification presented at the time of the purchase to ascertain that the description on the identification compared with the appearance of the buyer and that the identification presented had not been altered in any way.

(3) That the permit holder, the agent or employee of the permit holder, or the other person had reason to believe that the person buying was of legal age.

(B) The defense provided by division (A) of this section is in addition to the affirmative defense provided by § 92.29.
(R.C. § 4301.639(A), (C)) (Rev. 2016)

§ 92.16 CONSUMPTION IN MOTOR VEHICLE PROHIBITED.

(A) No person shall consume any beer or intoxicating liquor in a motor vehicle. This section does not apply to persons described in R.C. § 4301.62(D) or a substantially equivalent municipal ordinance.
(R.C. § 4301.64) (Rev. 1999)

(B) Whoever violates this section is guilty of a misdemeanor of the fourth degree. If an offender who violates this section was under the age of 18 years at the time of the offense, the court, in addition to any other penalties it imposes upon the offender, may suspend the offender's temporary instruction permit, probationary driver's license or driver's license for a period of not less than six months and

not more than one year. In lieu of suspending the offender's temporary instruction permit, probationary driver's license, or driver's license, the court instead may require the offender to perform community service for a number of hours determined by the court. If the offender is 15 years and six months of age or older and has not been issued a temporary instruction permit or probationary driver's license, the offender shall not be eligible to be issued such a license or permit for a period of six months. If the offender has not attained the age of 15 years and six months, the offender shall not be eligible to be issued a temporary instruction permit until the offender attains the age of 16 years.
(R.C. § 4301.99(B)) (Rev. 2013)

§ 92.17 HOURS OF SALE OR CONSUMPTION.

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

(B) (1) No beer, wine, mixed beverages, or spirituous liquor shall be sold or delivered by an A-1, A-1C, A-2, B-1, B-2, B-4, B-5, C-1, C-2, C-2X, D-1, D-2, D-2X, D-3 when issued without a D-3A, D-3X, D-4, D-5H, D-5K, D-8, F, F-1, F-2, F-3, F-4, F-5, F-6, F-7, F-8, F-9, G, or I permit holder from Monday to Saturday between the hours of 1:00 a.m. and 5:30 a.m. and on Sunday between the hours of 1:00 a.m. and Sunday midnight, unless statutorily authorized otherwise.

(2) Consumption of beer, wine, mixed beverages, or spirituous liquor is also prohibited during the above hours upon the premises of the above permit holders who are authorized by their permit to sell beer, wine, mixed beverages, or spirituous liquor for on-premises consumption.

(C) (1) No beer, wine, mixed beverages, or spirituous liquor shall be sold or delivered by an A-1A, D-3 when issued with a D-3A, D-4A, D-5, D-5A, D-5B, D-5C, D-5D, D-5E, D-5F, D-5G, D-5I, D-5J, D-5L, D-5M, D-5N, D-5O, or D-7 permit holder from Monday to Saturday between the hours of 2:30 a.m. and 5:30 a.m. and on Sunday between the hours of 2:30 a.m. and Sunday midnight, unless statutorily authorized otherwise.

(2) Consumption of beer, wine, mixed beverages, or spirituous liquor is also prohibited during the above hours upon the premises of the above permit holders who are authorized by their permit to sell beer, wine, mixed beverages, or spirituous liquor for on-premises consumption.

(D) Permit holders authorized to sell beer, wine, mixed beverages, or spirituous liquor at retail who are not specifically identified in divisions (B) or (C) above shall be subject to the provisions of division (B), unless statutorily authorized otherwise.

(E) The hours on Sunday during which sales, delivery, or consumption of alcoholic beverages may take place are established by statute, but in no event shall they begin prior to 5:30 a.m.
(O.A.C. § 4301:1-1-49) (Rev. 2017)

(F) No association, corporation, local unit of an association or corporation, or D permit holder who holds an F-2 permit shall sell beer or intoxicating liquor beyond the hours of sale allowed by the permit. This division imposes strict liability on the holder of such permit and on any officer, agent or employee of such permit holder.
(R.C. § 4303.202(D)(2)) (Rev. 2014)

(G) No F-8 permit holder shall sell beer or intoxicating liquor beyond the hours of sale allowed by the permit. This division imposes strict liability on the holder of an F-8 permit and on any officer, agent or employee of that permit holder.
(R.C. § 4303.208(C)) (Rev. 2008)

(H) Whoever violates divisions (F) or (G) of this section is guilty of a misdemeanor of the fourth degree.
(R.C. § 4303.99(D)) (Rev. 2008) Penalty, see § 92.99

§ 92.18 OBSTRUCTING SEARCH OF PREMISES PROHIBITED.

(A) No person shall hinder or obstruct any agent or employee of the Division of Liquor Control, any enforcement agent of the Department of Public Safety or any officer of the law from making an inspection or search of any place, other than a bona fide private residence, where beer or intoxicating liquor is possessed, kept, sold, or given away.
(R.C. § 4301.66) (Rev. 2000)

(B) Whoever violates this section is guilty of a misdemeanor of the first degree.
(R.C. § 4301.99(C))

(C) It is a defense to prosecution under this section that the hindrance, obstruction, resistance, or interference alleged consisted of constitutionally protected speech only.

§ 92.19 ILLEGAL POSSESSION OF INTOXICATING LIQUOR PROHIBITED.

(A) No person shall have possession of any spirituous liquor, in excess of one liter, in one or more containers, which was not purchased at wholesale or retail from the Division of Liquor Control or otherwise lawfully acquired pursuant to this chapter, R.C. Chapters 4301 and 4303, or any other intoxicating liquor or beer, in one or more containers, which was not lawfully acquired pursuant to those chapters.
(R.C. § 4301.67)

(B) Whoever violates this section is guilty of a misdemeanor of the fourth degree.
(R.C. § 4301.99(B))

§ 92.20 SALE OR POSSESSION OF DILUTED LIQUOR AND REFILLED CONTAINERS PROHIBITED.

(A) No person shall sell, offer for sale, or possess with the intent to sell intoxicating liquor in any original container which has been diluted, refilled, or partly refilled.
(R.C. § 4301.68)

(B) Whoever violates this section is guilty of a misdemeanor of the first degree.
(R.C. § 4301.99(C))

§ 92.21 KEEPING PLACE WHERE BEER OR INTOXICATING LIQUORS ARE SOLD IN VIOLATION OF LAW.

(A) No person shall keep a place where beer or intoxicating liquors are sold, furnished, or given away in violation of law. The court, on conviction for a subsequent violation of this section, shall order the place where the beer or intoxicating liquor is sold, furnished, or given away to be abated as a nuisance or shall order the person so convicted to give bond payable to the state in the sum of $1,000, with sureties to the acceptance of the court, that the person will not sell, furnish, or give away beer or intoxicating liquor in violation of law and will pay all fines, costs, and damages assessed against the person for that subsequent violation of this section. The giving away of beer or intoxicating liquors, or any other device to evade this section, constitutes unlawful selling.

(B) As used in this section, ***BEER*** has the same meaning as in R.C. § 4301.01.

(C) Division (A) of this section does not apply to any premises for which a permit has been issued under R.C. Chapter 4303 while that permit is in effect.
(R.C. § 4399.09) (Rev. 2003)

(D) Whoever violates this section shall be fined not less than $100 nor more than $500 on a first offense and shall be fined not less than $200 nor more than $500 on each subsequent offense.
(R.C. § 4399.99(B)) (Rev. 1999)

§ 92.22 INTOXICATING LIQUORS SHALL NOT BE SOLD IN BROTHELS.

(A) No person shall sell, exchange, or give away intoxicating liquor in a brothel.
(R.C. § 4399.10)

(B) Whoever violates this section shall be fined not less than $100 nor more than $500 and imprisoned not less than one nor more than six months.
(R.C. § 4399.99(C)) (Rev. 1999)

§ 92.23 USE OF INTOXICATING LIQUOR IN A PUBLIC DANCE HALL PROHIBITED; EXCEPTIONS.

(A) (1) Except as otherwise provided in division (A)(2) of this section, no person who is the proprietor of, or who conducts, manages, or is in charge of any public dance hall shall allow the use of any intoxicating liquor or the presence of intoxicated persons in the public dance hall or on the premises on which it is located.

(2) The prohibition against the use of any intoxicating liquor contained in division (A)(1) of this section does not apply to establishments that are holders of a D-1, D-2, D-3, D-4, or D-5 permit whose principal business consists of conducting a hotel, a restaurant, a club, or a nightclub, all as defined in R.C. § 4301.01.
(R.C. § 4399.14) (Rev. 2007)

(B) Whoever violates this section shall be fined not less than $25 nor more than $500, imprisoned not more than six months, or both.
(R.C. § 4399.99(D)) (Rev. 1999)

§ 92.24 POISONOUSLY ADULTERATED LIQUORS.

(A) No person, for the purpose of sale, shall adulterate spirituous liquor, alcoholic liquor, or beer used or intended for drink or medicinal or mechanical purposes, with *cocculus indicus*, vitriol, grains of paradise, opium, alum, capsicum, copperas, laurel water, logwood, brazilwood, cochineal, sugar of lead, aloes, glucose, tannic acid, or any other substance that is poisonous or injurious to health, or with a substance not a necessary ingredient in the manufacture of the spiritous liquor, alcoholic liquor, or beer, or sell, offer, or keep for sale spiritous liquor, alcoholic liquor, or beer that is so adulterated.

(B) In addition to the penalties provided in division (C) of this section, a person convicted of violating this section shall pay all necessary costs and expenses incurred in inspecting and analyzing spiritous liquor, alcoholic liquor, or beer that is so adulterated, sold, kept, or offered for sale.
(R.C. § 4399.15) (Rev. 2003)

(C) Whoever violates this section shall be fined not less than $20 nor more than $100, imprisoned not less than 20 nor more than 60 days, or both.
(R.C. § 4399.99(E)) (Rev. 1999)

§ 92.25 TAVERN KEEPER PERMITTING RIOTING OR DRUNKENNESS.

(A) No tavern keeper shall permit rioting, intoxication, or drunkenness in or on his or her premises.
(R.C. § 4399.16)

(B) Whoever violates this section shall be fined not less than $5 nor more than $100.
(R.C. § 4399.99(A)) (Rev. 1999)

§ 92.26 NOTICE OF ACTION TO PROHIBIT LIQUOR BUSINESS.

Any party bringing an action to prohibit the operation of a business under a liquor permit issued pursuant to R.C. Chapter 4303 shall, upon filing the complaint in the action, notify the Division of Liquor Control of the filing of the complaint.
(R.C. § 4303.40) (Rev. 1999)

§ 92.27 PROCEDURE WHEN INJUNCTION VIOLATED.

(A) Any person subject to an injunction, temporary or permanent, granted pursuant to R.C. § 3767.05(D) or (E) involving a condition described in division (3) of the definition of "nuisance" in R.C. § 3767.01, or a substantially equivalent municipal ordinance, shall obey the injunction. If the person violates the injunction, the court, or in vacation a judge thereof, may summarily try and punish the violator. The proceedings for punishment for contempt shall be commenced by filing with the Clerk of the Court from which the injunction issued, information under oath setting out the alleged facts constituting the violation, whereupon the court shall cause a warrant to issue under which the defendant shall be arrested. The trial may be had upon affidavits, or either party may demand the production and oral examination of the witnesses.
(R.C. § 4301.74)

(B) Whoever violates this section is guilty of a misdemeanor of the first degree.
(R.C. § 4301.99(C)) (Rev. 1999)

§ 92.28 LIQUOR TRANSACTION SCANS.

(A) As used in this section and § 92.29:

CARD HOLDER. Means any person who presents a driver's or commercial driver's license or an identification card to a permit holder, or an agent or employee of a permit holder, for either of the purposes listed in under divisions (a) or (b) of the definition for "transaction scan" in this section.

IDENTIFICATION CARD. Means an identification card issued under R.C. §§ 4507.50 through 4507.52 or an equivalent identification card issued by another state.

PERMIT HOLDER. Means the holder of a permit issued under R.C. Chapter 4303.

TRANSACTION SCAN. Means the process by which a permit holder or an agent or employee of a permit holder checks, by means of a transaction scan device, the validity of a driver's or commercial driver's license or an identification card that is presented as a condition for doing either of the following:

(a) Purchasing any beer, intoxicating liquor, or low-alcohol beverage;

(b) Gaining admission to a premises that has been issued a liquor permit authorizing the sale of beer or intoxicating liquor for consumption on the premises where sold, and where admission is restricted to persons 21 years of age or older.

TRANSACTION SCAN DEVICE. Means any commercial device or combination of devices used at a point of sale that is capable of deciphering in an electronically readable format the information encoded on the magnetic strip or bar code of a driver's or commercial driver's license or an identification card.

(B) (1) A permit holder or an agent or employee of a permit holder may perform a transaction scan by means of a transaction scan device to check the validity of a driver's or commercial driver's license or identification card presented by a card holder for either of the purposes listed in divisions (a) or (b) of the definition for "transaction scan" in this section.

(2) If the information deciphered by the transaction scan performed under division (B)(1) of this section fails to match the information printed on the driver's or commercial driver's license or identification card presented by the card holder, or if the transaction scan indicates that the information so printed is false or fraudulent, neither the permit holder nor any agent or employee of the permit holder shall sell any beer, intoxicating liquor, or low-alcohol beverage to the card holder.

(3) Division (B)(1) of this section does not preclude a permit holder or an agent or employee of a permit holder from using a transaction scan device to check the validity of a document other than a driver's or commercial driver's license or identification card, if the document includes a bar code or magnetic strip that may be scanned by the device, as a condition of a sale beer, intoxicating liquor, or a low-alcohol beverage or of granting admission to a premises described in the definition for "transaction scan" in this section.

(C) The Registrar of Motor Vehicles, with the approval of the Liquor Control Commission, shall adopt, and may amend or rescind, rules in accordance with R.C. Chapter 119 that do both of the following:

(1) Govern the recording and maintenance of information described in R.C. § 4301.61(D)(1)(a) and (D)(1)(b), R.C. § 2925.57(D)(1)(a) and (D)(1)(b), and R.C. § 2927.021(D)(1)(a) and (D)(1)(b);

(2) Ensure quality control in the use of transaction scan devices under R.C. §§ 2925.57, 2925.58, 2927.021, 2927.022, 4301.61, and 4301.611.

(D) (1) No permit holder or agent or employee of a permit holder shall electronically or mechanically record or

maintain any information derived from a transaction scan, except for the following:

(a) The name and date of birth of the person listed on the driver's or commercial driver's license or identification card presented by the card holder;

(b) The expiration date and identification number of the driver's or commercial driver's license or identification card presented by the card holder.

(2) No permit holder or agent or employee of a permit holder shall use the information that is derived from a transaction scan or that is permitted to be recorded and maintained under division (D)(1) of this section, except for purposes of R.C. § 4301.611, or a substantially equivalent municipal ordinance.

(3) No permit holder or agent or employee of a permit holder shall use a transaction scan device for a purpose other than a purpose listed in divisions (a) or (b) of the definition for "transaction scan" in this section.

(4) No permit holder or agent or employee of a permit holder shall sell or otherwise disseminate the information derived from a transaction scan to any third party, including but not limited to selling or otherwise disseminating that information for any marketing, advertising, or promotional activities, but a seller or agent or employee of a seller may release that information pursuant to a court order or as specifically authorized by R.C. § 4301.611, or a substantially equivalent municipal ordinance, or another section of this code or the Ohio Revised Code.

(E) Nothing in this section or R.C. § 4301.611, or a substantially equivalent municipal ordinance, relieves a permit holder or an agent or employee of a permit holder of any responsibility to comply with any other applicable local, state or federal laws or rules governing the sale of beer, intoxicating liquor, or low-alcohol beverages.

(F) Whoever violates division (B)(2) or (D) of this section is guilty of an illegal liquor transaction scan, and the court may impose upon the offender a civil penalty of up to $1,000 for each violation. The Clerk of the Court shall pay each collected civil penalty to the County Treasurer for deposit into the County Treasury.
(R.C. § 4301.61) (Rev. 2016)

§ 92.29 AFFIRMATIVE DEFENSES.

(A) A permit holder or an agent or employee of a permit holder may not be found guilty of a charge of a violation of this chapter or any rule of the Liquor Control Commission in which the age of the purchaser of any beer, intoxicating liquor, or low-alcohol beverage is an element of the alleged violation, if the permit holder, agent, or employee raises and proves as an affirmative defense that all of the following occurred:

(1) A card holder attempting to purchase any beer, intoxicating liquor, or low-alcohol beverage presented a driver's or commercial driver's license or an identification card.

(2) A transaction scan of the driver's or commercial driver's license or identification card that the card holder presented indicated that the license or card was valid.

(3) The beer, intoxicating liquor, or low-alcohol beverage was sold to the card holder in reasonable reliance upon the identification presented and the completed transaction scan.

(B) In determining whether a permit holder or an agent or employee of a permit holder has proven the affirmative defense provided by division (A) of this section, the Liquor Control Commission or the trier of fact in a court of record shall consider any written policy that the permit holder has adopted and implemented and that is intended to prevent violations of R.C. §§ 4301.22(A)(1) or (A)(2), 4301.63 through 4301.636, 4301.69, and 4301.691, or any substantially equivalent municipal ordinances. For purposes of division (A)(3) of this section, the Commission or trier of fact shall consider that reasonable reliance upon the identification presented and the completed transaction scan may require a permit holder or an agent or employee of a permit holder to exercise reasonable diligence to determine, and that the use of a transaction scan device does not excuse a permit holder or an agent or employee of a permit holder from exercising reasonable diligence to determine, the following:

(1) Whether a person to whom the permit holder or agent or employee of a permit holder sells any beer or intoxicating liquor is 21 years of age or older or sells low-alcohol beverage is 18 years of age or older;

(2) Whether the description and picture appearing on the driver's or commercial driver's license or identification card presented by a card holder is that of the card holder.

(C) The affirmative defense provided by division (A) of this section is in addition to the defense provided by R.C. § 4301.639, or any substantially equivalent municipal ordinance.

(D) In any hearing before the Liquor Control Commission and in any criminal action in which the affirmative defense provided by division (A) of this section is raised, the Registrar of Motor Vehicles or a deputy registrar who issued an identification card under R.C. §§ 4507.50 through 4507.52 shall be permitted to submit certified copies of the records of that issuance in lieu of the testimony of the personnel of or contractors with the Bureau of Motor Vehicles in the hearing or action.
(R.C. § 4301.611) (Rev. 2001)

§ 92.99 PENALTY.

Whoever violates any provision of this chapter for which no other penalty has been provided is guilty of a minor misdemeanor.
(R.C. §§ 4301.70, 4301.99(A))

Statutory reference:

Liquor Director to be notified of court decision regarding permit holder, employee or agent, see R.C. § 4301.991

CHAPTER 93: NUISANCES

Section

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Statutory reference:

Issuance of adjudication orders and stop work orders, see R.C. § 3781.031
Noise, certain nuisance immunity regarding noise at shooting ranges, see R.C. § 1533.85
Ohio Building Code, see O.A.C. Chapter 4101:1
Power to abate and prevent nuisances, see R.C. § 715.44

GENERAL PROVISIONS

§ 93.01 APPLICATION OF THE CHAPTER.

The provisions of this chapter shall be enforceable within this municipality concurrently with the state and federal laws relative to sanitation and health and the ordinances or orders of the local health district relative thereto, and shall not be construed as modifying, repealing, limiting, or affecting in any manner such laws, ordinances, or orders.

§ 93.02 DEFINITIONS.

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

NUISANCE. Any of the following:

(1) That which is defined and declared by statutes or ordinances to be a nuisance;

(2) Any place in or upon which lewdness, assignation, or prostitution is conducted, permitted, continued, or exists, or any place in or upon which lewd, indecent, lascivious or obscene films or plate negatives, film or plate positives, films designed to be projected on a screen for exhibition films, or glass slides either in negative or positive form designed for exhibition by projection on a

screen, are photographed, manufactured, developed, screened, exhibited, or otherwise prepared or shown, and the personal property and contents used in conducting and maintaining any such place for any such purpose. This chapter shall not affect any newspaper, magazine, or other publication entered as second class matter by the post office department;

(3) Any room, house, building, boat, vehicle, structure, or place where beer or intoxicating liquor is manufactured, sold, bartered, possessed, or kept in violation of law and all property kept and used in maintaining the same, and all property designed for the unlawful manufacture or beer, or intoxicating liquor and beer, or intoxicating liquor contained in the room, house, building, boat, structure, or place described in this division (3) where the operation of that place substantially interferes with public decency, sobriety, peace, and good order. "Violation of Law" includes but is not limited to sales to any person under the legal drinking age prohibited in R.C. § 4301.22(A) or R.C. § 4301.69(A), and any violation of R.C. § 2913.46 or R.C. § 2925.03.

PERSON. Includes any individual, corporation, association, partnership, trustee, lessee, agent or assignee.

PLACE. Includes any building, erection, or place or any separate part or portion thereof or the ground itself.
(R.C. § 3767.01) (Rev. 1999)

Cross-reference:
Penalty and procedure when injunction issued pursuant to division (3) of the definition of "nuisance" is violated, see § 92.27

§ 93.03 NUISANCES GENERALLY; INJUNCTIONS; VIOLATION; CONTEMPT.

(A) (1) Any person who uses, occupies, establishes, or conducts a nuisance, or aids and abets in the use, occupancy, establishment, or conduct of a nuisance; the owner, agent, or lessee of an interest in any such nuisance; any person who is employed in that nuisance by that owner, agent, or lessee; and any person who is in control of that nuisance is guilty of maintaining a nuisance and shall be enjoined as provided in R.C. §§ 3767.03 through 3767.11.

(2) A criminal gang that uses or occupies any building, premises, or real estate, including vacant land, on more than two occasions within a one-year period to engage in a pattern of criminal gang activity is guilty of maintaining a nuisance and shall be enjoined as provided in R.C. §§ 3767.03 through 3767.11. As used in this division (A)(2), ***CRIMINAL GANG*** and ***PATTERN OF CRIMINAL GANG ACTIVITY*** have the same meanings as in R.C. § 2923.41.
(R.C. § 3767.02) (Rev. 1999)

(3) Any building, premises, or real estate, including vacant land, that is used or occupied by a criminal gang on more than two occasions within a one-year period to engage in a pattern of criminal gang activity constitutes a nuisance subject to abatement pursuant to R.C. §§ 3767.01 through 3767.11
(R.C. § 2923.43) (Rev. 1999)

(B) In case of the violation of any injunction or closing order granted under R.C. §§ 3767.01 through 3767.11, or of a restraining order or the commission of any contempt of court in proceedings under such sections, the court or, in vacation, a judge thereof, may summarily try and punish the offender. The trial may be had upon affidavits or either party may demand the production and oral examination or witnesses.
(R.C. § 3767.07)

(C) Whoever is guilty of contempt under this section is guilty of a misdemeanor of the first degree.
(R.C. § 3767.99(A))

Statutory reference:
Abatement of nuisance, bond and notice, see R.C. § 3767.03
Content of judgment and order, disposition of property seized, see R.C. § 3767.06
Criminal gang activity, see R.C. §§ 2923.41 et seq.
Priority of actions, evidence, costs; nuisances relating to liquor permit premises, see R.C. § 3767.05
Procedure in injunction action, see R.C. § 3767.04

§ 93.04 MAINTAINING CERTAIN NUISANCES.

(A) No person shall erect, continue to use, or maintain a building, structure, or place for the exercise of a trade, employment, or business or for keeping or feeding an animal which, by occasioning noxious exhalations or noisome or offensive smells, becomes injurious to the health, comfort, or property of individuals or of the public.

(B) No person shall cause or allow offal, filth, or noisome substances to be collected or remain in any place to the damage or prejudice of others or of the public.

(C) No person shall unlawfully obstruct or impede the passage of a navigable river, harbor, or collection of water, or corrupt or render unwholesome or impure a watercourse, stream of water, or unlawfully divert such watercourse from its natural course or state to the injury or prejudice of others.

(D) Persons who are engaged in agriculture-related activities, as "agriculture" is defined in R.C. § 519.01, and who are conducting those activities outside the municipality, in accordance with generally accepted agricultural practices, and in such a manner so as not to have a substantial, adverse effect on the public health, safety, or welfare, are exempt from divisions (A) and (B) above and from any ordinances, resolutions, rules, or other enactments of the municipality that prohibit excessive noise.
(R.C. § 3767.13)

(E) Whoever violates this section is guilty of a misdemeanor of the third degree.
(R.C. § 3767.99(C))

§ 93.05 COLLECTION OF COST OF ABATING DANGEROUS PROPERTY CONDITION; INJUNCTION; REHABILITATION.

(A) *Collection of costs of abating dangerous property conditions.*

(1) As used in this division (A):

ABATEMENT ACTIVITY. Means each instance of any of the following:

1. Removing, repairing, or securing insecure, unsafe, structurally defective, abandoned, deserted, or open and vacant buildings or other structures;

2. Making emergency corrections of hazardous conditions;

3. Abatement of any nuisance by the municipality or its agent pursuant to division (A)(5) of this section.

TOTAL COST. Means any costs incurred due to the use of employees, materials, or equipment of the municipality or its agent pursuant to division (A)(5) of this section, any costs arising out of contracts for labor, materials, or equipment, and costs of service of notice or publication required under this section.

(2) The municipality or its agent pursuant to division (A)(5) of this section may collect the total cost of abatement activities by any of the methods prescribed in division (A)(2)(a), (A)(2)(b), or (A)(2)(c) of this section.

(a) For each abatement activity in which costs are incurred, the Clerk of the Legislative Authority of the municipality or its agent pursuant to division (A)(5) of this section may certify the total costs of each abatement activity, together with the parcel number or another proper description of the lands on which the abatement activity occurred, the date the costs were incurred for each abatement activity, and the name of the owner of record at the time the costs were incurred for each abatement activity, to the County Auditor who shall place the costs as a charge upon the tax list and duplicate. The costs are a lien upon such lands from and after the date the costs were incurred. The costs shall be collected as other taxes and returned to the municipality or its agent pursuant to division (A)(5) of this section, as directed by the Clerk of the Legislative Authority in the certification of the total costs or in an affidavit from the agent delivered to the County Auditor or County Treasurer. The placement of the costs on the tax list and duplicate relates back to, and is effective in priority, as of the date the costs were incurred, provided that the municipality or its agent pursuant to division (A)(5) of this section certifies the total costs within one year from the date the costs were incurred. If a lien placed on a parcel of land pursuant to this division is extinguished as provided in division (A)(8) of this section, the municipality may pursue the remedy available under division (A)(2)(b) of this section to recoup the costs incurred with respect to that parcel from any person that held title to the parcel at the time the costs were incurred.

(b) The municipality or its agent pursuant to division (A)(5) of this section may commence a civil action to recover the total costs from the person that held title to the parcel at the time the costs were incurred.

(c) The municipality or its agent pursuant to division (A)(5) of this section may file a lien on a parcel of land for the total costs incurred under this section with respect to the parcel by filing a written affidavit with the County Recorder of the county in which the parcel is located that states the parcel number, the total costs incurred with respect to the parcel, and the date such costs were incurred. The municipality or its agent may pursue a foreclosure action to enforce the lien in a court of competent jurisdiction or, pursuant to R.C. §§ 323.65 to 323.79, with the Board of Revision. The municipality or its agent may elect to acquire the parcel by indicating such an election in the complaint for foreclosure or in an amended complaint. Upon the entry of a decree of foreclosure, the County Sheriff shall advertise and offer the property for sale on at least one occasion. The minimum bid with regard to the sale of the foreclosed property shall equal the sum of the taxes, penalties, interest, costs, and assessments due and payable on the property, the total costs incurred by the municipality or its agent with respect to the property, and any associated court costs and interest as authorized by law. An owner of the property may redeem the property by paying the minimum bid within ten days after the entry of the decree of foreclosure. If an owner fails to so redeem the property, and if the parcel is not sold for want of a minimum bid, the property shall be disposed of as follows:

1. If the municipality or its agent elects to acquire the property, the parcel shall be transferred to the municipality or its agent as if the property were transferred by all owners in title to the municipality or its agent in lieu of foreclosure as provided in R.C. § 5722.10;

2. If the municipality or its agent does not elect to acquire the property, the parcel shall be forfeited to the state or to a political subdivision or school district as provided in R.C. Chapter 5723.

3. When the municipality or its agent acquires property as provided in this division (A)(2)(c), the property shall not be subject to foreclosure or forfeiture under R.C. § 323.25 or R.C. Chapter 5721 or 5723, and any lien on the property for costs incurred under this division (A) or for any unpaid taxes, penalties, interest, charges, or assessments shall be extinguished.

(3) This division (A) applies to any action taken by the municipality or its agent pursuant to division (A)(5) of this section pursuant to R.C. § 715.26 or pursuant to Section 3 of Article XVIII, Ohio Constitution.

(4) (a) The municipality or its agent pursuant to division (A)(5) of this section shall not certify to the

County Auditor for placement upon the tax list and duplicate and the County Auditor shall not place upon the tax list and duplicate as a charge against the land the costs of any abatement activity undertaken under division (A)(2) of this section if any of the following apply:

1. The abatement activity occurred on land that has been transferred or sold to an electing subdivision as defined in R.C. § 5722.01, regardless of whether the electing subdivision is still the owner of the land, and the abatement activity occurred on a date prior to the transfer or confirmation of sale to the electing subdivision.

2. The abatement activity occurred on land that has been sold to a purchaser at sheriff's sale or auditor's sale, the abatement activity occurred on a date prior to the confirmation of sale, and the purchaser is not the owner of record of the land immediately prior to the judgment of foreclosure nor any of the following:

a. A member of that owner's immediate family;

b. A person with a power of attorney appointed by that owner who subsequently transfers the land to the owner;

c. A sole proprietorship owned by that owner or a member of that owner's immediate family;

d. A partnership, trust, business trust, corporation, or association of which the owner or a member of the owner's immediate family owns or controls directly or indirectly more than 50%.

3. The abatement activity is taken on land that has been forfeited to this state for delinquent taxes, unless the owner of record redeems the land.

(b) Upon valid written notice to the County Auditor by any owner possessing an ownership interest of record of the land or by an electing subdivision previously in the chain of title of the land that the costs of an abatement activity undertaken under division (A)(2) of this section was certified for placement or placed upon the tax list and duplicate as a charge against the land in violation of this division, the County Auditor shall promptly remove such charge from the tax duplicate. This written notice to the County Auditor shall include all of the following:

1. The parcel number of the land;

2. The common address of the land;

3. The date of the recording of the transfer of the land to the owner or electing subdivision;

4. The charge allegedly placed in violation of this division.

(5) The municipality may enter into an agreement with a County Land Reutilization Corporation organized under R.C. Chapter 1724 wherein the County Land Reutilization Corporation agrees to act as the agent of the municipality in connection with removing, repairing, or securing insecure, unsafe, structurally defective, abandoned, deserted, or open and vacant buildings or other structures, making emergency corrections of hazardous conditions, or abating any nuisance, including high weeds, overgrown brush, and trash and debris from vacant lots. The total costs of such actions may be collected by the corporation pursuant to division (A)(2) of this section, and shall be paid to the corporation if it paid or incurred such costs and has not been reimbursed by the owner of record at the time of the action or any other party with a recorded interest in the land.

(6) In the case of the lien of a County Land Reutilization Corporation that is the agent of the municipality, a notation shall be placed on the tax list and duplicate showing the amount of the lien ascribed specifically to the agent's total costs. The agent has standing to pursue a separate cause of action for money damages to satisfy the lien or pursue a foreclosure action in a court of competent jurisdiction or with the Board of Revision to enforce the lien without regard to occupancy. For purposes of a foreclosure proceeding by the County Treasurer for delinquent taxes, this division does not affect the lien priority as between a County Land Reutilization Corporation and the County Treasurer, but the corporation's lien is superior to the lien of any other lienholder of the property. As to a direct action by a County Land Reutilization Corporation, the lien for the taxes, assessment, charges, costs, penalties, and interest on the tax list and duplicate is in all cases superior to the lien of a County Land Reutilization Corporation, whose lien for total costs shall be next in priority as against all other interests, except as provided in division (A)(7) of this section.

(7) A County Land Reutilization Corporation acting as an agent of the municipality under an agreement under this division (A) may, with the County Treasurer's consent, petition the court or Board of Revision with jurisdiction over an action undertaken under division (A)(6) of this section pleading that the lien of the corporation, as agent, for the total costs shall be superior to the lien for the taxes, assessments, charges, costs, penalties, and interest. If the court or Board of Revision determines that the lien is for total costs paid or incurred by the corporation as such an agent, and that subordinating the lien for such taxes and other impositions to the lien of the corporation promotes the expeditious abatement of public nuisances, the court or board may order the lien for the taxes and other impositions to be subordinate to the corporation's lien. The court or board may not subordinate the lien for taxes and other such impositions to any other liens.

(8) (a) When a parcel of land upon which a lien has been placed under division (A)(2)(a) or (A)(2)(c) of this section is transferred to a County Land Reutilization Corporation, the lien on the parcel shall be extinguished if the lien is for costs or charges that were incurred before the date of the transfer to the corporation and if the corporation did not incur the costs or charges, regardless of whether the lien was attached or the costs or charges were certified before the date of transfer. In such a case, the County Land Reutilization

Corporation and its successors in title shall take title to the property free and clear of any such lien and shall be immune from liability in any action to collect such costs or charges.

(b) If a County Land Reutilization Corporation takes title to property before any costs or charges have been certified or any lien has been placed with respect to the property under division (A)(2)(a) or (A)(2)(c) of this section, the corporation shall be deemed a bona fide purchaser for value without knowledge of such costs or lien, regardless of whether the corporation had actual or constructive knowledge of the costs or lien, and any such lien shall be void and unenforceable against the corporation and its successors in title.

(9) The municipality or County Land Reutilization Corporation may file an affidavit with the County Recorder under R.C. § 5301.252 stating the nature and extent of any proceedings undertaken under this division (A). Such an affidavit may include a legal description of a parcel or, in lieu thereof, the common address of the parcel and the permanent parcel number to which such address applies.
(R.C. § 715.261) (Rev. 2015)

(B) *Injunction may be granted for failure to comply.* No person shall erect, alter, repair or maintain any residential building, office, mercantile building, workshop or factory, including a public or private garage, or other structure, within the municipality unless all ordinances or resolutions enacted pursuant to R.C. §§ 715.26 through 715.30 are fully complied with. In the event any building or structure is being erected, constructed, altered, repaired or maintained in violation of such ordinances or resolutions, or there is imminent threat of violation, the municipality or the owner of any contiguous or neighboring property who would be especially damaged by such violation, in addition to any other remedies provided by law, may institute a suit for injunction to prevent or terminate such violation.
(R.C. § 715.30)

(C) *Appropriation of property to rehabilitate; demolition or sale.*

(1) In order to rehabilitate a building or structure that the municipality has determined to be a blighted property as defined in R.C. § 1.08, the municipality may appropriate, in the manner provided by R.C. §§ 163.01 through 163.22, any such building or structure and the real property of which it is a part. The municipality shall rehabilitate the building or structure or cause it to be rehabilitated within two years after the appropriation so that the building or structure is no longer a public nuisance, insecure, unsafe, structurally defective, unhealthful or unsanitary, or a threat to the public health, safety, or welfare, in violation of a building code or ordinance adopted under R.C. § 731.231. Any building or structure appropriated pursuant to this division which is not rehabilitated within two years shall be demolished.

(2) If, during the rehabilitation process, the municipality retains title to the building or structure and the real property of which it is a part, then within 180 days after the rehabilitation is complete, the municipality shall appraise the rehabilitated building or structure and the real property of which it is a part, and shall sell the building or structure and property at public auction. The municipality shall advertise the public auction in a newspaper of general circulation in the municipality once a week for three consecutive weeks, or as provided in R.C. § 7.16, prior to the date of sale. The municipality shall sell the building or structure and real property to the highest and best bidder. No property that the municipality acquires pursuant to this division shall be leased.
(R.C. § 719.012) (Rev. 2012)

Statutory reference:

Adoption of technical ordinances and codes by reference, see R.C. § 731.231

§ 93.06 TRIMMING OF TREES AND SHRUBBERY TO PREVENT OBSTRUCTION.

(A) It shall be unlawful for any person to plant, grow, or maintain any shade tree or trees or shrubbery which will obstruct the proper distribution of light from street lamps or which will obstruct the view of traffic approaching an intersection by operators of vehicles approaching such intersection from another direction.

(B) All trees shall be trimmed so as to have a clear height of ten feet above the surface of sidewalks and 12 feet above the surface of the street or roadway, and the branches of all trees in front of and along lots or lands near which street lights are placed shall be trimmed so as not to obstruct the free passage of light from such street lights to the street and sidewalk.

(C) The Legislative Authority shall cause a written notice to be given to property owners ordering them to trim or remove trees and shrubbery so that the trees and shrubbery conform to divisions (A) and (B).

(D) If the property owner fails to trim or remove the trees and shrubbery as ordered, the Legislative Authority may cause the trees and shrubbery to be trimmed or removed as ordered, and the cost thereof shall be a lien upon such real estate.
Penalty, see § 93.99

Statutory reference:

Power to regulate shade trees, see R.C. § 715.20

SEPTIC TANKS, CESSPOOLS, AND REFUSE

§ 93.20 LOCATION OF PRIVY VAULTS, CESSPOOLS, AND SEPTIC TANKS.

No owner, occupant, or person in charge of any premises situated as to permit connection with any sanitary sewer shall maintain or permit to be maintained on or in connection with such premises any privy vault, cesspool, septic tank, or other repository for human excreta.
Penalty, see § 93.99

Statutory reference:
Power to regulate privies, see R.C. § 715.40
Power to regulate refuse disposal, see R.C. § 715.43

§ 93.21 UNSANITARY VAULTS.

It shall be unlawful for any person being the owner, lessor, occupant, or person in charge of any premises upon which a privy vault, cesspool, or septic tank is located to permit such vault, pool, or tank, or any building, fixture, or device appurtenant thereto, to become foul, noisome, filthy, or offensive to neighboring property owners.
Penalty, see § 93.99

§ 93.22 REMOVAL OF CONTENTS OF VAULT.

Whenever any part of the waste in any privy vault or cesspool extends to a point less than three feet below the surface of the ground adjacent thereto, or whenever use of any such vault or cesspool is abandoned or where such use or maintenance is prohibited by ordinance or health order, the owner, lessor, occupant or person in charge of such premises shall cause the vault or cesspool to be emptied of its contents, thoroughly cleaned, and disinfected, and if abandoned, to be filled with clean earth or mineral matter to the level of the adjacent ground.
Penalty, see § 93.99

§ 93.23 DEPOSIT OF DEAD ANIMALS, OFFAL UPON LAND OR WATER.

(A) No person shall put the carcass of a dead animal or the offal from a slaughter house, butcher's establishment, packing house or fish house, or spoiled meat, spoiled fish, or other putrid substance or the contents of a privy vault, upon or into a lake, river, bay, creek, pond, canal, road, street, alley, lot, meadow, public ground, market place, or common. No owner or occupant of such place shall knowingly permit such thing to remain therein to the annoyance of any citizen or neglect to remove or abate the nuisance occasioned thereby within 24 hours after knowledge of the existence thereof, or after notice thereof in writing from the designated municipal official.
(R.C. § 3767.16)

(B) Whoever violates this section is guilty of a minor misdemeanor.
(R.C. § 3767.99(D))

§ 93.24 DEFILING SPRING OR WELL PROHIBITED.

(A) No person shall maliciously put a dead animal, carcass, or part thereof, or other putrid, nauseous, or offensive substance into, or befoul, a well, spring, brook, or branch of running water, or a reservoir of a waterworks, of which use is or may be made for domestic purposes.
(R.C. § 3767.18)

(B) Whoever violates this section is guilty of a minor misdemeanor.
(R.C. § 3767.99(D))

§ 93.25 DUMPING OF REFUSE IN MUNICIPALITY PROHIBITED.

It shall be unlawful for any person to dump, cause to be dumped or permit to be dumped on any publicly or privately owned land or water in the municipality any paper, brush, rubbish, tin cans, vegetation, garbage, or refuse of any kind, without first having obtained a written license from the Mayor or other designated municipal officer to do so. The Mayor or other designated municipal officer shall issue a license permitting dumping of designated materials when it appears that filling of the land is necessary and that the material deposited will be immediately covered with earth or will not be objectionable to the citizens of the neighborhood, or injurious to health, safety and general welfare of the citizens.
Penalty, see § 93.99

§ 93.26 ABANDONED REFRIGERATORS.

(A) No person shall abandon, discard, or knowingly permit to remain on premises under the person's control, in a place accessible to children, any abandoned or discarded icebox, refrigerator, or other airtight or semi-airtight container which has a capacity of 1.5 cubic feet or more and an opening of 50 square inches or more and which has a door or lid equipped with a hinge, latch, or other fastening device capable of securing such door or lid, without rendering the equipment harmless to human life by removing such hinges, latches or other hardware which may cause a person to be confined therein. This section shall not apply to an icebox, refrigerator or other airtight or semi-airtight container located in that part of a building occupied by a dealer, warehouse or repairer.
(R.C. § 3767.29) (Rev. 2012)

(B) Whoever violates this section shall be guilty of a misdemeanor of the fourth degree.
(R.C. § 3767.99(B))

§ 93.27 DISCARDING LITTER PROHIBITED.

(A) No person, regardless of intent, shall deposit litter or cause litter to be deposited on any public property, on private property not owned by the person, or in or on waters of the state, unless one of the following applies:

(1) The person is directed to do so by a public official as part of a litter collection drive.

(2) Except as provided in division (B) of this section, the person deposits the litter in a litter receptacle in a manner that prevents its being carried away by the elements.

(3) The person is issued a permit or license covering the litter pursuant to R.C. Chapter 3734 or 6111.

(B) No person, without privilege to do so, shall knowingly deposit litter, or cause it to be deposited, in a litter receptacle located on any public property or on any private property not owned by the person, unless one of the following applies:

(1) The litter was generated or located on the property on which the litter receptacle is located.

(2) The person is directed to do so by a public official as part of a litter collection drive.

(3) The person is directed to do so by a person whom the person reasonably believes to have the privilege to use the litter receptacle.

(4) The litter consists of any of the following:

(a) The contents of a litter bag or container of a type and size customarily carried and used in a motor vehicle.

(b) The contents of an ash tray of a type customarily installed or carried and used in a motor vehicle.

(c) Beverage containers and food sacks, wrappings, and containers of a type and in an amount that reasonably may be expected to be generated during routine commuting or business or recreational travel by a motor vehicle.

(d) Beverage containers, food sacks, wrappings, containers, and other materials of a type and in an amount that reasonably may be expected to be generated during a routine day by a person and deposited in a litter receptacle by a casual passerby.

(C) (1) As used in division (B)(1) of this section, ***PUBLIC PROPERTY*** includes any private property open to the public for the conduct of business, the provision of a service, or upon the payment of a fee but does not include any private property to which the public otherwise does not have a right of access.

(2) As used in division (B)(4) of this section, ***CASUAL PASSERBY*** means a person who does not have depositing litter in a litter receptacle as the person's primary reason for traveling to or by the property on which the litter receptacle is located.

(D) As used in this section:

DEPOSIT. Means to throw, drop, discard, or place.

LITTER. Includes garbage, trash, waste, rubbish, ashes, cans, bottles, wire, paper, cartons, boxes, automobile parts, furniture, glass, or anything else of an unsightly or unsanitary nature.

LITTER RECEPTACLE. Means a dumpster, trash can, trash bin, garbage can, or similar container in which litter is deposited for removal.

(E) This section may be enforced by any sheriff, deputy sheriff, police officer of a municipal corporation, police constable or officer of a township, or township or joint police district, wildlife officer designated under R.C. § 1531.13, natural resources officer appointed under R.C. § 1501.24, forest-fire investigator appointed under R.C. § 1503.09, conservancy district police officer, inspector of nuisances of a county, or any other law enforcement officer within the law enforcement officer's jurisdiction.
(R.C. § 3767.32) (Rev. 2017)

(F) Whoever violates any provision of this section shall be guilty of a misdemeanor of the third degree. The sentencing court may, in addition to or in lieu of the penalty provided in this division, require a person who violates this section to remove litter from any public or private property or in or on waters of the state.
(R.C. § 3767.99(C))

§ 93.28 POWER OF THE MUNICIPALITY TO FILL OR DRAIN LAND.

(A) The municipality may fill or drain any lot or land within its limits on which water at any time becomes stagnant, remove all putrid substances from any lot, and remove all obstructions from culverts, covered drains, or private property, laid in any natural watercourse, creek, brook, or branch, which obstruct the water naturally flowing therein, causing it to flow back or become stagnant, in a way prejudicial to the health, comfort, or convenience of any of the citizens of the neighborhood. If such culverts or drains are of insufficient capacity, the municipality may make them of such capacity as reasonable to accommodate the flow of such water at all times.

(B) The Legislative Authority may, by resolution, direct the owner to fill or drain such lot, remove such putrid substance or other obstructions, and if necessary, enlarge such culverts or covered drains to meet the requirements thereof.

(C) After service of a copy of such resolution, or after a publication thereof in a newspaper of general circulation in the municipality or as provided in R.C. § 7.16, for two consecutive weeks, the owner, or the owner's agent or attorney, shall comply with the directions of the resolution within the time therein specified.

(D) In case of the failure or refusal of such owner to comply with the resolution, the work required thereby may be done at the expense of the municipality, and the amount of money so expended shall be recovered from the owner before any court of competent jurisdiction. This expense from the time of the adoption of the resolution shall be a lien on such lot, which may be enforced by suit in the Court of Common Pleas, and like proceedings may be had as directed in relation to the improvement of streets.

(E) The officers connected with the Health Department of the municipality shall see that this section is strictly and promptly enforced.
(R.C. § 715.47) (Rev. 2012)

WEEDS AND LITTER ON PRIVATE PROPERTY

§ 93.40 KEEPING DOWN WEEDS.

(A) Any person owning or having charge of land within the municipality shall keep such property free and clear from all noxious weeds and rank vegetation and shall be required to cut all such weeds and vegetation on the lots owned or controlled by him or her at least twice in every year, once between June 1 and July 1 and once between August 1 and September 1.

(B) Noxious weeds and rank vegetation shall include but not be limited to:

(1) Shatter cane (*Sorghum bicolor*).

(2) Russian thistle (*Salsola Kali* var. *tenuifolia*).

(3) Johnsongrass (*Sorghum halepense*).

(4) Wild parsnip (*Pastinaca sativa*).

(5) Grapevines (*Vitis* spp.), when growing in groups of 100 or more and not pruned, sprayed, cultivated, or otherwise maintained for two consecutive years.

(6) Canada thistle (*Cirsium arvense*).

(7) Poison hemlock (*Conium maculatum*).

(8) Cressleaf groundsel (*Senecio glabellus*).

(9) Musk thistle (*Carduus nutans*).

(10) Purple loosestrife (*Lythrum salicaria*).

(11) Mile-a-minute weed (*Polygonum perfoliatum*).

(12) Giant hogweed (*Heracleum mantegazzianum*).

(13) Apple of Peru (*Nicandra physalodes*).

(14) Marestail (*Conyza canadensis*)

(15) Kochia (*Bassia scoparia*).

(16) Palmer amaranth (*Amaranthus palmeri*).

(17) Kudzu (*Pueraria montana* var. *lobata*).

(18) Japanese knotweed (*Polygonum cuspidatum*).

(19) Yellow groove bamboo (*Phyllostachys aureasculata*), when the plant has spread from its original premise of planting and is not being maintained.

(20) Field bindweed (*Convolvulus arvensis*).

(21) Heart-podded hoary cress (*Lepidium draba* sub. *draba*).

(22) Hairy whitetop or ballcress (*Lepidium appelianum*).

(23) Perennial sowthistle (*Sonchus arvensis*).

(24) Russian knapweed (*Acroptilon repens*).

(25) Leafy spurge (*Euphorbia esula*).

(26) Hedge bindweed (*Calystegia sepium*).

(27) Serrated tussock (*Nassella trichotoma*).

(28) Columbus grass (*Sorghum x almum*).

(29) Musk thistle (*Carduus nutans*).

(30) Forage kochia (*Bassia prostrata*).

(31) Water hemp (*Amaranthus tuberculatus*).
(O.A.C. § 901:5-37-01) (Rev. 2020)

(32) Any weeds, grass, or plants, other than trees, bushes, flowers, or other ornamental plants, growing to a height exceeding 12 inches.

§ 93.41 NOTICE TO OWNER TO CUT NOXIOUS WEEDS, REMOVE LITTER; SERVICE.

(A) Upon written information that noxious weeds are growing on lands in the municipality and are about to spread or mature seeds, the Legislative Authority shall cause written notice to be served on the owner, lessee, agent, or tenant having charge of such land, notifying him or her that noxious weeds are growing on such lands and that they must be cut and destroyed within five days after service of such notice.

(B) Upon a finding by the Legislative Authority that litter has been placed on lands in a municipality, and has not been removed, and constitutes a detriment to public health, the Legislative Authority shall cause a written notice to be served upon the owner and, if different, upon the lessee, agent, or tenant having charge of the littered land, notifying him or her that litter is on the land, and that it must be collected and removed within 15 days after the service of the notice.

(C) As used in this section and § 93.43, ***LITTER*** includes any garbage, waste, peelings of vegetables or fruits, rubbish, ashes, cans, bottles, wire, paper, cartons, boxes, parts of automobiles, wagons, furniture, glass, oil of an unsightly

or unsanitary nature, or anything else of an unsightly or unsanitary nature.

(D) If the owner or other person having charge of the land is a nonresident of the municipality whose address is known, the notice shall be sent to his or her address by certified mail. If the address of the owner or other person having charge of the land is unknown it is sufficient to publish the notice once in a newspaper of general circulation in the county.

(E) This section does not apply to land being used under a municipal building or construction permit or license, a municipal permit or license, or a conditional zoning permit or variance to operate a junkyard, scrap metal processing facility, or similar business, or a permit or license issued pursuant to R.C. Chapter 3734, R.C. §§ 4737.05 through 4737.12, or R.C. Chapter 6111.
(R.C. § 731.51)

§ 93.42 FEES FOR SERVICE AND RETURN.

The Police Chief, any police officer, or Clerk of the Legislative Authority may make service and return of the notice provided for in § 93.41 and shall be allowed the same fees as that provided for service and return of summons in civil cases before a magistrate.
(R.C. § 731.52)

§ 93.43 PROCEDURE WHEN OWNER FAILS TO COMPLY WITH NOTICE.

If the owner, lessee, agent, or tenant having charge of the lands mentioned in § 93.41 fails to comply with the notice required by such section, the Legislative Authority shall cause such noxious weeds to be cut and destroyed or such litter removed and may employ the necessary labor to perform the task. All expenses incurred shall, when approved by the Legislative Authority, be paid out of the money in the treasury of the municipality not otherwise appropriated.
(R.C. § 731.53)

§ 93.44 WRITTEN RETURN TO COUNTY AUDITOR; AMOUNT AS A LIEN UPON PROPERTY.

The Legislative Authority shall make a written return to the County Auditor of their action under §§ 93.41, 93.42, and 93.43, with a statement of the charges for their services, the amount paid for labor, the fees of the officers serving the notices, and a proper description of the premises. These amounts, when allowed, shall be entered upon the tax duplicate and be a lien upon such lands from and after the date of entry and be collected as other taxes and returned to the municipality with the General Fund.
(R.C. § 731.54)

UNCLEAN HABITATIONS

§ 93.60 PERMITTING UNCLEAN HABITATIONS.

It shall be unlawful for any person to lease, let, permit the occupancy of, permit the continuation of the occupancy of, or continue the occupancy of a structure or building or any portion thereof used for human habitation, unless such structure or building or portion thereof is free from unclean and unsanitary conditions as defined in § 93.61 and unless the provisions of the subsequent sections are complied with.
Penalty, see § 93.99

Statutory reference:

Duties of the landlord, see R.C. § 5321.04
Duties of the tenant, see R.C. § 5321.05
Injunction for failure to comply, see R.C. § 715.30
Regulating occupied buildings, see R.C. § 715.29

§ 93.61 WHEN HABITATIONS ARE DEEMED UNSANITARY.

A structure, building, or any portion thereof used for human habitation shall be deemed to be in an unclean and unsanitary condition when any of the following conditions exist:

(A) Infection with communicable disease;

(B) Absence of the toilet facilities required by law or ordinance;

(C) Presence of sewer gas;

(D) Dampness or wetness due to lack of repair;

(E) Accumulation of dirt, filth, litter, refuse, or other offensive or dangerous substances likely to cause sickness among the occupants;

(F) Defective or improperly used drainage, plumbing, or ventilation facilities likely to cause sickness.

§ 93.62 ORDER FOR ABATEMENT OR VACATION OF PREMISES.

If the local Board of Health ascertains from examination or reports of its inspectors or sanitary officers or otherwise determines that a public nuisance, as defined in § 93.61, exists in or upon any structure or building, or portion thereof, and has notified the owner, occupant, or person in charge of the premises to abate the nuisance or vacate the premises, it shall be unlawful to occupy or permit the occupancy of the premises or portion thereof until the nuisance has been completely abated and the building or portion thereof has been rendered clean and sanitary in accordance with the terms of the notices of the Board of Health.

§ 93.63 ENFORCEMENT OF VACATION ORDER BY FIRE CHIEF OR POLICE CHIEF.

When the notice or order of vacation has not been complied with, and the Board of Health certifies such fact to the Fire Chief or Police Chief, together with a copy of the order of notice, it shall be the duty of the Fire Chief or Police Chief to enforce such notice or order of vacation and to cause the premises to be vacated in accordance with the terms of the notice or order.

§ 93.64 ENFORCEMENT THROUGH COURT PROCEEDINGS.

Whenever the Board of Health certifies to the municipal legal officer any failure to comply with any order or notice of vacation, with the request that civil proceedings for the enforcement thereof be instituted, the municipal legal officer shall institute any and all proceedings, either legal or equitable, that may be appropriate or necessary for the enforcement of the order or notice and the abatement of the nuisance against which the order or notice was directed. These suits or proceedings shall be brought in the name of the municipality. Proceedings under this section shall not relieve any party defendant from criminal prosecution or punishment under this code or any other criminal law or ordinance in force within the municipality.

§ 93.99 PENALTY.

Whoever violates any provision of this chapter, for which another penalty is not already provided, shall be subject to the penalty prescribed in § 10.99.

CHAPTER 94: STREETS AND SIDEWALKS

Section

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94.03 Application and cash deposit
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Statutory reference:

Assessments generally, see R.C. Chapter 727
Vacation or establishment of streets by court, notice and hearings, see R.C. §§ 723.09 et seq.

GENERAL PROVISIONS

§ 94.01 CONDITIONS PRECEDENT TO IMPROVING STREETS.

No department of this municipality shall accept, lay out, open, improve, grade, pave, curb or light any street or other way, unless the street or way has been accepted or opened or otherwise has received the legal status of a public street or way prior to the effective date of this code; or unless the street or way corresponds in location and extent with a street or way shown on a recorded plat which has been legally accepted by the Legislative Authority.

Statutory reference:

Power over streets and sidewalks, see R.C. §§ 715.19, 717.01(P), 723.01, 723.011, 723.02, and 729.01

§ 94.02 OPENING PERMIT REQUIRED.

It shall be unlawful for any person, other than an authorized municipal official or the authorized employees or agents of such municipal official, to make any opening in any street, alley, sidewalk, or public way of the municipality unless a permit to make the opening has been obtained prior to commencement of the work.

Penalty, see § 94.99

§ 94.03 APPLICATION AND CASH DEPOSIT.

Each permit for making an opening shall be confined to a single project and shall be issued by the Mayor or other proper municipal officer. Application shall be made on a form prescribed by the Legislative Authority, giving the exact location of the proposed opening, the kind of paving, the area and depth to be excavated, and such other facts as may be provided for. The permit shall be issued only after a cash deposit sufficient to cover the cost of restoration has been posted with the Mayor or other proper municipal officer, conditioned upon prompt and satisfactory refilling of excavations and restoration of all surfaces disturbed.

§ 94.04 RESTORATION OF PAVEMENT.

(A) The opening and restoration of pavement or other surface shall be performed under the direction and to the satisfaction of an authorized municipal official, and in accordance with rules, regulations, and specifications approved by the Legislative Authority.

(B) Upon failure or refusal of the permittee satisfactorily to fill the excavation, restore the surface, and remove all excess materials within the time specified in the permit or where not specified therein, within a reasonable time after commencement of the work, the municipality may proceed without notice to make such fill and restoration, and the deposit referred to in § 94.03 shall be deemed forfeited. Thereupon, the deposit shall be paid into the Street Repair Fund of the municipality, except such part demanded and paid to the permittee as the difference between the deposit and the charges of the municipality for restoration services performed by it. If the amount of such services performed by the municipality should exceed the amount of the deposit, the Clerk or other proper municipal officer shall proceed to collect the remainder due from such permittee.

§ 94.05 BARRIERS AROUND EXCAVATIONS.

Any person engaged in or employing others in excavating, or opening any street, sidewalk, alley, or other public way shall have the excavation or opening fully barricaded at all times to prevent injury to persons or animals.
Penalty, see § 94.99

§ 94.06 WARNING LIGHTS.

Any person engaged in or employing others in excavating or otherwise in any manner obstructing a portion or all of any street, sidewalk, alley, or other public way, at all times during the night shall install and maintain at least two illuminated warning lamps which shall be securely and conspicuously posted on, at, or near each end of such obstruction or excavation, and if the space involved shall exceed 50 feet in extent, then at least one additional lamp for each added 50 feet or portion thereof excavated or obstructed.
Penalty, see § 94.99

§ 94.07 SIDEWALK CONSTRUCTION BY THE MUNICIPALITY.

It shall be the duty of the engineer of the municipality or, if none exist, another authorized municipal official, to supervise construction or repair of sidewalks within the municipality. He or she shall cause specifications to be prepared for the construction of the various kinds of pavements and transmit the same to the Legislative Authority for approval. When the specifications are approved, the Legislative Authority shall advertise for proposals to do all the work which may be ordered by the municipality in construction and repair of sidewalks, and shall contract therefor, for a period not exceeding one year, with the lowest responsible bidder, who shall furnish good and sufficient sureties for the faithful performance of the work. The Legislative Authority, if it deems advisable, may make separate contracts for the different kinds of work with different parties.

Cross-reference:

Legislative Authority; contracts, see §§ 32.025 et seq.

§ 94.08 UNLOADING ON STREET OR SIDEWALK.

No person shall unload any heavy material in the streets of the municipality, by throwing or letting the same fall upon the pavement of any street, alley, sidewalk, or other public way, without first placing some sufficient protection over the pavement.
Penalty, see § 94.99

§ 94.09 STREET OR SIDEWALK OBSTRUCTION.

(A) No person shall obstruct any street, alley, sidewalk, public ground, or other public way within the municipality by erecting thereon any fence, structure or building, or permitting any fence, structure or building to remain thereon unless authorized by the Legislative Authority or other proper municipal official. Each day that any such fence or building is permitted to remain upon such public way shall be deemed a separate offense.
(R.C. § 5589.01)

(B) Whoever violates this section is guilty of a misdemeanor of the third degree.
(R.C. § 5589.99(A))

Cross-reference:

Driving upon sidewalk prohibited, see § 72.118

§ 94.10 MATERIALS ON STREET OR SIDEWALK.

No person shall encumber any street or sidewalk. No owner, occupant, or person having the care of any building or lot of land bordering on any street or sidewalk shall permit the same to be encumbered with barrels, boxes, cans, articles, or substances of any kind so as to interfere with the free and unobstructed use thereof.
Penalty, see § 94.99

Cross-reference:

Placing injurious materials and litter upon streets or highways prohibited, see § 72.122

§ 94.11 DUTY TO KEEP SIDEWALKS IN REPAIR AND CLEAN OF ICE AND SNOW.

No owner or occupant of lots or lands abutting any sidewalk, curb or gutter shall fail to keep the sidewalks, curbs and gutters in repair and free from snow, ice or any nuisance, and to remove from such sidewalks, curbs or gutters all snow and ice accumulated thereon within a reasonable time, which will ordinarily not exceed 12 hours after any storm during which the snow and ice has accumulated.
(R.C. § 723.011) Penalty, see § 94.99

§ 94.12 RAMPED CURBING FOR PERSONS WITH DISABILITIES.

All new curbs that are authorized by the municipality, and all existing curbs which are part of any reconstruction, shall have a ramp with nonslip surface built into the curb at

each pedestrian crosswalk so that the sidewalk and street blend to a common level. These ramps shall be not less than 40 inches wide and shall, insofar as feasible, be constructed in accordance with the standard drawings and specifications for curb ramps of the state Department of Transportation.
(R.C. § 729.12) Penalty, see § 94.99

§ 94.13 FLAGPOLE ALONG RIGHT-OF-WAY.

(A) A property owner in the municipality may install a flagpole between the sidewalk and curb along the right-of-way of any public street or highway adjacent to his or her property. A property owner may also install underground lighting for the display of the flag. Installation of the flagpole and holder shall meet the following specifications:

(1) The flagpole holder shall be embedded in concrete, flush with the sidewalk or sodded area, and possess a cap or cover which shall be used when the holder is not used for the purpose of displaying the American flag;

(2) The holder shall not exceed two inches in diameter and shall be installed not less than one foot from the curb;

(3) Underground lighting for the flagpole shall be situated within a reasonable distance to the holder and meet all underwriters' requirements governing installation. The highest part of the lighting fixture shall at all times be flush with the sidewalk or sodded area in which it is embedded;

(4) At no time shall the flag, flagpole, or holder limit or restrict the view of pedestrian or vehicular traffic, nor shall a flag, flagpole, or holder be installed that comes in physical contact, or is likely to come in physical contact, with overhead wiring.

(B) The municipality may require the issuance of a permit for installation of flagpoles but shall not charge the property owner a permit fee or an inspection fee in excess of $1 per installation.
(R.C. § 723.012) Penalty, see § 94.99

§ 94.14 ALTERING OR INJURING MARKER OR MONUMENT.

(A) No person shall alter, deface, injure or destroy any marker or monument placed along, upon, or near a public highway by the proper authorities to mark the boundary thereof, or for any other purpose.
(R.C. § 5589.02)

(B) Whoever violates this section is guilty of a minor misdemeanor.
(R.C. § 5589.99(B))

CONSTRUCTION AND REPAIR

§ 94.25 CONSTRUCTION AND REPAIR MAY BE REQUIRED.

In addition to the power conferred upon the municipality under R.C. § 727.01 to construct sidewalks, curbs or gutters and levy an assessment therefor, the Legislative Authority may require the construction or repair of sidewalks, curbs or gutters within the municipality by the owners of lots or lands abutting thereon, and upon the failure of such owners to construct or repair such sidewalks, curbs or gutters within the time prescribed in the resolution adopted under § 94.26, may cause such sidewalks, curbs or gutters to be constructed or repaired and assess the total cost thereof against the lots or land abutting thereon, notwithstanding the provisions of R.C. §§ 727.03 and 727.05.
(R.C. § 729.01)

§ 94.26 RESOLUTION OF NECESSITY.

(A) When it is deemed necessary by the municipality to require the construction or repair of sidewalks, curbs, or gutters within the municipality by the owners of the lots or lands abutting thereon, the Legislative Authority shall cause plans, specifications, and an estimate of the cost of such construction or repair to be prepared, showing the location and dimensions of such sidewalks, curbs or gutters and the specifications for the construction or repair thereof, and to be filed in the office of the Clerk of the Legislative Authority.

(B) After such plans, specifications and estimate of cost have been filed, as provided in this section, the Legislative Authority may declare the necessity for the construction or repair of such sidewalks, curbs or gutters by the adoption of a resolution which shall:

(1) Approve the plans, specifications and estimate of cost of the proposed construction or repair on file as provided by this section;

(2) Describe the lots and lands abutting upon the sidewalks, curbs or gutters to be constructed or repaired by the termini of the improvement or by the street address;

(3) Set forth that such sidewalks, curbs or gutters shall be constructed or repaired by the owners of the lots or lands abutting thereon in accordance with the specifications on file in the office of the Clerk of the Legislative Authority;

(4) Set forth the time within which such sidewalks, curbs or gutters shall be constructed or repaired by the owners of the lots and lands abutting thereon, which shall not be less than 30 days from the date of service of notice under § 94.27 on the owner of the lots or lands;

(5) State than in the event such sidewalks, curbs or gutters are not constructed or repaired by the owners of the lots and lands abutting thereon in accordance with such plans and specifications and within the time prescribed in this

resolution, the municipality will so construct or repair such sidewalks, curbs or gutters and assess the costs thereof against the lots and lands abutting thereon.
(R.C. § 729.02)

§ 94.27 NOTICE TO CONSTRUCT OR REPAIR.

Notice of the passage of a resolution of necessity under § 94.26 shall be served by the Clerk of the Legislative Authority, or a person designated by such Clerk, upon the owners of the lots or lands abutting upon the sidewalks, curbs or gutters to be constructed or repaired in the same manner as service of summons in civil cases, or by certified mail addressed to such owner at his or her last known address or to the address to which tax bills are sent, or by a combination of the foregoing methods. If it appears by the return of service or the return of the certified mail notice that one or more of the owners cannot be found, such owners shall be served by publication of the notice once in a newspaper of general circulation within the municipality. The return of the person serving the notice or a certified copy thereof or a returned receipt for notice forwarded by certified mail accepted by the addressee or anyone purporting to act for him or her shall be prima facie evidence of the service of notice under this section. The notice shall also set forth the place where the specifications governing the construction or repair of such sidewalks, curbs or gutters are on file, the time within which the owner of such lot or parcel of land may construct or repair the sidewalks, curbs or gutters, and that in the event the owner does not construct or repair the sidewalks, curbs or gutters in accordance with the specifications and within such time, the municipality will construct or repair such sidewalks, curbs or gutters and assess the costs thereof against the lot or land of the owner.
(R.C. § 729.03)

§ 94.28 ASSESSMENTS OF COSTS AGAINST OWNER.

(A) Upon the expiration of the time within which sidewalks, curbs or gutters shall be constructed or repaired by the owner of the lots or lands abutting thereon as set forth in the resolution adopted under § 94.26, the sidewalks, curbs or gutters not constructed or repaired by the owners of the lots and lands abutting thereon shall be constructed or repaired by the municipality in accordance with the resolution adopted under § 94.26, and the Legislative Authority shall, upon the completion of such construction or repair, assess the costs thereof against the lots or lands abutting thereon.

(B) In anticipation of the collection of the costs of construction or repair of such sidewalks, curbs or gutters from the owners of the lots or lands abutting thereon, the Legislative Authority may provide for the issuance of bonds or notes and the proceeds thereof shall be used to pay for the construction or repair of such sidewalks, curbs or gutters.
(R.C. § 729.04)

§ 94.29 PROCEEDINGS MAY INCLUDE DIFFERENT OWNERS.

In all proceedings pertaining to the construction or repair of sidewalks, curbs or gutters under this subchapter or R.C. §§ 729.01 through 729.08, sidewalks, curbs or gutters upon different streets abutting upon lots or lands owned by different owners may be included in the same resolution, notice, contract, ordinance, or other proceedings.
(R.C. § 729.05)

§ 94.30 MAKING AND LEVYING ASSESSMENTS.

(A) *Estimated assessments.* Upon completion of the construction or repair of sidewalks, curbs or gutters under this subchapter, the total cost of such construction, repair, or installation as defined in division (B) shall be ascertained and reported to the Legislative Authority by its Clerk, and the Legislative Authority shall cause a list of estimated assessments to be prepared. Such list shall include the total cost of such construction, repair, or installation to each lot or land abutting upon such construction, repair, or installation and shall be filed in the office of the Clerk of the Legislative Authority and be available for public inspection.
(R.C. § 729.07)

(B) *Notice of assessment; objection.*

(1) The Legislative Authority shall cause a notice to be published for three consecutive weeks in a newspaper of general circulation in the municipal corporation or as provided in R.C. § 7.16, stating that such list of estimated assessments has been made and is on file in the office of the Clerk of the Legislative Authority for the inspection and examination of persons interested therein.

(2) If any person objects to an assessment on such list, the person shall file the objection in writing with the Clerk of the Legislative Authority within two weeks after the expiration of the notice provided for in division (B)(1) of this section.
(R.C. § 729.08) (Rev. 2012)

(C) *Assessment ordinance.* The Clerk of the Legislative Authority shall deliver the objections received under division (B) of this section to the Legislative Authority. The Legislative Authority shall review the written objections and shall adopt an ordinance levying upon the lots and lands enumerated in the list of estimated assessments the amount set forth on such list with such changes or corrections as the Legislative Authority shall determine to be proper after consideration of the written objections filed under division (B) of this section. Such ordinance shall state the number of annual installments, not exceeding ten, over which the assessments shall be payable and shall establish a period of time during which the assessments shall be payable in cash.
(R.C. § 729.09)

(D) *Assessment proceedings.* The provisions of R.C. §§ 727.26 through 727.43, inclusive, shall apply to and govern the proceedings taken under and the assessments

levied under this subchapter. The proceedings taken under this subchapter shall be construed in accordance with the provisions of R.C. § 727.40.
(R.C. § 729.10) (Rev. 1999)
Statutory reference:
Assessments generally, see R.C. Chapter 727

CHANGES IN STREETS

§ 94.40 CHANGE OF NAME, VACATING OR NARROWING STREETS BY PETITION.

The Legislative Authority, on petition by a person owning a lot in the municipality requesting that a street or alley in the immediate vicinity of such lot be vacated or narrowed, or the name thereof changed, upon hearing, and upon being satisfied that there is good cause for such change of name, vacation, or narrowing, that it will not be detrimental to the general interest, and that it should be made, may, by ordinance, declare such street or alley vacated, narrowed or the name thereof changed. The Legislative Authority may include in one ordinance the change of name, vacation, or narrowing of more than one street, avenue or alley. The original ordinance or a certified copy thereof shall be recorded in the official records of the County Recorder.
(R.C. § 723.04) (Rev. 2015)

§ 94.41 CHANGE OF NAME, VACATING OR NARROWING STREETS WITHOUT PETITION.

(A) The Legislative Authority may, when there are two or more streets, avenues or alley of the same name in the municipality, by ordinance and without petition therefor, change the name of any such street, avenue or alley so as to leave only one to be designated by the original name.

(B) When, in the opinion of the Legislative Authority, there is good cause for vacating or narrowing a street or alley, or any part thereof, and that such vacation or narrowing will not be detrimental to the general interest, it may, by ordinance and without petition therefor, vacate or narrow such street or alley or any part thereof. The original ordinance or a certified copy thereof shall be recorded in the official records of the County Recorder.
(R.C. § 723.05) (Rev. 2015)

§ 94.42 NOTICE; EXCEPTION.

Notice of the intention of the Legislative Authority to vacate any street, alley, avenue, or part thereof shall be given as provided in § 94.43, except when written consent to such vacation is filed with the Legislative Authority by the owners of the property abutting the part of the street or alley proposed to be vacated, in which case such notice shall not be required.
(R.C. § 723.06)

§ 94.43 PUBLICATION OF NOTICE.

No street or alley shall be vacated or narrowed unless notice of the pendency and prayer of the petition under R.C. § 723.04 is given by publishing, in a newspaper of general circulation in the municipality, for six consecutive weeks preceding action on such petition, or as provided in R.C. § 7.16 preceding action on the petition. Where no newspaper is of general circulation in the municipality, notice shall be given by posting the notice in three public places therein six weeks preceding such action. Action thereon shall take place within three months after the completion of the notice.
(R.C. § 723.07) (Rev. 2012)

§ 94.44 EFFECT OF ORDER OF VACATION.

The order of the Legislative Authority vacating or narrowing a street or alley which has been dedicated to public use by the proprietor thereof shall, to the extent to which it is vacated or narrowed, operate as a revocation of the acceptance thereof by the Legislative Authority, but the right-of-way and easement therein of any lot owner shall not be impaired by such order.
(R.C. § 723.08)

§ 94.45 EFFECT ON PUBLIC UTILITY EASEMENTS.

When any street, alley or public highway, or a portion thereof, is vacated or narrowed by the municipality pursuant to the provisions of this subchapter or the provisions of R.C. Chapter 723, and the relocation of any conduits, cables, wires, towers, poles, sewer lines, steam lines, pipelines, gas and water lines, tracks, or other equipment or appliances of any railroad or public utility, whether owned privately or by any governmental authority, located on, over or under the portion of the street, alley, or highway affected by such vacation or narrowing, is not required for purposes of the municipality, including urban renewal, any affected railroad or public utility shall be deemed to have a permanent easement in such vacated portion or excess portion of such street, alley or highway for the purpose of maintaining, operating, renewing, reconstructing, and removing such utility facilities and for purposes of access to such facilities.
(R.C. § 723.041)

§ 94.99 PENALTY.

Whoever violates any provisions of this chapter for which another penalty is not already provided shall be subject to the penalty as prescribed in § 10.99.

CHAPTER 95: UNCLAIMED AND ABANDONED VEHICLES

Section

95.01 Impounding motor vehicle on private property; requirements
95.02 Impounding motor vehicle on public property; notice; disposition
95.03 Disposition of vehicle ordered into storage
95.04 Disposition of abandoned junk motor vehicles
95.05 Abandonment of junk motor vehicle prohibited
95.06 Junk motor vehicle; order to cover or remove; notice; exceptions

Cross-reference:

Abandonment of watercraft, see § 96.31
Nuisances generally, see Chapter 93

§ 95.01 IMPOUNDING MOTOR VEHICLE ON PRIVATE PROPERTY; REQUIREMENTS.

(A) (1) The Sheriff or Chief of Police, upon complaint of any person adversely affected, may order into storage any motor vehicle, other than an abandoned junk motor vehicle as defined in R.C. § 4513.63, that has been left on private residential or private agricultural property for at least four hours without the permission of the person having the right to the possession of the property. The Sheriff or Chief of Police, upon complaint of a repair garage or place of storage, may order into storage any motor vehicle, other than an abandoned junk motor vehicle, that has been left at the garage or place of storage for a longer period than that agreed upon. When ordering a motor vehicle into storage pursuant to this division, the Sheriff or Chief of Police may arrange for the removal of the motor vehicle by a towing service and shall designate a storage facility.

(2) A towing service towing a motor vehicle under division (A)(1) of this section shall remove the motor vehicle in accordance with that division. The towing service shall deliver the motor vehicle to the location designated by the Sheriff or Chief of Police not more than two hours after the time it is removed from the private property, unless the towing service is unable to deliver the motor vehicle within two hours due to an uncontrollable force, natural disaster, or other event that is not within the power of the towing service.

(3) Subject to division (B) of this section, the owner of a motor vehicle that has been removed pursuant to this division may recover the vehicle only in accordance with division (D) of this section.

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

(B) (1) If the owner or operator of a motor vehicle that has been ordered into storage pursuant to division (A)(1) of this section arrives after the motor vehicle has been prepared for removal, but prior to its actual removal from the property, the towing service shall give the owner or operator oral or written notification at the time of such arrival that the vehicle owner or operator may pay a fee of not more than one-half of the fee for the removal of the motor vehicle established by the Public Utilities Commission in rules adopted under R.C. § 4921.25, in order to obtain release of the motor vehicle. However, if the vehicle is within a municipal corporation and the municipal corporation has established a vehicle removal fee, the towing service shall give the owner or operator oral or written notification that the owner or operator may pay not more than one-half of that fee to obtain release of the motor vehicle. That fee may be paid by use of a major credit card unless the towing service uses a mobile credit card processor and mobile service is not available at the time of the transaction.

(2) Upon payment of the applicable fee, the towing service shall give the vehicle owner or operator a receipt showing both the full amount normally assessed and the actual amount received and shall release the motor vehicle to the owner or operator. Upon its release, the owner or operator immediately shall move it so that it is not on the private residential or private agricultural property without the permission of the person having the right to possession of the property, or is not at the garage or place of storage without the permission of the owner, whichever is applicable.

(C) (1) The Sheriff and Chief of Police shall maintain a record of motor vehicles that the Sheriff or Chief of Police orders into storage pursuant to division (A)(1) of this section. The record shall include an entry for each such motor vehicle that identifies the motor vehicle's license number, make, model, and color, the location from which it was removed, the date and time of its removal, the telephone number of the person from whom it may be recovered, and the address of the place to which it has been taken and from which it may be recovered. The Sheriff or Chief of Police shall provide any information in the record that pertains to a particular motor vehicle to any person who, either in person or pursuant to a telephone call, identifies self as the owner or

operator of the motor vehicle and requests information pertaining to its location.

(2) Any person who registers a complaint that is the basis of the Sheriff's or Police Chief's order for the removal and storage of a motor vehicle under division (A)(1) of this section shall provide the identity of the law enforcement agency with which the complaint was registered to any person who identifies self as the owner or operator of the motor vehicle and requests information pertaining to its location.

(D) (1) The owner or lienholder of a motor vehicle that is ordered into storage pursuant to division (A)(1) of this section may reclaim it upon both of the following:

(a) Payment of all applicable fees established by the Public Utilities Commission in rules adopted under R.C. § 4921.25 or, if the vehicle was towed within a municipal corporation that has established fees for vehicle removal and storage, payment of all applicable fees established by the municipal corporation.

(b) Presentation of proof of ownership, which may be evidenced by a certificate of title to the motor vehicle, a certificate of registration for the motor vehicle, or a lease agreement.

(2) When the owner of a vehicle towed under this section retrieves the vehicle, the towing service or storage facility in possession of the vehicle shall give the owner written notice that if the owner disputes that the motor vehicle was lawfully towed, the owner may be able to file a civil action under R.C. § 4513.611.

(3) Upon presentation of proof of ownership as required under division (D)(1)(b) of this section, the owner of a motor vehicle that is ordered into storage under division (A)(1) of this section may retrieve any personal items from the motor 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 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 R.C. § 4513.69(B)(3), if applicable. The owner of a motor vehicle shall not do either of the following:

(a) Retrieve any personal item that has been determined by the Sheriff or Chief of Police, as applicable, to be necessary to a criminal investigation;

(b) 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.

(4) For purposes of division (D)(3) of this section, "personal items" do not include any items that are attached to the motor vehicle.

(5) If a motor vehicle that is ordered into storage pursuant to division (A)(1) of this section remains unclaimed by the owner for 30 days, the procedures established by R.C. §§ 4513.61 and 4513.62 apply.

(E) (1) No person shall remove, or cause the removal of, any motor vehicle from any private residential or private agricultural property other than in accordance with division (A)(1) of this section or R.C. §§ 4513.61 to 4513.65.

(2) No towing service or storage facility shall fail to comply with the requirements of this section.

(F) This section does not apply to any private residential or private agricultural property that is established as a private tow-away zone in accordance with division (H) of this section or R.C. § 4513.601.

(G) Whoever violates division (E) of this section is guilty of a minor misdemeanor.
(R.C. § 4513.60) (Rev. 2018)

(H) *Private tow-away zones.*

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

(a) The owner of the private property posts on the property a sign, that is at least 18 inches by 24 inches in size, that is visible from all entrances to the property, and that includes all of the following information:

1. A statement that the property is a tow-away zone;

2. A description of persons authorized to park on the property. If the property is a residential property, the owner of the private property may include on the sign a statement that only tenants and guests may park in the private tow-away zone, subject to the terms of the property owner. If the property is a commercial property, the owner of the private property may include on the sign a statement that only customers may park in the private tow-away zone. In all cases, if it is not apparent which persons may park in the private tow-away zone, the owner of the private property shall include on the sign the address of the property on which the private tow-away zone is located or the name of the business that is located on the property designated as a private tow-away zone.

3. If the private tow-away zone is not enforceable at all times, the times during which the parking restrictions are enforced;

4. The telephone number and the address of the place from which a towed vehicle may be recovered at any time during the day or night;

5. A statement that the failure to recover a towed vehicle may result in the loss of title to the vehicle as provided in R.C. § 4505.101(B).

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

(b) A towing service ensures that a vehicle towed under this division (H) is taken to a location from which it may be recovered that complies with all of the following:

1. It is located within 25 linear miles of the location of the private tow-away zone, unless it is not practicable to take the vehicle to a place of storage within 25 linear miles.

2. It is well-lighted.

3. It is on or within a reasonable distance of a regularly scheduled route of one or more modes of public transportation, if any public transportation is available in the municipal corporation or township in which the private tow-away zone is located.

(2) (a) If a vehicle is parked on private property that is established as a private tow-away zone in accordance with division (H)(1) of this section, without the consent of the owner of the private property or in violation of any posted parking condition or regulation, the owner of the private property may cause the removal of the vehicle by a towing service. The towing service shall remove the vehicle in accordance with this division (H). The vehicle owner and the operator of the vehicle are considered to have consented to the removal and storage of the vehicle, to the payment of the applicable fees established by the Public Utilities Commission in rules adopted under R.C. § 4921.25, and to the right of a towing service to obtain title to the vehicle if it remains unclaimed as provided in R.C. § 4505.101. The owner or lienholder of a vehicle that has been removed under this division (H), subject to division (H)(3) of this section, may recover the vehicle in accordance with division (H)(7) of this section.

(b) If a municipal corporation requires tow trucks and tow truck operators to be licensed, no owner of a private property located within the municipal corporation shall cause the removal and storage of any vehicle pursuant to division (H)(2) of this section by an unlicensed tow truck or unlicensed tow truck operator.

(c) No towing service shall remove a vehicle from a private tow-away zone except pursuant to a written contract for the removal of vehicles entered into with the owner of the private property on which the private tow-away zone is located.

(3) If the owner or operator of a vehicle that is being removed under authority of division (H)(2) of this section arrives after the vehicle has been prepared for removal, but prior to its actual removal from the property, the towing service shall give the vehicle owner or operator oral or written notification at the time of such arrival that the vehicle owner or operator may pay a fee of not more than one-half of the fee for the removal of the vehicle established by the Public Utilities Commission in rules adopted under R.C. § 4921.25 in order to obtain release of the vehicle. That fee may be paid by use of a major credit card unless the towing service uses a mobile credit card processor and mobile service is not available at the time of the transaction. Upon payment of that fee, the towing service shall give the vehicle owner or operator a receipt showing both the full amount normally assessed and the actual amount received and shall release the vehicle to the owner or operator. Upon its release, the owner or operator immediately shall move the vehicle so that the vehicle is not parked on the private property established as a private tow-away zone without the consent of the owner of the private property or in violation of any posted parking condition or regulation.

(4) (a) Prior to towing a vehicle under division (H)(2) of this section, a towing service shall make all reasonable efforts to take as many photographs as necessary to evidence that the vehicle is clearly parked on private property in violation of a private tow-away zone established under division (H)(1) of this section. The towing service shall record the time and date of the photographs taken under this division (H). The towing service shall retain the photographs and the record of the time and date, in electronic or printed form, for at least 30 days after the date on which the vehicle is recovered by the owner or lienholder or at least two years after the date on which the vehicle was towed, whichever is earlier.

(b) A towing service shall deliver a vehicle towed under division (H)(2) of this section to the location from which it may be recovered not more than two hours after the time it was removed from the private tow-away zone, unless the towing service is unable to deliver the motor vehicle within two hours due to an uncontrollable force, natural disaster, or other event that is not within the power of the towing service.

(5) (a) If an owner of a private property that is established as a private tow-away zone in accordance with division (H)(1) of this section causes the removal of a vehicle from that property by a towing service under division (H)(2) of this section, the towing service, within two hours of removing the vehicle, shall provide notice to the Sheriff or the Police Department concerning all of the following:

1. The vehicle's license number, make, model, and color;

2. The location from which the vehicle was removed;

3. The date and time the vehicle was removed;

4. The telephone number of the person from whom the vehicle may be recovered;

5. The address of the place from which the vehicle may be recovered.

(b) The Sheriff and Chief of Police shall maintain a record of any vehicle removed from private property in the Sheriff's or Police Chief's jurisdiction that is established as a private tow-away zone of which the Sheriff or Police Chief has received notice under this division (H). The record shall include all information submitted by the towing service. The Sheriff or Police Chief shall provide any information in the record that pertains to a particular vehicle to a person who, either in person or pursuant to a telephone call, identifies self as the owner, operator, or lienholder of the vehicle and requests information pertaining to the vehicle.

(6) (a) When a vehicle is removed from private property in accordance with this division (H), within three business days of the removal, the towing service or storage facility from which the vehicle may be recovered shall cause a search to be made of the records of the Bureau of Motor Vehicles to ascertain the identity of the owner and any lienholder of the motor vehicle. The Registrar of Motor Vehicles shall ensure that such information is provided in a timely manner. Subject to division (H)(6)(d) of this section, the towing service or storage facility shall send notice to the vehicle owner and any known lienholder as follows:

1. Within five business days after the Registrar of Motor Vehicles provides the identity of the owner and any lienholder of the motor vehicle, if the vehicle remains unclaimed, to the owner's and lienholder's last known address by certified or express mail with return receipt requested or by a commercial carrier service utilizing any form of delivery requiring a signed receipt;

2. If the vehicle remains unclaimed 30 days after the first notice is sent, in the manner required under division (H)(6)(a)1. of this section;

3. If the vehicle remains unclaimed 45 days after the first notice is sent, in the manner required under division (H)(6)(a)1. of this section.

(b) Sixty days after any notice sent pursuant to division (H)(6)(a) of this section is received, as evidenced by a receipt signed by any person, or the towing service or storage facility has been notified that delivery was not possible, the towing service or storage facility, if authorized under R.C. § 4505.101(B), may initiate the process for obtaining a certificate of title to the motor vehicle as provided in that section.

(c) A towing service or storage facility that does not receive a signed receipt of notice, or a notification that delivery was not possible, shall not obtain, and shall not attempt to obtain, a certificate of title to the motor vehicle under R.C. § 4505.101(B).

(d) With respect to a vehicle concerning which a towing service or storage facility is not eligible to obtain title under R.C. § 4505.101, the towing service or storage facility need only comply with the initial notice required under division (H)(6)(a)1. of this section.

(7) (a) The owner or lienholder of a vehicle that is removed under division (H)(2) of this section may reclaim it upon both of the following:

1. Presentation of proof of ownership, which may be evidenced by a certificate of title to the vehicle, a certificate of registration for the motor vehicle, or a lease agreement;

2. Payment of the following fees:

a. All applicable fees established by the Public Utilities Commission in rules adopted under R.C. § 4921.25, except that the lienholder of a vehicle may retrieve the vehicle without paying any storage fee for the period of time that the vehicle was in the possession of the towing service or storage facility prior to the date the lienholder received the notice sent under division (H)(6)(a)1. of this section;

b. If notice has been sent to the owner and lienholder as described in division (H)(6) of this section, a processing fee of $25.

(b) A towing service or storage facility in possession of a vehicle that is removed under authority of division (H)(2) of this section shall show the vehicle owner, operator, or lienholder who contests the removal of the vehicle all photographs taken under division (H)(4) of this section. Upon request, the towing service or storage facility shall provide a copy of all photographs in the medium in which the photographs are stored, whether paper, electronic, or otherwise.

(c) When the owner of a vehicle towed under this section retrieves the vehicle, the towing service or storage facility in possession of the vehicle shall give the owner written notice that if the owner disputes that the motor vehicle was lawfully towed, the owner may be able to file a civil action under R.C. § 4513.611.

(d) Upon presentation of proof of ownership, which may be evidenced by a certificate of title to the vehicle, a certificate of registration for the motor vehicle, or a lease agreement, the owner of a vehicle that is removed under authority of division (H)(2) of this section may retrieve any personal items from the vehicle without retrieving the vehicle and without paying any fee. The owner of the vehicle shall not retrieve any personal items from a vehicle if it would endanger the safety of the owner, unless the owner agrees to sign a waiver of liability. For purposes of division (H)(7)(d) of this section, "personal items" do not include any items that are attached to the vehicle.

(8) No person shall remove, or cause the removal of, any vehicle from private property that is established as a private tow-away zone under this division (H) or store such a vehicle other than in accordance with this division (H), or otherwise fail to comply with any applicable requirement of this division (H).

(9) This section does not affect or limit the operation of divisions (A) through (G) of this section, R.C. § 4513.60 or R.C. §§ 4513.61 to 4613.65 as they relate to property other than private property that is established as a private tow-away zone under division (H)(1) of this section.

(10) Whoever violates division (H)(8) of this section is guilty of a minor misdemeanor.

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

(a) Any person who holds title to the property;

(b) Any person who is a lessee or sublessee with respect to a lease or sublease agreement for the property;

(c) A person who is authorized to manage the property;

(d) A duly authorized agent of any person listed in divisions (H)(11)(a) to (H)(11)(c) of this section. (R.C. § 4513.601) (Rev. 2018)

§ 95.02 IMPOUNDING MOTOR VEHICLE ON PUBLIC PROPERTY; NOTICE; DISPOSITION.

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

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

(2) Has been left on a public street or other property open to the public for purposes of vehicular travel, or upon or within the right-of-way of any road or highway, for 48 hours or longer without notification to the Sheriff or Chief of Police of the reasons for leaving the motor vehicle in such place. However, when such a motor vehicle constitutes an obstruction to traffic it may be ordered into storage immediately unless either of the following applies:

(a) The vehicle was involved in an accident and is subject to R.C. § 4513.66, or any substantially equivalent municipal ordinance;

(b) The vehicle is a commercial motor vehicle. If the vehicle is a commercial motor vehicle, the Sheriff, Chief of Police, or state highway patrol trooper shall allow the owner or operator of the vehicle the opportunity to arrange for the removal of the motor vehicle within a period of time specified by the Sheriff, Chief of Police, or state highway patrol trooper. If the Sheriff, Chief of Police, or state highway patrol trooper determines that the vehicle cannot be removed within the specified period of time, the Sheriff, Chief of Police, or state highway patrol trooper shall order the removal of the vehicle.

(3) Subject to division (C) of this section, the Sheriff or Chief of Police shall designate the place of storage of any motor vehicle so ordered removed.

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

(C) (1) The Sheriff or Chief of Police shall cause a search to be made of the records of the Bureau of Motor Vehicles to ascertain the identity of the owner and any lienholder of a motor vehicle ordered into storage by the Sheriff or Chief of Police, or by a state highway patrol trooper within five business days of the removal of the vehicle. Upon obtaining such identity, the Sheriff or Chief of Police shall send or cause to be sent to the owner or lienholder at the owner's or lienholder's last known address by certified mail with return receipt requested, notice that informs 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 mailing of the notice.

(2) (a) The owner or lienholder of the motor vehicle may reclaim the motor vehicle upon payment of any expenses or charges incurred in its removal and storage, and presentation of proof of ownership, which may be evidenced by a certificate of title or memorandum certificate of title to the motor vehicle, a certificate of registration for the motor vehicle, or a lease agreement. Upon presentation of proof of ownership evidenced as provided above, the owner of the motor vehicle also may retrieve any personal items from the vehicle without retrieving the vehicle and without paying any fee. However, a towing service or storage facility may charge an after-hours retrieval fee established by the Public Utilities Commission in rules adopted under 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 R.C. § 4513.69(B)(3), if applicable. However, the owner shall not do either of the following:

1. Retrieve any personal item that has been determined by the Sheriff, Chief of Police, or a state highway patrol trooper, as applicable, to be necessary to a criminal investigation;

2. Retrieve any personal item from a vehicle if it would endanger the safety of the owner, unless the owner agrees to sign a waiver of liability.

(b) For purposes of division (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 records of the Bureau of Motor Vehicles has been conducted and after notice has been sent to the owner or lienholder as described in this section, and the search was conducted by the place of storage, and the notice was sent to the motor vehicle owner by the place of storage, the owner or lienholder shall pay to the place of storage a processing fee of $25, 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 mailing of the notice, and if the vehicle is to be disposed of at public auction as provided in R.C. § 4513.62 or any substantially equivalent municipal ordinance, the Sheriff or Chief of Police, without charge to any party, shall file with the Clerk of Courts of the county in which the place of storage is located an affidavit showing compliance with the requirements of this section. Upon presentation of the affidavit, the Clerk, without charge, shall issue a salvage certificate of title, free and clear of all liens and encumbrances, to the Sheriff or Chief of Police. If the vehicle is to be disposed of to a motor vehicle salvage dealer or other facility as provided in R.C. § 4513.62 or any substantially equivalent municipal ordinance, the Sheriff or Chief of Police shall execute in triplicate an affidavit, as prescribed by the Registrar of Motor Vehicles, describing the motor vehicle and the manner in which it was disposed of, and that all requirements of this section have been complied with. The Sheriff or Chief of Police shall retain the original of the affidavit for the Sheriff's or Chief's records, and shall furnish two copies to the motor vehicle salvage dealer or other facility. Upon presentation of a copy of the affidavit by the motor vehicle salvage dealer, the Clerk of Courts, within 30 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.
(R.C. § 4513.61) (Rev. 2018)

§ 95.03 DISPOSITION OF VEHICLE ORDERED INTO STORAGE.

Unclaimed motor vehicles ordered into storage pursuant to § 95.01(A)(1) or § 95.02 shall be disposed of at the order of the Police Chief to a motor vehicle salvage dealer or scrap metal processing facility as defined in R.C. § 4737.05, or to any other facility owned by or under contract with the municipality for the disposal of such motor vehicles, or shall be sold by the Police Chief or licensed auctioneer at public auction after giving public notice by advertisement, published once a week for two successive weeks in a newspaper of general circulation in the county or as provided in R.C. § 7.16. Any monies accruing from the disposition of an unclaimed motor vehicle that are in excess of the expenses resulting from the removal and storage of the vehicle shall be credited to the General Fund of the municipality.
(R.C. § 4513.62) (Rev. 2012)

§ 95.04 DISPOSITION OF ABANDONED JUNK MOTOR VEHICLES.

(A) As used in this section, ***ABANDONED JUNK MOTOR VEHICLE*** means any motor vehicle meeting all of the following requirements:

(1) The vehicle is left on private property for 48 hours or longer without the permission of the person having the right to the possession of the property, on a public street or other property open to the public for purposes of vehicular travel or parking, or upon or within the right-of-way of any road or highway for 48 hours or longer;

(2) The vehicle is three years old or older;

(3) The vehicle is extensively damaged, such damage including but not limited to any of the following: missing wheels, tires, motor, or transmission;

(4) The vehicle is apparently inoperable; and

(5) The vehicle has a fair market value of $1,500 or less.

(B) The Police Chief shall order any abandoned junk motor vehicle to be photographed by a law enforcement officer. The officer shall record the make of motor vehicle, the serial number when available, and shall also detail the damage or missing equipment to substantiate the value of $1,500 or less. The Police Chief shall thereupon immediately dispose of the abandoned junk motor vehicle to a motor vehicle salvage dealer as defined in R.C. § 4738.01 or a scrap metal processing facility as defined in R.C. § 4737.05 which is under contract to the municipality, or to any other facility owned by or under contract with the municipality for the destruction of such motor vehicles. The records and photographs relating to the abandoned junk motor vehicle shall be retained by the law enforcement agency ordering the disposition of such vehicle for a period of at least two years. The law enforcement agency shall execute in quadruplicate 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 R.C. § 4513.63 have been complied with, and, within 30 days of disposing of the vehicle, shall sign and file the affidavit with the Clerk of Courts of the county in which the motor vehicle was abandoned. The Clerk of Courts retains the original of the affidavit for the Clerk's files, furnishes one copy thereof to the registrar, one copy to the motor vehicle salvage dealer or other facility handling the disposal of the vehicle, and one copy to the law enforcement agency ordering the disposal, who shall file such copy with the records and photograph relating to the disposal. Any monies arising from the disposal

of an abandoned junk motor vehicle shall be deposited in the General Fund of the municipality.

(C) Notwithstanding § 95.02, any motor vehicle meeting the requirements of division (A)(2), (A)(3) and (A)(5) of this section which has remained unclaimed by the owner or lienholder for a period of ten days or longer following notification as provided in § 95.02 may be disposed of as provided in this section.
(R.C. § 4513.63) (Rev. 2005)

§ 95.05 ABANDONMENT OF JUNK MOTOR VEHICLE PROHIBITED.

(A) (1) No person shall willfully leave an abandoned junk motor vehicle as defined in § 95.04 on private property for more than 72 hours without the permission of the person having the right to the possession of the property, or on a public street or other property open to the public for purposes of vehicular travel or parking, or upon or within the right-of-way of any road or highway for 48 hours or longer without notification to the Police Chief of the reason for leaving the motor vehicle in such place.

(2) For purposes of this section, the fact that a motor vehicle has been so left without permission or notification is prima facie evidence of abandonment.

(3) Nothing contained in §§ 95.01, 95.02 and 95.04 and R.C. §§ 4513.60, 4513.61 and 4513.63 shall invalidate or prevent the enactment of further provisions of municipal ordinances regulating or prohibiting the abandonment of motor vehicles on streets, highways, public property, or private property within the municipality.

(B) Whoever violates this section is guilty of a minor misdemeanor and shall also be assessed any costs incurred by the municipality in disposing of the abandoned junk motor vehicle that is the basis of the violation, less any money accruing to the municipality from the disposal of the vehicle.
(R.C. § 4513.64) (Rev. 2004)

§ 95.06 JUNK MOTOR VEHICLE; ORDER TO COVER OR REMOVE; NOTICE; EXCEPTIONS.

(A) (1) As used in this section, ***JUNK MOTOR VEHICLE*** means any motor vehicle meeting the requirements of § 95.04(A)(2), (A)(3), (A)(4) and (A)(5) that is left uncovered in the open on private property for more than 72 hours with the permission of the person having the right to possession of the property, except if the person is operating a junk yard or scrap metal processing facility licensed under the authority of R.C. §§ 4737.05 through 4737.12, or otherwise regulated under authority of a political subdivision; or if the property on which the motor vehicle is left is not subject to licensure or regulation by any governmental authority, unless the person having the right to the possession of the property can establish that the motor vehicle is part of a bona fide commercial operation; or if the motor vehicle is a collector's vehicle.

(2) The municipality shall not prevent a person from storing or keeping, or restrict him or her in the method of storing or keeping, any collector's vehicle on private property with the permission of the person having the right to the possession of the property, except that the municipality may require a person having such permission to conceal, by means of buildings, fences, vegetation, terrain, or other suitable obstruction, any unlicensed collector's vehicle stored in the open.

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

(4) No person shall willfully leave a junk motor vehicle uncovered in the open for more than ten days after receipt of a notice as provided in this section. The fact that a junk motor vehicle is so left is prima facie evidence of willful failure to comply with the notice, and each subsequent period of 30 days that a junk motor vehicle continues to be so left constitutes a separate offense.

(B) Whoever violates this section is guilty of a minor misdemeanor.
(R.C. § 4513.65) (Rev. 2010)

CHAPTER 96: WATERCRAFT

Section

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§ 96.01 DEFINITIONS; APPLICABILITY.

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

CANOE. A paddlecraft that is normally an open, narrow vessel of shallow draft, typically pointed at both ends and propelled by its occupants through the use of paddles while kneeling or sitting on a raised seat, including a flat-backed canoe and a racing canoe.

COAST GUARD APPROVED. Bearing an approval number assigned by the United States Coast Guard.

CONDITIONAL APPROVAL. A personal flotation device approval that has one or more conditions with which the user must comply in order for the device to be considered appropriate for meeting the requirements for personal flotation devices for the vessel on which it is being used.

DIVER'S FLAG. A red flag not less than one foot square having a diagonal white stripe extending from the masthead to the opposite lower corner that when displayed indicates that divers are in the water.

DRUG OF ABUSE. Has the same meaning as in R.C. § 4506.01.

ELECTRONIC. Includes electrical, digital, magnetic, optical, electromagnetic, or any other form of technology that entails capabilities similar to these technologies.

ELECTRONIC RECORD. A record generated, communicated, received, or stored by electronic means for use in an information system or for transmission from one information system to another.

ELECTRONIC SIGNATURE. A signature in electronic form attached to or logically associated with an electronic record.

IDLE SPEED. The slowest possible speed needed to maintain steerage or maneuverability.

IMPOUNDMENT. The reservoir created by a dam or other artificial barrier across a watercourse that causes water to be stored deeper than and generally beyond the banks of the natural channel of the watercourse during periods of normal flow, but does not include water stored behind rock piles, rock riffle dams, and low channel dams where the depth of water is less than ten feet above the channel bottom and is essentially confined within the banks of the natural channel during periods of normal stream flow.

INFLATABLE WATERCRAFT. Any vessel constructed of rubber, canvas, or other material that is designed to be inflated with any gaseous substance, constructed with two or more air cells, and operated as a vessel. An inflatable watercraft propelled by a motor is a powercraft. An inflatable watercraft propelled by a sail is a sailboat. An inflatable watercraft propelled by human muscular effort utilizing a paddle or pole is a paddlecraft. An inflatable watercraft propelled by human muscular effort utilizing an oar with the aid of a fulcrum provided by oarlocks, tholepins, crutches, or similar arrangements is a rowboat.

IN OPERATION. In reference to a vessel means that the vessel is being navigated or otherwise used on the waters in this state.

KAYAK. A paddlecraft that is typically pointed at both ends and is propelled by human muscular effort by one or more seated individuals who use a double-bladed paddle, including an open kayak with an open deck for operator seating, an enclosed kayak designed to enclose an occupant within a cockpit, a tandem kayak designed for multiple occupants, and a racing kayak.

LAW ENFORCEMENT VESSEL. Any vessel used in law enforcement or under the command of a law enforcement officer.

MUFFLER. An acoustical suppression device or system that is designed and installed to abate the sound of exhaust gases emitted from an internal combustion engine and that prevents excessive or unusual noise.

NAVIGABLE WATERS. Waters that come under the jurisdiction of the Department of the Army of the United States and any waterways within or adjacent to this state, except inland lakes having neither a navigable inlet nor outlet.

NO WAKE. Has the same meaning as "idle speed".

OPERATOR. Includes any person who uses, navigates, employs, or has under the person's control a vessel, or vessel and detachable motor, on the waters in this state.

OWNER. Includes any person, other than a secured party, who claims lawful possession of a vessel by virtue of legal title or equitable interest therein that entitled the person to use or possess the vessel, including a person entitled to use or possess a vessel subject to a security interest in another person, but does not include a lessee under a lease not intended as a security.

PADDLECRAFT. Any type of canoe, kayak, paddleboard, or other vessel powered only by its occupants using a single or double-bladed paddle as a lever without the aid of a fulcrum provided by oarlocks, tholepins, crutches, or similar mechanisms.

PERFORMANCE TYPE. The in-water performance classification of a personal flotation device as determined by the United States Coast Guard.

PERSON. Includes any legal entity defined as a person in R.C. § 1.59 and any body politic, except the United States and this state, and includes any agent, trustee, executor, receiver, assignee, or other representative thereof.

PERSONAL FLOTATION DEVICE. A United States Coast Guard approved personal safety device designed to provide buoyancy to support a person in the water.

PERSONAL WATERCRAFT. A vessel, less than 16 feet in length, that is propelled by a water-jet pump or other machinery and designed to be operated by an individual sitting, standing, or kneeling on the vessel rather than by an individual sitting or standing inside the vessel.

POWERCRAFT. Any vessel propelled by machinery, fuel, rockets, or similar device.

RECREATIONAL RIVER AREA. An area declared a recreational river area by the state under R.C. Chapter 1546 and includes those rivers or sections of rivers that are readily accessible by road or railroad, that may have some development along their shorelines, and that may have undergone some impoundment or diversion in the past.

ROWBOAT. An open vessel, other than a paddlecraft, that is designed to be rowed and that is propelled by human muscular effort by oars and upon which no mechanical propulsion device, electric motor, internal combustion engine, or sail has been affixed or is used for the

operation of the vessel. The term includes a racing shell and a rowing skull regardless of length or construction.

RULES. Rules adopted by the Chief of the Division of Parks and Watercraft under R.C. Chapter 1547, unless the context indicates otherwise.

SAILBOAT. Any vessel, equipped with mast and sails, dependent upon the wind to propel it in the normal course of operation. A vessel with sail as its primary method of propulsion and mechanical propulsion as its secondary method of propulsion is an auxiliary sail. Any sailboat being propelled by mechanical power, whether under sail or not, is deemed a powercraft and subject to all laws and rules governing powercraft operation.

SCENIC RIVER AREA. An area declared a scenic river area by the state under R.C. Chapter 1546 and includes those rivers or sections of rivers that are free of impoundments, with shorelines or watersheds still largely primitive and shorelines largely undeveloped, but accessible in places by roads.

SEWAGE. Human body wastes and the wastes from toilets and other receptacles intended to receive or retain body waste.

THROWABLE PERSONAL FLOTATION DEVICE. A device that is intended to be thrown to a person in the water. The phrase includes a personal flotation device marked as "Type IV" or "Type V with Type IV performance". The phrase does not include a wearable personal flotation device unless it is specifically marked otherwise.

TOWED WATERSPORT. Any activity that involves being towed by or riding in the wake of a recreational vessel, including both of the following:

(a) Riding or attempting to ride on one or more water skis, a wakeboard, a surfboard, an inflatable device, or any other device manufactured or used for the purpose of being towed by a recreational vessel;

(b) Engaging or attempting to engage in barefoot skiing or parasailing.

TYPE ONE PERSONAL FLOTATION DEVICE. A device that is designed to turn an unconscious person floating in water from a face downward position to a vertical or slightly face upward position and that has at least nine kilograms, approximately 20 pounds, of buoyancy.

TYPE TWO PERSONAL FLOTATION DEVICE. A device that is designed to turn an unconscious person in the water from a face downward position to a vertical or slightly face upward position and that has at least seven kilograms, approximately 15.4 pounds, of buoyancy.

TYPE THREE PERSONAL FLOTATION DEVICE. A device that is designed to keep a conscious person in a vertical or slightly face upward position and that has at least seven kilograms, approximately 15.4 pounds, of buoyancy.

TYPE FOUR PERSONAL FLOTATION DEVICE. A device that is designed to be thrown to a person in the water and not worn and that has at least 7.5 kilograms, approximately 16.5 pounds, of buoyancy.

TYPE FIVE PERSONAL FLOTATION DEVICE. A device that, unlike other personal flotation devices, has limitations on its approval by the United States Coast Guard, including, without limitation, any of the following:

(a) A designation that states the device is approved only for use while participating in specific activities;

(b) A designation that states the device is approved only for use by an operator or passenger of specific types of vessels;

(c) A designation that states the device is specifically approved as a substitute for the type of personal flotation device required for use while engaged in certain activities or as an operator or passenger of a vessel.

VESSEL. Includes every description of craft, including nondisplacement craft, multimodal craft, and submersibles, being used or capable of being used as a means of transportation on water.

VISIBLE. Means visible on a dark night with clear atmosphere.

WATERCOURSE. A substantially natural channel with recognized banks and bottom in which a flow of water occurs, with an average of at least ten feet mean surface water width and at least five miles of length.

WATERCRAFT.

(a) Any of the following when used or capable of being used for transportation on the water:

1. A vessel operated by machinery either permanently or temporarily affixed;

2. A sailboat other than a sailboard;

3. An inflatable, manually propelled vessel that is required by federal law to have a hull identification number meeting the requirements of the United States Coast Guard;

4. A canoe, kayak, pedalboat, or rowboat;

5. Any of the following multimodal craft being operated on waters in this state:

a. An amphibious vehicle;

b. A submersible;

c. An airboat or hovercraft.

6. A vessel that has been issued a certificate of documentation with a recreational endorsement under 46 C.F.R. 67.

(b) The term does not include ferries as referred to in R.C. Chapter 4583.

(c) Watercraft subject to R.C. § 1547.54 are divided into five classes as follows:

1. Class A: less than 16 feet in length;

2. Class 1: at least 16 feet, but less than 26 feet in length;

3. Class 2: At least 26 feet, but less than 40 feet in length;

4. Class 3: At least 40 feet, but less than 65 feet in length;

5. Class 4: At least 65 feet in length.

WATERCRAFT DEALER. Any person who is regularly engaged in the business of manufacturing, selling, displaying, offering for sale, or dealing in vessels at an established place of business that is used primarily for the selling, displaying, offering for sale, or dealing of vessels. The phrase does not include a person who is a marine salvage dealer or any other person who dismantles, salvages, or rebuilds vessels using used parts.

WATERS IN THIS STATE. All streams, rivers, lakes, ponds, marshes, watercourses, waterways, and other bodies of water, natural or human-made, that are situated wholly or partially within this state or within its jurisdiction and are used for recreational boating.

WEARABLE PERSONAL FLOTATION DEVICE. A device that is intended to be worn or otherwise attached to a person's body. The phrase includes a personal flotation device marked as "Type I", "Type II", "Type III", "Type V with Type II performance", or "Type V with Type III performance".

WILD RIVER AREA. An area declared a wild river area by the state under R.C. Chapter 1546 and includes those rivers or sections of rivers that are free of impoundments and generally inaccessible except by trail, with watersheds or shorelines essentially primitive and waters unpolluted, representing vestiges of primitive America.
(R.C. § 1546.01) (Rev. 2017)

(B) Unless otherwise provided, this chapter applies to all vessels operating on the waters in this municipality. Nothing in this chapter shall be construed in contravention of any valid federal or state act or regulation, but is in addition to the act or regulation where not inconsistent.
(R.C. § 1547.02) (Rev. 2010)

§ 96.02 FAILURE TO COMPLY WITH LAW ENFORCEMENT ORDER; FLEEING.

(A) No person shall fail to comply with any lawful order or direction of any law enforcement officer having authority to direct, control, or regulate the operation or use of vessels.

(B) No person shall operate any vessel so as to purposely elude or flee from a law enforcement officer after receiving a visible or audible signal from a law enforcement officer to bring the vessel to a stop.

(C) No person shall operate or permit to be operated any vessel on the waters in this municipality in violation of this section.
(R.C. § 1547.13)

(D) Whoever violates this section is guilty of a misdemeanor of the first degree.
(R.C. § 1547.99(B)) (Rev. 2002)

§ 96.03 DUTY UPON APPROACH OF LAW ENFORCEMENT VESSEL.

(A) Upon the approach of a law enforcement vessel with at least one flashing, rotating, or oscillating light of a color conforming with the requirements of federal law, the operator of any vessel shall stop if followed or give way in any crossing, head-on, or overtaking situation and shall remain in that position until the law enforcement vessel has passed, except when otherwise directed by a law enforcement officer. If traffic conditions warrant, a siren or other sound producing device also may be operated as an additional signaling device. This section does not relieve the operator of any law enforcement vessel from the duty to operate with due regard for the safety of all persons and property on the waters in this state.

(B) No person shall operate or permit to be operated any vessel on the waters in this municipality in violation of this section.
(R.C. § 1547.131)

(C) Whoever violates this section is guilty of a misdemeanor of the fourth degree.
(R.C. § 1547.99(F)) (Rev. 2002)

§ 96.04 FLASHING LIGHTS PROHIBITED; EXCEPTIONS.

(A) No person shall install or use any intermittently flashing light of any type or color on any vessel in use or operation on the waters in this municipality, except in accordance with Federal law.

(B) No person shall operate or permit to be operated any vessel on the waters in this municipality in violation of this section.
(R.C. § 1547.03) (Rev. 2002) Penalty, see § 96.99

§ 96.05 SIREN PROHIBITED; EXCEPTIONS.

(A) No person, except an authorized watercraft representative of the federal government, the state, or any of its political subdivisions shall use or operate a siren on the waters in this municipality except for emergency purposes.

(B) No person shall operate or permit to be operated any vessel on the waters in this municipality in violation of this section.
(R.C. § 1547.04) (Rev. 2002) Penalty, see § 96.99

§ 96.06 REGULATIONS FOR OPERATION AND RENTAL OF POWERCRAFT OF MORE THAN TEN HORSEPOWER.

(A) (1) Except as provided in division (A)(2) of this section, no person born on or after January 1, 1982, shall operate on the waters in this municipality a powercraft powered by more than ten horsepower, unless the operator successfully has completed either a safe boater course approved by the National Association of State Boating Law Administrators or a proctored or nonproctored proficiency examination that tests knowledge of information included in the curriculum of such a course, and has received a certificate as evidence of successful completion of the course or examination.

(2) Division (A)(1) of this section does not apply to an individual who possesses valid merchant mariner credentials issued by the United States Coast Guard in accordance with 46 C.F.R. 10.109 with at least one endorsement of master or operator as defined in 46 C.F.R. § 10.107. Such an individual, while operating any recreational vessel on the waters in this municipality, shall carry onboard documentation of the merchant mariner credentials and required endorsements and shall present the documentation to a natural resources officer or law enforcement officer upon request.

(3) No person shall permit a powercraft to be operated in this municipality in violation of division (A)(1) of this section.
(R.C. § 1547.05) (Rev. 2017)

(B) A person born on or after January 1, 1982, who is operating on the waters in this municipality a powercraft powered by more than ten horsepower and who is stopped by a law enforcement officer in the enforcement of R.C. Chapter 1547 or rules shall present to the law enforcement officer, not later than 72 hours after being stopped, a certificate obtained by the person pursuant to division (A) of this section prior to being stopped or proof of holding such a certificate. Failure of the person to present the certificate or proof of holding it within 72 hours constitutes prima facie evidence of a violation of division (A) of this section.
(R.C. § 1547.051) (Rev. 2017)

(C) No rental business shall lease, hire, or rent a powercraft powered by more than ten horsepower for operation on the waters in this municipality to a person born on or after January 1, 1982, unless the person meets one of the following requirements:

(1) The person signs a statement on the rental agreement or attached to the rental agreement that the person has successfully completed a safe boater course approved by the National Association of State Boating Law Administrators or has successfully completed a proficiency examination as provided in division (A) of this section.

(2) The person receives educational materials from the rental business and successfully passes, with a score of 90% or better, an abbreviated examination given by the rental business. The achievement of a passing score on the examination shall be indicated on or attached to the powercraft rental agreement.

(D) Any person born on or after January 1, 1982, operating or supervising the operation of a leased, hired, or rented powercraft shall:

(1) Meet the requirements for boater education of division (C) of this section.

(2) Be named as an operator on the agreement that leases, hires, or rents the powercraft.

(E) The Division of Parks and Watercraft shall make available to all watercraft rental businesses in the state boater safety educational materials and an abbreviated examination that shall be used by the watercraft rental business for the purposes of division (C)(2) of this section.
(R.C. § 1547.052) (Rev. 2017)

(F) Whoever violates division (A) or (B) of this section is guilty of a misdemeanor of the fourth degree if the violation is not related to a collision, injury to a person, or damage to property and a misdemeanor of the third degree if the violation is related to a collision, injury to a person, or damage to property.
(R.C. § 1547.99(K)) (Rev. 2002) Penalty, see § 96.99

§ 96.07 RESTRICTIONS ON CHILD OPERATORS; DUTY OF SUPERVISORY ADULT.

(A) Except as otherwise provided in this division, no person under 16 years of age shall operate a personal watercraft on the waters in this municipality. A person who is not less than 12 nor more than 15 years of age may operate a personal watercraft if a supervising person 18 years of age or older is aboard the personal watercraft and, in the case of a supervising person born on or after January 1, 1982, if the supervising person holds a certificate obtained under

§ 96.06(A) or, in the case of a rented powercraft, meets the requirements of § 96.06(C) and (D).

(B) No person under 12 years of age shall operate any vessel on the waters in this municipality unless the person is under the direct visual and audible supervision, during the operation, of a person who is 18 years of age or older. This division does not apply to a personal watercraft, which shall be governed by division (A) of this section, or to a powercraft, other than a personal watercraft, powered by more than ten horsepower, which shall be governed by division (C) of this section.

(C) No person under 12 years of age shall operate on the waters in this municipality a powercraft, other than a personal watercraft, powered by more than ten horsepower unless the person is under the direct visual and audible supervision, during the operation, of a person 18 years of age or older who is aboard the powercraft and, in the case of such a supervising person born on or after January 1, 1982, who holds a certificate obtained under § 96.06(A) or, in the case of a rented powercraft, meets the requirements of § 96.06(C) and (D).

(D) No supervising person 18 years of age or older shall permit any person who is under the supervising person's supervision and who is operating a vessel on the waters in this municipality to violate any section of this chapter, R.C. Chapter 1547 or a rule.
(R.C. § 1547.06) (Rev. 2017) Penalty, see § 96.99

§ 96.08 RECKLESS OPERATION; MAINTAINING SUFFICIENT CONTROL; WAKES RESTRICTED.

(A) *Reckless operation.*

(1) Any person who operates any vessel or manipulates any water skis, aquaplane, or similar device on the waters in this municipality carelessly or heedlessly, or in disregard of the rights or safety of any person, vessel, or property, or without due caution, at a rate of speed or in a manner so as to endanger any person, vessel, or property is guilty of reckless operation of the vessel or other device.

(2) No person shall operate or permit the operation of a vessel in an unsafe manner. A vessel shall be operated in a reasonable and prudent manner at all times. Unsafe vessel operation includes, without limitation, any of the following:

(a) A vessel becoming airborne or completely leaving the water while crossing the wake of another vessel at a distance of less than 100 feet, or at an unsafe distance, from the vessel creating the wake;

(b) Operating at such a speed and proximity to another vessel or to a person attempting to ride on one or more water skis, surfboard, inflatable device, or similar device being towed by a vessel so as to require the operator of either vessel to swerve or turn abruptly to avoid collision;

(c) Operating less than 200 feet directly behind a person water skiing or attempting to water ski;

(d) Weaving through congested traffic.
(R.C. § 1547.07)

(B) *Maintaining sufficient control.* No person shall operate or permit the operation of a vessel on the waters in this municipality without maintaining sufficient control to avoid an incident that results in property damage, physical injury, loss of life, or any combination of them.
(R.C. § 1547.072) (Rev. 2009)

(C) *Wakes restricted.*

(1) As used in this division (C), ***PUBLIC SERVICE*** means activities that include but are not limited to escorting or patrolling special water events, traffic control, salvage, firefighting, medical assistance, assisting disabled vessels, and search and rescue.

(2) No person shall operate a vessel at a speed that creates a wake within 100 feet of a stationary law enforcement vessel displaying at least one flashing, oscillating, or rotating light conforming with 33 C.F.R. § 88.11.

(3) No person shall operate a vessel at a speed that creates a wake within 100 feet of a vessel that is being used to provide public service and that displays at least one flashing, oscillating, or rotating light conforming with 33 C.F.R. § 88.12.

(4) No person shall permit any vessel to be operated on the waters in this municipality in violation of this division (C).
(R.C. § 1547.132) (Rev. 2009)

(D) *Penalty.*

(1) Whoever violates divisions (A) or (C) of this section without causing injury to persons or damage to property is guilty of a misdemeanor of the fourth degree.
(R.C. § 1547.99(D))

(2) Whoever violates divisions (A) or (C) of this section causing injury to persons or damage to property is guilty of a misdemeanor of the third degree.
(R.C. § 1547.99(E))

(3) Whoever violates division (B) of this section shall be subject to the penalty provided in § 96.99.
(Rev. 2009)

§ 96.09 UNSAFE CONDITIONS.

(A) If a law enforcement officer observes a vessel being used and determines that at least one of the unsafe conditions identified in division (C) of this section is present and that an especially hazardous condition exists, the officer may direct the operator of the vessel to take whatever

immediate and reasonable actions are necessary for the safety of the persons aboard the vessel, including directing the operator to return the vessel to mooring and remain there until the situation creating the hazardous condition is corrected or has ended. For the purposes of this section, an especially hazardous condition is one in which a reasonably prudent person would believe that the continued operation of a vessel would create a special hazard to the safety of the persons aboard the vessel.

(B) The refusal by an operator of a vessel to terminate use of the vessel after being ordered to do so by a law enforcement officer under division (A) of this section is prima facie evidence of a violation of § 96.08.

(C) For the purposes of this section, any of the following is an unsafe condition:

(1) Insufficient personal flotation devices;

(2) Insufficient fire extinguishers;

(3) Overloaded, insufficient freeboard for the water conditions in which the vessel is operating;

(4) Improper display of navigation lights;

(5) Fuel leaks, including fuel leaking from either the engine or the fuel system;

(6) Accumulation of or an abnormal amount of fuel in the bilges;

(7) Inadequate backfire flame control;

(8) Improper ventilation.

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

(1) Foreign vessels temporarily using waters that are subject to the jurisdiction of the United States;

(2) Military vessels, vessels owned by the state or a political subdivision, or other public vessels, except those that are used for recreation;

(3) A ship's lifeboats, as defined in R.C. § 1548.01;

(4) Vessels that are solely commercial and that are carrying more than six passengers for hire.
(R.C. § 1547.071) (Rev. 2002)

§ 96.10 MARKING OF BATHING AND VESSEL AREAS.

(A) No person shall operate a vessel within or through a designated bathing area or within or through any area that has been buoyed off designating it as an area in which vessels are prohibited.

(B) (1) No person shall operate a vessel at greater than idle speed or at a speed that creates a wake under any of the following circumstances:

(a) Within 300 feet of any marina, boat docking facility, boat gasoline dock, launch ramp, recreational boat harbor, or harbor entrance on Lake Erie or on the Ohio River;

(b) During the period from sunset to sunrise according to local time within any water between the Dan Beard bridge and the Brent Spence bridge on the Ohio River for any vessel not documented by the United States Coast Guard as commercial;

(c) Within any area buoyed or marked as a no wake area on the waters in this municipality.

(2) Division (B)(1) of this section does not apply in either of the following places:

(a) An area designated by the Chief of the Division of Parks and Watercraft unless it is marked by a buoy or sign as a no wake or idle speed area;

(b) Within any water between the Dan Beard bridge and the Brent Spence bridge on the Ohio River when the United States Coast Guard has authorized the holding of a special event of a community nature on that water.

(C) No person shall operate a vessel in any area of restricted or controlled operation in violation of the designated restriction.

(D) No person shall operate a vessel within 300 feet of an official diver's flag unless the person is tendering the diving operation.

(E) (1) All areas of restricted or controlled operation as described in division (A) of this section or as provided for in § 96.15 or R.C. § 1547.16 or 1547.61 shall be marked by a buoy or sign designating the restriction. All waters surrounded by or lying between such a buoy or sign and the closest shoreline are thereby designated as an area in which the designated restrictions shall apply in the operation of any vessel.

(2) Markings on buoys designating areas of restricted or controlled operation shall be so spaced as to show all around the horizon. Lineal spacing between the buoys shall be such that under normal conditions of visibility any buoy shall be readily visible from the next adjacent buoy. No colors or symbols, except as provided for in rules, shall be used on buoys or signs for marking closed or controlled areas of boating waters.

(3) Any state department, conservancy district, or political subdivision having jurisdiction and control of impounded boating waters may place such buoys or signs on its waters. Any political subdivision may apply to the Chief of the Division of Parks and Watercraft for permission to

place such buoys or signs on other waters within its territorial limits. No person shall place or cause to be placed a regulatory buoy or sign on, into, or along the waters in this municipality unless the person has complied with all the provisions of this chapter and R.C. Chapter 1547.

(F) No person shall enter, operate a vessel that enters, or allow a vessel to enter a federally-declared security zone as defined in 33 C.F.R Chapter 1, subparts 6.01-1, 6.01-2, 6.01-3, 6.01-4, 6.01-5, 6.04-1, 6.04-5, 6.04-6, 6.04-7, and 6.04-8.

(G) No person shall permit any vessel to be operated on the waters in this municipality in violation of this section. (R.C. § 1547.08) (Rev. 2017)

(H) (1) Whoever violates divisions (A), (B), (C), (D), (E), or (G) of this section shall be punished as provided in § 96.99.

(2) Whoever violates division (F) of this section is guilty of a misdemeanor of the first degree.
(R.C. § 1547.99(B)) (Rev. 2008)

§ 96.11 MOORING PROHIBITED IN CERTAIN AREAS.

(A) No person shall moor or anchor any vessel in a designated speed zone or water ski zone. No person, unless in distress and no other vessel is endangered thereby, shall moor to, anchor to, or tie up to any marker, aid, buoy, light, or other aid to navigation.

(B) No person shall operate or permit to be operated any vessel on the waters in this municipality in violation of this section.
(R.C. § 1547.09) (Rev. 2002) Penalty, see § 96.99

§ 96.12 OPERATING UNDER INFLUENCE OF ALCOHOL OR DRUGS PROHIBITED.

(A) No person shall operate or be in physical control of any vessel underway or shall manipulate any water skis, aquaplane, or similar device on the waters in this municipality if, at the time of the operation, control, or manipulation, any of the following applies:

(1) The person is under the influence of alcohol, a drug of abuse, or a combination of them.

(2) The person has a concentration of 0.08% or more by weight of alcohol per unit volume in the person's whole blood.

(3) The person has a concentration of 0.096% or more by weight per unit volume of alcohol in the person's blood serum or plasma.

(4) The person has a concentration of 0.11 grams or more by weight of alcohol per 100 milliliters of the person's urine.

(5) The person has a concentration of 0.08 grams or more by weight of alcohol per 210 liters of the person's breath.

(6) Except as provided in division (H) 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:

(a) The person has a concentration of amphetamine in the person's urine of at least 500 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 100 nanograms of amphetamine per milliliter of the person's whole blood or blood serum or plasma.

(b) The person has a concentration of cocaine in the person's urine of at least 150 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 50 nanograms of cocaine per milliliter of the person's whole blood or blood serum or plasma.

(c) The person has a concentration of cocaine metabolite in the person's urine of at least 150 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 50 nanograms of cocaine metabolite per milliliter of the person's whole blood or blood serum or plasma.

(d) The person has a concentration of heroin in the person's urine of at least 2,000 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 50 nanograms of heroin per milliliter of the person's whole blood or blood serum or plasma.

(e) 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.

(f) The person has a concentration of L.S.D. in the person's urine of at least 25 nanograms of L.S.D. per milliliter of the person's urine or has a concentration of L.S.D. in the person's whole blood or blood serum or plasma of at least ten nanograms of L.S.D. per milliliter of the person's whole blood or blood serum or plasma.

(g) The person has a concentration of marihuana in the person's urine of at least ten nanograms of marihuana per milliliter of the person's urine or has a concentration of marihuana in the person's whole blood or blood serum or plasma of at least two nanograms of marihuana per milliliter of the person's whole blood or blood serum or plasma.

(h) The State Board of Pharmacy has adopted a rule pursuant to R.C. § 4729.041 that specifies the amount of salvia divinorum and the amount of salvinorin A that constitute concentrations of salvia divinorum and salvinorin A in a person's urine, in a person's whole blood, or in a person's blood serum or plasma at or above which the person is impaired for purposes of operating or being in physical control of any vessel underway or manipulating any water skis, aquaplane, or similar device on the waters of this state, the rule is in effect, and the person has a concentration of salvia divinorum or salvinorin A of at least that amount so specified by rule in the person's urine, in the person's whole blood, or in the person's blood serum or plasma.

(i) Either of the following applies:

1. The person is under the influence of alcohol, a drug of abuse, or a combination of them, and, as measured by gas chromatography mass spectrometry, the person has a concentration of marihuana metabolite in the person's urine of at least 15 nanograms of marihuana metabolite per milliliter of the person's urine or has a concentration of marihuana metabolite in the person's whole blood or blood serum or plasma of at least five nanograms of marihuana metabolite per milliliter of the person's whole blood or blood serum or plasma.

2. As measured by gas chromatography mass spectrometry, the person has a concentration of marihuana metabolite in the person's urine of at least 35 nanograms of marihuana metabolite per milliliter of the person's urine or has a concentration of marihuana metabolite in the person's whole blood or blood serum or plasma of at least 50 nanograms of marihuana metabolite per milliliter of the person's whole blood or blood serum or plasma.

(j) The person has a concentration of methamphetamine in the person's urine of at least 500 nanograms of methamphetamine per milliliter of the person's urine or has a concentration of methamphetamine in the person's whole blood or blood serum or plasma of at least 100 nanograms of methamphetamine per milliliter of the person's whole blood or blood serum or plasma.

(k) The person has a concentration of phencyclidine in the person's urine of at least 25 nanograms of phencyclidine per milliliter of the person's urine or has a concentration of phencyclidine in the person's whole blood or blood serum or plasma of at least ten nanograms of phencyclidine per milliliter of the person's whole blood or blood serum or plasma.

(B) No person under 21 years of age shall operate or be in physical control of any vessel underway or shall manipulate any water skis, aquaplane, or similar device on the waters in this municipality if, at the time of the operation, control, or manipulation, any of the following applies:

(1) The person has a concentration of at least 0.02%, but less than 0.08% by weight per unit volume of alcohol in the person's whole blood.

(2) The person has a concentration of at least 0.03% but less than 0.096% by weight per unit volume of alcohol in the person's blood serum or plasma.

(3) The person has a concentration of at least 0.028 grams, but less than 0.11 grams by weight of alcohol per 100 milliliters of the person's urine.

(4) The person has a concentration of at least 0.02 grams, but less than 0.08 grams by weight of alcohol per 210 liters of the person's breath.

(C) In any proceeding arising out of one incident, a person may be charged with a violation of division (A)(1) and a violation of division (B)(1), (B)(2), (B)(3), or (B)(4) of this section, but the person shall not be convicted of more than one violation of those divisions.

(D) (1) (a) In any criminal prosecution or juvenile court proceeding for a violation of division (A) or (B) of this section or for an equivalent offense that is watercraft-related, the result of any test of any blood or urine withdrawn and analyzed at any health care provider, as defined in R.C. § 2317.02, may be admitted with expert testimony to be considered with any other relevant and competent evidence in determining the guilt or innocence of the defendant.

(b) In any criminal prosecution or juvenile court proceeding for a violation of division (A) or (B) of this section or for an equivalent offense that is watercraft-related, the court may admit evidence on the concentration of alcohol, drugs of abuse, controlled substances, metabolites of a controlled substance, or a combination of them in the defendant's or child's whole blood, blood serum or plasma, urine, or breath at the time of the alleged violation as shown by chemical analysis of the substance withdrawn, or specimen taken within three hours of the time of the alleged violation. The three-hour time limit specified in this division regarding the admission of evidence does not extend or affect the two-hour time limit specified in § 96.13(C) or R.C. § 1547.111(C) as the maximum period of time during which a person may consent to a chemical test or tests as described in that section. The court may admit evidence on the concentration of alcohol, drugs of abuse, or a combination of them as described in this division when a person submits to a blood, breath, urine, or other bodily substance test at the request of a law enforcement officer under R.C. § 1547.111, or any substantially equivalent municipal ordinance, or a blood or urine sample is obtained pursuant to a search warrant. Only a physician, a registered nurse, an emergency medical technician-intermediate, an emergency medical technician-paramedic, or a qualified technician, chemist, or phlebotomist

shall withdraw blood for the purpose of determining the alcohol, drug, controlled substance, metabolite of a controlled substance, or combination content of the whole blood, blood serum, or blood plasma. This limitation does not apply to the taking of breath or urine specimens. A person authorized to withdraw blood under this division may refuse to withdraw blood under this division if, in that person's opinion, the physical welfare of the defendant or child would be endangered by withdrawing blood.

(c) The whole blood, blood serum or plasma, urine, or breath withdrawn under division (D)(1)(b) of this section shall be analyzed in accordance with methods approved by the Director of Health by an individual possessing a valid permit issued by the Director pursuant to R.C. § 3701.143.

(2) In a criminal prosecution or juvenile court proceeding for a violation of division (A) of this section or for an equivalent offense that is watercraft-related, if there was at the time the bodily substance was taken a concentration of less than the applicable concentration of alcohol specified for a violation of division (A)(2), (A)(3), (A)(4), or (A)(5) of this section or less than the applicable concentration of a listed controlled substance or a listed metabolite of a controlled substance specified for a violation of division (A)(6) of this section, that fact may be considered with other competent evidence in determining the guilt or innocence of the defendant or in making an adjudication for the child. This division does not limit or affect a criminal prosecution or juvenile court proceeding for a violation of division (B) of this section or for a violation of a prohibition that is substantially equivalent to that division.

(3) Upon the request of the person who was tested, the results of the chemical test shall be made available to the person or the person's attorney immediately upon completion of the test analysis. If the chemical test was administered pursuant to division (D)(1)(b) of this section, the person tested may have a physician, registered nurse, or qualified technician, chemist, or phlebotomist of the person's own choosing administer a chemical test or tests in addition to any administered at the direction of a law enforcement officer, and shall be so advised. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test or tests taken at the direction of a law enforcement officer.

(E) (1) In any criminal prosecution or juvenile court proceeding for a violation of division (A) or (B) of this section, of a municipal ordinance relating to operating or being in physical control of any vessel underway or to manipulating any water skis, aquaplane, or similar device on the waters of this state while under the influence of alcohol, a drug of abuse, or a combination of them, or of a municipal ordinance relating to operating or being in physical control of any vessel underway or to manipulating any water skis, aquaplane, or similar device on the waters of this state with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath, or urine, if a law enforcement officer has administered a field sobriety test to the operator or person found to be in physical control of the vessel underway involved in the violation or the person manipulating the water skis, aquaplane, or similar device involved in the violation and if it is shown by clear and convincing evidence that the officer administered the test in substantial compliance with the testing standards for reliable, credible, and generally accepted field sobriety tests for vehicles that were in effect at the time the tests were administered, including but not limited to any testing standards then in effect that have been set by the National Highway Traffic Safety Administration, that by their nature are not clearly inapplicable regarding the operation or physical control of vessels underway or the manipulation of water skis, aquaplanes, or similar devices, all of the following apply:

(a) The officer may testify concerning the results of the field sobriety test so administered.

(b) The prosecution may introduce the results of the field sobriety test so administered as evidence in any proceedings in the criminal prosecution or juvenile court proceeding.

(c) If testimony is presented or evidence is introduced under division (E)(1)(a) or (E)(1)(b) of this section and if the testimony or evidence is admissible under the Rules of Evidence, the court shall admit the testimony or evidence, and the trier of fact shall give it whatever weight the trier of fact considers to be appropriate.

(2) Division (E)(1) of this section does not limit or preclude a court, in its determination of whether the arrest of a person was supported by probable cause or its determination of any other matter in a criminal prosecution or juvenile court proceeding of a type described in that division, from considering evidence or testimony that is not otherwise disallowed by division (E)(1) of this section.

(F) (1) Subject to division (F)(3) of this section, in any criminal prosecution or juvenile court proceeding for a violation of division (A) or (B) of this section or for an equivalent offense that is substantially equivalent to either of those divisions, the court shall admit as prima facie evidence a laboratory report from any laboratory personnel issued a permit by the Department of Health authorizing an analysis as described in this division that contains an analysis of the whole blood, blood serum or plasma, breath, urine, or other bodily substance tested and that contains all of the information specified in this division. The laboratory report shall contain all of the following:

(a) The signature, under oath, of any person who performed the analysis;

(b) Any findings as to the identity and quantity of alcohol, a drug of abuse, a controlled substance, a metabolite of a controlled substance, or a combination of them that was found;

(c) A copy of a notarized statement by the laboratory director or a designee of the director that contains the name of each certified analyst or test performer involved

with the report, the analyst's or test performer's employment relationship with the laboratory that issued the report, and a notation that performing an analysis of the type involved is part of the analyst's or test performer's regular duties;

(d) An outline of the analyst's or test performer's education, training, and experience in performing the type of analysis involved and a certification that the laboratory satisfies appropriate quality control standards in general and, in this particular analysis, under rules of the Department of Health.

(2) Notwithstanding any other provision of law regarding the admission of evidence, a report of the type described in division (F)(1) of this section is not admissible against the defendant or child to whom it pertains in any proceeding, other than a preliminary hearing or a grand jury proceeding, unless the prosecutor has served a copy of the report on the defendant's or child's attorney or, if the defendant or child has no attorney, on the defendant or child.

(3) A report of the type described in division (F)(1) of this section shall not be prima facie evidence of the contents, identity, or amount of any substance if, within seven days after the defendant or child to whom the report pertains or the defendant's or child's attorney receives a copy of the report, the defendant or child or the defendant's or child's attorney demands the testimony of the person who signed the report. The judge in the case may extend the seven-day time limit in the interests of justice.

(G) Except as otherwise provided in this division, any physician, registered nurse, emergency medical technician-intermediate, emergency medical technician-paramedic, or qualified technician, chemist, or phlebotomist who withdraws blood from a person pursuant to this section, R.C. § 1547.111 or any substantially equivalent municipal ordinance, and a hospital, first-aid station, or clinic at which blood is withdrawn from a person pursuant to this section, R.C. § 1547.111 or any substantially equivalent municipal ordinance, is immune from criminal and civil liability based upon a claim of assault and battery or any other claim that is not a claim of malpractice, for any act performed in withdrawing blood from the person. The immunity provided in this division also extends to an emergency medical service organization that employs an emergency medical technician-intermediate or an emergency medical technician-paramedic who withdraws blood under this section. The immunity provided in this division is not available to a person who withdraws blood if the person engages in willful or wanton misconduct.

(H) Division (A)(6) of this section does not apply to a person who operates or is in physical control of a vessel underway or manipulates any water skis, aquaplane, or similar device while the person has a concentration of a listed controlled substance or a listed metabolite of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or exceeds the amount specified in that division, if both of the following apply:

(1) The person obtained the controlled substance pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs.

(2) The person injected, ingested, or inhaled the controlled substance in accordance with the health professional's directions.

(I) As used in this section and § 96.13:

COCAINE. Has the same meaning as in R.C. § 2925.01.

CONTROLLED SUBSTANCE. Has the same meaning as in R.C. § 3719.01.

EMERGENCY MEDICAL TECHNICIAN-INTERMEDIATE and ***EMERGENCY MEDICAL TECHNICIAN-PARAMEDIC***. Have the same meanings as in R.C. § 4765.01.

EQUIVALENT OFFENSE. Has the same meaning as in R.C. § 4511.181.

EQUIVALENT OFFENSE THAT IS WATERCRAFT-RELATED. Means an equivalent offense that is one of the following:

(a) A violation of division (A) or (B) of this section;

(b) A violation of a municipal ordinance prohibiting a person from operating or being in physical control of any vessel underway or from manipulating any water skis, aquaplane, or similar device on the waters of this state while under the influence of alcohol, a drug of abuse, or a combination of them or prohibiting a person from operating or being in physical control of any vessel underway or from manipulating any water skis, aquaplane, or similar device on the waters of this state with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath, or urine;

(c) A violation of an existing or former municipal ordinance, law of another state, or law of the United States that is substantially equivalent to division (A) or (B) of this section;

(d) A violation of an existing or former law of this state that is or was substantially equivalent to division (A) or (B) of this section.

L.S.D. Has the same meaning as in R.C. § 2925.01.

MARIHUANA. Has the same meaning as in R.C. § 3719.01.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION. Has the same meaning as in R.C. § 4511.19.

OPERATE. Means that a vessel is being used on the waters in this state when the vessel is not securely affixed to a dock or to shore or to any permanent structure to which the vessel has the right to affix or that a vessel is not anchored in a designated anchorage area or boat camping area that is established by the United States Coast Guard, this state, or a political subdivision and in which the vessel has the right to anchor.
(R.C. § 1547.11) (Rev. 2011)

(J) Whoever violates this section is guilty of a misdemeanor of the first degree and shall be punished as provided in division (J)(1), (J)(2), or (J)(3) of this section.

(1) Except as otherwise provided in division (J)(2) or (J)(3) of this section, the court shall sentence the offender to a jail term of three consecutive days and may sentence the offender pursuant to R.C. § 2929.24 to a longer jail term. In addition, the court shall impose upon the offender a fine of not less than $150 nor more than $1,000. The court may suspend the execution of the mandatory jail term of three consecutive days that it is required to impose by this division (J)(1) if the court, in lieu of the suspended jail term, places the offender under a community control sanction pursuant to R.C. § 2929.25 and requires the offender to attend, for three consecutive days, a drivers' intervention program that is certified pursuant to R.C. § 5119.38. The court also may suspend the execution of any part of the mandatory jail term of three consecutive days that it is required to impose by this division (J)(1) if the court places the offender under a community control sanction pursuant to R.C. § 2929.25 for part of the three consecutive days; requires the offender to attend, for that part of the three consecutive days, a drivers' intervention program that is certified pursuant to R.C. § 5119.38; and sentences the offender to a jail term equal to the remainder of the three consecutive days that the offender does not spend attending the drivers' intervention program. The court may require the offender, as a condition of community control, to attend and satisfactorily complete any treatment or education programs, in addition to the required attendance at a drivers' intervention program, that the operators of the drivers' intervention program determine that the offender should attend and to report periodically to the court on the offender's progress in the programs. The court also may impose any other conditions of community control on the offender that it considers necessary.

(2) If, within ten years of the offense, the offender has been convicted of or pleaded guilty to one violation of this section, R.C. § 1547.11 or one other equivalent offense, the court shall sentence the offender to a jail term of ten consecutive days and may sentence the offender pursuant to R.C. § 2929.24 to a longer jail term. In addition, the court shall impose upon the offender a fine of not less than $150 nor more than $1,000. In addition to any other sentence that it imposes upon the offender, the court may require the offender to attend a drivers' intervention program that is certified pursuant to R.C. § 5119.38.

(3) If, within ten years of the offense, the offender has been convicted of or pleaded guilty to more than one violation or offense identified in division (J)(2) of this section, the court shall sentence the offender to a jail term of 30 consecutive days and may sentence the offender to a longer jail term of not more than one year. In addition, the court shall impose upon the offender a fine of not less than $150 nor more than $1,000. In addition to any other sentence that it imposes upon the offender, the court may require the offender to attend a drivers' intervention program that is certified pursuant to R.C. § 5119.38.

(4) Upon a showing that serving a jail term would seriously affect the ability of an offender sentenced pursuant to division (J)(1), (J)(2), or (J)(3) of this section to continue the offender's employment, the court may authorize that the offender be granted work release after the offender has served the mandatory jail term of 3, 10, or 30 consecutive days that the court is required by division (J)(1), (J)(2), or (J)(3) of this section to impose. No court shall authorize work release during the mandatory jail term of 3, 10, or 30 consecutive days that the court is required by division (J)(1), (J)(2), or (J)(3) of this section to impose. The duration of the work release shall not exceed the time necessary each day for the offender to commute to and from the place of employment and the place in which the jail term is served and the time actually spent under employment.

(5) Notwithstanding any section of the Ohio Revised Code that authorizes the suspension of the imposition or execution of a sentence or the placement of an offender in any treatment program in lieu of being imprisoned or serving a jail term, no court shall suspend the mandatory jail term of ten or 30 consecutive days required to be imposed by division (J)(2) or (J)(3) of this section or place an offender who is sentenced pursuant to division (J)(2) or (J)(3) of this section in any treatment program in lieu of being imprisoned or serving a jail term until after the offender has served the mandatory jail term of ten or 30 consecutive days required to be imposed pursuant to division (J)(2) or (J)(3) of this section. Notwithstanding any section of the Ohio Revised Code that authorizes the suspension of the imposition or execution of a sentence or the placement of an offender in any treatment program in lieu of being imprisoned or serving a jail term, no court, except as specifically authorized by division (J)(1) of this section, shall suspend the mandatory jail term of 3 consecutive days required to be imposed by division (J)(1) of this section or place an offender who is sentenced pursuant to division (J)(1) of this section in any treatment program in lieu of imprisonment until after the offender has served the mandatory jail term of 3 consecutive days required to be imposed pursuant to division (J)(1) of this section.

(6) As used in this division (J) of this section:

EQUIVALENT OFFENSE. Has the same meaning as in R.C. § 4511.181.

JAIL TERM. Has the same meaning as in R.C. § 2929.01.

MANDATORY JAIL TERM. Has the same meaning as in R.C. § 2929.01.
(R.C. § 1547.99(G)) (Rev. 2018)

§ 96.13 IMPLIED CONSENT.

(A) (1) (a) Any person who operates or is in physical control of a vessel or manipulates any water skis, aquaplane, or similar device upon any waters in this municipality shall be deemed to have given consent to a chemical test or tests to determine the alcohol, drug of abuse, controlled substance, metabolite of a controlled substance, or combination content of the person's whole blood, blood serum or plasma, breath, or urine if arrested for operating or being in physical control of a vessel or manipulating any water skis, aquaplane, or similar device in violation of R.C. § 1547.11 or a substantially equivalent municipal ordinance.

(b) The test or tests under division (A)(1) of this section shall be administered at the request of a law enforcement officer having reasonable grounds to believe the person was operating or in physical control of a vessel or manipulating any water skis, aquaplane, or similar device in violation of R.C. § 1547.11 or a substantially equivalent municipal ordinance. The law enforcement agency by which the officer is employed shall designate which test or tests shall be administered.

(2) Any person who is dead or unconscious or who otherwise is in a condition rendering the person incapable of refusal shall be deemed to have consented as provided in division (A)(1) of this section, and the test or tests may be administered, subject to R.C. §§ 313.12 through 313.16.

(B) (1) If a law enforcement officer arrests a person for operating or being in physical control of a vessel or manipulating any water skis, aquaplane, or similar device in violation of R.C. § 1547.11 or a substantially equivalent municipal ordinance and if the person previously has been convicted of or pleaded guilty to two or more violations of R.C. § 1547.11 or other equivalent offenses, the law enforcement officer shall request the person to submit, and the person shall submit, to a chemical test or tests of the person's whole blood, blood serum or plasma, breath, or urine for the purpose of determining the alcohol, drug of abuse, controlled substance, metabolite of a controlled substance, or combination content of the person's whole blood, blood serum or plasma, breath, or urine. A law enforcement officer who makes a request pursuant to this division that a person submit to a chemical test or tests is not required to advise the person of the consequences of refusing to submit to the test or tests and is not required to give the person the form described in division (C) of this section, but the officer shall advise the person at the time of the arrest that if the person refuses to take a chemical test the officer may employ whatever reasonable means are necessary to ensure that the person submits to a chemical test of the person's whole blood or blood serum or plasma. The officer shall also advise the person at the time of the arrest that the person may have an independent chemical test taken at the person's own expense. The advice shall be in written form prescribed by the Chief of the Division of Parks and Watercraft and shall be read to the person. The form shall contain a statement that the form was shown to the person under arrest and read to the person by the arresting officer. The reading of the form shall be witnessed by one or more persons, and the witnesses shall certify to this fact by signing the form. Divisions (A)(1)(b) and (A)(2) of this section apply to the administration of a chemical test or tests pursuant to this division.

(2) If a person refuses to submit to a chemical test upon a request made pursuant to division (B)(1) of this section, the law enforcement officer who made the request may employ whatever reasonable means are necessary to ensure that the person submits to a chemical test of the person's whole blood or blood serum or plasma. A law enforcement officer who acts pursuant to this division to ensure that a person submits to a chemical test of the person's whole blood or blood serum or plasma is immune from criminal and civil liability based upon a claim for assault and battery or any other claim for the acts, unless the officer so acted with malicious purpose, in bad faith, or in a wanton or reckless manner.

(C) Except as provided in division (B) of this section, any person under arrest for violating R.C. § 1547.11 or a substantially equivalent municipal ordinance shall be advised of the consequences of refusing to submit to a chemical test or tests designated as provided in division (A) of this section. The advice shall be in a written form prescribed by the Chief of the Division of Parks and Watercraft and shall be read to the person. The form shall contain a statement that the form was shown to the person under arrest and read to the person by the arresting officer. The reading of the form shall be witnessed by one or more persons, and the witnesses shall certify to this fact by signing the form. The person must submit to the chemical test or tests, subsequent to the request of the arresting officer, within two hours of the time of the alleged violation, and if the person does not submit to the test or tests within that two-hour time limit, the failure to submit automatically constitutes a refusal to submit to the test or tests.

(D) (1) Except as provided in division (B) of this section, if a law enforcement officer asks a person under arrest for violating R.C. § 1547.11 or a substantially equivalent municipal ordinance to submit to a chemical test or tests as provided in division (A) of this section, if the arresting officer advises the person of the consequences of the person's refusal as provided in division (C) of this section, and the person refuses to submit, no chemical test shall be given. Upon receipt of a sworn statement of the officer that the arresting law enforcement officer had reasonable grounds to believe the arrested person violated R.C. § 1547.11 or a substantially equivalent municipal ordinance and that the person refused to submit to the chemical test upon the request of the officer, and upon receipt of the form as provided in division (C) of this section certifying that the arrested person was advised of the consequences of the refusal, the Chief of the Division of Parks and Watercraft shall inform the person by written notice that the person is prohibited from operating or being in physical control of a vessel, from manipulating any water skis, aquaplane, or similar device, and from registering any watercraft in accordance with R.C. § 1547.54, for one year following the date of the alleged violation. The suspension of these operation, physical control, manipulation, and registration privileges shall continue for the entire one-year period, subject to review as provided in this section.

(2) If the person under arrest is the owner of the vessel involved in the alleged violation, the law enforcement officer who arrested the person shall seize the watercraft registration certificate and tags from the vessel involved in the violation and forward them to the Chief of the Division of Parks and Watercraft. The Chief of the Division of Parks and Watercraft shall retain the impounded registration certificate and tags and shall impound all other registration certificates and tags issued to the person in accordance with R.C. §§ 1547.54 and 1547.57, for a period of one year following the date of the alleged violation, subject to review as provided in this section.

(3) If the arrested person fails to surrender the registration certificate because it is not on the person of the arrested person or in the watercraft, the law enforcement officer who made the arrest shall order the person to surrender it within 24 hours to the law enforcement officer or the law enforcement agency that employs the law enforcement officer. If the person fails to do so, the law enforcement officer shall notify the Chief of the Division of Parks and Watercraft of that fact in the statement the officer submits to the Chief of the Division of Parks and Watercraft under this division.

(E) Upon suspending a person's operation, physical control, manipulation, and registration privileges in accordance with division (D) of this section, the Chief of the Division of Parks and Watercraft shall notify the person in writing, at the person's last known address, and inform the person that the person may petition for a hearing in accordance with division (F) of this section. If a person whose operation, physical control, manipulation, and registration privileges have been suspended petitions for a hearing or appeals any adverse decision, the suspension shall begin at the termination of any hearing or appeal unless the hearing or appeal results in a decision favorable to the person.

(F) (1) Any person who has been notified by the Chief of the Division of Parks and Watercraft that the person is prohibited from operating or being in physical control of a vessel or manipulating any water skis, aquaplane, or similar device and from registering any watercraft in accordance with R.C. § 1547.54, or who has had the registration certificate and tags of the person's watercraft impounded pursuant to division (D) of this section, within 20 days of the notification or impoundment, may file a petition in the municipal court or the county court, or if the person is a minor in juvenile court, with jurisdiction over the place at which the arrest occurred, agreeing to pay the cost of the proceedings and alleging error in the action taken by the Chief of the Division of Parks and Watercraft under division (D) of this section or alleging one or more of the matters within the scope of the hearing as provided in this section, or both. The petitioner shall notify the Chief of the Division of Parks and Watercraft of the filing of the petition and send the Chief of the Division of Parks and Watercraft a copy of the petition.

(2) The scope of the hearing is limited to the issues of whether the law enforcement officer had reasonable grounds to believe the petitioner was operating or in physical control of a vessel or manipulating any water skis, aquaplane, or similar device in violation of R.C. § 1547.11 or a substantially equivalent municipal ordinance, whether the petitioner was placed under arrest, whether the petitioner refused to submit to the chemical test upon request of the officer, and whether the petitioner was advised of the consequences of the petitioner's refusal.

(G) (1) The Chief of the Division of Parks and Watercraft shall furnish the court a copy of the affidavit as provided in division (C) of this section and any other relevant information requested by the court.

(2) In hearing the matter and in determining whether the person has shown error in the decision taken by the Chief of the Division of Parks and Watercraft as provided in division (D) of this section, the court shall decide the issue upon the relevant, competent, and material evidence submitted by the Chief of the Division of Parks and Watercraft or the person whose operation, physical control, manipulation, and registration privileges have been suspended. In the proceedings, the Chief of the Division of Parks and Watercraft shall be represented by the prosecuting attorney of the county in which the petition is filed if the petition is filed in a county court or juvenile court, except that if the arrest occurred within a city or village within the jurisdiction of the county court in which the petition is filed, the city director of law or village solicitor of that city or village shall represent the Chief of the Division of Parks and Watercraft. If the petition is filed in the municipal court, the Chief of the Division of Parks and Watercraft shall be represented as provided in R.C. § 1901.34.

(3) If the court finds from the evidence submitted that the person has failed to show error in the action taken by the Chief of the Division of Parks and Watercraft under division (D) of this section or in one or more of the matters within the scope of the hearing as provided in division (F) of this section, or both, the court shall assess the cost of the proceeding against the person and shall uphold the suspension of the operation, physical control, use, and registration privileges provided in division (D) of this section. If the court finds that the person has shown error in the action taken by the Chief of the Division of Parks and Watercraft under division (D) of this section or in one or more of the matters within the scope of the hearing as provided in division (F) of this section, or both, the cost of the proceedings shall be paid out of the county treasury of the county in which the proceedings were held, Chief of the Division of Parks and Watercraft shall reinstate the operation, physical control, manipulation, and registration privileges of the person without charge, and the Chief of the Division of Parks and Watercraft shall return the registration certificate and tags, if impounded, without charge.

(4) The court shall give information in writing of any action taken under this section to the Chief of the Division of Parks and Watercraft.

(H) At the end of any period of suspension or impoundment imposed under this section, and upon request of the person whose operation, physical control, use, and registration privileges were suspended or whose registration

certificate and tags were impounded, the Chief of the Division of Parks and Watercraft shall reinstate the person's operation, physical control, manipulation, and registration privileges by written notice and return the certificate and tags.

(I) No person who has received written notice from the Chief of the Division of Parks and Watercraft that the person is prohibited from operating or being in control of a vessel, from manipulating any water skis, aquaplane, or similar device, and from registering a watercraft, or who has had the registration certificate and tags of the person's watercraft impounded, in accordance with division (D) of this section or R.C. § 1547.111(D), shall operate or be in physical control of a vessel or manipulate any water skis, aquaplane, or similar device for a period of one year following the date of the person's alleged violation of R.C. § 1547.11 or a substantially equivalent municipal ordinance.
(R.C. § 1547.111) (Rev. 2017)

(J) Whoever violates division (I) of this section is guilty of a misdemeanor of the first degree.
(R.C. § 1547.99(B)) (Rev. 2002)

§ 96.14 INCAPACITATED OPERATORS PROHIBITED.

(A) No person shall operate any vessel if the person is so mentally or physically incapacitated as to be unable to operate the vessel in a safe and competent manner.

(B) No person shall permit any vessel to be operated on the waters in this municipality in violation of this section.
(R.C. § 1547.12)

(C) Whoever violates this section without causing injury to persons or damage to property is guilty of a misdemeanor of the fourth degree.
(R.C. § 1547.99(D))

(D) Whoever violates this section causing injury to persons or damage to property is guilty of a misdemeanor of the third degree.
(R.C. § 1547.99(E)) (Rev. 2002)

§ 96.15 WATER SKIING CONFINED TO SKI ZONES.

(A) Except on the waters of the Ohio River, or Lake Erie and immediately connected harbors and bays, any person who rides or attempts to ride upon one or more water skis, surfboard, or similar device, or who engages or attempts to engage in barefoot skiing, and any person who operates a vessel towing a person riding or attempting to ride on one or more water skis, surfboard, or similar device, or engaging or attempting to engage in barefoot skiing, shall confine that activity to the water area within a designated ski zone on all bodies of water on which a ski zone has been established.

(B) On all bodies of water where no specific activity zones have been established, the activities described in division (A) of this section shall be confined to areas where the activities are not specifically restricted by this chapter, R.C. Chapter 1547 and rules.

(C) Divisions (A) and (B) of this section do not apply to an activity described in division (A) of this section if the vessel involved in the activity is traveling at idle speed in a designated no wake zone and the activity is not being conducted in any of the following areas:

(1) Within 300 feet of a gas dock, marina, launch ramp, or harbor entrance;

(2) Within a designated anchorage area, swim zone, boat swim zone, or boat camping area;

(3) Under a bridge or within 300 feet of a bridge underpass;

(4) Any area designated as a no ski zone.

(D) No person shall operate or permit to be operated any vessel on the waters in this municipality in violation of this section.
(R.C. § 1547.14) (Rev. 2017) Penalty, see § 96.99

§ 96.16 OBSERVER REQUIRED WHEN TOWING SKIER.

(A) Any person who operates a vessel towing any person riding or attempting to ride upon one or more water skis or upon a surfboard or similar device, or engaging or attempting to engage in barefoot skiing, on the waters in this municipality shall have present in the vessel a person or persons other than the operator, ten years of age or older, who shall at all times observe the progress of the person being towed. The operator of the towing vessel shall at all times observe the traffic pattern toward which the vessel is approaching.

(B) No person shall operate or permit to be operated any vessel on the waters in this municipality in violation of this section.
(R.C. § 1547.15) (Rev. 2002) Penalty, see § 96.99

§ 96.17 WATER SKIING AFTER DARK PROHIBITED.

No person shall ride or attempt to ride upon water skis, surfboard, or similar device, or engage or attempt to engage in barefoot skiing, or use or operate any vessel to tow any person thereon on the waters in this municipality during that period of the day between sunset and sunrise, except upon special permit issued by the state department, conservancy district, or political subdivision having jurisdiction and control of such water.
(R.C. § 1547.16) (Rev. 2002) Penalty, see § 96.99

§ 96.18 PERSONAL FLOTATION DEVICE REQUIRED FOR TOWED PERSON.

(A) Except as provided in division (B) of this section, no person shall engage in any form of towed watersports without wearing an adequate and effective Coast Guard approved wearable personal flotation device specifically designed for towed watersports, in good and serviceable condition and of appropriate size, except upon special permit issued by one of the following persons or entities that manages the waterway:

(1) The political subdivision having primary jurisdiction;

(2) The administrator of a federal agency;

(3) The director of a state agency;

(4) The board of directors of a conservancy district;

(5) Any other governing body having jurisdiction.

(B) Division (A) of this section does not apply to a person engaging or attempting to engage in barefoot skiing if the person is wearing a wet suit specifically designed for barefoot skiing that is in good and serviceable condition and of appropriate size.

(C) No operator of a vessel shall allow any person who fails to comply with division (A) or (B) of this section to engage in any form of towed watersports.
(R.C. § 1547.18) (Rev. 2017) Penalty, see § 96.99

§ 96.19 SKI JUMPS PROHIBITED.

No person shall install or maintain any structure or inclined platform known as a water ski jump on the waters in this municipality. No person shall use any such platform or structure for the purpose of water ski jumping, except upon special permit issued by the state department, conservancy district, or political subdivision having jurisdiction and control over such water.
(R.C. § 1547.19) (Rev. 2002) Penalty, see § 96.99

§ 96.20 PERMIT FOR SPECIAL WATER EVENTS.

(A) No person or organization shall conduct any race, regatta, or other special event upon the waters in this municipality without first obtaining written permission, upon application not less than 30 days prior to the time of the proposed race, regatta, or event, of the federal agency, state department, conservancy district, or political subdivision having jurisdiction and control over such waters. Any state department, conservancy district, or political subdivision may suspend its respective rules during a race, regatta, or special event. Nothing in this section shall be construed to mean that the operator of a vessel competing in a specially authorized race, regatta, or special event shall not attempt to attain high speeds on a marked racing course.

(B) On any waters in this municipality over which no federal agency, state department, conservancy district, or political subdivision has jurisdiction and control, no person or organization shall conduct any race, regatta, or other special event without first obtaining written permission, upon application not less than 30 days prior to the time of the proposed race, regatta, or event, of the Chief of the Division of Parks and Watercraft. The Chief of the Division of Parks and Watercraft may, after determining that the public safety will be adequately protected, grant written permission for holding such race, regatta, or special event. This section does not apply to privately owned lakes or ponds nor to canoes or rowboats.
(R.C. § 1547.20) (Rev. 2017) Penalty, see § 96.99

§ 96.21 SALE OF SINGLE CELLED INFLATABLE VESSELS PROHIBITED.

No person shall use or offer for use on the waters in this municipality any inflatable vessel made of canvas, rubber, synthetic rubber, or vinyl plastic unless the inflatable vessel is of multiple air cell or compartment construction and is capable of remaining afloat if one air cell or compartment is punctured or collapsed.
(R.C. § 1547.21) (Rev. 2002) Penalty, see § 96.99

§ 96.22 SITTING, STANDING, WALKING ON MOVING VESSELS RESTRICTED.

(A) No occupant of any vessel underway on the waters in this municipality shall sit, stand, or walk upon any portion of the vessel not specifically designed for that movement, except when immediately necessary for the safe and reasonable navigation or operation of the vessel. No operator of a vessel underway on the waters in this municipality shall allow any occupant of the vessel to sit, stand, or walk on any portion of the vessel underway not specifically designed for that use, except when immediately necessary for the safe and reasonable navigation or operation of the vessel.

(B) No person shall operate or permit to be operated any vessel on the waters in this municipality in violation of this section.
(R.C. § 1547.22) (Rev. 2002) Penalty, see § 96.99

§ 96.23 ENGINE WARM-UP REQUIRED.

The pilot or engineer of any powercraft for hire to carry passengers shall not permit passengers to come aboard before the engine of such powercraft has been permitted to run for a minimum of two minutes.
(R.C. § 1547.23) (Rev. 2002) Penalty, see § 96.99

§ 96.24 PERSONAL FLOTATION DEVICES FOR CHILDREN UNDER TEN.

No person shall operate or permit to be operated any vessel under 18 feet in length while there is present in the vessel any person under ten years of age, not wearing a Coast Guard approved wearable personal flotation device in good and serviceable condition of appropriate size securely attached to the person under ten years of age.
(R.C. § 1547.24) (Rev. 2017) Penalty, see § 96.99

§ 96.25 OPERATION WITHOUT PERSONAL FLOTATION DEVICES PROHIBITED.

(A) No person shall operate or permit to be operated any vessel, other than a vessel exempted by rules, on the waters in this municipality:

(1) That is 16 feet or greater in length without carrying aboard one wearable personal flotation device for each person aboard and one throwable personal flotation device;

(2) That is less than 16 feet in length, including paddlecraft of any length, without carrying aboard one wearable personal flotation device for each person aboard.

(B) No person shall operate or permit to be operated any commercial vessel on the waters in this municipality:

(1) That is less than 40 feet in length and is not carrying persons for hire without carrying aboard at least one wearable personal flotation device for each person aboard;

(2) That is carrying persons for hire or is 40 feet in length or longer and is not carrying persons for hire without carrying aboard at least one type one wearable personal flotation device for each person aboard that complies with all of the following:

(a) It is designed to support the person wearing the wearable personal flotation device in the water in an upright or slightly backward position and provides support to the head so that the face of an unconscious or exhausted person is held above the water.

(b) It is capable of turning the person wearing the wearable personal flotation device, upon entering the water, to a safe flotation position.

(c) It is capable of being worn inside out.

(d) It is capable of supporting a minimum of 22 pounds in fresh water for 48 hours.

(e) It is a highly visible color.

(3) That is 26 feet in length or longer without carrying aboard at least one throwable personal flotation device in addition to the applicable requirements of divisions (B)(1) and (B)(2) of this section.

(C) Each personal flotation device carried aboard a vessel, including a commercial vessel, pursuant to this section shall be Coast Guard approved and in good and serviceable condition, of appropriate size for the wearer, and readily accessible to each person aboard the vessel at all times, and used in accordance with any requirements on its approval label or in accordance with requirements in its owner's manual if the approval label refers to such a manual.

(D) A personal flotation device shall not be used in a manner that is inconsistent with any limitations or restrictions related to federal approval under 46 C.F.R. 160 or special instructions for use provided by the manufacturer. Appropriate use shall be indicated on the label of an approved personal flotation device with one or more of the following designations:

(1) Conditional approval;

(2) Performance type;

(3) Type one personal flotation device;

(4) Type two personal flotation device;

(5) Type three personal flotation device;

(6) Type four personal flotation device;

(7) Type five personal flotation device;

(8) Throwable personal flotation device;

(9) Wearable personal flotation device.

(E) As used in this section, ***COMMERCIAL VESSEL*** means any vessel used in the carriage of any person or property for a valuable consideration whether flowing directly or indirectly from the owner, partner, or agent or any other person interested in the vessel. The phrase does not include any vessel that is manufactured or used primarily for noncommercial use or that is leased, rented, or chartered to another for noncommercial use.
(R.C. § 1547.25) (Rev. 2017)

(F) Whoever violates this section is guilty of a misdemeanor of the fourth degree.
(R.C. § 1547.99(F)) (Rev. 2002)

§ 96.26 DISTRESS SIGNAL OR FLAG REQUIRED.

(A) No person shall operate on the waters of Lake Erie or the immediately connecting bays, harbors, and anchorage areas at any time a vessel that is 16 or more feet in length or any vessel carrying six or fewer passengers for hire without carrying Coast Guard approved visual distress signals for both day and night use.

(B) No person shall operate upon the waters of Lake Erie or the immediately connecting bays, harbors, and anchorage areas during the period from sunset to sunrise

according to local time any of the following without carrying Coast Guard approved visual distress signals for night use:

(1) A vessel less than 16 feet in length;

(2) A vessel competing in an organized marine parade, race, regatta, or similar event;

(3) A manually propelled vessel;

(4) A sailboat less than 26 feet in length with completely open construction and without propulsion machinery.

(C) No person shall operate a vessel on the waters in this state other than Lake Erie or the immediately connecting bays, harbors, and anchorage areas unless the vessel carries either a distress flag at least two feet square and international orange in color or a Coast Guard approved daytime distress signal.

(D) No person shall display any distress signal unless a vessel or a person is in distress and in need of help.

(E) Divisions (A) and (C) of this section do not apply to any of the following:

(1) Vessels competing in an organized marine parade, race, regatta, or similar event;

(2) Manually propelled vessels;

(3) Sailboats less than 26 feet in length with completely open construction and without propulsion machinery.

(F) The distress signals required by this section shall be in good and serviceable condition, readily accessible, and of the type and quantities required by regulations adopted under 46 U.S.C. § 4302, as amended.

(G) No person shall operate or permit to be operated any vessel on the waters in this municipality in violation of this section.
(R.C. § 1547.251) (Rev. 2002) Penalty, see § 96.99

§ 96.27 ANCHOR REQUIREMENTS.

(A) All watercraft, except sailboats less than 16 feet long having a cockpit depth of less than 12 inches and except canoes, shall carry an anchor and line of sufficient weight and length to anchor the watercraft securely. The Chief of the Division of Parks and Watercraft, by rule, may exempt other types of watercraft from this section after determining that carrying such an anchor and line would constitute a hazard.

(B) No person shall operate or permit to be operated any watercraft on the waters in this municipality in violation of this section.
(R.C. § 1547.26) (Rev. 2017) Penalty, see § 96.99

§ 96.28 SPECIFICATION FOR FIRE EXTINGUISHERS.

(A) Except those powercraft propelled by an electric motor and those less than 26 feet in length designed for use with an outboard motor, of open construction, and not carrying passengers for hire, all powercraft shall carry fire extinguishers as prescribed in this section. The fire extinguishers shall be capable of extinguishing a burning gasoline fire, shall be so placed as to be readily accessible and in such condition as to be ready for immediate and effective use, and shall comply with minimum or higher standards for such extinguishers then prevailing as prescribed by the United States Coast Guard.

(B) Class A and Class 1 powercraft shall carry at least one B-1 fire extinguisher. Class 2 powercraft shall carry at least two B-1 fire extinguishers or at least one B-2 fire extinguisher. Class 3 powercraft shall carry at least three B-1 fire extinguishers, or at least one B-1 and one B-2 fire extinguishers. A B-1 fire extinguisher is one containing a minimum of one and one-fourth gallons foam, four pounds carbon dioxide, two pounds dry chemical, two and one-half pounds halon, or another extinguishing material approved by the United States Coast Guard, in a quantity approved by the United States Coast Guard, for such use. A B-2 fire extinguisher is one containing a minimum of two and one-half gallons foam, 15 pounds carbon dioxide, ten pounds dry chemical, ten pounds halon, or another extinguishing material approved by the United States Coast Guard, in a quantity approved by the United States Coast Guard, for such use.

(C) No person shall operate or permit to be operated on the waters in this municipality any powercraft that does not comply with this section.
(R.C. § 1547.27) (Rev. 2002) Penalty, see § 96.99

§ 96.29 BACKFIRE FLAME CONTROL DEVICE REQUIRED.

Every gasoline engine installed in a vessel after April 25, 1940, except an outboard motor, shall be equipped with an acceptable device to control backfire flame. The device shall comply with all of the following:

(A) Be securely attached to the air intake with a flame-tight connection;

(B) Be in proper working order;

(C) Be Coast Guard approved or comply with either SAE J1928 or UL 1111;

(D) Be marked to indicate approval or compliance under division (C) of this section.
(R.C. § 1547.28) (Rev. 2002) Penalty, see § 96.99

§ 96.30 VENTILATION REQUIREMENT ON POWERCRAFT.

All powercraft using gasoline or other liquid fuel having a flashpoint of less than 110°F. shall be provided with ventilation as follows:

(A) At least two ventilators fitted with cowls or their equivalent for the purpose of properly and efficiently ventilating the bilges of every engine and fuel tank compartment in order to remove any inflammable or explosive gases;

(B) Any type of ventilating system approved for use by the United States Coast Guard;

(C) The ventilation of the boat is not required where the greater portion of the bilges of the engine and fuel tank compartment is open to the natural atmosphere.
(R.C. § 1547.29) (Rev. 2002) Penalty, see § 96.99

§ 96.31 ABANDONMENT OF JUNK VESSELS OR OUTBOARD MOTORS.

(A) *Law enforcement official may order storage of vessel or outboard motor left on private property; towing by private dock owner.*

(1) As used in this section:

LAW ENFORCEMENT AGENCY. Means any organization or unit comprised of law enforcement officers, as defined in R.C. § 2901.01.

VESSEL OR OUTBOARD MOTOR. Excludes an abandoned junk vessel or outboard motor, as defined in division (D) of this section, or any watercraft or outboard motor under R.C. § 4585.31.

(2) (a) The County Sheriff, Chief of Police, or other chief of a law enforcement agency, within the Sheriff's or Chief's respective territorial jurisdiction, upon complaint of any person adversely affected, may order into storage any vessel or outboard motor that has been left on private property, other than a private dock or mooring facility or structure, for at least 72 hours without the permission of the person having the right to the possession of the property. The Sheriff or Chief, upon complaint of the owner of a marine repair facility or place of storage, may order into storage any vessel or outboard motor that has been left at the facility or place of storage for a longer period than that agreed upon. The place of storage shall be designated by the Sheriff or Chief. When ordering a vessel or motor into storage under division (A)(2)(a) of this section, a Sheriff or Chief, whenever possible, shall arrange for the removal of the vessel or motor by a private tow truck operator or towing company.

(b) 1. Except as provided in division (A)(2)(b)4. of this section, no person, without the consent of the owner or other person authorized to give consent, shall moor, anchor, or tie a vessel or outboard motor at a private dock or mooring facility or structure owned by another person if the owner has posted, in a conspicuous manner, a prohibition against the mooring, anchoring, or tying of vessels or outboard motors at the dock, facility, or structure by any person not having the consent of the owner or other person authorized to give consent.

2. If the owner of a private dock or mooring facility or structure has posted at the dock, facility, or structure, in a conspicuous manner, conditions and regulations under which the mooring, anchoring, or tying of vessels or outboard motors is permitted at the dock, facility, or structure, no person, except as provided in division (A)(2)(b)4. of this section, shall moor, anchor, or tie a vessel or outboard motor at the dock, facility, or structure in violation of the posted conditions and regulations.

3. The owner of a private dock or mooring facility or structure may order towed into storage any vessel or outboard motor found moored, anchored, or tied in violation of division (A)(2)(b)1. or (A)(2)(b)2. of this section, provided that the owner of the dock, facility, or structure posts on it a sign that states that the dock, facility, or structure is private, is visible from all entrances to the dock, facility, or structure, and contains all of the following information:

a. The information specified in division (A)(2)(b)1. or (A)(2)(b)2. of this section, as applicable;

b. A notice that violators will be towed and that violators are responsible for paying the cost of the towing;

c. The telephone number of the person from whom a towed vessel or outboard motor may be recovered, and the address of the place to which the vessel or outboard motor will be taken and the place from which it may be recovered.

4. Divisions (A)(2)(b)1. or (A)(2)(b)2. of this section do not prohibit a person from mooring, anchoring, or tying a vessel or outboard motor at a private dock or mooring facility or structure if either of the following applies:

a. The vessel or outboard motor is disabled due to a mechanical or structural malfunction, provided that the person immediately removes the vessel or outboard motor from the dock, facility, or structure when the malfunction is corrected or when a reasonable attempt has been made to correct it;

b. Weather conditions are creating an imminent threat to safe operation of the vessel or outboard motor, provided that the person immediately removes the vessel or outboard motor from the dock, facility, or structure when the weather conditions permit safe operation of the vessel or outboard motor.

5. A person whose vessel or outboard motor is towed into storage under division (A)(2)(b)3. of this section either shall pay the costs of the towing of the vessel or outboard motor or shall reimburse the owner of the dock or mooring facility or structure for the costs that the owner incurs in towing the vessel or outboard motor.

(c) Subject to division (A)(3) of this section, the owner of a vessel or motor that has been removed under division (A)(2) of this section may recover the vessel or motor only in accordance with division (A)(6) of this section.

(3) If the owner or operator of a vessel or outboard motor that has been ordered into storage under division (A)(2) of this section arrives after the vessel or motor has been prepared for removal, but prior to its actual removal from the property, the owner or operator shall be given the opportunity to pay a fee of not more than one-half of the charge for the removal of vessels or motors under division (A)(2) of this section that normally is assessed by the person who has prepared the vessel or motor for removal, in order to obtain release of the vessel or motor. Upon payment of that fee, the vessel or motor shall be released to the owner or operator, and upon its release, the owner or operator immediately shall move it so that it is not on the private property without the permission of the person having the right to possession of the property, or is not at the facility or place of storage without the permission of the owner, whichever is applicable.

(4) The County Sheriff, Chief of Police, and each other chief of a law enforcement agency shall maintain a record of vessels or outboard motors that are ordered into storage under division (A)(2)(a) of this section. The record shall include an entry for each such vessel or motor that identifies the vessel's hull identification number or serial number, if any, the vessel's or motor's make, model, and color, the location from which it was removed, the date and time of its removal, the telephone number of the person from whom it may be recovered, and the address of the place to which it has been taken and from which it may be recovered. Any information in the record that pertains to a particular vessel or motor shall be provided to any person who, pursuant to a statement the person makes either in person or by telephone, is identified as the owner or operator of the vessel or motor and requests information pertaining to its location.

(5) Any person who registers a complaint that is the basis of a Sheriff's or Chief's order for the removal and storage of a vessel or outboard motor under division (A)(2)(a) of this section shall provide the identity of the law enforcement agency with which the complaint was registered to any person who, pursuant to a statement the person makes, is identified as the owner or operator of the vessel or motor and requests information pertaining to its location.

(6) (a) The owner of a vessel or outboard motor that is ordered into storage under division (A)(2) of this section may reclaim it upon payment of any expenses or charges incurred in its removal, in an amount not to exceed $200, and storage, in an amount not to exceed $5 per 24-hour period, and upon presentation of proof of ownership, which may be evidenced by a certificate of title to the vessel or motor, certificate of United States Coast Guard documentation, or certificate of registration if the vessel or motor is not subject to titling under R.C. § 1548.01.

(b) If a vessel or outboard motor that is ordered into storage under division (A)(2)(a) of this section remains unclaimed by the owner for 30 days, the procedures established by divisions (B) and (C) of this section shall apply.

(c) If a vessel or outboard motor ordered into storage under division (A)(2)(b) of this section remains unclaimed for 72 hours after being stored, the tow truck operator or towing company that removed the vessel or outboard motor shall provide notice of the removal and storage to the County Sheriff, Chief of Police, or other chief of a law enforcement agency within whose territorial jurisdiction the vessel or outboard motor had been moored, anchored, or tied in violation of division (A)(2)(b) of this section. The notice shall be in writing and include the vessel's hull identification number or serial number, if any, the vessel's or outboard motor's make, model, and color, the location from which it was removed, the date and time of its removal, the telephone number of the person from whom it may be recovered, and the address of the place to which it has been taken and from which it may be recovered.

1. Upon receipt of the notice, the Sheriff or Chief immediately shall cause a search to be made of the records of the Division of Parks and Watercraft to ascertain the owner and any lienholder of the vessel or outboard motor, and, if known, shall send notice to the owner and lienholder, if any, at the owner's and lienholder's last known address by certified mail, return receipt requested, that the vessel or outboard motor will be declared a nuisance and disposed of if not claimed not later than 30 days after the date of the mailing of the notice.

2. If the owner or lienholder makes no claim to the vessel or outboard motor within 30 days of the date of the mailing of the notice, the Sheriff or Chief 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 division (A)(6)(c) of this section, and the vessel or outboard motor shall be disposed of in accordance with division (C) of this section.

(7) No person shall remove, or cause the removal of, any vessel or outboard motor from private property other than in accordance with division (A)(2) of this section or division (B) of this section.
(R.C. § 1547.30) (Rev. 2017)

(B) *Storage of vessel or motor left in sunken, beached, drifting or docked condition; notice; affidavit; salvage certificate.*

(1) The County Sheriff, Chief of Police, or other chief of a law enforcement agency, within the Sheriff's or Chief's respective territorial jurisdiction, or a state highway patrol trooper, upon notification to the Sheriff or Chief of such action and of the location of the place of storage, may order into storage any vessel or outboard motor that has been left in a sunken, beached, or drifting condition for any period of time, or in a docked condition, on a public street or other property open to the public, or upon or within the right-of-way of any waterway, road, or highway, for 48 hours or longer without notification to the Sheriff or Chief of the reasons for leaving the vessel or motor in any such place or condition. The Sheriff or Chief shall designate the place of storage of any vessel or motor ordered removed by the Sheriff or Chief.

(2) The Sheriff or Chief shall immediately cause a search to be made of the records of the Division of Parks and Watercraft to ascertain the owner and any lienholder of a vessel or outboard motor ordered into storage by the Sheriff or Chief, and, if known, shall send notice to the owner and lienholder, if any, at the owner's or lienholder's last known address by certified mail, return receipt requested, that the vessel or motor will be declared a nuisance and disposed of if not claimed within ten days of the date of mailing of the notice. The owner or lienholder of the vessel or motor may reclaim it upon payment of any expenses or charges incurred in its removal and storage, and presentation of proof of ownership, which may be evidenced by a certificate of title to the vessel or motor, certificate of United States Coast Guard documentation, or certificate of registration if the vessel or motor is not subject to titling under R.C. § 1548.01.

(3) If the owner or lienholder makes no claim to the vessel or outboard motor within ten days of the date of mailing of the notice, and if the vessel or motor is to be disposed of at public auction as provided in division (C) of this section, the Sheriff or Chief 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 division (B). Upon presentation of the affidavit, the Clerk of Courts shall without charge issue a salvage certificate of title, free and clear of all liens and encumbrances, to the Sheriff or Chief and shall send a copy of the affidavit to the Chief of the Division of Parks and Watercraft. If the vessel or motor is to be disposed of to a marine salvage dealer or other facility as provided in division (C) of this section, the Sheriff or Chief shall execute in triplicate an affidavit, as prescribed by the Chief of the Division of Parks and Watercraft, describing the vessel or motor and the manner in which it was disposed of, and that all requirements of this division (B) have been complied with. The Sheriff or Chief shall retain the original of the affidavit for the Sheriff's or Chief's records and shall furnish two copies to the marine salvage dealer or other facility. Upon presentation of a copy of the affidavit by the marine salvage dealer or other facility, the Clerk of Courts shall issue to such owner a salvage certificate of title, free and clear of all liens and encumbrances.

(4) Whenever the marine salvage dealer or other facility receives an affidavit for the disposal of a vessel or outboard motor as provided in this division (B), such owner shall not be required to obtain an Ohio certificate of title to the vessel or motor in the owner's own name if the vessel or motor is dismantled or destroyed and both copies of the affidavit are delivered to the Clerk of Courts. Upon receipt of such an affidavit, the Clerk of Courts shall send one copy of it to the Chief of the Division of Parks and Watercraft.
(R.C. § 1547.301) (Rev. 2017)

(C) *Disposal of unclaimed vessel or motor.*

(1) Unclaimed vessels or outboard motors ordered into storage under division (A)(2) of this section or division (B) of this section shall be disposed of at the order of the County Sheriff, the Chief of Police, or another chief of a law enforcement agency, in any of the following ways:

(a) To a marine salvage dealer;

(b) To any other facility owned, operated, or under contract with the state or the county, municipality, township, or other political subdivision;

(c) To a charitable organization, religious organization, or similar organization not used and operated for profit;

(d) By sale at public auction by the Sheriff, the Chief, or an auctioneer licensed under R.C. Chapter 4707, after giving notice of the auction by advertisement, published once a week for two consecutive weeks in a newspaper of general circulation in the county or as provided in R.C. § 7.16.

(2) Any moneys accruing from the disposition of an unclaimed vessel or motor that are in excess of the expenses resulting from the removal and storage of the vessel or motor shall be credited to the General Revenue Fund or to the General Fund of the county, municipality, township, or other political subdivision, as appropriate.

(3) As used in this division (C), ***CHARITABLE ORGANIZATION*** has the same meaning as in R.C. § 1716.01.
(R.C. § 1547.302) (Rev. 2012)

(D) *Disposal of abandoned vessel or motor.*

(1) As used in this division and division (E) of this section:

ABANDONED JUNK VESSEL OR OUTBOARD MOTOR. Means any vessel or outboard motor meeting all of the following requirements:

1. It has been left on private property for at least 72 hours without the permission of the person having the right to the possession of the property; left in a sunken, beached, or drifting condition for any period of time; or left in a docked condition, on a public street or other

property open to the public, or upon or within the right-of-way of any waterway, road, or highway, for 48 hours or longer without notification to the County Sheriff, the Chief of Police, or other chief of a law enforcement agency having territorial jurisdiction with respect to the location of the vessel or motor, of the reasons for leaving the vessel or motor in any such place or condition;

2. It is three years old or older;

3. It is extensively damaged, such damage including but not limited to any of the following: missing deck, hull, transom, gunwales, motor, or outdrive;

4. It is apparently inoperable;

5. It has a fair market value of $200 or less.

LAW ENFORCEMENT AGENCY. Means any organization or unit comprised of law enforcement officers, as defined in R.C. § 2901.01.

(2) The County Sheriff, Chief of Police, or other chief of a law enforcement agency, within the Sheriff's or Chief's respective territorial jurisdiction, or a state highway patrol trooper, upon notification to the Sheriff or Chief of such action, shall order any abandoned junk vessel or outboard motor to be photographed by a law enforcement officer. The officer shall record the make of vessel or motor, the hull identification number or serial number when available, and shall also detail the damage or missing equipment to substantiate the value of $200 or less. The Sheriff or Chief shall thereupon immediately dispose of the abandoned junk vessel or outboard motor to a marine salvage dealer or other facility owned, operated, or under contract to the state, the county, township, or municipality for the destruction of such vessels or motors. The records and photographs relating to the abandoned junk vessel or outboard motor shall be retained by the law enforcement agency ordering the disposition of the vessel or motor for a period of at least two years. The law enforcement agency shall execute in quadruplicate an affidavit, as prescribed by the Chief of the Division of Parks and Watercraft, describing the vessel or motor and the manner in which it was disposed of, and that all requirements of this section have been complied with, and shall sign and file the same with the Clerk of Courts of the county in which the vessel or motor was abandoned. The Clerk of Courts shall retain the original of the affidavit for the Clerk's files, shall furnish one copy thereof to the Chief of the Division of Parks and Watercraft, one copy to the marine salvage dealer or other facility handling the disposal of the vessel or motor, and one copy to the law enforcement agency ordering the disposal, who shall file such copy with the records and photographs relating to the disposal. Any moneys arising from the disposal of an abandoned junk vessel or outboard motor shall be credited to the General Revenue Fund, or to the General Fund of the county, township, municipality, or other political subdivision, as appropriate.

(3) Notwithstanding division (B) of this section, any vessel or outboard motor meeting the requirements of divisions (D)(1)(a)3. to (D)(1)(a)5. of this section which has remained unclaimed by the owner or lienholder for a period of ten days or longer following notification as provided in division (B) of this section may be disposed of as provided in this division (D).
(R.C. § 1547.303) (Rev. 2017)

(E) *Abandonment of vessel or motor without notice to law enforcement official prohibited.*

(1) No person shall purposely leave an abandoned junk vessel or outboard motor on private property for more than 72 hours without the permission of the person having the right to the possession of the property; in a sunken, beached, or drifting condition for any period of time; or in a docked condition, on a public street or other property open to the public, or upon or within the right-of-way of any waterway, road, or highway, for 48 hours or longer without notification to the County Sheriff, Chief of Police or other chief of a law enforcement agency having territorial jurisdiction with respect to the location of the vessel or motor, of the reasons for leaving the vessel or motor in any such place or condition.

(2) For purposes of this division (E), the fact that an abandoned junk vessel or outboard motor has been so left without permission or notification is prima facie evidence of abandonment.

(3) Nothing in this section or R.C. §§ 1547.30, 1547.301, and 1547.303 invalidates the provisions of any ordinance of the municipality regulating or prohibiting the abandonment of vessels or outboard motors on waterways, beaches, docks, streets, highways, public property, or private property within the boundaries of the municipality.
(R.C. § 1547.304)

(F) *Penalty.*

(1) Whoever violates division (A)(7) of this section is guilty of a misdemeanor of the fourth degree.
(R.C. § 1547.99(F))

(2) Whoever violates division (E) of this section is guilty of a misdemeanor of the fourth degree and also shall be assessed any costs incurred by the state or a county, township, municipal corporation, or other political subdivision in disposing of an abandoned junk vessel or outboard motor, less any money accruing to the state, county, township, municipal corporation, or other political subdivision from that disposal.
(R.C. § 1547.99(H)) (Rev. 2002) Penalty, see § 96.99

§ 96.32 EXHAUST MUFFLER REQUIRED; NOISE LEVELS; EXCEPTIONS.

(A) Every powercraft operated on the waters in this municipality shall be equipped at all times with a muffler or a muffler system that is in good working order, in constant

operation, and effectively installed to prevent excessive or unusual noise.

(B) (1) No person shall operate or give permission for the operation of a powercraft on the waters in this municipality in such a manner as to exceed a noise level of 90 decibels on the "A" scale when subjected to a stationary sound level test as prescribed by SAE J2005.

(2) No person shall operate or give permission for the operation of a powercraft on the waters in this municipality in such a manner as to exceed a noise level of 75 decibels on the "A" scale measured as specified by SAE J1970. Measurement of a noise level of not more than 75 decibels on the "A" scale of a powercraft in operation does not preclude the conducting of a stationary sound level test as prescribed by SAE J2005.

(C) No person shall operate or give permission for the operation of a powercraft on the waters in this municipality that is equipped with an altered muffler or muffler cutout, or operate or give permission for the operation of a powercraft on the waters in this municipality in any manner that bypasses or otherwise reduces or eliminates the effectiveness of any muffler or muffler system installed in accordance with this section, unless the applicable mechanism has been permanently disconnected or made inoperable.

(D) No person shall remove, alter, or otherwise modify in any way a muffler or muffler system in a manner that will prevent it from being operated in accordance with this section.

(E) No person shall manufacture, sell, or offer for sale a powercraft that is not equipped with a muffler or muffler system that prevents noise levels in excess of those established in division (B)(1) of this section.

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

(1) A powercraft that is designed, manufactured, and sold for the sole purpose of competing in racing events. The exception established under this division (F)(1) shall be documented in each sale agreement and shall be acknowledged formally by the signatures of the buyer and the seller. The buyer and the seller shall maintain copies of the sale agreement. A copy of the sale agreement shall be kept aboard the powercraft when it is operated. A powercraft to which the exception established under this division (F)(1) applies shall be operated on the waters in this municipality only in accordance with division (F)(2) of this section.

(2) A powercraft that is actually participating in a sanctioned racing event or in tune-up periods for a sanctioned racing event on the waters in this municipality and that is being operated in accordance with this division (F)(2). For the purposes of this division (F)(2), a sanctioned racing event is a racing event that is conducted in accordance with § 96.20 or R.C. § 1547.20 or that is approved by the United States Coast Guard. The operator of a powercraft that is operated on the waters in this municipality for the purpose of a sanctioned racing event shall comply with § 96.20 and R.C. § 1547.20 and requirements established under it or with requirements established by the Coast Guard, as appropriate. Failure to comply subjects the operator to this section.

(3) A powercraft that is being operated on the waters in this municipality by or for a boat or engine manufacturer for the purpose of testing, development, or both and that complies with this division (F)(3). The operator of such a powercraft shall have aboard at all times and shall produce on demand of a law enforcement officer a current, valid letter issued by the Chief of the Division of Parks and Watercraft in accordance with rules adopted under R.C. § 1547.31(I)(1). Failure to produce the letter subjects the operator to this section.

(G) A law enforcement officer who is trained in accordance with rules adopted under R.C. § 1547.31(I)(2) and who has reason to believe that a powercraft is not in compliance with the noise levels established in this section may direct the operator of the powercraft to submit it to an on-site test to measure the level of the noise emitted by the powercraft. The operator shall comply with that direction. The officer may remain aboard the powercraft during the test at the officer's discretion. If the level of the noise emitted by the powercraft exceeds the noise levels established in this section, the officer may direct the operator to take immediate and reasonable measures to correct the violation, including returning the powercraft to a mooring and keeping it at the mooring until the violation is corrected or ceases.

(H) A law enforcement officer who conducts powercraft noise level tests pursuant to this section shall be trained to do so in accordance with rules adopted under Ohio R.C. § 1547.31(I)(2).
(R.C. § 1547.31(A) - (H)) (Rev. 2017)

(I) Whoever violates this section is guilty of a misdemeanor of the fourth degree on a first offense. On each subsequent offense, the person is guilty of a misdemeanor of the third degree.
(R.C. § 1547.99(J)) (Rev. 2002)

§ 96.33 SAFETY EQUIPMENT ON RENTAL VESSELS.

(A) No person who lets vessels for hire, or the agent or employee thereof, shall rent, lease, charter, or otherwise permit the use of a vessel, unless the person provides the vessel with the equipment required under R.C. §§ 1547.25, 1547.251, 1547.26, 1547.27, 1547.28, 1547.29, and 1547.31 and rules, or any substantially equivalent municipal ordinances, regarding the equipment of vessels, and complies with the requirements of R.C. §§ 1547.24, 1547.40, 1547.53, 1547.57, and either R.C. § 1547.54 or 1547.542, and rules, or any substantially equivalent municipal ordinances, to implement and enforce those sections.
(R.C. § 1547.38) (Rev. 2017)

(B) Whoever violates this section is guilty of a misdemeanor of the fourth degree.
(R.C. § 1547.99(F)) (Rev. 2002)

§ 96.34 CAPACITY PLATE.

(A) *Required; display.*

(1) No person, after January 1, 1977, shall manufacture, sell, or offer for sale any watercraft propelled by machinery as its principal source of power, or watercraft designed to be manually propelled, less than 20 feet in length, and designed to carry two or more persons, manufactured after that date, unless a capacity plate containing the correct information, as prescribed by regulations adopted by the United States Coast Guard, is firmly attached to the watercraft. The capacity plate shall be attached in such a location that it is clearly legible from the position designed or intended to be occupied by the operator when the watercraft is underway.

(2) No person shall operate or permit to be operated on the waters in this municipality watercraft for which a capacity plate is required under this section unless the capacity plate is attached.

(3) No person shall alter, remove, or deface any information contained on the capacity plate unless the manufacturer has altered the watercraft in such a way that would require a change in the information contained on the capacity plate.

(4) As used in this division (A), ***MANUFACTURE*** means to construct or assemble a watercraft, or to alter a watercraft in such a manner as to affect or change its weight capacity or occupant capacity.
(R.C. § 1547.39)

(B) *Prohibitions.*

(1) No person shall operate or permit to be operated on the waters in this municipality a watercraft to which a capacity plate is attached if the total load exceeds the weight capacity indicated on the capacity plate, if the number of persons aboard exceeds the occupant capacity indicated on the capacity plate, or if the horsepower of any attached outboard motor exceeds the maximum horsepower indicated on the capacity plate.

(2) When no capacity plate exists, no person shall operate or permit to be operated on the waters in this municipality a watercraft if a reasonably prudent person would believe that either of the following circumstances applies:

(a) The total load aboard the watercraft has associated with it a risk of physical harm to persons or property;

(b) The total horsepower of any inboard engine or attached outboard motor has associated with it a risk of physical harm to persons or property.
(R.C. § 1547.40)

(C) *Penalty.* Whoever violates any of the provisions of this section is guilty of a misdemeanor of the fourth degree.
(R.C. § 1547.99(F)) (Rev. 2002)

§ 96.35 LITTERING PROHIBITED.

(A) As used in this section, ***LITTER*** means garbage, trash, waste, rubbish, ashes, cans, bottles, wire, paper, cartons, vessel parts, vehicle parts, furniture, glass, or anything else of an unsightly or unsanitary nature.

(B) No operator or occupant of a vessel shall, regardless of intent, throw, drop, discard, or deposit litter from any vessel in operation or control upon or in any waters in this municipality, except into a litter receptacle in a manner that prevents its being carried away or deposited by the elements.

(C) No operator of a vessel in operation upon any waters in this municipality shall allow litter to be thrown, dropped, discarded, or deposited from the vessel, except into a litter receptacle in a manner that prevents its being carried away or deposited by the elements.
(R.C. § 1547.49)

(D) Whoever violates division (B) or (C) of this section is guilty of a minor misdemeanor.
(R.C. § 1547.99(I)) (Rev. 2002)

§ 96.36 DWELLINGS: SANITARY SYSTEMS.

(A) *Watercraft dwelling unlawful if a nuisance; exception.* No person shall use any vessel for the purpose of establishing or maintaining a dwelling which creates a nuisance of either permanent or temporary nature on any of the waters in this state except Lake Erie, the Muskingum River, the Ohio River, and the immediately connected harbors and anchorage facilities or in such other areas as may be designated for the purpose.
(R.C. § 1547.32)

(B) *Discharging sanitary systems prohibited; exception.* Except on the waters of Lake Erie, the Muskingum River, or the Ohio River, no person shall launch, moor, dock, use, operate, or permit to be operated on any of the waters in this state any vessel that contains a sink, toilet, or sanitary system that is capable of discharging urine, fecal matter, contents of a chemical commode, kitchen wastes, laundry wastes, slop sink drainage, or other household wastes into the waters in this state. Such a sink, toilet, or sanitary system shall be removed, sealed, or made to drain into a tank or reservoir that can be carried or pumped ashore for disposal in a sewage treatment works approved by the Director of Environmental Protection.
(R.C. § 1547.33)

(C) *Penalty.* Whoever violates division (B) of this section is guilty of a misdemeanor of the fourth degree. (R.C. § 1547.99(F)) (Rev. 2002) Penalty, see § 96.99

§ 96.37 PRIMA FACIE EVIDENCE OF NEGLIGENCE.

Violations of §§ 96.02 through 96.36 and/or R.C. §§ 1547.02 through 1547.36 which result in injury to persons or damage to property shall constitute prima facie evidence of negligence in a civil action.
(R.C. § 1547.34) (Rev. 2002)

§ 96.38 REQUIREMENTS FOR OPERATING PERSONAL WATERCRAFT.

(A) (1) No person shall operate or permit the operation of a personal watercraft unless each person on the watercraft is wearing a Coast Guard approved wearable personal flotation device used in compliance with manufacturer labeling.

(2) A person operating a personal watercraft that is equipped by the manufacturer with a lanyard type engine cutoff switch shall attach the lanyard to the person, the person's clothing, or the personal flotation device as appropriate for the specific watercraft.

(3) No person shall operate a personal watercraft at any time between sunset and sunrise.

(4) No person who owns a personal watercraft or who has charge over or control of a personal watercraft shall authorize or knowingly permit the personal watercraft to be operated in violation of this chapter or R.C. Chapter 1547.

(B) This section does not apply to a person who is participating in a regatta, race, marine parade, tournament, or exhibition that is operated in accordance with § 96.20 or R.C. § 1547.20 or that is United States Coast Guard approved.
(R.C. § 1547.41) (Rev. 2017) Penalty, see § 96.99

§ 96.39 NUMBERING.

(A) Every watercraft operated on the waters in this municipality shall be numbered by this state in accordance with federal law or a federally approved numbering system of another state. A watercraft numbered by this state shall display the number on the watercraft as provided in R.C. § 1547.57.

(B) Watercraft exempt from numbering by the state are:

(1) Those currently documented by the United States Coast Guard or its successor;

(2) Those whose principal use is not on the waters in this state and that have not been used within this state for more than 60 days and have a valid number assigned under a federally approved numbering system by another state if the number is displayed in accordance with the requirements of that system and the certificate of number is available for inspection whenever the watercraft is on waters in this state;

(3) Those from a country other than the United States, temporarily using the waters in this state;

(4) Those whose owner is the United States, a state, or a political subdivision of a state, that fit either of the following descriptions, and that are clearly identifiable as such:

(a) A powercraft that principally is used for governmental purposes other than recreational purposes;

(b) A watercraft other than a powercraft;

(5) A ship's lifeboat. As used in this division, ***LIFEBOAT*** means a watercraft that is held aboard another vessel and used exclusively for emergency purposes;

(6) Those that have been exempted from numbering by the Chief of the Division of Parks and Watercraft after the Chief of the Division of Parks and Watercraft has found that the numbering of the watercraft will not materially aid in their identification and, if an agency of the United States has a numbering system applicable to the watercraft, after the Chief of the Division of Parks and Watercraft has further found that they also would be exempt from numbering by the United States government if they were subject to the federal law;

(7) Those temporarily using the waters in this state under a waiver issued by the Chief of the Division of Parks and Watercraft to an organization sponsoring a race, regatta, or special event. The Chief of the Division of Parks and Watercraft may issue a waiver upon application by the sponsoring organization at least 15 days before the date of the proposed race, regatta, or special event. The waiver shall be effective for ten days including the day or days of the proposed race, regatta, or special event. Such a waiver does not obviate the need for compliance with § 96.20 or R.C. § 1547.20;

(8) Canoes, rowboats, and inflatable watercraft that are registered under R.C. § 1547.54 and that an owner, in accordance with this division, chooses not to have numbered under this section. An owner of a canoe, rowboat, or inflatable watercraft may choose to do either of the following:

(a) Have it numbered under this section, pay a lesser registration fee under R.C. § 1547.54(A)(2)(a), and obtain square tags under R.C. § 1547.57(A);

(b) Not have it numbered under this section, pay a higher registration fee under R.C. § 1547.54(A)(2)(b), and obtain a rectangular tag under R.C. § 1547.57(C).
(R.C. § 1547.53) (Rev. 2017) Penalty, see § 96.99

§ 96.40 REGISTRATION.

(A) (1) Except as provided in division (A)(2) or (B) of this section, no person shall operate or give permission for the operation of any watercraft on the waters in this municipality unless the watercraft is registered in the name of the current owner in accordance with R.C. § 1547.54, and the registration is valid and in effect.

(2) (a) On and after January 1, 1999, if a watercraft that is required to be issued a certificate of title under R.C. Chapter 1548 is transferred to a new owner, it need not be registered under R.C. § 1547.54 for 60 days following the date of the transfer, provided that the new owner purchases a temporary watercraft registration under division (A) of this section or holds a bill of sale from a watercraft dealer.

(b) For the purposes of division (A)(2) of this section, a temporary watercraft registration or a bill of sale from a watercraft dealer shall contain at least all of the following information:

1. The hull identification number or serial number of the watercraft;

2. The make of the watercraft;

3. The length of the watercraft;

4. The type of propulsion, if any;

5. The state in which the watercraft principally is operated;

6. The name of the owner;

7. The address of the owner, including the zip code;

8. The signature of the owner;

9. The date of purchase;

10. A notice to the owner that the temporary watercraft registration expires 60 days after the date of purchase of the watercraft or that the watercraft cannot be operated on the waters in this State solely under the bill of sale beginning 60 days after the date of purchase of the watercraft, as applicable.

(3) A person may purchase a temporary watercraft registration from the Chief of the Division of Parks and Watercraft or from an authorized agent designated under R.C. § 1547.54. The Chief of the Division of Parks and Watercraft shall furnish forms for temporary watercraft registrations to authorized agents. In addition to completing the registration form with the information specified in divisions (A)(2) of this section, the person shall pay one of the applicable fees required under R.C. § 1547.54(A)(2)(a) through (A)(2)(g) as provided in that section. Moneys received for the payment of temporary watercraft registrations shall be deposited to the credit of the Waterways Safety Fund created in R.C. § 1547.75.

(4) In addition to the applicable fee required under division (A)(3) of this section, the Chief of the Division of Parks and Watercraft or an authorized agent shall charge an additional writing fee of $3 for a temporary watercraft registration that the Chief of the Division of Parks and Watercraft or the authorized agent issues. When the temporary watercraft registration is issued by an authorized agent, the agent may retain the additional writing fee. When the temporary watercraft registration is issued by the Chief of the Division of Parks and Watercraft, the additional writing fee shall be deposited to the credit of the Waterways Safety Fund.

(5) A person who purchases a temporary watercraft registration for a watercraft and who subsequently applies for a registration certificate under R.C. § 1547.54 need not pay the fee required under R.C. § 1547.54(A)(2) for the initial registration certificate issued for that watercraft, provided that at the time of application for the registration certificate, the person furnishes proof of payment for the temporary watercraft registration.

(6) A person who purchases a temporary watercraft registration, who subsequently applies for a registration certificate under R.C. § 1547.54, and who is exempt from payment for the registration certificate under R.C. § 1547.54(P), may apply to the Chief of the Division of Parks and Watercraft for a refund of the amount paid for the temporary watercraft registration at the time that the person applies for a registration certificate. The Chief of the Division of Parks and Watercraft shall refund that amount upon issuance to the person of a registration certificate.

(7) All records of the Division of Parks and Watercraft made or maintained for the purposes of divisions (A)(2) through (A)(8) of this section are public records. The records shall be available for inspection at reasonable hours and in a manner that is compatible with normal operations of the division.

(8) Pursuant to R.C. § 1546.04(C)(2), the Chief of the Division of Parks and Watercraft may adopt rules establishing all of the following:

(a) Record-keeping requirements governing the issuance of temporary watercraft registrations and the use of bills of sale from watercraft dealers for the purposes of division (A)(2) of this section;

(b) Procedures and requirements for the refund of fees under division (A)(6) of this section;

(c) Any other procedures and requirements necessary for the administration and enforcement of divisions (A)(2) through (A)(8) of this section.

(B) All of the following watercraft are exempt from registration:

(1) Those that are exempt from numbering by the State under R.C. § 1547.53(B) through (G);

(2) Those that have been issued a commercial documentation by the United States Coast Guard or its successor and are used exclusively for commercial purposes;

(3) Those that have been documented by the United States Coast Guard or its successor as temporarily transitting, whose principal use is not on the waters in this state, and that have not been used within this state for more than 60 days.

(C) No person shall operate a watercraft documented by the United States Coast Guard or its successor unless the certificate of documentation is valid, is on the watercraft for which it has been issued, and is available for inspection whenever the watercraft is in operation. In accordance with 46 C.F.R. § 67, as amended, the watercraft shall display the official number, the vessel name, and the home port listed on the certificate of documentation.

(D) (1) For the purposes of this section and R.C. § 1547.53, a watercraft is principally using the waters in this state if any of the following applies:

(a) The owner resides in this state and declares that the watercraft principally is using the waters in this state.

(b) The owner resides in another state but declares that the watercraft principally is using the waters in this state.

(c) The watercraft is registered in another state or documented by the United States Coast Guard and is used within this state for more than 60 days regardless of whether it has been assigned a seasonal or permanent mooring at any public or private docking facility in this State.

(2) Notwithstanding division (D)(1)(c) of this section, a person on active duty in the armed forces of the United States may register a watercraft in the person's state of permanent residence in lieu of registering it in this state regardless of the number of days that the watercraft is used in this state.
(R.C. § 1547.531) (Rev. 2017) Penalty, see § 96.99

§ 96.41 TAGS INDICATING EXPIRATION DATE; ATTACHMENT OF IDENTIFICATION NUMBER.

(A) Except as otherwise provided in division (C) of this section, when the Chief of the Division of Parks and Watercraft issues a registration certificate under R.C. § 1547.54, the Chief of the Division of Parks and Watercraft also shall issue to the applicant two tags not larger than three inches square, color coded, indicating the expiration date of the certificate. The owner of watercraft currently documented by the United States Coast Guard and for which a registration certificate is issued shall securely affix one tag to the watercraft's port side and the other tag to the starboard side so that the tags are clearly visible under normal operating conditions. The tags shall be removed from the watercraft when they become invalid. The owner of any other watercraft for which a registration certificate is issued shall securely affix one tag to the watercraft's port side, six inches toward the stern from the identification number, and the other tag to the starboard side, six inches toward the stern from the identification number. The tags shall be securely affixed to the watercraft prior to its operation, but shall be removed from the watercraft when they become invalid. A person may operate without a registration certificate issued under R.C. § 1547.54, for a period not to exceed 45 days, any watercraft required to be titled on the waters in this state if the person is in compliance with R.C. § 1547.531.

(B) The owner of every watercraft requiring numbering by this state shall attach to each side of the bow of the watercraft the permanent identification number in such manner as may be prescribed by applicable federal standards in order that it shall be clearly visible. The number shall be maintained in a legible condition at all times. No number other than the number assigned to a watercraft or granted by reciprocity pursuant to R.C. Chapter 1547 shall be painted, attached, or otherwise displayed on either side of the bow of the watercraft.

(C) When the Chief of the Division of Parks and Watercraft issues a registration certificate under R.C. § 1547.54 for a canoe, rowboat, or inflatable watercraft that has not been numbered under R.C. § 1547.53, the Chief shall also issue to the applicant a tag not larger than three inches by six inches, with distinguishing color coding and a number for identification purposes. The owner of the canoe, rowboat, or inflatable watercraft for which the registration certificate is issued shall affix the tag securely to a location on the canoe, rowboat, or inflatable watercraft as prescribed by rules.

(D) No person shall operate or permit to be operated any watercraft on the waters in this municipality in violation of this section.
(R.C. § 1547.57) (Rev. 2017) Penalty, see § 96.99

§ 96.42 ALTERING OF SERIAL NUMBERS; FALSE INFORMATION PROHIBITED.

(A) No person shall deface or alter any serial number, model designation, or other identifying mark on any watercraft or motor as placed thereon by the manufacturer thereof, or remove, deface, or alter the registration number of any watercraft as the registration number appears on the bow thereof except by specific order of the Chief of the Division of Parks and Watercraft.

(B) No person shall give purposely false information concerning any watercraft or motor when applying for registration of the watercraft. Any certificate issued which is found to be based on such false information is void.
(R.C. § 1547.66) (Rev. 2017)

(C) Whoever violates this section is guilty of a misdemeanor of the first degree.
(R.C. § 1547.99(B)) (Rev. 2002)

§ 96.43 ACCIDENT REPORTS.

(A) *Operator to stop and furnish information upon accident or collision.*

(1) In case of accident to or collision with persons or property on the waters of this municipality, due to the operation of any vessel, the operator having knowledge of the accident or collision shall immediately stop the vessel at the scene of the accident or collision, to the extent that it is safe and practical, and shall remain at the scene of the accident or collision until he or she has given his or her name and address and, if he or she is not the owner, the name and address of the owner of the vessel, together with the registration number of the vessel, if any, to any person injured in the accident or collision or to the operator, occupant, owner, or attendant of any vessel damaged in the accident or collision, or to any law enforcement officer at the scene of the accident or collision.

(2) If the injured person is unable to comprehend and record the information required to be given by this section, the other operator involved in the accident or collision shall forthwith notify the nearest law enforcement agency having authority concerning the location of the accident or collision, and his or her name, address, and the registration number, if any, of the vessel he or she was operating, and then remain at the scene of the accident or collision or at the nearest location from which notification is possible until a law enforcement officer arrives, unless removed from the scene by an emergency vehicle operated by the state or a political subdivision or by an ambulance.

(3) If the accident or collision is with an unoccupied or unattended vessel, the operator so colliding with the vessel shall securely attach the information required to be given in this section, in writing, to a conspicuous place in or on the unoccupied or unattended vessel.
(R.C. § 1547.10)

(B) *Duties after collision or accident; accident reports.*

(1) The operator of a vessel involved in a collision, accident, or other casualty, so far as the operator can do so without serious danger to the operator's own vessel, crew, and passengers, shall render to other persons affected by the collision, accident, or other casualty such assistance as may be practicable and as may be necessary in order to save them from or minimize any danger caused by the collision, accident, or other casualty. The operator also shall give the operator's name, address, and identification of the operator's vessel in writing to any person injured and to the owner of any property damaged in the collision, accident, or other casualty.

(2) Any person who renders assistance at the scene of a collision, accident, or other casualty involving a vessel is not liable in a civil action for damages or injury to persons or property resulting from any act or omission in rendering assistance or in providing or arranging salvage, towage, medical treatment, or other assistance, except that the person is liable for willful or wanton misconduct in rendering assistance. Nothing in this section precludes recovery from any tortfeasor causing a collision, accident, or other casualty of damages caused or aggravated by the rendering of assistance.

(3) In the case of collision, accident, or other casualty involving a vessel, the operator thereof, if the collision, accident, or other casualty results in loss of life, personal injury requiring medical treatment beyond first aid, or damage to property in excess of $500, or the total loss of a vessel, shall file with the Chief of the Division of Parks and Watercraft a full description of the collision, accident, or other casualty on a form prescribed by the Chief of the Division of Parks and Watercraft.

(4) If the operator of the vessel involved in a collision, accident, or other casualty is incapacitated, the investigating law enforcement officer shall file the required form as prescribed by the Chief of the Division of Parks and Watercraft.
(R.C. § 1547.59) (Rev. 2017)

(C) *Penalty.* Whoever violates division (A) of this section is guilty of a misdemeanor of the first degree.
(R.C. § 1547.99(B)) (Rev. 2002) Penalty, see § 96.99

§ 96.44 ENFORCEMENT.

Every Sheriff, deputy sheriff, Marshal, deputy marshal, member of the organized police department of any municipal corporation, police constable of any township, wildlife officer, natural resources officer, conservancy district police officer, and other law enforcement officer, within the area of any such law enforcement officer's authority, may enforce this chapter, R.C. Chapter 1547 and rules and, in the exercise thereof, may stop and board any vessel subject to this chapter and Ohio R.C. Chapter 1547, and rules.
(R.C. § 1547.63) (Rev. 2017)

§ 96.45 FIREARMS OFFENSES; SIGNALING DEVICES.

(A) As used in this section:

ACTIVE DUTY, CONCEALED HANDGUN LICENSE, FIREARM, HANDGUN, and ***VALID CONCEALED HANDGUN LICENSE***. Have the same meanings as in R.C. § 2923.11.

UNLOADED. Has the same meaning meanings as in R.C. § 2923.16(K)(5) and (K)(6), except that all references in the definition in R.C. § 2923.16(K)(5) to "vehicle" shall be

construed for purposes of this section to be references to "vessel".

(B) No person shall knowingly discharge a firearm while in or on a vessel.

(C) No person shall knowingly transport or have a loaded firearm in a vessel in a manner that the firearm is accessible to the operator or any passenger.

(D) No person shall knowingly transport or have a firearm in a vessel unless it is unloaded and is carried in one of the following ways:

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

(2) In plain sight with the action opened or the weapon stripped, or, if the firearm is of a type on which the action will not stay open or that cannot easily be stripped, in plain sight.

(E) (1) The affirmative defenses authorized in R.C. § 2923.12(D)(1) and (D)(2) are affirmative defenses to a charge under division (C) or (D) of this section that involves a firearm other than a handgun. It is an affirmative defense to a charge under division (C) or (D) of this section of transporting or having a firearm of any type, including a handgun, in a vessel that the actor transported or had the firearm in the vessel for any lawful purpose and while the vessel was on the actor's own property, provided that this affirmative defense is not available unless the actor, prior to arriving at the vessel on the actor's own property, did not transport or possess the firearm in the vessel or in a motor vehicle in a manner prohibited by this section or R.C. § 2923.16(B) or (C) while the vessel was being operated on a waterway that was not on the actor's own property or while the motor vehicle was being operated on a street, highway, or other public or private property used by the public for vehicular traffic.

(2) No person who is charged with a violation of division (C) or (D) of this section shall be required to obtain a license or temporary emergency license to carry a concealed handgun under R.C. § 2923.125 or 2923.1213 as a condition for the dismissal of the charge.

(F) Divisions (B), (C), and (D) of this section do not apply to the possession or discharge of a United States Coast Guard approved signaling device required to be carried aboard a vessel under R.C. § 1547.251 when the signaling device is possessed or used for the purpose of giving a visual distress signal. No person shall knowingly transport or possess any signaling device of that nature in or on a vessel in a loaded condition at any time other than immediately prior to the discharge of the signaling device for the purpose of giving a visual distress signal.

(G) No person shall operate or permit to be operated any vessel on the waters in this municipality in violation of this section.

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

(a) An officer, agent, or employee of this or any other state or of the United States, or to a law enforcement officer, when authorized to carry or have loaded or accessible firearms in a vessel and acting within the scope of the officer's, agent's, or employee's duties;

(b) Any person who is employed in this state, who is authorized to carry or have loaded or accessible firearms in a vessel, and who is subject to and in compliance with the requirements of R.C. § 109.801, unless the appointing authority of the person has expressly specified that the exemption provided in this division (H)(1)(b) does not apply to the person;

(c) Any person legally engaged in hunting.

(2) Divisions (C) and (D) of this section do not apply to a person who transports or possesses a handgun in a vessel and who, at the time of that transportation or possession, either is carrying a valid concealed handgun license or is an active duty member of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in R.C. § 2923.125(G)(1), unless the person knowingly is in a place on the vessel described in R.C. § 2923.126(B).

(I) If a law enforcement officer stops a vessel for a violation of this section or any other law enforcement purpose, if any person on the vessel surrenders a firearm to the officer, either voluntarily or pursuant to a request or demand of the officer, and if the officer does not charge the person with a violation of this section or arrest the person for any offense, the person is not otherwise prohibited by law from possessing the firearm, and the firearm is not contraband, the officer shall return the firearm to the person at the termination of the stop.

(J) The provisions of R.C. § 2923.16(L) applies with respect to division (A)(2) of this section, except that all references in R.C. § 2923.16(L) to "vehicle", to "this chapter", or to "division (K)(5)(a) or (b) of this section" shall be construed for purposes of this section to be, respectively, references to "vessel", to "this section", and to R.C. § 2923.16(K)(5)(a) and (K)(5)(b) as incorporated under the definition of "firearm" adopted under division (A) of this section.
(R.C. § 1547.69) (Rev. 2018)

(K) Whoever violates this section is guilty of a misdemeanor of the fourth degree.
(R.C. § 1547.99(F)) (Rev. 2002)

§ 96.46 TAMPERING WITH NAVIGATION AID OR VESSEL PROHIBITED.

(A) No person shall knowingly:

(1) Damage, remove, or tamper with any signal, buoy, or other aid to navigation;

(2) Sever the mooring lines of, set adrift, or tamper with any vessel that is moored or tied up on the waters in this municipality.
(R.C. § 1547.92)

(B) Whoever violates this section is guilty of a misdemeanor of the fourth degree.
(R.C. § 1547.99(F)) (Rev. 2002)

§ 96.47 CERTIFICATE OF TITLE; EXCEPTIONS.

(A) No person, except as provided in § 96.48, shall sell or otherwise dispose of a watercraft or outboard motor without delivering to the purchaser or transferee a physical certificate of title with an assignment on it as is necessary to show title in the purchaser or transferee; nor shall any person purchase or otherwise acquire a watercraft or outboard motor without obtaining a certificate of title for it in the person's name in accordance with R.C. Chapter 1548; however, a purchaser may take possession of and operate a watercraft or outboard motor on the waters in this state without a certificate of title for a period not exceeding 30 days if the purchaser has been issued and has in the purchaser's possession a dealer's dated bill of sale, or in the case of a casual sale, a notarized bill of sale.
(R.C. § 1548.03)

(B) Division (A) of this section and §§ 96.48 and 96.49 do not apply to any of the following:

(1) A watercraft covered by a marine document in effect that has been assigned to it by the United States government pursuant to federal law;

(2) A watercraft from a country other than the United States temporarily using the waters in this state;

(3) A watercraft whose owner is the United States, a state, or a political subdivision of a state;

(4) A ship's lifeboat. As used in this division (B)(4), ***LIFEBOAT*** means a watercraft that is held aboard another vessel and used exclusively for emergency purposes;

(5) A canoe;

(6) A watercraft less than 14 feet in length without a permanently affixed mechanical means of propulsion;

(7) A watercraft less than 14 feet in length with a permanently fixed mechanical means of propulsion of less than ten horsepower as determined by the manufacturer's rating;

(8) Outboard motors of less than ten horsepower as determined by the manufacturer's rating.

(C) The various certificates, applications, and assignments necessary to provide certificates of title for watercraft and outboard motors shall be made on appropriate forms approved by the Chief of the Division of Parks and Watercraft.
(R.C. § 1548.01(B), (C)) (Rev. 2017)

(D) Whoever violates this section is guilty of a misdemeanor of the fourth degree.
(Rev. 2002)

§ 96.48 MANUFACTURER'S OR IMPORTER'S CERTIFICATE.

(A) No manufacturer, importer, dealer, or other person shall sell or otherwise dispose of a new watercraft or outboard motor to a dealer to be used by the dealer for purposes of display and resale without delivering to the dealer a manufacturer's or importer's certificate executed in accordance with this section and with such assignments on it as are necessary to show title in the name of the purchaser. No dealer shall purchase or acquire a new watercraft or outboard motor without obtaining from the seller the manufacturer's or importer's certificate.

(B) A manufacturer's or importer's certificate of the origin of a watercraft or outboard motor shall contain the following information in such form and together with such further information as the Chief of the Division of Parks and Watercraft may require:

(1) Description of the watercraft, including the make, year, length, series or model, if any, body type, hull identification number or serial number, and make, manufacturer's serial number, and horsepower of any inboard motor or motors; or description of the outboard motor, including the make, year, series or model, if any, manufacturer's serial number, and horsepower;

(2) Certification of the date of transfer of the watercraft or outboard motor to a distributor or dealer or other transferee, and the name and address of the transferee;

(3) Certification that this was the first transfer of the new watercraft or outboard motor in ordinary trade and commerce;

(4) Signature and address of a representative of the transferor.

(C) An assignment of a manufacturer's or importer's certificate before a notary public or other officer empowered to administer oaths shall be printed on the reverse side of the manufacturer's or importer's certificate in the form to be prescribed by the Chief of the Division of Parks and Watercraft. The assignment form shall include the name and address of the transferee, a certification that the watercraft or outboard motor is new, and a warranty that the title at the time of delivery is subject only to such liens and encumbrances as are set forth and described in full in the assignment.
(R.C. § 1548.05) (Rev. 2017)

(D) Whoever violates this section is guilty of a misdemeanor of the fourth degree.
(Rev. 2002)

§ 96.49 PROHIBITIONS RELATING TO CERTIFICATES OF TITLE.

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

(1) Operate in this municipality a watercraft for which a certificate of title is required or a watercraft powered by an outboard motor for which a certificate of title is required without having the certificate or a valid temporary permit and number in accordance with R.C. Chapter 1548 or, if a physical certificate of title has not been issued for it, operate the watercraft or outboard motor in this state knowing that the ownership information relating to the watercraft or outboard motor has not has not been entered into the automated title processing system by a Clerk of a Court of Common Pleas;

(2) Operate in this municipality a watercraft for which a certificate of title is required, or a watercraft powered by an outboard motor for which a certificate of title is required, upon which the certificate of title has been canceled;

(3) Fail to surrender any certificate of title upon cancellation of it by the Chief of the Division of Parks and Watercraft and notice of the cancellation as prescribed in R.C. Chapter 1548;

(4) Fail to surrender the certificate of title to a Clerk of a Court of Common Pleas as provided in R.C. Chapter 1548, in case of the destruction or dismantling or change of a watercraft or outboard motor in such respect that it is not the watercraft or outboard motor described in the certificate of title;

(5) Violate any provision of R.C. Chapter 1548 for which no penalty is otherwise provided, or any lawful rules adopted pursuant to R.C. Chapter 1548;

(6) Operate in this municipality a watercraft or outboard motor knowing that the certificate of title to or ownership of the watercraft or outboard motor as otherwise reflected in the automated title processing system has been canceled.
(R.C. § 1548.18) (Rev. 2017)

(B) Whoever violates this section is guilty of a misdemeanor of the fourth degree.
(R.C. § 1548.99(A)) (Rev. 2002)

§ 96.50 PERMANENTLY DISPLAYED HULL IDENTIFICATION NUMBER.

(A) A watercraft constructed on or after November 1, 1972, shall have a hull identification number permanently displayed and affixed to it in accordance with federal law.

(B) A watercraft constructed before November 1, 1972, shall have a hull identification number assigned to it by the Chief of the Division of Parks and Watercraft at the time of registration, at the time of application for title, after transfer of ownership, or at the time of a change to this state as the principal location of operation. The number shall be permanently displayed and affixed as prescribed by rules.

(C) A person who builds a watercraft or imports a watercraft from another county for personal use and not for the purpose of sale shall request a hull identification number from the Chief of the Division of Parks and Watercraft and permanently display and affix the number as prescribed by rules.

(D) No person shall operate or permit to be operated any watercraft on the waters in this state in violation of this section.
(R.C. § 1547.65) (Rev. 2017)

(E) Whoever violates this section is guilty of a misdemeanor of the fourth degree.
(R.C. § 1547.99(F)) (Rev. 2003)

§ 96.99 PENALTY.

(A) Whoever violates a provision of this chapter for which no penalty is otherwise provided, is guilty of a minor misdemeanor.
(R.C. § 1547.99(C)) (Rev. 2017)

(B) The sentencing court, in addition to the penalty provided under this chapter for a violation of this chapter that involves a powercraft powered by more than ten horsepower and that, in the opinion of the court, involves a threat to the safety of persons or property, shall order the offender to complete successfully a boating course approved by the National Association of State Boating Law Administrators before the offender is allowed to operate a powercraft powered by more than ten horsepower on the waters in this state. Violation of a court order entered under this division is punishable as contempt under R.C. Chapter 2705.
(R.C. § 1547.99(L)) (Rev. 2017)

TITLE XI: BUSINESS REGULATIONS

Chapter

110. GENERAL PROVISIONS

111. TAXICABS

112. PEDDLERS, ITINERANT MERCHANTS AND SOLICITORS

113. COMMERCIAL AMUSEMENTS

114. TATTOOING AND BODY PIERCING SERVICES

OHIO LEGISLATIVE HISTORY REFERENCES – TITLE XI

Ohio Revised Code Section	*2021 Basic Code Section*
3730.01	114.01
3730.02	114.02
3730.03	114.03
3730.04	114.04
3730.05	114.05
3730.06	114.06
3730.07	114.07
3730.08	114.08
3730.09	114.09
3730.11	114.10
3730.99	114.99

CHAPTER 110: GENERAL PROVISIONS

Section

110.01 Licenses required to engage in certain businesses; exceptions
110.02 Application for license
110.03 Issuance of license
110.04 Date and duration of license
110.05 License not transferable
110.06 License certificate to be displayed
110.07 Revocation or suspension
110.08 Appeal and review

110.99 General penalty for Title XI

Cross-reference:

Commercial amusements, see Chapter 113
Peddlers and solicitors, see Chapter 112
Taxicabs, see Chapter 111

Statutory reference:

Revocation of licenses for conviction of certain fraud and theft offenses, see R.C. § 2961.03

§ 110.01 LICENSES REQUIRED TO ENGAGE IN CERTAIN BUSINESSES; EXCEPTIONS.

(A) No person shall engage in any of the trades, businesses, or professions for which licenses are required by Title XI or by any other ordinance of the municipality or provision of this code without first applying for and obtaining a license from the Clerk or other duly authorized issuing authority.

(B) The municipality shall not require a license for:

(1) The owner of any product of his or her own raising, or the manufacturer of any article manufactured by him or her, to vend or sell, by himself, herself or his or her agent, any such article or product, including but not limited to agricultural articles or products offered or exposed for sale by the producer;

(2) Any person who by state or federal law or constitutional provision has been exempted from obtaining such license;

(3) Any person selling by sample only;

(4) Advertising;

(5) Any sale under order of court or at a bona fide auction;

(6) Any sale at wholesale to a retail dealer.

Penalty, see § 110.99

Statutory reference:

Municipal licensing power, exceptions, see R.C. §§ 715.27, 715.48, and 715.60 through 715.68

§ 110.02 APPLICATION FOR LICENSE.

(A) All original applications for licenses, unless otherwise specifically provided, shall be made to the Clerk or other authorized official in writing upon forms to be furnished by him or her and shall contain:

(1) The applicant's full name, address, and telephone number, and the full name of each officer, partner or business associate, if applicable;

(2) His or her present occupation and principal place of business;

(3) His or her place of residence for the preceding five years;

(4) The nature and location of the intended business or enterprise;

(5) The period of time for which the license is desired;

(6) A description of the merchandise, goods or services to be sold;

(7) If a motor vehicle is to be used, a full description of such motor vehicle, including the make, model, year, color, license number, and vehicle registration (VIN) number of such vehicle.

(8) Such other information concerning the applicant and his or her business as may be reasonable and proper, having regard to the nature of the license desired.

(B) Any change in the information required by division (A) of this section must be reported to the Clerk or other authorized official within 14 days of such change.

(C) Renewal of an annual license may be granted to a licensee in good standing on the basis of the original application, unless otherwise provided. However, if a request for renewal is not submitted to the Clerk or other authorized official within 21 days after the date of expiration for the preceding license, the applicant must fill out an original application.

(D) With each original or renewal application, the applicant shall deposit the fee required for the license requested.

(E) It shall be unlawful to knowingly make any false statement or representation in the license application.
Penalty, see § 110.99

§ 110.03 ISSUANCE OF LICENSE.

Upon receipt of such application for a license, accompanied by the proper fee, if approval by another officer or department is not required, the Clerk, with the written approval of the Mayor or other chief administrative officer, shall deposit the fee in the General Fund of the municipality and issue to the applicant a proper license certificate signed by the Clerk and Mayor or other chief administrative officer. If for any reason the license is not issued, this fee less $5 to cover administrative expenses of considering such application shall be returned to the applicant.

§ 110.04 DATE AND DURATION OF LICENSE.

A license shall not be valid beyond the expiration date therein specified and, unless otherwise provided, shall not extend beyond December 31 of the year issued. However, at any time after December 1, licenses may be issued for the next calendar year. Unless otherwise specified, the full annual fee will be required of licensees irrespective of the date of issuance of the license.

§ 110.05 LICENSE NOT TRANSFERABLE.

Every license shall be issued to a real party in interest in the enterprise or business, and unless otherwise provided, no license shall be assigned or transferred.
Penalty, see § 110.99

§ 110.06 LICENSE CERTIFICATE TO BE DISPLAYED.

Every licensee carrying on business at a fixed location shall keep posted in a prominent place upon the premises the license certificate. Other licensees shall carry their licenses at all times, and whenever requested by any officer or citizen, shall exhibit such license.
Penalty, see § 110.99

§ 110.07 REVOCATION OR SUSPENSION.

(A) Any license may be suspended or revoked by the Mayor or other chief administrative officer at any time for the following reasons:

(1) For conditions or considerations which, had they existed at the time of issuance, would have been valid grounds for its denial;

(2) For any misrepresentation of a material fact in the application discovered after issuance of the license;

(3) For any misrepresentation or materially false statement made in the course of carrying on the trade, business or profession;

(4) For violation of any provision of this chapter or other federal, state or municipal law or ordinance relating to the operation of the business or enterprise for which the license has been issued; or

(5) Upon conviction of a licensee for any federal, state or municipal law or ordinance involving the creation of a nuisance, a breach of the peace, interference with the rights of property owners, or any other offense constituting a threat to the public health, safety, morals or general welfare of the public.

(B) The suspension or revocation shall become effective upon notice served upon such licensee. The notice shall contain a written summary of the reasons for the suspension or revocation and a statement concerning the right to appeal the decision. The notice shall be delivered by certified mail, return receipt requested, to the address given on the licensee's application.

§ 110.08 APPEAL AND REVIEW.

In case any applicant has been denied a license, or if his or her license has been suspended or revoked, the applicant or licensee shall within ten business days have the right to appeal to the Legislative Authority from such denial, suspension or revocation. Notice of appeal shall be filed in writing with the Clerk or other authorized official who shall fix the time and place for a hearing which shall be held not later than 21 days thereafter. The Clerk shall notify the Mayor and all members of the Legislative Authority of the time and place of such hearing not less than 24 hours in advance thereof. Three members of the Legislative Authority shall constitute a quorum to hear such appeal. The appellant may appear and be heard in person or by counsel. If, after hearing, a majority of the members of the Legislative Authority present at such meeting declare in favor of the applicant, the license shall be issued or fully reinstated as the case may be; otherwise the order appealed from shall become final.

§ 110.99 GENERAL PENALTY FOR TITLE XI.

Whoever violates any provision of this title, for which another penalty is not already provided, shall be fined not more than $500, imprisoned for not more than six months, or both.

CHAPTER 111: TAXICABS

Section

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111.30 Records and reports of holders
111.31 Police department; duty to enforce chapter
111.32 Disposition of vehicle license fees

Cross-reference:

Traffic Code, see Title VII

Statutory reference:

Power to establish taxi stands and fix rates, see R.C. § 715.25

Power to regulate, see R.C. §§ 715.22 and 715.66

§ 111.01 DEFINITIONS.

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

CERTIFICATE. A certificate of public convenience and necessity issued by the Legislative Authority authorizing the holder thereof to conduct a taxicab business in this municipality.

DRIVER'S LICENSE. The permission granted by the municipality to a person to drive a taxicab upon the streets of the municipality.

HOLDER. A person to whom a certificate of public convenience and necessity has been issued.

LEGISLATIVE AUTHORITY. Means the Legislative Authority of the municipality or an authorized municipal official designated by the Legislative Authority of the municipality.

MANIFEST. A daily record prepared by a taxicab driver of all trips made by such driver showing time and place of origin, destination, number of passengers, and the amount of fare of each trip.

OPEN STAND. A public place alongside the curb of a street or elsewhere, in the municipality which has been designated and reserved exclusively for the use of taxicabs.

PERSONS. Includes an individual, a corporation or other legal entity, a partnership, and any unincorporated association.

TAXICAB. A motor vehicle regularly engaged in the business of carrying passengers for hire, having a seating capacity of less than five passengers and not operated on a fixed route.

TAXIMETER. A meter, instrument or device attached to a taxicab which measures mechanically the distance driven and the waiting time upon which the fare is based.

WAITING TIME. The time when a taxicab is not in motion from the time of acceptance of a passenger or passengers to the time of discharge, but does not include any time that the taxicab is not in motion if due to any cause other than the request, act or fault of a passenger.

§ 111.02 CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY REQUIRED.

No person shall operate or permit a taxicab owned or controlled by him or her to be operated as a vehicle for hire upon the streets of the municipality without having first

obtained a certificate of public convenience and necessity from the Legislative Authority.
Penalty, see § 110.99

§ 111.03 APPLICATION FOR CERTIFICATE.

An application for a certificate shall be filed with the Legislative Authority upon forms provided by the municipality; and such application shall be verified under oath and shall furnish the following information:

(A) The name and address of the applicant.

(B) The financial status of the applicant, including the amounts of all unpaid judgments against the applicant and the nature of the transaction or acts giving rise to such judgement.

(C) The experience of the applicant in the transportation of passengers.

(D) Any facts which the applicant believes tend to prove that public convenience and necessity require the granting of a certificate.

(E) The number of vehicles to be operated or controlled by the applicant and the location of proposed depots and terminals.

(F) The color scheme or insignia to be used to designate the vehicle of the applicant.

(G) Such further information as the Legislative Authority may require.
Penalty, see § 110.99

§ 111.04 ISSUANCE OF CERTIFICATE.

(A) If the Legislative Authority finds that further taxicab service in the municipality is required by the public convenience and necessity and that the applicant is fit, willing, and able to perform such public transportation and to conform to the provisions of this chapter and the rules promulgated by the Legislative Authority, then the Legislative Authority shall issue a certificate stating the name and address of the applicant, number of vehicles authorized under such certificate and the date of issuance; otherwise, the application shall be denied.

(B) In making the above findings, the Legislative Authority shall take into consideration the number of taxicabs already in operation, whether existing transportation is adequate to meet the public need, the probable effect of increased service in local traffic conditions, and the character, experience, and responsibility of the applicant.

§ 111.05 LIABILITY INSURANCE REQUIRED.

No certificate of public convenience and necessity shall be issued or continued in operation unless there is in full force and effect liability insurance for each vehicle authorized in the amount of $100,000 for bodily injury to any one person, $300,000 for injuries to more than one person which are sustained in the accident, and $50,000 for property damage resulting from any one accident. Such liability insurance shall inure to the benefit of any person who shall be injured or who shall sustain damage to property proximately caused by the negligence of a holder, his or her servants or agents. Policies shall be filed with the Legislative Authority prior to issuance of license, and shall be retained by the Legislative Authority during the term of the license.
(Rev. 1999) Penalty, see § 110.99

§ 111.06 LICENSE FEES.

No certificate shall be issued or continued in operation unless the holder has paid an annual license fee of an amount to be determined by the Legislative Authority for the right to engage in the taxicab business and an amount to be determined by the Legislative Authority for each vehicle operated under a certificate of public convenience and necessity. Such license fees shall be for the calendar year and shall be in addition to any other license fees or charges established by the proper authority and applicable to such holder or the vehicles under his or her operation and control.

§ 111.07 TRANSFER OF CERTIFICATES AND LICENSES.

No certificate of public convenience and necessity or license may be sold, assigned, mortgaged or otherwise transferred without the consent of the Legislative Authority.
Penalty, see § 110.99

§ 111.08 SUSPENSION AND REVOCATION OF CERTIFICATES.

(A) A certificate issued under the provisions of this section may be revoked or suspended by the Legislative Authority if the holder thereof has:

(1) Violated any of the provisions of this section;

(2) Discontinued operations for more than 30 days;

(3) Violated any state or local law or regulations which reflects unfavorably on the fitness of the holder to offer public transportation.

(B) Prior to suspension or revocation, the holder shall be given notice of the proposed action to be taken and shall have an opportunity to be heard.

§ 111.09 TAXICAB DRIVER'S LICENSE.

No person shall operate a taxicab for hire upon the streets of the municipality, and no person who owns or controls a taxicab shall permit it to be so driven, and no taxicab licensed by the municipality shall be so driven at any time for hire, unless the driver of such taxicab shall have first obtained and shall have then in force a taxicab driver's license under the provisions of this section.
Penalty, see § 110.99

Statutory reference:

Minors not to drive taxicabs, see R.C. § 4507.321
State driver's license law, see R.C. Chapter 4507

§ 111.10 APPLICATION FOR DRIVER'S LICENSE.

(A) An application for a taxicab driver's license shall be filed with the Police Chief on forms provided by the municipality, and such application shall be verified under oath and shall contain the following information:

(1) The names and addresses of four residents of the municipality who have known the applicant for a period of one year and who will vouch for the sobriety, honesty, and general good character of the applicant.

(2) The experience of the applicant in the transportation of passengers.

(3) The educational background of the applicant.

(4) The concise history of his or her employment.

(B) Each application shall be accompanied by a certificate from a reputable physician of the municipality certifying that, in his or her opinion, the applicant is not inflicted with any disease or infirmity which might make him or her an unsafe or unsatisfactory driver. At the time the application is filed the applicant shall pay a fee of $5.
Penalty, see § 110.99

§ 111.11 EXAMINATION OF APPLICANT; MOTOR VEHICLE OPERATOR'S PERMIT REQUIRED.

Before any application is finally passed upon by the Police Chief the applicant shall be required to pass a satisfactory examination as to his or her knowledge of the municipality and to show that he or she has a current motor vehicle operator's permit issued by the State of Ohio.

§ 111.12 POLICE INVESTIGATION OF APPLICANT; TRAFFIC AND POLICE RECORD.

The Police Chief shall conduct an investigation of each applicant for a taxicab driver's license and a report of such investigation and a copy of the traffic and police record of the applicant, if any, shall be attached to the application.

§ 111.13 CONSIDERATION OF APPLICATION.

The Police Chief, upon consideration of the application and the reports and certificates required to be attached thereto, shall approve or reject the application. If the application is rejected, the applicant may request a personal appearance before the Police Chief to offer evidence why the application should be reconsidered.

§ 111.14 ISSUANCE OF LICENSE; DURATION; ANNUAL FEE.

(A) Upon approval of an application for a taxicab driver's license, the Police Chief shall issue a license to the applicant which shall bear the name, address, age, signature and photograph of the applicant.

(B) Such license shall be in effect for the remainder of the calendar year. A license for every calendar year thereafter shall issue upon the payment of $3 unless the license for the preceding year has been revoked.

§ 111.15 DISPLAY OF LICENSE AND RATES.

Every driver licensed under this chapter shall post his or her driver's license in such a place as to be in full view of all passengers while the driver is operating a taxicab.
Penalty, see § 110.99

§ 111.16 SUSPENSION AND REVOCATION OF LICENSE.

The Police Chief is hereby given the authority to suspend any driver's license issued under this section for a driver's failing or refusing to comply with the provisions of this section, such suspension to last for a period of not more than 14 days. The Police Chief is also given authority to revoke any driver's license for failure to comply with the provisions of this section. However, a license may not be revoked unless the driver has received notice and has had an opportunity to present evidence on his or her behalf.

§ 111.17 FAILURE TO COMPLY WITH FEDERAL, STATE AND MUNICIPAL LAWS.

Every driver licensed under this chapter shall comply with all federal, state and municipal laws. Failure to do so will justify the suspending or revoking of a license by the Police Chief.
Penalty, see § 110.99

§ 111.18 VEHICLE EQUIPMENT AND MAINTENANCE.

(A) Prior to the use and operation of any vehicle under the provisions of this section, a license shall be issued for such vehicle by the Legislative Authority. Each application

for a license shall be filed with the police department. The Police Chief shall endorse thereon approval of the mechanical conditions as set forth hereunder. The applicant must present to the Police Chief a certificate of a local garage whose name appears on a list prepared and approved by the Police Chief. Such certificate shall be on a form provided by the municipality stating that the taxicab has been inspected and that it meets the standard of safety as prescribed by the Police Chief. Furthermore, the certificate must state that the vehicle is found to be in a good condition of mechanical operation. Each taxicab must receive a similar inspection every third month thereafter by an approved local garage, and a similar certificate shall be provided the Police Chief on each occasion. All costs of inspection shall be borne by the applicant.

(B) Every vehicle operating under this section shall be periodically inspected by the police department at such intervals as shall be established by the Police Chief to insure the continued maintenance of safe operating conditions.

(C) Every vehicle operating under this chapter shall be kept in a clean and sanitary condition, according to rules and regulations promulgated by the Police Chief.
Penalty, see § 110.99
Statutory reference:
Seat belts required in, see R.C. § 4513.263

§ 111.19 DESIGNATION OF TAXICABS.

Each taxicab shall bear on the outside of each rear door, in painted letters not less than four inches nor more than six inches in height, the name of the owner or cab company and in addition, may bear an identifying design, approved by the Legislative Authority. No taxicab shall have a color scheme or identifying design, which in the opinion of the Legislative Authority, conflicts with or imitates any color scheme or identifying design used on vehicles already operating under this chapter, in such a manner as to be misleading or tend to deceive or defraud the public.
Penalty, see § 110.99

§ 111.20 TAXIMETER AND DISPLAY OF RATES REQUIRED.

(A) All taxicabs operated under the authority of this chapter shall be equipped with taximeters fastened in front of the passengers, visible to them at all times day and night; and after sundown, the face of the taximeter shall be illuminated. Such taximeter shall be operated mechanically by a mechanism or from one of the front wheels by a flexible and permanently attached driving mechanism. They shall be sealed at all points and connections that would effect their correct reading and recording if manipulated. Each taximeter shall have thereon a flag to denote when the vehicle is employed and when it is not employed; and it shall be the duty of the driver to place the flag of such taximeter into a nonrecording position on the termination of each trip. The taximeters shall be subject to inspection from time to time by the police department. Any inspector or other officer of the police department is hereby authorized either on complaint of any person or without such complaint to inspect any meter and upon discovery of any inaccuracy therein, to notify the person operating such taxicab to cease operation. Thereupon such taxicab shall be kept off the highways until the taximeter is repaired and in the required working condition.

(B) Every taxicab shall display at all times a printed rate card of the fares and rates to be charged passengers for transportation. No operator shall charge a fare or rate in excess of those so displayed.
Penalty, see § 110.99

§ 111.21 NUMBER OF PASSENGERS ALLOWED.

No taxicab operator shall seat or transport more passengers within the taxicab than the number of passengers rated by the manufacturer of the vehicle.
Penalty, see § 110.99

§ 111.22 ARTICLES LEFT IN VEHICLES.

Drivers of taxicabs shall promptly deliver to the police department all property of value left in their vehicles by passengers.
Penalty, see § 110.99

§ 111.23 VEHICLES FROM OTHER MUNICIPALITIES.

Taxicabs having no license with this municipality and the place of business of the owner of which is not in the municipality may bring passengers into the municipality but may not pick up new passengers or accept any business within the municipality.
Penalty, see § 110.99

§ 111.24 RECEIPTS.

The driver of any taxicab shall, upon demand by the passenger, render to such passenger a receipt for the amount charged, either by a mechanically printed receipt or by a specially prepared receipt on which shall be the name of the owner, license number or vehicle number, amount of meter reading or charges and date of transaction.
Penalty, see § 110.99

§ 111.25 REFUSAL OF PASSENGER TO PAY LEGAL FARE.

It shall be unlawful for any person to refuse to pay the fare of any taxicab after having hired the same, and it shall be unlawful for any persons to hire any taxicab with the intent to defraud the person from whom it is hired of the value of such service. Whoever violates this section shall be charged with theft pursuant to either appropriate state law or pursuant to the appropriate theft offense under Chapter 131 of this code.

Cross-reference:
Prima facie evidence of purpose to defraud, see § 131.14
Theft, see § 131.08

§ 111.26 SOLICITATION, ACCEPTANCE AND DISCHARGE OF PASSENGERS.

(A) *Solicitation of passengers by driver.* No driver shall solicit passengers for a taxicab except when sitting in the driver's compartment of such taxicab or while standing immediately adjacent to the curb side thereof. The driver of any taxicab shall remain in the driver's compartment or immediately adjacent to his or her vehicle at all times when such vehicle is upon the public street, except that when necessary, a driver may be absent from his or her taxicab for not more than five consecutive minutes, and provided further that nothing herein contained shall be held to prohibit any driver from alighting to the street or sidewalk for the purpose of assisting passengers into or out of such vehicle.

(B) *Prohibited solicitation.* No driver shall solicit patronage in a loud or annoying tone of voice or by sign or in any manner to annoy any person or obstruct the movement of any persons, or follow any person for the purpose of soliciting patronage.

(C) *Receipt and discharge of passengers on sidewalk only.* Drivers of taxicabs shall not receive or discharge passengers in the roadway but shall pull up to the right hand sidewalk as nearly as possible or in the absence of a sidewalk, to the extreme right hand side of the road and there receive or discharge passengers, except upon one-way streets, where passengers may be discharged at either the right or left sidewalk, or the side of the roadway in the absence of a sidewalk.

(D) *Additional passengers.* No driver shall permit any other persons to occupy or ride in such taxicab, unless the person first employing the taxicab shall consent to the acceptance of additional passenger or passengers, except for the transportation of school children to or from school on a regular pickup schedule. No charge shall be made for an additional passenger except when the additional passenger rides beyond the previous passengers destination and then only for the additional distance so traveled. If two or more passengers are transported to different destinations, the taximeter shall be reset at the end of each trip.

(E) *Refusal to carry orderly passengers prohibited.* No driver shall refuse or neglect to convey any orderly person, upon request, unless previously engaged or unable or forbidden by the provisions of this chapter to do so.

(F) *Prohibitions of drivers.* It shall be a violation of this chapter for any driver of a taxicab to solicit business for any hotel, or to attempt to divert patronage from one hotel to another. Neither shall such driver engage in selling intoxicating liquors or solicit business for any house of ill repute or use his or her vehicle for any purpose other than the transporting of passengers, or the transporting of parcels or packages not exceeding 100 pounds.
Penalty, see § 110.99

§ 111.27 OPEN STANDS; USE.

Open stands shall be used by the different drivers on a first come-first served basis. The driver shall pull on to the open stand from the rear and shall advance forward as the cabs ahead pull off. Drivers shall stay within five feet of their cabs; they shall not solicit passengers or engage in loud or boisterous talk while at an open stand. Nothing in this chapter shall be construed as preventing a passenger from boarding the cab of his or her choice that is parked at open stands.
Penalty, see § 110.99

§ 111.28 TAXICAB SERVICE.

All persons engaged in the taxicab business in the municipality operating under the provisions of this chapter shall render a comprehensive taxicab service to the public desiring to use taxicabs. Holders of certificates of public convenience and necessity shall maintain a central place of business for the purpose of receiving calls and dispatching cabs. They shall answer all calls received by them for services inside the corporate limits of the municipality, as soon as they can do so and if such services cannot be rendered within a reasonable time they shall notify the prospective passengers how long it will be before the call can be answered and give the reason therefor. Any holder who refuses to accept a call anywhere in the corporate limits of the municipality, at any time when such holder has available cabs, or who fails or refuses to give comprehensive taxicab service, shall be deemed a violator of this chapter and the certificate granted to such holder shall be revoked at the discretion of the Legislative Authority.
Penalty, see § 110.99

§ 111.29 MANIFESTS.

(A) Each driver shall maintain a daily manifest upon which are recorded all trips made each day, showing time and place of origin and destination of each trip and amount of fare, and all such completed manifests shall be returned to the owner by the driver at the conclusion of his or her tour of duty. The forms for each manifest shall be furnished to the driver by the owner and shall be of a character approved by the Police Chief.

(B) Every holder of a certificate of public convenience and necessity shall retain and preserve all driver's manifests in a safe place for at least the calendar year next preceding the current calendar year, and such manifests shall be available to the Legislative Authority, Police Chief, or other authorized official.
Penalty, see § 110.99

§ 111.30 RECORDS AND REPORTS OF HOLDERS.

(A) Every holder shall keep accurate records of receipts from operations, operating, and other expenses, capital expenditures, and such other operating information as may be required by the Legislative Authority. Every holder shall maintain the records containing such information and other data required by this chapter at a place readily accessible for examination by the Legislative Authority.

(B) Every holder shall submit reports or receipts, expenses, and statistics of operation to the Legislative Authority for each calendar year, in accordance with a uniform system prescribed by the Legislative Authority. Such reports shall reach the Legislative Authority on or before the 15th of February of the year following the calendar year for which such reports are prepared.

(C) All accidents arising from or in connection with the operation of taxicabs which result in death or injury to any person, or in damage to any vehicle or to any property in the amount exceeding the sum of $25 shall be reported within 24 hours from the time of occurrence to the police department in a form of report to be furnished by the department.
Penalty, see § 110.99

§ 111.31 POLICE DEPARTMENT; DUTY TO ENFORCE CHAPTER.

The police department is hereby given the authority and is instructed to watch and observe the conduct of holders and drivers operating under this chapter. Upon discovering a violation of the provision of this chapter, the police department shall report the same to the Mayor or other designated official, who will order or take appropriate action.

§ 111.32 DISPOSITION OF VEHICLE LICENSE FEES.

All monies and receipts which are derived from the enforcement of the vehicle licensing fees of this chapter shall be credited and paid into a separate fund, known as the "Public Service Street Repair Fund." All monies and receipts credited to such Fund shall be used for the sole purpose of repairing streets, avenues, alleys, and lanes within the municipality.
(Rev. 1997)

Statutory reference:

Vehicle license money to be used for street repairs, see R.C. § 715.66

CHAPTER 112: PEDDLERS, ITINERANT MERCHANTS, AND SOLICITORS

Section

112.01 Definitions
112.02 License requirement
112.03 Application procedure
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112.08 Exhibition of identification
112.09 Municipal policy on soliciting
112.10 Notice regulating soliciting
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112.12 Uninvited soliciting prohibited
112.13 Time limit on soliciting

Statutory reference:

Municipal power to regulate, see R.C. §§ 715.61, 715.63, and 715.64

Revocation of licenses for conviction of certain fraud and theft offenses, see R.C. § 2961.03

§ 112.01 DEFINITIONS.

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

BUSINESS. The business carried on by any person who is an itinerant merchant, peddler, or solicitor as defined in this section.

GOODS. Merchandise of any description, and includes but is not limited to wares and foodstuffs.

ITINERANT MERCHANT. Any person, whether as owner, agent, or consignee, who engages in a temporary business of selling goods within the municipality and who, in the furtherance of such business, uses any building, structure, vehicle, or any place within the municipality.

PEDDLER. Any person, not an itinerant merchant, who:

(1) Travels from place to place by any means carrying goods for sale, or making sales, or making deliveries; or

(2) Without traveling from place to place, sells or offers goods for sale from any public place within the municipality.

SOLICITOR. Any person who travels by any means from place to place, taking or attempting to take orders for sale of goods to be delivered in the future or for services to be performed in the future. A person who is a solicitor is not a peddler.

§ 112.02 LICENSE REQUIREMENT.

(A) Any person who is an itinerant merchant, peddler, or solicitor shall obtain a license before engaging in such activity within the municipality as required by Chapter 110.

(B) The fee for the license required by this chapter shall be as set from time to time by the Legislative Authority.

(C) No license issued under this chapter shall be transferable.

(D) All licenses issued under this chapter shall expire 90 days after the date of issuance thereof.

Penalty, see § 110.99

§ 112.03 APPLICATION PROCEDURE.

(A) All applicants for licenses required by this chapter shall file an application with the Clerk or other authorized official. This application shall be signed by the applicant if an individual, or by all partners if a partnership, or by the president if a corporation. The applicant may be requested to provide information concerning the following items:

(1) The name and address of the applicant;

(2) (a) The name of the individual having management authority or supervision of the applicant's business during the time that it is proposed to be carried on in the municipality;

(b) The local address of such individual;

(c) The permanent address of such individual;

(d) The capacity in which such individual will act;

(3) The name and address of the person, if any, for whose purpose the business will be carried on, and, if a corporation, the state of incorporation;

(4) The time period or periods during which it is proposed to carry on applicant's business;

(5) (a) The nature, character, and quality of the goods or services to be offered for sale or delivered;

(b) If goods, their invoice value and whether they are to be sold by sample as well as from stock, where and by whom such goods are manufactured or grown, and where such goods are at the time of application;

(6) The nature of the advertising proposed to be done for the business;

(7) Whether or not the applicant, or the individual identified in division (A)(2)(a) above, or the person identified in division (A)(3) has been convicted of any crime or misdemeanor and, if so, the nature of each offense and the penalty assessed for each offense.

(B) Applicants for peddler or solicitor licenses may be required to provide further information concerning the following items, in addition to that requested under division (A) above:

(1) A description or photograph of the applicant;

(2) A description of any vehicle proposed to be used in the business, including its registration number, if any.

(C) All applicants for licenses required by this chapter shall attach to their application, if required by the municipality, credentials from the person, if any, for which the applicant proposes to do business, authorizing the applicant to act as such representative.

(D) Applicants who propose to handle foodstuffs shall also attach to their application, in addition to any attachments required under division (C), a statement from a licensed physician, dated not more than 14 days prior to the date of application, certifying the applicant to be free of contagious or communicable disease.
Penalty, see § 110.99

§ 112.04 STANDARDS FOR ISSUANCE.

(A) Upon receipt of an application, an investigation of the applicant's business reputation and character shall be made.

(B) The application shall be approved unless such investigation discloses tangible evidence that the conduct of the applicant's business would pose a substantial threat to the public health, safety, or general welfare. In particular, the following tangible evidence will constitute valid reasons for disapproval of an application:

(1) The applicant has been convicted within the last three years of any felony, or convicted within the last three year of any misdemeanor involving a sex offense, a drug trafficking offense, or any offense of violence against persons or property;

(2) The applicant has made willful misrepresentations in the application;

(3) The applicant has committed prior violations of ordinances pertaining to itinerant merchants, peddlers, solicitors, and the like;

(4) The applicant has committed prior fraudulent acts; or

(5) The applicant has a record of continual breaches of solicited contracts.

§ 112.05 REVOCATION PROCEDURE.

Any license or permit granted under this chapter may be revoked by the Clerk or other designated official after notice and hearing, pursuant to the standards in § 112.06. Notice of hearing for revocation shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be mailed to the licensee at his or her last known address, at least ten days prior to the date set for the hearing.

§ 112.06 STANDARDS FOR REVOCATION.

A license granted under this chapter may be revoked for any of the following reasons:

(A) Fraud or misrepresentation contained in the license application;

(B) Fraud, misrepresentation, or false statement made in connection with the business being conducted under the license;

(C) Violation of this chapter;

(D) Conviction of the licensee of any felony, or conviction of the licensee of any misdemeanor involving a sex offense, a drug trafficking offense, or any offense of violence against persons or property; or

(E) Conducting the business licensed in an unlawful manner or in such a way as to constitute a menace to the health, safety, or general welfare of the public.

§ 112.07 APPEAL PROCEDURE.

(A) Any person aggrieved by a decision under § 112.04 or 112.06 shall have the right to appeal to the Legislative Authority. The appeal shall be taken by filing with the Legislative Authority, within 14 days after notice of the decision has been mailed to such person's last known address, a written statement setting forth the grounds for appeal. The Legislative Authority shall set the time and place for a hearing, and notice for such hearing shall be given to such person in the same manner as provided in § 112.05.

(B) The order of the Legislative Authority after the hearing shall be final.

§ 112.08 EXHIBITION OF IDENTIFICATION.

(A) Any license issued to an itinerant merchant under this chapter shall be posted conspicuously in or at the place named therein. In the event more than one place within the municipality shall be used to conduct the business licensed, separate licenses shall be issued for each place.

(B) The Clerk or other authorized official shall issue a license to each peddler or solicitor licensed under this chapter. The license shall contain the words "Licensed Peddler" or "Licensed Solicitor," the expiration date of the license, and the number of the license. The license shall be kept with the licensee during such time as he or she is engaged in the business licensed.
Penalty, see § 110.99

§ 112.09 MUNICIPAL POLICY ON SOLICITING.

It is hereby declared to be the policy of the municipality that the residents in the municipality shall make the determination of whether solicitors shall be, or shall not be, invited to their respective residences.

§ 112.10 NOTICE REGULATING SOLICITING.

(A) Notice of the refusal of invitation to solicitors to any residence shall be given on a weatherproof card, approximately three inches by four inches in size, exhibited upon or near the main entrance door to the residence, indicating the determination by the occupant, containing the applicable words, as follows:

NO SOLICITORS INVITED

(B) The letters shall be at least one-third of an inch in height. For the purpose of uniformity, the Police Chief may provide the cards to persons requesting, at the cost thereof, if available.

(C) The card so exhibited shall constitute sufficient notice to any solicitor of the determination by the occupant of the residence of the information contained thereon.

§ 112.11 DUTY OF SOLICITORS.

(A) It shall be the duty of every solicitor upon going onto any premises in the municipality upon which a residence is located to first examine the notice provided for in § 112.10 if any is attached, and be governed by the statement contained on the notice. If the notice states "NO SOLICITORS INVITED," then the solicitor, whether registered or not, shall immediately and peacefully depart from the premises.

(B) Any solicitor who has gained entrance to any residence, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant.
Penalty, see § 110.99

§ 112.12 UNINVITED SOLICITING PROHIBITED.

It is hereby declared to be unlawful and shall constitute a nuisance for any person to go upon any premises and ring the doorbell upon or near any door, or create any sound in any manner calculated to attract the attention of the occupant of such residence, for the purpose of securing an audience with the occupant thereof and engage in soliciting in defiance of the notice exhibited at the residence in accordance with the provisions of § 112.10 above.
Penalty, see § 110.99

§ 112.13 TIME LIMIT ON SOLICITING.

It is hereby declared to be unlawful and shall constitute a nuisance for any person to go upon any premises and ring the doorbell upon or near any door of a residence located thereon, or rap or knock upon any door, or create any sound in any other manner calculated to attract the attention of the occupant of such residence, for the purpose of securing an audience with the occupant thereof and engage in soliciting, prior to 9:00 a.m. or after 9:00 p.m.
Penalty, see § 110.99

CHAPTER 113: COMMERCIAL AMUSEMENTS

Section

113.01 Bowling; billiards and pool
113.02 Circuses, carnivals, shows and other such entertainment
113.03 Deposit required
113.04 License fee for public entertainment or exhibition
113.05 License fee may be waived for civic interest

Cross-reference:

Safety of crowds attending live entertainment performances, see § 132.13

§ 113.01 BOWLING; BILLIARDS AND POOL.

Each proprietor of a billiard or pool table or of a bowling alley, or a combination of both, shall pay an annual license fee of $25 for one such table; $25 for one such alley; and $10 for each additional table or each additional alley.
Penalty, see § 110.99

Cross-reference:

Gambling offenses, see Chapter 134

Statutory reference:

Power to regulate billiards and bowling alleys, see R.C. § 715.51

§ 113.02 CIRCUSES, CARNIVALS, SHOWS AND OTHER SUCH ENTERTAINMENT.

(A) (1) Each person, desiring to conduct, stage or give a circus, carnival, theatrical exhibition, public show, athletic game or other such entertainment, for which money or reward is demanded or received, shall first obtain a license and pay the license fee or fees provided herein.

(2) Public school entertainment, lecture courses, and lectures on historic, literary, or scientific subjects are not subject to the provisions of this chapter.

(B) In addition to the requirements of § 110.02, the applicant for a license to conduct, stage, or give such exhibition shall give at least one week's notice in writing to the Mayor or other authorized official, stating the dates of the performances, and the location at which the performances are to be presented. The Mayor or other chief administrative officer shall give his or her consent to the issuance of such license if he or she deems that the location is suitable for the purpose; that it will properly accommodate the patrons; that the nature of the performance or exhibition does not pose a threat to the health, safety or general welfare of the public; and that the use of such location will not create too great a burden upon the police department or the fire department.

(C) No circus, carnival, theatrical exhibition, public show, athletic game or other such entertainment shall be given for more than two consecutive days, except in cases where the Legislative Authority by special resolution shall allow a longer period, or where such exhibition is to be conducted on municipal property and the use thereof for a longer period shall have been approved by the Legislative Authority.
Penalty, see § 110.99

Statutory reference:

Authority to regulate shows and games, exceptions, see R.C. § 715.48

Preservation of peace and protection of property, see R.C. § 715.49

§ 113.03 DEPOSIT REQUIRED.

(A) At the time application for a license is made, where use of municipal grounds is contemplated, the applicant shall deposit with the Clerk or other designated municipal official a cash bond in an amount to be determined by the Legislative Authority, conditioned upon the restoration and cleaning up of the grounds in a manner satisfactory to the Mayor or other chief administrative officer. In the event the grounds are restored and cleaned up properly following the exhibition, the deposit shall be returned; otherwise the same shall be forfeited to the municipality to the extent of actual costs to the municipality for restoration and cleaning up of the grounds.

(B) No licensee shall fail to restore or clean up the grounds upon which such circus, carnival or other such entertainment has taken place.
Penalty, see § 110.99

§ 113.04 LICENSE FEE FOR PUBLIC ENTERTAINMENT OR EXHIBITION.

The fee for such license shall be established by the Legislative Authority, and a schedule of such fees shall be available from the Clerk or other designated official.

§ 113.05 LICENSE FEE MAY BE WAIVED FOR CIVIC INTEREST.

The Mayor or other chief administrative officer may, in his or her discretion, grant without cost a license for the

holding of a circus, carnival, theatrical exhibition, public show, athletic game or other such entertainment where all of the performances are fostered and supervised by civic interests of the municipality, and a substantial part of the funds derived therefrom is expended for charitable or civic purposes.

CHAPTER 114: TATTOOING AND BODY PIERCING SERVICES

Section

114.01 Definitions
114.02 Prohibitions
114.03 Application for license; fees; issuance
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§ 114.01 DEFINITIONS.

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

BOARD OF HEALTH. The Board of Health of the municipality or the authority having the duties of a Board of Health in the municipality.

BODY PIERCING. Includes ear piercing except when the ear piercing procedure is performed with an ear piercing gun.

BUSINESS. Any entity that provides services for compensation.

CUSTODIAN. Has the same meaning as in R.C. § 2151.011.

EAR PIERCING GUN. A mechanical device that pierces the ear by forcing a disposable single-use stud or solid needle through the ear.

GUARDIAN. Has the same meaning as in R.C. § 2111.01.
(R.C. § 3730.01) (Rev. 1998)

§ 114.02 PROHIBITIONS.

No person shall do any of the following:

(A) Operate a business that offers tattooing or body piercing services unless the Board of Health has approved the business under § 114.03;

(B) Perform a tattooing or body piercing procedure in a manner that does not meet the safety and sanitation standards established by this chapter and the rules adopted under R.C. § 3730.10;

(C) Perform a tattooing procedure, body piercing procedure, or ear piercing procedure with an ear piercing gun in a manner that does not meet the standards for appropriate disinfection and sterilization of invasive equipment or parts of equipment used in performing the procedures established by this chapter and the rules adopted under R.C. § 3730.10.
(R.C. § 3730.02) (Rev. 1998) Penalty, see § 114.99

§ 114.03 APPLICATION FOR LICENSE; FEES; ISSUANCE.

(A) A person seeking approval to operate a business that offers tattooing or body piercing services shall apply to the Board of Health on forms the Board shall prescribe and provide. The applicant shall submit all information the Board of Health determines is necessary to process the application. The applicant shall include the fee established under R.C. § 3709.09 with the application.

(B) The Board of Health shall deposit all fees collected under this section into the Health Fund of the district that the Board serves. The fees shall be used solely for the purposes of implementing and enforcing this chapter.

(C) To receive approval to offer tattooing or body piercing services, a business must demonstrate to the Board of Health the ability to meet the requirements established by this chapter and the rules adopted under R.C. § 3730.10 for safe performance of the tattooing or body piercing procedures, training of the individuals who perform the procedures, and maintenance of records.

(D) If the Board of Health determines, following an inspection conducted under § 114.04, that a business meets the requirements for approval, it shall approve the business. Approval remains valid for one year unless earlier suspended or revoked under § 114.05. A business's approval may be renewed. Approval is not transferable.
(R.C. § 3730.03) (Rev. 1998) Penalty, see § 114.99

§ 114.04 INSPECTION OF FACILITIES.

The Board of Health shall conduct at least one inspection of a business prior to approving the business under § 114.03 to offer tattooing or body piercing services. The Board may conduct additional inspections as necessary for

the approval process. The Board of Health may inspect an approved business at any time the Board considers necessary. In an inspection, the Board of Health shall be given access to the business's premises and to all records relevant to the inspection.
(R.C. § 3730.04) (Rev. 1998) Penalty, see § 114.99

§ 114.05 SUSPENSION OR REVOCATION OF LICENSE.

The Board of Health may suspend or revoke the approval of a business to offer tattooing or body piercing services at any time the Board determines that the business is being operated in violation of this chapter or the rules adopted under R.C. § 3730.10. Proceedings for suspensions and revocations shall be conducted in accordance with rules adopted under R.C. § 3730.10.
(R.C. § 3730.05) (Rev. 1998)

§ 114.06 CONSENT FOR PERFORMING PROCEDURES ON PERSONS UNDER 18.

(A) No person shall perform a tattooing procedure, body piercing procedure, or ear piercing procedure with an ear piercing gun on an individual who is under 18 years of age unless consent has been given by the individual's parent, guardian, or custodian in accordance with division (B) of this section.

(B) A parent, guardian, or custodian of an individual under age 18 who desires to give consent to a business to perform on the individual under age 18 a tattooing procedure, body piercing procedure, or ear piercing procedure performed with an ear piercing gun shall do both of the following:

(1) Appear in person at the business at the time the procedure is performed;

(2) Sign a document provided by the business that explains the manner in which the procedure will be performed and methods for proper care of the affected body area following performance of the procedure.
(R.C. § 3730.06) (Rev. 1998) Penalty, see § 114.99

§ 114.07 PROHIBITIONS RELATING TO PERSONS UNDER 18.

(A) No individual shall knowingly show or give any false information as to the name, age, or other identification of an individual who is under age 18 for the purpose of obtaining for the individual under age 18 a tattooing service, body piercing service, or ear piercing service performed with an ear piercing gun.

(B) No individual shall impersonate the parent, guardian, or custodian of an individual who is under age 18 for the purpose of obtaining for the individual under age 18 a tattooing service, body piercing service, or ear piercing service performed with an ear piercing gun.
(R.C. § 3730.07) (Rev. 2001) Penalty, see § 114.99

§ 114.08 DEFENSES TO VIOLATIONS.

(A) An operator or employee of a business that performs tattooing services, body piercing services, or ear piercing services performed with an ear piercing gun may not be found guilty of a violation of § 114.06(A) or any rule adopted under R.C. § 3730.10 in which age is an element of the provisions of the rule, if the Board of Health or any court of record finds all of the following:

(1) That the individual obtaining a tattooing service, body piercing service, or ear piercing service performed with an ear piercing gun, at the time of so doing, exhibited to the operator or employee of the tattooing, body piercing, or ear piercing business a driver's or commercial driver's license or an identification card issued under R.C. §§ 4507.50 through 4507.52 showing that the individual was then at least age 18;

(2) That the operator or employee made a bona fide effort to ascertain the true age of the individual obtaining a tattooing, body piercing, or ear piercing service by checking the identification presented, at the time of the service, to ascertain that the description on the identification compared with the appearance of the individual and that the identification had not been altered in any way;

(3) That the operator or employee had reason to believe that the individual obtaining a tattooing, body piercing, or ear piercing service was at least age 18.

(B) In any hearing before the Board of Health and in any action or proceeding before a court of record in which a defense is raised under this section, the Registrar of Motor Vehicles or the Registrar's deputy who issued a driver's or commercial driver's license or an identification card under R.C. §§ 4507.50 through 4507.52 shall be permitted to submit certified copies of the records, in the Registrar's or deputy's possession, of such issuance in lieu of the testimony of the personnel of the Bureau of Motor Vehicles at such hearing, action or proceeding.
(R.C. § 3730.08) (Rev. 1998)

§ 114.09 TRAINING STANDARDS; RECORDS; SAFETY AND SANITATION; EQUIPMENT.

(A) Each operator of a business that offers tattooing or body piercing services shall do all of the following:

(1) Maintain procedures for ensuring that the individuals who perform tattooing or body piercing procedures are adequately trained to perform the procedures properly;

(2) With respect to tattooing services, maintain written records that include the color, manufacturer and lot number of each pigment used for each tattoo performed;

(3) Comply with the safety and sanitation requirements for preventing transmission of infectious diseases, as established in rules adopted under R.C. § 3730.10;

(4) Ensure that all invasive equipment or parts of equipment used in performing tattooing and body piercing procedures are disinfected and sterilized by using methods that meet the disinfection and sterilization requirements established in rules adopted under R.C. § 3730.10;

(5) Ensure that weekly tests of the business's heat sterilization devices are performed to determine whether the devices are functioning properly. In having the devices tested, the operator of the business shall use a biological monitoring system that indicates whether the devices are killing microorganisms. If a test indicates that a device is not functioning properly, the operator shall take immediate remedial action to ensure that heat sterilization is being accomplished. The operator shall maintain documentation that the weekly tests are being performed. To comply with the documentation requirement, the documents must consist of a log that indicates the date on which each test is performed and the name of the person who performed the test or, if a test was conducted by an independent testing entity, a copy of the entity's testing report. The operator shall maintain records of each test performed for at least two years.

(B) Each operator of a business that offers ear piercing services performed with an ear piercing gun shall require the individuals who perform the ear piercing services to disinfect and sterilize the ear piercing gun by using chemical solutions that meet the disinfection and sterilization requirements established in rules adopted under R.C. § 3730.10.
(R.C. § 3730.09) (Rev. 2015) Penalty, see § 114.99

§ 114.10 APPLICATION OF LOCAL REGULATION ON CHAPTER.

Nothing in this chapter shall be interpreted as prohibiting the municipality from adopting ordinances or resolutions that prohibit the establishment of businesses that offer tattooing or body piercing services. Such ordinances or resolutions, to the extent that they conflict with this chapter, shall be deemed to supersede the provisions of this chapter.
(R.C. § 3730.11) (Rev. 1998)

§ 114.99 PENALTY.

(A) Whoever violates any provision of this chapter for which no other penalty has already been established shall be punished as provided in § 10.99.

(B) Whoever violates § 114.02 or § 114.06(A) is guilty of a misdemeanor of the fourth degree.

(C) Whoever violates § 114.07 is guilty of a misdemeanor of the first degree.
(R.C. § 3730.99) (Rev. 2001)

TITLE XIII: GENERAL OFFENSES

Chapter

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CHAPTER 130: GENERAL PROVISIONS

Section

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130.99 Penalty for Title XIII

Statutory reference:

Mayor's Court generally, see R.C. Chapter 1905
Municipal Court generally, see R.C. Chapter 1901
Trials, Magistrate Courts, see R.C. Chapter 2938

§ 130.01 APPLICATION OF TITLE XIII.

(A) Title XIII of this code of ordinances embodies and prescribes penalties for offenses against the municipality not classifiable in previous titles and chapters. The word "misdemeanors", as used in this title, is not exhaustive and does not imply that offenses found elsewhere in this code of ordinances are not also misdemeanors and punishable as such.

(B) Each act or omission for which a fine, imprisonment, or both is provided under this Title or elsewhere in this code, or each act or omission which is declared a violation of this code, is unlawful and is hereby made a misdemeanor. Upon conviction, the penalty or penalties so provided shall be imposed by the court.

§ 130.02 DEFINITIONS.

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

CONTRABAND. Any property that is illegal for a person to acquire or possess under a statute, ordinance, or rule, or that a trier of fact lawfully determines to be illegal to possess by reason of the property's involvement in an offense. The term includes but is not limited to all of the following:

(1) Any controlled substance, as defined in R.C. § 3719.01, or any device or paraphernalia related thereto;

(2) Any unlawful gambling device or paraphernalia;

(3) Any dangerous ordnance or obscene material.

DANGEROUS OFFENDER. A person who has committed an offense, whose history, character and condition reveal a substantial risk that he or she will be a danger to others, and whose conduct has been characterized by a pattern of repetitive, compulsive or aggressive behavior with heedless indifference to the consequences.

DEADLY FORCE. Any force that carries a substantial risk that it will proximately result in the death of any person.

FORCE. Any violence, compulsion, or constraint physically exerted by any means upon or against a person or thing.

LAW ENFORCEMENT OFFICER. Any of the following:

(1) A Sheriff, deputy sheriff, constable, police officer of a township or joint police district, Marshal, deputy marshal, municipal police officer, member of a police force employed by a metropolitan housing authority under R.C. § 3735.31(D) or state highway patrol trooper.

(2) An officer, agent, or employee of the state or any of its agencies, instrumentalities, or political subdivisions, upon whom, by statute, a duty to conserve the peace or to enforce all or certain laws is imposed and the authority to arrest violators is conferred, within the limits of such statutory duty and authority.

(3) The Mayor, in a capacity as chief conservator of the peace within the municipality.

(4) A member of an auxiliary police force organized by the county, township, or municipal law enforcement authorities, within the scope of the member's appointment or commission.

(5) A person lawfully called pursuant to R.C. § 311.07 to aid a sheriff in keeping the peace, for the purposes and during the time when the person is called.

(6) A person appointed by a Mayor pursuant to R.C. § 737.01 as a special patrolling officer during a riot or emergency, for the purposes and during the time when the person is appointed.

(7) A member of the organized militia of this state or the armed forces of the United States, lawfully called to duty to aid civil authorities in keeping the peace or protect against domestic violence.

(8) A prosecuting attorney, assistant prosecuting attorney, secret service officer, or municipal prosecutor.

(9) A veterans' home police officer appointed under R.C. § 5907.02.

(10) A member of a police force employed by a regional transit authority under R.C. § 306.35(Y).

(11) A special police officer employed by a port authority under R.C. § 4582.04 or 4582.28.

(12) The House of Representatives Sergeant at Arms if the House of Representatives Sergeant at Arms has arrest authority pursuant to R.C. § 101.311(E)(1) and an Assistant House of Representatives Sergeant at Arms.

(13) The Senate Sergeant at Arms and an Assistant Senate Sergeant at Arms;

(14) A special police officer employed by a municipal corporation at a municipal airport, or other municipal air navigation facility, that has scheduled operations, as defined in 14 C.F.R. § 119.3, as amended, and that is required to be under a security program and is governed by aviation security rules of the Transportation Security Administration of the United States Department of Transportation as provided in 49 C.F.R. parts 1542 and 1544, as amended.

NOT GUILTY BY REASON OF INSANITY. A person is "not guilty by reason of insanity" relative to a charge of an offense only if the person proves, in the manner specified in R.C. § 2901.05, that at the time of the commission of the offense, he or she did not know, as a result of a severe mental disease or defect, the wrongfulness of his or her acts.

OFFENSE OF VIOLENCE.

(1) A violation of R.C. § 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.21, 2903.211, 2903.22, 2905.01, 2905.02, 2905.11, 2905.32, 2907.02, 2907.03, 2907.05, 2909.02, 2909.03, 2909.24, 2911.01, 2911.02, 2911.11, 2917.01, 2917.02, 2917.03, 2917.31, 2919.25, 2921.03, 2921.04, 2921.34, or 2923.161, of division (A)(1) of R.C. § 2903.34, of division (A)(1), (A)(2) or (A)(3) of R.C. § 2911.12, or of division (B)(1), (B)(2), (B)(3) or (B)(4) of R.C. § 2919.22, or felonious sexual penetration in violation of former R.C. § 2907.12;

(2) A violation of an existing or former municipal ordinance or law of this or any other state or of the United States, substantially equivalent to any section, division or offense listed in division (1) of this definition;

(3) An offense, other than a traffic offense, under an existing or former municipal ordinance or law of this or any other state or of the United States, committed purposely or knowingly, and involving physical harm to persons or a risk of serious physical harm to persons;

(4) A conspiracy or attempt to commit, or complicity in committing, any offense under division (1), (2), or (3) of this definition.

PERSON.

(1) (a) Subject to division (2) of this definition, as used in any section contained in Title XIII of this code that sets forth a criminal offense, the term includes all of the following:

1. An individual, corporation, business trust, estate, trust, partnership and association.

2. An unborn human who is viable.

(b) As used in any section contained in Title XIII of this code that does not set forth a criminal offense, the term includes an individual, corporation, business trust, estate, partnership and association.

(c) As used in division (1)(a)2. of this definition, "unborn human" means an individual organism of the species *Homo sapiens* from fertilization until live birth. "Viable" means the stage of development of a human fetus at which there is a realistic probability of maintaining and nourishing of a life outside the womb with or without temporary artificial life-sustaining support.

(2) Notwithstanding division (1)(a) of this definition, in no case shall the portion of the definition of the term "person" that is set forth in division (1)(a)2. of this definition be applied or construed in any section contained in Title XIII of this code that sets forth a criminal offense in any of the following manners:

(a) Except as otherwise provided in division (2)(a) of this definition, in a manner so that the offense prohibits or is construed as prohibiting any pregnant woman or her physician from performing an abortion with the consent of the pregnant woman, with the consent of the pregnant woman implied by law in a medical emergency, or with the approval of one otherwise authorized by law to

consent to medical treatment on behalf of the pregnant woman. An abortion that violates the conditions described in the immediately preceding sentence may be punished as a violation of R.C. § 2903.01, 2903.02, 2903.03, 2903.04, 2903.05, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 2903.14, 2903.21 or 2903.22, or any substantially equivalent municipal ordinance, as applicable. An abortion that does not violate the conditions described in the second immediately preceding sentence but that does violate R.C. § 2919.12, 2919.13(B), 2919.15, 2919.151, 2919.17 or 2919.18, or any substantially equivalent municipal ordinance, may be punished as a violation of such section, as applicable. Consent is sufficient under this division if it is of the type otherwise adequate to permit medical treatment to the pregnant woman, even if it does not comply with R.C. § 2919.12.

(b) In a manner so that the offense is applied or is construed as applying to a woman based on an act or omission of the woman that occurs while she is or was pregnant and that results in any of the following:

1. Her delivery of a stillborn baby;

2. Her causing, in any other manner, the death *in utero* of a viable, unborn human that she is carrying;

3. Her causing the death of her child who is born alive but who dies from one or more injuries that are sustained while the child is a viable, unborn human;

4. Her causing her child who is born alive to sustain one or more injuries while the child is a viable, unborn human;

5. Her causing, threatening to cause, or attempting to cause, in any other manner, an injury, illness, or other psychological illness or condition, regardless of its duration or gravity, to a viable, unborn human that she is carrying.

PHYSICAL HARM TO PERSONS. Any injury, illness, or other physiological impairment, regardless of its gravity or duration.

PHYSICAL HARM TO PROPERTY. Any tangible or intangible damage to property that, in any degree, results in loss to its value or interferes with its use or enjoyment. The term does not include wear and tear occasioned by normal use.

PRIVILEGE. An immunity, license, or right conferred by law, or bestowed by express or implied grant, or arising out of status, position, office, or relationship, or growing out of necessity.

PROPERTY.

(1) Any property, real or personal, tangible or intangible, and any interest or license in that property. The term includes but is not limited to cable television service, other telecommunications service, telecommunications devices, information service, computers, data, computer software, financial instruments associated with computers, other documents associated with computers, or copies of the documents, whether in machine or human-readable form, trade secrets, trademarks, copyrights, patents, and property protected by a trademark, copyright or patent. "Financial instruments associated with computers" include but are not limited to checks, drafts, warrants, money orders, notes of indebtedness, certificates of deposit, letters of credit, bills of credit or debit cards, financial transaction authorization mechanisms, marketable securities, or any computer system representations of any of them.

(2) As used in this definition, "trade secret" has the same meaning as in R.C. § 1333.61, and "telecommunications service" and "information service" have the same meanings as in R.C. § 2913.01.

(3) As used in this definition and in the definition of "contraband" in this section, "cable television service", "computer", "computer network", "computer software", "computer system", "data", and "telecommunications device" have the same meanings as in R.C. § 2913.01.

REPEAT OFFENDER. A person who has a history of persistent criminal activity and whose character and condition reveal a substantial risk that he or she will commit another offense. It is prima facie evidence that a person is a repeat offender if any of the following applies:

(1) Having been convicted of one or more offenses of violence, as defined in R.C. § 2901.01, and having been imprisoned pursuant to sentence for one or more of those offenses, he or she commits a subsequent offense of violence;

(2) Having been convicted of one or more sexually oriented offenses, as defined in R.C. § 2950.01, and having been imprisoned pursuant to sentence for one or more of those offenses, he or she commits a subsequent sexually oriented offense;

(3) Having been convicted of one or more theft offenses, as defined in R.C. § 2913.01, and having been imprisoned pursuant to sentence for one or more of those offenses, he or she commits a subsequent theft offense;

(4) Having been convicted of one or more felony drug abuse offenses, as defined in R.C. § 2925.01, and having been imprisoned pursuant to sentence for one or more of those offenses, he or she commits a subsequent felony drug abuse offense;

(5) Having been convicted of two or more felonies, and having been imprisoned pursuant to sentence for any such offense, he or she commits a subsequent offense;

(6) Having been convicted of three or more offenses of any type or degree other than traffic offenses, alcoholic intoxication offenses, or minor misdemeanors, and having been imprisoned pursuant to sentence for any such offense, he or she commits a subsequent offense.

RISK. A significant possibility, as contrasted with a remote possibility, that a certain result may occur or that certain circumstances may exist.

SCHOOL. Has the same meaning as in R.C. § 2925.01.

SCHOOL ACTIVITY. Any activity held under the auspices of a board of education of a city, local, exempted village, joint vocational, or cooperative education school district; a governing authority of a community school established under R.C. Chapter 3314; a governing board of an educational service center; or the governing body of a nonpublic school for which the State Board of Education prescribes minimum standards under R.C. § 3301.07.

SCHOOL BUILDING. Has the same meaning as in R.C. § 2925.01.

SCHOOL BUS. Has the same meaning as in R.C. § 4511.01.

SCHOOL PREMISES. Has the same meaning as in R.C. § 2925.01.

SCHOOL SAFETY ZONE. Consists of a school, school building, school premises, school activity, and school bus.

SERIOUS PHYSICAL HARM TO PERSONS. Any of the following:

(1) Any mental illness or condition of such gravity as would normally require hospitalization or prolonged psychiatric treatment;

(2) Any physical harm that carries a substantial risk of death;

(3) Any physical harm that involves some permanent incapacity, whether partial or total, or that involves some temporary, substantial incapacity;

(4) Any physical harm that involves some permanent disfigurement, or that involves some temporary, serious disfigurement;

(5) Any physical harm that involves acute pain of such duration as to result in substantial suffering, or that involves any degree of prolonged or intractable pain.

SERIOUS PHYSICAL HARM TO PROPERTY. Any physical harm to property that does either of the following:

(1) Results in substantial loss to the value of the property, or requires a substantial amount of time, effort, or money to repair or replace;

(2) Temporarily prevents the use or enjoyment of the property, or substantially interferes with its use or enjoyment for an extended period of time.

SUBSTANTIAL RISK. A strong possibility, as contrasted with a remote or significant possibility, that a certain result may occur or that certain circumstances may exist.
(R.C. §§ 2901.01, 2935.36(E)) (Rev. 2020)

§ 130.03 CLASSIFICATION OF OFFENSES.

As used in this Title:

(A) Offenses include misdemeanors of the first, second, third, and fourth degree, minor misdemeanors, and offenses not specifically classified.

(B) Regardless of the penalty that may be imposed, any offense specifically classified as a misdemeanor is a misdemeanor.

(C) Any offense not specifically classified is a misdemeanor if imprisonment for not more than one year may be imposed as a penalty.

(D) Any offense not specifically classified is a minor misdemeanor if the only penalty that may be imposed is one of the following:

(1) For an offense committed prior to January 1, 2004, a fine not exceeding $100;

(2) For an offense committed on or after January 1, 2004, a fine not exceeding $150, community service under R.C. § 2929.27(D), or a financial sanction other than a fine under R.C. § 2929.28.
(R.C. § 2901.02) (Rev. 2012)

§ 130.04 COMMON LAW OFFENSES ABROGATED.

(A) No conduct constitutes a criminal offense against the municipality unless it is defined as an offense in this code.

(B) An offense is defined when one or more sections of this code state a positive prohibition or enjoin a specific duty, and provide a penalty for violation of such prohibition or failure to meet such duty.

(C) This section does not affect the power of a court to punish for contempt or to employ any sanction authorized by law to enforce an order, civil judgment or decree.
(R.C. § 2901.03)

§ 130.05 RULES OF CONSTRUCTION.

(A) Except as otherwise provided in division (C) or (D) of this section, sections of this code defining offenses or penalties shall be strictly construed against the municipality and liberally construed in favor of the accused.

(B) Rules of criminal procedure and sections of this code providing for criminal procedure shall be construed so as to effect the fair, impartial, speedy, and sure administration of justice.

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

(D) Any provision of this code that refers to a section, or to a division of a section, of this code that defines or specifies a criminal offense shall be construed to also refer to an existing or former law of this state, another state, or the United States, to an existing or former municipal ordinance, or to an existing or former division of any such existing or former law or ordinance that defines or specifies, or that defined or specified, a substantially equivalent offense.
(R.C. § 2901.04) (Rev. 2005)

§ 130.06 LIMITATION OF CRIMINAL PROSECUTIONS.

(A) (1) Except as provided in division (A)(2), (A)(3) or (A)(4) of this section or as otherwise provided in this section, a prosecution shall be barred unless it is commenced within the following periods after an offense is committed:

(a) For a felony, six years;

(b) For a misdemeanor other than a minor misdemeanor, two years;

(c) For a minor misdemeanor, six months.

(2) There is no period of limitation for the prosecution of a violation of R.C. § 2903.01 or R.C. § 2903.02.

(3) Except as otherwise provided in divisions (B) through (J) of this section, a prosecution of any of the following offenses shall be barred unless it is commenced within 20 years after the offense is committed:

(a) A violation of R.C. § 2903.03, 2903.04, 2905.01, 2905.32, 2907.04, 2907.05, 2907.21, 2909.02, 2909.22, 2909.23, 2909.24, 2909.26, 2909.27, 2909.28, 2909.29, 2911.01, 2911.02, 2911.11, 2911.12, or 2917.02, a violation of R.C. § 2903.11 or 2903.12 if the victim is a peace officer, a violation of R.C. § 2903.13 that is a felony, or a violation of former R.C. § 2907.12.

(b) A conspiracy to commit, attempt to commit, or complicity in committing a violation set forth in division (A)(3)(a) of this section.

(4) Except as otherwise provided in divisions (D) to (L) of this section, a prosecution of a violation of R.C. § 2907.02 or 2907.03 or a conspiracy to commit, attempt to commit, or complicity in committing a violation of either section shall be barred unless it is commenced within 25 years after the offense is committed.

(B) (1) Except as otherwise provided in division (B)(2) of this section, if the period of limitation provided in division (A)(1) or (A)(3) of this section has expired, prosecution shall be commenced for an offense of which an element is fraud or breach of fiduciary duty within one year after discovery of the offense either by an aggrieved person or by the aggrieved person's legal representative who is not a party to the offense.

(2) If the period of limitation provided in division (A)(1) or (A)(3) of this section has expired, prosecution for a violation of R.C. § 2913.49 shall be commenced within five years after discovery of the offense either by an aggrieved person or the aggrieved person's legal representative who is not a party to the offense.

(C) (1) If the period of limitation provided in division (A)(1) or (A)(3) of this section has expired, prosecution shall be commenced for the following offenses during the following specified periods of time:

(a) For an offense involving misconduct in office by a public servant at any time while the accused remains a public servant, or within two years thereafter;

(b) For an offense by a person who is not a public servant but whose offense is directly related to the misconduct in office of a public servant, at any time while that public servant remains a public servant, or within two years thereafter.

(2) As used in this division:

OFFENSE IS DIRECTLY RELATED TO THE MISCONDUCT IN OFFICE OF A PUBLIC SERVANT. The phrase includes but is not limited to a violation of R.C. § 101.71, 101.91, 121.61 or 2921.13, 102.03(F) or (H), 2921.02(A), 2921.43(A) or (B), or 3517.13(F) or (G), that is directly related to an offense involving misconduct in office of a public servant, or a violation of any municipal ordinance substantially equivalent to those Ohio Revised Code sections listed in this division (C)(2).

PUBLIC SERVANT. Has the same meaning as in R.C. § 2921.01.

(D) (1) If a DNA record made in connection with the criminal investigation of the commission of a violation of R.C. § 2907.02 or 2907.03 is determined to match another DNA record that is of an identifiable person and if the time of the determination is later than 25 years after the offense is committed, prosecution of that person for a violation of the section may be commenced within five years after the determination is complete.

(2) If a DNA record made in connection with the criminal investigation of the commission of a violation of R.C. § 2907.02 or 2907.03 is determined to match another DNA record that is of an identifiable person and if the time of the determination is within 25 years after the offense is committed, prosecution of that person for a violation of the section may be commenced within the longer of 25 years after the offense is committed or five years after the determination is complete.

(3) As used in this division, ***DNA RECORD*** has the same meaning as in R.C. § 109.573.

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

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

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

(H) The period of limitation shall not run during any time when the accused purposely avoids prosecution. Proof that the accused departed this municipality or conceals the accused's identity or whereabouts is prima facie evidence of the accused's purpose to avoid prosecution.

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

(J) The period of limitation for a violation of this Title XIII or Title XXIX of the Ohio Revised Code that involves a physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of a child under 18 years of age or of a child with a developmental disability or physical impairment under 21 years of age shall not begin to run until either of the following occurs:

(1) The victim of the offense reaches the age of majority.

(2) A public children services agency, or a municipal or county peace officer that is not the parent or guardian of the child, in the county in which the child resides or in which the abuse or neglect is occurring or has occurred has been notified that abuse or neglect is known, suspected, or believed to have occurred.

(K) As used in this section, ***PEACE OFFICER*** has the same meaning as in R.C. § 2935.01.

(L) The amendments to divisions (A) and (D) of this section apply to a violation of R.C. § 2907.02 or 2907.03 committed on and after July 16, 2015, and apply to a violation of either of those sections committed prior to July 16, 2015, if prosecution for that violation was not barred under this section as it existed on July 15, 2015.
(R.C. § 2901.13) (Rev. 2017)
Statutory reference:
Limitation for income tax violations, see R.C. § 718.12

§ 130.07 REQUIREMENTS FOR CRIMINAL LIABILITY; VOLUNTARY INTOXICATION.

(A) Except as provided in division (B) of this section, a person is not guilty of an offense unless both of the following apply:

(1) The person's liability is based on conduct that includes either a voluntary act, or an omission to perform an act or duty that the person is capable of performing;

(2) The person has the requisite degree of culpability for each element as to which a culpable mental state is specified by the language defining the offense.

(B) When the language defining an offense does not specify any degree of culpability, and plainly indicates a purpose to impose strict criminal liability for the conduct described in the section, then culpability is not required for a person to be guilty of the offense. The fact that one division of a section plainly indicates a purpose to impose strict liability for an offense defined in that division does not by itself plainly indicate a purpose to impose strict criminal liability for an offense defined in other divisions of the section that do not specify a degree of culpability.

(C) (1) When language defining an element of an offense that is related to knowledge or intent or to which mens rea could fairly be applied neither specifies culpability nor plainly indicates a purpose to impose strict liability, the element of the offense is established only if a person acts recklessly.

(2) Division (C)(1) of this section does not apply to offenses defined in R.C. Title XLV.

(3) Division (C)(1) of this section does not relieve the prosecution of the burden of proving the culpable mental state required by any definition incorporated into the offense.

(D) Voluntary intoxication may not be taken into consideration in determining the existence of a mental state that is an element of a criminal offense. Voluntary intoxication does not relieve a person of a duty to act if

failure to act constitutes a criminal offense. Evidence that a person was voluntarily intoxicated may be admissible to show whether or not the person was physically capable of performing the act with which the person is charged.

(E) As used in this section:

CULPABILITY. Means purpose, knowledge, recklessness, or negligence, as defined in R.C. § 2901.22.

INTOXICATION. Includes but is not limited to intoxication resulting from the ingestion of alcohol, a drug, or alcohol and a drug.

INVOLUNTARY ACTS. Means reflexes, convulsions, body movements during unconsciousness or sleep, and body movements that are not otherwise a product of the actor's volition are involuntary acts.

POSSESSION. Means a voluntary act if the possessor knowingly procured or received the thing possessed, or was aware of the possessor's control of the thing possessed for a sufficient time to have ended possession.
(R.C. § 2901.21) (Rev. 2016)

§ 130.08 CULPABLE MENTAL STATES.

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

(B) A person acts knowingly, regardless of purpose, when the person is aware that the person's conduct will probably cause a certain result or will probably be of a certain nature. A person has knowledge of circumstances when the person is aware that such circumstances probably exist. When knowledge of the existence of a particular fact is an element of an offense, such knowledge is established if a person subjectively believes that there is a high probability of its existence and fails to make inquiry or acts with a conscious purpose to avoid learning the fact.

(C) A person acts recklessly when, with heedless indifference to the consequences, the person disregards a substantial and unjustifiable risk that the person's conduct is likely to cause a certain result or is likely to be of a certain nature. A person is reckless with respect to circumstances when, with heedless indifference to the consequences, the person disregards a substantial and unjustifiable risk that such circumstances are likely to exist.

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

(E) When the section defining an offense provides that negligence suffices to establish an element thereof, then recklessness, knowledge, or purpose is also sufficient culpability for such element. When recklessness suffices to establish an element of an offense, then knowledge or purpose is also sufficient culpability for such element. When knowledge suffices to establish an element of an offense, then purpose is also sufficient culpability for such element.
(R.C. § 2901.22) (Rev. 2016)

§ 130.09 ORGANIZATIONAL CRIMINAL LIABILITY.

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

(1) The offense is a minor misdemeanor committed by an officer, agent, or employee of the organization acting in its behalf and within the scope of the officer's, agent's, or employee's office or employment, except that if the section defining the offense designates the officers, agents, or employees for whose conduct the organization is accountable or the circumstances under which it is accountable, those provisions shall apply.

(2) A purpose to impose organizational liability plainly appears in the section defining the offense, and the offense is committed by an officer, agent, or employee of the organization acting in its behalf and within the scope of the officer's, agent's, or employee's office or employment, except that if the section defining the offense designates the officers, agents, or employees for whose conduct the organization is accountable or the circumstances under which it is accountable, those provisions shall apply.

(3) The offense consists of an omission to discharge a specific duty imposed by law on the organization.

(4) If, acting with the kind of culpability otherwise required for the commission of the offense, its commission was authorized, requested, commanded, tolerated, or performed by the board of directors, trustees, partners, or by a high managerial officer, agent, or employee acting in behalf of the organization and within the scope of such a board's or person's office or employment.

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

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

(D) As used in this section, ***ORGANIZATION*** means a corporation for profit or not for profit, partnership, limited partnership, joint venture, unincorporated nonprofit association, estate, trust, or other commercial or legal entity. The term does not include an entity organized as or by a governmental agency for the execution of a governmental program.
(R.C. § 2901.23) (Rev. 2013)

§ 130.10 PERSONAL ACCOUNTABILITY FOR ORGANIZATIONAL CONDUCT.

(A) An officer, agent, or employee of an organization, as defined in R.C. § 2901.23, may be prosecuted for an offense committed by such organization, if he or she acts with the kind of culpability required for the commission of the offense, and any of the following apply:

(1) In the name of the organization or in its behalf, he or she engages in conduct constituting the offense, or causes another to engage in such conduct, or tolerates such conduct when it is of a type for which he or she has direct responsibility;

(2) He or she has primary responsibility to discharge a duty imposed on the organization by law, and such duty is not discharged.

(B) When a person is convicted of an offense by reason of this section, he or she is subject to the same penalty as if he or she had acted in his or her own behalf.
(R.C. § 2901.24) (Rev. 1999)

§ 130.11 ATTEMPT.

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

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

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

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

(E) Whoever violates this section is guilty of an attempt to commit an offense. An attempt to commit aggravated murder, murder, or an offense for which the maximum penalty is imprisonment for life is a felony of the first degree, to be prosecuted under appropriate state law. An attempt to commit a drug abuse offense for which the penalty is determined by the amount or number of unit doses of the controlled substance involved in the drug abuse offense is an offense of the same degree as the drug abuse offense attempted would be if that drug abuse offense had been committed and had involved an amount or number of unit doses of the controlled substance that is within the next lower range of controlled substance amounts than was involved in the attempt. An attempt to commit any other offense is an offense of the next lesser degree than the offense attempted. In the case of an attempt to commit an offense other than a violation of R.C. Chapter 3734 that is not specifically classified, an attempt is a misdemeanor of the first degree if the offense attempted is a felony, and a misdemeanor of the fourth degree if the offense attempted is a misdemeanor. In the case of an attempt to commit a violation of any provision of R.C. Chapter 3734, other than R.C. § 3734.18, that relates to hazardous wastes, an attempt is a felony to be prosecuted under appropriate state law. An attempt to commit a minor misdemeanor, or to engage in conspiracy, is not an offense under this section.

(F) As used in this section:

DRUG ABUSE OFFENSE. Has the same meaning as in R.C. § 2925.01.

MOTOR VEHICLE. Has the same meaning as in R.C. § 4501.01.
(R.C. § 2923.02) (Rev. 2020)
Statutory reference:
Conspiracy, see R.C. § 2923.01
Solid and hazardous wastes, see R.C. Chapter 3734

§ 130.12 COMPLICITY.

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

(1) Solicit or procure another to commit the offense;

(2) Aid or abet another in committing the offense;

(3) Conspire with another to commit the offense in violation of R.C. § 2923.01;

(4) Cause an innocent or irresponsible person to commit the offense.

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

(C) No person shall be convicted of complicity under this section unless an offense is actually committed, but a person may be convicted of complicity in an attempt to commit an offense in violation of R.C. § 2923.02 or a substantially equivalent municipal ordinance.

(D) If an alleged accomplice of the defendant testifies against the defendant in a case in which the defendant is charged with complicity in the commission of or an attempt to commit an offense, an attempt to commit an offense, or an offense, the court shall charge the jury in accordance with R.C. § 2923.03(D).

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

(F) Whoever violates this section is guilty of complicity in the commission of an offense, and shall be prosecuted and punished as if he or she were a principal offender. A charge of complicity may be stated in terms of this section, or in terms of the principal offense.
(R.C. § 2923.03) (Rev. 1999)

Statutory reference:

Conspiracy, see R.C. § 2923.01

§ 130.13 PRESUMPTION OF INNOCENCE; PROOF OF OFFENSE; AFFIRMATIVE DEFENSE.

(A) Every person accused of an offense is presumed innocent until proven guilty beyond a reasonable doubt, and the burden of proof for all elements of the offense is upon the prosecution. The burden of going forward with the evidence of an affirmative defense, and the burden of proof by a preponderance of the evidence, for an affirmative defense other than self-defense, defense of another, or defense of the accused's residence as described in division (B)(1) of this section, is upon the accused.

(B) (1) A person is allowed to act in self-defense, defense of another, or defense of that person's residence. If, at the trial of a person who is accused of an offense that involved the person's use of force against another, there is evidence presented that tends to support that the accused person used the force in self-defense, defense of another, or defense of that person's residence, the prosecution must prove beyond a reasonable doubt that the accused person did not use the force in self-defense, defense of another, or defense of that person's residence, as the case may be.

(2) Subject to division (B)(3) of this section, a person is presumed to have acted in self-defense or defense of another when using defensive force that is intended or likely to cause death or great bodily harm to another if the person against whom the defensive force is used is in the process of unlawfully and without privilege to do so entering, or has unlawfully and without privilege to do so entered, the residence or vehicle occupied by the person using the defensive force.

(3) The presumption set forth in division (B)(2) of this section does not apply if either of the following is true:

(a) The person against whom the defensive force is used has a right to be in, or is a lawful resident of, the residence or vehicle.

(b) The person who uses the defensive force uses it while in a residence or vehicle and the person is unlawfully, and without privilege to be, in that residence or vehicle.

(4) The presumption set forth in division (B)(2) of this section is a rebuttable presumption and may be rebutted by a preponderance of the evidence, provided that the prosecution's burden of proof remains proof beyond a reasonable doubt as described in divisions (A) and (B)(1) of this section.

(C) As part of its charge to the jury in a criminal case, the court shall read the definitions of "reasonable doubt" and "proof beyond a reasonable doubt", contained in division (D) of this section.

(D) As used in this section:

AFFIRMATIVE DEFENSE. An affirmative defense is either of the following:

(a) A defense expressly designated as affirmative;

(b) A defense involving an excuse or justification peculiarly within the knowledge of the accused, on which the accused can fairly be required to adduce supporting evidence.

DWELLING. Means a building or conveyance of any kind that has a roof over it and that is designed to be occupied by people lodging in the building or conveyance at night, regardless of whether the building or conveyance is temporary or permanent or is mobile or immobile. As used in this division, a building or conveyance includes but is not limited to an attached porch, and a building or conveyance with a roof over it includes but is not limited to a tent.

PROOF BEYOND A REASONABLE DOUBT. Proof of such character that an ordinary person would be willing to rely and act upon it in the most important of the person's own affairs.

REASONABLE DOUBT. Reasonable doubt is present when the jurors, after they have carefully considered and compared all the evidence, cannot say they are firmly convinced of the truth of the charge. It is a doubt based on reasonable and common sense. The term is not mere possible doubt, because everything relating to human affairs or depending on moral evidence is open to some possible or imaginary doubt.

RESIDENCE. Means a dwelling in which a person resides either temporarily or permanently or is visiting as a guest.

VEHICLE. Means a conveyance of any kind, whether or not motorized, that is designed to transport people or property.
(R.C. § 2901.05) (Rev. 2020)

§ 130.14 BATTERED WOMAN SYNDROME.

(A) The municipality hereby declares that it recognizes both of the following, in relation to the "battered woman syndrome": that the syndrome currently is a matter of commonly accepted scientific knowledge, and that the subject matter and details of the syndrome are not within the general understanding or experience of a person who is a member of the general populace and are not within the field of common knowledge.

(B) If a person is charged with an offense involving the use of force against another and the person, as a defense to the offense charged, raises the affirmative defense of self defense, the person may introduce expert testimony of the "battered woman syndrome" and expert testimony that the person suffered from that syndrome as evidence to establish the requisite belief of an imminent danger of death or great bodily harm that is necessary, as an element of the affirmative defense, to justify the person's use of force in question. The introduction of any expert testimony under this division shall be in accordance with the Ohio Rules of Evidence.
(R.C. § 2901.06)

§ 130.15 DELINQUENCY ADJUDICATIONS DEEMED CONVICTIONS.

(A) If a person is alleged to have committed an offense and if the person previously has been adjudicated a delinquent child or juvenile traffic offender for a violation of a law or ordinance, except as provided in division (B) of this section, the adjudication as a delinquent child or as a juvenile traffic offender is a conviction for a violation of the law for purposes of determining the offense with which the person should be charged and, if the person is convicted of or pleads guilty to an offense, the sentence to be imposed upon the person relative to the conviction or guilty plea.

(B) A previous adjudication of a person as a delinquent child or juvenile traffic offender for a violation of a law or ordinance is not a conviction for a violation of the law or ordinance for purposes of determining any of the following:

(1) Whether the person is a repeat violent offender, as defined in R.C. § 2929.01, or whether the person should be sentenced as a repeat violent offender under R.C. § 2929.14(B)(2) and R.C. § 2941.149;

(2) Whether the person is a violent career criminal as defined in R.C. § 2923.132, whether the person has committed unlawful use of a weapon by a violent career criminal in violation of R.C. § 2923.132 or should be sentenced for that offense under that section, or whether the person should be sentenced under R.C. § 2929.14(K) as a violent career criminal who had a firearm on or about the person's person or under the person's control while committing a violent felony offense and displayed or brandished the firearm, indicated that the offender possessed a firearm, or used the firearm to facilitate the offense.
(R.C. § 2901.08) (Rev. 2017)

§ 130.16 CRIMINAL LAW JURISDICTION.

(A) A person is subject to criminal prosecution and punishment in this municipality if any of the following occur:

(1) The person commits an offense under the laws of this municipality, any element of which takes place in this municipality;

(2) While in this municipality, the person attempts to commit, or is guilty of complicity in the commission of, an offense in another jurisdiction, which offense is an offense under both the laws of this municipality and the other jurisdiction, or, while in this municipality, the person conspires to commit an offense in another jurisdiction, which offense is an offense under both the laws of this municipality and the other jurisdiction, and a substantial overt act in furtherance of the conspiracy is undertaken in this municipality by the person or another person involved in the conspiracy, subsequent to the person's entrance into the conspiracy. In any case in which a person attempts to commit, is guilty of complicity in the commission of, or conspires to commit an offense in another jurisdiction as described in this division, the person is subject to criminal prosecution and punishment in this municipality for the attempt, complicity, or conspiracy, and for any resulting offense that is committed or completed in the other jurisdiction;

(3) While out of this municipality, the person conspires or attempts to commit, or is guilty of complicity in the commission of, an offense in this municipality;

(4) While out of this municipality, the person omits to perform a legal duty imposed by the laws of this municipality, which omission affects a legitimate interest of the municipality in protecting, governing or regulating any person, property, thing, transaction, or activity in this municipality;

(5) While out of this municipality, the person unlawfully takes or retains property and subsequently brings any of the unlawfully taken or retained property into this municipality;

(6) While out of this municipality, the person unlawfully takes or entices another person and subsequently brings the other person into this municipality;

(7) The person, by means of a computer, computer system, computer network, telecommunication, telecommunications device, telecommunications service, or

information service, causes or knowingly permits any writing, data, image or other telecommunication to be disseminated or transmitted into this municipality in violation of the law of this state or municipality.

(B) In homicide, the element referred to in division (A)(1) of this section includes the act that causes death, the physical contact that causes death, the death itself, or any other element that is set forth in the offense in question. If any part of the body of a homicide victim is found in this municipality, the death is presumed to have occurred within this municipality.

(C) (1) This municipality includes the land and water within its boundaries and the air space above that land and water, with respect to which this municipality has either exclusive or concurrent legislative jurisdiction. Where the boundary between this municipality and another jurisdiction is disputed, the disputed territory is conclusively presumed to be within this municipality for purposes of this section.

(2) The courts of common pleas of Adams, Athens, Belmont, Brown, Clermont, Columbiana, Gallia, Hamilton, Jefferson, Lawrence, Meigs, Monroe, Scioto, and Washington counties have jurisdiction beyond the north or northwest shore of the Ohio River extending to the opposite shore line, between the extended boundary lines of any adjacent counties or adjacent state. Each of those courts of common pleas has concurrent jurisdiction on the Ohio River with any adjacent court of common pleas that borders on that river and with any court of Kentucky or of West Virginia that borders on the Ohio River and that has jurisdiction on the Ohio River under the law of Kentucky or the law of West Virginia, whichever is applicable, or under federal law.

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

(E) When a person is subject to criminal prosecution and punishment in this municipality for an offense committed or completed outside this municipality, the person is subject to all specifications for that offense that would be applicable if the offense had been committed within this municipality.

(F) Any act, conduct, or element that is a basis of a person being subject under this section to criminal prosecution and punishment in this municipality need not be committed personally by the person as long as it is committed by another person who is in complicity or conspiracy with the person.

(G) This section shall be liberally construed, consistent with constitutional limitations, to allow this municipality the broadest possible jurisdiction over offenses and persons committing offenses in, or affecting, this municipality.

(H) For purposes of division (A)(2) of this section, an overt act is substantial when it is of a character that manifests a purpose on the part of the actor that the object of the conspiracy should be completed.

(I) As used in this section, ***COMPUTER, COMPUTER SYSTEM, COMPUTER NETWORK, INFORMATION SERVICE, TELECOMMUNICATION, TELECOMMUNICATIONS DEVICE, TELECOMMUNICATIONS SERVICE, DATA*** and ***WRITING*** have the same meanings as in R.C. § 2913.01.
(R.C. § 2901.11) (Rev. 2006)
Statutory reference:
State criminal law jurisdiction, see R.C. § 2901.11

§ 130.17 DISPOSITION OF UNCLAIMED OR FORFEITED PROPERTY HELD BY POLICE DEPARTMENT.

(A) *Safekeeping of property in custody.*

(1) (a) Any property that has been lost, abandoned, stolen, seized pursuant to a search warrant, or otherwise lawfully seized or forfeited and that is in the custody of the Police Department shall be kept safely by the Police Department, pending the time it no longer is needed as evidence or for another lawful purpose, and shall be disposed of pursuant to this section or R.C. §§ 2981.12 and 2981.13.

(b) This section does not apply to the custody and disposal of any of the following:

1. Vehicles subject to forfeiture under R.C. Title 45, except as provided in division (B)(1)(f) of this section;

2. Abandoned junk motor vehicles or other property of negligible value;

3. Property held by a department of rehabilitation and correction institution that is unclaimed, that does not have an identified owner, that the owner agrees to dispose of, or that is identified by the department as having little value;

4. Animals taken, and devices used in unlawfully taking animals, under R.C. § 1531.20;

5. Controlled substances sold by a peace officer in the performance of the officer's official duties under R.C. § 3719.141;

6. Property recovered by a township law enforcement agency under R.C. §§ 505.105 to 505.109;

7. Property held and disposed of under an ordinance of the municipality or under R.C. §§ 737.29 to 737.33, except that if the municipality has received notice of a citizens' reward program as provided in division (B)(5) of this section and disposes of property under

an ordinance shall pay 25% of any moneys acquired from any sale or auction to the citizens' reward program.

(2) (a) The Police Department shall adopt and comply with a written internal control policy that does all of the following:

1. Provides for keeping detailed records as to the amount of property acquired by the Police Department and the date property was acquired;

2. Provides for keeping detailed records of the disposition of the property, which shall include but not be limited to both of the following:

a. The manner in which it was disposed, the date of disposition, detailed financial records concerning any property sold, and the name of any person who received the property. The record shall not identify or enable identification of the individual officer who seized any item of property.

b. An itemized list of the specific expenditures made with amounts that are gained from the sale of the property and that are retained by the agency, including the specific amount expended on each expenditure, except that the policy shall not provide for or permit the identification of any specific expenditure that is made in an ongoing investigation.

3. Complies with R.C. § 2981.13 if the Police Department has a Law Enforcement Trust Fund or similar fund created under that section.

(b) The records kept under the internal control policy shall be open to public inspection during the Police Department's regular business hours. The policy adopted under this section is a public record open for inspection under R.C. § 149.43.

(3) The Police Department, with custody of property to be disposed of under this section or R.C. §§ 2981.12 or 2981.13, shall make a reasonable effort to locate persons entitled to possession of the property, to notify them of when and where it may be claimed, and to return the property to them at the earliest possible time. In the absence of evidence identifying persons entitled to possession, it is sufficient notice to advertise in a newspaper of general circulation in the county and to briefly describe the nature of the property in custody and inviting persons to view and establish their right to it.

(4) As used in this section:

CITIZENS' REWARD PROGRAM. Has the same meaning as in R.C. § 9.92.

LAW ENFORCEMENT AGENCY. Includes correctional institutions.

TOWNSHIP LAW ENFORCEMENT AGENCY. Means an organized police department of a township, a township police district, a joint police district, or the office of a township constable.
(R.C. § 2981.11) (Rev. 2018)

(B) *Disposition of unclaimed or forfeited property.*

(1) Unclaimed or forfeited property in the custody of the Police Department, other than property described in division (A)(1)(b) of this section, shall be disposed of by order of any court of record that has territorial jurisdiction over the municipality, as follows:

(a) Drugs shall be disposed of pursuant to R.C. § 3719.11 or placed in the custody of the Secretary of the Treasury of the United States for disposal or use for medical or scientific purposes under applicable federal law.

(b) Firearms and dangerous ordnance suitable for police work may be given to a law enforcement agency for that purpose. Firearms suitable for sporting use or as museum pieces or collectors' items may be sold at public auction pursuant to division (B)(2) of this section. The Police Department may sell other firearms and dangerous ordnance to a federally licensed firearms dealer in a manner that the court considers proper. The Police Department shall destroy any firearms or dangerous ordnance not given to a law enforcement agency or sold or shall send them to the Bureau of Criminal Identification and Investigation for destruction by the Bureau.

(c) Obscene materials shall be destroyed.

(d) Beer, intoxicating liquor, or alcohol seized from a person who does not hold a permit issued under R.C. Chapters 4301 and 4303 or otherwise forfeited to the state for an offense under R.C. § 4301.45 or R.C. § 4301.53 shall be sold by the Division of Liquor Control if the Division determines that it is fit for sale or shall be placed in the custody of the Investigations Unit in the Ohio Department of Public Safety and be used for training relating to law enforcement activities. The Ohio Department of Public Safety, with the assistance of the Division of Liquor Control, shall adopt rules in accordance with R.C. Chapter 119 to provide for the distribution to state or local law enforcement agencies upon their request. If any tax imposed under R.C. Title 43 has not been paid in relation to the beer, intoxicating liquor, or alcohol, any moneys acquired from the sale shall first be used to pay the tax. All other money collected under this division (B)(1)(d) shall be paid into the State Treasury. Any beer, intoxicating liquor, or alcohol that the Division determines to be unfit for sale shall be destroyed.

(e) Money received by an inmate of a correctional institution from an unauthorized source or in an unauthorized manner shall be returned to the sender, if known, or deposited in the Inmates' Industrial and Entertainment Fund of the institution if the sender is not known.

(f) 1. Any mobile instrumentality forfeited under R.C. Chapter 2981 may be given to the law enforcement agency that initially seized the mobile

instrumentality for use in performing its duties, if the agency wants the mobile instrumentality. The agency shall take the mobile instrumentality subject to any security interest or lien on the mobile instrumentality.

2. Vehicles and vehicle parts forfeited under R.C. §§ 4549.61 to 4549.63 may be given to a law enforcement agency for use in performing its duties. Those parts may be incorporated into any other official vehicle. Parts that do not bear vehicle identification numbers or derivatives of them may be sold or disposed of as provided by rules of the Director of Public Safety. Parts from which a vehicle identification number or derivative of it has been removed, defaced, covered, altered, or destroyed and that are not suitable for police work or incorporation into an official vehicle shall be destroyed and sold as junk or scrap.

(g) Computers, computer networks, computer systems, and computer software suitable for police work may be given to a law enforcement agency for that purpose or disposed of under division (B)(2) of this section.

(h) Money seized in connection with a violation of R.C. § 2905.32, 2907.21, or 2907.22 shall be deposited in the Victims of Human Trafficking Fund created by R.C. § 5101.87.

(2) Unclaimed or forfeited property that is not described in division (B)(1) of this section or division (A)(1)(b) of this section, with court approval, may be used by the law enforcement agency in possession of it. If it is not used by the agency, it may be sold without appraisal at a public auction to the highest bidder for cash or disposed of in another manner that the court considers proper.

(3) Except as provided in divisions (B)(1) and (B)(5) of this section and after compliance with division (B)(4) of this section when applicable, any moneys acquired from the sale of property disposed of pursuant to this section shall be placed in the General Revenue Fund of the state, or the General Fund of the municipality.

(4) If the property was in the possession of the Police Department in relation to a delinquent child proceeding in a juvenile court, 10% of any moneys acquired from the sale of property disposed of under this section shall be applied to one or more community addiction services providers, as defined in R.C. § 5119.01. A juvenile court shall not specify a services provider, except as provided in this division, unless the services provider is in the same county as the court or in a contiguous county. If no services provider is located in any of those counties, the juvenile court may specify a services provider anywhere in Ohio. The remaining 90% of the proceeds or cash shall be applied as provided in division (B)(3) of this section.

(5) (a) If the Board of County Commissioners recognizes a citizens' reward program under R.C. § 9.92, the Board shall notify the Police Department of the recognition by filing a copy of its resolution conferring that recognition with the Police Department. When the Board recognizes a citizens' reward program and the county includes a part, but not all, of the territory of the municipality, the Board shall so notify the Police Department of the recognition of the citizens' reward program only if the county contains the highest percentage of the municipality's population.

(b) Upon being so notified, the Police Department shall pay 25% of any forfeited proceeds or cash derived from each sale of property disposed of pursuant to this section to the citizens' reward program for use exclusively to pay rewards. No part of the funds may be used to pay expenses associated with the program. If a citizens' reward program that operates in more than one county or in another state in addition to this state receives funds under this section, the funds shall be used to pay rewards only for tips and information to law enforcement agencies concerning offenses committed in the county from which the funds were received.

(6) Any property forfeited under R.C. Chapter 2981 not be used to pay any fine imposed upon a person who is convicted of or pleads guilty to an underlying criminal offense or a different offense arising out of the same facts and circumstances.

(7) Any moneys acquired from the sale of personal effects, tools, or other property seized because the personal effects, tools, or other property were used in the commission of a violation of R.C. § 2905.32, 2907.21, or 2907.22 or derived from the proceeds of the commission of a violation of R.C. § 2905.32, 2907.21, or 2907.22 and disposed of pursuant to this division (B) shall be placed in the Victims of Human Trafficking Fund created by R.C. § 5101.87.
(R.C. § 2981.12) (Rev. 2016)

(C) *Disposition of contraband, proceeds, or instrumentalities.* Except as otherwise provided in R.C. § 2981.13, property ordered forfeited as contraband, proceeds, or an instrumentality pursuant to R.C. Chapter 2981 shall be disposed of, used, or sold pursuant to division (B) of this section or R.C. § 2981.12. If the property is to be sold under division (B) of this section or R.C. § 2981.12, the prosecutor shall cause notice of the proposed sale to be given in accordance with law.
(R.C. § 2981.13(A)) (Rev. 2008)

Statutory reference:

Forfeiture of property generally, see R.C. Chapter 2981

§ 130.18 IMPOSING SENTENCE FOR MISDEMEANOR.

(A) (1) Unless a mandatory jail term is required to be imposed by R.C. § 1547.99(G), 4510.14(B), or 4511.19(G), or any other provision of the Ohio Revised Code, or any municipal ordinance, a court that imposes a sentence under this chapter upon an offender for a misdemeanor or minor misdemeanor has discretion to determine the most effective way to achieve the purposes and principles of sentencing set forth in § 130.99(B).

(2) Unless a specific sanction is required to be imposed or is precluded from being imposed by the section setting forth an offense or the penalty for an offense or by any provision of § 130.99 or 133.99 of this code or R.C. §§ 2929.23 through 2929.28, a court that imposes a sentence upon an offender for a misdemeanor may impose on the offender any sanction or combination of sanctions under § 130.99(C) through (G). The court shall not impose a sentence that imposes an unnecessary burden on local government resources.

(B) (1) In determining the appropriate sentence for a misdemeanor, the court shall consider all of the following factors:

(a) The nature and circumstances of the offense or offenses;

(b) Whether the circumstances regarding the offender and the offense or offenses indicate that the offender has a history of persistent criminal activity and that the offender's character and condition reveal a substantial risk that the offender will commit another offense;

(c) Whether the circumstances regarding the offender and the offense or offenses indicate that the offender's history, character, and condition reveal a substantial risk that the offender will be a danger to others and that the offender's conduct has been characterized by a pattern of repetitive, compulsive, or aggressive behavior with heedless indifference to the consequences;

(d) Whether the victim's youth, age, disability, or other factor made the victim particularly vulnerable to the offense or made the impact of the offense more serious;

(e) Whether the offender is likely to commit future crimes in general, in addition to the circumstances described in divisions (B)(1)(b) and (B)(1)(c) of this section;

(f) Whether the offender has an emotional, mental, or physical condition that is traceable to the offender's service in the armed forces of the United States and that was a contributing factor in the offender's commission of the offense or offenses;

(g) The offender's military service record.

(2) In determining the appropriate sentence for a misdemeanor, in addition to complying with division (B)(1) of this section, the court may consider any other factors that are relevant to achieving the purposes and principles of sentencing set forth in § 130.99(B).

(C) Before imposing a jail term as a sentence for a misdemeanor, a court shall consider the appropriateness of imposing a community control sanction or a combination of community control sanctions under § 130.99(D), (E), (F), and (G). A court may impose the longest jail term authorized under § 130.99(C) only upon offenders who commit the worst forms of the offense or upon offenders whose conduct and response to prior sanctions for prior offenses demonstrate that the imposition of the longest jail term is necessary to deter the offender from committing a future crime.

(D) (1) A sentencing court shall consider any relevant oral or written statement made by the victim, the defendant, the defense attorney, or the prosecuting authority regarding sentencing for a misdemeanor. This division does not create any rights to notice other than those rights authorized by R.C. Chapter 2930.

(2) At the time of sentencing for a misdemeanor or as soon as possible after sentencing, the court shall notify the victim of the offense of the victim's right to file an application for an award of reparations pursuant to R.C. §§ 2743.51 through 2743.72.
(R.C. § 2929.22) (Rev. 2014)

§ 130.19 MULTIPLE SENTENCES.

(A) Except as provided in division (B) of this section, R.C. § 2929.14(C), or R.C. § 2971.03(D) or (E), a prison term, jail term, or sentence of imprisonment shall be served concurrently with any other prison term, jail term, or sentence of imprisonment imposed by a court of this municipality, this state, another state, or the United States. Except as provided in division (B)(2) of this section, a jail term or sentence of imprisonment for misdemeanor shall be served concurrently with a prison term or sentence of imprisonment for felony served in a state or federal correctional institution.

(B) (1) A jail term or sentence of imprisonment for a misdemeanor shall be served consecutively to any other prison term, jail term, or sentence of imprisonment when the trial court specifies that it is to be served consecutively or when it is imposed for a misdemeanor violation of R.C. § 2907.322, 2921.34 or 2923.131. When consecutive sentences are imposed for misdemeanors under this division, the term to be served is the aggregate of the consecutive terms imposed, except that the aggregate term to be served shall not exceed 18 months.

(2) A jail term or sentence of imprisonment imposed for a misdemeanor violation of R.C. § 4510.11, 4510.14, 4510.16, 4510.21, or 4511.19, or a substantially equivalent municipal ordinance, shall be served consecutively to a prison term that is imposed for a felony violation of R.C. § 2903.06, 2903.07, 2903.08 or 4511.19 or a felony violation of R.C. § 2903.04 involving the operation of a motor vehicle by the offender and that is served in a state correctional institution when the trial court specifies that it is to be served consecutively. When consecutive jail terms or sentences of imprisonment and prison terms are imposed for one or more misdemeanors and one or more felonies under this division, the term to be served is the aggregate of the consecutive terms imposed, and the offender shall serve all terms imposed for a felony before serving any term imposed for a misdemeanor.
(R.C. § 2929.41) (Rev. 2013)

§ 130.20 APPREHENSION, DETENTION, OR ARREST OF PERSON ON BOND.

(A) No person, other than a law enforcement officer, shall apprehend, detain, or arrest a principal on bond, wherever issued, unless that person meets all of the following criteria:

(1) The person is any of the following:

(a) Qualified, licensed, and appointed as a surety bail bond agent under R.C. §§ 3905.83 through 3905.95;

(b) Licensed as a surety bail bond agent by the state where the bond was written;

(c) Licensed as a private investigator under R.C. Chapter 4749;

(d) Licensed as a private investigator by the state where the bond was written;

(e) An off-duty peace officer, as defined in R.C. § 2921.51.

(2) The person, prior to apprehending, detaining, or arresting the principal, has entered into a written contract with the surety or with a licensed surety bail bond agent appointed by the surety, which contract sets forth the name of the principal who is to be apprehended, detained, or arrested. For purposes of this division (A)(2), ***SURETY*** has the same meaning as in R.C. § 3905.83.

(3) The person, prior to apprehending, detaining, or arresting the principal, has notified the local law enforcement agency having jurisdiction over the area in which such activities will be performed and has provided any form or identification or other information requested by the law enforcement agency.

(B) No person shall represent the person's self to be a bail enforcement agent or bounty hunter, or claim any similar title, in this municipality.

(C) Whoever violates this section is guilty of illegal bail bond agent practices.

(1) A violation of division (A) of this section is a misdemeanor of the first degree or, if the offender previously has been convicted of or pleaded guilty to two or more violations of division (A) of this section, or any substantially equivalent state law or municipal ordinance, a felony to be prosecuted under appropriate state law.

(2) A violation of division (B) of this section is a misdemeanor of the first degree or, if the offender previously has been convicted of or pleaded guilty to two or more violations of division (B) of this section, or any substantially equivalent state law or municipal ordinance, a felony to be prosecuted under appropriate state law.
(R.C. § 2927.27) (Rev. 2001)

§ 130.21 SELF DEFENSE: LIMITATIONS ON DUTY TO RETREAT PRIOR TO USING FORCE.

(A) As used in this section, ***RESIDENCE*** and ***VEHICLE*** have the same meanings as in R.C. § 2901.05.

(B) For purposes of any section of this code that sets forth a criminal offense, a person who lawfully is in that person's residence has no duty to retreat before using force in self defense, defense of another, or defense of that person's residence, and a person who lawfully is an occupant of that person's vehicle or who lawfully is an occupant in a vehicle owned by an immediate family member of the person has no duty to retreat before using force in self defense or defense of another.
(R.C. § 2901.09) (Rev. 2009)

§ 130.99 PENALTY FOR TITLE XIII.

(A) *Generally.* Except where otherwise specifically classified within the body of the section of a chapter of this title, a violation of such section shall be deemed a misdemeanor punishable upon conviction by a fine of not more than $500, imprisonment of not more than six months, or both.
(R.C. § 715.67)

(B) *Considerations in misdemeanor sentencing.*

(1) A court that sentences an offender for a misdemeanor or minor misdemeanor violation of any provision of the Ohio Revised Code, or of any municipal ordinance that is substantially equivalent to a misdemeanor or minor misdemeanor violation of a provision of the Ohio Revised Code, shall be guided by the overriding purposes of misdemeanor sentencing. The overriding purposes of misdemeanor sentencing are to protect the public from future crime by the offender and others and to punish the offender. To achieve those purposes, the sentencing court shall consider the impact of the offense upon the victim and the need for changing the offender's behavior, rehabilitating the defender, and making restitution to the victim of the offense, the public, or the victim and the public.

(2) A sentence imposed for a misdemeanor or minor misdemeanor violation of an Ohio Revised Code provision or for a violation of a municipal ordinance that is subject to division (B)(1) of this section shall be reasonably calculated to achieve the two overriding purposes of misdemeanor sentencing set forth in division (B)(1) of this section, commensurate with and not demeaning to the seriousness of the offender's conduct and its impact upon the victim, and consistent with sentences imposed for similar offenses committed by similar offenders.

(3) A court that imposes a sentence upon an offender for a misdemeanor or minor misdemeanor violation of an Ohio Revised Code provision or for a violation of a municipal ordinance that is subject to division (B)(1) of this

section shall not base the sentence upon the race, ethnic background, gender, or religion of the offender.

(4) Divisions (B)(1) and (B)(2) of this section shall not apply to any offense that is disposed of by a traffic violations bureau of any court pursuant to Traffic Rule 13 and shall not apply to any violation of any provision of the Ohio Revised Code that is a minor misdemeanor and that is disposed of without a court appearance. Divisions (B)(1) through (B)(3) of this section do not affect any penalties established by the municipality for a violation of its ordinances that are not substantially equivalent to a misdemeanor or minor misdemeanor violation of a provision of the Ohio Revised Code.
(R.C. § 2929.21) (Rev. 2005)

(C) *Misdemeanor jail terms.*

(1) Except as provided in § 130.18 or 133.99 of this code or R.C. § 2929.22 or 2929.23 or division (C)(5) or (C)(6) of this section and unless another term is required or authorized pursuant to law, if the sentencing court imposing a sentence upon an offender for a misdemeanor elects or is required to impose a jail term on the offender pursuant to this chapter, the court shall impose a definite jail term that shall be one of the following:

(a) For a misdemeanor of the first degree, not more than 180 days;

(b) For a misdemeanor of the second degree, not more than 90 days;

(c) For a misdemeanor of the third degree, not more than 60 days;

(d) For a misdemeanor of the fourth degree, not more than 30 days.

(2) (a) A court that sentences an offender to a jail term under division (C) of this section may permit the offender to serve the sentence in intermittent confinement or may authorize a limited release of the offender as provided in division (E)(2) of this section. The court retains jurisdiction over every offender sentenced to jail to modify the jail sentence imposed at any time, but the court shall not reduce any mandatory jail term.

(b) 1. If a prosecutor, as defined in R.C. § 2935.01, has filed a notice with the court that the prosecutor wants to be notified about a particular case and if the court is considering modifying the jail sentence of the offender in that case, the court shall notify the prosecutor that the court is considering modifying the jail sentence of the offender in that case. The prosecutor may request a hearing regarding the court's consideration of modifying the jail sentence of the offender in that case, and, if the prosecutor requests a hearing, the court shall notify the eligible offender of the hearing.

2. If the prosecutor requests a hearing regarding the court's consideration of modifying the jail sentence of the offender in that case, the court shall hold the hearing before considering whether or not to release the offender from the offender's jail sentence.

(3) If a court sentences an offender to a jail term under division (C) of this section and the court assigns the offender to a county jail that has established a county jail industry program pursuant to R.C. § 5147.30, the court shall specify, as part of the sentence, whether the offender may be considered for participation in the program. During the offender's term in the county jail, the court retains jurisdiction to modify its specification regarding the offender's participation in the county jail industry program.

(4) If a person sentenced to a jail term pursuant to division (C) of this section, the court may impose as part of the sentence pursuant to R.C. § 2929.28 a reimbursement sanction, and, if the local detention facility in which the term is to be served is covered by a policy adopted pursuant to R.C. § 307.93, 341.14, 341.19, 341.21, 341.23, 753.02, 753.04, 753.16, 2301.56, or 2947.19 and R.C. § 2929.37, both of the following apply:

(a) The court shall specify both of the following as part of the sentence:

1. If the person is presented with an itemized bill pursuant to R.C. § 2929.37 for payment of the costs of confinement, the person is required to pay the bill in accordance with that section.

2. If the person does not dispute the bill described in division (C)(4)(a)1. of this section and does not pay the bill by the times specified in R.C. § 2929.37, the clerk of the court may issue a certificate of judgment against the person as described in that section.

(b) The sentence automatically includes any certificate of judgment issued as described in division (C)(4)(a)2. of this section.

(5) If an offender who is convicted of or pleads guilty to a violation of R.C. § 4511.19(B), or any substantially equivalent municipal ordinance, also is convicted of or also pleads guilty to a specification of the type described in R.C. § 2941.1414 and if the court imposes a jail term on the offender for the underlying offense, the court shall impose upon the offender an additional definite jail term of not more than six months. The additional jail term shall not be reduced pursuant to any provision of the Ohio Revised Code. The offender shall serve the additional jail term consecutively to and prior to the jail term imposed for the underlying offense and consecutively to any other mandatory term imposed in relation to the offense.

(6) (a) If an offender is convicted of or pleads guilty to a misdemeanor violation of R.C. § 2907.23, 2907.24, 2907.241, or 2907.25, or any substantially equivalent municipal ordinance, and to a specification of the type described in R.C. § 2941.1421 and if the court imposes

a jail term on the offender for the misdemeanor violation, the court may impose upon the offender an additional definite jail term as follows:

1. Subject to division (C)(6)(a)2. of this section, an additional definite jail term of not more than 60 days;

2. If the offender previously has been convicted of or pleaded guilty to one or more misdemeanor or felony violations of R.C. § 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25, or any substantially equivalent municipal ordinance, and also was convicted of or pleaded guilty to a specification of the type described in R.C. § 2941.1421 regarding one or more of those violations, an additional definite jail term of not more than 120 days.

(b) In lieu of imposing an additional definite jail term under division (C)(6)(a) of this section, the court may directly impose on the offender a sanction that requires the offender to wear a real-time processing, continual tracking electronic monitoring device during the period of time specified by the court. The period of time specified by the court shall equal the duration of an additional jail term that the court could have imposed upon the offender under division (C)(6)(a) of this section. A sanction imposed under this division shall commence on the date specified by the court, provided that the sanction shall not commence until after the offender has served the jail term imposed for the misdemeanor violation of R.C. § 2907.23, 2907.24, 2907.241, or 2907.25, or any substantially equivalent municipal ordinance, and any residential sanction imposed for the violation under division (E) of this section or R.C. § 2929.26. A sanction imposed under this division shall be considered to be a community control sanction for purposes of division (D) or this section or R.C. § 2929.25, and all provisions of this code and the Ohio Revised Code that pertain to community control sanctions shall apply to a sanction imposed under this division, except to the extent that they would by their nature be clearly inapplicable. The offender shall pay all costs associated with a sanction imposed under this division, including the cost of the use of the monitoring device.

(7) If an offender is convicted of or pleads guilty to a misdemeanor violation of R.C. § 2903.13 and also is convicted of or pleads guilty to a specification of the type described in R.C. § 2941.1423 that charges that the victim of the violation was a woman whom the offender knew was pregnant at the time of the violation, the court shall impose on the offender a mandatory jail term that is a definite term of at least 30 days.

(8) If a court sentences an offender to a jail term under this division (C), the sentencing court retains jurisdiction over the offender and the jail term. Upon motion of either party or upon the court's own motion, the court, in the court's sole discretion and as the circumstances warrant, may substitute one or more community control sanctions under division (E) or (F) of this section for any jail days that are not mandatory jail days.
(R.C. § 2929.24) (Rev. 2012)

(D) *Misdemeanor community control sanctions.*

(1) (a) Except as provided in §§ 130.18 and 133.99 of this code or R.C. §§ 2929.22 and 2929.23 or when a jail term is required by law, in sentencing an offender for a misdemeanor, other than a minor misdemeanor, the sentencing court may do either of the following:

1. Directly impose a sentence that consists of one or more community control sanctions authorized by divisions (E), (F), or (G) of this section. The court may impose any other conditions of release under a community control sanction that the court considers appropriate. If the court imposes a jail term upon the offender, the court may impose any community control sanction or combination of community control sanctions in addition to the jail term.

2. Impose a jail term under division (C) of this section from the range of jail terms authorized under that division for the offense, suspend all or a portion of the jail term imposed, and place the offender under a community control sanction or combination of community control sanctions authorized under divisions (E), (F), or (G) of this section.

(b) The duration of all community control sanctions imposed upon an offender and in effect for an offender at any time shall not exceed five years.

(c) At sentencing, if a court directly imposes a community control sanction or combination of community control sanctions pursuant to division (D)(1)(a)1. of this section, the court shall state the duration of the community control sanctions imposed and shall notify the offender that if any of the conditions of the community control sanctions are violated the court may do any of the following:

1. Impose a longer time under the same community control sanction if the total time under all of the offender's community control sanctions does not exceed the five-year limit specified in division (D)(1)(b) of this section;

2. Impose a more restrictive community control sanction under division (E), (F), or (G) of this section, but the court is not required to impose any particular sanction or sanctions;

3. Impose a definite jail term from the range of jail terms authorized for the offense under division (C) of this section.

(2) If a court sentences an offender to any community control sanction or combination of community control sanctions pursuant to division (D)(1)(a)1. of this section, the sentencing court retains jurisdiction over the offender and the period of community control for the duration of the period of community control. Upon the motion of either party or on the court's own motion, the court, in the court's sole discretion and as the circumstances warrant, may

modify the community control sanctions or conditions of release previously imposed, substitute a community control sanction or condition of release for another community control sanction or condition of release previously imposed, or impose an additional community control sanction or condition of release.

(3) (a) If a court sentences an offender to any community control sanction or combination of community control sanctions authorized under division (E), (F), or (G) of this section, the court shall place the offender under the general control and supervision of the court or of a department of probation in the jurisdiction that serves the court for purposes of reporting to the court a violation of any of the conditions of the sanctions imposed. If the offender resides in another jurisdiction and a department of probation has been established to serve the municipal court or county court in that jurisdiction, the sentencing court may request the municipal court or the county court to receive the offender into the general control and supervision of that department of probation for purposes of reporting to the sentencing court a violation of any of the conditions of the sanctions imposed. The sentencing court retains jurisdiction over any offender whom it sentences for the duration of the sanction or sanctions imposed.

(b) The sentencing court shall require as a condition of any community control sanction that the offender abide by the law and not leave the state without the permission of the court or the offender's probation officer. In the interests of doing justice, rehabilitating the offender, and ensuring the offender's good behavior, the court may impose additional requirements on the offender. The offender's compliance with the additional requirements also shall be a condition of the community control sanction imposed upon the offender.

(4) (a) If the court imposing sentence upon an offender sentences the offender to any community control sanction or combination of community control sanctions authorized under division (E), (F), or (G) of this section, and the offender violates any of the conditions of the sanctions, the public or private person or entity that supervises or administers the program or activity that comprises the sanction shall report the violation directly to the sentencing court or to the department of probation or probation officer with general control and supervision over the offender. If the public or private person or entity reports the violation to the department of probation or probation officer, the department or officer shall report the violation to the sentencing court.

(b) If an offender violates any condition of a community control sanction, the sentencing court may impose upon the violator one or more of the following penalties:

1. A longer time under the same community control sanction if the total time under all of the community control sanctions imposed on the violator does not exceed the five-year limit specified in division (D)(1)(b) of this section;

2. A more restrictive community control sanction;

3. A combination of community control sanctions, including a jail term.

(c) If an offender was acting pursuant to R.C. § 2925.11(B)(2)(b), or any substantially equivalent municipal ordinance, and in so doing violated the conditions of a community control sanction based on a minor drug possession offense, as defined in R.C. § 2925.11, the sentencing court may consider the offender's conduct in seeking or obtaining medical assistance for another in good faith or for self or may consider the offender being the subject of another person seeking or obtaining medical assistance in accordance with that division as a mitigating factor before imposing any of the penalties described in division (D)(4)(b) of this section.

(d) If the court imposes a jail term upon a violator pursuant to division (D)(4)(b) of this section, the total time spent in jail for the misdemeanor offense and the violation of a condition of the community control sanction shall not exceed the maximum jail term available for the offense for which the sanction that was violated was imposed. The court may reduce the longer period of time that the violator is required to spend under the longer sanction or the more restrictive sanction imposed under division (D)(4)(b) of this section by all or part of the time the violator successfully spent under the sanction that was initially imposed.

(5) Except as otherwise provided in this division, if an offender, for a significant period of time, fulfills the conditions of a community control sanction imposed pursuant to division (E), (F), or (G) of this section in an exemplary manner, the court may reduce the period of time under the community control sanction or impose a less restrictive community control sanction. Fulfilling the conditions of a community control sanction does not relieve the offender of a duty to make restitution under division (G) of this section. (R.C. § 2929.25) (Rev. 2017)

(E) *Community residential sanction.*

(1) Except when a mandatory jail term is required by law, the court imposing a sentence for a misdemeanor, other than a minor misdemeanor, may impose upon the offender any community residential sanction or combination of community residential sanctions under this division (E). Community residential sanctions include but are not limited to the following:

(a) A term of up to 180 days in a halfway house or a term in a halfway house not to exceed the longest jail term available for the offense, whichever is shorter, if the political subdivision that would have responsibility for paying the costs of confining the offender in a jail has entered into a contract with the halfway house for use of the facility for misdemeanor offenders;

(b) If the offender is an eligible offender, as defined in R.C. § 307.932, a term in a community

alternative sentencing center or district community alternative sentencing center established and operated in accordance with that section, in the circumstances specified in that section, with one of the conditions of the sanction being that the offender successfully complete the portion of the sentence to be served in the center.

(2) A sentence to a community residential sanction under division (E)(1)(b) of this section shall be in accordance with R.C. § 307.932. In all other cases, the court that sentences an offender to a community residential sanction under this division (E) may do either or both of the following:

(a) Permit the offender to serve the offender's sentence in intermittent confinement, overnight, on weekends or at any other time or times that will allow the offender to continue at the offender's occupation or care for the offender's family;

(b) Authorize the offender to be released so that the offender may seek or maintain employment, receive education or training, receive treatment, perform community service, or otherwise fulfill an obligation imposed by law or by the court. A release pursuant to this division shall be only for the duration of time that is needed to fulfill the purpose of the release and for travel that reasonably is necessary to fulfill the purposes of release.

(3) The court may order that a reasonable portion of the income earned by the offender upon a release pursuant to division (E)(2) of this section be applied to any financial sanction imposed under division (G) of this section.

(4) No court shall sentence any person to a prison term for a misdemeanor or minor misdemeanor or to a jail term for a minor misdemeanor.

(5) If a court sentences a person who has been convicted of or pleaded guilty to a misdemeanor to a community residential sanction as described in division (E)(1) of this section, at the time of reception and at other times the person in charge of the operation of the halfway house, community alternative sentencing center, district community alternative sentencing center, or other place at which the offender will serve the residential sanction determines to be appropriate, the person in charge of the operation of the halfway house, community alternative sentencing center, district community alternative sentencing center, or other place may cause the convicted offender to be examined and tested for tuberculosis, HIV infection, hepatitis, including but not limited to hepatitis A, B, and C, and other contagious diseases. The person in charge of the operation of the halfway house, community alternative sentencing center, district community alternative sentencing center, or other place at which the offender will serve the residential sanction may cause a convicted offender in the halfway house, community alternative sentencing center, district community alternative sentencing center, or other place who refuses to be tested or treated for tuberculosis, HIV infection, hepatitis, including but not limited to hepatitis A, B, and C, or another contagious disease to be tested and treated involuntarily.

(6) The municipality may enter into a contract with a halfway house for use of the halfway house to house misdemeanor offenders under a sanction imposed under division (E)(1)(a) of this section.
(R.C. § 2929.26) (Rev. 2015)

(F) *Nonresidential sanction where jail term is not mandatory.*

(1) Except when a mandatory jail term is required by law, the court imposing a sentence for a misdemeanor, other than a minor misdemeanor, may impose upon the offender any nonresidential sanction or combination of nonresidential sanctions authorized under this division. Nonresidential sanctions include but are not limited to the following:

(a) A term of day reporting;

(b) A term of house arrest with electronic monitoring or continuous alcohol monitoring or both electronic monitoring and continuous alcohol monitoring, a term of electronic monitoring or continuous alcohol monitoring without house arrest, or a term of house arrest without electronic monitoring or continuous alcohol monitoring;

(c) A term of community service of up to 500 hours for misdemeanor of the first degree or 200 hours for a misdemeanor of the second, third, or fourth degree;

(d) A term in a drug treatment program with a level of security for the offender as determined necessary by the court;

(e) A term of intensive probation supervision;

(f) A term of basic probation supervision;

(g) A term of monitored time;

(h) A term of drug and alcohol use monitoring, including random drug testing;

(i) A curfew term;

(j) A requirement that the offender obtain employment;

(k) A requirement that the offender obtain education or training;

(l) Provided the court obtains the prior approval of the victim, a requirement that the offender participate in victim-offender mediation;

(m) If authorized by law, suspension of the offender's privilege to operate a motor vehicle, immobilization or forfeiture of the offender's motor vehicle, a requirement that the offender obtain a valid motor vehicle operator's license, or any other related sanction;

(n) A requirement that the offender obtain counseling if the offense is a violation of R.C. § 2919.25 or a substantially equivalent municipal ordinance or a violation of R.C. § 2903.13 or a substantially equivalent municipal ordinance involving a person who was a family or household member at the time of the violation, if the offender committed the offense in the vicinity of one or more children who are not victims of the offense, and if the offender or the victim of the offense is a parent, guardian, custodian, or person in loco parentis of one or more of those children. This division does not limit the court in requiring that the offender obtain counseling for any offense or in any circumstance not specified in this division.

(2) If the court imposes a term of community service pursuant to division (F)(1)(c) of this section, the offender may request that the court modify the sentence to authorize the offender to make a reasonable contribution, as determined by the court, to the general fund of the county, municipality, or other local entity that provides funding to the court. The court may grant the request if the offender demonstrates a change in circumstances from the date the court imposes the sentence or that the modification would otherwise be in the interests of justice. If the court grants the request, the offender shall make a reasonable contribution to the court, and the clerk of the court shall deposit that contribution into the general fund of the county, municipality, or other local entity that provides funding to the court. If more than one entity provides funding to the court, the clerk shall deposit a percentage of the reasonable contribution equal to the percentage of funding the entity provides to the court in that entity's general fund.

(3) In addition to the sanctions authorized under division (F)(1) of this section, the court imposing a sentence for a misdemeanor, other than a minor misdemeanor, upon an offender who is not required to serve a mandatory jail term may impose any other sanction that is intended to discourage the offender or other persons from committing a similar offense if the sanction is reasonably related to the overriding purposes and principles of misdemeanor sentencing.

(4) The court imposing a sentence for a minor misdemeanor may impose a term of community service in lieu of all or part of a fine. The term of community service imposed for a minor misdemeanor shall not exceed 30 hours. After imposing a term of community service, the court may modify the sentence to authorize a reasonable contribution, as determined by the court, to the appropriate general fund as provided in division (F)(2) of this section.
(R.C. § 2929.27) (Rev. 2012)

(G) *Financial sanctions.*

(1) In addition to imposing court costs pursuant to R.C. § 2947.23, the court imposing a sentence upon an offender for a misdemeanor, including a minor misdemeanor, may sentence the offender to any financial sanction or combination of financial sanctions authorized under this division (G). If the court in its discretion imposes one or more financial sanctions, the financial sanctions that may be imposed pursuant to this section include but are not limited to the following:

(a) *Restitution.*

1. Unless the misdemeanor offense is a minor misdemeanor or could be disposed of by the Traffic Violations Bureau serving the court under Traffic Rule 13, restitution by the offender to the victim of the offender's crime or any survivor of the victim, in an amount based upon the victim's economic loss. The court may not impose restitution as a sanction pursuant to this division if the offense is a minor misdemeanor or could be disposed of by the Traffic Violations Bureau serving the court under Traffic Rule 13. If the court requires restitution, the court shall order that the restitution be made to the victim in open court or to the adult probation department that serves the jurisdiction or the clerk of the court on behalf of the victim.

2. If the court imposes restitution, the court shall determine the amount of restitution to be paid by the offender. If the court imposes restitution, the court may base the amount of restitution it orders on an amount recommended by the victim, the offender, a presentence investigation report, estimates or receipts indicating the cost of repairing or replacing property, and other information, provided that the amount the court orders as restitution shall not exceed the amount of economic loss suffered by the victim as a direct and proximate result of the commission of the offense. If the court decides to impose restitution, the court shall hold an evidentiary hearing on restitution if the offender, victim, or survivor disputes the amount of restitution. If the court holds an evidentiary hearing, at the hearing the victim or survivor has the burden to prove by a preponderance of the evidence the amount of restitution sought from the offender.

3. All restitution payments shall be credited against any recovery of economic loss in a civil action brought by the victim or any survivor of the victim against the offender. No person may introduce evidence of an award of restitution under this section in a civil action for purposes of imposing liability against an insurer under R.C. § 3937.18.

4. If the court imposes restitution, the court may order that the offender pay a surcharge, of not more than 5% of the amount of the restitution otherwise ordered, to the entity responsible for collecting and processing restitution payments.

5. The victim or survivor of the victim may request that the prosecutor in the case file a motion, or the offender may file a motion, for modification of the payment terms of any restitution ordered. If the court grants the motion, it may modify the payment terms as it determines appropriate.

(b) *Fines.* A fine of the type described in divisions (G)(1)(b)1. and (G)(1)(b)2. of this section payable to the appropriate entity as required by law:

1. A fine in the following amount:

a. For a misdemeanor of the first degree, not more than $1,000;

b. For a misdemeanor of the second degree, not more than $750;

c. For a misdemeanor of the third degree, not more than $500;

d. For a misdemeanor of the fourth degree, not more than $250;

e. For a minor misdemeanor, not more than $150.

2. A state fine or cost as defined in R.C. § 2949.111.

(c) *Reimbursement.*

1. Reimbursement by the offender of any or all of the costs of sanctions incurred by the government, including but not limited to the following:

a. All or part of the costs of implementing any community control sanction, including a supervision fee under R.C. § 2951.021;

b. All or part of the costs of confinement in a jail or other residential facility, including but not limited to a per diem fee for room and board, the costs of medical and dental treatment, and the costs of repairing property damaged by the offender while confined;

c. All or part of the cost of purchasing and using an immobilizing or disabling device, including a certified ignition interlock device, or a remote alcohol monitoring device that a court orders an offender to use under R.C. § 4510.13.

2. The amount of reimbursement under division (G)(1)(c)1. of this section shall not exceed the total amount of reimbursement the offender is able to pay and shall not exceed the actual cost of the sanctions. The court may collect any amount of reimbursement the offender is required to pay under that division. If the court does not order reimbursement under that division, confinement costs may be assessed pursuant to a repayment policy adopted under R.C. § 2929.37. In addition, the offender may be required to pay the fees specified in R.C. § 2929.38 in accordance with that section.

(2) (a) If the court determines a hearing is necessary, the court may hold a hearing to determine whether the offender is able to pay the financial sanction imposed pursuant to this division (G) or court costs or is likely in the future to be able to pay the sanction or costs.

(b) If the court determines that the offender is indigent and unable to pay the financial sanction or court costs, the court shall consider imposing and may impose a term of community service under division (F)(1) of this section in lieu of imposing a financial sanction or court costs. If the court does not determine that the offender is indigent, the court may impose a term of community service under division (F)(1) of this section in lieu of or in addition to imposing a financial sanction under this division (G) and in addition to imposing court costs. The court may order community service for a minor misdemeanor pursuant to division (F)(4) of this section in lieu of or in addition to imposing a financial sanction under this section and in addition to imposing court costs. If a person fails to pay a financial sanction or court costs, the court may order community service in lieu of the financial sanction or court costs.

(3) (a) The offender shall pay reimbursements imposed upon the offender pursuant to division (G)(1)(c) of this section to pay the costs incurred by a county pursuant to any sanction imposed under division (E), (F), or (G) of this section or in operating a facility used to confine offenders pursuant to a sanction imposed under division (E) of this section to the county treasurer. The county treasurer shall deposit the reimbursements in the county's General Fund. The county shall use the amounts deposited in the fund to pay the costs incurred by the county pursuant to any sanction imposed under division (E), (F), or (G) of this section or in operating a facility used to confine offenders pursuant to a sanction imposed under division (E) of this section.

(b) The offender shall pay reimbursements imposed upon the offender pursuant to division (G)(1)(c) of this section to pay the costs incurred by a municipal corporation pursuant to any sanction imposed under division (E), (F), or (G) of this section or in operating a facility used to confine offenders pursuant to a sanction imposed under division (E) of this section to the treasurer of the municipal corporation. The treasurer shall deposit the reimbursements in the municipal corporation's General Fund. The municipal corporation shall use the amounts deposited in the fund to pay the costs incurred by the municipal corporation pursuant to any sanction imposed under division (E), (F), or (G) of this section or in operating a facility used to confine offenders pursuant to a sanction imposed under division (E) of this section.

(c) The offender shall pay reimbursements imposed pursuant to division (G)(1)(c) of this section for the costs incurred by a private provider pursuant to a sanction imposed under division (E), (F), or (G) of this section to the provider.

(4) In addition to any other fine that is or may be imposed under this division (G), the court imposing sentence upon an offender for misdemeanor domestic violence or menacing by stalking may impose a fine of not less than $70 nor more than $500, which shall be transmitted to the Treasurer of Ohio to be credited to the address confidentiality program fund created by R.C. § 111.48.

(5) (a) Except as otherwise provided in this division (G)(5), a financial sanction imposed under division

(G)(1) of this section is a judgment in favor of the state or the political subdivision that operates the court that imposed the financial sanction, and the offender subject to the financial sanction is the judgment debtor. A financial sanction of reimbursement imposed pursuant to division (G)(1)(c)1.a. of this section upon an offender is a judgment in favor of the entity administering the community control sanction, and the offender subject to the financial sanction is the judgment debtor. A financial sanction of reimbursement imposed pursuant to division (G)(1)(c)1.b. of this section upon an offender confined in a jail or other residential facility is a judgment in favor of the entity operating the jail or other residential facility, and the offender subject to the financial sanction is the judgment debtor. A financial sanction of restitution imposed pursuant to division (G)(1)(a) of this section is an order in favor of the victim of the offender's criminal act that can be collected through a certificate of judgment as described in division (G)(5)(b)1. of this section, through execution as described in division (G)(5)(b)2. of this section or through an order as described in division (G)(5)(b)3. of this section and the offender shall be considered for purposes of the collection as a judgment debtor.

(b) Once a financial sanction is imposed as a judgment or order under this division, the victim, private provider, state, or political subdivision may do any of the following:

1. Obtain from the clerk of the court in which the judgment was entered a certificate of judgment that shall be in the same manner and form as a certificate of judgment issued in a civil action;

2. Obtain execution of the judgment or order through any available procedure, including any of the procedures identified in R.C. § 2929.18(D)(1) and (D)(2) or a substantially equivalent municipal ordinance.

3. Obtain an order for the assignment of wages of the judgment debtor under R.C. § 1321.33 or a substantially equivalent municipal ordinance.

(6) The civil remedies authorized under division (G)(5) of this section for the collection of the financial sanction supplement, but do not preclude, enforcement of the criminal sentence.

(7) Each court imposing a financial sanction upon an offender under this division (G) may designate the clerk of the court or another person to collect the financial sanction. The clerk, or another person authorized by law or the court to collect the financial sanction may do the following:

(a) Enter into contracts with one or more public agencies or private vendors for the collection of amounts due under the sanction. Before entering into a contract for the collection of amounts due from an offender pursuant to any financial sanction imposed pursuant to this division (G), a court shall comply with R.C. §§ 307.86 through 307.92.

(b) Permit payment of all or any portion of the sanction in installments, by financial transaction device if the court is a county court or a municipal court operated by a county, or by any other reasonable method, in any time, and on any terms that the court considers just, except that the maximum time permitted for payment shall not exceed five years. If the court is a county court or a municipal court operated by a county, the acceptance of payments by any financial transaction device shall be governed by the policy adopted by the board of county commissioners of the county pursuant to R.C. § 301.28. If the court is a municipal court not operated by a county, the clerk may pay any fee associated with processing an electronic transfer out of public money or may charge the fee to the offender.

(c) To defray administrative costs, charge a reasonable fee to an offender who elects a payment plan rather than a lump sum payment of any financial sanction.

(8) No financial sanction imposed under this division (G) shall preclude a victim from bringing a civil action against the offender.
(R.C. § 2929.28) (Rev. 2017)

(H) *Organizational penalties.*

(1) Regardless of the other penalties provided in this section, an organization convicted of an offense pursuant to § 130.09 shall be fined by the court as follows:

(a) For a misdemeanor of the first degree, not more than $5,000;

(b) For a misdemeanor of the second degree, not more than $4,000;

(c) For a misdemeanor of the third degree, not more than $3,000;

(d) For a misdemeanor of the fourth degree, not more than $2,000;

(e) For a minor misdemeanor, not more than $1,000;

(f) For a misdemeanor not specifically classified, not more than $2,000;

(g) For a minor misdemeanor not specifically classified, not more than $1,000.

(2) When an organization is convicted of an offense not specifically classified, and the section defining the offense or penalty plainly indicates a purpose to impose the penalty provided for violation upon organizations, then such penalty shall be imposed in lieu of the penalty provided in this section.

(3) When an organization is convicted of an offense not specifically classified, and the penalty provided includes a higher fine than that provided in this section, then

the penalty imposed shall be pursuant to the penalty provided for violation of the section defining the offense.

(4) This section does not prevent the imposition of available civil sanctions against an organization convicted of an offense pursuant to § 130.09, either in addition to or in lieu of a fine imposed pursuant to this section.
(R.C. § 2929.31) (Rev. 2004)

Cross-reference:

Sentencing for sexually oriented offenses; sexual predators; registration, see § 133.99

Statutory reference:

Citation issuance and limitations on arrest for minor misdemeanors, see R.C. § 2935.26
Crime Victim's Reparations Fund, see R.C. § 2929.32
Habitual sex offender and sexual predator registration, see R.C. Chapter 2950
Reimbursement for costs of confinement, see R.C. §§ 2929.36 et seq.
Reports to health care licensing boards of criminal offenses, see R.C. § 2929.42

CHAPTER 131: OFFENSES AGAINST PROPERTY

Section

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Deceptive acts or practices in connection with consumer transactions, see O.A.C. Chapter 109:4-3

Disrupting public services, felony, see R.C. § 2909.04

E-mail advertisements, civil offenses and felony forgery offense, see R.C. § 2307.64

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Terrorism involving agricultural products or equipment, see R.C. § 901.511

§ 131.01 DEFINITIONS.

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

ACTIVE DUTY SERVICE MEMBER. Any member of the armed forces of the United States performing active duty under Title 10 of the United States Code.

ANHYDROUS AMMONIA. A compound formed by the combination of two gaseous elements, nitrogen and hydrogen, in the manner described below. Anhydrous ammonia is one part nitrogen to three parts hydrogen (NH_3). Anhydrous ammonia by weight is fourteen parts nitrogen to three parts hydrogen, which is approximately 82% nitrogen to 18% hydrogen.

ASSISTANCE DOG. Has the same meaning as in R.C. § 955.011.

CABLE TELEVISION SERVICE. Any services provided by or through the facilities of any cable television system or other similar closed circuit coaxial cable communications system, or any microwave or similar transmission service used in connection with any cable television system or other similar closed circuit coaxial cable communications system.

COIN MACHINE. Any mechanical or electronic device designed to do both of the following:

(1) Receive a coin or bill, or token made for that purpose;

(2) In return for the insertion or deposit of a coin, bill, or token, automatically dispense property, provide a service, or grant a license.

COMPUTER. An electronic device that performs logical, arithmetic, and memory functions by the manipulation of electronic or magnetic impulses. The term includes but is not limited to all input, output, processing, storage, computer program, or communication facilities that are connected, or related, in a computer system or network to an electronic device of that nature.

COMPUTER CONTAMINANT. Means a computer program that is designed to modify, damage, destroy, disable, deny or degrade access to, allow unauthorized access to, functionally impair, record, or transmit information within a computer, computer system, or computer network without the express or implied consent of the owner or other person authorized to give consent and that is of a type or kind described in divisions (1) through (4) of this definition or of a type or kind similar to a type or kind described in divisions (1) through (4) of this definition:

(1) A group of computer programs commonly known as "viruses" and "worms" that are self-replicating or self-propagating and that are designed to contaminate other computer programs, compromise computer security, consume computer resources, modify, destroy, record, or transmit data, or disrupt the normal operation of the computer, computer system, or computer network;

(2) A group of computer programs commonly known as "Trojans" or "Trojan horses" that are not self-replicating or self-propagating and that are designed to compromise computer security, consume computer resources, modify, destroy, record, or transmit data, or disrupt the normal operation of the computer, computer system, or computer network;

(3) A group of computer programs commonly known as "zombies" that are designed to use a computer without the knowledge and consent of the owner, or other person authorized to give consent, and that are designed to send large quantities of data to a targeted computer network for the purpose of degrading the targeted computer's or network's performance, or denying access through the network to the targeted computer or network, resulting in what is commonly known as "denial of service" or "distributed denial of service" attacks;

(4) A group of computer programs commonly known as "trap doors", "back doors", or "root kits" that are designed to bypass standard authentication software and that are designed to allow access or use of a computer without the knowledge or consent of the owner, or other person authorized to give consent.

COMPUTER HACKING.

(1) The term means any of the following:

(a) Gaining access or attempting to gain access to all or part of a computer, computer system, or a computer network without express or implied authorization with the intent to defraud or with intent to commit a crime;

(b) Misusing computer or network services including but not limited to mail transfer programs, file transfer programs, proxy servers, and web servers by performing functions not authorized by the owner of the computer, computer system, or computer network or other person authorized to give consent. As used in this division, "misuse of computer and network services" includes but is not limited to the unauthorized use of any of the following:

1. Mail transfer programs to send mail to persons other than the authorized users of that computer or computer network;

2. File transfer program services or proxy servers to access other computers, computer systems, or computer networks;

3. Web servers to redirect users to other web pages or web servers.

(c) 1. Subject to division (1)(c)2. of this definition, using a group of computer programs commonly known as "port scanners" or "probes" to intentionally access any computer, computer system, or computer network without the permission of the owner of the computer, computer system, or computer network or other person authorized to give consent. The group of computer programs referred to in this division includes but is not limited to those computer programs that use a computer network to access a computer, computer system, or another computer network to determine any of the following: the presence or types of computers or computer systems on a network; the computer network's facilities and capabilities; the availability of computer or network services; the presence or versions of computer software including but not limited to operating systems, computer services, or computer contaminants; the presence of a known computer software deficiency that can be used to gain unauthorized access to a computer, computer system, or computer network; or any other information about a computer, computer system, or computer network not necessary for the normal and lawful operation of the computer initiating the access.

2. The group of computer programs referred to in division (1)(c)1. of this definition does not include standard computer software used for the normal operation, administration, management, and test of a computer, computer system, or computer network including but not limited to domain name services, mail transfer services, and other operating system services, computer programs commonly called "ping", "tcpdump", and "traceroute" and other network monitoring and management computer software, and computer programs commonly knows

as "nslookup" and "whois" and other systems administration computer software.

(d) The intentional use of a computer, computer system, or a computer network in a manner that exceeds any right or permission granted by the owner of the computer, computer system, or computer network or other person authorized to give consent.

(2) The term does not include the introduction of a computer contaminant, as defined in this section, into a computer, computer system, computer program, or computer network.

COMPUTER NETWORK. A set of related and remotely-connected computers and communication facilities that includes more than one computer system that has the capability to transmit among the connected computers and communication facilities through the use of computer facilities.

COMPUTER PROGRAM. An ordered set of data representing coded instructions or statements that, when executed by a computer, causes the computer to process data.

COMPUTER SERVICES. Includes but is not limited to the use of a computer system, computer network, computer program, data that is prepared for computer use, or data that is contained within a computer system or computer network.

COMPUTER SOFTWARE. Computer programs, procedures, and other documentation associated with the operation of a computer system.

COMPUTER SYSTEM. A computer and related devices, whether connected or unconnected, including but not limited to data input, output, and storage devices, data communications links, and computer programs and data that make the system capable of performing specified special purpose data processing tasks.

COUNTERFEIT TELECOMMUNICATIONS DEVICE. A telecommunications device that, alone or with another telecommunications device, has been altered, constructed, manufactured, or programmed to acquire, intercept, receive, or otherwise facilitate the use of a telecommunications service or information service without the authority or consent of the provider of the telecommunications service or information service. The phrase includes but is not limited to a clone telephone, clone microchip, tumbler telephone, or tumbler microchip; a wireless scanning device capable of acquiring, intercepting, receiving, or otherwise facilitating the use of telecommunications service or information service without immediate detection; or a device, equipment, hardware, or software designed for, or capable of, altering or changing the electronic serial number in a wireless telephone.

CREATE A SUBSTANTIAL RISK OF SERIOUS PHYSICAL HARM TO ANY PERSON. Includes the creation of a substantial risk of serious physical harm to any emergency personnel.

CREDIT CARD. Includes but is not limited to a card, code, device, or other means of access to a customer's account for the purpose of obtaining money, property, labor, or services on credit, or for initiating an electronic fund transfer at a point-of-sale terminal, an automated teller machine, or a cash dispensing machine. It also includes a county procurement card issued under R.C. § 301.29.

DANGEROUS DRUG. Has the same meaning as in R.C. § 4729.01.

DANGEROUS ORDNANCE. Has the same meaning as in R.C. § 2923.11.

DATA. A representation of information, knowledge, facts, concepts, or instructions that are being or have been prepared in a formalized manner and that are intended for use in a computer, computer system, or computer network.

DECEPTION. To knowingly deceive another or cause another to be deceived by any false or misleading representation, by withholding information, by preventing another from acquiring information, or by any other conduct, act, or omission that creates, confirms, or perpetuates a false impression in another, including a false impression as to law, value, state of mind, or other objective or subjective fact.

DEFRAUD. To knowingly obtain, by deception, some benefit for oneself or another, or to knowingly cause, by deception, some detriment to another.

DEPRIVE. To do any of the following:

(1) To withhold property of another permanently, or for a period that appropriates a substantial portion of its value or use, or with purpose to restore it only upon payment of a reward or other consideration;

(2) To dispose of property so as to make it unlikely that the owner will recover it;

(3) To accept, use, or appropriate money, property, or services, with purpose not to give proper consideration in return for the money, property, or services, and without reasonable justification or excuse for not giving proper consideration.

DISABLED ADULT. A person who is 18 years of age or older and has some impairment of body or mind that makes the person unable to work at any substantially remunerative employment that the person otherwise would be able to perform and that will, with reasonable probability, continue for a period of at least 12 months without any present indication of recovery from the impairment, or who is 18 years of age or older and has been certified as permanently and totally disabled by an agency of this state or the United States that has the function of so classifying persons.

DRUG ABUSE OFFENSE. Has the same meaning as in R.C. § 2925.01.

ELDERLY PERSON. A person who is 65 years of age or older.

ELECTRONIC FUND TRANSFER. Has the same meaning as in 92 Stat. 3728, 15 U.S.C. § 1693a, as amended.

EMERGENCY PERSONNEL. Means any of the following persons:

(1) A peace officer, as defined in R.C. § 2935.01;

(2) A member of a fire department or other firefighting agency of a municipal corporation, township, township fire district, joint fire district, other political subdivision, or combination of political subdivisions;

(3) A member of a private fire company, as defined in R.C. § 9.60, or a volunteer firefighter;

(4) A member of a joint ambulance district or joint emergency medical services district;

(5) An emergency medical technician-basic, emergency medical technician-intermediate, emergency medical technician-paramedic, ambulance operator, or other member of an emergency medical service that is owned or operated by a political subdivision or a private entity;

(6) The State Fire Marshal, the Chief Deputy State Fire Marshal, or an assistant state fire marshal;

(7) A fire prevention officer of a political subdivision or an arson, fire, or similar investigator of a political subdivision.

FEDERALLY-LICENSED FIREARMS DEALER. Has the same meaning as in R.C. § 5502.63.

FIREARM. Has the same meaning as in R.C. § 2923.11.

FORGE. To fabricate or create, in whole or in part and by any means, any spurious writing, or to make, execute, alter, complete, reproduce, or otherwise purport to authenticate any writing, when the writing in fact is not authenticated by that conduct.

GAIN ACCESS. To approach, instruct, communicate with, store data in, retrieve data from, or otherwise make use of any resources of a computer, computer system, or computer network, or any cable service or cable system both as defined in R.C. § 2913.04.

INFORMATION SERVICE.

(1) Subject to division (2) of this definition, the offering of a capability for generating, acquiring, storing, transforming, processing, retrieving, utilizing, or making available information via telecommunications, including but not limited to electronic publishing.

(2) The term does not include any use of a capability of a type described in division (1) of this definition for the management, control, or operation of a telecommunications system or the management of a telecommunications service.

INTERNET. Has the same meaning as in R.C. § 341.42.

MOTOR VEHICLE. Has the same meaning as in R.C. § 4501.01.

OCCUPIED STRUCTURE. Means any house, building, outbuilding, watercraft, aircraft, railroad car, truck, trailer, tent, or other structure, vehicle, or shelter, or any portion thereof, to which any of the following applies:

(1) It is maintained as a permanent or temporary dwelling, even though it is temporarily unoccupied and whether nor not any person is actually present;

(2) At the time, it is occupied as the permanent or temporary habitation of any person, whether or not any person is actually present;

(3) At the time, it is specially adapted for the overnight accommodation of any person, whether or not any person is actually present;

(4) At the time, any person is present or likely to be present in it.

OWNER. Unless the context requires a different meaning, any person, other than the actor, who is the owner of, who has possession or control of, or who has any license or interest in property or services, even though the ownership, possession, control, license, or interest is unlawful.

POLICE DOG OR HORSE. Has the same meaning as in R.C. § 2921.321.

POLITICAL SUBDIVISION. Has the same meaning as in R.C. § 2744.01.

RENTED PROPERTY. Personal property in which the right of possession and use of the property is for a short and possibly indeterminate term in return for consideration; the rentee generally controls the duration of possession of the property within any applicable minimum or maximum term; and the amount of consideration is generally determined by the duration of possession of the property.

SERVICES. Includes labor, personal services, professional services, rental services, public utility services including wireless service as defined in R.C. § 128.01(F)(1), common carrier services, and food, drink, transportation, entertainment, and cable television services and, for purposes of R.C. § 2913.04 or any substantially equivalent municipal ordinance, includes cable services as defined in that section.

SLUG. An object that, by virtue of its size, shape, composition, or other quality, is capable of being inserted or

deposited in a coin machine as an improper substitute for a genuine coin, bill, or token made for that purpose.

STATE. Has the same meaning as in R.C. § 2744.01.

TELECOMMUNICATION. The origination, emission, dissemination, transmission, or reception of data, images, signals, sounds, or other intelligence or equivalence or intelligence of any nature over any communications system by any method, including but not limited to a fiber optic, electronic, magnetic, optical, digital or analog method.

TELECOMMUNICATIONS DEVICE. Any instrument, equipment, machine, or other device that facilitates telecommunication, including but not limited to a computer, computer network, computer chip, computer circuit, scanner, telephone, cellular telephone, pager, personal communications device, transponder, receiver, radio, modem, or device that enables the use of a modem.

TELECOMMUNICATIONS SERVICE. The providing, allowing, facilitating, or generating of any form of telecommunication through the use of a telecommunications device over a telecommunications system.

THEFT OFFENSE. Any of the following:

(1) A violation of R.C. § 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2911.31, 2911.32, 2913.02, 2913.03, 2913.04, 2913.041, 2913.11, 2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.42, 2913.43, 2913.44, 2913.45, 2913.47, 2913.48, former R.C. § 2913.47 or 2913.48, or R.C. § 2913.51, 2915.05, or 2921.41;

(2) A violation of an existing or former municipal ordinance or law of this or any other state or of the United States substantially equivalent to any section listed in division (1) of this definition, or a violation of R.C. § 2913.41, 2913.81 or 2915.06 as it existed prior to July 1, 1996;

(3) An offense under an existing or former municipal ordinance or law of this or any other state or the United States involving robbery, burglary, breaking and entering, theft, embezzlement, wrongful conversion, forgery, counterfeiting, deceit, or fraud;

(4) A conspiracy to commit, attempt to commit, or complicity in committing any offense under division (1), (2), or (3) of this definition.

UTTER. To issue, publish, transfer, use, put or send into circulation, deliver, or display.

WRITING. Any computer software, document, letter, memorandum, note, paper, plate, data, film, or other thing having in or upon it any written, type-written, or printed matter, and any token, stamp, seal, credit card, badge, trademark, label, or other symbol of value, right, privilege, license, or identification.
(R.C. §§ 2909.01, 2913.01) (Rev. 2015)

§ 131.02 ARSON; DETERMINING PROPERTY VALUE OR AMOUNT OF PHYSICAL HARM.

(A) No person, by means of fire or explosion, shall knowingly do any of the following:

(1) Cause, or create a substantial risk of, physical harm to any property of another without the other person's consent;

(2) Cause, or create a substantial risk of, physical harm to any property of the offender or another, with purpose to defraud;

(3) Cause, or create a substantial risk of, physical harm to the statehouse or a courthouse, school building, or other building or structure that is owned or controlled by the state, any political subdivision, or any department, agency, or instrumentality of the state or a political subdivision, and that is used for public purposes;

(4) Cause, or create a substantial risk of, physical harm, through the offer or the acceptance of an agreement for hire or other consideration, to any property of another without the other person's consent or to any property of the offender or another with purpose to defraud;

(5) Cause, or create a substantial risk of, physical harm to any park, preserve, wildlands, brush-covered land, cut-over land, forest, timberland, greenlands, woods, or similar real property that is owned or controlled by another person, the state, or a political subdivision without the consent of the other person, the state, or the political subdivision;

(6) With purpose to defraud, cause, or create a substantial risk of, physical harm to any park, preserve, wildlands, brush-covered land, cut-over land, forest, timberland, greenlands, woods, or similar real property that is owned or controlled by the offender, another person, the state, or a political subdivision.

(B) No person, by means of fire or explosion, shall knowingly do any of the following:

(1) Cause, or create a substantial risk of, physical harm to any structure of another that is not an occupied structure;

(2) Cause, or create a substantial risk of, physical harm, through the offer or the acceptance of an agreement for hire or other consideration, to any structure of another that is not an occupied structure;

(3) Cause, or create a substantial risk of, physical harm to any structure that is not an occupied structure and that is in or on any park, preserve, wildlands, brush-covered land, cut-over land, forest, timberland, greenlands, woods, or similar real property that is owned or controlled by another person, the state, or a political subdivision.

(C) (1) It is an affirmative defense to a charge under division (B)(1) or (B)(2) of this section that the defendant acted with the consent of the other person.

(2) It is an affirmative defense to a charge under division (B)(3) of this section that the defendant acted with the consent of the other person, the state, or the political subdivision.

(D) (1) Whoever violates this section is guilty of arson.

(2) A violation of division (A)(1) or (B)(1) of this section is one of the following:

(a) Except as otherwise provided in division (D)(2)(b) of this section, a misdemeanor of the first degree;

(b) If the value of the property or the amount of the physical harm involved is $1,000 or more, a felony to be prosecuted under appropriate state law.

(3) A violation of division (A)(2), (A)(3), (A)(4), (A)(5), (A)(6), (B)(2) or (B)(3) of this section is a felony to be prosecuted under appropriate state law.
(R.C. § 2909.03) (Rev. 2018)

(E) *Determining property value or amount of physical harm.*

(1) The following criteria shall be used in determining the value of property or amount of physical harm involved in a violation of division (A)(1) or (B)(1) of this section:

(a) If the property is an heirloom, memento, collector's item, antique, museum piece, manuscript, document, record, or other thing that is either irreplaceable or is replaceable only on the expenditure of substantial time, effort, or money, the value of the property or the amount of physical harm involved is the amount that would compensate the owner for its loss.

(b) If the property is not covered under division (B)(1)(a) of this section, and the physical harm is such that the property can be restored substantially to its former condition, the amount of physical harm involved is the reasonable cost of restoring the property.

(c) If the property is not covered under division (B)(1)(a) of this section, and the physical harm is such that the property cannot be restored substantially to its former condition, the value of the property, in the case of personal property, is the cost of replacing the property with new property of like kind and quality, and in the case of real property or real property fixtures, is the difference in the fair market value of the property immediately before and immediately after the offense.

(2) As used in this section, ***FAIR MARKET VALUE*** has the same meaning as in R.C. § 2913.61.

(3) Prima facie evidence of the value of property, as provided in R.C. § 2913.61(D), may be used to establish the value of property pursuant to this section.
(R.C. § 2909.11(B) - (D)) (Rev. 2018)

Cross-reference:
Negligent burning, see § 91.38

Statutory reference:
Aggravated arson, felony offense, see R.C. § 2909.02
Arson offender registration, see R.C. §§ 2909.13, 2909.14 and 2909.15
Convicted arsonist to make restitution to public agency, see R.C. § 2929.71

§ 131.03 CRIMINAL DAMAGING OR ENDANGERING; VEHICULAR VANDALISM.

(A) *Criminal damaging or endangering.*

(1) No person shall cause or create a substantial risk of physical harm to any property of another without the other person's consent:

(a) Knowingly, by any means; or

(b) Recklessly, by means of fire, explosion, flood, poison gas, poison, radioactive material, caustic or corrosive material, or other inherently dangerous agency or substance.

(2) Whoever violates this division (A) is guilty of criminal damaging or endangering, a misdemeanor of the second degree. If violation of this division (A) creates a risk of physical harm to any person, criminal damaging or endangering is a misdemeanor of the first degree. If the property involved in a violation of this division (A) is an aircraft, an aircraft engine, propeller, appliance, spare part, or any other equipment or implement used or intended to be used in the operation of an aircraft and if the violation creates a risk of physical harm to any person, criminal damaging or endangering is a felony to be prosecuted under appropriate state law. If the property involved in a violation of this division (A) is an aircraft, an aircraft engine, propeller, appliance, spare part, or any other equipment or implement used or intended to be used in the operation of an aircraft and if the violation creates a substantial risk of physical harm to any person or if the property involved in a violation of this division (A) is an occupied aircraft, criminal damaging or endangering is a felony to be prosecuted under appropriate state law.
(R.C. § 2909.06)

(B) *Vehicular vandalism.*

(1) As used in this division (B):

ALLEY. Has the same meaning as in R.C. § 4511.01.

HIGHWAY. Means any highway as defined in R.C. § 4511.01 or any lane, road, street, alley, bridge, or overpass.

STREET. Has the same meaning as in R.C. § 4511.01.

VEHICLE. Has the same meaning as in R.C. § 4511.01.

VESSEL. Has the same meaning as in R.C. § 1546.01.

WATERS IN THIS STATE. Has the same meaning as in R.C. § 1546.01.

(2) No person shall knowingly, and by any means, drop or throw any object at, onto, or in the path of any of the following:

(a) Any vehicle on a highway;

(b) Any boat or vessel on any of the waters in this state.

(3) Whoever violates this division (B) is guilty of vehicular vandalism. Except as otherwise provided in this division (B)(3), vehicular vandalism is a misdemeanor of the first degree. If the violation of this division (B) creates a substantial risk of physical harm to any person or the violation of this division (B) causes serious physical harm to property, vehicular vandalism is a felony to be prosecuted under appropriate state law. If the violation of this division (B) causes physical harm to any person or serious physical harm to any person, vehicular vandalism is a felony to be prosecuted under appropriate state law.
(R.C. § 2909.09) (Rev. 2017)

Statutory reference:

Disrupting public services, felony offense, see R.C. § 2909.04
Vandalism, felony offense, see R.C. § 2909.05

§ 131.04 CRIMINAL MISCHIEF.

(A) No person shall:

(1) Without privilege to do so, knowingly move, deface, damage, destroy, or otherwise improperly tamper with the either of the following:

(a) The property of another;

(b) One's own residential real property with the purpose to decrease the value of or enjoyment of the residential real property, if both of the following apply:

1. The residential real property is subject to a mortgage.

2. The person has been served with a summons and complaint in a pending residential mortgage loan foreclosure action relating to that real property. As used in this division, "pending" includes the time between judgment entry and confirmation of sale.

(2) With purpose to interfere with the use or enjoyment of property of another, employ a tear gas device, stink bomb, smoke generator, or other device releasing a substance that is harmful or offensive to persons exposed, or that tends to cause public alarm;

(3) Without privilege to do so, knowingly move, deface, damage, destroy, or otherwise improperly tamper with a bench mark, triangulation station, boundary marker, or other survey station, monument, or marker;

(4) Without privilege to do so, knowingly move, deface, damage, destroy, or otherwise improperly tamper with any safety device, the property of another, or the property of the offender when required or placed for the safety of others, so as to destroy or diminish its effectiveness or availability for its intended purpose;

(5) With purpose to interfere with the use or enjoyment of the property of another, set a fire on the land of another or place personal property that has been set on fire on the land of another, which fire or personal property is outside and apart from any building, other structure, or personal property that is on that land;

(6) Without privilege to do so, and with intent to impair the functioning of any computer, computer system, computer network, computer software, or computer program, knowingly do any of the following:

(a) In any manner or by any means, including but not limited to computer hacking, alter, damage, destroy, or modify a computer, computer system, computer network, computer software, or computer program or data contained in a computer, computer system, computer network, computer software, or computer program;

(b) Introduce a computer contaminant into a computer, computer system, computer network, computer software, or computer program.

(B) As used in this section, ***SAFETY DEVICE*** means any fire extinguisher, fire hose, or fire axe, or any fire escape, emergency exit, or emergency escape equipment, or any life line, life-saving ring, life preserver, or life boat or raft, or any alarm, light, flare, signal, sign, or notice intended to warn of danger or emergency, or intended for other safety purposes, or any guard railing or safety barricade, or any traffic sign or signal, or any railroad grade crossing sign, signal, or gate, or any first aid or survival equipment, or any other device, apparatus, or equipment intended for protecting or preserving the safety of persons or property.

(C) Whoever violates this section is guilty of criminal mischief, and shall be punished as provided in division (C)(1) or (C)(2) of this section.

(1) Except as otherwise provided in this division, criminal mischief committed in violation of division (A)(1), (A)(2), (A)(3), (A)(4), or (A)(5) of this section is a misdemeanor of the third degree. Except as otherwise provided in this division, if the violation of division (A)(1),

(A)(2), (A)(3), (A)(4), or (A)(5) of this section creates a risk of physical harm to any person, criminal mischief committed in violation of division (A)(1), (A)(2), (A)(3), (A)(4), or (A)(5) of this section is a misdemeanor of the first degree. If the property involved in the violation of division (A)(1), (A)(2), (A)(3), (A)(4), or (A)(5) of this section is an aircraft, an aircraft engine, propeller, appliance, spare part, fuel, lubricant, hydraulic fluid, any other equipment, implement, or material used or intended to be used in the operation of an aircraft, or any cargo carried or intended to be carried in an aircraft and if the violation creates any risk of physical harm to any person, or if the aircraft in question is an occupied aircraft, criminal mischief committed in violation of division (A)(1), (A)(2), (A)(3), (A)(4), or (A)(5) of this section is a felony to be prosecuted under appropriate state law.

(2) Except as otherwise provided in this division, criminal mischief committed in violation of division (A)(6) of this section is a misdemeanor of the first degree. If the value of the computer, computer system, computer network, computer software, computer program, or data involved in the violation of division (A)(6) of this section or the loss to the victim resulting from the violation is $1,000 or more, or if the computer, computer system, computer network, computer software, computer program, or data involved in the violation of division (A)(6) is used or intended to be used in the operation of an aircraft and the violation creates any risk of physical harm to any person, or if the aircraft in question is an occupied aircraft, criminal mischief committed in violation of division (A)(6) of this section is a felony to be prosecuted under appropriate state law.
(R.C. § 2909.07) (Rev. 2017)

§ 131.05 DAMAGING OR ENDANGERING AIRCRAFT OR AIRPORT OPERATIONS.

(A) As used in this section:

AIR GUN. Means a hand pistol or rifle that propels its projectile by means of releasing compressed air, carbon dioxide, or other gas.

AIRPORT OPERATIONAL SURFACE. Means any surface of land or water that is developed, posted, or marked so as to give an observer reasonable notice that the surface is designed and developed for the purpose of storing, parking, taxiing, or operating aircraft, or any surface of land or water that is actually being used for any of those purposes.

FIREARM. Has the same meaning as in R.C. § 2923.11.

SPRING-OPERATED GUN. Means a hand pistol or rifle that propels a projectile not less than four or more than five millimeters in diameter by means of a spring.

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

(1) Knowingly throw an object at, or drop an object upon, any moving aircraft.

(2) Knowingly shoot with a bow and arrow, or knowingly discharge a firearm, air gun, or spring-operated gun, at or toward any aircraft.

(C) No person shall knowingly or recklessly shoot with a bow and arrow, or shall knowingly or recklessly discharge a firearm, air gun, or spring-operated gun, upon or over any airport operational surface. This division does not apply to the following:

(1) An officer, agent, or employee of this or any other state or of the United States, or a law enforcement officer, authorized to discharge firearms and acting within the scope of his or her duties.

(2) A person who, with the consent of the owner or operator of the airport operational surface or the authorized agent of either, is lawfully engaged in any hunting or sporting activity or is otherwise lawfully discharging a firearm.

(D) Whoever violates division (B) of this section is guilty of endangering aircraft, a misdemeanor of the first degree. If the violation creates any risk of physical harm to any person, or if the aircraft that is the subject of the violation is occupied, endangering aircraft is a felony to be prosecuted under appropriate state law.

(E) Whoever violates division (C) of this section is guilty of endangering airport operations, a misdemeanor of the second degree. If the violation creates a risk of physical harm to any person or substantial risk of serious harm to any person, endangering airport operations is a felony to be prosecuted under appropriate state law. In addition to any other penalty or sanction imposed for the violation, the hunting license or permit of a person who violates division (C) of this section while hunting shall be suspended or revoked pursuant to R.C. § 1533.68.
(R.C. § 2909.08(A) - (E)) (Rev. 1999)

§ 131.06 CRIMINAL TRESPASS; AGGRAVATED TRESPASS.

(A) No person, without privilege to do so, shall do any of the following:

(1) Knowingly enter or remain on the land or premises of another;

(2) Knowingly enter or remain on the land or premises of another, the use of which is lawfully restricted to certain persons, purposes, modes, or hours, when the offender knows the offender is in violation of any such restriction or is reckless in that regard;

(3) Recklessly enter or remain on the land or premises of another, as to which notice against unauthorized access or presence is given by actual communication to the offender, or in a manner prescribed by law, or by posting in a manner reasonably calculated to come to the attention of

potential intruders, or by fencing or other enclosure manifestly designed to restrict access;

(4) Being on the land or premises of another, negligently fail or refuse to leave upon being notified by signage posted in a conspicuous place or otherwise being notified to do so by the owner or occupant, or the agent or servant of either.

(B) It is no defense to a charge under this section that the land or premises involved was owned, controlled, or in custody of a public agency.

(C) It is no defense to a charge under this section that the offender was authorized to enter or remain on the land or premises involved, when the authorization was secured by deception.

(D) (1) Whoever violates division (A) of this section is guilty of criminal trespass, a misdemeanor of the fourth degree.

(2) Notwithstanding R.C. § 2929.28, if the person, in committing the violation of this section, used a snowmobile, off-highway motorcycle, or all-purpose vehicle, the court shall impose a fine of two times the usual amount imposed for the violation.

(3) If an offender previously has been convicted of or pleaded guilty to two or more violations of this section, R.C. § 2911.21 or a substantially equivalent municipal ordinance, and the offender, in committing each violation, used a snowmobile, off-highway motorcycle, or all-purpose vehicle, the court, in addition to or independent of all other penalties imposed for the violation, may impound the certificate of registration of that snowmobile or off-highway motorcycle or the certificate of registration and license plate of that all-purpose vehicle for not less than 60 days. In such a case, R.C. § 4519.47 applies.

(E) Notwithstanding any provision of the Ohio Revised Code, if the offender, in committing the violation of this section, used an all-purpose vehicle, the Clerk of the Court shall pay the fine imposed pursuant to this section to the State Recreational Vehicle Fund created by R.C. § 4519.11.

(F) As used in this section:

(1) ***ALL-PURPOSE VEHICLE***, ***OFF-HIGHWAY MOTORCYCLE***, and ***SNOWMOBILE*** have the same meanings as in R.C. § 4519.01.

(2) ***LAND*** or ***PREMISES*** includes any land, building, structure, or place belonging to, controlled by, or in custody of another, and any separate enclosure or room, or portion thereof.
(R.C. § 2911.21) (Rev. 2010)

(G) Aggravated trespass.

(1) No person shall enter or remain on the land or premises of another with purpose to commit on that land or those premises a misdemeanor, the elements of which involve causing physical harm to another person or causing another person to believe that the offender will cause physical harm to him or her.

(2) Whoever violates this division (G) is guilty of aggravated trespass, a misdemeanor of the first degree.
(R.C. § 2911.211)

(H) Criminal trespass on a place of public amusement.

(1) As used in this division (H), ***PLACE OF PUBLIC AMUSEMENT*** means a stadium, theater, or other facility, whether licensed or not, at which a live performance, sporting event, or other activity takes place for entertainment of the public and to which access is made available to the public, regardless of whether admission is charged.

(2) No person, without privilege to do so, shall knowingly enter or remain on any restricted portion of a place of public amusement and, as a result of that conduct, interrupt or cause the delay of the live performance, sporting event, or other activity taking place at the place of public amusement after a printed written notice has been given as provided in division (H)(4)(a) of this section that the general public is restricted from access to that restricted portion of the place of public amusement. A restricted portion of a place of public amusement may include but is not limited to a playing field, an athletic surface, or a stage located at the place of public amusement.

(3) An owner or lessee of a place of public amusement, an agent of the owner or lessee, or a performer or participant at a place of public amusement may use reasonable force to restrain and remove a person from a restricted portion of the place of public amusement if the person enters or remains on the restricted portion of the place of public amusement and, as a result of that conduct, interrupts or causes the delay of the live performance, sporting event, or other activity taking place at the place of public amusement. This division does not provide immunity from criminal liability for any use of force beyond reasonable force by an owner or lessee of a place of public amusement, an agent of either the owner or lessee, or a performer or participant at a place of public amusement.

(4) (a) Notice has been given that the general public is restricted from access to a portion of a place of public amusement if a printed written notice of the restricted access has been conspicuously posted or exhibited at the entrance to that portion of the place of public amusement. If a printed written notice is posted or exhibited as described in this division regarding a portion of a place of public amusement, in addition to that posting or exhibition, notice that the general public is restricted from access to that portion of the place of public amusement also may be given, but is not required to be given, by either of the following means:

1. By notifying the person personally, either orally or in writing, that access to that portion of the place of public amusement is restricted;

2. By broadcasting over the public address system of the place of public amusement an oral warning that access to that portion of the place of public amusement is restricted.

(b) If notice that the general public is restricted from access to a portion of a place of public amusement is provided by the posting or exhibition of a printed written notice as described in division (H)(4)(a) of this section, the municipality, in a criminal prosecution for a violation of division (H)(2) of this section, is not required to prove that the defendant received actual notice that the general public is restricted from access to a portion of a place of public amusement.

(5) (a) Whoever violates division (H)(2) of this section is guilty of criminal trespass on a place of public amusement, a misdemeanor of the first degree.

(b) In addition to any jail term, fine, or other sentence, penalty, or sanction it imposes upon the offender pursuant to division (H)(5)(a) of this section, a court may require an offender who violates this section to perform not less than 30 and not more than 120 hours of supervised community service work.
(R.C. § 2911.23) (Rev. 2007)

Cross-reference:

Jurisdictional limitation on Mayor regarding violations of division (G) of this section, see § 33.01(E)
Violation of protection orders, see § 135.23

§ 131.07 TAMPERING WITH COIN MACHINES.

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

(B) Whoever violates this section is guilty of tampering with coin machines, a misdemeanor of the first degree. If the offender previously has been convicted of a violation of this section or of any theft offense as defined in R.C. § 2913.01, tampering with coin machines is a felony to be prosecuted under appropriate state law.
(R.C. § 2911.32) (Rev. 1999)

§ 131.08 THEFT.

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

(1) Without the consent of the owner or person authorized to give consent;

(2) Beyond the scope of the express or implied consent of the owner or person authorized to give consent;

(3) By deception;

(4) By threat;

(5) By intimidation.

(B) Whoever violates this section is guilty of theft. Except as otherwise provided in this division, a violation of this section is petty theft, a misdemeanor of the first degree. If any of the following criteria are met, then a violation of this section is a felony to be prosecuted under appropriate state law:

(1) If the value of the property or services is $1,000 or more;

(2) If the property stolen is any of the property listed in R.C. § 2913.71;

(3) If the victim of the offense is an elderly person, disabled adult, active duty service member, or spouse of an active duty service member;

(4) If the property stolen is a firearm or dangerous ordnance;

(5) If the property stolen is a motor vehicle;

(6) If the property stolen is any dangerous drug, or if the offender previously has been convicted of a felony drug abuse offense;

(7) If the property stolen is a police dog or horse or an assistance dog and the offender knows or should know that the property stolen is a police dog or horse or an assistance dog;

(8) If the property stolen is anhydrous ammonia; or

(9) If the property stolen is a special purchase article as defined in R.C. § 4737.04 or is a bulk merchandise container as defined in R.C. § 4737.012.

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

(1) Unless division (C)(2) of this section applies, suspend for not more than six months the offenders driver's license, probationary driver's license, commercial driver's license, temporary instruction permit, or nonresident operating privilege;

(2) If the offender's driver's license, probationary driver's license, commercial driver's license, temporary instruction permit, or nonresident operating privilege has previously been suspended pursuant to division (C)(1) of this section, or any other substantially equivalent state or local law, impose a class seven suspension of the offender's license, permit, or privilege from the range specified in R.C. § 4510.02(A)(7), provided that the suspension shall be at least six months;

(3) The court, in lieu of suspending the offender's driver's or commercial driver's license, probationary driver's license, temporary instruction permit, or nonresident operating privilege pursuant to division (C)(1) or (C)(2) of this section, instead may require the offender to perform community service for a number of hours determined by the court.

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

(E) The sentencing court that suspends an offender's license, permit, or nonresident operating privilege under division (C) of this section may grant the offender limited driving privileges during the period of the suspension in accordance with R.C. Chapter 4510.
(R.C. § 2913.02) (Rev. 2015)
Statutory reference:
Felony theft provisions, see R.C. § 2913.02(B)

§ 131.09 UNAUTHORIZED USE OF A VEHICLE.

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

(B) No person shall knowingly use or operate an aircraft, motor vehicle, motorboat, or other motor-propelled vehicle without the consent of the owner or person authorized to give consent, and either remove it from this state, or keep possession of it for more than 48 hours.

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

(1) At the time of the alleged offense, the actor, though mistaken, reasonably believed that he or she was authorized to use or operate the property.

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

(D) Whoever violates this section is guilty of unauthorized use of a vehicle.

(1) Except as otherwise provided in this division (D)(1), a violation of division (A) of this section is a misdemeanor of the first degree. If the victim of the offense is an elderly person or disabled adult and if the victim incurs a loss as a result of the violation, a violation of division (A) of this section is a felony to be prosecuted under appropriate state law.

(2) A violation of division (B) of this section is a felony to be prosecuted under appropriate state law.
(R.C. § 2913.03) (Rev. 2000)
Statutory reference:
Theft offense involving a motor vehicle, offender to pay towing and storage fees, see R.C. § 2913.82

§ 131.10 UNAUTHORIZED USE OF PROPERTY, INCLUDING TELECOMMUNICATION PROPERTY AND COMPUTERS; POSSESSION OF MUNICIPAL PROPERTY.

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

(B) No person, in any manner and by any means, including but not limited to computer hacking, shall knowingly gain access to, attempt to gain access to, or cause access to be gained to any computer, computer system, computer network, cable service, cable system, telecommunications device, telecommunications service, or information service without the consent of, or beyond the scope of the express or implied consent of, the owner of the computer, computer system, computer network, cable service, cable system, telecommunications device, telecommunications service, or information service or other person authorized to give consent.

(C) Except as permitted under R.C. § 5503.101, no person shall knowingly gain access to, attempt to gain access to, cause access to be granted to, or disseminate information gained from access to the law enforcement automated database system created pursuant to R.C. § 5503.10 without the consent of, or beyond the scope of the express or implied consent of, the chair of the Law Enforcement Automated Data System Steering Committee.

(D) No person shall knowingly gain access to, attempt to gain access to, cause access to be granted to, or disseminate information gained from access to the Ohio law enforcement gateway established and operated pursuant to R.C. § 109.57(C)(1) without the consent of, or beyond the scope of the express or implied consent of, the

Superintendent of the Bureau of Criminal Identification and Investigation.

(E) The affirmative defenses contained in R.C. § 2913.03(C) are affirmative defenses to a charge under this section.

(F) Whoever violates division (A) of this section is guilty of unauthorized use of property. Except as otherwise provided in this division, unauthorized use of property is a misdemeanor of the fourth degree.

(1) If unauthorized use of property is committed for the purpose of devising or executing a scheme to defraud or to obtain property or services, unauthorized use of property is whichever of the following is applicable:

(a) Except as otherwise provided below, unauthorized use of property is a misdemeanor of the first degree.

(b) If the value of the property or services or the loss to the victim is $1,000 or more, it is a felony to be prosecuted under appropriate state law.

(2) If the victim of the offense is an elderly person or disabled adult, unauthorized use of property is a felony to be prosecuted under appropriate state law.

(G) Whoever violates division (B) of this section is guilty of unauthorized use of computer, cable, or telecommunication property, a felony to be prosecuted under appropriate state law.

(H) Whoever violates division (C) of this section is guilty of unauthorized use of the law enforcement automated database system, a felony to be prosecuted under appropriate state law.

(I) Whoever violates division (D) of this section is guilty of unauthorized use of the Ohio law enforcement gateway, a felony to be prosecuted under appropriate state law.

(J) As used in this section:

CABLE OPERATOR. Means any person or group of persons that does either of the following:

(a) Provides cable service over a cable system and directly through one or more affiliates owns a significant interest in that cable system;

(b) Otherwise controls or is responsible for, through any arrangement, the management and operation of a cable system.

CABLE SERVICE. Means any of the following:

(a) The one-way transmission to subscribers of video programming or of information that a cable operator makes available to all subscribers generally;

(b) Subscriber interaction, if any, that is required for the selection or use of video programming or of information that a cable operator makes available to all subscribers generally, both as described in division (a) of this definition;

(c) Any cable television service.

CABLE SYSTEM. Means any facility, consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designed to provide cable service that includes video programming and that is provided to multiple subscribers within a community. The term does not include any of the following:

(a) Any facility that serves only to retransmit the television signals of one or more television broadcast stations;

(b) Any facility that serves subscribers without using any public right-of-way;

(c) Any facility of a common carrier that, under 47 U.S.C. § 522(7)(c), is excluded from the term "cable system" as defined in 47 U.S.C. § 522(7);

(d) Any open video system that complies with 47 U.S.C. § 573;

(e) Any facility of any electric utility used solely for operating its electric utility system.
(R.C. § 2913.04) (Rev. 2019)

(K) Possession of municipal property.

(1) No person shall, without being authorized, have in his or her control or possession any equipment, tools, implements or other property belonging to the municipality.
(R.C. § 5589.12)

(2) Whoever violates this division (K) is guilty of a minor misdemeanor.
(R.C. § 5589.99(B)) (Rev. 2002)

Statutory reference:

Telecommunications: fraud and unlawful use of a device, felony offenses, see R.C. §§ 2913.05 and 2913.06

§ 131.11 PASSING BAD CHECKS.

(A) As used in this section:

CHECK. Includes any form of debit from a demand deposit account, including but not limited to any of the following:

(a) A check, bill of exchange, draft, order of withdrawal, or similar negotiable or non-negotiable instrument;

(b) An electronic check, electronic transaction, debit card transaction, check card transaction, substitute check, web check, or any form of automated clearing house transaction.

ISSUE A CHECK. Means causing any form of debit from a demand deposit account.

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

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

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

(2) The check or other negotiable instrument was properly refused payment for insufficient funds upon presentment within 30 days after issue or the stated date, whichever is later, and the liability of the drawer, indorser, or any party who may be liable thereon is not discharged by payment or satisfaction within ten days after receiving notice of dishonor.

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

(1) Falsely stating that he or she has not been issued a valid driver's or commercial driver's license or identification card issued under R.C. § 4507.50;

(2) Furnishing the license or card, or another identification document that contains false information;

(3) Making a false statement with respect to the drawer's current address or any additional relevant information reasonably required by the financial institution.

(E) In determining the value of the payment for purposes of division (F) of this section, the court may aggregate all checks and other negotiable instruments that the offender issued or transferred or caused to be issued or transferred in violation of division (B) of this section within a period of 180 consecutive days.

(F) Whoever violates this section is guilty of passing bad checks. Except as otherwise provided in this division, passing bad checks is a misdemeanor of the first degree. If the check or checks or other negotiable instrument or instruments are issued or transferred to a single vendor or single other person for the payment of $1,000 or more, or if the check or checks or other negotiable instrument or instruments are issued or transferred to multiple vendors or persons for the payment of $1,500 or more, passing bad checks is a felony to be prosecuted under appropriate state law.
(R.C. § 2913.11) (Rev. 2012)

§ 131.12 MISUSE OF CREDIT CARDS.

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

(1) Practice deception for the purpose of procuring the issuance of a credit card, when a credit card is issued in actual reliance thereon;

(2) Knowingly buy or sell a credit card from or to a person other than the issuer;

(3) As an officer, employee, or appointee of a political subdivision or as a public servant as defined under R.C. § 2921.01, knowingly misuse a credit card account held by a political subdivision.

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

(1) Obtain control over a credit card as security for a debt;

(2) Obtain property or services by the use of a credit card, in one or more transactions, knowing or having reasonable cause to believe that the card has expired or been revoked, or was obtained, is retained, or is being used in violation of law;

(3) Furnish property or services upon presentation of a credit card, knowing that the card is being used in violation of law;

(4) Represent or cause to be represented to the issuer of a credit card that property or services have been furnished, knowing that the representation is false.

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

(D) Whoever violates this section is guilty of misuse of credit cards.

(1) Except as otherwise provided in division (D)(3) of this section, a violation of division (A), (B)(1), or (C) of this section is a misdemeanor of the first degree.

(2) Except as otherwise provided in this division or division (D)(3) of this section, a violation of division (B)(2), (B)(3), or (B)(4) of this section is a misdemeanor of the first degree. If the cumulative retail value of the property and services involved in one or more violations of division (B)(2), (B)(3), or (B)(4) of this section which violations involve one or more credit card accounts and occur within a period of 90 consecutive days commencing on the date of the first violation, is $1,000 or more, misuse of credit cards is a felony to be prosecuted under appropriate state law.

(3) If the victim of the offense is an elderly person or disabled adult, and if the offense involves a violation of division (B)(1) or (B)(2) of this section, misuse of credit cards is a felony to be prosecuted under appropriate state law.
(R.C. § 2913.21) (Rev. 2019)

§ 131.13 MAKING OR USING SLUGS.

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

(1) Insert or deposit a slug in a coin machine, with purpose to defraud;

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

(B) Whoever violates this section is guilty of making or using slugs, a misdemeanor of the second degree.
(R.C. § 2913.33)

§ 131.14 PRIMA FACIE EVIDENCE OF PURPOSE TO DEFRAUD.

In a prosecution of a person for a theft offense that alleges that the person, with purpose to defraud or knowing that he or she was facilitating a fraud, hired or rented an aircraft, motor vehicle, motorcycle, motorboat, sailboat, camper, trailer, horse, buggy, or other property or equipment, kept or operated any of the same that has been hired or rented, or engaged accommodations at a hotel, motel, inn, campground, or other hostelry, it is prima facie evidence of purpose to defraud if the person did any of the following:

(A) Used deception to induce the rental agency to furnish the person with the aircraft, motor vehicle, motorcycle, motorboat, sailboat, camper, trailer, horse, buggy, or other property or equipment, or used deception to induce the hostelry to furnish the person with accommodations;

(B) Hired or rented any aircraft, motor vehicle, motorcycle, motorboat, sailboat, camper, trailer, horse, buggy, or other property or equipment, or engaged accommodations, knowing that he or she is without sufficient means to pay the hire or rental;

(C) Absconded without paying the hire or rental;

(D) Knowingly failed to pay the hire or rental as required by the contract of hire or rental, without reasonable excuse for the failure;

(E) Knowingly failed to return hired or rented property as required by the contract of hire or rental, without reasonable excuse for the failure.
(R.C. § 2913.41) (Rev. 2001)

§ 131.15 TAMPERING WITH RECORDS.

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

(1) Falsify, destroy, remove, conceal, alter, deface, or mutilate any writing, computer software, data, or record;

(2) Utter any writing or record, knowing it to have been tampered with as provided in division (A)(1) of this section.

(B) Whoever violates this section is guilty of tampering with records.

(1) Except as provided in division (B)(3) of this section, if the offense does not involve data or computer software, tampering with records is whichever of the following is applicable:

(a) If division (B)(1)(b) of this section does not apply, it is a misdemeanor of the first degree.

(b) If the writing or record is a will unrevoked at the time of the offense, it is a felony to be prosecuted under appropriate state law.

(2) Except as provided in division (B)(3) of this section, if the offense involves a violation of division (A) of this section involving data or computer software, tampering with records is whichever of the following is applicable:

(a) Except as otherwise provided in division (B)(2)(b) of this section, it is a misdemeanor of the first degree;

(b) If the value of the data or computer software involved in the offense or the loss to the victim is $1,000 or more or if the offense is committed for the purpose of devising or executing a scheme to defraud or to obtain property or services and the value of the property or services or the loss to the victim is $7,500 or more, it is a felony to be prosecuted under appropriate state law.

(3) If the writing, data, computer software, or record is kept by or belongs to a local, state, or federal governmental entity, it is a felony to be prosecuted under appropriate state law.
(R.C. § 2913.42) (Rev. 2012)

§ 131.16 SECURING WRITINGS BY DECEPTION.

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

(B) Whoever violates this section is guilty of securing writings by deception. Except as otherwise provided in this division, securing writings by deception is a misdemeanor of

the first degree. If the value of the property or the obligation involved is $1,000 or more, securing writings by deception is a felony to be prosecuted under appropriate to state law. If the victim of the offense is an elderly person, disabled adult, active duty service member, or spouse of an active duty service member, securing writings by deception is a felony to be prosecuted under appropriate state law.
(R.C. § 2913.43) (Rev. 2015)

§ 131.17 DEFRAUDING CREDITORS.

(A) No person, with purpose to defraud one or more of his or her creditors, shall do any of the following:

(1) Remove, conceal, destroy, encumber, convey, or otherwise deal with any of his or her property;

(2) Misrepresent or refuse to disclose to a fiduciary appointed to administer or manage his or her affairs or estate, the existence, amount, or location of any of his or her property, or any other information regarding the property which he or she is legally required to furnish to the fiduciary.

(B) Whoever violates this section is guilty of defrauding creditors. Except as otherwise provided in this division, defrauding creditors is a misdemeanor of the first degree. If the value of the property involved is $1,000 or more, defrauding creditors is a felony to be prosecuted under appropriate state law.
(R.C. § 2913.45) (Rev. 2012)

§ 131.18 RECEIVING STOLEN PROPERTY.

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

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

(C) Whoever violates this section is guilty of receiving stolen property. Except as otherwise provided in this division, receiving stolen property is a misdemeanor of the first degree. If any of the following criteria are met, then a violation of this section is a felony to be prosecuted under appropriate state law:

(1) The value of the property involved is $1,000 or more;

(2) The property involved is any of the property listed in R.C. § 2913.71;

(3) The property involved is a firearm or dangerous ordnance, as defined in R.C. § 2923.11;

(4) The property involved is a motor vehicle as defined in R.C. § 4501.01;

(5) The property involved is any dangerous drug, as defined in R.C. § 4729.01; or

(6) The property involved in violation of this section is a special purchase article as defined in R.C. § 4737.04 or a bulk merchandise container as defined in R.C. § 4737.012.
(R.C. § 2913.51) (Rev. 2014)

§ 131.19 VALUE OF STOLEN PROPERTY.

(A) If more than one item of property or services is involved in a theft offense or in a violation of R.C. § 1716.14(A) involving a victim who is an elderly person or disabled adult, or any substantially equivalent municipal ordinance, the value of the property or services involved for the purpose of determining the value as required by R.C. § 2913.61(A) is the aggregate value of all property or services involved in the offense.

(B) (1) When a series of offenses under R.C. § 2913.02, or a series of violations of, attempts to commit a violation of, conspiracies to violate, or complicity in violations of R.C. § 1716.14(A), R.C. § 2913.02, 2913.03, or 2913.04, R.C. § 2913.21(B)(1) or (B)(2), or R.C. § 2913.31 or 2913.43 involving a victim who is an elderly person or disabled adult, or any substantially equivalent municipal ordinance to any of these offenses, is committed by the offender in the offender's same employment, capacity, or relationship to another, all of those offenses shall be tried as a single offense. When a series of offenses under R.C. § 2913.02, or a series of violations of, attempts to commit a violation of, conspiracies to violate, or complicity in violations of R.C. § 2913.02 or 2913.43 involving a victim who is an active duty service member or spouse of an active duty service member, or any substantially equivalent municipal ordinance to any of these offenses, is committed by the offender in the offender's same employment, capacity, or relationship to another, all of those offenses shall be tried as a single offense. The value of the property or services involved in the series of offenses for the purpose of determining the value as required by R.C. § 2913.61(A) is the aggregate value of all property and services involved in all offenses in the series.

(2) If an offender commits a series of offenses under R.C. § 2913.02 that involves a common course of conduct to defraud multiple victims, all of the offenses may be tried as a single offense. If an offender is being tried for the commission of a series of violations of, attempts to commit a violation of, conspiracies to violate, or complicity in violations of R.C. § 1716.14(A), R.C. § 2913.02, 2913.03, or 2913.04, R.C. § 2913.21(B)(1) or (B)(2), or R.C. § 2913.31 or 2913.43, whether committed against one victim or more than one victim, involving a victim who is an elderly person or disabled adult, or any substantially equivalent municipal ordinance to any of these offenses, pursuant to a scheme or course of conduct, all of those offenses may be

tried as a single offense. If an offender is being tried for the commission of a series of violations of, attempts to commit a violation of, conspiracies to violate, or complicity in violations of R.C. § 2913.02 or 2913.43, or any substantially equivalent municipal ordinance to any of these offenses, whether committed against one victim or more than one victim, involving a victim who is an active duty service member or spouse of an active duty service member pursuant to a scheme or course of conduct, all of those offenses may be tried as a single offense. If the offenses are tried as a single offense, the value of the property or services involved for the purpose of determining the value as required by R.C. § 2913.61(A) is the aggregate value of all property and services involved in all of the offenses in the course of conduct.

(3) When a series of two or more offenses under R.C. § 2913.40, 2913.48, or 2921.41 is committed by the offender in the offender's same employment, capacity, or relationship to another, all of those offenses may be tried as a single offense. If the offenses are tried as a single offense, the value of the property or services involved for the purpose of determining the value as required by R.C. § 2913.61(A) is the aggregate value of all property and services involved in all of the offenses in the series of two or more offenses.

(4) In prosecuting a single offense under division (B)(1), (B)(2) or (B)(3) of this section, it is not necessary to separately allege and prove each offense in the series. Rather, it is sufficient to allege and prove that the offender, within a given span of time, committed one or more theft offenses or violations of R.C. § 2913.40, 2913.48, or 2921.41 in the offender's same employment, capacity, or relationship to another as described in division (B)(1) or (B)(3) of this section, or committed one or more theft offenses that involve a common course of conduct to defraud multiple victims or a scheme or course of conduct as described in division (B)(2) of this section. While it is not necessary to separately allege and prove each offense in the series in order to prosecute a single offense under division (B)(1), (B)(2), or (B)(3) of this section, it remains necessary in prosecuting them as a single offense to prove the aggregate value of the property or services in order to meet the requisite statutory offense level sought by the prosecution.

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

(1) The value of an heirloom, memento, collector's item, antique, museum piece, manuscript, document, record, or other thing that has intrinsic worth to its owner and that either is irreplaceable or is replaceable only on the expenditure of substantial time, effort, or money, is the amount which would compensate the owner for its loss.

(2) The value of personal effects and household goods, and of materials, supplies, equipment, and fixtures used in the profession, business, trade, occupation, or avocation of its owner, which property is not covered under division (C)(1) of this section, and which retains substantial utility for its purpose regardless of its age or condition, is the cost of replacing such property with new property of like kind and quality.

(3) The value of any real or personal property that is not covered under division (C)(1) or (C)(2) of this section, and the value of services, is the fair market value of the property or services. As used in this section, ***FAIR MARKET VALUE*** is the money consideration which a buyer would give and a seller would accept for property or services, assuming that the buyer is willing to buy and the seller is willing to sell, that both are fully informed as to all facts material to the transaction, and that neither is under any compulsion to act.

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

(1) When the property involved is personal property held for sale at wholesale or retail, the price at which the property was held for sale is prima facie evidence of its value.

(2) When the property involved is a security or commodity traded on an exchange, the closing price or, if there is no closing price, the asked price, given in the latest marked quotation prior to the offense, is prima facie evidence of the value of the security or commodity.

(3) When the property involved is livestock, poultry, or raw agricultural products for which a local market price is available, the latest local market price prior to the offense is prima facie evidence of the value of the livestock, poultry, or products.

(4) When the property involved is a negotiable instrument, the face value is prima facie evidence of the value of the instrument.

(5) When the property involved is a warehouse receipt, bill of lading, pawn ticket, claim check, or other instrument entitling the holder or bearer to receive property, the face value or, if there is no face value, the value of the property covered by the instrument less any payment necessary to receive the property, is prima facie evidence of the value of the instrument.

(6) When the property involved is a ticket of admission, ticket for transportation, coupon, token, or other instrument entitling the holder or bearer to receive property or services, the face value or, if there is no face value, the value of the property or services which may be received by the instrument is prima facie evidence of the value of the instrument.

(7) When the services involved are gas, electricity, water, telephone, transportation, shipping, or other services for which the rate is established by law, the duly established rate is prima facie evidence of the value of the services.

(8) When the services involved are services for which the rate is not established by law, and the offender has been notified prior to the offense of the rate for the services, either in writing, or orally, or by posting in a manner

reasonably calculated to come to the attention of potential offenders, the rate contained in the notice is prima facie evidence of the value of the services.
(R.C. § 2913.61(B) - (E)) (Rev. 2015)

§ 131.20 DEGREE OF OFFENSE WHEN CERTAIN PROPERTY INVOLVED.

Regardless of the value of the property involved, and regardless of whether the offender previously has been convicted of a theft offense, a violation of § 131.08 or § 131.18 is a felony to be prosecuted under appropriate state law if the property involved is any of the following:

(A) A credit card;

(B) A printed form for a check or other negotiable instrument, that on its face identifies the drawer or maker for whose use it is designed or identifies the account on which it is to be drawn, and that has not been executed by the drawer or maker or on which the amount is blank;

(C) A motor vehicle identification license plate as prescribed by R.C. § 4503.22, a temporary license placard or windshield sticker as prescribed by R.C. § 4503.182, or any comparable license plate, placard, or sticker as prescribed by the applicable law of another state or the United States;

(D) A blank form for a certificate of title or a manufacturer's or importer's certificate to a motor vehicle, as prescribed by R.C. § 4505.07;

(E) A blank form for any license listed in R.C. § 4507.01.
(R.C. § 2913.71)

§ 131.21 INJURING VINES, BUSHES, TREES, OR CROPS.

(A) No person, without privilege to do so, shall recklessly cut down, destroy, girdle, or otherwise injure a vine, bush, shrub, sapling, tree, or crop standing or growing on the land of another or upon public land.

(B) In addition to the penalty provided in division (C) of this section, whoever violates this section is liable in treble damages for the injury caused.
(R.C. § 901.51)

(C) Whoever violates this section is guilty of a misdemeanor of the fourth degree.
(R.C. § 901.99(A))

§ 131.22 DETENTION AND ARREST OF SHOPLIFTERS AND THOSE COMMITTING MOTION PICTURE PIRACY; PROTECTION OF INSTITUTIONAL PROPERTY.

(A) As used in this section:

ARCHIVAL INSTITUTION. Means any public or private building, structure, or shelter in which are stored historical documents, devices, records, manuscripts, or items of public interest, which historical materials are stored to preserve the materials or the information in the materials, to disseminate the information contained in the materials, or to make the materials available for public inspection or for inspection by certain persons who have a particular interest in, use for, or knowledge concerning the materials.

AUDIOVISUAL RECORDING FUNCTION. Has the same meaning as in R.C. § 2913.07.

FACILITY. Has the same meaning as in R.C. § 2913.07.

MUSEUM. Means any public or private nonprofit institution that is permanently organized for primarily educational or aesthetic purposes, owns or borrows objects or items of public interest, and cares for and exhibits to the public the objects or items.

PRETRIAL DIVERSION PROGRAM. Means a rehabilitative, educational program designed to reduce recidivism and promote personal responsibility that is at least four hours in length and that has been approved by any court in this state.

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

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

(1) Without privilege to do so, knowingly moved, defaced, damaged, destroyed, or otherwise improperly tampered with property owned by or in the custody of the library, museum, or archival institution; or

(2) With purpose to deprive the library, museum, or archival institution of property owned by it or in its custody, knowingly obtained or exerted control over the property without the consent of the owner or person authorized to give consent, beyond the scope of the express or implied consent of the owner or person authorized to give consent, by deception, or by threat.

(D) An officer, agent, or employee of a library, museum, or archival institution pursuant to division (C)

above or a merchant or an employee or agent of a merchant pursuant to division (B) above may detain another person for any of the following purposes:

(1) To recover the property that is the subject of the unlawful taking, criminal mischief, or theft;

(2) To cause an arrest to be made by a peace officer;

(3) To obtain a warrant of arrest;

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

(E) The owner or lessee of a facility in which a motion picture is being shown, or the owner's or lessee's employee or agent, who has probable cause to believe that a person is or has been operating an audiovisual recording function of a device in violation of R.C. § 2917.07 may, for the purpose of causing an arrest to be made by a peace officer or of obtaining an arrest warrant, detain the person in a reasonable manner for a reasonable length of time within the facility or its immediate vicinity.

(F) The officer, agent, or employee of the library, museum, or archival institution, the merchant or an employee or agent of a merchant, or the owner, lessee, employee, or agent of the facility acting under divisions (B), (C) or (E) above shall not search the person detained, search or seize any property belonging to the person detained without the person's consent, or use undue restraint upon the person detained.

(G) Any peace officer may arrest without a warrant any person that the officer has probable cause to believe has committed any act described in divisions (C)(1) or (C)(2) above, that the officer has probable cause to believe has committed an unlawful taking in a mercantile establishment, or that the officer has reasonable cause to believe has committed an act prohibited by R.C. § 2913.07. An arrest under this division shall be made within a reasonable time after the commission of the act or unlawful taking.
(R.C. § 2935.041) (Rev. 2012)

Statutory reference:

Arrest without a warrant generally, see R.C. § 2935.03
Probable cause, see R.C. § 2933.22

§ 131.23 INSURANCE FRAUD; WORKERS' COMPENSATION FRAUD; MEDICAID FRAUD.

(A) *Insurance fraud.*

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

(a) Present to, or cause to be presented to, an insurer any written or oral statement that is part of, or in support of, an application for insurance, a claim for payment pursuant to a policy, or a claim for any other benefit pursuant to a policy, knowing that the statement, or any part of the statement, is false or deceptive;

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

(2) Whoever violates this division (A) is guilty of insurance fraud. Except as otherwise provided in this division, insurance fraud is a misdemeanor of the first degree. If the amount of the claim that is false or deceptive is $1,000 or more, insurance fraud is a felony to be prosecuted under appropriate state law.

(3) This division (A) shall not be construed to abrogate, waive, or modify R.C. § 2317.02(A).

(4) As used in this division (A):

DATA. Has the same meaning as in R.C. § 2913.01 and additionally includes any other representation of information, knowledge, facts, concepts, or instructions that are being or have been prepared in a formalized manner.

DECEPTIVE. Means that a statement, in whole or in part, would cause another to be deceived because it contains a misleading representation, withholds information, prevents the acquisition of information, or by any other conduct, act, or omission creates, confirms, or perpetuates a false impression, including but not limited to a false impression as to law, value, state of mind, or other objective or subjective fact.

INSURER. Means any person that is authorized to engage in the business of insurance in this state under R.C. Title 39, the Ohio Fair Plan Underwriting Association created under R.C. § 3929.43, any health insuring corporation, and any legal entity that is self-insured and provides benefits to its employees or members.

POLICY. Means a policy, certificate, contract, or plan that is issued by an insurer.

STATEMENT. Includes but is not limited to any notice, letter, or memorandum; proof of loss; bill of lading; receipt for payment; invoice, account, or other financial statement; estimate of property damage; bill for services; diagnosis or prognosis; prescription; hospital, medical, or dental chart or other record; x-ray, photograph, videotape, or movie film; test result; other evidence of loss, injury, or expense; computer-generated document; and data in any form.
(R.C. § 2913.47) (Rev. 2012)

(B) *Workers' compensation fraud.*

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

(a) Receive workers' compensation benefits to which the person is not entitled;

(b) Make or present or cause to be made or presented a false or misleading statement with the purpose to secure payment for goods or services rendered under R.C. Chapter 4121, 4123, 4127, or 4131 or to secure workers' compensation benefits;

(c) Alter, falsify, destroy, conceal, or remove any record or document that is necessary to fully establish the validity of any claim filed with, or necessary to establish the nature and validity of all goods and services for which reimbursement or payment was received or is requested from the Bureau of Workers' Compensation, or a self-insuring employer under R.C. Chapter 4121, 4123, 4127, or 4131;

(d) Enter into an agreement or conspiracy to defraud the Bureau of Workers' Compensation or a self-insuring employer by making or presenting or causing to be made or presented a false claim for workers' compensation benefits;

(e) Make or present or cause to be made or presented a false statement concerning manual codes, classification or employees, payroll, paid compensation, or number of personnel, when information of that nature is necessary to determine the actual workers' compensation premium or assessment owed to the Bureau by an employer;

(f) Alter, forge, or create a workers' compensation certificate or falsely show current or correct workers' compensation coverage;

(g) Fail to secure or maintain workers' compensation coverage as required by R.C. Chapter 4123 with the intent to defraud the Bureau of Workers' Compensation.

(2) Whoever violates this division (B) is guilty of workers' compensation fraud. Except as otherwise provided in this division, workers' compensation fraud is a misdemeanor of the first degree. If the value of premiums and assessments unpaid pursuant to actions described in divisions (B)(1)(e), (B)(1)(f), or (B)(1)(g) of this section, or goods, services, property, or money stolen is $1,000 or more, workers' compensation fraud is a felony to be prosecuted under appropriate state law.

(3) Upon application of the governmental body that conducted the investigation and prosecution of a violation of this division (B), the court shall order the person who is convicted of the violation to pay the governmental body its costs of investigating and prosecuting the case. These costs are in addition to any other costs or penalty provided under federal, state or local law.

(4) The remedies and penalties provided in this division (B) are not exclusive remedies and penalties and do not preclude the use of any other criminal or civil remedy or penalty for any act that is in violation of this division (B).

(5) As used in this division (B):

CLAIM. Means any attempt to cause the Bureau of Workers' Compensation, an independent third party with whom the administrator or an employer contracts under R.C. § 4121.44, or a self-insuring employer to make payment or reimbursement for workers' compensation benefits.

EMPLOYEE. Has the same meaning as in R.C. § 4123.01.

EMPLOYER. Has the same meaning as in R.C. § 4123.01.

EMPLOYMENT. Means participating in any trade, occupation, business, service, or profession for substantial gainful remuneration.

FALSE. Means wholly or partially untrue or deceptive.

GOODS. Includes but is not limited to medical supplies, appliances, rehabilitative equipment, and any other apparatus or furnishing provided or used in the care, treatment, or rehabilitation of a claimant for workers' compensation benefits.

RECORDS. Means any medical, professional, financial, or business record relating to the treatment or care of any person, to goods or services provided to any person, or to rates paid for goods or services provided to any person, or any record that the administrator of workers' compensation requires pursuant to rule.

REMUNERATION. Includes but is not limited to wages, commissions, rebates, and any other reward or consideration.

SELF-INSURING EMPLOYER. Has the same meaning as in R.C. § 4123.01.

SERVICES. Includes but is not limited to any service provided by any health care provider to a claimant for workers' compensation benefits and any and all services provided by the Bureau as part of workers' compensation insurance coverage.

STATEMENT. Includes but is not limited to any oral, written, electronic, electronic impulse, or magnetic communication notice, letter, memorandum, receipt for payment, invoice, account, financial statement, or bill for services; a diagnosis, prognosis, prescription, hospital,

medical, or dental chart or other record; and a computer generated document.

WORKERS' COMPENSATION BENEFITS. Means any compensation or benefits payable under R.C. Chapter 4121, 4123, 4127, or 4131.
(R.C. § 2913.48) (Rev. 2012)

(C) *Medicaid fraud.*

(1) No person shall knowingly make or cause to be made a false or misleading statement or representation for use in obtaining reimbursement from the Medicaid program.

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

(a) Contrary to the terms of the person's provider agreement, charge, solicit, accept or receive for goods or services that the person provides under the Medicaid program any property, money or other consideration in addition to the amount of reimbursement under the Medicaid program and the person's provider agreement for the goods or services and any cost-sharing expenses authorized by R.C. § 5162.20 or rules adopted by the Medicaid Director regarding the Medicaid program.

(b) Solicit, offer or receive any remuneration, other than any cost-sharing expenses authorized by R.C. § 5162.20 or rules adopted by the Medicaid Director regarding the Medicaid program, in cash or in kind, including but not limited to a kickback or rebate, in connection with the furnishing of goods or services for which whole or partial reimbursement is or may be made under the Medicaid program.

(3) No person, having submitted a claim for or provided goods or services under the Medicaid program, shall do either of the following for a period of at least six years after a reimbursement pursuant to that claim, or a reimbursement for those goods or services, is received under the Medicaid program:

(a) Knowingly alter, falsify, destroy, conceal or remove any records that are necessary to fully disclose the nature of all goods or services for which the claim was submitted, or for which reimbursement was received, by the person; or

(b) Knowingly alter, falsify, destroy, conceal or remove any records that are necessary to disclose fully all income and expenditures upon which rates of reimbursements were based for the person.

(4) Whoever violates this division (C) is guilty of Medicaid fraud. Except as otherwise provided in this division, Medicaid fraud is a misdemeanor of the first degree. If the value of the property, services or funds obtained in violation of this section is $1,000 or more, Medicaid fraud is a felony to be prosecuted under appropriate State law.

(5) Upon application of the governmental agency, office or other entity that conducted the investigation and prosecution in a case under this section, the court shall order any person who is convicted of a violation of this section for receiving any reimbursement for furnishing goods or services under the Medicaid program to which the person is not entitled to pay to the applicant its cost of investigating and prosecuting the case. The costs of investigation and prosecution that a defendant is ordered to pay pursuant to this division shall be in addition to any other penalties for the receipt of that reimbursement that are provided in this section, R.C. § 2913.40 or 5164.35, or any other provision of law.

(6) The provisions of this section are not intended to be exclusive remedies and do not preclude the use of any other criminal or civil remedy for any act that is in violation of this section.

(7) As used in this division (C):

PROVIDER. Means any person who has signed a provider agreement with the Department of Medicaid to provide goods or services pursuant to the Medicaid program or any person who has signed an agreement with a party to such a provider agreement under which the person agrees to provide goods or services that are reimbursable under the Medicaid program.

PROVIDER AGREEMENT. Has the same meaning as in R.C. § 5164.01.

RECIPIENT. Means any individual who receives goods or services from a provider under the Medicaid program.

RECORDS. Means any medical, professional, financial or business records relating to the treatment or care of any recipient, to goods or services provided to any recipient, or to rates paid for goods or services provided to any recipient, and any records that are required by the rules of the Medicaid Director to be kept for the Medicaid program.

STATEMENT or ***REPRESENTATION.*** Means any oral, written, electronic, electronic impulse or magnetic communication that is used to identify an item of goods or a service for which reimbursement may be made under the Medicaid program or that states income and expense and is or may be used to determine a rate of reimbursement under the Medicaid program.
(R.C. § 2913.40) (Rev. 2014)

(D) *Medicaid eligibility fraud.*

(1) No person shall knowingly do any of the following in an application for enrollment in the Medicaid program or in a document that requires a disclosure of assets for the purpose of determining eligibility for the Medicaid program:

(a) Make or cause to be made a false or misleading statement;

(b) Conceal an interest in property;

(c) 1. Except as provided in division (D)(1)(c)2. of this section, fail to disclose a transfer of property that occurred during the period beginning 36 months before submission of the application or document and ending on the date the application or document was submitted;

2. Fail to disclose a transfer of property that occurred during the period beginning 60 months before submission of the application or document and ending on the date the application or document was submitted and that was made to an irrevocable trust a portion of which is not distributable to the applicant for or recipient of Medicaid or to a revocable trust.

(2) (a) Whoever violates this division (D) is guilty of Medicaid eligibility fraud. Except as otherwise provided in this division, a violation of this division (D) is a misdemeanor of the first degree. If the value of the Medicaid services paid as a result of the violation is $1,000 or more, a violation of this division (D) is a felony to be prosecuted under appropriate state law.

(b) In addition to imposing a sentence under division (D)(2)(a) of this section, the court shall order that a person who is guilty of Medicaid eligibility fraud make restitution in the full amount of any Medicaid services paid on behalf of an applicant for or recipient of Medicaid for which the applicant or recipient was not eligible, plus interest at the rate applicable to judgments on unreimbursed amounts from the date on which the Medicaid services were paid to the date on which restitution is made.

(c) The remedies and penalties provided in this division (D) are not exclusive and do not preclude the use of any other criminal or civil remedy for any act that is in violation of this division (D).

(3) This division (D) does not apply to a person who fully disclosed in an application for Medicaid or in a document that requires a disclosure of assets for the purpose of determining eligibility for Medicaid all of the interests in property of the applicant for or recipient of Medicaid, all transfers of property by the applicant for or recipient of Medicaid, and the circumstances of all those transfers.

(4) Any amounts of Medicaid services recovered as restitution under this division (D) and any interest on those amounts shall be credited to the General Revenue Fund, and any applicable federal share shall be returned to the appropriate agency or department of the United States.

(5) As used in this division (D):

MEDICAID SERVICES. Has the same meaning as in R.C. § 5164.01.

PROPERTY. Means any real or personal property or other asset in which a person has any legal title or interest.
(R.C. § 2913.401) (Rev. 2014)

§ 131.24 INJURY TO PROPERTY BY HUNTERS.

(A) No person in the act of hunting, pursuing, taking, or killing a wild animal shall act in a negligent, careless, or reckless manner so as to injure property.
(R.C. § 1533.171(A)) (Rev. 1999)

(B) Whoever violates this section is guilty of a misdemeanor of the first degree.
(R.C. § 1533.99(C))
Statutory reference:
Violation, license revocation, see R.C. § 1533.171(B) through (E)

§ 131.25 EVIDENCE OF INTENT TO COMMIT THEFT OF RENTED PROPERTY OR RENTAL SERVICES; EVIDENCE OF LACK OF CAPACITY TO CONSENT.

(A) *Evidence of intent to commit theft of rented property or rental services.*

(1) As used in this division (A):

RENTER. Means a person who owns rented property.

RENTEE. Means a person who pays consideration to a renter for the use of rented property.

(2) Each of the following shall be considered evidence of intent to commit theft of rented property or rental services:

(a) At the time of entering into the rental contract, the rentee presented the renter with identification that was materially false, fictitious, or not current with respect to name, address, place of employment, or other relevant information.

(b) After receiving a notice demanding the return of the rented property as provided in division (A)(3) of this section, the rentee neither returned the rented property nor made arrangements acceptable with the renter to return the rented property.

(3) To establish that a rentee has an intent to commit theft of rented property or rental services under division (A)(2)(b) above, a renter may issue a notice to a rentee demanding the return of the rented property. The renter shall mail the notice by certified mail, return receipt requested, to the rentee at the address the rentee gave when the rental contract was executed, or to the rentee at the last address the rentee or the rentee's agent furnished in writing to the renter.

(4) A demand for the return of the rented property is not a prerequisite for the prosecution of a rentee for theft of rented property or rental services. The evidence specified in division (A)(2) above does not constitute the only evidence that may be considered as evidence of intent to commit theft of rented property or rental services.
(R.C. § 2913.72) (Rev. 2010)

(B) *Evidence of lack of capacity to consent.*

(1) In a prosecution for any alleged violation of § 131.08 through 131.20, 131.23, 131.25 through 131.29, or 132.11, if the lack of consent of the victim is an element of the provision that allegedly was violated, evidence that, at the time of the alleged violation, the victim lacked the capacity to give consent is admissible to show that the victim did not give consent.

(2) As used in this section, ***LACKS THE CAPACITY TO CONSENT*** means being impaired for any reason to the extent that the person lacks sufficient understanding or capacity to make and carry out reasonable decisions concerning the person or the person's resources.
(R.C. § 2913.73) (Rev. 2008)

§ 131.26 FORGERY OF IDENTIFICATION CARDS.

(A) No person shall knowingly do either of the following:

(1) Forge an identification card.

(2) Sell or otherwise distribute a card that purports to be an identification card, knowing it was forged.

(B) As used in this section, ***IDENTIFICATION CARD*** means a card that includes personal information or characteristics of an individual, a purpose of which is to establish the identity of the bearer described on the card, whether the words "identity", "identification", "identification card", or other similar words appear on the card.

(C) (1) Whoever violates this section is guilty of forging identification cards or selling or distributing forged identification cards. Except as otherwise provided in this division, forging identification cards or selling or distributing forged identification cards is a misdemeanor of the first degree. If the offender previously has been convicted of a violation of division (A) of this section or a substantially equivalent state law or municipal ordinance, forging identification cards or selling or distributing forged identification cards is a misdemeanor of the first degree and, in addition, the court shall impose upon the offender a fine not less than $250.

(2) If the victim of a violation of this section is an elderly person, R.C. § 2913.31(C)(2)(b) applies and the offense shall be prosecuted under R.C. § 2913.31.
(R.C. § 2913.31(B), (C)(2)) (Rev. 2020)

Statutory reference:

Forgery, felony provisions, see R.C. § 2913.31(A) and (C)(1)

Forgery of originating address or other routing information in connection with the transmission of an electronic mail advertisement, felony provisions, see R.C. § 2307.64

§ 131.27 CRIMINAL SIMULATION.

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

(1) Make or alter any object so that it appears to have value because of antiquity, rarity, curiosity, source, or authorship, which it does not in fact possess.

(2) Practice deception in making, retouching, editing, or reproducing any photograph, movie film, video tape, phonograph record, or recording tape.

(3) Falsely or fraudulently make, simulate, forge, alter, or counterfeit any wrapper, label, stamp, cork or cap prescribed by the Liquor Control Commission under R.C. Chapters 4301 and 4303, falsely or fraudulently cause to be made, simulated, forged, altered, or counterfeited any wrapper, label, stamp, cork or cap prescribed by the Liquor Control Commission under R.C. Chapters 4301 and 4303, or use more than once any wrapper, label, stamp, cork or cap prescribed by the Liquor Control Commission under R.C. Chapters 4301 and 4303.

(4) Offer, or possess with the purpose to offer, any object that the person knows to have been simulated as provided in divisions (A)(1), (A)(2) or (A)(3) of this section.

(B) Whoever violates this section is guilty of criminal simulation. Except as otherwise provided in this division, criminal simulation is a misdemeanor of the first degree. If the loss to the victim is $1,000 or more, criminal simulation is a felony to be prosecuted under appropriate state law.
(R.C. § 2913.32) (Rev. 2012)

§ 131.28 PERSONATING AN OFFICER.

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

(B) Whoever violates this section is guilty of personating an officer, a misdemeanor of the first degree.
(R.C. § 2913.44)

Cross-reference:

Impersonating an officer (non-fraud offense), see § 132.12

§ 131.29 TRADEMARK COUNTERFEITING.

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

(1) Attach, affix, or otherwise use a counterfeit mark in connection with the manufacture of goods or services, whether or not the goods or services are intended for sale or resale.

(2) Possess, sell, or offer for sale tools, machines, instruments, materials, articles, or other items of personal property with the knowledge that they are designed for the production or reproduction of counterfeit marks.

(3) Purchase or otherwise acquire goods, and keep or otherwise have the goods in the person's possession, with the knowledge that a counterfeit mark is attached to, affixed to, or otherwise used in connection with the goods and with the intent to sell or otherwise dispose of the goods.

(4) Sell, offer for sale, or otherwise dispose of goods with the knowledge that a counterfeit mark is attached to, affixed to, or otherwise used in connection with the goods.

(5) Sell, offer for sale, or otherwise provide services with the knowledge that a counterfeit mark is used in connection with that sale, offer for sale, or other provision of the services.

(B) Whoever violates this section is guilty of trademark counterfeiting.

(1) A violation of division (A)(1) of this section is guilty of a felony to be prosecuted under appropriate state law.

(2) Except as otherwise provided in this division, a violation of division (A)(2) of this section is a misdemeanor of the first degree. If the circumstances of the violation indicate that the tools, machines, instruments, materials, articles, or other items of personal property involved in the violation were intended for use in the commission of a felony, a violation of division (A)(2) is a felony to be prosecuted under appropriate state law.

(3) Except as otherwise provided in this division, a violation of division (A)(3), (A)(4) or (A)(5) of this section is a misdemeanor of the first degree. If the cumulative sales price of the goods or services to which or in connection with which the counterfeit mark is attached, affixed or otherwise used in the offense is $1,000 or more, a violation of division (A)(3), (A)(4) or (A)(5) is a felony to be prosecuted under appropriate state law.

(C) A defendant may assert as an affirmative defense to a charge of a violation of this section defenses, affirmative defenses, and limitations on remedies that would be available in a civil, criminal or administrative action or proceeding under the Lanham Act, being 15 U.S.C. §§ 1051 through 1127, as amended, the Trademark Counterfeiting Act of 1984, being 18 U.S.C. § 2320, as amended, R.C. Chapter 1329 or another section of the Ohio Revised Code, or common law.

(D) (1) Law enforcement officers may seize pursuant to Criminal Rule 41, R.C. Chapter 2933, or R.C. Chapter 2981 either of the following:

(a) Goods to which or in connection with which a person attached, affixed, otherwise used, or intended to attach, affix or otherwise use a counterfeit mark in violation of this section.

(b) Tools, machines, instruments, materials, articles, vehicles or other items of personal property that are possessed, sold, offered for sale, or used in a violation of this section or in an attempt to commit or complicity in the commission of a violation of this section.

(2) Notwithstanding any contrary provision of R.C. Chapter 2981, if a person is convicted of or pleads guilty to a violation of this section, an attempt to violate this section, or complicity in a violation of this section, the court involved shall declare that the goods described in division (D)(1)(a) of this section and the personal property described in division (D)(1)(b) of this section are contraband and are forfeited. Prior to the court's entry of judgment under Criminal Rule 32, the owner of a registered trademark or service mark that is the subject to the counterfeit mark may recommend a manner in which the forfeited goods and forfeited personal property should be disposed of. If that owner makes a timely recommendation of a manner of disposition, the court is not bound by the recommendation. If that owner makes a timely recommendation of a manner of disposition, the court may include in its entry of judgment an order that requires appropriate persons to dispose of the forfeited goods and forfeited personal property in the recommended manner. If the owner fails to make a timely recommendation of a manner of disposition or if that owner makes a timely recommendation of a manner of disposition but the court determines to not follow the recommendation, the court shall include in its entry of judgement an order that requires the law enforcement agency that employs the law enforcement officer who seized the forfeited goods or the forfeited personal property to destroy them or cause their destruction.

(E) This section does not affect the rights of an owner of a trademark or service mark, or the enforcement in a civil action or in administrative proceedings of the rights of an owner or a trademark or service mark under the Lanham Act, being 15 U.S.C. §§ 1051 through 1127, as amended, the Trademark Counterfeiting Act of 1984, being 18 U.S.C. § 2320, as amended, R.C. Chapter 1329, or another section of the Ohio Revised Code, or common law.

(F) As used in this section:

COUNTERFEIT MARK.

(a) Except as provided in division (b) of this definition, the term means a spurious trademark or a spurious service mark that satisfies both of the following:

1. It is identical with or substantially indistinguishable from a mark that is registered on the principal register in the United States Patent and Trademark Office for the same goods or services as the goods or services to which or in connection with which the spurious trademark or spurious service mark is attached, affixed, or otherwise used, or from a mark that is registered with the Secretary of State pursuant to R.C. §§ 1329.54 through 1329.67 for the same goods or services as the goods or services to which or in connection with which the spurious trademark or spurious service mark is attached, affixed, or otherwise used, and the owner of the registration uses that registered trademark, whether or not the offender knows that the mark is registered in a manner described in this division (a)1.

2. Its use is likely to cause confusion or mistake or to deceive other persons.

(b) The term does not include a mark or other designation that is attached to, affixed to, or otherwise used in connection with goods or services if the holder of the right to use the mark or other designation authorizes the manufacturer, producer, or vendor of those goods or services to attach, affix, or otherwise use the mark or other designation in connection with those goods or services at the time of their manufacture, production or sale.

CUMULATIVE SALES PRICE. Means the product of the lowest single unit sales price charged or sought to be charged by an offender for goods to which or in connection with which a counterfeit mark is attached, affixed, or otherwise used or of the lowest single service transaction price charged or sought to be charged by an offender for services in connection with which a counterfeit mark is used, multiplied by the total number of those goods or services, whether or not units of goods are sold or are in an offender's possession, custody or control.

REGISTERED TRADEMARK OR SERVICE MARK. Means a trademark or service mark that is registered in a manner described in division (a) of the definition of "counterfeit mark".

SERVICE MARK. Has the same meaning as in R.C. § 1329.54.

TRADEMARK. Has the same meaning as in R.C. § 1329.54.
(R.C. § 2913.34) (Rev. 2012)

§ 131.30 DIMINISHING OR INTERFERING WITH FORFEITABLE PROPERTY.

(A) No person shall destroy, damage, remove, or transfer property that is subject to forfeiture or otherwise take any action in regard to property that is subject to forfeiture with purpose to do any of the following:

(1) Prevent or impair the state's or political subdivision's lawful authority to take the property into its custody or control under R.C. Chapter 2981 or to continue holding the property under its lawful custody or control;

(2) Impair or defeat the court's continuing jurisdiction over the person and property;

(3) Devalue property that the person knows, or has reasonable cause to believe, is subject to forfeiture proceedings under R.C. Chapter 2981.

(B) Whoever violates this section is guilty of interference with or diminishing forfeitable property. Except as otherwise provided in this division (B), interference with or diminishing forfeitable property is a misdemeanor of the first degree. If the value of the property is $1,000 or more, interference with or diminishing forfeitable property is a felony to be prosecuted under appropriate state law.
(R.C. § 2981.07) (Rev. 2012)

§ 131.31 RECORDING CREDIT CARD, TELEPHONE OR SOCIAL SECURITY NUMBERS.

(A) No person shall record or cause to be recorded either of the following:

(1) A credit card account number of the other party to a transaction, when a check, bill of exchange or other draft is presented for payment; or

(2) The telephone number or Social Security account number of the other party to a transaction, when payment is made by credit card charge agreement, check, bill of exchange or other draft.

(B) Division (A) of this section does not apply to a transaction, if all of the following conditions are met:

(1) The credit card account number, Social Security account number or telephone number is recorded for a legitimate business purpose, including collection purposes.

(2) The other party to the transaction consents to the recording of the credit card account number, Social Security account number or telephone number.

(3) The credit card account number, Social Security account number or telephone number that is recorded during the course of the transaction is not disclosed to any third party for any purposes other than collection purposes and is not used to market goods or services unrelated to the goods or services purchased in the transaction.

(C) Nothing in this section prohibits the recording of the number of a credit card account when given in lieu of a deposit to secure payment in the event of default, loss, damage or other occurrence, or requires a person to accept a check presented for payment, if the other party to the transaction refuses to consent to the recording of the number

of the party's Social Security account or license to operate a motor vehicle.
(R.C. § 1349.17)

(D) Whoever violates any of the provisions of this section is guilty of a minor misdemeanor.
(R.C. § 1349.99(A)) (Rev. 2002)

§ 131.32 PROSECUTIONS FOR THEFT OF UTILITIES.

(A) In a prosecution for a theft offense, as defined in R.C. § 2913.01, that involves alleged tampering with a gas, electric, steam or water meter, conduit or attachment of a utility that has been disconnected by the utility, proof that a meter, conduit or attachment of a utility has been tampered with is prima facie evidence that the person who is obligated to pay for the service rendered through the meter, conduit or attachment, and who is in possession or control of the meter, conduit or attachment at the time the tampering occurred has caused the tampering with intent to commit a theft offense.

(B) In a prosecution for a theft offense, as defined in R.C. § 2913.01, that involves the alleged reconnection of a gas, electric, steam or water meter, conduit or attachment of a utility that has been disconnected by the utility, proof that a meter, conduit or attachment disconnected by a utility has been reconnected without the consent of the utility is prima facie evidence that the person in possession or control of the meter, conduit or attachment at the time of the reconnection has reconnected the meter, conduit or attachment with intent to commit a theft offense.

(C) As used in this section:

TAMPER. Means to interfere with, damage or bypass a utility meter, conduit or attachment with the intent to impede the correct registration of a meter or the proper functions of a conduit or attachment so as to reduce the amount of utility service that is registered on the meter.

UTILITY. Means any electric light company, gas company, natural gas company, pipe-line company, water-works company or heating or cooling company, as defined in R.C. § 4905.03(C), (D), (E), (F), (G), or (H), its lessees, trustees or receivers, or any similar utility owned or operated by a political subdivision.
(R.C. § 4933.18) (Rev. 2013)

(D) Each electric light company, gas company, natural gas company, pipeline company, waterworks company or heating or cooling company, as defined by R.C. § 4905.03(C), (D), (E), (F), (G), or (H), or its lessees, trustees or receivers, and each similar utility owned or operated by a political subdivision, shall notify its customers, on an annual basis, that tampering with or bypassing a meter constitutes a theft offense that could result in the imposition of criminal sanctions.
(R.C. § 4933.19) (Rev. 2013)

§ 131.33 MOTION PICTURE PIRACY.

(A) As used in this section:

AUDIOVISUAL RECORDING FUNCTION. Means the capability of a device to record or transmit a motion picture or any part of a motion picture by means of any technology existing on, or developed after, March 9, 2004.

FACILITY. Means a movie theater.

(B) No person, without the written consent of the owner or lessee of the facility and of the licensor of the motion picture, shall knowingly operate an audiovisual recording function of a device in a facility in which the motion picture is being shown.

(C) Whoever violates division (B) of this section is guilty of motion picture piracy, a misdemeanor of the first degree on the first offense and a felony to be prosecuted under appropriate state law on each subsequent offense.

(D) This section does not prohibit or restrict a lawfully authorized investigative, law enforcement, protective, or intelligence gathering employee or agent of the government of this state or a political subdivision of this state, or of the federal government, when acting in an official capacity, from operating an audiovisual recording function of a device in any facility in which a motion picture is being shown.

(E) Division (B) of this section does not limit or affect the application of any other prohibition in this code or the Ohio Revised Code. Any act that is a violation of both division (B) of this section and another provision of this code or the Ohio Revised Code may be prosecuted under this section, under the other provision of this code or the Ohio Revised Code, or under both this section and the other provision of this code or the Ohio Revised Code.
(R.C. § 2913.07) (Rev. 2005)

§ 131.34 RAILROAD VANDALISM; CRIMINAL TRESPASS; INTERFERENCE WITH OPERATION OF TRAIN; GRADE CROSSING DEVICE VANDALISM.

(A) No person shall knowingly, and by any means, drop or throw any object at, onto, or in the path of, any railroad rail, railroad track, locomotive, engine, railroad car, or other vehicle of a railroad company while such vehicle is on a railroad track.

(B) No person, without privilege to do so, shall climb upon or into any locomotive, engine, railroad car, or other vehicle of a railroad company when it is on a railroad track.

(C) No person, without privilege to do so, shall disrupt, delay, or prevent the operation of any train or other vehicle of a railroad company while such vehicle is on a railroad track.

(D) No person, without privilege to do so, shall knowingly enter or remain on the land or premises of a railroad company.

(E) Whoever violates division (A) of this section is guilty of railroad vandalism. Whoever violates division (B) of this section is guilty of criminal trespass on a locomotive, engine, railroad car, or other railroad vehicle. Whoever violates division (C) of this section is guilty of interference with the operation of a train. Except as otherwise provided in this division, railroad vandalism; criminal trespass on a locomotive, engine, railroad car, or other railroad vehicle; and interference with the operation of a train each is a misdemeanor of the first degree. If the violation of division (A), (B), or (C) of this section causes serious physical harm to property or creates a substantial risk of physical harm to any person, causes physical harm to any person, or causes serious physical harm to any person, the violation is a felony to be prosecuted under appropriate state law.

(F) Whoever violates division (D) of this section is guilty of criminal trespass on the land or premises of a railroad company, a misdemeanor of the fourth degree.
(R.C. § 2909.10) (Rev. 2020)

(G) No person shall knowingly deface, damage, obstruct, remove, or otherwise impair the operation of any railroad grade crossing warning signal or other protective device, including any gate, bell, light, crossbuck, stop sign, yield sign, advance warning sign, or advance pavement marking.

(H) Whoever violates division (G) of this section is guilty of railroad grade crossing device vandalism. Except as otherwise provided in this division, railroad grade crossing device vandalism is a misdemeanor of the first degree. If the violation of division (G) of this section causes serious physical harm to property or creates a substantial risk of physical harm to any person, causes physical harm to any person, or causes serious physical harm to any person, railroad grade crossing device vandalism is a felony to be prosecuted under appropriate state law.
(R.C. § 2909.101) (Rev. 2020)

§ 131.35 DESECRATION.

(A) No person, without privilege to do so, shall purposely deface, damage, pollute, or otherwise physically mistreat any of the following:

(1) Any public monument;

(2) Any historical or commemorative marker, or any structure, Indian mound or earthwork, cemetery, thing, or site of great historical or archaeological interest;

(3) A place of worship, its furnishings, or religious artifacts or sacred texts within the place of worship or within the grounds upon which the place of worship is located;

(4) A work of art or museum piece;

(5) Any other object of reverence or sacred devotion.

(B) Whoever violates this section is guilty of desecration. A violation of division (A)(1), (A)(2), (A)(4), or (A)(5) of this section is a misdemeanor of the second degree. A violation of division (A)(3) of this section is a felony to be prosecuted under appropriate state law.

(C) As used in this section, "cemetery" means any place of burial and includes burial sites that contain American Indian burial objects placed with or containing American Indian human remains.
(R.C. § 2927.11) (Rev. 2020)

CHAPTER 132: OFFENSES AGAINST PUBLIC PEACE

Section

132.01 Riot
132.02 Failure to disperse
132.03 Justifiable use of force to suppress riot
132.04 Disorderly conduct
132.05 Disturbing a lawful meeting
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132.07 Telecommunications harassment
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132.12 Impersonating a peace officer
132.13 Safety of crowds attending live entertainment performances
132.14 Misconduct involving a public transportation system

Cross-reference:

Personating an officer (fraud offense), see § 131.28

Statutory reference:

Misuse of "Block Parent" or "McGruff House" symbol, see R.C. § 2917.46

§ 132.01 RIOT.

(A) No person shall participate with four or more others in a course of disorderly conduct in violation of R.C. § 2917.11 or a substantially equivalent municipal ordinance:

(1) With purpose to commit or facilitate the commission of a misdemeanor, other than disorderly conduct;

(2) With purpose to intimidate a public official or employee into taking or refraining from official action, or with purpose to hinder, impede, or obstruct a function of government;

(3) With purpose to hinder, impede, or obstruct the orderly process of administration or instruction at an educational institution, or to interfere with or disrupt lawful activities carried on at the institution.

(B) No person shall participate with four or more others with purpose to do an act with unlawful force or violence, even though the act might otherwise be lawful.

(C) Whoever violates this section is guilty of riot, a misdemeanor of the first degree.
(R.C. § 2917.03) (Rev. 1999)

(D) For the purposes of prosecuting violations of this section, the prosecution is not required to allege or prove that the offender expressly agreed with four or more others to commit any act that constitutes a violation this section prior to or while committing those acts.
(R.C. § 2917.031) (Rev. 2005)

Statutory reference:

Aggravated riot, felony provisions, see R.C. § 2917.02

§ 132.02 FAILURE TO DISPERSE.

(A) Where five or more persons are participating in a course of disorderly conduct in violation of R.C. § 2917.11 or a substantially equivalent municipal ordinance, and there are other persons in the vicinity whose presence creates the likelihood of physical harm to persons or property or of serious public inconvenience, annoyance, or alarm, a law enforcement officer or other public official may order the participants and the other persons to disperse. No person shall knowingly fail to obey the order.

(B) Nothing in this section requires persons to disperse who are peaceably assembled for a lawful purpose.

(C) (1) Whoever violates this section is guilty of failure to disperse.

(2) Except as otherwise provided in division (C)(3) of this section, failure to disperse is a minor misdemeanor.

(3) Failure to disperse is a misdemeanor of the fourth degree if the failure to obey the order described in division (A) of this section creates the likelihood of physical harm to persons or is committed at the scene of a fire, accident, disaster, riot, or emergency of any kind.
(R.C. § 2917.04) (Rev. 2005)

§ 132.03 JUSTIFIABLE USE OF FORCE TO SUPPRESS RIOT.

A law enforcement officer or firefighter engaged in suppressing a riot or in protecting persons or property during a riot:

(A) Is justified in using force, other than deadly force, when and to the extent he or she has probable cause to believe such force is necessary to disperse or apprehend rioters;

(B) Is justified in using force, including deadly force, when and to the extent he or she has probable cause to believe such force is necessary to disperse or apprehend rioters whose conduct is creating a substantial risk of serious physical harm to persons.
(R.C. § 2917.05)

§ 132.04 DISORDERLY CONDUCT.

(A) No person shall recklessly cause inconvenience, annoyance, or alarm to another, by doing any of the following:

(1) Engaging in fighting, in threatening harm to persons or property, or in violent or turbulent behavior;

(2) Making unreasonable noise or an offensively coarse utterance, gesture, or display, or communicating unwarranted and grossly abusive language to any person;

(3) Insulting, taunting, or challenging another, under circumstances in which that conduct is likely to provoke a violent response;

(4) Hindering or preventing the movement of persons on a public street, road, highway, or right-of-way, or to, from, within, or upon public or private property, so as to interfere with the rights of others, and by any act that serves no lawful and reasonable purpose of the offender;

(5) Creating a condition that is physically offensive to persons or that presents a risk of physical harm to persons or property, by any act that serves no lawful and reasonable purpose of the offender.

(B) No person while voluntarily intoxicated shall do either of the following:

(1) In a public place or in the presence of two or more persons, engage in conduct likely to be offensive or to cause inconvenience, annoyance, or alarm to persons of ordinary sensibilities, which conduct the offender, if he or she were not intoxicated, should know is likely to have such effect on others;

(2) Engage in conduct or create a condition that presents a risk of physical harm to himself, herself or another, or to the property of another.

(C) Violation of any statute or ordinance of which an element is operating a motor vehicle, locomotive, watercraft, aircraft, or other vehicle while under the influence of alcohol or any drug of abuse is not a violation of division (B) of this section.

(D) If a person appears to an ordinary observer to be intoxicated, it is probable cause to believe that the person is voluntarily intoxicated for purposes of division (B) of this section.

(E) Whoever violates this section is guilty of disorderly conduct.

(1) Except as otherwise provided in divisions (E)(2) and (E)(3) of this section, disorderly conduct is a minor misdemeanor.

(2) Disorderly conduct is a misdemeanor of the fourth degree if any of the following applies:

(a) The offender persists in disorderly conduct after reasonable warning or request to desist.

(b) The offense is committed in the vicinity of a school or in a school safety zone.

(c) The offense is committed in the presence of any law enforcement officer, firefighter, rescuer, medical person, emergency medical services person, or other authorized person who is engaged in the person's duties at the scene of a fire, accident, disaster, riot, or emergency of any kind.

(d) The offense is committed in the presence of any emergency facility person who is engaged in the person's duties in an emergency facility.

(3) If an offender previously has been convicted of or pleaded guilty to three or more violations of division (B) of this section, R.C. § 2917.11(B), or any substantially equivalent state law or municipal ordinance, a violation of division (B) of this section is a misdemeanor of the fourth degree.

(F) As used in this section:

COMMITTED IN THE VICINITY OF A SCHOOL. Has the same meaning as in R.C. § 2925.01.

EMERGENCY FACILITY. Has the same meaning as in R.C. § 2909.04.

EMERGENCY FACILITY PERSON. Is the singular of "emergency facility personnel" as defined in R.C. § 2909.04.

EMERGENCY MEDICAL SERVICES PERSON. Is the singular of "emergency medical services personnel" as defined in R.C. § 2133.21.
(R.C. § 2917.11) (Rev. 2020)

§ 132.05 DISTURBING A LAWFUL MEETING.

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

(1) Do any act which obstructs or interferes with the due conduct of the meeting, procession, or gathering.

(2) Make any utterance, gesture, or display which outrages the sensibilities of the group.

(B) Whoever violates this section is guilty of disturbing a lawful meeting, a misdemeanor of the fourth degree.
(R.C. § 2917.12)

§ 132.06 MISCONDUCT AT AN EMERGENCY.

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

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

(2) Hamper the lawful activities of any emergency facility person who is engaged in the person's duties in an emergency facility;

(3) Fail to obey the lawful order of any law enforcement officer engaged in the law enforcement officer's duties at the scene of or in connection with a fire, accident, disaster, riot, or emergency of any kind.

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

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

(D) As used in this section:

EMERGENCY FACILITY. Has the same meaning as in R.C. § 2909.04.

EMERGENCY FACILITY PERSON. Is the singular of "emergency facility personnel" as defined in R.C. § 2909.04.

EMERGENCY MEDICAL SERVICES PERSON. Is the singular of "emergency medical services personnel" as defined in R.C. § 2133.21.
(R.C. § 2917.13) (Rev. 2005)

§ 132.07 TELECOMMUNICATIONS HARASSMENT.

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

(1) Makes the telecommunication with purpose to harass, intimidate, or abuse any person at the premises to which the telecommunication is made, whether or not actual communication takes place between the caller and a recipient;

(2) Describes, suggests, requests, or proposes that the caller, the recipient of the telecommunication, or any other person engage in sexual activity, and the recipient or another person at the premises to which the telecommunication is made has requested, in a previous telecommunication or in the immediate telecommunication, that the caller not make a telecommunication to the recipient or to the premises to which the telecommunication is made;

(3) During the telecommunication, violates R.C. § 2903.21 or a substantially equivalent municipal ordinance;

(4) Knowingly states to the recipient of the telecommunication that the caller intends to cause damage to or destroy public or private property, and the recipient, any member of the recipient's family, or any other person who resides at the premises to which the telecommunication is made owns, leases, resides, or works in, will at the time of the destruction or damaging be near or in, has the responsibility of protecting, or insures the property that will be destroyed or damaged;

(5) Knowingly makes the telecommunication to the recipient of the telecommunication, to another person at the premises to which the telecommunication is made, or to those premises, and the recipient or another person at those premises previously has told the caller not to make a telecommunication to those premises or to any persons at those premises;

(6) Knowingly makes any comment, request, suggestion, or proposal to the recipient of the telecommunication that is threatening, intimidating, menacing, coercive, or obscene with the intent to abuse, threaten, or harass the recipient;

(7) Without a lawful business purpose, knowingly interrupts the telecommunication service of any person;

(8) Without a lawful business purpose, knowingly transmits to any person, regardless of whether the telecommunication is heard in its entirety, any file, document, or other communication that prevents that person from using the person's telephone service or electronic communication device;

(9) Knowingly makes any false statement concerning the death, injury, illness, disfigurement, reputation, indecent conduct, or criminal conduct of the recipient of the telecommunication or family or household member of the recipient with purpose to abuse, threaten, intimidate, or harass the recipient;

(10) Knowingly incites another person through a telecommunication or other means to harass or participate in the harassment of a person;

(11) Knowingly alarms the recipient by making a telecommunication without a lawful purpose at an hour or hours known to be inconvenient to the recipient and in an offensive or repetitive manner.

(B) (1) No person shall make or cause to be made a telecommunication or permit a telecommunication to be made from a telecommunications device under the person's control, with purpose to abuse, threaten, or harass another person.

(2) No person shall knowingly post a text or audio statement or an image on an internet web site or web page for the purpose of abusing, threatening, or harassing another person.

(C) (1) Whoever violates this section is guilty of telecommunications harassment.

(2) A violation of division (A)(1), (A)(2), (A)(3), (A)(5), (A)(6), (A)(7), (A)(8), (A)(9), (A)(10), or (A)(11) or (B) of this section is a misdemeanor of the first degree on a first offense and a felony on each subsequent offense, which shall be prosecuted under appropriate state law.

(3) Except as otherwise provided in this division (C)(3), a violation of division (A)(4) of this section is a misdemeanor of the first degree on a first offense and a felony on each subsequent offense, to be prosecuted under appropriate state law. If a violation of division (A)(4) of this section results in economic harm of $1,000 or more, telecommunications harassment is a felony to be prosecuted under appropriate state law.

(D) No cause of action may be asserted in any court of this municipality against any provider of a telecommunications service, interactive computer service as defined in 47 U.S.C. § 230, or information service, or against any officer, employee, or agent of a telecommunications service, interactive computer service as defined in 47 U.S.C. § 230, or information service, for any injury, death, or loss to person or property that allegedly arises out of the provider's, officer's, employee's, or agent's provision of information, facilities, or assistance in accordance with the terms of a court order that is issued in relation to the investigation or prosecution of an alleged violation of this section. A provider of a telecommunications service, interactive computer service as defined in 47 U.S.C. § 230, or information service, or an officer, employee, or agent of a telecommunications service, interactive computer service as defined in 47 U.S.C. § 230, or information service, is immune from any civil or criminal liability for injury, death, or loss to person or property that allegedly arises out of the provider's, officer's, employee's, or agent's provision of information, facilities, or assistance in accordance with the terms of a court order that is issued in relation to the investigation or prosecution of an alleged violation of this section.

(E) (1) This section does not apply to a person solely because the person provided access or connection to or from an electronic method of remotely transferring information not under that person's control, including having provided capabilities that are incidental to providing access or connection to or from the electronic method of remotely transferring the information, and that do not include the creation of the content of the material that is the subject of the access or connection. In addition, any person providing access or connection to or from an electronic method of remotely transferring information not under that person's control shall not be liable for any action voluntarily taken in good faith to block the receipt or transmission through its service of any information that the person believes is, or will be sent, in violation of this section.

(2) Division (E)(1) of this section does not create an affirmative duty for any person providing access or connection to or from an electronic method of remotely transferring information not under that person's control to block the receipt or transmission through its service of any information that it believes is, or will be sent, in violation of this section except as otherwise provided by law.

(3) Division (E)(1) of this section does not apply to a person who conspires with a person actively involved in the creation or knowing distribution of material in violation of this section or who knowingly advertises the availability of material of that nature.

(4) A provider or user of an interactive computer service, as defined in 47 U.S.C. § 230, shall neither be treated as the publisher or speaker of any information provided by another information content provider, as defined in 47 U.S.C. § 230, nor held civilly or criminally liable for the creation or development of information provided by another information content provider, as defined in 47 U.S.C. § 230. Nothing in this division shall be construed to protect a person from liability to the extent that the person developed or created any content in violation of this section.

(F) Divisions (A)(5) to (A)(11) and (B)(2) of this section do not apply to a person who, while employed or contracted by a newspaper, magazine, press association, news agency, news wire service, cable channel or cable operator, or radio or television station, is gathering, processing, transmitting, compiling, editing, or disseminating information for the general public within the scope of the person's employment in that capacity or the person's contractual authority in that capacity.

(G) As used in divisions (A) through (D) of this section:

CABLE OPERATOR. Has the same meaning as in R.C. § 1332.21.

CALLER. Means the person described in division (A) of this section who makes or causes to be made a telecommunication or who permits a telecommunication to be made from a telecommunications device under that person's control.

ECONOMIC HARM. Means all direct, incidental and consequential pecuniary harm suffered by a victim as a result of the criminal conduct. The term includes but is not limited to all of the following:

(a) All wages, salaries or other compensation lost as a result of the criminal conduct;

(b) The cost of all wages, salaries or other compensation paid to employees for time those employees are prevented from working as a result of the criminal conduct;

(c) The overhead costs incurred from the time that a business is shut down as a result of the criminal conduct;

(d) The loss of value to tangible or intangible property that was damaged as a result of the criminal conduct.

FAMILY OR HOUSEHOLD MEMBER. Means any of the following:

(a) Any of the following who is residing or has resided with the recipient of the telecommunication against whom the act prohibited in division (A)(9) of this section is committed:

1. A spouse, a person living as a spouse, or a former spouse of the recipient;

2. A parent, a foster parent, or a child of the recipient, or another person related by consanguinity or affinity to the recipient;

3. A parent or a child of a spouse, person living as a spouse, or former spouse of the recipient, or another person related by consanguinity or affinity to a spouse, person living as a spouse, or former spouse of the recipient.

(b) The natural parent of any child of whom the recipient of the telecommunication against whom the act prohibited in division (A)(9) of this section is committed is the other natural parent or is the putative other natural parent.

PERSON LIVING AS A SPOUSE. Means a person who is living or has lived with the recipient of the telecommunication against whom the act prohibited in division (A)(9) of this section is committed in a common law marital relationship, who otherwise is cohabiting with the recipient, or who otherwise has cohabited with the recipient within five years prior to the date of the alleged commission of the act in question.

SEXUAL ACTIVITY. Has the same meaning as in R.C. § 2907.01.

TELECOMMUNICATION. Has the same meaning as in R.C. § 2913.01.

TELECOMMUNICATIONS DEVICE. Has the same meaning as in R.C. § 2913.01.

(H) Nothing in this section prohibits a person from making a telecommunication to a debtor that is in compliance with the "Fair Debt Collection Practices Act", 15 U.S.C. § 1692, as amended, or the "Telephone Consumer Protection Act", 47 U.S.C. § 227, as amended.
(R.C. § 2917.21) (Rev. 2017)

§ 132.08 INDUCING PANIC.

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

(1) Initiating or circulating a report or warning of an alleged or impending fire, explosion, crime, or other catastrophe, knowing that the report or warning is false.

(2) Threatening to commit any offense of violence.

(3) Committing any offense, with reckless disregard of the likelihood that its commission will cause serious public inconvenience or alarm.

(B) Division (A)(1) of this section does not apply to any person conducting an authorized fire or emergency drill.

(C) (1) Whoever violates this section is guilty of inducing panic.

(2) Except as otherwise provided in division (C)(3), inducing panic is a misdemeanor of the first degree.

(3) If a violation of this section results in physical harm to any person, inducing panic is a felony to be prosecuted under appropriate state law. If a violation of this section results in economic harm of $1,000 or more, inducing panic is a felony to be prosecuted under appropriate state law. If the public place involved in a violation of division (A)(1) is a school or an institution of higher education, inducing panic is a felony to be prosecuted under appropriate state law. If a violation of this section pertains to a purported, threatened or actual use of a weapon of mass destruction, inducing panic is a felony to be prosecuted under appropriate state law.

(D) (1) It is not a defense to a charge under this section that pertains to a purported or threatened use of a weapon of mass destruction that the offender did not possess or have the ability to use a weapon of mass destruction or that what was represented to be a weapon of mass destruction was not a weapon of mass destruction.

(2) Any act that is a violation of this section and any other section of the Ohio Revised Code or this code may be prosecuted under this section, the other section, or both sections.

(E) As used in this section:

BIOLOGICAL AGENT. Has the same meaning as in R.C. § 2917.33.

ECONOMIC HARM. Means any of the following:

(a) All direct, incidental and consequential pecuniary harm suffered by a victim as a result of the criminal conduct. "Economic harm" as described in this division includes but is not limited to all of the following:

1. All wages, salaries or other compensation lost as a result of the criminal conduct;

2. The cost of all wages, salaries or other compensation paid to employees for time those employees are prevented from working as a result of the criminal conduct;

3. The overhead costs incurred from the time that a business is shut down as a result of the criminal conduct;

4. The loss of value to tangible or intangible property that was damaged as a result of the criminal conduct.

(b) All costs incurred by the state or any political subdivision as a result of, or in making any response to, the criminal conduct that constituted the violation of this section or R.C. § 2917.32, or any substantially equivalent municipal ordinance, including but not limited to all costs so incurred by any law enforcement officers, firefighters, rescue personnel, or emergency medical services personnel of the state or the political subdivision.

EMERGENCY MEDICAL SERVICES PERSONNEL. Has the same meaning as in R.C. § 2133.21.

INSTITUTION OF HIGHER EDUCATION. Means any of the following:

(a) A state university or college as defined in R.C. § 3345.12(A)(1), community college, state community college, university branch, or technical college;

(b) A private, nonprofit college, university or other post-secondary institution located in this state that possesses a certificate of authorization issued by the Ohio Board of Regents pursuant to R.C. Chapter 1713;

(c) A post-secondary institution with a certificate of registration issued by the State Board of Career Colleges and Schools pursuant to R.C. Chapter 3332.

SCHOOL. Means any school operated by a board of education or any school for which the State Board of Education prescribes minimum standards under R.C. § 3301.07, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted at the time a violation of this section is committed.

WEAPON OF MASS DESTRUCTION. Means any of the following:

(a) Any weapon that is designed or intended to cause death or serious physical harm through the release, dissemination, or impact of toxic or poisonous chemicals, or other precursors;

(b) Any weapon involving a disease organism or biological agent;

(c) Any weapon that is designed to release radiation or radioactivity at a level dangerous to human life;

(d) Any of the following, except to the extent that the item or device in question is expressly excepted from the definition of "destructive device" pursuant to 18 U.S.C. § 921(a)(4) and regulations issued under that section:

1. Any explosive, incendiary, or poison gas bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or similar device;

2. Any combination of parts either designed or intended for use in converting any item or device into any item or device described in division (d)1. of this definition and from which an item or device described in that division may be readily assembled.
(R.C. § 2917.31) (Rev. 2012)

§ 132.09 MAKING FALSE ALARMS.

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

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

(2) Knowingly cause a false alarm of fire or other emergency to be transmitted to or within any organization, public or private, for dealing with emergencies involving a risk of physical harm to persons or property.

(3) Report to any law enforcement agency an alleged offense or other incident within its concern, knowing that the offense did not occur.

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

(C) Whoever violates this section is guilty of making false alarms. Except as otherwise provided in this division, making false alarms is a misdemeanor of the first degree. If a violation of this section results in economic harm of $1,000 or more, making false alarms is a felony to be prosecuted under appropriate state law. If a violation of this section pertains to a purported, threatened, or actual use of a weapon

of mass destruction, making false alarms is a felony to be prosecuted under appropriate state law.

(D) (1) It is not a defense to a charge under this section that pertains to a purported or threatened use of a weapon of mass destruction that the offender did not possess or have the ability to use a weapon of mass destruction or that what was represented to be a weapon of mass destruction was not a weapon of mass destruction.

(2) Any act that is a violation of this section and any other section of the Ohio Revised Code or this code may be prosecuted under this section, the other section, or both sections.

(E) As used in this section, ***ECONOMIC HARM*** and ***WEAPON OF MASS DESTRUCTION*** have the same meaning as in R.C. § 2917.31.
(R.C. § 2917.32) (Rev. 2012)

§ 132.10 INCITING TO VIOLENCE.

(A) No person shall knowingly engage in conduct designed to urge or incite another to commit any offense of violence when either of the following apply:

(1) The conduct takes place under circumstances that create a clear and present danger that any offense of violence will be committed.

(2) The conduct proximately results in the commission of any offense of violence.

(B) Whoever violates this section is guilty of inciting to violence. If the offense of violence that the other person is being urged or incited to commit is a misdemeanor, inciting to violence is a misdemeanor of the first degree. If the offense of violence that the other person is being urged or incited to commit is a felony, inciting to violence is a felony to be prosecuted under appropriate state law.
(R.C. § 2917.01)

§ 132.11 UNLAWFUL DISPLAY OF LAW ENFORCEMENT EMBLEM.

(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.
(R.C. § 2913.441)

§ 132.12 IMPERSONATING A PEACE OFFICER.

(A) As used in this section:

FEDERAL LAW ENFORCEMENT OFFICER. Means an employee of the United States who serves in a position the duties of which are primarily the investigation, apprehension, or detention of individuals suspected or convicted of offenses under the criminal laws of the United States.

IMPERSONATE. Means to act the part of, assume the identity of, wear the uniform or any part of the uniform of, or display the identification of a particular person or of a member of a class of persons with purpose to make another person believe that the actor is that particular person or is a member of that class of persons.

INVESTIGATOR OF THE BUREAU OF CRIMINAL IDENTIFICATION AND INVESTIGATION. Has the same meaning as in R.C. § 2903.11.

PEACE OFFICER. A Sheriff, deputy sheriff, Marshal, deputy marshal, member of the organized police department of a municipal corporation, or township constable, who is employed by a political subdivision of this state; a member of a police force employed by a metropolitan housing authority under R.C. § 3735.31(D); a member of a police force employed by a regional transit authority under R.C. § 306.35(Y); a state university law enforcement officer appointed under R.C. § 3345.04; a veterans' home police officer appointed under R.C. § 5907.02; a special police officer employed by a port authority under R.C. § 4582.04 or 4582.28; an officer, agent, or employee of the state or any of its agencies, instrumentalities, or political subdivisions, upon whom, by statute, a duty to conserve the peace or to enforce all or certain laws is imposed and the authority to arrest violators is conferred, within limits of that statutory duty and authority; or a state highway patrol trooper whose primary duties are to preserve the peace, to protect life and property, and to enforce the laws, ordinances, or rules of the state or any of its political subdivisions.

PRIVATE POLICE OFFICER. Means any security guard, special police officer, private detective, or other person who is privately employed in a police capacity.

(B) No person shall impersonate a peace officer, private police officer, investigator of the Bureau of Criminal Identification and Investigation, or federal law enforcement officer.

(C) No person, by impersonating a peace officer, private police officer, investigator of the Bureau of Criminal Identification and Investigation, or federal law enforcement officer, shall arrest or detain any person, search any person, or search the property of any person.

(D) No person, with purpose to commit or facilitate the commission of an offense, shall impersonate a peace officer, private police officer, federal law enforcement officer, an officer, agent or employee of the municipality or the state, or

investigator of the Bureau of Criminal Identification and Investigation.

(E) No person shall commit a felony while impersonating a peace officer, private police officer, federal law enforcement officer, an officer, agent or employee of the municipality or of the state, or investigator of the Bureau of Criminal Identification and Investigation.

(F) It is an affirmative defense to a charge under division (B) of this section that the impersonation of the peace officer, private police officer, federal law enforcement officer, an officer, agent or employee of the municipality or of the state, or investigator of the Bureau of Criminal Identification and Investigation was for a lawful purpose.

(G) Whoever violates division (B) of this section is guilty of a misdemeanor of the fourth degree. Whoever violates division (C) or (D) of this section is guilty of a misdemeanor of the first degree. If the purpose of a violation of division (D) of this section is to commit or facilitate the commission of a felony, a violation of division (D) is a felony to be prosecuted under appropriate state law. Whoever violates division (E) of this section is guilty of a felony to be prosecuted under appropriate state law.
(R.C. § 2921.51) (Rev. 2010)
Cross-reference:
Personating an officer (fraud offense), see § 131.28

§ 132.13 SAFETY OF CROWDS ATTENDING LIVE ENTERTAINMENT PERFORMANCES.

(A) As used in this section:

CONCERT. Means a musical performance of which the primary component is a presentation by persons singing or playing musical instruments, that is intended by its sponsors mainly, but not necessarily exclusively, for the listening enjoyment of the audience, and that is held in a facility. The term does not include any performance in which music is a part of the presentation and the primary component of which is acting, dancing, a motion picture, a demonstration of skills or talent other than singing or playing an instrument, an athletic event, an exhibition or a speech.

FACILITY. Means any structure that has a roof or partial roof and that has walls that wholly surround the area on all sides, including but not limited to a stadium, hall, arena, armory, auditorium, ballroom, exhibition hall, convention center or music hall.

LIVE ENTERTAINMENT PERFORMANCE. Means any live speech; any live musical performance, including a concert; any live dramatic performance; any live variety show; and any other live performance with respect to which the primary intent of the audience can be construed to be viewing the performers. The term does not include any form of entertainment with respect to which the person purchasing a ticket routinely participates in amusements as well as views performers.

PERSON. Includes, in addition to an individual or entity specified in R.C. § 1.59(C), any governmental entity.

RESTRICTED ENTERTAINMENT AREA. Means any wholly or partially enclosed area, whether indoors or outdoors, that has limited access through established entrances or established turnstiles or similar devices.

(B) (1) No person shall sell, offer to sell, or offer in return for a donation, any ticket that is not numbered and that does not correspond to a specific seat for admission to either of the following:

(a) A live entertainment performance that is not exempted under division (D) of this section, that is held in a restricted entertainment area, and for which more than 8,000 tickets are offered to the public;

(b) A concert that is not exempted under division (D) of this section and for which more than 3,000 tickets are offered to the public.

(2) No person shall advertise any live entertainment performance as described in division (B)(1)(a) of this section or any concert as described in division (B)(1)(b) of this section, unless the advertisement contains the words "Reserved Seats Only".

(C) Unless exempted by division (D)(1) of this section, no person who owns or operates any restricted entertainment area shall fail to open, maintain and properly staff at least the number of entrances designated under division (E) of this section for a minimum of 90 minutes prior to the scheduled start of any live entertainment performance that is held in the restricted entertainment area and for which more than 3,000 tickets are sold, offered for sale or offered in return for a donation.

(D) (1) A live entertainment performance, other than a concert, is exempted from the provisions of divisions (B) and (C) of this section if both of the following apply:

(a) The restricted entertainment area in which the performance is held has at least eight entrances or, if both entrances and separate admission turnstiles or similar devices are used, has at least eight turnstiles or similar devices.

(b) The eight entrances or, if applicable, the eight turnstiles or similar devices, are opened, maintained and properly staffed at least one hour prior to the scheduled start of the performance.

(2) (a) The officer responsible for public safety in the municipality may, upon application of the sponsor of a concert covered by division (B) of this section, exempt the concert from the provisions of that division if such officer finds that the health, safety and welfare of the participants and spectators would not be substantially affected by failure to comply with the provisions of that division. In determining whether to grant an exemption, the officer shall consider the following factors: the size and design of the facility in which

the concert is scheduled; the size, age and anticipated conduct of the crowd expected to attend the concert; and the ability of the sponsor to manage and control the expected crowd. If the sponsor of any concert desires to obtain an exemption under this division, the sponsor shall apply to the appropriate official on a form prescribed by that official. The official shall issue an order that grants or denies the exemption within five days after receipt of the application. The sponsor may appeal any order that denies an exemption to the Court of Common Pleas of the county in which the facility is located.

(b) If an official grants an exemption under division (D)(2)(a) of this section, the official shall designate an on-duty law enforcement officer to be present at the concert. The designated officer has authority to issue orders to all security personnel at the concert to protect the health, safety and welfare of the participants and spectators.

(3) Notwithstanding division (D)(2) of this section, in the case of a concert held in a facility located on the campus of an educational institution covered by R.C. § 3345.04, a state university law enforcement officer appointed pursuant to R.C. §§ 3345.04 and 3345.21 shall do both of the following:

(a) Exercise the authority to grant exemptions provided by division (D)(2)(a) of this section in lieu of an official designated in that division;

(b) If the officer grants an exemption under division (D)(3)(a) of this section, designate an on-duty state university law enforcement officer to be present at the concert. The designated officer has authority to issue orders to all security personnel at the concert to protect the health, safety and welfare of the participants and spectators.

(E) (1) Unless a live entertainment performance is exempted by division (D)(1) of this section, the officer responsible for public safety within the municipality shall designate, for purposes of division (C) of this section, the minimum number of entrances required to be opened, maintained and staffed at each live entertainment performance so as to permit crowd control and reduce congestion at the entrances. The designation shall be based on such factors as the size and nature of the crowd expected to attend the live entertainment performance, the length of time prior to the live entertainment performance that crowds are expected to congregate at the entrances and the amount of security provided at the restricted entertainment area.

(2) Notwithstanding division (E)(1) of this section, a state university law enforcement officer appointed pursuant to R.C. §§ 3345.04 and 3345.21 shall designate the number of entrances required to be opened, maintained and staffed in the case of a live entertainment performance that is held at a restricted entertainment area located on the campus of an educational institution covered by R.C. § 3345.04.

(F) No person shall enter into any contract for a live entertainment performance that does not permit or require compliance with this section.

(G) (1) This section does not apply to a live entertainment performance held in a restricted entertainment area if one admission ticket entitles the holder to view or participate in three or more different games, rides, activities or live entertainment performances occurring simultaneously at different sites within the restricted entertainment area and if the initial admittance entrance to the restricted entertainment area, for which the ticket is required, is separate from the entrance to any specific live entertainment performance and an additional ticket is not required for admission to the particular live entertainment performance.

(2) This section does not apply to a symphony orchestra performance, a ballet performance, horse races, dances or fairs.

(H) This section does not prohibit the Legislative Authority from imposing additional requirements, not in conflict with the section, for the promotion or holding of live entertainment performances.

(I) Whoever violates division (B), (C) or (F) of this section is guilty of a misdemeanor of the first degree. If any individual suffers physical harm to the individual's person as a result of a violation of this section, the sentencing court shall consider this factor in favor of imposing a term of imprisonment upon the offender.
(R.C. § 2917.40) (Rev. 1999)

§ 132.14 MISCONDUCT INVOLVING A PUBLIC TRANSPORTATION SYSTEM.

(A) As used in this section, ***PUBLIC TRANSPORTATION SYSTEM*** means a county transit system operated in accordance with R.C. §§ 306.01 through 306.13, a regional transit authority operated in accordance with R.C. §§ 306.30 through 306.71, or a regional transit commission operated in accordance with R.C. §§ 306.80 through 306.90.

(B) No person shall evade the payment of the known fares of a public transportation system.

(C) No person shall alter any transfer, pass, ticket or token of a public transportation system with the purpose of evading the payment of fares or of defrauding the system.

(D) No person shall do any of the following while in any facility or on any vehicle of a public transportation system:

(1) Play sound equipment without the proper use of a private earphone;

(2) Smoke, eat or drink in any area where the activity is clearly marked as being prohibited; or

(3) Expectorate upon a person, facility or vehicle.

(E) No person shall write, deface, draw or otherwise mark on any facility or vehicle of a public transportation system.

(F) No person shall fail to comply with a lawful order of a public transportation system police officer, and no person shall resist, obstruct or abuse a public transportation police officer in the performance of the officer's duties.

(G) Whoever violates any of the provisions of this section is guilty of misconduct involving a public transportation system.

(1) A violation of division (B), (C), or (F) of this section is a misdemeanor of the fourth degree.

(2) A violation of division (D) of this section is a minor misdemeanor on a first offense. If a person previously has been convicted of or pleaded guilty to a violation of any division of this section or of a municipal ordinance that is substantially equivalent to any division of this section, a violation of division (D) of this section is a misdemeanor of the fourth degree.

(3) A violation of division (E) of this section is a misdemeanor of the third degree.

(H) Notwithstanding any other provision of law, 75% of each fine paid to satisfy a sentence imposed for a violation of any of the provisions of this section shall be deposited into the treasury of the County and 25% shall be deposited with the county transit board, regional transit authority or regional transit commission that operates the public transportation system involved in the violation, unless the Board of County Commissioners operates the public transportation system, in which case 100% of each fine shall be deposited into the treasury of the County.
(R.C. § 2917.41) (Rev. 2004)

CHAPTER 133: SEX OFFENSES

Section

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Sexual conduct with an animal, see § 90.37

Statutory reference:

Assistance to victims of sexual assault, see R.C. §§ 2907.28 et seq.
Child victim, disposition of, see R.C. § 2945.481
Suppression of information at trial, see R.C. § 2907.11
Testing offenders for venereal disease and AIDS, see R.C. § 2907.27

§ 133.01 DEFINITIONS.

For the purpose of this chapter the following words and phrases shall have the following meanings ascribed to them respectively.

HARMFUL TO JUVENILES. That quality of any material or performance describing or representing nudity, sexual conduct, sexual excitement, or sado-masochistic abuse in any form to which all of the following apply:

(1) The material or performance, when considered as a whole, appeals to the prurient interest of juveniles in sex.

(2) The material or performance is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable for juveniles.

(3) The material or performance, when considered as a whole, lacks serious literary, artistic, political, and scientific value for juveniles.

JUVENILE. Any unmarried person under 18 years of age.

MATERIAL. Any book, magazine, newspaper, pamphlet, poster, print, picture, figure, image, description, motion picture film, video cassette, laser disc, phonograph record, cassette tape, compact disc, 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.

MENTAL HEALTH CLIENT OR PATIENT. Has the same meaning as in R.C. § 2305.51.

MENTAL HEALTH PROFESSIONAL. Has the same meaning as in R.C. § 2305.115.

MINOR. A person under the age of 18.

NUDITY. The showing, representation, or depiction of human male or female genitals, pubic area, or buttocks with less than a full, opaque covering, or of a female breast with less than a full, opaque covering of any portion thereof below the top of the nipple, or of covered male genitals in a discernibly turgid state.

OBSCENE. When considered as a whole, and judged with reference to ordinary adults or, if it is designed for sexual deviates or other specially susceptible group, judged with reference to that group, any material or performance is "obscene" if any of the following apply:

(1) Its dominant appeal is to prurient interest.

(2) Its dominant tendency is to arouse lust by displaying or depicting sexual activity, masturbation, sexual excitement, or nudity in a way that tends to represent human beings as mere objects of sexual appetite.

(3) Its dominant tendency is to arouse lust by displaying or depicting bestiality or extreme or bizarre violence, cruelty, or brutality.

(4) Its dominant tendency is to appeal to scatological interest by displaying or depicting human bodily functions of elimination in a way that inspires disgust or revulsion in persons with ordinary sensibilities, without serving any genuine scientific, educational, sociological, moral, or artistic purpose.

(5) It contains a series of displays or descriptions of sexual activity, masturbation, sexual excitement, nudity, bestiality, extreme or bizarre violence, cruelty, or brutality, or human bodily functions of elimination, the cumulative effect of which is a dominant tendency to appeal to prurient or scatological interest, when the appeal to such an interest is primarily for its own sake or for commercial exploitation, rather than primarily for a genuine scientific, educational, sociological, moral, or artistic purpose.

PERFORMANCE. Any motion picture, preview, trailer, play, show, skit, dance, or other exhibition performed before an audience.

PROSTITUTE. A male or female who promiscuously engages in sexual activity for hire, regardless of whether the hire is paid to the prostitute or to another.

SADO-MASOCHISTIC ABUSE. Flagellation or torture by or upon a person or the condition of being fettered, bound, or otherwise physically restrained.

SEXUAL ACTIVITY. Sexual conduct or sexual contact, or both.

SEXUAL CONDUCT. Vaginal intercourse between a male and female; anal intercourse, fellatio, and cunnilingus between persons regardless of sex; and, without privilege to do so, the insertion, however slight, of any part of the body or any instrument, apparatus, or other object into the vaginal or anal opening of another. Penetration, however slight, is sufficient to complete vaginal or anal intercourse.

SEXUAL CONTACT. Any touching of an erogenous zone of another, including without limitation the thigh, genitals, buttock, pubic region, or, if the person is a female, a breast, for the purpose of sexually arousing or gratifying either person.

SEXUAL EXCITEMENT. The condition of human male or female genitals when in a state of sexual stimulation or arousal.

SPOUSE. 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 pursuant to R.C. § 3103.06.

(2) When an action is pending 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.
(R.C. § 2907.01) (Rev. 2008)

§ 133.02 UNLAWFUL SEXUAL CONDUCT WITH A MINOR.

(A) No person who is 18 years of age or older shall engage in sexual conduct with another who is not the spouse of the offender, when the offender knows the other person is 13 years of age or older but less than 16 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.

(1) Except as otherwise provided in division (B)(2), unlawful sexual conduct with a minor is a felony to be prosecuted under appropriate state law.

(2) Except as otherwise provided in division (B)(3) of this section, if the offender is less than four years older than the other person, unlawful sexual conduct with a minor is a misdemeanor of the first degree.

(3) If the offender previously has been convicted of or pleaded guilty to a violation of R.C. § 2907.02, 2907.03 or 2907.04, or any substantially equivalent municipal ordinance, or a violation of former R.C. § 2907.12, or any substantially equivalent municipal ordinance, unlawful sexual conduct with a minor is a felony to be prosecuted under appropriate state law.
(R.C. § 2907.04) (Rev. 2001)

§ 133.03 SEXUAL IMPOSITION.

(A) No person shall have sexual contact with another, not the spouse of the offender; cause another, not the spouse of the offender, to have sexual contact with the offender; or cause two or more other 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 13 years of age or older but less than 16 years of age, whether or not the offender knows the age of the person, and the offender is at least 18 years of age and four or more years older than the 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 this section, R.C. § 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, former R.C. § 2907.12, or a substantially equivalent state law or 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 this section, R.C. § 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, former R.C. § 2907.12, or a substantially equivalent state law or municipal ordinance, 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 R.C. § 2929.24, the court may impose on the offender a definite jail term of not more than one year.
(R.C. § 2907.06) (Rev. 2020)

Statutory reference:

Gross sexual imposition, felony, see R.C. § 2907.05
Notice to licensing board or agency upon indictment, conviction or guilty plea of mental health professional, see R.C. §§ 2907.17 and 2907.18

§ 133.04 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 persons'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 divisions (C)(2), (C)(3), (C)(4), and (C)(5) of this section.

(2) Except as otherwise provided in this division (C)(2), a violation of division (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 or a substantially equivalent state law or municipal ordinance, a violation of division (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 or a substantially equivalent state law or municipal ordinance, a violation of division (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 or a substantially equivalent state law or municipal ordinance, a violation of division (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 to be prosecuted under appropriate state law.

(3) Except as otherwise provided in this division (C)(3), a violation of division (A)(2) or (A)(3) of this section is a misdemeanor of the third degree. If the offender previously has been convicted of or pleaded guilty to one violation of this section or a substantially equivalent state law or municipal ordinance, a violation of division (A)(2) or (A)(3) of this section is a misdemeanor of the second degree or, if any person who was likely to view and be affronted by the offender's conduct was a minor, a misdemeanor of the first degree. If the offender previously has been convicted of or pleaded guilty to two or more violations of this section or a substantially equivalent state law or municipal ordinance, a violation of division (A)(2) or (A)(3) of this section is a misdemeanor of the first degree or, if any person who was likely to view and be affronted by the offender's conduct was a minor, a felony to be prosecuted under appropriate state law.

(4) Except as otherwise provided in this division (C)(4), a violation of division (B)(1), (B)(2), or (B)(3) of this section is a misdemeanor of the second degree. If the offender previously has been convicted of or pleaded guilty to one violation of this section or a substantially equivalent state law

or municipal ordinance, a violation of division (B)(1), (B)(2), or (B)(3) of this section is a misdemeanor of the first degree. If the offender previously has been convicted of or pleaded guilty to two or more violations of this section or a substantially equivalent state law or municipal ordinance, a violation of division (B)(1), (B)(2), or (B)(3) of this section is a felony to be prosecuted under appropriate state law.

(5) Except as otherwise provided in this division (C)(5), a violation of division (B)(4) of this section is a misdemeanor of the first degree. If the offender previously has been convicted of or pleaded guilty to any violation of this section or a substantially equivalent state law or municipal ordinance, a violation of division (B)(4) of this section is a felony to be prosecuted under appropriate state law.

(D) (1) If either of the following applies, the court may determine at the time of sentencing whether to classify the offender as a tier I sex offender/child-victim offender for a violation of division (B)(4) of this section:

(a) The offender is less than ten years older than the other person.

(b) The offender is ten or more years older than the other person and the offender has not previously been convicted of or pleaded guilty to any violation of this section or any substantially equivalent state law or municipal ordinance.

(2) If the offender is convicted of or pleads guilty to a violation of division (B)(4) of this section, is ten or more years older than the other person, and previously has been convicted of or pleaded guilty to any violation of this section or any substantially equivalent state law or municipal ordinance, the court shall issue an order at the time of sentencing that classifies the offender as a tier I sex offender/child-victim offender subject to registration under R.C. §§ 2950.04, 2950.041, 2950.05, and 2950.06.
(R.C. § 2907.09) (Rev. 2020)

(E) A mother is entitled to breast-feed her baby in any location of a place of public accommodation, as defined in R.C. § 4112.01, wherein the mother otherwise is permitted.
(R.C. § 3781.55) (Rev. 2009)

Statutory reference:

Bail considerations for persons charged, see R.C. § 2907.41

§ 133.05 VOYEURISM.

(A) No person, for the purpose of sexually arousing or gratifying himself or herself, shall commit trespass or otherwise surreptitiously invade the privacy of another, to spy or eavesdrop upon another.

(B) No person, for the purpose of sexually arousing or gratifying himself or herself, shall commit trespass or otherwise surreptitiously invade the privacy of another to videotape, film, photograph, or otherwise record the other person in a state of nudity.

(C) No person, for the purpose of sexually arousing or gratifying himself or herself, shall commit trespass or otherwise surreptitiously invade the privacy of another to videotape, film, photograph, otherwise record, or spy or eavesdrop upon the other person in a state of nudity if the other person is a minor.

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

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

(1) A violation of division (A) of this section is a misdemeanor of the third degree.

(2) A violation of division (B) of this section is a misdemeanor of the second degree.

(3) A violation of division (D) of this section is a misdemeanor of the first degree.

(4) A violation of division (C) of this section is a felony to be prosecuted under appropriate state law.
(R.C. § 2907.08) (Rev. 2010)

§ 133.06 POLYGRAPH EXAMINATIONS FOR VICTIMS: RESTRICTIONS ON USE.

(A) (1) A peace officer, prosecutor, or other public official shall not ask or require a victim of an alleged sex offense to submit to a polygraph examination as a condition for proceeding with the investigation of the alleged sex offense.

(2) The refusal of the victim of an alleged sex offense to submit to a polygraph examination shall not prevent the investigation of the alleged sex offense, the filing of criminal charges with respect to the alleged sex offense, or the prosecution of the alleged perpetrator of the alleged sex offense.

(B) As used in this section:

PEACE OFFICER. Has the same meaning as in R.C. § 2921.51.

POLYGRAPH EXAMINATION. Means any mechanical or electrical instrument or device of any type used or allegedly used to examine, test, or question an individual for the purpose of determining the individual's truthfulness.

PROSECUTION. Means the prosecution of criminal charges in a criminal prosecution or the prosecution of a delinquent child complaint in a delinquency proceeding.

PROSECUTOR. Has the same meaning as in R.C. § 2935.01.

PUBLIC OFFICIAL. Has the same meaning as in R.C. § 117.01.

SEX OFFENSE. Means a violation of any provision of §§ 133.02 to 133.05 or R.C. §§ 2907.02 to 2907.09. (R.C. § 2907.10) (Rev. 2009)

§ 133.07 PROCURING.

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

(1) Entice or solicit another to patronize a prostitute or brothel;

(2) Procure a prostitute for another to patronize, or take or direct another at the other's request to any place for the purpose of patronizing a prostitute.

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

(C) Whoever violates this section is guilty of procuring. Except as otherwise provided in this division, procuring is a misdemeanor of the first degree. If the prostitute who is procured, patronized, or otherwise involved in a violation of division (A)(2) of this section is under 18 years of age at the time of the violation, regardless of whether the offender who violates division (A)(2) of this section knows the prostitute's age, or if a prostitute who engages in sexual activity for hire in premises used in violation of division (B) of this section is under 18 years of age at the time of the violation, regardless of whether the offender who violates division (B) of this section knows the prostitute's age, procuring is a felony to be prosecuted under appropriate state law.
(R.C. § 2907.23) (Rev. 2013)

§ 133.08 SOLICITING; LOITERING TO ENGAGE IN.

(A) (1) No person shall solicit another who is 18 years of age or older to engage with the other person in sexual activity for hire.

(2) No person shall solicit another to engage with such other person in sexual activity for hire if the other person is 16 or 17 years of age and the offender knows that the other person is 16 or 17 years of age or is reckless in that regard.

(3) No person shall solicit another to engage with such other person in sexual activity for hire if either of the following applies:

(a) The other person is less than 16 years of age, whether or not the offender knows the age of the other person.

(b) The other person is a person with a developmental disability and the offender knows or has reasonable cause to believe the other person is a person with a developmental disability.

(B) (1) Whoever violates division (A) of this section is guilty of soliciting. A violation of division (A)(1) of this section is a misdemeanor of the third degree. A violation of division (A)(2) or (A)(3) of this section is a felony to be prosecuted under appropriate state law.

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

(C) As used in division (A) of this section:

PERSON WITH A DEVELOPMENTAL DISABILITY. Has the same meaning as in R.C. § 2905.32.

SEXUAL ACTIVITY FOR HIRE. Means an implicit or explicit agreement to provide sexual activity in exchange for anything of value paid to the person engaging in such sexual activity, to any person trafficking that person, or to any person associated with either such person.
(R.C. § 2907.24(A), (C)(1), (D), (E)) (Rev. 2017)

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

(1) Beckon to, stop or attempt to stop another;

(2) Engage or attempt to engage another in conversation;

(3) Stop or attempt to stop the operator of a vehicle or approach a stationary vehicle;

(4) If the offender is the operator of or a passenger in a vehicle, stop, attempt to stop, beckon to, attempt to beckon to, or entice another to approach or enter the vehicle of which the offender is the operator or in which the offender is the passenger;

(5) Interfere with the free passage of another.

(E) As used in division (D) of this section:

PUBLIC PLACE. Means any of the following:

(a) A street, road, highway, thoroughfare, bikeway, walkway, sidewalk, bridge, alley, alleyway, plaza, park, driveway, parking lot or transportation facility.

(b) A doorway or entrance way to a building that fronts on a place described in division (a) of this definition.

(c) A place not described in division (a) or (b) of this definition that is open to the public.

VEHICLE. Has the same meaning as in R.C. § 4501.01.

(F) Whoever violates division (D) of this section is guilty of loitering to engage in solicitation, a misdemeanor of the third degree.
(R.C. § 2907.241)
Statutory reference:
Offenders with knowledge that they test HIV positive, felony, see R.C. §§ 2907.24(B) and 2907.241(B)
Testing offenders for venereal disease and AIDS, see R.C. § 2907.27

§ 133.09 PROSTITUTION.

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

(B) Whoever violates this section is guilty of prostitution, a misdemeanor of the third degree.
(R.C. § 2907.25)
Statutory reference:
Offenders with knowledge that they test HIV positive, felony, see R.C. § 2907.25(B)
Testing offenders for venereal disease and AIDS, see R.C. § 2907.27

§ 133.10 DISSEMINATING MATTER HARMFUL TO JUVENILES.

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

(1) Directly sell, deliver, furnish, disseminate, provide, exhibit, rent, or present to a juvenile, a group of juveniles, a law enforcement officer posing as a juvenile, or a group of law enforcement officers posing as juveniles any material or performance that is obscene or harmful to juveniles;

(2) Directly offer or agree to sell, deliver, furnish, disseminate, provide, exhibit, rent, or present to a juvenile, a group of juveniles, a law enforcement officer posing as a juvenile, or a group of law enforcement officers posing as juveniles any material or performance that is obscene or harmful to juveniles;

(3) While in the physical proximity of the juvenile or law enforcement officer posing as a juvenile, allow any juvenile or law enforcement officer posing as a juvenile to review or peruse any material or view any live performance that is harmful to juveniles.

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

(1) The defendant is the parent, guardian, or spouse of the juvenile involved.

(2) The juvenile involved, at the time of the conduct in question, was accompanied by his or her parent or guardian who, with knowledge of its character, consented to the material or performance being furnished or presented to the juvenile.

(3) The juvenile exhibited to the defendant or his or her agent or employee a draft card, driver's license, birth record, marriage license, or other official or apparently official document purporting to show that the juvenile was 18 years of age or over or married, and the person to whom the document was exhibited did not otherwise have reasonable cause to believe that the juvenile was under the age of 18 and unmarried.

(C) (1) It is an affirmative defense to a charge under this section, involving material or a performance that is obscene or harmful to juveniles, that the material or performance was furnished or presented for a bona fide medical, scientific, educational, governmental, judicial, or other proper purpose, by a physician, psychologist, sociologist, scientist, teacher, librarian, clergy, prosecutor, judge, or other proper person.

(2) Except as provided in division (B)(3) of this section, mistake of age is not a defense to a charge under this section.

(D) (1) A person directly sells, delivers, furnishes, disseminates, provides, exhibits, rents, or presents or directly offers or agrees to sell, deliver, furnish, disseminate, provide, exhibit, rent, or present material or a performance to a juvenile, a group of juveniles, a law enforcement officer posing as a juvenile, or a group of law enforcement officers posing as juveniles in violation of this section by means of an electronic method of remotely transmitting information if the person knows or has reason to believe that the person receiving the information is a juvenile or the group of persons receiving the information are juveniles.

(2) A person remotely transmitting information by means of a method of mass distribution does not directly sell, deliver, furnish, disseminate, provide, exhibit, rent, or present or directly offer or agree to sell, deliver, furnish, disseminate, provide, exhibit, rent, or present the material or performance in question to a juvenile, a group of juveniles, a law enforcement officer posing as a juvenile, or a group of law enforcement officers posing as juveniles in violation of this section if either of the following applies:

(a) The person has inadequate information to know or have reason to believe that a particular recipient of the information or offer is a juvenile.

(b) The method of mass distribution does not provide the person the ability to prevent a particular recipient from receiving the information.

(E) Whoever violates this section is guilty of disseminating matter harmful to juveniles. If the material or performance involved is harmful to juveniles except as otherwise provided in this division, a violation of this section is a misdemeanor of the first degree. If the material or performance involved is obscene, violation of this section is a felony to be prosecuted under appropriate state law.
(R.C. § 2907.31) (Rev. 2004)

(F) Presumptions, notice and defense.

(1) 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 material or exhibiting performances, who, in the course of business does any of the acts prohibited by this section 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.

(2) 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 municipality. 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.

(3) This § 133.10 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 the 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.

(4) (a) The provisions of §§ 133.10, 133.11 and 133.12(A) 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.

(b) Division (F)(4)(a) 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 § 133.10, 133.11, or 133.12 or who knowingly advertises the availability of material of that nature.

(c) Division (F)(4)(a) 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 § 133.10, 133.11, or 133.12 and that contain content that person has selected and introduced into the electronic method of remotely transferring information or content over which that person exercises editorial control.

(5) An employer is not guilty of a violation of § 133.10, 133.11, or 133.12 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 the employee's or agent's employment or agency, and the employer does either of the following:

(a) With knowledge of the employee's or agent's conduct, the employer authorizes or ratifies the conduct.

(b) The employer recklessly disregards the employee's or agent's conduct.

(6) It is an affirmative defense to a charge under § 133.10 or 133.11 as the section applies to an image transmitted through the internet or other 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.
(R.C. § 2907.35) (Rev. 2004)

§ 133.11 DISPLAYING MATTER HARMFUL TO JUVENILES.

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

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

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

Cross-reference:
Presumptions, notice and defense, see § 133.10(F)

§ 133.12 DECEPTION TO OBTAIN MATTER HARMFUL TO JUVENILES.

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

(1) Falsely represent that he or she is the parent, guardian, or spouse of the juvenile.

(2) Furnish the juvenile with any identification or document purporting to show that the juvenile is 18 years of age or over or married.

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

(1) Falsely represent that he or she is 18 years of age or over or married.

(2) Exhibit any identification or document purporting to show that he or she is 18 years of age or over or married.

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

Cross-reference:
Presumptions, notice and defense, see § 133.10(F)

Statutory reference:
Juvenile Court, see R.C. Chapter 2151

§ 133.13 RULES OF EVIDENCE.

(A) In any case in which it is necessary to prove that a place is a brothel, evidence as to the reputation of such place and as to the reputation of the persons who inhabit or frequent it is admissible on the question of whether such place is or is not a brothel.

(B) In any case in which it is necessary to prove that a person is a prostitute, evidence as to the reputation of such person is admissible on the question of whether such person is or is not a prostitute.

(C) In any prosecution for a violation of §§ 133.07 through 133.09, proof of a prior conviction of the accused of any such offense or substantially equivalent offense is admissible in support of the charge.

(D) The prohibition contained in R.C. § 2317.02(D) against testimony by a husband or wife concerning communications between them does not apply, and the accused's spouse may testify concerning any such communication in any of the following cases:

(1) When the husband or wife is charged with a violation of § 133.07 and the spouse testifying was the prostitute involved in the offense or the person who used the offender's premises to engage in sexual activity for hire;

(2) When the husband or wife is charged with a violation of § 133.08(A) or § 133.09.
(R.C. § 2907.26) (Rev. 1999)

§ 133.14 DECLARATORY JUDGMENT.

(A) Without limitation on the persons otherwise entitled to bring an action for a declaratory judgment pursuant to R.C. Chapter 2721, involving the same issue, the following persons have standing to bring a declaratory judgment action to determine whether particular materials or performances are obscene or harmful to juveniles:

(1) The chief legal officer of the municipality if and when there is reasonable cause to believe that R.C. § 2907.31 or R.C. § 2907.32, or a substantially equivalent municipal ordinance, is being or is about to be violated;

(2) Any person who, pursuant to R.C. § 2907.35(B) or a substantially equivalent municipal ordinance, has received notice in writing from the chief legal officer stating that particular materials or performances are obscene or harmful to juveniles.

(B) Any party to an action for a declaratory judgment pursuant to division (A) of this section is entitled, upon the party's request, to trial on the merits within five days after joinder of the issues, and the court shall render judgment within five days after trial is concluded.

(C) An action for a declaratory judgement pursuant to division (A) of this section shall not be brought during the pendency of any civil action or criminal prosecution when the character of the particular materials or performances involved is at issue in the pending case, and either of the following applies:

(1) Either of the parties to the action for a declaratory judgment is a party to the pending case;

(2) A judgment in the pending case will necessarily constitute res judicata as to the character of the materials or performances involved.

(D) A civil action or criminal prosecution in which the character of particular materials or performances is at issue, brought during the pendency of an action for a declaratory judgment involving the same issue, shall be stayed during the pendency of the action for a declaratory judgment.

(E) The fact that a violation of R.C. § 2907.31 or R.C. § 2907.32, or a substantially equivalent municipal ordinance, occurs prior to a judicial determination of the character of the

material or performance involved in the violation does not relieve the offender of criminal liability for the violation, even though prosecution may be stayed pending the judicial determination.
(R.C. § 2907.36) (Rev. 2000)

§ 133.15 INJUNCTION; ABATEMENT OF NUISANCE.

(A) Where it appears that R.C. § 2907.31 or R.C. § 2907.32, or a substantially equivalent municipal ordinance, is being or is about to be violated, the chief legal officer of the municipality may bring an action to enjoin the violation. The defendant, upon his or her request, is entitled to trial on the merits within five days after the joinder of the issues, and the court shall render judgment within five days after the trial is concluded.

(B) Premises used or occupied for repeated violations of R.C. § 2907.31 or R.C. § 2907.32, or a substantially equivalent municipal ordinance, constitute a nuisance subject to abatement pursuant to R.C. Chapter 3767.
(R.C. § 2907.37) (Rev. 1999)
Statutory reference:
Disseminating matter harmful to juveniles, felony, see R.C. § 2907.31
Pandering obscenity, felony, see R.C. § 2907.32

§ 133.16 UNLAWFUL OPERATION OF VIEWING BOOTHS DEPICTING SEXUAL CONDUCT.

(A) As used in this section:

COMMERCIAL ESTABLISHMENT. Means an entity that is open to the public and to which either of the following applies:

(a) It has a substantial or significant portion of its stock in trade of the sale, rental, or viewing of visual materials or performances depicting sexual conduct.

(b) It has as a principal business purpose the sale, rental, or viewing of visual materials or performances depicting sexual conduct.

VISUAL MATERIALS OR PERFORMANCES. Means films, videos, CD-ROM discs, streaming video, or other motion pictures.

(B) No person who has custody, control, or supervision of a commercial establishment, with knowledge of the character of the visual material or performance involved, shall knowingly permit the use of, or offer the use of, viewing booths, stalls, or partitioned portions of a room located in the commercial establishment for the purpose of viewing visual materials or performances depicting sexual conduct unless both of the following apply:

(1) The inside of each booth, stall, or partitioned room is visible from, and at least one side of each booth, stall, or partitioned room is open to, a continuous and contiguous main aisle or hallway that is open to the public areas of the commercial establishment and is not obscured by any curtain, door, or other covering or enclosure.

(2) No booth, stall, or partitioned room is designed, constructed, pandered, or allowed to be used for the purpose of encouraging or facilitating nudity or sexual activity on the part of or between patrons or members of the public, and no booth, stall, or partitioned room has any aperture, hole, or opening for the purpose of encouraging or facilitating nudity or sexual activity.

(C) It is an affirmative defense to a charge under this section that either of the following applies to the involved visual materials or performances:

(1) The visual materials or performances depicting sexual conduct are disseminated or presented for a bona fide medical, scientific, educational, religious, governmental, judicial, or other proper purpose and by or to a physician, psychologist, sociologist, scientist, teacher, person pursuing bona fide studies or research, librarian, member of the clergy, prosecutor, judge, or other person having a proper interest in the visual materials or performances.

(2) The visual materials or performances depicting sexual conduct, taken as a whole, would be found by a reasonable person to have serious literary, artistic, political, or scientific value or are presented or disseminated in good faith for a serious literary, artistic, political, or scientific purpose and are not pandered for their prurient appeal.

(D) Whoever violates this section is guilty of permitting unlawful operation of viewing booths depicting sexual conduct, a misdemeanor of the first degree.
(R.C. § 2907.38) (Rev. 2007)

§ 133.17 JUVENILES ON THE PREMISES OF ADULT ENTERTAINMENT ESTABLISHMENTS PROHIBITED.

(A) As used in this section:

ADULT ARCADE. Means any place to which the public is permitted or invited in which coin-operated, slug-operated, or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and in which the images so displayed are distinguished or characterized by their emphasis upon matter exhibiting or describing specified sexual activities or specified anatomical areas.

ADULT BOOKSTORE, ADULT NOVELTY STORE, or ***ADULT VIDEO STORE.***

(a) Means a commercial establishment that, for any form of consideration, has as a significant or substantial portion of its stock-in-trade in, derives a significant or substantial portion of its revenues from, devotes a significant or substantial portion of its interior business or advertising to, or maintains a substantial section of its sales or display space for the sale or rental of any of the following:

1. Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, slides, or other visual representations, that are characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas;

2. Instruments, devices, or paraphernalia that are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of self or others.

(b) Includes a commercial establishment as defined in R.C. § 2907.38. An establishment may have other principal business purposes that do not involve the offering for sale, rental, or viewing of materials exhibiting or describing specified sexual activities or specified anatomical areas and still be categorized as an adult bookstore, adult novelty store, or adult video store. The existence of other principal business purposes does not exempt an establishment from being categorized as an adult bookstore, adult novelty store, or adult video store so long as one of its principal business purposes is offering for sale or rental, for some form of consideration, such materials that exhibit or describe specified sexual activities or specified anatomical areas.

ADULT CABARET. Means a nightclub, bar, juice bar, restaurant, bottle club, or similar commercial establishment, whether or not alcoholic beverages are served, that regularly features any of the following:

(a) Persons who appear in a state of nudity or seminudity;

(b) Live performances that are characterized by the exposure of specified anatomical areas or specified sexual activities;

(c) Films, motion pictures, video cassettes, slides, or other photographic reproductions that are distinguished or characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas.

ADULT ENTERTAINMENT. Means the sale, rental, or exhibition, for any form of consideration, of books, films, video cassettes, magazines, periodicals, or live performances that are characterized by an emphasis on the exposure or display of specified anatomical areas or specified sexual activity.

ADULT ENTERTAINMENT ESTABLISHMENT. Means an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motion picture theater, adult theater, nude or seminude model studio, or sexual encounter establishment. An establishment in which a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized therapy, including but not limited to massage therapy, as regulated pursuant to R.C. § 4731.15, is not an "adult entertainment establishment".

ADULT MOTION PICTURE THEATER. Means a commercial establishment where films, motion pictures, video cassettes, slides, or similar photographic reproductions that are distinguished or characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas are regularly shown for any form of consideration.

ADULT THEATER. Means a theater, concert hall, auditorium, or similar commercial establishment that, for any form of consideration, regularly features persons who appear in a state of nudity or seminudity or live performances that are characterized by their emphasis upon the exposure of specified anatomical areas or specified sexual activities.

DISTINGUISHED OR CHARACTERIZED BY THEIR EMPHASIS UPON. Means the dominant or principal character and theme of the object described by this phrase. For instance, when the phrase refers to films "that are distinguished or characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas", the films so described are those whose dominant or principal character and theme are the exhibition or description of specified sexual activities or specified anatomical areas.

NUDE OR SEMINUDE MODEL STUDIO. Means any place where a person, who regularly appears in a state of nudity or seminudity, is provided for money or any other form of consideration to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons. A modeling class or studio is not a nude or seminude model studio and is not subject to this chapter if it is operated in any of the following ways:

(a) By a college or university supported entirely or partly by taxation;

(b) By a private college or university that maintains and operates educational programs, the credits for which are transferable to a college or university supported entirely or partly by taxation;

(c) In a structure that has no sign visible from the exterior of the structure and no other advertising indicating that a person appearing in a state of nudity or seminudity is available for viewing, if in order to participate in a class in the structure, a student must enroll at least three days in advance of the class and if not more than one nude or seminude model is on the premises at any one time.

NUDITY, NUDE, or ***STATE OF NUDITY.*** Means the showing of the human male or female genitals, pubic area, vulva, anus, anal cleft, or cleavage with less than a fully opaque covering; or the showing of the female breasts with less than a fully opaque covering of any part of the nipple.

REGULARLY FEATURES or ***REGULARLY SHOWN.*** Means a consistent or substantial course of conduct, such that the films or performances exhibited constitute a substantial portion of the films or performances offered as a part of the ongoing business of the adult entertainment establishment.

SEMINUDE or ***STATE OF SEMINUDITY.*** Means a state of dress in which opaque clothing covers not more than the genitals, pubic region, and nipple of the female breast, as well as portions of the body covered by supporting straps or devices.

SEXUAL ENCOUNTER ESTABLISHMENT.

(a) Means a business or commercial establishment that, as one of its principal business purposes, offers for any form of consideration a place where either of the following occur:

1. Two or more persons may congregate, associate, or consort for the purpose of engaging in specified sexual activities.

2. Two or more persons appear nude or seminude for the purpose of displaying their nude or seminude bodies for their receipt of consideration or compensation in any type or form.

(b) An establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized therapy, including but not limited to massage therapy, as regulated pursuant to R.C. § 4731.15, is not a "sexual encounter establishment".

SPECIFIED ANATOMICAL AREAS. Means the cleft of the buttocks, anus, male or female genitals, or the female breast.

SPECIFIED SEXUAL ACTIVITY. Means any of the following:

(a) Sex acts, normal or perverted, or actual or simulated, including intercourse, oral copulation, masturbation, or sodomy;

(b) Excretory functions as a part of or in connection with any of the activities described in division (a) of this definition.

(B) No person knowingly shall allow an individual, including but not limited to a patron, customer, or employee, who is under 18 years of age on the premises of an adult entertainment establishment.

(C) No individual who is under 18 years of age knowingly shall show or give false information concerning the individual's name or age, or other false identification, for the purpose of gaining entrance to an adult entertainment establishment.

(D) A person shall not be found guilty of a violation of division (B) of this section if the person raises as an affirmative defense and if the jury or, in a nonjury trial, the court finds the person has established by a preponderance of the evidence, all of the following:

(1) The individual gaining entrance to the adult entertainment establishment exhibited to an operator, employee, agent, or independent contractor of the adult entertainment establishment a driver's or commercial driver's license or an identification card issued under R.C. §§ 4507.50 and 4507.52 showing that the individual was then at least 18 years of age.

(2) The operator, employee, agent, or independent contractor made a bona fide effort to ascertain the true age of the individual gaining entrance to the adult entertainment establishment by checking the identification presented, at the time of entrance, to ascertain that the description on the identification compared with the appearance of the individual and that the identification had not been altered in any way.

(3) The operator, employee, agent, or independent contractor had reason to believe that the individual gaining entrance to the adult entertainment establishment was at least 18 years of age.

(E) In any criminal action in which the affirmative defense described in division (D) of this section is raised, the Registrar of Motor Vehicles or the deputy registrar who issued a driver's or commercial driver's license or an identification card under R.C. §§ 4507.50 and 4507.52 shall be permitted to submit certified copies of the records, in the Registrar's or deputy registrar's possession, of the issuance of the license or identification card in question, in lieu of the testimony of the personnel of the Bureau of Motor Vehicles in the action.

(F) (1) Whoever violates division (B) of this section is guilty of permitting a juvenile on the premises of an adult entertainment establishment, a misdemeanor of the first degree. Each day a person violates this division constitutes a separate offense.

(2) Whoever violates division (C) of this section is guilty of use by a juvenile of false information to enter an adult entertainment establishment, a delinquent act that would be a misdemeanor of the fourth degree if committed by an adult.
(R.C. § 2907.39) (Rev. 2007)

§ 133.18 SEXUALLY ORIENTED BUSINESSES; ILLEGAL OPERATION AND ACTIVITY.

(A) As used in this section:

ADULT BOOKSTORE or ***ADULT VIDEO STORE.*** Means a commercial establishment that has as a significant or substantial portion of its stock in trade or inventory in, derives a significant or substantial portion of its revenues from, devotes a significant or substantial portion of its interior business or advertising to, or maintains a substantial section of its sales or display space for the sale or rental, for any form of consideration, of books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, slides, or other visual representations, that are characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas.

ADULT CABARET. Has the same meaning as in R.C. § 2907.39.

ADULT MOTION PICTURE THEATER. Means a commercial establishment where films, motion pictures, videocassettes, slides, or similar photographic reproductions that are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas are regularly shown to more than five individuals for any form of consideration.

CHARACTERIZED BY. Describing the essential character or quality of an item.

EMPLOYEE. Means any individual who performs any service on the premises of a sexually oriented business on a full-time, part-time, or contract basis, regardless of whether the individual is denominated an employee, independent contractor, agent, or otherwise, but does not include an individual exclusively on the premises for repair or maintenance of the premises or for the delivery of goods to the premises.

NUDE. Has the same meaning as in R.C. § 2907.39.

NUDITY. Has the same meaning as in R.C. § 2907.39.

OPERATOR. Means any individual on the premises of a sexually oriented business who causes the business to function or who puts or keeps in operation the business or who is authorized to manage the business or exercise overall operational control of the business premises.

PATRON. Means any individual on the premises of a sexually oriented business except for any of the following:

(a) An operator or an employee of the sexually oriented business;

(b) An individual who is on the premises exclusively for repair or maintenance of the premises or for the delivery of goods to the premises;

(c) A public employee or a volunteer firefighter emergency medical services worker acting within the scope of the public employee's or volunteer's duties as a public employee or volunteer.

PREMISES. Means the real property on which the sexually oriented business is located and all appurtenances to the real property, including, but not limited, to the sexually oriented business, the grounds, private walkways, and parking lots or parking garages adjacent to the real property under the ownership, control, or supervision of the owner or operator of the sexually oriented business.

REGULARLY. Means consistently or repeatedly.

SEMINUDE. Has the same meaning as in R.C. § 2907.39.

SEXUAL DEVICE. Means any three-dimensional object designed and marketed for stimulation of the male or female human genitals or anus or female breasts or for sadomasochistic use or abuse of oneself or others, including but not limited to dildos, vibrators, penis pumps, and physical representations of the human genital organs, but not including devices primarily intended for protection against sexually transmitted diseases or for preventing pregnancy.

SEXUAL DEVICE SHOP. Means a commercial establishment that regularly features sexual devices, but not including any pharmacy, drug store, medical clinic, or establishment primarily dedicated to providing medical or healthcare products or services, and not including any commercial establishment that does not restrict access to its premises by reason of age.

SEXUAL ENCOUNTER CENTER. Means a business or commercial enterprise that, as one of its principal business purposes, purports to offer for any form of consideration physical contact in the form of wrestling or tumbling between individuals of the opposite sex when one or more of the individuals is nude or seminude.

SEXUALLY ORIENTED BUSINESS. Means an adult bookstore, adult video store, adult cabaret, adult motion picture theater, sexual device shop, or sexual encounter center, but does not include a business solely by reason of its showing, selling, or renting materials that may depict sex.

SPECIFIED ANATOMICAL AREAS. Includes human genitals, pubic region, and buttocks and the human female breast below a point immediately above the top of the areola.

SPECIFIED SEXUAL ACTIVITY. Means sexual intercourse, oral copulation, masturbation, or sodomy, or excretory functions as a part of or in connection with any of these activities.

STATE OF NUDITY. Has the same meaning as in R.C. § 2907.39.

STATE OF SEMINUDITY. Has the same meaning as in R.C. § 2907.39.

(B) No sexually oriented business shall be or remain open for business between 12:00 midnight and 6:00 a.m. on any day, except that a sexually oriented business that holds a liquor permit pursuant to R.C. Chapter 4303 may remain open until the hour specified in that permit if it does not conduct, offer, or allow sexually oriented entertainment activity in which the performers appear nude.

(C) (1) No patron who is not a member of the employee's immediate family shall knowingly touch any employee while that employee is nude or seminude or touch the clothing of any employee while that employee is nude or seminude.

(2) No employee who regularly appears nude or seminude on the premises of a sexually oriented business, while on the premises of that sexually oriented business and while nude or seminude, shall knowingly touch a patron who is not a member of the employee's immediate family or another employee who is not a member of the employee's immediate family or the clothing of a patron who is not a member of the employee's immediate family or another employee who is not a member of the employee's immediate family or allow a patron who is not a member of the employee's immediate family or another employee who is not a member of the employee's immediate family to touch the employee or the clothing of the employee.

(D) Whoever violates division (B) of this section is guilty of illegally operating a sexually oriented business, a misdemeanor of the first degree.

(E) Whoever violates division (C) of this section is guilty of illegal sexually oriented activity in a sexually oriented business. If the offender touches a specified anatomical area of the patron or employee, or the clothing covering a specified anatomical area, a violation of division (C) of this section is a misdemeanor of the first degree. If the offender does not touch a specified anatomical area of the patron or employee, or the clothing covering a specified anatomical area, a violation of division (C) of this section is a misdemeanor of the fourth degree.
(R.C. § 2907.40) (Rev. 2009)

Statutory reference:

State indemnification for certain municipal liability stemming from local adult business regulations, see R.C. § 715.55

§ 133.19 UNLAWFUL ADVERTISING OF MASSAGE.

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

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

(C) Nothing in this section prevents the municipality from enacting any regulation of the advertising of massage further than and in addition to the provisions of divisions (A) and (B) of this section.

(D) As used in this section, ***SEXUAL ACTIVITY*** has the same meaning as in R.C. § 2907.01.
(R.C. § 2927.17) (Rev. 2015)

§ 133.20 NONCONSENSUAL DISSEMINATION OF PRIVATE SEXUAL IMAGES.

(A) As used in this section:

CABLE SERVICE PROVIDER. Has the same meaning as in R.C. § 1332.01.

DIRECT-TO-HOME SATELLITE SERVICE. Has the meaning defined in 47 U.S.C. § 303, as amended.

DISSEMINATE. Means to post, distribute, or publish on a computer device, computer network, web site, or other electronic device or medium of communication.

IMAGE. Means a photograph, film, videotape, digital recording, or other depiction or portrayal of a person.

INTERACTIVE COMPUTER SERVICE. Has the meaning defined in the "Telecommunications Act of 1996", 47 U.S.C. § 230, as amended.

INTERNET PROVIDER. Means a provider of internet service, including all of the following:

(a) Broadband service, however defined or classified by the Federal Communications Commission;

(b) Information service or telecommunications service, both as defined in the "Telecommunications Act of 1996", 47 U.S.C. § 153, as amended;

(c) Internet protocol-enabled services, as defined in R.C. § 4927.01.

MOBILE SERVICE. Has the meaning defined in 47 U.S.C. § 153, as amended.

SEXUAL ACT. Means any of the following:

(a) Sexual activity;

(b) Masturbation;

(c) An act involving a bodily substance that is performed for the purpose of sexual arousal or gratification;

(d) Sado-masochistic abuse.

TELECOMMUNICATIONS CARRIER. Has the meaning defined in 47 U.S.C. § 153, as amended.

VIDEO SERVICE PROVIDER. Has the same meaning as in R.C. § 1332.21.

(B) No person shall knowingly disseminate an image of another person if all of the following apply:

(1) The person in the image is 18 years of age or older.

(2) The person in the image can be identified from the image itself or from information displayed in connection with the image and the offender supplied the identifying information.

(3) The person in the image is in a state of nudity or is engaged in a sexual act.

(4) The image is disseminated without consent from the person in the image.

(5) The image is disseminated with intent to harm the person in the image.

(C) This section does not prohibit the dissemination of an image if any of the following apply:

(1) The image is disseminated for the purpose of a criminal investigation that is otherwise lawful.

(2) The image is disseminated for the purpose of, or in connection with, the reporting of unlawful conduct.

(3) The image is part of a news report or commentary or an artistic or expressive work, such as a performance, work of art, literary work, theatrical work, musical work, motion picture, film, or audiovisual work.

(4) The image is disseminated by a law enforcement officer, or a corrections officer or guard in a detention facility, acting within the scope of the person's official duties.

(5) The image is disseminated for another lawful public purpose.

(6) The person in the image is knowingly and willingly in a state of nudity or engaged in a sexual act and is knowingly and willingly in a location in which the person does not have a reasonable expectation of privacy.

(7) The image is disseminated for the purpose of medical treatment or examination.

(D) The following entities are not liable for a violation of this section solely as a result of an image or other information provided by another person:

(1) A provider of interactive computer service;

(2) A mobile service;

(3) A telecommunications carrier;

(4) An internet provider;

(5) A cable service provider;

(6) A direct-to-home satellite service;

(7) A video service provider.

(E) Any conduct that is a violation of this section and any other section of this Code or the Ohio Revised Code may be prosecuted under this section, the other section, or both sections.

(F) (1) (a) Except as otherwise provided in division (F)(1)(b), (F)(1)(c), or (F)(1)(d) of this section, whoever violates this section is guilty of nonconsensual dissemination of private sexual images, a misdemeanor of the third degree.

(b) If the offender previously has been convicted of or pleaded guilty to a violation of this section or any substantially equivalent state law or municipal ordinance, nonconsensual dissemination of private sexual images is a misdemeanor of the second degree.

(c) If the offender previously has been convicted of or pleaded guilty to two or more violations of this section or any substantially equivalent state law or municipal ordinance, nonconsensual dissemination of private sexual images is a misdemeanor of the first degree.

(d) If the offender is under 18 years of age and the person in the image is not more than five years older than the offender, the offender shall not be prosecuted under this section.

(2) In addition to any other penalty or disposition authorized or required by law, the court may order any person who is convicted of a violation of this section or who is adjudicated delinquent by reason of a violation of this section to criminally forfeit all of the following property to the state under R.C. Chapter 2981:

(a) Any profits or proceeds and any property the person has acquired or maintained in violation of this section that the sentencing court determines to have been acquired or maintained as a result of the violation;

(b) Any interest in, securities of, claim against, or property or contractual right of any kind affording a source of influence over any enterprise that the person has established, operated, controlled, or conducted in violation of

this section that the sentencing court determines to have been acquired or maintained as a result of the violation.

(G) A victim of a violation of this section may commence a civil cause of action against the offender, as described in R.C. § 2307.66.
(R.C. § 2917.211) (Rev. 2020)

§ 133.99 SENTENCING FOR SEXUALLY ORIENTED OFFENSES; SEXUAL PREDATORS; REGISTRATION.

(A) If an offender is being sentenced for a sexually oriented offense or child-victim oriented offense that is a misdemeanor committed on or after January 1, 1997, and the offender is a tier III sex offender/child-victim offender relative to the offense or the offense is any offense listed in R.C. § 2901.07(D)(1) to (D)(3), the judge shall include in the offender's sentence a statement that the offender is a tier III sex offender/child-victim offender, shall comply with the requirements of R.C. § 2950.03, and shall require the offender to submit to a DNA specimen collection procedure pursuant to R.C. § 2901.07.

(B) If an offender is being sentenced for a sexually oriented offense or a child-victim oriented offense that is a misdemeanor committed on or after January 1, 1997, the judge shall include in the sentence a summary of the offender's duties imposed under R.C. §§ 2950.04, 2950.041, 2950.05, and 2950.06, and the duration of the duties. The judge shall inform the offender, at the time of sentencing, of those duties and of their duration. If required under R.C. § 2950.03(A)(2), the judge shall perform the duties specified in that section or, if required under R.C. § 2950.03(A)(6), the judge shall perform the duties specified in that division.
(R.C. § 2929.23) (Rev. 2008)

Cross-reference:

Sentencing generally, see Chapter 130

CHAPTER 134: GAMBLING OFFENSES

Section

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134.14 Skill-based amusement machines; prohibited conduct

Statutory reference:

Conducting an illegal bingo game, felony, see R.C. § 2915.07
Licensing bingo games by Attorney General, see R.C. § 2915.08
Licensing distributors of bingo supplies by Attorney General, see R.C. § 2915.081
Licensing manufacturers of bingo supplies by Attorney General, see R.C. § 2915.082

§ 134.01 DEFINITIONS.

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

BET. The hazarding of anything of value upon the result of an event, undertaking, or contingency, but does not include a bona fide business risk.

BINGO. Either of the following:

(1) A game with all of the following characteristics:

(a) The participants use bingo cards or sheets, including paper formats and electronic representation or image formats, that are divided into 25 spaces arranged in five horizontal and five vertical rows of spaces, with each space, except the central space, being designated by a combination of a letter and a number and with the central space being designated as a free space;

(b) The participants cover the spaces on the bingo cards or sheets that correspond to combinations of letters and numbers that are announced by a bingo game operator;

(c) A bingo game operator announces combinations of letters and numbers that appear on objects that a bingo game operator selects by chance, either manually or mechanically, from a receptacle that contains 75 objects at the beginning of each game, each object marked by a different combination of a letter and a number that corresponds to one of the 75 possible combinations of a letter and a number that can appear on the bingo cards or sheets;

(d) The winner of the bingo game includes any participant who properly announces during the interval between the announcements of letters and numbers, as described in division (1)(c) of this definition, that a predetermined and pre-announced pattern of spaces has been covered on a bingo card or sheet being used by the participant.

(2) Instant bingo, punch boards, and raffles.

BINGO GAME OPERATOR. Any person, except security personnel, who performs work or labor at the site of bingo including but not limited to collecting money from participants, handing out bingo cards or sheets or objects to cover spaces on bingo cards or sheets, selecting from a receptacle the objects that contain the combination of letters and numbers that appear on bingo cards or sheets, calling out the combinations of letters and numbers, distributing prizes, selling or redeeming instant bingo tickets or cards, supervising the operation of a punch board, selling raffle tickets, selecting raffle tickets from a receptacle and announcing the winning numbers in a raffle, and preparing, selling, and serving food or beverages.

BINGO SESSION. A period that includes both of the following:

(1) Not to exceed five continuous hours for the conduct of one or more games described in division (1) of the definition of "bingo" in this section, instant bingo, and seal cards;

(2) A period for the conduct of instant bingo and seal cards for not more than two hours before and not more than two hours after the period described in division (1) of this definition.

BINGO SUPPLIES. Bingo cards or sheets; instant bingo tickets or cards; electronic bingo aids; raffle tickets;

punch boards; seal cards; instant bingo ticket dispensers; and devices for selecting or displaying the combination of bingo letters and numbers or raffle tickets. Items that are "bingo supplies" are not gambling devices if sold or otherwise provided, and used, in accordance with this chapter or R.C. Chapter 2915. For purposes of this chapter, "bingo supplies" are not to be considered equipment used to conduct a bingo game.

BOOKMAKING. The business of receiving or paying off bets.

CHAMBER OF COMMERCE. Any organization of individuals, professionals, and businesses that has the purpose to advance the commercial, financial, industrial, and civic interests of the community and that is, and has received from the Internal Revenue Service a determination letter that currently is in effect stating that the organization is, exempt from federal income taxation under IRC § 501(a) and described in IRC § 501(c)(6).

CHARITABLE BINGO GAME. Any bingo game described in divisions (1) or (2) of the definition of "bingo" in this section that is conducted by a charitable organization that has obtained a license pursuant to R.C. § 2915.08 and the proceeds of which are used for a charitable purpose.

CHARITABLE INSTANT BINGO ORGANIZATION. An organization that is exempt from federal income taxation under IRC § 501(a) and described in IRC § 501(c)(3) and is a charitable organization as defined in this section. The term does not include a charitable organization that is exempt from federal income taxation under IRC § 501(a) and described in IRC § 501(c)(3) and that is created by a veteran's organization, a fraternal organization, or a sporting organization in regards to bingo conducted or assisted by a veteran's organization, a fraternal organization, or a sporting organization pursuant to R.C. § 2915.13, or any substantially equivalent municipal ordinance.

CHARITABLE ORGANIZATION.

(1) Except as otherwise provided in this chapter, "charitable organization" means either of the following:

(a) An organization that is and has received from the Internal Revenue Service a determination letter that is currently in effect, stating that the organization is exempt from federal income taxation under IRC § 501(a) and described in IRC § 501(c)(3);

(b) A volunteer rescue service organization, volunteer firefighter's organization, veteran's organization, fraternal organization, or sporting organization that is exempt from federal income taxation under IRC §§ 501(c)(4), 501(c)(7), 501(c)(8), 501(c)(10) or 501(c)(19).

(2) To qualify as a charitable organization, an organization shall have been in continuous existence as such in this state for a period of two years immediately preceding either the making of an application for a bingo license under R.C. § 2915.08 or the conducting of any game of chance as provided in R.C. § 2915.02(D), or a substantially equivalent municipal ordinance.

CHARITABLE PURPOSE. Means that the net profit of bingo, other than instant bingo, is used by, or is given, donated, or otherwise transferred to, any of the following:

(1) Any organization that is described in IRC §§ 509(a)(1), 509(a)(2), or 509(a)(3) and is either a governmental unit or an organization that is tax exempt under IRC § 501(a) and described in IRC § 501(c)(3);

(2) A veteran's organization that is a post, chapter, or organization of veterans, or an auxiliary unit or society of, or a trust or foundation for, any such post, chapter, or organization organized in the United States or any of its possessions, at least 75% of the members of which are veterans and substantially all of the other members of which are individuals who are spouses, widows, or widowers of veterans, or such individuals, provided that no part of the net earnings of such post, chapter, or organization inures to the benefit of any private shareholder or individual, and further provided that the net profit is used by the post, chapter, or organization for the charitable purposes set forth in R.C. § 5739.02(B)(12), is used for awarding scholarships to or for attendance at an institution mentioned in that division of the Ohio Revised Code, is donated to a governmental agency, or is used for nonprofit youth activities, the purchase of United States or Ohio flags that are donated to schools, youth groups, or other bona fide nonprofit organizations, promotion of patriotism, or disaster relief;

(3) A fraternal organization that has been in continuous existence in this state for 15 years and that uses the net profit exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, if contributions for such use would qualify as a deductible charitable contribution under IRC § 170;

(4) A volunteer firefighter's organization that uses the net profit for the purposes set forth in the definition of "volunteer firefighter's organization" in this section.

COMMUNITY ACTION AGENCY. Has the same meaning as in R.C. § 122.66.

CONDUCT. To back, promote, organize, manage, carry on, sponsor, or prepare for the operation of bingo or a game of chance, a scheme of chance, or a sweepstakes.

DEAL OF INSTANT BINGO TICKETS. A single game of instant bingo tickets all with the same serial number.

DISTRIBUTOR. Any person who purchases or obtains bingo supplies and who does either of the following:

(1) Sells, offers for sale, or otherwise provides or offers to provide the bingo supplies to another person for use in this state;

(2) Modifies, converts, adds to, or removes parts from the bingo supplies to further their promotion or sale for use in this state.

ELECTRONIC BINGO AID.

(1) An electronic device used by a participant to monitor bingo cards or sheets purchased at the time and place of a bingo session and that does all of the following:

(a) It provides a means for a participant to input numbers and letters announced by a bingo caller.

(b) It compares the numbers and letters entered by the participant to the bingo faces previously stored in the memory of the device.

(c) It identifies a winning bingo pattern.

(2) The term does not include any device into which a coin, currency, token, or an equivalent is inserted to activate play.

EXPENSES. The reasonable amount of gross profit actually expended for all of the following:

(1) The purchase or lease of bingo supplies;

(2) The annual license fee required under R.C. § 2915.08;

(3) Bank fees and service charges for a bingo session or game account described in R.C. § 2915.10;

(4) Audits and accounting services;

(5) Safes;

(6) Cash registers;

(7) Hiring security personnel;

(8) Advertising bingo;

(9) Renting premises in which to conduct a bingo session;

(10) Tables and chairs;

(11) Expenses for maintaining and operating a charitable organization's facilities, including but not limited to a post home, club house, lounge, tavern, or canteen and any grounds attached to the post home, club house, lounge, tavern, or canteen;

(12) Payment of real property taxes and assessments that are levied on a premises on which bingo is conducted;

(13) Any other product or service directly related to the conduct of bingo that is authorized in rules adopted by the Attorney General under R.C. § 2915.08(B)(1).

FRATERNAL ORGANIZATION. Any society, order, state headquarters, or association within this state, except a college or high school fraternity, that is not organized for profit, that is a branch, lodge, or chapter of a national or state organization, that exists exclusively for the common business or sodality of its members.

GAMBLING DEVICE. Any of the following:

(1) A book, totalizer, or other equipment used for recording bets;

(2) A ticket, token, or other device representing a chance, share, or interest in a scheme of chance or evidencing a bet;

(3) A deck of cards, dice, gaming table, roulette wheel, slot machine, or other apparatus designed for use in connection with a game of chance;

(4) Any equipment, device, apparatus, or paraphernalia specially designed for gambling purposes;

(5) Bingo supplies sold or otherwise provided, or used, in violation of this chapter or R.C. Chapter 2915.

GAMBLING OFFENSE. Any of the following:

(1) A violation of R.C. § 2915.02, 2915.03, 2915.04, 2915.05, 2915.06, 2915.07, 2915.08, 2915.081, 2915.082, 2915.09, 2915.091, 2915.092, 2915.10, or 2915.11;

(2) A violation of an existing or former municipal ordinance or law of this or any other state or of the United States substantially equivalent to any section listed in division (1) of this definition or a violation of R.C. § 2915.06 as it existed prior to July 1, 1996;

(3) An offense under an existing or former municipal ordinance or law of this or any other state or of the United States, of which gambling is an element;

(4) A conspiracy or attempt to commit, or complicity in committing, any offense under division (1), (2), or (3) of this definition.

GAME FLARE. The board or placard that accompanies each deal of instant bingo tickets and that has printed on or affixed to it the following information for the game:

(1) The name of the game;

(2) The manufacturer's name or distinctive logo;

(3) The form number;

(4) The ticket count;

(5) The prize structure, including the number of winning instant bingo tickets by denomination and the

respective winning symbol or number combinations for the winning instant bingo tickets;

(6) The cost per play;

(7) The serial number of the game.

GAME OF CHANCE. Poker, craps, roulette, or other game in which a player gives anything of value in the hope of gain, the outcome of which is determined largely by chance, but does not include bingo.

GAME OF CHANCE CONDUCTED FOR PROFIT. Any game of chance designed to produce income for the person who conducts or operates the game of chance, but does not include bingo.

GROSS ANNUAL REVENUES. The annual gross receipts derived from the conduct of bingo described in division (1) of the definition of "bingo" in this section plus the annual net profit derived from the conduct of bingo described in division (2) of the definition of "bingo" in this section.

GROSS PROFIT. Gross receipts minus the amount actually expended for the payment of prize awards.

GROSS RECEIPTS. All money or assets, including admission fees, that a person receives from bingo without the deduction of any amounts for prizes paid out or for the expenses of conducting bingo. The term does not include any money directly taken in from the sale of food or beverages by a charitable organization conducting bingo, or by a bona fide auxiliary unit or society of a charitable organization conducting bingo, provided all of the following apply:

(1) The auxiliary unit or society has been in existence as a bona fide auxiliary unit or society of the charitable organization for at least two years prior to conducting bingo.

(2) The person who purchases the food or beverage receives nothing of value except the food or beverage and items customarily received with the purchase of that food or beverage.

(3) The food and beverages are sold at customary and reasonable prices.

HISTORIC RAILROAD. All or a portion of the tracks and right-of-way of a railroad that was owned and operated by a for profit common carrier in this state at any time prior to January 1, 1950.

INSTANT BINGO. A form of bingo that shall use folded or banded tickets or paper cards with perforated break-open tabs, a face of which is covered or otherwise hidden from view to conceal a number, letter, or symbol, or set of numbers, letters, or symbols, some of which have been designated in advance as prize winners, and may also include games in which some winners are determined by the random selection of one or more bingo numbers by the use of a seal card or bingo blower. In all "instant bingo" the prize amount and structure shall be predetermined. The term does not include any device that is activated by the insertion of a coin, currency, token, or an equivalent, and that contains as one of its components a video display monitor that is capable of displaying numbers, letters, symbols, or characters in winning or losing combinations.

INSTANT BINGO TICKET DISPENSER. A mechanical device that dispenses an instant bingo ticket or card as the sole item of value dispensed and that has the following characteristics:

(1) It is activated upon the insertion of United States currency.

(2) It performs no gaming functions.

(3) It does not contain a video display monitor or generate noise.

(4) It is not capable of displaying any numbers, letters, symbols, or characters in winning or losing combinations.

(5) It does not simulate or display rolling or spinning reels.

(6) It is incapable of determining whether a dispensed bingo ticket or card is a winning or non-winning ticket or card and requires a winning ticket or card to be paid by a bingo game operator.

(7) It may provide accounting and security features to aid in accounting for the instant bingo tickets or cards it dispenses.

(8) It is not part of an electronic network and is not interactive.

INTERNAL REVENUE CODE (IRC). The Internal Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C. §§ 1 et seq., as now or hereafter amended.

MANUFACTURER. Any person who assembles completed bingo supplies from raw materials, other items, or subparts or who modifies, converts, adds to, or removes parts from bingo supplies to further their promotion or sale.

MERCHANDISE PRIZE. Any item of value, but shall not include any of the following:

(1) Cash, gift cards, or any equivalent thereof;

(2) Plays on games of chance, state lottery tickets, bingo, or instant bingo;

(3) Firearms, tobacco, or alcoholic beverages; or

(4) A redeemable voucher that is redeemable for any of the items listed in division (1), (2), or (3) of this definition.

NET PROFIT. Gross profit minus expenses.

NET PROFIT FROM THE PROCEEDS OF THE SALE OF INSTANT BINGO. Gross profit minus the ordinary, necessary, and reasonable expense expended for the purchase of instant bingo supplies, and, in the case of instant bingo conducted by a veteran's, fraternal, or sporting organization, minus the payment by that organization of real property taxes and assessments levied on a premises on which instant bingo is conducted.

PARTICIPANT. Any person who plays bingo.

PERSON. Has the same meaning as in R.C. § 1.59 and includes any firm or any other legal entity, however organized.

POOL NOT CONDUCTED FOR PROFIT. A scheme in which a participant gives a valuable consideration for a chance to win a prize and the total amount of consideration wagered is distributed to a participant or participants.

PUNCH BOARD. A board containing a number of holes or receptacles of uniform size in which are placed, mechanically and randomly, serially numbered slips of paper that may be punched or drawn from the hole or receptacle when used in conjunction with instant bingo. A player may punch or draw the numbered slips of paper from the holes or receptacles and obtain the prize established for the game if the number drawn corresponds to a winning number or, if the punch board includes the use of a seal card, a potential winning number.

RAFFLE. A form of bingo in which the one or more prizes are won by one or more persons who have purchased a raffle ticket. The one or more winners of the raffle are determined by drawing a ticket stub or other detachable section from a receptacle containing ticket stubs or detachable sections corresponding to all tickets sold for the raffle. The term does not include the drawing of a ticket stub or other detachable section of a ticket purchased to attend a professional sporting event if both of the following apply:

(1) The ticket stub or other detachable section is used to select the winner of a free prize given away at the professional sporting event; and

(2) The cost of the ticket is the same as the cost of a ticket to the professional sporting event on days when no free prize is given away.

REDEEMABLE VOUCHER. Any ticket, token, coupon, receipt, or other noncash representation of value.

RELIGIOUS ORGANIZATION. Any church, body of communicants, or group that is not organized or operated for profit and that gathers in common membership for regular worship and religious observances.

REVOKE. To void permanently all rights and privileges of the holder of a license issued under R.C. § 2915.08, 2915.081, or 2915.082 or a charitable gaming license issued by another jurisdiction.

SCHEME OF CHANCE.

(1) A slot machine unless authorized under R.C. Chapter 3772, lottery unless authorized under R.C. Chapter 3770, numbers game, pool conducted for profit, or other scheme in which a participant gives a valuable consideration for a chance to win a prize, but does not include bingo, a skill-based amusement machine, or a pool not conducted for profit. "Scheme of chance" includes the use of an electronic device to reveal the results of a game entry if valuable consideration is paid, directly or indirectly, for a chance to win a prize. Valuable consideration is deemed to be paid for a chance to win a prize in the following instances:

(a) Less than 50% of the goods or services sold by a scheme of chance operator in exchange for game entries are used or redeemed by participants at any one location;

(b) Less than 50% of participants who purchase goods or services at any one location do not accept, use, or redeem the goods or services sold or purportedly sold;

(c) More than 50% of prizes at any one location are revealed to participants through an electronic device simulating a game of chance or a "casino game" as defined in R.C. § 3772.01;

(d) The good or service sold by a scheme of chance operator in exchange for a game entry cannot be used or redeemed in the manner advertised;

(e) A participant pays more than fair market value for goods or services offered by a scheme of chance operator in order to receive one or more game entries;

(f) A participant may use the electronic device to purchase additional game entries;

(g) A participant may purchase additional game entries by using points or credits won as prizes while using the electronic device;

(h) A scheme of chance operator pays out in prize money more than 20% of the gross revenue received at one location; or

(i) A participant makes a purchase or exchange in order to obtain any good or service that may be used to facilitate play on the electronic device.

(2) As used in this division, "electronic device" means a mechanical, video, digital, or electronic machine or device that is capable of displaying information on a screen or other mechanism and that is owned, leased, or otherwise possessed by any person conducting a scheme of chance, or by that person's partners, affiliates, subsidiaries, or contractors.

SEAL CARD. A form of instant bingo that uses instant bingo tickets in conjunction with a board or placard that contains one or more seals that, when removed or opened, reveal predesignated winning numbers, letters, or symbols.

SECURITY PERSONNEL. Includes any person who either is a Sheriff, deputy sheriff, Marshal, deputy marshal, township constable, or member of an organized police department of a municipal corporation or has successfully completed a peace officer's training course pursuant to R.C. §§ 109.71 through 109.79 and who is hired to provide security for the premises on which bingo is conducted.

SKILL-BASED AMUSEMENT MACHINE.

(1) (a) A mechanical, video, digital, or electronic device that rewards the player or players, if at all, only with merchandise prizes or with redeemable vouchers redeemable only for merchandise prizes, provided that with respect to rewards for playing the game all of the following apply:

1. The wholesale value of a merchandise prize awarded as a result of the single play of a machine does not exceed $10;

2. Redeemable vouchers awarded for any single play of a machine are not redeemable for a merchandise prize with a wholesale value of more than $10;

3. Redeemable vouchers are not redeemable for a merchandise prize that has a wholesale value of more than $10 times the fewest number of single plays necessary to accrue the redeemable vouchers required to obtain that prize; and

4. Any redeemable vouchers or merchandise prizes are distributed at the site of the skill-based amusement machine at the time of play.

(b) A card for the purchase of gasoline is a redeemable voucher for purposes of division (1) of this definition even if the skill-based amusement machine for the play of which the card is awarded is located at a place where gasoline may not be legally distributed to the public or the card is not redeemable at the location of, or at the time of playing, the skill-based amusement machine.

(2) A device shall not be considered a skill-based amusement machine and shall be considered a slot machine if it pays cash or one or more of the following apply:

(a) The ability of a player to succeed at the game is impacted by the number or ratio of prior wins to prior losses of players playing the game;

(b) Any reward of redeemable vouchers is not based solely on the player achieving the object of the game or the player's score;

(c) The outcome of the game, or the value of the redeemable voucher or merchandise prize awarded for winning the game, can be controlled by a source other than any player playing the game;

(d) The success of any player is or may be determined by a chance event that cannot be altered by player actions;

(e) The ability of any player to succeed at the game is determined by game features not visible or known to the player;

(f) The ability of the player to succeed at the game is impacted by the exercise of a skill that no reasonable player could exercise.

(3) All of the following apply to any machine that is operated as described in division (1) of this definition:

(a) As used in this definition of "skill-based amusement machine", ***GAME*** and ***PLAY*** mean one event from the initial activation of the machine until the results of play are determined without payment of additional consideration. An individual utilizing a machine that involves a single game, play, contest, competition, or tournament may be awarded redeemable vouchers or merchandise prizes based on the results of play.

(b) Advance play for a single game, play, contest, competition, or tournament participation may be purchased. The cost of the contest, competition, or tournament participation may be greater than a single non-contest, competition, or tournament play.

(c) To the extent that the machine is used in a contest, competition, or tournament, that contest, competition, or tournament has a defined starting and ending date and is open to participants in competition for scoring and ranking results toward the awarding of redeemable vouchers or merchandise prizes that are stated prior to the start of the contest, competition, or tournament.

(4) For purposes of division (1) of this definition, the mere presence of a device, such as a pin-setting, ball-releasing, or scoring mechanism, that does not contribute to or affect the outcome of the play of the game does not make the device a skill-based amusement machine.

SLOT MACHINE.

(1) Either of the following:

(a) Any mechanical, electronic, video, or digital device that is capable of accepting anything of value, directly or indirectly, from or on behalf of a player who gives the thing of value in the hope of gain;

(b) Any mechanical, electronic, video, or digital device that is capable of accepting anything of value, directly or indirectly, from or on behalf of a player to conduct bingo or a scheme or game of chance.

(2) The term does not include a skill-based amusement machine or an instant bingo ticket dispenser.

SPORTING ORGANIZATION. A hunting, fishing, or trapping organization, other than a college or high school fraternity or sorority, that is not organized for profit, that is affiliated with a state or national sporting organization, including but not limited to the League of Ohio Sportsmen, and that has been in continuous existence in this state for a period of three years.

SUSPEND. To interrupt temporarily all rights and privileges of the holder of a license issued under R.C. § 2915.08, 2915.081, or 2915.082 or a charitable gaming license issued by another jurisdiction.

SWEEPSTAKES. Any game, contest, advertising scheme or plan, or other promotion where consideration is not required for a person to enter to win or become eligible to receive any prize, the determination of which is based upon chance. "Sweepstakes" does not include bingo as authorized under R.C. Chapter 2915, pari-mutuel wagering as authorized by R.C. Chapter 3769, lotteries conducted by the State Lottery Commission as authorized by R.C. Chapter 3770, and casino gaming as authorized by R.C. Chapter 3772.

SWEEPSTAKES TERMINAL DEVICE.

(1) A mechanical, video, digital, or electronic machine or device that is owned, leased, or otherwise possessed by any person conducting a sweepstakes, or by that person's partners, affiliates, subsidiaries, or contractors, that is intended to be used by a sweepstakes participant, and that is capable of displaying information on a screen or other mechanism. A device is a sweepstakes terminal device if any of the following apply:

(a) The device uses a simulated game terminal as a representation of the prizes associated with the results of the sweepstakes entries.

(b) The device utilizes software such that the simulated game influences or determines the winning of or value of the prize.

(c) The device selects prizes from a predetermined finite pool of entries.

(d) The device utilizes a mechanism that reveals the content of a predetermined sweepstakes entry.

(e) The device predetermines the prize results and stores those results for delivery at the time the sweepstakes entry results are revealed.

(f) The device utilizes software to create a game result.

(g) The device reveals the prize incrementally, even though the device does not influence the awarding of the prize or the value of any prize awarded.

(h) The device determines and associates the prize with an entry or entries at the time the sweepstakes is entered.

(2) As used in this definition and in § 134.02:

ENTER. The act by which a person becomes eligible to receive any prize offered in a sweepstakes.

ENTRY. One event from the initial activation of the sweepstakes terminal device until all the sweepstakes prize results from that activation are revealed.

PRIZE. Any gift, award, gratuity, good, service, credit, reward, or any other thing of value that may be transferred to a person, whether possession of the prize is actually transferred, or placed on an account or other record as evidence of the intent to transfer the prize.

SWEEPSTAKES TERMINAL DEVICE FACILITY. Any location in this state where a sweepstakes terminal device is provided to a sweepstakes participant, except as provided in § 134.02(G) and R.C. § 2915.02(G).

VETERAN'S ORGANIZATION. Any individual post or state headquarters of a national veteran's association or an auxiliary unit of any individual post of a national veteran's association, which post, state headquarters, or auxiliary unit is incorporated as a nonprofit corporation and either has received a letter from the state headquarters of the national veteran's association indicating that the individual post or auxiliary unit is in good standing with the national veteran's association or has received a letter from the national veteran's association indicating that the state headquarters is in good standing with the national veteran's association. As used in this definition, ***NATIONAL VETERAN'S ASSOCIATION*** means any veteran's association that has been in continuous existence as such for a period of at least five years and either is incorporated by an act of the United States Congress or has a national dues-paying membership of at least 5,000 persons.

VOLUNTEER FIREFIGHTER'S ORGANIZATION. Any organization of volunteer firefighters, as defined in R.C. § 146.01, that is organized and operated exclusively to provide financial support for a volunteer fire department or a volunteer fire company and that is recognized or ratified by a county, municipal corporation, or township.

VOLUNTEER RESCUE SERVICE ORGANIZATION. Any organization of volunteers organized to function as an emergency medical service organization, as defined in R.C. § 4765.01.

YOUTH ATHLETIC ORGANIZATION. Any organization, not organized for profit, that is organized and operated exclusively to provide financial support to, or to operate, athletic activities for persons who are 21 years of age or younger by means of sponsoring, organizing, operating, or contributing to the support of an athletic team, club, league, or association.

YOUTH ATHLETIC PARK ORGANIZATION. Any organization, not organized for profit, that satisfies both of the following:

(1) It owns, operates, and maintains playing fields that satisfy both of the following:

(a) The playing fields are used at least 100 days per year for athletic activities by one or more organizations, not organized for profit, each of which is organized and operated exclusively to provide financial support to, or to operate, athletic activities for persons who are 18 years of age or younger by means of sponsoring, organizing, operating, or contributing to the support of an athletic team, club, league, or association.

(b) The playing fields are not used for any profit-making activity at any time during the year.

(2) It uses the proceeds of bingo it conducts exclusively for the operation, maintenance, and improvement of its playing fields of the type described in division (1) of this definition.
(R.C. § 2915.01) (Rev. 2014)

§ 134.02 PROHIBITIONS AGAINST GAMBLING; EXCEPTION.

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

(1) Engage in bookmaking, or knowingly engage in conduct that facilitates bookmaking.

(2) Establish, promote, or operate or knowingly engage in conduct that facilitates any game of chance conducted for profit or any scheme of chance.

(3) Knowingly procure, transmit, exchange, or engage in conduct that facilitates the procurement, transmission, or exchange of information for use in establishing odds or determining winners in connection with bookmaking or with any game of chance conducted for profit or any scheme of chance.

(4) Engage in betting or in playing any scheme or game of chance as a substantial source of income or livelihood.

(5) Conduct, or participate in the conduct of, a sweepstakes with the use of a sweepstakes terminal device at a sweepstakes terminal device facility and either:

(a) Give to another person any item described in R.C. § 2915.01(VV)(1), (VV)(2), (VV)(3), or (VV)(4) as a prize for playing or participating in a sweepstakes; or

(b) Give to another person any merchandise prize, or a redeemable voucher for a merchandise prize, the wholesale value of which is in excess of $10 and which is awarded as a single entry for playing or participating in a sweepstakes. Redeemable vouchers shall not be redeemable for a merchandise prize that has a wholesale value of more than $10.

(6) Conduct, or participate in the conduct of, a sweepstakes with the use of a sweepstakes terminal device at a sweepstakes terminal device facility without first obtaining a current annual "certificate of registration" from the Attorney General as required by R.C. § 2915.02(F).

(7) With purpose to violate division (A)(1), (A)(2), (A)(3), (A)(4), (A)(5), or (A)(6) of this section, acquire, possess, control, or operate any gambling device.

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

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

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

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

(a) The games of chance are not craps for money or roulette for money.

(b) The games of chance are conducted by a charitable organization that is and has received from the Internal Revenue Service a determination letter that is currently in effect, stating that the organization is exempt from federal income taxation under IRC § 501(a) and described in IRC § 501(c)(3).

(c) The games of chance are conducted at festivals of the charitable organization that are conducted not more than a total of five days a calendar year, and are conducted on premises owned by the charitable organization for a period of no less than one year immediately preceding the conducting of the games of chance, on premises leased from a governmental unit, or on premises that are leased from a veteran's or fraternal organization and that have been owned by the lessor veteran's or fraternal organization for a period of no less than one year immediately preceding the conducting of the games of chance. A charitable organization shall not lease premises from a veteran's or fraternal organization to conduct a festival described in this division, if the veteran's or fraternal organization already has leased the premises 12 times during the preceding year to charitable organizations for that purpose. If a charitable organization leases premises from a veteran's or fraternal organization to conduct a festival described in this division, the charitable

organization shall not pay a rental rate for the premises per day of the festival that exceeds the rental rate per bingo session that a charitable organization may pay under R.C. § 2915.09(B)(1) or a substantially equivalent municipal ordinance when it leases premises from another charitable organization to conduct bingo games.

(d) All of the money or assets received from the games of chance after deduction only of prizes paid out during the conduct of the games of chance are used by, given, donated or otherwise transferred to any organization that is described in IRC § 509(a)(1), (a)(2), or (a)(3) and is either a governmental unit or an organization that is tax exempt under IRC § 501(a) and described in IRC § 501(c)(3).

(e) The games of chance are not conducted during or within ten hours of a bingo game conducted for amusement purposes only pursuant to R.C. § 2915.12 or a substantially equivalent municipal ordinance. No person shall receive any commission, wage, salary, reward, tip, donation, gratuity, or other form of compensation, directly or indirectly, for operating or assisting in the operation of any game of chance.

(2) Any tag fishing tournament, as defined in R.C. § 1531.01, operated under a permit issued under R.C. § 1533.92.

(3) Bingo conducted by a charitable organization that holds a license issued under R.C. § 2915.08.

(E) Division (D) of this section shall not be construed to authorize the sale, lease, or other temporary or permanent transfer of the right to conduct games of chance, as granted by that division, by any charitable organization that is granted that right.

(F) Any person desiring to conduct, or participate in the conduct of, a sweepstakes with the use of a sweepstakes terminal device at a sweepstakes terminal device facility shall first register with the Office of the Attorney General and obtain an annual certificate of registration by providing a filing fee of $200 and all information as required by rule adopted under R.C. § 2915.02(H). Not later than the tenth day of each month, each sweepstakes terminal device operator shall file a sweepstakes terminal device monthly report with the Attorney General and provide a filing fee of $50 and all information required by rule adopted under R.C. § 2915.02(H). All information provided to the Attorney General under this division shall be available to law enforcement upon request.

(G) (1) A person may apply to the Attorney General, on a form prescribed by the Attorney General, for a certificate of compliance that the person is not operating a sweepstakes terminal device facility. The form shall require the person to include the address of the business location where sweepstakes terminal devices will be used and to make the following certifications:

(a) That the person will not use more than two sweepstakes terminal devices at the business location;

(b) That the retail value of sweepstakes prizes to be awarded at the business location using sweepstakes terminal devices during a reporting period will be less than 3% of the gross revenue received at the business location during the reporting period;

(c) That no other form of gaming except lottery ticket sales as authorized under R.C. Chapter 3770 will be conducted at the business location or in an adjoining area of the business location;

(d) That any sweepstakes terminal device at the business location will not allow any deposit of any money, coin, or token, or the use of any credit card, debit card, prepaid card, or any other method of similar payment to be used, directly or indirectly, to participate in a sweepstakes;

(e) That notification of any prize will not take place on the same day as a participant's sweepstakes entry; and

(f) That the person consents to provide any other information to the Attorney General as required by rule adopted under R.C. § 2915.02(H).

(2) The filing fee for a certificate of compliance is $250. The Attorney General may charge up to an additional $250 for reasonable expenses resulting from any investigation related to an application for a certificate of compliance.

(3) A certificate of compliance is effective for one year. The certificate holder may reapply for a certificate of compliance. A person issued a certificate of compliance shall file semiannual reports with the Attorney General stating the number of sweepstakes terminal devices at the business location and that the retail value of prizes awarded at the business location using sweepstakes terminal devices is less than 3% of the gross revenue received at the business location.

(H) Whoever violates this section is guilty of gambling, a misdemeanor of the first degree. If the offender previously has been convicted of any gambling offense, gambling is a felony to be prosecuted under appropriate state law. Notwithstanding this division, failing to file a sweepstakes terminal device monthly report as required by division (F) of this section or the semiannual report required by division (G) of this section is a misdemeanor of the first degree.
(R.C. § 2915.02(A) - (G), (K)) (Rev. 2014)

§ 134.03 OPERATING A GAMBLING HOUSE.

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

(1) Use or occupy the premises for gambling in violation of R.C. § 2915.02 or a substantially equivalent municipal ordinance.

(2) Recklessly permit the premises to be used or occupied for gambling in violation of R.C. § 2915.02 or a substantially equivalent municipal ordinance.

(B) Whoever violates division (A) of this section is guilty of operating a gambling house, a misdemeanor of the first degree. If the offender previously has been convicted of a gambling offense, operating a gambling house is a felony to be prosecuted under appropriate state law.

(C) Premises used or occupied in violation of this section constitute a nuisance subject to abatement under R.C. Chapter 3767.
(R.C. § 2915.03) (Rev. 2003)

§ 134.04 PUBLIC GAMING.

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

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

(C) Divisions (A) and (B) of this section do not prohibit conduct in connection with gambling expressly permitted by law.

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

(E) Premises used or occupied in violation of division (B) of this section constitute a nuisance subject to abatement under R.C. Chapter 3767.
(R.C. § 2915.04) (Rev. 2003)

§ 134.05 CHEATING.

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

(1) The subject of a bet.

(2) A contest of knowledge, skill, or endurance that is not an athletic or sporting event.

(3) A scheme or game of chance.

(4) Bingo.

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

(1) Offer, give, solicit, or accept anything of value to corrupt the outcome of an athletic or sporting event.

(2) Engage in conduct designed to corrupt the outcome of an athletic or sporting event.

(C) (1) Whoever violates division (A) of this section is guilty of cheating. Except as otherwise provided in this division, cheating is a misdemeanor of the first degree. If the potential gain from the cheating is $1,000 or more or if the offender previously has been convicted of any gambling offense or of any theft offense as defined in R.C. § 2913.01, cheating is a felony to be prosecuted under appropriate state law.

(2) Whoever violates division (B) of this section is guilty of corrupting sports. Corrupting sports is a felony to be prosecuted under appropriate state law.
(R.C. § 2915.05) (Rev. 2012)

§ 134.06 REGULATIONS CONCERNING OPERATION OF LICENSED BINGO GAME.

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

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

(2) Except as otherwise provided in division (A)(3) of this section, use all of the gross receipts from bingo for paying prizes, for reimbursement of expenses for or for renting premises in which to conduct bingo, for reimbursement of expenses for or for purchasing or leasing bingo supplies used in conducting bingo, for reimbursement of expenses for or for hiring security personnel, for reimbursement of expenses for or for advertising bingo, or for reimbursement of other expenses or for other expenses listed in the definition for "expenses" in R.C. § 2915.01, provided that the amount of the receipts so spent is not more than is customary and reasonable for a similar purchase, lease, hiring, advertising, or expense. If the building in which bingo is conducted is owned by the charitable organization conducting bingo and the bingo conducted includes a form of bingo described in division (1) of the definition of "bingo" in R.C. § 2915.01, the charitable organization may deduct from the total amount of the gross receipts from each session a sum equal to the lesser of $600 or 45% of the gross receipts from the bingo described in that division as consideration for the use of the premises;

(3) Use, or give, donate, or otherwise transfer, all of the net profit derived from bingo, other than instant bingo, for a charitable purpose listed in its license application and

described in the definition for "charitable purpose" in R.C. § 2915.01, or distribute all of the net profit from the proceeds of the sale of instant bingo as stated in its license application and in accordance with R.C. § 2915.101.

(B) No charitable organization that conducts a bingo game described in division (1) of the definition of "bingo" in R.C. § 2915.01 shall fail to do any of the following:

(1) Conduct the bingo game on premises that are owned by the charitable organization, on premises that are owned by another charitable organization and leased from that charitable organization for a rental rate not in excess of the lesser of $650 per bingo session or 45% of the gross receipts of the bingo session, on premises that are leased from a person other than a charitable organization for a rental rate that is not more than is customary and reasonable for premises that are similar in location, size, and quality but not in excess of $450 per bingo session, or on premises that are owned by a person other than a charitable organization, that are leased from that person by another charitable organization, and that are subleased from that other charitable organization by the charitable organization for a rental rate not in excess of $450 per bingo session. No charitable organization is required to pay property taxes or assessments on premises that the charitable organization leases from another person to conduct bingo sessions. If the charitable organization leases from a person other than a charitable organization the premises on which it conducts bingo sessions, the lessor of the premises shall provide only the premises to the organization and shall not provide the organization with bingo game operators, security personnel, concessions or concession operators, bingo supplies, or any other type of service. A charitable organization shall not lease or sublease premises that it owns or leases to more than three other charitable organizations per calendar week for conducting bingo sessions on the premises. A person that is not a charitable organization shall not lease premises that it owns, leases, or otherwise is empowered to lease to more than three charitable organizations per calendar week for conducting bingo sessions on the premises. In no case shall more than nine bingo sessions be conducted on any premises in any calendar week;

(2) Display its license conspicuously at the premises where the bingo session is conducted;

(3) Conduct the bingo session in accordance with division (1) of the definition of "bingo" in R.C. § 2915.01.

(C) No charitable organization that conducts a bingo game described in division (1) of the definition of "bingo" in R.C. § 2915.01 shall do any of the following:

(1) Pay any compensation to a bingo game operator for operating a bingo session that is conducted by the charitable organization or for preparing, selling, or serving food or beverages at the site of the bingo session, permit any auxiliary unit or society of the charitable organization to pay compensation to any bingo game operator who prepares, sells, or serves food or beverages at a bingo session conducted by the charitable organization, or permit any auxiliary unit or society of the charitable organization to prepare, sell, or serve food or beverages at a bingo session conducted by the charitable organization, if the auxiliary unit or society pays any compensation to the bingo game operators who prepare, sell, or serve the food or beverages;

(2) Pay consulting fees to any person for any services performed in relation to the bingo session;

(3) Pay concession fees to any person who provides refreshments to the participants in the bingo session;

(4) Except as otherwise provided in division (C)(4) of this section, conduct more than three bingo sessions in any seven-day period. A volunteer firefighter's organization or a volunteer rescue service organization that conducts not more than five bingo sessions in a calendar year may conduct more than three bingo sessions in a seven-day period after notifying the Attorney General when it will conduct the sessions;

(5) Pay out more than $6,000 in prizes for bingo games described in R.C. § 2915.01(S)(1) during any bingo session that is conducted by the charitable organization. "Prizes" does not include awards from the conduct of instant bingo.

(6) Conduct a bingo session at any time during the eight-hour period between 2:00 a.m. and 10:00 a.m., at any time during, or within ten hours of, a bingo game conducted for amusement only pursuant to R.C. § 2915.12 or any substantially equivalent municipal ordinance, at any premises not specified on its license, or on any day of the week or during any time period not specified on its license. This division does not prohibit the sale of instant bingo tickets beginning at 9:00 a.m. for a bingo session that begins at 10:00 a.m. If circumstances make it impractical for the charitable organization to conduct a bingo session at the premises, or on the day of the week or at the time specified on its license or if a charitable organization wants to conduct bingo sessions on a day of the week or at a time other than the day or time specified on its license, the charitable organization may apply in writing to the Attorney General for an amended license pursuant to R.C. § 2915.08(F). A charitable organization may apply twice in each calendar year for an amended license to conduct bingo sessions on a day of the week or at a time other than the day or time specified on its license. If the amended license is granted, the organization may conduct bingo sessions at the premises, on the day of the week, and at the time specified on its amended license;

(7) Permit any person whom the charitable organization knows, or should have known, is under the age of 18 to work as a bingo game operator;

(8) Permit any person whom the charitable organization knows, or should have known, has been convicted of a felony or gambling offense in any jurisdiction to be a bingo game operator;

(9) Permit the lessor of the premises on which the bingo session is conducted, if the lessor is not a charitable

organization, to provide the charitable organization with bingo game operators, security personnel, concessions, bingo supplies, or any other type of service;

(10) Purchase or lease bingo supplies from any person except a distributor issued a license under R.C. § 2915.081;

(11) (a) Use or permit the use of electronic bingo aids except under the following circumstances:

1. For any single participant, not more than 90 bingo faces can be played using an electronic bingo aid or aids.

2. The charitable organization shall provide a participant using an electronic bingo aid with corresponding paper bingo cards or sheets.

3. The total price of bingo faces played with an electronic bingo aid shall be equal to the total price of the same number of bingo faces played with a paper bingo card or sheet sold at the same bingo session but without an electronic bingo aid.

4. An electronic bingo aid cannot be part of an electronic network other than a network that includes only bingo aids and devices that are located on the premises at which the bingo is being conducted or be interactive with any device not located on the premises at which the bingo is being conducted.

5. An electronic bingo aid cannot be used to participate in bingo that is conducted at a location other than the location at which the bingo session is conducted and at which the electronic bingo aid is used.

6. An electronic bingo aid cannot be used to provide for the input of numbers and letters announced by a bingo caller other than the bingo caller who physically calls the numbers and letters at the location at which the bingo session is conducted and at which the electronic bingo aid is used.

(b) The Attorney General may adopt rules in accordance with R.C. Chapter 119 that govern the use of electronic bingo aids. The rules may include a requirement that an electronic bingo aid be capable of being audited by the Attorney General to verify the number of bingo cards or sheets played during each bingo session.

(12) Permit any person the charitable organization knows, or should have known, to be under 18 years of age to play bingo described in division (1) of the definition of "bingo" in R.C. § 2915.01.

(D) (1) Except as otherwise provided in division (D)(3) of this section, no charitable organization shall provide to a bingo game operator, and no bingo game operator shall receive or accept, any commission, wage, salary, reward, tip, donation, gratuity, or other form of compensation, directly or indirectly, regardless of the source, for conducting bingo or providing other work or labor at the site of bingo during a bingo session.

(2) Except as otherwise provided in division (D)(3) of this section, no charitable organization shall provide to a bingo game operator any commission, wage, salary, reward, tip, donation, gratuity, or other form of compensation, directly or indirectly regardless of the source, for conducting instant bingo other than at a bingo session at the site of instant bingo other than at a bingo session.

(3) Nothing in this division (D) of this section prohibits an employee of a fraternal organization, veteran's organization, or sporting organization from selling instant bingo tickets or cards to the organization's members or invited guests, as long as no portion of the employee's compensation is paid from any receipts of bingo.

(E) Notwithstanding division (B)(1) of this section, a charitable organization that, prior to December 6, 1977, has entered into written agreements for the lease of premises it owns to another charitable organization or other charitable organizations for the conducting of bingo sessions so that more than two bingo sessions are conducted per calendar week on the premises, and a person that is not a charitable organization and that, prior to December 6, 1977, has entered into written agreements for the lease of premises it owns to charitable organizations for the conducting of more than two bingo sessions per calendar week on the premises, may continue to lease the premises to those charitable organizations, provided that no more than four sessions are conducted per calendar week, that the lessor organization or person has notified the Attorney General in writing of the organizations that will conduct the sessions and the days of the week and the times of the day on which the sessions will be conducted, that the initial lease entered into with each organization that will conduct the sessions was filed with the Attorney General prior to December 6, 1977, and that each organization that will conduct the sessions was issued a license to conduct bingo games by the Attorney General prior to December 6, 1977.

(F) This section does not prohibit a bingo licensed charitable organization or a game operator from giving any person an instant bingo ticket as a prize.

(G) Whoever violates division (A)(2) of this section is guilty of illegally conducting a bingo game, a felony to be prosecuted under appropriate state law. Except as otherwise provided in this division, whoever violates division (A)(1), (A)(3), (B)(1), (B)(2), (B)(3), (C)(1) through (C)(11), or (D) of this section is guilty of a minor misdemeanor. If the offender previously has been convicted of a violation of division (A)(1), (A)(3), (B)(1), (B)(2), (B)(3), (C)(1) through (C)(11), or (D) of this section, a violation of division (A)(1), (A)(3), (B)(1), (B)(2), (B)(3), (C)(1) through (C)(11), or (D) of this section is a misdemeanor of the first degree. Whoever violates division (C)(12) of this section is guilty of a misdemeanor of the first degree. If the offender previously has been convicted of a violation of division (C)(12) of this

section, a violation of division (C)(12) of this section is a felony to be prosecuted under appropriate state law.
(R.C. § 2915.09) (Rev. 2013)

§ 134.07 RECORDS TO BE KEPT.

(A) No charitable organization that conducts bingo or a game of chance pursuant to R.C. § 2915.02(D), or any substantially equivalent municipal ordinance, shall fail to maintain the following records for at least three years from the date on which the bingo or game of chance is conducted:

(1) An itemized list of the gross receipts of each bingo session, each game of instant bingo by serial number, each raffle, each punch board game, and each game of chance, and an itemized list of the gross profits of each game of instant bingo by serial number;

(2) An itemized list of all expenses, other than prizes, that are incurred in conducting bingo or instant bingo, the name of each person to whom the expenses are paid, and a receipt for all of the expenses;

(3) A list of all prizes awarded during each bingo session, each raffle, each punch board game, and each game of chance conducted by the charitable organization, the total prizes awarded from each game of instant bingo by serial number, and the name, address, and social security number of all persons who are winners of prizes of $600 or more in value;

(4) An itemized list of the recipients of the net profit of bingo or game of chance, including the name and address of each recipient to whom the money is distributed, and if the organization uses the net profit of bingo, or the money or assets received from a game of chance, for any charitable or other purpose set forth in R.C. § 2915.01(V), R.C. § 2915.02(D), or R.C. § 2915.101, a list of each purpose and an itemized list of each expenditure for each purpose;

(5) The number of persons who participate in any bingo session or game of chance that is conducted by the charitable organization;

(6) A list of receipts from the sale of food and beverages by the charitable organization or one of its auxiliary units or societies, if the receipts were excluded from "gross receipts" under R.C. § 2915.01(T);

(7) An itemized list of all expenses incurred at each bingo session, each raffle, each punch board game, or each game of instant bingo conducted by the charitable organization in the sale of food and beverages by the charitable organization or by an auxiliary unit or society of the charitable organization, the name of each person to whom the expenses are paid, and a receipt for all of the expenses.

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

(C) The gross profit from each bingo session or game described in division (1) or (2) of the definition of "bingo" in R.C. § 2915.01 shall be deposited into a checking account devoted exclusively to the bingo session or game. Payments for allowable expenses incurred in conducting the bingo session or game and payments to recipients of some or all of the net profit of the bingo session or game shall be made only by checks or electronic fund transfers drawn on the bingo session or game account.

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

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

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

(1) The name of the manufacturer from which the distributor purchased the bingo supplies and the date of the purchase;

(2) The name and address of the charitable organization or other distributor to which the bingo supplies were sold or otherwise provided;

(3) A description that clearly identifies the bingo supplies;

(4) Invoices that include the nonrepeating serial numbers of all paper bingo cards and sheets and all instant bingo deals sold or otherwise provided to each charitable organization.

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

(1) The name and address of the distributor to whom the bingo supplies were sold or otherwise provided;

(2) A description that clearly identifies the bingo supplies, including serial numbers;

(3) Invoices that include the nonrepeating serial numbers of all paper bingo cards and sheets and all instant bingo deals sold or otherwise provided to each distributor.

(H) (1) The Attorney General or any law enforcement agency may do all of the following:

(a) Investigate any charitable organization or any officer, agent, trustee, member, or employee of the organization;

(b) Examine the accounts and records of the organization;

(c) Conduct inspections, audits, and observations of bingo or games of chance;

(d) Conduct inspections of the premises where bingo or games of chance are conducted;

(e) Take any other necessary and reasonable action to determine if a violation of any provision of this chapter or R.C. Chapter 2915 has occurred and to determine whether R.C. § 2915.11, or any substantially equivalent municipal ordinance, has been complied with.

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

(I) No person shall destroy, alter, conceal, withhold, or deny access to any accounts or records of a charitable organization that have been requested for examination, or obstruct, impede, or interfere with any inspection, audit, or observation of bingo or a game of chance or premises where bingo or a game of chance is conducted, or refuse to comply with any reasonable request of, or obstruct, impede, or interfere with any other reasonable action undertaken by, the Attorney General or a law enforcement agency pursuant to division (H) of this section.

(J) Whoever violates division (A) or (I) of this section is guilty of a misdemeanor of the first degree.
(R.C. § 2915.10) (Rev. 2013)

§ 134.08 REQUIREMENTS FOR BINGO GAME OPERATORS.

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

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

(C) Whoever violates division (A) of this section is guilty of a misdemeanor of the third degree. Whoever violates division (B) of this section is guilty of a misdemeanor of the first degree.
(R.C. § 2915.11) (Rev. 2003)

§ 134.09 BINGO GAMES FOR AMUSEMENT ONLY.

(A) Sections 134.06 through 134.13 do not apply to bingo games that are conducted for the purpose of amusement only. A bingo game is conducted for the purpose of amusement only if it complies with all of the requirements specified in either division (A)(1) or (A)(2) of this section.

(1) (a) The participants do not pay any money or any other thing of value, including an admission fee or any fee, for bingo cards or sheets, objects to cover the spaces, or other devices used in playing bingo, for the privilege of participating in the bingo game, or to defray any costs of the game, or pay tips or make donations during or immediately before or after the bingo game.

(b) All prizes awarded during the course of the game are non-monetary, and in the form of merchandise, goods, or entitlement to goods or services only, and the total value of all prizes awarded during the game is less than $100.

(c) No commission, wages, salary, reward, tip, donation, gratuity, or other form of compensation, either directly or indirectly, and regardless of the source, is paid to any bingo game operator for work or labor performed at the site of the bingo game.

(d) The bingo game is not conducted either during or within ten hours of any of the following:

1. A bingo session during which a charitable bingo game is conducted pursuant to R.C. §§ 2915.07 through 2915.11 or any substantially equivalent municipal ordinance.

2. A scheme or game of chance, or bingo described in R.C. § 2915.01(O)(2).

(e) The number of players participating in the bingo game does not exceed 50.

(2) (a) The participants do not pay money or any other thing of value as an admission fee, and no participant is charged more than $0.25 to purchase a bingo card or sheet, objects to cover the spaces, or other devices used in playing bingo.

(b) The total amount of money paid by all of the participants for bingo cards or sheets, objects to cover the spaces, or other devices used in playing bingo does not exceed $100.

(c) All of the money paid for bingo cards or sheets, objects to cover spaces, or other devices used in

playing bingo is used only to pay winners monetary and nonmonetary prizes and to provide refreshments.

(d) The total value of all prizes awarded during the game does not exceed $100.

(e) No commission, wages, salary, reward, tip, donation, gratuity, or other form of compensation, either directly or indirectly, and regardless of the source, is paid to any bingo game operator for work or labor performed at the site of the bingo game.

(f) The bingo game is not conducted during or within ten hours of either of the following:

1. A bingo session during which a charitable bingo game is conducted pursuant to R.C. §§ 2915.07 through 2915.11 or any substantially equivalent municipal ordinance;

2. A scheme of chance or a game of chance, or bingo described in R.C. § 2915.01(O)(2).

(g) All of the participants reside at the premises where the bingo game is conducted.

(h) The bingo games are conducted on different days of the week and not more than twice in a calendar week.

(B) The Attorney General or any local law enforcement agency may investigate the conduct of a bingo game that purportedly is conducted for purposes of amusement only if there is reason to believe that the purported amusement bingo game does not comply with the requirements of either division (A)(1) or (A)(2) of this section. A local law enforcement agency may proceed by action in the proper court to enforce this section if the local law enforcement agency gives written notice to the Attorney General when commencing the action.
(R.C. § 2915.12) (Rev. 2013)

§ 134.10 PROHIBITIONS WHERE INSTANT BINGO GAME IS CONDUCTED.

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

(1) Fail to comply with the requirements of R.C. § 2915.09(A)(1), (A)(2), and (A)(3), or any substantially equivalent municipal ordinance;

(2) Conduct instant bingo unless either of the following applies:

(a) That organization is, and has received from the Internal Revenue Service a determination letter that is currently in effect stating that the organization is, exempt from federal income taxation under IRC § 501(a), is described in IRC § 501(c)(3), is a charitable organization as defined in R.C. § 2915.01, is in good standing in the state pursuant to R.C. § 2915.08, and is in compliance with R.C. Chapter 1716;

(b) That organization is, and has received from the Internal Revenue Service a determination letter that is currently in effect stating that the organization is, exempt from federal income taxation under IRC § 501(a), is described in IRC § 501(c)(7), (c)(8), (c)(10), or (c)(19) or is a veteran's organization described in IRC § 501(c)(4), and conducts instant bingo under R.C. § 2915.13.

(3) Conduct instant bingo on any day, at any time, or at any premises not specified on the organization's license issued pursuant to R.C. § 2915.08;

(4) Permit any person whom the organization knows or should have known has been convicted of a felony or gambling offense in any jurisdiction to be a bingo game operator in the conduct of instant bingo;

(5) Purchase or lease supplies used to conduct instant bingo or punch board games from any person except a distributor licensed under R.C. § 2915.081;

(6) Sell or provide any instant bingo ticket or card for a price different from the price printed on it by the manufacturer on either the instant bingo ticket or card or on the game flare;

(7) Sell an instant bingo ticket or card to a person under 18 years of age;

(8) Fail to keep unsold instant bingo tickets or cards for less than three years;

(9) Pay any compensation to a bingo game operator for conducting instant bingo that is conducted by the organization or for preparing, selling, or serving food or beverages at the site of the instant bingo game, permit any auxiliary unit or society of the organization to pay compensation to any bingo game operator who prepares, sells, or serves food or beverages at an instant bingo game conducted by the organization, or permit any auxiliary unit or society of the organization to prepare, sell, or serve food or beverages at an instant bingo game conducted by the organization, if the auxiliary unit or society pays any compensation to the bingo game operators who prepare, sell, or serve the food or beverages;

(10) Pay fees to any person for any services performed in relation to an instant bingo game, except as provided in R.C. § 2915.093(D);

(11) Pay fees to any person who provides refreshments to the participants in an instant bingo game;

(12) (a) Allow instant bingo tickets or cards to be sold to bingo game operators at a premises at which the organization sells instant bingo tickets or cards or to be sold to employees of a D permit holder who are working at a premises at which instant bingo tickets or cards are sold;

(b) Division (A)(12)(a) of this section does not prohibit a licensed charitable organization or a bingo game operator from giving any person an instant bingo ticket as a prize in place of a cash prize won by a participant in an instant bingo game. In no case shall an instant bingo ticket or card be sold or provided for a price different from the price printed on it by the manufacturer on either the instant bingo ticket or card or on the game flare.

(13) Fail to display its bingo license, and the serial numbers of the deal of instant bingo tickets or cards to be sold, conspicuously at each premises at which it sells instant bingo tickets or cards;

(14) Possess a deal of instant bingo tickets or cards that was not purchased from a distributor licensed under R.C. § 2915.081 as reflected on an invoice issued by the distributor that contains all of the information required by R.C. § 2915.10(E);

(15) Fail, once it opens a deal of instant bingo tickets or cards, to continue to sell the tickets or cards in that deal until the tickets or cards with the top two highest tiers of prizes in that deal are sold;

(16) Possess bingo supplies that were not obtained in accordance with R.C. Chapter 2915.

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

(C) Pursuant to R.C. § 2915.091(C), the Attorney General may adopt rules in accordance with R.C. Chapter 119 that govern the conduct of instant bingo by charitable organizations.

(D) Whoever violates division (A) of this section or a rule adopted under division (C) of this section is guilty of illegal instant bingo conduct. Except as otherwise provided in this division, illegal instant bingo conduct is a misdemeanor of the first degree. If the offender previously has been convicted of a violation of division (A) of this section or of such a rule adopted under division (C) of this section, illegal instant bingo conduct is a felony to be prosecuted under appropriate state law.
(R.C. § 2915.091) (Rev. 2013)

§ 134.11 RAFFLE DRAWINGS.

(A) (1) Subject to division (A)(2) of this section, a charitable organization, a public school, a chartered nonpublic school, a community school, or a veteran's organization, fraternal organization, or sporting organization that is exempt from federal income taxation under IRC § 501(a) and is described in IRC §§ 501(c)(3), 501(c)(4), 501(c)(7), 501(c)(8), 501(c)(10), or 501(c)(19) may conduct a raffle to raise money for the organization or school and does not need a license to conduct bingo in order to conduct a raffle drawing that is not for profit.

(2) If a charitable organization that is described in division (A)(1) of this section, but that is not also described in IRC § 501(c)(3), conducts a raffle, the charitable organization shall distribute at least 50% of the net profit from the raffle to a charitable purpose described in R.C. § 2915.01(V) or to a department or agency of the federal government, the state, or any political subdivision.

(B) A chamber of commerce may conduct not more than one raffle per year to raise money for the chamber of commerce.

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

(D) Whoever violates division (C) of this section is guilty of illegal conduct of a raffle. Except as otherwise provided in this division, illegal conduct of a raffle is a misdemeanor of the first degree. If the offender previously has been convicted of a violation of division (C) of this section, illegal conduct of a raffle is a felony to be prosecuted under appropriate state law.
(R.C. § 2915.092) (Rev. 2013)

§ 134.12 INSTANT BINGO OTHER THAN AT BINGO SESSIONS.

(A) As used in this section, ***RETAIL INCOME FROM ALL COMMERCIAL ACTIVITY*** means the income that a person receives from the provision of goods, services, or activities that are provided at the location where instant bingo other than at a bingo session is conducted, including the sale of instant bingo tickets. A religious organization that is exempt from federal income taxation under IRC § 501(a) and described in IRC § 501(c)(3), at not more than one location at which it conducts its charitable programs, may include donations from its members and guests as retail income.

(B) (1) If a charitable instant bingo organization conducts instant bingo other than at a bingo session, the charitable instant bingo organization shall enter into a written contract with the owner or lessor of the location at which the instant bingo is conducted to allow the owner or lessor to assist in the conduct of instant bingo other than at a bingo session, identify each location where the instant bingo other than at a bingo session is being conducted, and identify the owner or lessor of each location.

(2) A charitable instant bingo organization that conducts instant bingo other than at a bingo session is not required to enter into a written contract with the owner or lessor of the location at which the instant bingo is conducted provided that the owner or lessor is not assisting in the conduct of the instant bingo other than at a bingo session and provided that the conduct of the instant bingo other than at a bingo session at that location is not more than five days per calendar year and not more than ten hours per day.

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

(D) (1) The owner or lessor of a location that enters into a contract pursuant to division (B) of this section shall pay the full gross profit to the charitable instant bingo organization, in return for the deal of instant bingo tickets. The owner or lessor may retain the money that the owner or lessor receives for selling the instant bingo tickets, provided, however, that after the deal has been sold, the owner or lessor shall pay to the charitable instant bingo organization the value of any unredeemed instant bingo prizes remaining in the deal of instant bingo tickets.

(2) The charitable instant bingo organization shall pay 6% of the total gross receipts of any deal of instant bingo tickets for the purpose of reimbursing the owner or lessor for expenses described in this division.

(3) As used in this division, ***EXPENSES*** means those items provided for in R.C. § 2915.01(GG)(4), (GG)(5), (GG)(6), (GG)(7), (GG)(8), (GG)(12), and (GG)(13) and that percentage of the owner's or lessor's rent for the location where instant bingo is conducted. Expenses, in the aggregate, shall not exceed 6% of the total gross receipts of any deal of instant bingo tickets.

(4) As used in this division, ***FULL GROSS PROFIT*** means the amount by which the total receipts of all instant bingo tickets, if the deal has been sold in full, exceeds the amount that would be paid out if all prizes were redeemed.

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

(1) That the charitable instant bingo organization has terminated a contract entered into pursuant to division (B) of this section with an owner or lessor of a location;

(2) That the charitable instant bingo organization has entered into a written contract pursuant to division (B) of this section with a new owner or lessor of a location;

(3) That the charitable instant bingo organization is aware of conduct by the owner or lessor of a location at which instant bingo is conducted that is in violation of R.C. Chapter 2915.

(F) Division (C) of this section does not apply to a volunteer firefighter's organization that is exempt from federal income taxation under IRC § 501(a) and described in IRC § 501(c)(3), that conducts instant bingo other than at a bingo session on the premises where the organization conducts firefighter training, that has conducted instant bingo continuously for at least five years prior to July 1, 2003, and that, during each of those five years, had gross receipts of at least $1,500,000.
(R.C. § 2915.093) (Rev. 2013)

(G) (1) A veteran's organization, a fraternal organization, or a sporting organization authorized to conduct a bingo session pursuant to R.C. Chapter 2915 may conduct instant bingo other than at a bingo session if all of the following apply:

(a) The veteran's organization, fraternal organization, or sporting organization limits the sale of instant bingo to 12 hours during any day, provided that the sale does not begin earlier than 10:00 a.m. and ends not later than 2:00 a.m.

(b) The veteran's organization, fraternal organization, or sporting organization limits the sale of instant bingo to its own premises and to its own members and invited guests.

(c) The veteran's organization, fraternal organization, or sporting organization is raising money for an organization that is described in IRC § 509(a)(1), (a)(2), or (a)(3) and is either a governmental unit or an organization that maintains its principal place of business in this state, that is exempt from federal income taxation under IRC § 501(a) and described in IRC § 501(c)(3), and that is in good standing in this state and executes a written contract with that organization as required in division (G)(2) of this section.

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

(3) (a) If a veteran's organization, fraternal organization, or sporting organization authorized to conduct instant bingo pursuant to division (G)(1) of this section has

been issued a liquor permit under R.C. Chapter 4303, that permit may be subject to suspension, revocation, or cancellation if the veteran's organization, fraternal organization, or sporting organization violates a provision of this chapter or R.C. Chapter 2915.

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

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

(5) Whoever violates division (G) of this section is guilty of illegal instant bingo conduct. Except as otherwise provided in this division, illegal instant bingo conduct is a misdemeanor of the first degree. If the offender previously has been convicted of a violation of division (G) of this section, illegal instant bingo conduct is a felony to be prosecuted under appropriate state law.
(R.C. § 2915.13) (Rev. 2013)

§ 134.13 RESTRICTIONS ON OWNER OR LESSOR OF LOCATION AT INSTANT BINGO.

(A) No owner or lessor of a location shall assist a charitable instant bingo organization in the conduct of instant bingo other than at a bingo session at that location unless the owner or lessor has entered into a written contract, as described in R.C. § 2915.093, with the charitable instant bingo organization to assist in the conduct of instant bingo other than at a bingo session.

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

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

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

(E) (1) Whoever violates division (C) or (D) of this section is guilty of illegal instant bingo conduct. Except as otherwise provided in this division, illegal instant bingo conduct is a misdemeanor of the first degree. If the offender previously has been convicted of a violation of division (C) or (D) of this section, illegal instant bingo conduct is a felony to be prosecuted under appropriate state law.

(2) If an owner or lessor of a location knowingly, intentionally, or recklessly violates division (C) or (D) of this section, any license that the owner or lessor holds for the retail sale of any goods on the owner's or lessor's premises that is issued by the state or a political subdivision is subject to suspension, revocation, or payment of a monetary penalty at the request of the Attorney General.
(R.C. § 2915.094) (Rev. 2013)

§ 134.14 SKILL-BASED AMUSEMENT MACHINES; PROHIBITED CONDUCT.

(A) No person shall give to another person any item described in division (1), (2), (3), or (4) of the definition for "merchandise prize" in § 134.01 in exchange for a noncash prize, toy, or novelty received as a reward for playing or operating a skill-based amusement machine or for a free or reduced-price game won on a skill-based amusement machine.

(B) Whoever violates division (A) of this section is guilty of skill-based amusement machine prohibited conduct. A violation of division (A) of this section is a misdemeanor of the first degree for each redemption of a prize that is involved in the violation. If the offender previously has been convicted of a violation of division (A) of this section, a violation of that division is a felony to be prosecuted under appropriate state law.
(R.C. § 2915.06) (Rev. 2008)

(C) Any regulation of skill-based amusement machines shall be governed by this chapter or R.C. Chapter 2915 and not by R.C. Chapter 1345.
(R.C. § 2915.061) (Rev. 2020)

CHAPTER 135: OFFENSES AGAINST PERSONS

Section

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Statutory reference:

Child care, misrepresentations by providers and failure to disclose death or serious injuries, misdemeanors, see R.C. §§ 2919.223 et seq.
Extortionate extension of credit, see R.C. §§ 2905.21 through 2905.24
Failure to send child to school, see R.C. § 3321.38
Permitting child abuse, felony offense, see R.C. § 2903.15
Reckless homicide, felony offense, see R.C. § 2903.041
Rights of victims of crimes, see R.C. Chapter 2930

§ 135.01 DEFINITIONS.

(A) For the purpose of §§ 135.01 through 135.06, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ANOTHER'S UNBORN or ***OTHER PERSON'S UNBORN.*** A member of the species *Homo sapiens* who is or was carried in the womb of another during a period that begins with fertilization and that continues unless and until live birth occurs.

UNLAWFUL TERMINATION OF ANOTHER'S PREGNANCY. Causing the death of an unborn member of the species *Homo sapiens* who is or was carried in the womb of another, as a result of injuries inflicted during the period that begins with fertilization and that continues unless and until live birth occurs.

(B) Notwithstanding division (A) of this section, in no case shall the definitions of the terms "another's unborn", "other person's unborn" and "unlawful termination of another's pregnancy" that are set forth in division (A) of this section be applied or construed in any of the following manners:

(1) Except as otherwise provided in division (B)(1) of this section, in a manner so that the offense prohibits or is construed as prohibiting any pregnant woman or her physician from performing an abortion with the consent of the pregnant woman, with the consent of the pregnant woman implied by law in a medical emergency, or with the approval of one otherwise authorized by law to consent to medical treatment on behalf of the pregnant woman. An abortion that violates the conditions described in the immediately preceding sentence may be punished as any violation of R.C. § 2903.01, 2903.02, 2903.03, 2903.04, 2903.05, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 2903.14, 2903.21 or 2903.22, or a substantially equivalent municipal ordinance, as applicable. An abortion that does not violate the conditions described in the second immediately preceding sentence but that does violate R.C. § 2919.12, 2919.13(B), 2919.15, 2919.151, 2919.17 or 2919.18, or a substantially equivalent municipal ordinance, may be punished as a violation of such section, as applicable.

(2) In a manner so that the offense is applied or is construed as applying to a woman based on an act or

omission of the woman that occurs while she is or was pregnant and that results in any of the following:

(a) Her delivery of a stillborn baby.

(b) Her causing, in any other manner, the death in utero of a viable, unborn human that she is carrying.

(c) Her causing the death of her child who is born alive but who dies from one or more injuries that are sustained while the child is a viable, unborn human.

(d) Her causing her child who is born alive to sustain one or more injuries while the child is a viable, unborn human.

(e) Her causing, threatening to cause, or attempting to cause, in any other manner, an injury, illness, or other psychological illness or condition, regardless of its duration or gravity, to a viable, unborn human that she is carrying.
(R.C. § 2903.09) (Rev. 2020)

§ 135.02 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 R.C. § 2923.11.

(B) Whoever violates this section is guilty of negligent homicide, a misdemeanor of the first degree.
(R.C. § 2903.05) (Rev. 1997)
Statutory reference:
Reckless homicide, felony offense, see R.C. § 2903.041

§ 135.03 VEHICULAR HOMICIDE; VEHICULAR MANSLAUGHTER; VEHICULAR ASSAULT.

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

(1) (a) As the proximate result of committing a violation of R.C. § 4511.19(A) or of a substantially equivalent municipal ordinance;

(b) As the proximate result of committing a violation of R.C. § 1547.11(A), or of a substantially equivalent municipal ordinance;

(c) As the proximate result of committing a violation of R.C. § 4561.15(A)(3), or of a substantially equivalent municipal ordinance.

(2) In one of the following ways:

(a) Recklessly;

(b) As the proximate result of committing, while operating or participating in the operation of a motor vehicle or motorcycle in a construction zone, a reckless operation offense, provided that this division 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 reckless operation offense in the construction zone and does not apply as described in division (D) of this section.

(3) In one of the following ways:

(a) Negligently;

(b) As the proximate result of committing, while operating or participating in the operation of a motor vehicle or motorcycle in a construction zone, a speeding offense, provided that this division 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 division (D) of this section.

(4) As the proximate result of committing a violation of any provision of any section contained in R.C. Title 45 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 R.C. Title 45 that is a minor misdemeanor.

(B) (1) Whoever violates division (A)(1) or (A)(2) of this section is guilty of aggravated vehicular homicide, a felony to be prosecuted under appropriate state law.

(2) (a) Whoever violates division (A)(3) of this section is guilty of vehicular homicide. Except as otherwise provided in this division, vehicular homicide is a misdemeanor of the first degree. Vehicular homicide committed in violation of division (A)(3) of this section is a felony to be prosecuted under appropriate state law if, at the time of the offense, the offender was driving under a suspension or cancellation imposed under 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 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.

(b) In addition to any other sanctions imposed pursuant to this division, 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 R.C. § 4510.02(A)(4).

(3) (a) Whoever violates division (A)(4) of this section is guilty of vehicular manslaughter. Except as otherwise provided in this division, 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 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 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.

(b) In addition to any other sanctions imposed pursuant to this division, the court shall impose upon the offender a class six 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 R.C. § 4510.02(A)(6) or, if the offender previously has been convicted of or pleaded guilty to a violation of this section, any traffic-related homicide, manslaughter, or assault offense, or a traffic-related murder, felonious assault, or attempted murder offense, 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 R.C. § 4510.02(A)(4).

(C) The court shall impose a mandatory jail term of at least 15 days on an offender who is convicted of or pleads guilty to a misdemeanor violation of division (A)(3)(b) of this section and may impose upon the offender a longer jail term as authorized pursuant to R.C. § 2929.24.

(D) Divisions (A)(2)(b) and (A)(3)(b) of this section do not apply in a particular construction zone unless signs of the type described in 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 R.C. § 5501.27. The failure to erect signs of the type described in 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 division (A)(1), (A)(2)(a), (A)(3)(a), or (A)(4) of this section in that construction zone or the prosecution of any person who violates any of those divisions in that construction zone.

(E) (1) As used in this section:

CONSTRUCTION ZONE. Has the same meaning as in R.C. § 5501.27.

MANDATORY JAIL TERM. Has the same meaning as in R.C. § 2929.01.

MANDATORY PRISON TERM. Has the same meaning as in R.C. § 2929.01.

MOTOR VEHICLE. Has the same meaning as in R.C. § 4501.01.

RECKLESS OPERATION OFFENSE. Means a violation of R.C. § 4511.20 or a municipal ordinance substantially equivalent to R.C. § 4511.20.

SPEEDING OFFENSE. Means a violation of R.C. § 4511.21 or a municipal ordinance pertaining to speed.

TRAFFIC-RELATED HOMICIDE, MANSLAUGHTER, OR ASSAULT OFFENSE. Means a violation of R.C. § 2903.04 in circumstances in which division (D) of that section applies, a violation of R.C. § 2903.06 or 2903.08, or a violation of R.C. § 2903.06, 2903.07, or 2903.08 as they existed prior to March 23, 2000.

TRAFFIC-RELATED MURDER, FELONIOUS ASSAULT, OR ATTEMPTED MURDER OFFENSE. Means a violation of R.C. § 2903.01 or R.C. § 2903.02 in circumstances in which the offender used a motor vehicle as the means to commit the violation, a violation of R.C. § 2903.11(A)(2) in circumstances in which the deadly weapon used in the commission of the violation is a motor vehicle, or an attempt to commit aggravated murder or murder in violation of R.C. § 2923.02 in circumstances in which the offender used a motor vehicle as the means to attempt to commit the aggravated murder or murder.

(2) 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 this or another state or the United States.
(R.C. § 2903.06) (Rev. 2020)

(F) *Vehicular assault.*

(1) No person, while operating or participating in the operation of a motor vehicle or motorcycle, shall cause serious physical harm to another person or another's unborn as the proximate result of committing, while operating or participating in the operation of a motor vehicle or motorcycle in a construction zone, a speeding offense, provided that this division 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 division (F)(4) of this section.

(2) (a) Except as otherwise provided in this division, vehicular assault committed in violation of division (F)(1) of this section is a misdemeanor of the first degree. Vehicular assault committed in violation of division (F)(1) of

this section is a felony to be prosecuted under appropriate state law if, at the time of the offense, the offender was driving under a suspension imposed under 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 division (F)(1) of this section, R.C. § 2903.08, or any traffic-related homicide, manslaughter, or assault offense.

(b) 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 R.C. § 4510.02(A)(4).

(3) 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 misdemeanor violation of division (F)(1) of this section and may impose upon the offender a longer jail term as authorized pursuant to R.C. § 2929.24.

(4) Division (F)(1) of this section does not apply in a particular construction zone unless signs of the type described in 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 R.C. § 5501.27.

(5) As used in this division (F):

CONSTRUCTION ZONE. Has the same meaning as in R.C. § 5501.27.

MANDATORY JAIL TERM. Has the same meaning as in R.C. § 2929.01.

SPEEDING OFFENSE. Has the same meaning as in R.C. § 2903.06.

TRAFFIC-RELATED HOMICIDE, MANSLAUGHTER, OR ASSAULT OFFENSE. Has the same meaning as in R.C. § 2903.06.

(6) For the purposes of this division (F), 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.
(R.C. 2903.08(A)(3), (C)(3), (D)(3), (E) - (G)) (Rev. 2020)

Statutory reference:

Trial court to suspend driver's license, see R.C. § 4510.05
Vehicular assault and aggravated vehicular assault, felony offenses, see R.C. § 2903.08

§ 135.04 ASSAULT; NEGLIGENT ASSAULT.

(A) *Assault.*

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

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

(3) Whoever violates division (A)(1) or (A)(2) of this section is guilty of assault. Except as provided in R.C. § 2903.13(C), assault is a misdemeanor of the first degree.

(4) If an offender who is convicted of or pleads guilty to assault when it is a misdemeanor also is convicted of or pleads guilty to a specification as described in R.C. § 2941.1423 (victim of the offense was a woman whom the defendant knew was pregnant at the time of the offense) that was included in the indictment, count in the indictment, or information charging the offense, the court shall sentence the offender to a mandatory jail term as provided in R.C. § 2929.24(G).
(R.C. § 2903.13) (Rev. 2010)

(B) *Negligent assault.*

(1) No person shall negligently, by means of a deadly weapon or dangerous ordnance as defined in R.C. § 2923.11, cause physical harm to another or to another's unborn.

(2) Whoever violates division (B)(1) of this section is guilty of negligent assault, a misdemeanor of the third degree.
(R.C. § 2903.14) (Rev. 1997)

Cross-reference:

Jurisdictional limitation on Mayor regarding violations of division (A) of this section, see § 33.01(E)

Statutory reference:

Aggravated and felonious assault, see R.C. §§ 2903.11 and 2903.12
Felony offenses: assaulting functionally impaired person, peace officer, investigator of the Bureau of Criminal Identification and Investigation, firefighter, person performing emergency medical service, officer or employee of a public children services agency or private child placing agency; assault at a correctional institution; assault on school officials and school bus drivers; health care professional, worker or security guard at a hospital under certain circumstances; judge, magistrate, prosecutor or court official or employee under certain circumstances, see R.C. § 2903.13(C)
Permitting child abuse, felony offense, see R.C. § 2903.15
Persons who may seek relief under anti-stalking protection order; ex parte orders, see R.C. § 2903.214
Protection order as pretrial condition of release, see R.C. § 2903.213
Vehicular assault and aggravated vehicular assault, felony offenses, see R.C. § 2903.08

§ 135.05 INJURY TO PERSONS BY HUNTERS.

(A) No person in the act of hunting, pursuing, taking, or killing a wild animal shall act in a negligent, careless, or reckless manner so as to injure persons.
(R.C. § 1533.171(A)) (Rev. 1999)

(B) Whoever violates this section shall be guilty of a misdemeanor of the first degree.
(R.C. § 1533.99(C)) (Rev. 1997)
Statutory reference:
Violation, license revocation, see R.C. § 1533.171(B) through (E)

§ 135.06 MENACING; AGGRAVATED MENACING; MENACING BY STALKING.

(A) *Menacing.*

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

(2) Whoever violates division (A)(1) of this section is guilty of menacing. Except as otherwise provided in this division (A)(2), menacing is a misdemeanor of the fourth degree. If the victim of the offense is an officer or employee of a public children services agency or a private child placing agency and the offense relates to the officer's or employee's performance or anticipated performance of official responsibilities or duties, menacing is a misdemeanor of the first degree or, if the offender previously has been convicted of or pleaded guilty to an offense of violence, the victim of that prior offense was an officer or employee of a public children services agency or private child placing agency, and that prior offense related to the officer's or employee's performance or anticipated performance of official responsibilities or duties, a felony to be prosecuted under appropriate state law.

(3) As used in this division (A), ***ORGANIZATION*** includes an entity that is a governmental employer.
(R.C. § 2903.22) (Rev. 2015)

(B) *Aggravated menacing.*

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

(2) Whoever violates division (B)(1) of this section is guilty of aggravated menacing. Except as otherwise provided in this division (B)(2), aggravated menacing is a misdemeanor of the first degree. If the victim of the offense is an officer or employee of a public children services agency or a private child placing agency and the offense relates to the officer's or employee's performance or anticipated performance of official responsibilities or duties, aggravated menacing is a felony to be prosecuted under appropriate state law or, if the offender previously has been convicted of or pleaded guilty to an offense of violence, the victim of that prior offense was an officer or employee of a public children services agency or private child placing agency, and that prior offense related to the officer's or employee's performance or anticipated performance of official responsibilities or duties, a felony to be prosecuted under appropriate state law.

(3) As used in this division (B), ***ORGANIZATION*** includes an entity that is a governmental employer.
(R.C. § 2903.21) (Rev. 2015)

(C) *Menacing by stalking.*

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

(b) No person, through the use of any form of written communication or any electronic method of remotely transferring information, including but not limited to any computer, computer network, computer program, computer system, or telecommunication device, shall post a message or use any intentionally written or verbal graphic gesture with purpose to do either of the following:

1. Violate division (C)(1)(a) of this section;

2. Urge or incite another to commit a violation of division (C)(1)(a) of this section.

(c) No person, with a sexual motivation, shall violate division (C)(1)(a) or (C)(1)(b) of this section.

(2) Whoever violates division (C)(1) of this section is guilty of menacing by stalking.

(a) Except as otherwise provided in division (C)(2)(b) of this section, menacing by stalking is a misdemeanor of the first degree.

(b) Menacing by stalking is a felony, to be prosecuted under appropriate state law, if any of the following applies:

1. The offender previously has been convicted of or pleaded guilty to a violation of R.C. § 2903.211 or a violation of R.C. § 2911.211, or a substantially equivalent municipal ordinance to either of these offenses.

2. In committing the offense under division (C)(1)(a), (C)(1)(b) or (C)(1)(c) of this section, the offender made a threat of physical harm to or against the victim, or as a result of an offense committed under division (C)(1)(b) or (C)(1)(c) of this section, a third person induced by the offender's posted message made a threat of physical harm to or against the victim.

3. In committing the offense under division (C)(1)(a), (C)(1)(b) or (C)(1)(c) of this section, the offender trespassed on the land or premises where the victim lives, is employed, or attends school, or as a result of an offense committed under division (C)(1)(b) or (C)(1)(c) of this section, a third person induced by the offender's posted message trespassed on the land or premises where the victim lives, is employed, or attends school.

4. The victim of the offense is a minor.

5. The offender has a history of violence towards the victim or any other person or a history of other violent acts towards the victim or any other person.

6. While committing the offense under division (C)(1)(a) of this section or a violation of division (C)(1)(c) of this section based on conduct in violation of division (C)(1)(a) of this section, the offender had a deadly weapon on or about the offender's person or under the offender's control. Division (C)(2)(b)6. of this section does not apply in determining the penalty for a violation of division (C)(1)(b) of this section or a violation of division (C)(1)(c) of this section based on conduct in violation of division (C)(1)(b) of this section.

7. At the time of the commission of the offense, the offender was the subject of a protection order issued under R.C. § 2903.213 or R.C. § 2903.214, regardless of whether or not the person to be protected under the order is the victim of the offense or another person.

8. In committing the offense under division (C)(1)(a), (C)(1)(b) or (C)(1)(c) of this section, the offender caused serious physical harm to the premises at which the victim resides, to the real property on which that premises is located, or to any personal property located on that premises, or as a result of an offense committed under division (C)(1)(b) of this section or an offense committed under division (C)(1)(c) of this section based on a violation of division (C)(1)(b) of this section, a third person induced by the offender's posted message caused serious physical harm to that premises, that real property, or any personal property on that premises.

9. Prior to committing the offense, the offender had been determined to represent a substantial risk of physical harm to others as manifested by evidence of then-recent homicidal or other violent behavior, evidence of then-recent threats that placed another in reasonable fear of violent behavior and serious harm, or other evidence of then-present dangerousness.

10. The victim of the offense is an officer or employee of a public children services agency or a private child placing agency and the offense relates to the officer's or employee's performance or anticipated performance of official responsibilities or duties.

11. The offender previously has been convicted of or pleaded guilty to an offense of violence, the victim of that prior offense was an officer or employee of a public children services agency or private child placing agency, and that prior offense related to the officer's or employee's performance or anticipated performance of official responsibilities or duties.

(3) R.C. § 2919.271 applies in relation to a defendant charged with a violation of this section.

(4) As used in division (C) of this section:

COMPUTER. Has the same meaning as in R.C. § 2913.01.

COMPUTER NETWORK. Has the same meaning as in R.C. § 2913.01.

COMPUTER PROGRAM. Has the same meaning as in R.C. § 2913.01.

COMPUTER SYSTEM. Has the same meaning as in R.C. § 2913.01.

EMERGENCY FACILITY PERSON. Is the singular of "emergency facility personnel" as defined in R.C. § 2909.04.

EMERGENCY MEDICAL SERVICES PERSON. Is the singular of "emergency medical services personnel" as defined in R.C. § 2133.21.

FAMILY OR HOUSEHOLD MEMBER. Means any of the following:

1. Any of the following who is residing or has resided with the person against whom the act prohibited in division (C)(1)(a) of this section is committed:

a. A spouse, a person living as a spouse, or a former spouse of the person;

b. A parent, a foster parent, or a child of the person, or another person related by consanguinity or affinity to the person;

c. A parent or a child of a spouse, person living as a spouse, or former spouse of the person, or another person related by consanguinity or affinity to a spouse, person living as a spouse, or former spouse of the person.

2. The natural parent of any child of whom the person against whom the act prohibited in division (C)(1)(a) of this section is committed is the other natural parent or is the putative other natural parent.

MENTAL DISTRESS. Means any of the following:

1. Any mental illness or condition that involves some temporary substantial incapacity;

2. Any mental illness or condition that would normally require psychiatric treatment, psychological treatment, or other mental health services, whether or not any person requested or received psychiatric treatment, psychological treatment, or other mental health services.

ORGANIZATION. Includes an entity that is a governmental employer.

PATTERN OF CONDUCT. Means two or more actions or incidents closely related in time, whether or not there has been a prior conviction based on any of those actions or incidents, or two or more actions or incidents closely related in time, whether or not there has been a prior conviction based on any of those actions or incidents, directed at one or more persons employed by or belonging to the same corporation, association, or other organization. Actions or incidents that prevent, obstruct, or delay the performance by a public official, firefighter, rescuer, emergency medical services person, or emergency facility person of any authorized act within the public official's, firefighter's, rescuer's, emergency medical services person's, or emergency facility person's official capacity, or the posting of messages, use of intentionally written or verbal graphic gestures, or receipt of information or data through the use of any form of written communication or an electronic method of remotely transferring information, including but not limited to a computer, computer network, computer program, computer system, or telecommunications device, may constitute a "pattern of conduct".

PERSON LIVING AS A SPOUSE. Means a person who is living or has lived with the person against whom the act prohibited in division (C)(1)(a) of this section is committed in a common law marital relationship, who otherwise is cohabiting with that person, or who otherwise has cohabited with the person within five years prior to the date of the alleged commission of the act in question.

POST A MESSAGE. Means transferring, sending, posting, publishing, disseminating, or otherwise communicating, or attempting to transfer, send, post, publish, disseminate, or otherwise communicate, any message or information, whether truthful or untruthful, about an individual, and whether done under one's own name, under the name of another, or while impersonating another.

PUBLIC OFFICIAL. Has the same meaning as in R.C. § 2921.01.

SEXUAL MOTIVATION. Has the same meaning as in R.C. § 2971.01.

TELECOMMUNICATIONS DEVICE. Has the same meaning as in R.C. § 2913.01.

THIRD PERSON. Means, in relation to conduct as described in division (C)(1)(b) of this section, an individual who is neither the offender nor the victim of the conduct.

(5) The prosecution does not need to prove in a prosecution under division (C) of this section that a person requested or received psychiatric treatment, psychological treatment, or other mental health services in order to show that the person was caused mental distress as described in division (2) of the definition for "mental distress" in this section.

(6) (a) Division (C) of this section does not apply to a person solely because the person provided access or connection to or from an electronic method of remotely transferring information not under that person's control, including having provided capabilities that are incidental to providing access or connection to or from the electronic method of remotely transferring the information, and that do not include the creation of the content of the material that is the subject of the access or connection. In addition, any person providing access or connection to or from an electronic method of remotely transferring information not under that person's control shall not be liable for any action voluntarily taken in good faith to block the receipt or transmission through its service of any information that it believes is or will be sent in violation of division (C) of this section.

(b) Division (C)(6)(a) of this section does not create an affirmative duty for any person providing access or connection to or from an electronic method of remotely transferring information not under that person's control to block the receipt or transmission through its service of any information that it believes is or will be sent in violation of division (C) of this section except as otherwise provided by law.

(c) Division (C)(6)(a) of this section does not apply to a person who conspires with a person actively involved in the creation or knowing distribution of material in violation of division (C) of this section or who knowingly advertises the availability of material of that nature.
(R.C. § 2903.211) (Rev. 2017)

Cross-reference:

Jurisdictional limitation on Mayor regarding violations of division (C) of this section, see § 33.01(E)
Violation of protection orders, see § 135.23

Statutory reference:

Authority of corporations to seek protection orders in certain circumstances, see R.C. § 2903.215
Conditions of bail for violators, see R.C. § 2903.212
Persons who may seek relief under anti-stalking protection order; ex parte orders, see R.C. § 2903.214
Protection order as pretrial condition of release, see R.C. § 2903.213

§ 135.07 UNLAWFUL RESTRAINT.

(A) No person, without privilege to do so, shall knowingly restrain another of the other person's liberty.

(B) No person, without privilege to do so and with a sexual motivation, shall knowingly restrain another of the other person's liberty.

(C) Whoever violates this section is guilty of unlawful restraint, a misdemeanor of the third degree.

(D) As used in this section, ***SEXUAL MOTIVATION*** has the same meaning as in R.C. § 2971.01.
(R.C. § 2905.03) (Rev. 2008)

§ 135.08 UNLAWFUL COLLECTION OF BODILY SUBSTANCES.

(A) No person shall knowingly collect any blood, urine, tissue, or other bodily substance of another person without privilege or consent to do so.

(B) (1) Division (A) of this section does not apply to any of the following:

(a) The collection of any bodily substance of a person by a law enforcement officer, or by another person pursuant to the direction or advice of a law enforcement officer, for purposes of a chemical test or tests of the substance under R.C. § 1547.111(A)(1) or R.C. § 4511.191(A)(2) to determine the alcohol, drug, controlled substance, metabolite of a controlled substance, or combination content of the bodily substance;

(b) The collection of any bodily substance of a person by a peace officer, or by another person pursuant to the direction or advice of a peace officer, for purposes of a test or tests of the substance as provided in R.C. § 4506.17(A) to determine the person's alcohol concentration or the presence of any controlled substance or metabolite of a controlled substance.

(2) Division (B)(1) of this section shall not be construed as implying that the persons identified in divisions (B)(1)(a) and (b) of this section do not have privilege to collect the bodily substance of another person as described in those divisions or as limiting the definition of "privilege" set forth in R.C. § 2901.01.

(C) Whoever violates division (A) of this section is guilty of unlawful collection of a bodily substance. Except as otherwise provided in this division, unlawful collection of a bodily substance is a misdemeanor of the first degree. If the offender previously has been convicted of or pleaded guilty to a violation of division (A) of this section or a substantially equivalent state law or municipal ordinance, unlawful collection of a bodily substance is a felony to be prosecuted under appropriate state law.
(R.C. § 2927.15) (Rev. 2021)

§ 135.09 COERCION.

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

(1) Threaten to commit any offense.

(2) Utter or threaten any slander against any person.

(3) Expose or threaten to expose any matter tending to subject any person to hatred, contempt, or ridicule, or to damage any person's personal or business repute, or to impair any person's credit.

(4) Institute or threaten criminal proceedings against any person.

(5) Take or withhold, or threaten to take or withhold official action, or cause or threaten to cause official action to be taken or withheld.

(B) Divisions (A)(4) and (A)(5) of this section shall not be construed to prohibit a prosecutor or court from doing any of the following in good faith and in the interests of justice:

(1) Offering or agreeing to grant, or granting immunity from prosecution pursuant to R.C. § 2945.44.

(2) In return for a plea of guilty to one or more offenses charged or to one or more other or lesser offenses, or in return for the testimony of the accused in a case to which the accused is not a party, offering or agreeing to dismiss, or dismissing one or more charges pending against an accused, or offering or agreeing to impose, or imposing a certain sentence or modification of sentence.

(3) Imposing a community control sanction on certain conditions, including without limitation requiring the offender to make restitution or redress to the victim of the offense.

(C) It is an affirmative defense to a charge under division (A)(3), (A)(4), or (A)(5) of this section that the actor's conduct was a reasonable response to the circumstances which occasioned it, and that the actor's purpose was limited to any of the following:

(1) Compelling another to refrain from misconduct or to desist from further misconduct.

(2) Preventing or redressing a wrong or injustice.

(3) Preventing another from taking action for which the actor reasonably believed the other person to be disqualified.

(4) Compelling another to take action which the actor reasonably believed the other person to be under a duty to take.

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

(E) As used in this section:

COMMUNITY CONTROL SANCTION has the same meaning as in R.C. § 2929.01.

THREAT includes a direct threat and a threat by innuendo.
(R.C. § 2905.12) (Rev. 2016)

§ 135.10 BIGAMY.

(A) No married person shall marry another or continue to cohabit with such other person in this municipality.

(B) It is an affirmative defense to a charge under this section that the actor's spouse was continuously absent for five years immediately preceding the purported subsequent marriage, and was not known by the actor to be alive within that time.

(C) Whoever violates this section is guilty of bigamy, a misdemeanor of the first degree.
(R.C. § 2919.01)

§ 135.11 UNLAWFUL ABORTION; FAILURE TO PERFORM VIABILITY TESTING.

(A) As used in this section:

ABORTION. Means the purposeful termination of a human pregnancy by any person, including the pregnant woman herself, with an intention other than to produce a live birth or to remove a dead fetus or embryo.
(R.C. § 2919.11)

EMANCIPATED. A minor shall be considered emancipated if the minor has married, entered the armed services of the United States, become employed and self-subsisting, or has otherwise become independent from the care and control of her parent, guardian or custodian.

UNEMANCIPATED. Means a woman who is unmarried and under 18 years of age who has not entered the armed services of the United States, has not become employed and self-subsisting, or has not otherwise become independent from the care and control of her parent, guardian, or custodian.

(B) No person shall perform or induce an abortion without the informed consent of the pregnant woman.

(C) No person shall knowingly perform or induce an abortion upon a pregnant minor unless one of the following is the case:

(1) The attending physician has secured the informed written consent of the minor and one parent, guardian or custodian;

(2) The minor is emancipated and the attending physician has received her informed written consent;

(3) The minor has been authorized to consent to the abortion by a court order issued pursuant to R.C. § 2919.121(C) and the attending physician has received her informed written consent; or

(4) The court has given its consent in accordance with R.C. § 2919.121(C) and the minor is having the abortion willingly.

(D) No person shall knowingly perform or induce an abortion upon a woman who is pregnant, unmarried, under 18 years of age, and unemancipated unless at least one of the circumstances enumerated in R.C. § 2919.12(B) applies.

(E) (1) It is an affirmative defense to a charge under division (D) of this section that the pregnant woman provided the person who performed or induced the abortion with false, misleading, or incorrect information about her age, marital status, or emancipation, about the age of the brother or sister to whom she requested notice to be given as a specified relative instead of one of her parents, her guardian, or her custodian, or about the last known address of either of her parents, her guardian, her custodian, or a specified brother, sister, stepparent, or grandparent to whom she requested notice be given and the person who performed or induced the abortion did not otherwise have reasonable cause to believe the pregnant woman was under 18 years of age, unmarried, or unemancipated, to believe that the age of the brother or sister to whom she requested notice be given as a specified relative

instead of one of her parents, her guardian, or her custodian was not 21 years of age, or to believe that the last known address of either of her parents, her guardian, her custodian, or a specified brother, sister, stepparent, or grandparent to whom she requested notice be given was incorrect.

(2) It is an affirmative defense to a charge under this section that compliance with the requirements of this section was not possible because an immediate threat of serious risk to the life or physical health of the pregnant woman or pregnant minor from the continuation of her pregnancy created an emergency necessitating the immediate performance or inducement of an abortion.

(F) Whoever violates this section is guilty of unlawful abortion. A violation of division (B), (C) or (D) of this section is a misdemeanor of the first degree on the first offense and a felony to be prosecuted under appropriate state law on each subsequent offense.

(G) Whoever violates this section is liable to the pregnant woman or pregnant minor, and her parents, guardian, or custodian for civil, compensatory and exemplary damages.
(R.C. §§ 2919.12, 2919.121)

(H) (1) Division (C) of this section applies in lieu of division (D) of this section whenever its operation is not enjoined. If division (C) of this section is enjoined, division (D) of this section applies.

(2) If a person complies with the requirements of division (D) of this section under the good faith belief that the application or enforcement of division (C) of this section is subject to a restraining order or injunction, good faith compliance shall constitute a complete defense to any civil, criminal or professional disciplinary action brought under division (C) of this section or R.C. § 2919.121.

(3) If a person complies with the requirements of division (C) of this section under the good faith belief that it is not subject to a restraining order or injunction, good faith compliance shall constitute a complete defense to any civil, criminal or professional disciplinary action for failure to comply with the requirements of division (D) of this section.
(R.C. § 2919.122) (Rev. 1999)

(I) Failure to perform viability testing.

(1) Except in a medical emergency that prevents compliance with this division, no physician shall perform or induce or attempt to perform or induce an abortion on a pregnant woman after the beginning of the twentieth week of gestation unless, prior to the performance or inducement of the abortion or the attempt to perform or induce the abortion, the physician determines, in the physician's good faith medical judgment, that the unborn child is not viable, and the physician makes that determination after performing a medical examination of the pregnant woman and after performing or causing to be performed those tests for assessing gestational age, weight, lung maturity, or other tests that the physician, in that physician's good faith medical judgment, believes are necessary to determine whether an unborn child is viable.

(2) Except in a medical emergency that prevents compliance with this division, no physician shall perform or induce or attempt to perform or induce an abortion on a pregnant woman after the beginning of the twentieth week of gestation without first entering the determination made in division (I)(1) of this section and the associated findings of the medical examination and tests in the medical record of the pregnant woman.

(3) Whoever violates this division (I) is guilty of failure to perform viability testing, a misdemeanor of the fourth degree.

(4) The State Medical Board shall suspend a physician's license to practice medicine in this state for a period of not less than six months if the physician violates this section.
(R.C. § 2919.18) (Rev. 2012)

Statutory reference:

Judicial bypass, see R.C. § 2151.85
Judicial consent and the right of a minor to consent, see R.C. § 2919.121(C)
Notice or consent requirements for unmarried minors, see R.C. § 2919.12(B)

§ 135.12 ABORTION TRAFFICKING.

(A) No person shall experiment upon or sell the product of human conception which is aborted. Experiment does not include autopsies pursuant to R.C. §§ 313.13 and 2108.50.

(B) Whoever violates this section is guilty of abortion trafficking, a misdemeanor of the first degree.
(R.C. § 2919.14)

§ 135.13 NONSUPPORT OF DEPENDENTS.

(A) No person shall abandon, or fail to provide adequate support to:

(1) His or her spouse, as required by law;

(2) His or her legitimate or illegitimate child who is under age 18, or mentally or physically disabled child who is under age 21;

(3) His or her aged or infirm parent or adoptive parent, who from lack of ability and means is unable to provide adequately for his or her own support.

(B) (1) No person shall abandon, or fail to provide support as established by a court order to, another person whom, by court order or decree, the person:

(a) Is legally obligated to support; or

(b) Was legally obligated to support, and an amount for support:

1. Was due and owing prior to the date the person's duty to pay current support terminated; and

2. Remains unpaid.

(2) The period of limitation under R.C. § 2901.13 applicable to division (B)(1)(b) of this section shall begin to run on the date the person's duty to pay current support terminates.

(C) No person shall aid, abet, induce, cause, encourage, or contribute to a child or a ward of the juvenile court becoming a dependent child, as defined in R.C. § 2151.04, or a neglected child, as defined in R.C. § 2151.03.

(D) It is an affirmative defense to a charge of failure to provide adequate support under division (A) of this section or a charge of failure to provide support established by a court order under division (B) of this section that the accused was unable to provide adequate support or the established support, but did provide the support that was within his or her ability and means.

(E) It is an affirmative defense to a charge under division (A)(3) of this section that the parent abandoned the accused, or failed to support the accused as required by law, while the accused was under age 18, or was mentally or physically disabled and under age 21.

(F) It is not a defense to a charge under division (B) of this section that the person whom a court has ordered the accused to support is being adequately supported by someone other than the accused.

(G) (1) Except as otherwise provided in this division, whoever violates division (A) or (B) of this section is guilty of nonsupport of dependents, a misdemeanor of the first degree. If the offender previously has been convicted of or pleaded guilty to a violation of division (A)(2) or (B) of this section or a substantially equivalent state law or municipal ordinance, or if the offender has failed to provide support under division (A)(2) or (B) of this section for a total accumulated period of 26 weeks out of 104 consecutive weeks, whether or not the 26 weeks were consecutive, then a violation of division (A)(2) or (B) of this section is a felony to be prosecuted under appropriate state law. If the offender previously has been convicted of or pleaded guilty to a felony violation of this section or a substantially equivalent state law or municipal ordinance, a violation of division (A)(2) or (B) of this section is a felony to be prosecuted under appropriate state law.

(2) If the offender is guilty of nonsupport of dependents by reason of failing to provide support to his or her child as required by a child support order issued on or after April 15, 1985, pursuant to R.C. § 2151.23, 2151.231, 2151.232, 2151.33, 3105.21, 3109.05, 3111.13, 3113.04, 3113.31, 3115.401, or former R.C. § 3115.31, the court, in addition to any other sentence imposed, shall assess all court costs arising out of the charge against the person and require the person to pay any reasonable attorney's fees of any adverse party other than the state, as determined by the court, that arose in relation to the charge.

(3) Whoever violates division (C) of this section is guilty of contributing to the nonsupport of dependents, a misdemeanor of the first degree. Each day of a violation of division (C) of this section is a separate offense.
(R.C. § 2919.21) (Rev. 2019)

§ 135.14 ENDANGERING CHILDREN.

(A) No person, who is the parent, guardian, custodian, person having custody or control, or person in loco parentis of a child under 18 years of age or a mentally or physically disabled child under 21 years of age, shall create a substantial risk to the health or safety of the child by violating a duty of care, protection, or support. It is not a violation of a duty of care, protection, or support under this division when the parent, guardian, custodian, or person having custody or control of a child treats the physical or mental illness or disability of the child by spiritual means through prayer alone, in accordance with the tenets of a recognized religious body.

(B) No person shall do any of the following to a child under 18 years of age or a mentally or physically disabled child under 21 years of age:

(1) Abuse the child.

(2) Torture or cruelly abuse the child.

(3) Administer corporal punishment or other physical disciplinary measure, or physically restrain the child in a cruel manner or for a prolonged period, which punishment, discipline or restraint is excessive under the circumstances and creates a substantial risk of serious physical harm to the child.

(4) Repeatedly administer unwarranted disciplinary measures to a child when there is a substantial risk that such conduct, if continued, will seriously impair or retard the child's mental health or development.

(5) Entice, coerce, permit, encourage, compel, hire, employ, use, or allow the child to act, model, or in any other way participate in, or be photographed for, the production, presentation, dissemination, or advertisement of any material or performance that the offender knows or reasonably should know is obscene, is sexually oriented matter, or is nudity-oriented matter;

(6) Allow the child to be on the same parcel of real property and within 100 feet of, or, in the case of more than one housing unit on the same parcel of real property, in

the same housing unit and within 100 feet of, any act in violation of R.C. § 2925.04 or 2925.041 when the person knows that the act is occurring, whether or not any person is prosecuted for or convicted of the violation of R.C. § 2925.04 or 2925.041 that is the basis of the violation of this division.

(C) (1) No person shall operate a vehicle, as defined by R.C. § 4511.01, within the municipality and in violation of R.C. § 4511.19(A), or a substantially equivalent municipal ordinance, when one or more children under 18 years of age are in the vehicle. Notwithstanding any other provision of law, a person may be convicted at the same trial or proceeding of a violation of this division and a violation of R.C. § 4511.19(A), or a substantially equivalent municipal ordinance, that constitutes the basis of the charge of the violation of this division. For purposes of R.C. §§ 4511.191 through 4511.197 and all related provisions of law, a person arrested for a violation of this division shall be considered to be under arrest for operating a vehicle while under the influence of alcohol, a drug of abuse, or a combination of them or for operating a vehicle with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath, or urine.

(2) As used in division (C)(1) of this section:

CONTROLLED SUBSTANCE. Has the same meaning as in R.C. § 3719.01.

VEHICLE. Has the same meaning as in R.C. § 4511.01.

(D) (1) Division (B)(5) of this section does not apply to any material or performance that is produced, presented, or disseminated for a bona fide medical, scientific, educational, religious, governmental, judicial, or other proper purpose, by or to a physician, psychologist, sociologist, scientist, teacher, person pursuing bona fide studies for research, librarian, member of the clergy, prosecutor, judge, or other person having a proper interest in the material or performance.

(2) Mistake of age is not a defense to a charge under division (B)(5) of this section.

(3) In a prosecution under division (B)(5) of this section, the trier of fact may infer that an actor, model, or participant in the material or performance involved is a juvenile if the material or performance, through its title, text, visual representation, or otherwise, represents or depicts the actor, model, or participant as a juvenile.

(4) As used in this division and division (B)(5) of this section:

MATERIAL. Has the same meaning as in R.C. § 2907.01.

NUDITY-ORIENTED MATTER means any material or performance that shows a minor in a state of nudity and that, taken as a whole by the average person applying contemporary community standards, appeals to the prurient interest.

OBSCENE. Has the same meaning as in R.C. § 2907.01.

PERFORMANCE. Has the same meaning as in R.C. § 2907.01.

SEXUAL ACTIVITY. Has the same meaning as in R.C. § 2907.01.

SEXUALLY ORIENTED MATTER. Means any material or performance that shows a minor participating or engaging in sexual activity, masturbation, or bestiality.

(E) Whoever violates this section is guilty of endangering children.

(1) If the offender violates division (A) or (B)(1) of this section, endangering children is one of the following:

(a) Except as otherwise provided in division (E)(1)(b), (E)(1)(c) or (E)(1)(d), a misdemeanor of the first degree.

(b) If the offender previously has been convicted of an offense under this section or a substantially equivalent state law or municipal ordinance, or of any offense involving neglect, abandonment, or contributing to the delinquency of or physical abuse of a child, except as otherwise provided in division (E)(1)(c) or (E)(1)(d) of this section, endangering children is a felony to be prosecuted under appropriate state law.

(c) If the violation is a violation of division (A) of this section and results in serious physical harm to the child involved, endangering children is a felony to be prosecuted under appropriate state law.

(d) If the violation is a violation of division (B)(1) of this section and results in serious physical harm to the child involved, endangering children is a felony to be prosecuted under appropriate state law.

(2) If the offender violates division (B)(2), (B)(3), (B)(4), (B)(5) or (B)(6) of this section, endangering children is a felony to be prosecuted under appropriate state law.

(3) If the offender violates division (C) of this section, the offender shall be punished as follows:

(a) Except as provided in (E)(3)(b) or (E)(3)(c), endangering children in violation of division (C) of this section is a misdemeanor of the first degree.

(b) If the violation results in serious physical harm to the child or if the offender previously has been convicted of a violation of this section or a substantially equivalent state law or municipal ordinance, or of any offense

involving neglect, abandonment, or contributing to the delinquency of or physical abuse of a child, except as otherwise provided in division (E)(3)(c) of this section, endangering children in violation of division (C) of this section is a felony to be prosecuted under appropriate state law.

(c) If the violation results in serious physical harm to the child and if the offender previously has been convicted of a violation of this section, R.C. § 2903.06, 2903.08, 2919.22(C) or former R.C. § 2903.07 as it existed prior to March 23, 2000, or R.C. § 2903.04, in a case in which the offender was subject to the sanctions described in division (D) of that section, endangering children in violation of division (C) of this section is a felony to be prosecuted under appropriate state law.

(d) In addition to any term of imprisonment, fine, or other sentence, penalty or sanction it imposes upon the offender pursuant to divisions (E)(3)(a), (E)(3)(b) or (E)(3)(c) of this section or pursuant to any other provision of law, and in addition to any suspension of the offender's driver's license or commercial driver's license or permit or nonresident operating privilege under R.C. Chapter 4506, 4509, 4510, or 4511, or any other provision of law, the court also may impose upon the offender a class seven suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege from the range specified in R.C. § 4510.02(A)(7).

(e) In addition to any term of imprisonment, fine, or other sentence, penalty or sanction imposed upon the offender pursuant to division (E)(3)(a), (E)(3)(b), (E)(3)(c) or (E)(3)(d) of this section or pursuant to any other provision of law for the violation of division (C) of this section, if as a part of the same trial or proceeding the offender also is convicted of or pleads guilty to a separate charge charging the violation of R.C. § 4511.19(A), or a substantially equivalent municipal ordinance, that was the basis of the charge of the violation of division (C) of this section, the offender also shall be sentenced in accordance with R.C. § 4511.19, or a substantially equivalent municipal ordinance, for that violation of R.C. § 4511.19(A), or a substantially equivalent municipal ordinance.

(F) (1) If a person violates division (C) of this section and if, at the time of the violation, there were two or more children under 18 years of age in the motor vehicle involved in the violation, the offender may be convicted of a violation of division (C) of this section for each of the children, but the court may sentence the offender for only one of the violations.

(2) (a) If a person is convicted of or pleads guilty to a violation of division (C) of this section but the person is not also convicted of and does not also plead guilty to a separate charge of violating R.C. § 4511.19(A), or a substantially equivalent municipal ordinance, that was the basis of the charge of the violation of division (C) of this section, both the following apply:

1. For purposes of the provisions of R.C. § 4511.19, or a substantially equivalent municipal ordinance, that set forth the penalties and sanctions for a violation of R.C. § 4511.19(A), or a substantially equivalent municipal ordinance, the conviction of or plea of guilty to the violation of division (C) of this section shall not constitute a violation of R.C. § 4511.19(A), or a substantially equivalent municipal ordinance.

2. For purposes of the provisions of law that refers to a conviction of or plea of guilty to a violation of R.C. § 4511.19(A), or a substantially equivalent municipal ordinance, and that is not described in division (F)(2)(a)1. of this section, the conviction of or plea of guilty to the violation of division (C) of this section shall constitute a conviction or plea of guilty to a violation of R.C. § 4511.19(A), or a substantially equivalent municipal ordinance.

(b) If a person is convicted of or pleads guilty to a violation of division (C) of this section and the person also is convicted of or pleads guilty to a separate charge of violating R.C. § 4511.19(A), or a substantially equivalent municipal ordinance, that was the basis of the charge of the violation of division (C) of this section, the conviction of or plea of guilty to the violation of division (C) of this section shall not constitute, for the purposes of any provision of law that refers to a conviction of or a plea of guilty to a violation of R.C. § 4511.19(A) or a substantially equivalent municipal ordinance, a conviction of or a plea of guilty to a violation of R.C. § 4511.19(A) or a substantially equivalent municipal ordinance.
(R.C. § 2919.22(A) - (E), (H)) (Rev. 2007)

Statutory reference:

Community service, requirements, see R.C. § 2919.22(F)
License suspension, requirements, see R.C. § 2919.22(G)
Permitting child abuse, felony offense, see R.C. § 2903.15

§ 135.15 INTERFERENCE WITH CUSTODY; INTERFERENCE WITH SUPPORT ORDERS.

(A) *Interference with custody.*

(1) No person, knowing that he or she is without privilege to do so or being reckless in that regard, shall entice, take, keep, or harbor a person identified in division (A)(1)(a), (A)(1)(b) or (A)(1)(c) of this section from the parent, guardian, or custodian of the person identified in division (A)(1)(a), (A)(1)(b) or (A)(1)(c) of this section:

(a) A child under the age of 18, or a mentally or physically disabled child under the age of 21;

(b) A person committed by law to an institution for delinquent, unruly, neglected, abused, or dependent children;

(c) A person committed by law to an institution for the mentally ill or an institution for persons with intellectual disabilities.

(2) No person shall aid, abet, induce, cause, or encourage a child or a ward of the juvenile court who has been committed to the custody of any person, department, or public or private institution to leave the custody of that person, department, or institution without legal consent.

(3) It is an affirmative defense to a charge of enticing or taking under division (A)(1)(a) of this section that the actor reasonably believed that his or her conduct was necessary to preserve the child's health or safety. It is an affirmative defense to a charge of keeping or harboring under division (A)(1) of this section that the actor in good faith gave notice to law enforcement or judicial authorities within a reasonable time after the child or committed person came under his or her shelter, protection, or influence.

(4) Whoever violates this section is guilty of interference with custody.

(a) Except as otherwise provided in this subdivision, a violation of division (A)(1)(a) above is a misdemeanor of the first degree. If the child who is the subject of a violation of division (A)(1)(a) is removed from the state or if the offender previously has been convicted of an offense under this section or a substantially equivalent state law or municipal ordinance, a violation of division (A)(1)(a) of this section is a felony to be prosecuted under appropriate state law. If the child who is the subject of a violation of division (A)(1)(a) suffers physical harm as a result of the violation, a violation of division (A)(1)(a) of this section is a felony to be prosecuted under appropriate state law.

(b) A violation of division (A)(1)(b) or (A)(1)(c) of this section is a misdemeanor of the third degree.

(c) A violation of division (A)(2) of this section is a misdemeanor of the first degree. Each day of a violation of division (A)(2) is a separate offense.
(R.C. § 2919.23) (Rev. 2017)

(B) *Interference with support orders.*

(1) No person, by using physical harassment or threats of violence against another person, shall interfere with the other person's initiation or continuance of, or attempt to prevent the other person from initiating or continuing, an action to issue or modify a support order under R.C. Chapter 3115, or under R.C. § 2151.23, 2151.231, 2151.232, 2151.33, 2151.36, 2151.361, 2151.49, 3105.18, 3105.21, 3109.05, 3109.19, 3111.13, 3113.04, 3113.07, or 3113.31.

(2) Whoever violates this division (B) is guilty of interfering with an action to issue or modify a support order, a misdemeanor of the first degree. If the offender previously has been convicted of or pleaded guilty to a violation of this division (B) or a substantially equivalent state law or municipal ordinance, or R.C. § 3111.19, interfering with an action to issue or modify a support order is a felony to be prosecuted under appropriate state law.
(R.C. § 2919.231) (Rev. 2002)

§ 135.16 DOMESTIC VIOLENCE.

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

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

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

(D) (1) Whoever violates this section is guilty of domestic violence, and the court shall sentence the offender as provided in divisions (D)(2) to (D)(5) of this section.

(2) Except as otherwise provided in division (D)(3), (D)(4) or (D)(5) of this section, a violation of division (C) of this section is a misdemeanor of the fourth degree and a violation of division (A) or (B) of this section is a misdemeanor of the first degree.

(3) Except as otherwise provided in division (D)(4) of this section, if the offender previously has pleaded guilty to or been convicted of domestic violence, a violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially equivalent to domestic violence, a violation of R.C. § 2903.14, 2909.06, 2909.07, 2911.12, 2911.211, or 2919.22 if the victim of the violation was a family or household member at the time of the violation, a violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially equivalent to any of those sections if the victim of the violation was a family or household member at the time of the commission of the violation, or any offense of violence if the victim of the offense was a family or household member at the time of the commission of the offense, a violation of division (A) or (B) is a felony to be prosecuted under appropriate state law, and a violation of division (C) is a misdemeanor of the second degree.

(4) If the offender previously has pleaded guilty to or been convicted of two or more offenses of domestic violence or two or more violations or offenses of the type described in division (D)(3) of this section involving a person who was a family or household member at the time of the violations or offenses, a violation of division (A) or (B) of this section is a felony to be prosecuted under appropriate state law, and a violation of division (C) of this section is a misdemeanor of the first degree.

(5) Except as otherwise provided in division (D)(3) or (D)(4) of this section, if the offender knew that the victim of the violation was pregnant at the time of the violation, a violation of division (A) or (B) of this section is

a felony to be prosecuted under appropriate state law, and a violation of division (C) of this section is a misdemeanor of the third degree.

(E) Notwithstanding any provision of law to the contrary, no court or unit of state or local government shall charge any fee, cost, deposit, or money in connection with the filing of charges against a person alleging that the person violated this section or a municipal ordinance substantially equivalent to this section or in connection with the prosecution of any charges so filed.

(F) As used in this section:

FAMILY OR HOUSEHOLD MEMBER. Means any of the following:

(a) Any of the following who is residing or has resided with the offender:

1. A spouse, a person living as a spouse as defined below, or a former spouse of the offender;

2. A parent, a foster parent, or a child of the offender, or another person related by consanguinity or affinity to the offender;

3. A parent or a child of a spouse, person living as a spouse, or former spouse of the offender, or another person related by consanguinity or affinity to a spouse, person living as a spouse, or former spouse of the offender.

(b) The natural parent of any child of whom the offender is the other natural parent or is the putative other natural parent.

PERSON LIVING AS A SPOUSE. Means a person who is living or has lived with the offender in a common law marital relationship, who otherwise is cohabiting with the offender, or who otherwise has cohabited with the offender within five years prior to the date of the alleged commission of the act in question.
(R.C. § 2919.25) (Rev. 2011)
Cross-reference:
Jurisdictional limitation on Mayor regarding violations of this section, see § 33.01(E)
Violation of protection orders, see § 135.23
Statutory reference:
Temporary protection orders, see R.C. § 2919.26
Violation of protection order or consent agreement, factors to consider, bail, see R.C. § 2919.251

§ 135.17 HAZING PROHIBITED.

(A) As used in this section, ***HAZING*** means doing any act or coercing another, including the victim, to do any act of initiation into any student or other organization that causes or creates a substantial risk of causing mental or physical harm to any person.

(B) (1) No person shall recklessly participate in the hazing of another.

(2) No administrator, employee, or faculty member of any primary, secondary, or post-secondary school or of any other educational institution, public or private, shall recklessly permit the hazing of any person.

(C) Whoever violates this section is guilty of hazing, a misdemeanor of the fourth degree.
(R.C. § 2903.31)
Statutory reference:
Civil liability for hazing, see R.C. § 2307.44

§ 135.18 CONTRIBUTING TO UNRULINESS OR DELINQUENCY OF A CHILD.

(A) As used in this section:

DELINQUENT CHILD. Has the same meaning as in R.C. § 2152.02.

UNRULY CHILD. Has the same meaning as in R.C. § 2151.022.

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

(1) Aid, abet, induce, cause, encourage, or contribute to a child or a ward of the juvenile court becoming an unruly child or a delinquent child;

(2) Act in a way tending to cause a child or a ward of the juvenile court to become an unruly child or a delinquent child;

(3) Act in a way that contributes to an adjudication of the child as a delinquent child based on the child's violation of a court order adjudicating the child an unruly child for being an habitual truant;

(4) If the person is the parent, guardian, or custodian of a child who has the duties under R.C. Chapters 2152 and 2950 to register, register a new residence address, and periodically verify a residence address, and, if applicable, to send a notice of intent to reside, and if the child is not emancipated, as defined in R.C. § 2919.121, fail to ensure that the child complies with those duties under R.C. Chapters 2152 and 2950.

(C) Whoever violates this section is guilty of contributing to the unruliness or delinquency of a child, a misdemeanor of the first degree. Each day of violation of this section is a separate offense.
(R.C. § 2919.24) (Rev. 2018)
Statutory reference:
Failure to send child to school, see R.C. § 3321.38

§ 135.19 FAILURE TO PROVIDE FOR FUNCTIONALLY IMPAIRED PERSON.

(A) No caretaker shall knowingly fail to provide a functionally impaired person under his or her care with any treatment, care, goods, or service that is necessary to maintain the health or safety of the functionally impaired person when this failure results in physical harm or serious physical harm to the functionally impaired person.

(B) No caretaker shall recklessly fail to provide a functionally impaired person under his or her care with any treatment, care, goods, or service that is necessary to maintain the health or safety of the functionally impaired person when this failure results in serious physical harm to the functionally impaired person.

(C) (1) Whoever violates division (A) of this section is guilty of knowingly failing to provide for a functionally impaired person, a misdemeanor of the first degree. If the functionally impaired person under the offender's care suffers serious physical harm as a result of the violation of this section, a violation of division (A) of this section is a felony to be prosecuted under appropriate state law.

(2) Whoever violates division (B) of this section is guilty of recklessly failing to provide for a functionally impaired person, a misdemeanor of the second degree. If the functionally impaired person under the offender's care suffers serious physical harm as a result of the violation of this section, a violation of division (B) of this section is a felony to be prosecuted under appropriate state law.
(R.C. § 2903.16)

(D) As used in this section:

CARETAKER. Means a person who assumes the duty to provide for the care and protection of a functionally impaired person on a voluntary basis, by contract, through receipt of payment for care and protection, as a result of a family relationship, or by order of a court of competent jurisdiction. The term does not include a person who owns, operates, or administers, or who is an agent or employee of, a care facility, as defined in R.C. § 2903.33.

FUNCTIONALLY IMPAIRED PERSON. Means any person who has a physical or mental impairment that prevents the person from providing for his or her own care or protection or whose infirmities caused by aging prevent the person from providing for his or her own care or protection.
(R.C. § 2903.10) (Rev. 2002)

§ 135.20 PATIENT ABUSE OR NEGLECT; PATIENT ENDANGERMENT; EXCEPTIONS; FALSE STATEMENTS; RETALIATION.

(A) *Definitions.* As used in this section:

ABUSE. Means knowingly causing physical harm or recklessly causing serious physical harm to a person by physical contact with the person or by the inappropriate use of a physical or chemical restraint, medication or isolation on the person.

CARE FACILITY. Means any of the following:

(a) Any "home" as defined in R.C. § 3721.10.

(b) Any "residential facility" as defined in R.C. § 5119.34 or 5123.19.

(c) Any institution or facility operated or provided by the Department of Mental Health and Addiction Services or by the Department of Developmental Disabilities pursuant to R.C. §§ 5119.14 and 5123.03.

(d) Any unit of any hospital, as defined in R.C. § 3701.01, that provided the same services as a nursing home, as defined in R.C. § 3721.01.

(e) Any institution, residence or facility that provides, for a period of more than 24 hours, whether for consideration or not, accommodations to one individual or two unrelated individuals who are dependent upon the services of others.

GROSS NEGLECT. Means knowingly failing to provide a person with any treatment, care, goods or service that is necessary to maintain the health or safety of the person when the failure results in serious physical harm to the person.

INAPPROPRIATE USE OF A PHYSICAL OR CHEMICAL RESTRAINT, MEDICATION OR ISOLATION. Means the use of physical or chemical restraint, medication or isolation as punishment, for staff convenience, excessively, as a substitute for treatment, or in quantities that preclude habilitation and treatment.

NEGLECT. Means recklessly failing to provide a person with any treatment, care, goods or service that is necessary to maintain the health or safety of the person when the failure results in serious physical harm to the person.
(R.C. § 2903.33) (Rev. 2014)

(B) *Patient abuse or neglect; spiritual treatment; defense.*

(1) No person who owns, operates, or administers, or who is an agent or employee of a care facility shall do any of the following:

(a) Commit abuse against a resident or patient of the facility.

(b) Commit gross neglect against a resident or patient of the facility.

(c) Commit neglect against a resident or patient of the facility.

(2) (a) A person who relies upon treatment by spiritual means through prayer alone, in accordance with the tenets of a recognized religious denomination, shall not be considered neglectful under division (B)(1)(c) of this section for that reason alone.

(b) It is an affirmative defense to a charge of gross neglect or neglect under this section that the actor's conduct was committed in good faith solely because the actor was ordered to commit the conduct by a person with supervisory authority over the actor.

(3) (a) Whoever violates division (B)(1)(a) is guilty of patient abuse, a felony to be prosecuted under appropriate state law.

(b) Whoever violates division (B)(1)(b) is guilty of gross patient neglect, a misdemeanor of the first degree. If the offender previously has been convicted of, or pleaded guilty to, any violation of this section or a substantially equivalent state law or municipal ordinance, gross patient neglect is a felony to be prosecuted under appropriate state law.

(c) Whoever violates division (B)(1)(c) is guilty of patient neglect, a misdemeanor of the second degree. If the offender previously has been convicted of, or pleaded guilty to, any violation of this section or a substantially equivalent state law or municipal ordinance, gross patient neglect is a felony to be prosecuted under appropriate state law.
(R.C. § 2903.34)

(C) *Patient endangerment; spiritual treatment; defense.*

(1) As used in this section:

DEVELOPMENTAL DISABILITIES CARETAKER. Means any developmental disabilities employee or any person who assumes the duty to provide for the care and protection of a person with a developmental disability on a voluntary basis, by contract, through receipt of payment for care and protection, as a result of a family relationship, or by order of a court of competent jurisdiction. The phrase includes a person who is an employee of a care facility and a person who is an employee of an entity under contract with a provider. The phrase does not include a person who owns, operates, or administers a care facility or who is an agent of a care facility unless that person also personally provides care to a person with a developmental disability.

DEVELOPMENTAL DISABILITIES EMPLOYEE. Has the same meaning as in R.C. § 5123.50.

DEVELOPMENTAL DISABILITY. Has the same meaning as in R.C. § 5123.01.

(2) No developmental disabilities caretaker shall create a substantial risk to the health or safety of a person with a developmental disability. A developmental disabilities caretaker does not create a substantial risk to the health or safety of a person with a developmental disability under this division when the developmental disabilities caretaker treats a physical or mental illness or defect of the person with a developmental disability by spiritual means through prayer alone, in accordance with the tenets of a recognized religious body.

(3) No person who owns, operates, or administers a care facility or who is an agent of a care facility shall condone, or knowingly permit, any conduct by a developmental disabilities caretaker who is employed by or under the control of the owner, operator, administrator, or agent that is in violation of division (C)(2) of this section and that involves a person with a developmental disability who is under the care of the owner, operator, administrator, or agent. A person who relies upon treatment by spiritual means through prayer alone, in accordance with the tenets of a recognized religious denomination, shall not be considered endangered under this division for that reason alone.

(4) (a) It is an affirmative defense to a charge of a violation of division (C)(2) or (C)(3) of this section that the actor's conduct was committed in good faith solely because the actor was ordered to commit the conduct by a person to whom one of the following applies:

1. The person has supervisory authority over the actor.

2. The person has authority over the actor's conduct pursuant to a contract for the provision of services.

(b) It is an affirmative defense to a charge of a violation of division (C)(3) of this section that the person who owns, operates, or administers a care facility or who is an agent of a care facility and who is charged with the violation is following the individual service plan for the involved person with a developmental disability or that the admission, discharge, and transfer rule set forth in the Ohio Administrative Code is being followed.

(c) It is an affirmative defense to a charge of a violation of division (C)(3) of this section that the actor did not have readily available a means to prevent either the harm to the person with a developmental disability or the death of such a person and the actor took reasonable steps to summon aid.

(5) (a) Except as provided in division (C)(5)(b) or (C)(5)(c) of this section, whoever violates division (C)(2) or (C)(3) of this section is guilty of patient endangerment, a misdemeanor of the first degree.

(b) If the offender previously has been convicted of, or pleaded guilty to, a violation of this section, patient endangerment is a felony to be prosecuted under appropriate state law.

(c) If the violation results in serious physical harm to the person with a developmental disability,

patient endangerment is a felony to be prosecuted under appropriate state law.
(R.C. § 2903.341) (Rev. 2017)

(D) *False statements.*

(1) No person shall knowingly make a false statement, or knowingly swear or affirm the truth of a false statement previously made, alleging a violation of division (B) of this section when the statement is made with purpose to incriminate another.

(2) Whoever violates this division (D) is guilty of filing a false patient abuse or neglect complaint, a misdemeanor of the first degree.
(R.C. § 2903.35)

(E) *Retaliation against person reporting patient abuse or neglect.* No care facility shall discharge or in any manner discriminate or retaliate against any person solely because such person, in good faith, filed a complaint, affidavit, or other document alleging a violation of division (B) of this section or a violation of R.C. § 2903.34.
(R.C. § 2903.36)

Statutory reference:

License revocation for felony violations, see R.C. § 2903.37

§ 135.21 INTERFERENCE WITH RIGHT OF PERSON TO ENGAGE IN HOUSING TRANSACTIONS BECAUSE OF RACE, RELIGION, OR THE LIKE.

(A) No person, whether or not acting under color of law, shall by force or threat of force willfully injure, intimidate, or interfere with, or attempt to injure, intimidate, or interfere with any of the following:

(1) Any person because of race, color, religion, sex, familial status, as defined in R.C. § 4112.01, national origin, military status as defined in that section, disability as defined in that section, or ancestry and because that person is or has been selling, purchasing, renting, financing, occupying, contracting, or negotiating for the sale, purchase, rental, financing, or occupation of any housing accommodations, or applying for or participating in any service, organization, or facility relating to the business of selling or renting housing accommodations.

(2) Any person because that person is or has been doing, or in order to intimidate that person or any other person or any class of persons from doing either of the following:

(a) Participating, without discrimination on account of race, color, religion, sex, familial status, as defined in R.C. § 4112.01, national origin, military status as defined in that section, disability as defined in that section, or ancestry, in any of the activities, services, organizations, or facilities described in division (A)(1) of this section;

(b) Affording another person or class of persons opportunity or protection so to participate.

(3) Any person because that person is or has been, or in order to discourage that person or any other person from, lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion, sex, familial status as defined in R.C. § 4112.01, national origin, military status as defined in that section, disability as defined in that section, or ancestry, in any of the activities, services, organizations, or facilities described in division (A)(1) of this section, or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate.

(B) Whoever violates division (A) of this section is guilty of a misdemeanor of the first degree.
(R.C. § 2927.03) (Rev. 2009)

§ 135.22 ETHNIC INTIMIDATION.

(A) No person shall violate R.C. § 2903.21, 2903.22, 2909.06, or 2909.07, or R.C. § 2917.21(A)(3), (A)(4), or (A)(5), by reason of the race, color, religion, or national origin of another person or group of persons.

(B) Whoever violates this section is guilty of ethnic intimidation. Ethnic intimidation is an offense of the next higher degree than the offense the commission of which is a necessary element of ethnic intimidation. In the case of an offense that is a misdemeanor of the first degree, ethnic intimidation is a felony to be prosecuted under appropriate state law.
(R.C. § 2927.12) (Rev. 2002)

§ 135.23 VIOLATING A PROTECTION ORDER, CONSENT AGREEMENT, ANTI-STALKING PROTECTION ORDER OR ORDER ISSUED BY A COURT OF ANOTHER STATE.

(A) No person shall recklessly violate the terms of any of the following:

(1) A protection order issued or consent agreement approved pursuant to R.C. § 2919.26 or R.C. § 3113.31;

(2) A protection order issued pursuant to R.C. § 2151.34, 2903.213 or 2903.214;

(3) A protection order issued by a court of another state.

(B) (1) Whoever violates this section is guilty of violating a protection order.

(2) Except as otherwise provided in division (B)(3) or (B)(4) of this section, violating a protection order is a misdemeanor of the first degree.

(3) Violating a protection order is a felony to be prosecuted under appropriate state law if the offender previously has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for any of the following:

(a) A violation of a protection order issued or consent agreement approved pursuant to R.C. § 2151.34, 2903.213, 2903.214, 2919.26, or 3113.31, or any substantially equivalent state law or municipal ordinance;

(b) Two or more violations of R.C. § 2903.21, 2903.211, 2903.22, or 2911.211, or any substantially equivalent state law or municipal ordinance, or any combination of those offenses, that involved the same person who is the subject of the protection order or consent agreement;

(c) One or more violations of this section, or any substantially equivalent state law or municipal ordinance.

(4) If the offender violates a protection order or consent agreement while committing a felony offense, violating a protection order is a felony to be prosecuted under appropriate state law.

(5) If the protection order violated by the offender was an order issued pursuant to R.C. § 2151.34 or 2903.214 that required electronic monitoring of the offender pursuant to that section, the court may require in addition to any other sentence imposed upon the offender that the offender be electronically monitored for a period not exceeding five years by a law enforcement agency designated by the court. If the court requires under this division that the offender be electronically monitored, unless the court determines that the offender is indigent, the court shall order that the offender pay the costs of the installation of the electronic monitoring device and the cost of monitoring the electronic monitoring device. If the court determines that the offender is indigent and subject to the maximum amount allowable and the rules promulgated by the Attorney General under R.C. § 2903.214, the costs of the installation of the electronic monitoring device and the cost of monitoring the electronic monitoring device may be paid out of funds from the Reparations Fund created pursuant to R.C. § 2743.191. The total amount paid from the Reparations Fund created pursuant to R.C. § 2743.191 for electronic monitoring under R.C. §§ 2151.34, 2903.214 and 2919.27 shall not exceed $300,000 per year.

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

(D) In a prosecution for a violation of this section, it is not necessary for the prosecution to prove that the protection order or consent agreement was served on the defendant if the prosecution proves that the defendant was shown the protection order or consent agreement or a copy of either or a judge, magistrate, or law enforcement officer informed the defendant that a protection order or consent agreement had been issued, and proves that the defendant recklessly violated the terms of the order or agreement.

(E) As used in this section, ***PROTECTION ORDER ISSUED BY A COURT OF ANOTHER STATE*** means an injunction or another order issued by a criminal court of another state for the purpose of preventing violent or threatening acts or harassment against, contact or communication with, or physical proximity to another person including a temporary order, and means an injunction or order of that nature issued by a civil court of another state, including a temporary order and a final order issued in an independent action or as a *pendente lite* order in a proceeding for other relief, if the court issued it in response to a complaint, petition or motion filed by or on behalf of a person seeking protection. The term does not include an order for support or for custody of a child issued pursuant to the divorce and child custody laws of another state, except to the extent that the order for support or for custody of a child is entitled to full faith and credit under the laws of the United States.
(R.C. § 2919.27) (Rev. 2018)

Cross-reference:
Jurisdictional limitation on Mayor regarding violations of this section, see § 33.01(E)

§ 135.24 ADULTERATION OF FOOD.

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

(1) Place a pin, razor blade, glass, laxative, drug of abuse, or other harmful or hazardous object or substance in any food or confection.

(2) Furnish to any person any food or confection which has been adulterated in violation of division (A)(1) of this section.
(R.C. § 3716.11)

(B) Whoever violates this section is guilty of a misdemeanor of the first degree.
(R.C. § 3716.99(C)) (Rev. 1997)

Statutory reference:
Adulteration of food generally, see R.C. § 3715.59

§ 135.25 ILLEGAL DISTRIBUTION OF CIGARETTES, OTHER TOBACCO PRODUCTS, OR ALTERNATIVE NICOTINE PRODUCTS; TRANSACTION SCANS.

(A) *Illegal distribution of cigarettes, other tobacco products, or alternative nicotine products.*

(1) As used in this section:

AGE VERIFICATION. A service provided by an independent third party (other than a manufacturer, producer, distributor, wholesaler, or retailer of cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes) that compares information available from a commercially available database, or aggregate of databases, that regularly are used by government and businesses for the purpose of age and identity verification to personal information provided during an internet sale or other remote method of sale to establish that the purchaser is 21 years of age or older.

ALTERNATIVE NICOTINE PRODUCT.

1. Subject to division 2. of this definition, an electronic smoking device, vapor product, or any other product or device that consists of or contains nicotine that can be ingested into the body by any means, including, but not limited to, chewing, smoking, absorbing, dissolving, or inhaling.

2. The phrase does not include any of the following:

a. Any cigarette or other tobacco product;

b. Any product that is a "drug" as that term is defined in 21 U.S.C. § 321(g)(1);

c. Any product that is a "device" as that term is defined in 21 U.S.C. § 321(h);

d. Any product that is a "combination product" as described in 21 U.S.C. § 353(g).

CIGARETTE. Includes clove cigarettes and hand-rolled cigarettes.

DISTRIBUTE. Means to furnish, give, or provide cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes to the ultimate consumer of the cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes.

ELECTRONIC SMOKING DEVICE. Means any device that can be used to deliver aerosolized or vaporized nicotine or any other substance to the person inhaling from the device including an electronic cigarette, electronic cigar, electronic hookah, vaping pen, or electronic pipe. The phrase includes any component, part, or accessory of such a device, whether or not sold separately, and includes any substance intended to be aerosolized or vaporized during the use of the device. The phrase does not include any product that is a drug, device, or combination product, as those terms are defined or described in 21 U.S.C. §§ 321 and 353(g).

PROOF OF AGE. Means a driver's license, a commercial driver's license, a military identification card, a passport, or an identification card issued under R.C. §§ 4507.50 to 4507.52 that shows that a person is 18 years of age or older.

TOBACCO PRODUCT. Means any product that is made or derived from tobacco or that contains any form of nicotine, if it is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled, or ingested by any other means, including, but not limited to, a cigarette, an electronic smoking device, a cigar, pipe tobacco, chewing tobacco, snuff, or snus. The phrase also means any component or accessory used in the consumption of a tobacco product, such as filters, rolling papers, pipes, blunt or hemp wraps, and liquids used in electronic smoking devices, whether or not they contain nicotine. The phrase does not include any product that is a drug, device, or combination product, as those terms are defined or described in 21 U.S.C. §§ 321 and 353(g).

VAPOR PRODUCT. Means a product, other than a cigarette or other tobacco product as defined in R.C. Chapter 5743, that contains or is made or derived from nicotine and that is intended and marketed for human consumption, including by smoking, inhaling, snorting, or sniffing. The phrase includes any component, part, or additive that is intended for use in an electronic smoking device, a mechanical heating element, battery, or electronic circuit and is used to deliver the product. The phrase does not include any product that is a drug, device, or combination product, as those terms are defined or described in 21 U.S.C. §§ 321 and 353(g). The phrase includes any product containing nicotine, regardless of concentration.

VENDING MACHINE. Has the same meaning as "coin machine" in R.C. § 2913.01.

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

(a) Give, sell, or otherwise distribute cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes to any person under 21 years of age;

(b) Give away, sell, or distribute cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes in any place that does not have posted in a conspicuous place a legibly printed sign in letters at least one-half inch high stating that giving, selling, or otherwise distributing cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes to a person under 21 years of age is prohibited by law;

(c) Knowingly furnish any false information regarding the name, age, or other identification

of any person under 21 years of age with purpose to obtain cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes for that person;

(d) Manufacture, sell, or distribute in this state any pack or other container of cigarettes containing fewer than 20 cigarettes or any package of roll-your-own tobacco containing less than six-tenths of one ounce of tobacco;

(e) Sell cigarettes or alternative nicotine products in a smaller quantity than that placed in the pack or other container by the manufacturer;

(f) Give, sell, or otherwise distribute alternative nicotine products, papers used to roll cigarettes, or tobacco products other than cigarettes over the internet or through another remote method without age verification.

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

(a) An area within a factory, business, office, or other place not open to the general public;

(b) An area to which persons under 21 years of age are not generally permitted access;

(c) Any other place not identified in division (A)(3)(a) or (A)(3)(b) of this section, upon all of the following conditions:

1. The vending machine is located within the immediate vicinity, plain view, and control of the person who owns or operates the place, or an employee of that person, so that all cigarettes, other tobacco product, and alternative nicotine product purchases from the vending machine will be readily observed by the person who owns or operates the place or an employee of that person. For the purpose of this section, a vending machine located in any unmonitored area, including an unmonitored coatroom, restroom, hallway, or outer waiting area, shall not be considered located within the immediate vicinity, plain view, and control of the person who owns or operates the place, or an employee of that person.

2. The vending machine is inaccessible to the public when the place is closed.

3. A clearly visible notice is posted in the area where the vending machine is located that states the following in letters that are legibly printed and at least one-half inch high: "It is illegal for any person under the age of 21 to purchase tobacco or alternative nicotine products."

(4) The following are affirmative defenses to a charge under division (A)(2)(a) of this section:

(a) The person under 21 years of age was accompanied by a parent, spouse who is 21 years of age or older, or legal guardian of the person under 21 years of age.

(b) The person who gave, sold, or distributed cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes to a person under 21 years of age under division (A)(2)(a) of this section is a parent, spouse who is 21 years of age or older, or legal guardian of the person under 21 years of age.

(5) It is not a violation of division (A)(2)(a) or (A)(2)(b) of this section for a person to give or otherwise distribute to a person under 21 years of age cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes while the person under 21 years of age is participating in a research protocol if all of the following apply:

(a) The parent, guardian, or legal custodian of the person under 21 years of age has consented in writing to the person under 21 years of age participating in the research protocol.

(b) An institutional human subjects protection review board, or an equivalent entity, has approved the research protocol.

(c) The person under 21 years of age is participating in the research protocol at the facility or location specified in the research protocol.

(6) (a) Whoever violates division (A)(2)(a), (A)(2)(b), (A)(2)(d), (A)(2)(e), or (A)(2)(f) or (A)(3) of this section is guilty of illegal distribution of cigarettes, other tobacco products, or alternative nicotine products. Except as otherwise provided in this division, illegal distribution of cigarettes, other tobacco products, or alternative nicotine products is a misdemeanor of the fourth degree. If the offender previously has been convicted of a violation of division (A)(2)(a), (A)(2)(b), (A)(2)(d), (A)(2)(e), or (A)(2)(f) or (A)(3) of this section or a substantially equivalent state law or municipal ordinance, illegal distribution of cigarettes, other tobacco products, or alternative nicotine products is a misdemeanor of the third degree.

(b) Whoever violates division (A)(2)(c) of this section is guilty of permitting a person under 21 years of age to use cigarettes, other tobacco products, or alternative nicotine products. Except as otherwise provided in this division, permitting a person under 21 years of age to use cigarettes, other tobacco products, or alternative nicotine products is a misdemeanor of the fourth degree. If the offender previously has been convicted of a violation of division (A)(2)(c) of this section or a substantially equivalent state law or municipal ordinance, permitting a person under 21 years of age to use cigarettes, other tobacco products, or alternative nicotine products is a misdemeanor of the third degree.

(7) Any cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes that are given, sold, or otherwise distributed to a person under 21 years of age in violation of this section and that are used, possessed, purchased, or received by a person under 21 years

of age in violation of R.C. § 2151.87 are subject to seizure and forfeiture as contraband under R.C. Chapter 2981. (R.C. § 2927.02) (Rev. 2020)

(B) *Transaction scan.*

(1) As used in this division and division (C) of this section:

CARD HOLDER. Means any person who presents a driver's or commercial driver's license or an identification card to a seller, or an agent or employee of a seller, to purchase or receive cigarettes, other tobacco products, or alternative nicotine products from a seller, agent, or employee.

IDENTIFICATION CARD. Means an identification card issued under R.C. §§ 4507.50 through 4507.52.

SELLER. Means a seller of cigarettes, other tobacco products, or alternative nicotine products and includes any person whose gift of or other distribution of cigarettes, other tobacco products, or alternative nicotine products is subject to the prohibitions of division (A) of this section.

TRANSACTION SCAN. Means the process by which a seller or an agent or employee of a seller checks, by means of a transaction scan device, the validity of a driver's or commercial driver's license or an identification card that is presented as a condition for purchasing or receiving cigarettes, other tobacco products, or alternative nicotine products.

TRANSACTION SCAN DEVICE. Means any commercial device or combination of devices used at a point of sale that is capable of deciphering in an electronically readable format the information encoded on the magnetic strip or bar code of a driver's or commercial driver's license or an identification card.

(2) (a) A seller or an agent or employee of a seller may perform a transaction scan by means of a transaction scan device to check the validity of a driver's or commercial driver's license or identification card presented by a card holder as a condition for selling, giving away, or otherwise distributing to the card holder cigarettes, other tobacco products, or alternative nicotine products.

(b) If the information deciphered by the transaction scan performed under division (B)(2)(a) of this section fails to match the information printed on the driver's or commercial driver's license or identification card presented by the card holder, or if the transaction scan indicates that the information so printed is false or fraudulent, neither the seller nor any agent or employee of the seller shall sell, give away, or otherwise distribute any cigarettes, other tobacco products, or alternative nicotine products to the card holder.

(c) Division (B)(2)(a) of this section does not preclude a seller or an agent or employee of a seller from using a transaction scan device to check the validity of a document other than a driver's or commercial driver's license or identification card, if the document includes a bar code or magnetic strip that may be scanned by the device, as a condition for selling, giving away, or otherwise distributing cigarettes, other tobacco products, or alternative nicotine products to the person presenting the document.

(3) Rules adopted by the Registrar of Motor Vehicles under R.C. § 4301.61(C) apply to the use of transaction scan devices for purposes of this division (B) and division (C) of this section.

(4) (a) No seller or agent or employee of a seller shall electronically or mechanically record or maintain any information derived from a transaction scan, except for the following:

1. The name and date of birth of the person listed on the driver's or commercial driver's license or identification card presented by the card holder;

2. The expiration date and identification number of the driver's or commercial driver's license or identification card presented by the card holder.

(b) No seller or agent or employee of a seller shall use the information that is derived from a transaction scan or that is permitted to be recorded and maintained under division (B)(4)(a) of this section, except for purposes of division (C) of this section.

(c) No seller or agent or employee of a seller shall use a transaction scan device for a purpose other than the purpose specified in division (C)(2)(a) of this section.

(d) No seller or agent or employee of a seller shall sell or otherwise disseminate the information derived from a transaction scan to any third party, including but not limited to selling or otherwise disseminating that information for any marketing, advertising, or promotional activities, but a seller or agent or employee of a seller may release that information pursuant to a court order or as specifically authorized by division (C) of this section or another section of this code or the Ohio Revised Code.

(5) Nothing in this division (B) or division (C) of this section relieves a seller or an agent or employee of a seller of any responsibility to comply with any other applicable local, state or federal laws or rules governing the sale, giving away, or other distribution of cigarettes, other tobacco products, or alternative nicotine products.

(6) Whoever violates division (B)(2)(b) or (B)(4) of this section is guilty of engaging in an illegal tobacco product or alternative nicotine product transaction scan, and the court may impose upon the offender a civil penalty of up to $1,000 for each violation. The Clerk of the Court shall pay

each collected civil penalty to the County Treasurer for deposit into the County Treasury.
(R.C. § 2927.021) (Rev. 2015)

(C) *Affirmative defenses.*

(1) A seller or an agent or employee of a seller may not be found guilty of a charge of a violation of division (A) of this section in which the age of the purchaser or other recipient of cigarettes, other tobacco products, or alternative nicotine products is an element of the alleged violation, if the seller, agent, or employee raises and proves as an affirmative defense that all of the following occurred:

(a) A card holder attempting to purchase or receive cigarettes, other tobacco products, or alternative nicotine products presented a driver's or commercial driver's license or an identification card.

(b) A transaction scan of the driver's or commercial driver's license or identification card that the card holder presented indicated that the license or card was valid.

(c) The cigarettes, other tobacco products, or alternative nicotine products were sold, given away, or otherwise distributed to the card holder in reasonable reliance upon the identification presented and the completed transaction scan.

(2) In determining whether a seller or an agent or employee of a seller has proven the affirmative defense provided by division (C)(1) of this section, the trier of fact in the action for the alleged violation of division (A) of this section shall consider any written policy that the seller has adopted and implemented and that is intended to prevent violations of division (A) of this section. For purposes of division (C)(1)(c) of this section, the trier of fact shall consider that reasonable reliance upon the identification presented and the completed transaction scan may require a seller or an agent or employee of a seller to exercise reasonable diligence to determine, and that the use of a transaction scan device does not excuse a seller or an agent or employee of a seller from exercising reasonable diligence to determine, the following:

(a) Whether a person to whom the seller or agent or employee of a seller sells, gives away, or otherwise distributes cigarettes, other tobacco products, or alternative nicotine products is 21 years of age or older;

(b) Whether the description and picture appearing on the driver's or commercial driver's license or identification card presented by a card holder is that of the card holder.

(3) In any criminal action in which the affirmative defense provided by division (C)(1) of this section is raised, the Registrar of Motor Vehicles or a deputy registrar who issued an identification card under R.C. §§ 4507.50 through 4507.52 shall be permitted to submit certified copies of the records of that issuance in lieu of the testimony of the personnel of or contractors with the Bureau of Motor Vehicles in the action.
(R.C. § 2927.022) (Rev. 2020)

(D) *Shipment of tobacco products.*

(1) As used in this division (D):

AUTHORIZED RECIPIENT OF TOBACCO PRODUCTS means a person who is:

1. Licensed as a cigarette wholesale dealer under R.C. § 5743.15;

2. Licensed as a retail dealer as long as the person purchases cigarettes with the appropriate tax stamp affixed;

3. An export warehouse proprietor as defined in Section 5702 of the Internal Revenue Code;

4. An operator of a customs bonded warehouse under 19 U.S.C. § 1311 or 19 U.S.C. § 1555;

5. An officer, employee, or agent of the federal government or of this state acting in the person's official capacity;

6. A department, agency, instrumentality, or political subdivision of the federal government or of this state;

7. A person having a consent for consumer shipment issued by the Tax Commissioner under R.C. § 5743.71.

MOTOR CARRIER. Has the same meaning as in R.C. § 4923.01.

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

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

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

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

or wrapping in which the cigarettes are shipped with the words "cigarettes".

(5) A court shall impose a fine of up to $1,000 for each violation of division (D)(3)(a), (D)(3)(b) or (D)(4) of this section.
(R.C. § 2927.023) (Rev. 2013)

(E) *Furnishing false information to obtain tobacco products.*

(1) No person who is 18 years of age or older but younger than 21 years of age shall knowingly furnish false information concerning that person's name, age, or other identification for the purpose of obtaining tobacco products.

(2) Whoever violates division (E)(1) of this section is guilty of furnishing false information to obtain tobacco products. Except as otherwise provided in this division, furnishing false information to obtain tobacco products is a misdemeanor of the fourth degree. If the offender previously has been convicted of or pleaded guilty to a violation of division (E)(1) of this section or a substantially equivalent state law or municipal ordinance, furnishing false information to obtain tobacco products is a misdemeanor of the third degree.
(R.C. § 2927.024) (Rev. 2020)

§ 135.26 NONSMOKING AREAS IN PLACES OF PUBLIC ASSEMBLY.

(A) As used in this section, ***PLACE OF PUBLIC ASSEMBLY*** means:

(1) Enclosed theaters, except the lobby; opera houses; auditoriums; classrooms; elevators; rooms in which persons are confined as a matter of health care, including but not limited to a hospital room and a room in a residential care facility serving as the residence of a person living in such residential care facility.

(2) All buildings and other enclosed structures owned by the state, its agencies, or political subdivisions, including but not limited to hospitals and state institutions for the mentally ill and persons with intellectual disabilities; university and college buildings, except rooms within those buildings used primarily as the residences of students or other persons affiliated with the university or college; office buildings; libraries; museums; and vehicles used in public transportation. That portion of a building or other enclosed structure that is owned by the state, a state agency, or a political subdivision, and that is used primarily as a food service establishment, is not a place of public assembly.

(3) Each portion of a building or enclosed structure that is not included in division (A)(1) or (A)(2) of this section is a place of public assembly if it has a seating capacity of 50 or more persons and is available to the public. Restaurants, food service establishments, dining rooms, cafes, cafeterias, or other rooms used primarily for the service of food, as well as bowling alleys and places licensed by the Ohio Division of Liquor Control to sell intoxicating beverages for consumption on the premises, are not places of public assembly.

(B) For the purpose of separating persons who smoke from persons who do not smoke for the comfort and health of persons not smoking, in every place of public assembly there shall be an area where smoking is not permitted, which shall be designated a no smoking area, provided that not more than one-half of the rooms in any health care facility in which persons are confined as a matter of health care may be designated as smoking areas in their entirety. The designation shall be made before the place of public assembly is made available to the public. In places included in division (A)(1) of this section, the local fire authority having jurisdiction shall designate the no smoking area. In places included in division (A)(2) of this section that are owned by the state or its agencies, the Ohio Director of Administrative Services shall designate the area, and if the place is owned by a political subdivision, its Legislative Authority shall designate an officer who shall designate the area. In places included in division (A)(3) of this section, the person having control of the operations of the place of public assembly shall designate the no smoking area. In places included in division (A)(2) of this section which are also included in division (A)(1) of this section, the officer who has authority to designate the area in places in division (A)(2) of this section shall designate the no smoking area. A no smoking area may include the entire place of public assembly. Designations shall be made by the placement of signs that are clearly visible and that state "no smoking". No person shall remove signs from areas designated as no smoking areas.

(C) This section does not affect or modify the prohibition contained in R.C. § 3313.751(B).

(D) No person shall smoke in any area designated as a no smoking area in accordance with division (B) of this section.

(E) Whoever violates this section is guilty of a minor misdemeanor.
(R.C. § 3791.031) (Rev. 2017)

§ 135.27 SPREADING CONTAGION.

(A) No person, knowing or having reasonable cause to believe that he or she is suffering from a dangerous, contagious disease, shall knowingly fail to take reasonable measures to prevent exposing himself or herself to other persons, except when seeking medical aid.

(B) No person, having charge or care of a person whom he or she knows or has reasonable cause to believe is suffering from a dangerous, contagious disease, shall recklessly fail to take reasonable measures to protect others from exposure to the contagion, and to inform health authorities of the existence of the contagion.

(C) No person, having charge of a public conveyance or place of public accommodation, amusement, resort, or

trade, and knowing or having reasonable cause to believe that persons using such conveyance or place have been or are being exposed to a dangerous, contagious disease, shall negligently fail to take reasonable measures to protect the public from exposure to the contagion, and to inform health authorities of the existence of the contagion.
(R.C. § 3701.81)

(D) Whoever violates this section is guilty of a misdemeanor of the second degree.
(R.C. § 3701.99(C)) (Rev. 2005)
Statutory reference:
Contagion and quarantine, see R.C. §§ 3707.04 et seq.
Power to prevent contagious diseases, see R.C. § 715.37

§ 135.28 ABUSE OF A CORPSE.

(A) No person, except as authorized by law, shall treat a human corpse in a way that he or she knows would outrage reasonable family sensibilities.

(B) No person, except as authorized by law, shall treat a human corpse in a way that would outrage reasonable community sensibilities.

(C) Whoever violates division (A) of this section is guilty of abuse of a corpse, a misdemeanor of the second degree. Whoever violates division (B) of this section is guilty of gross abuse of a corpse, a felony to be prosecuted under appropriate state law.
(R.C. § 2927.01)

CHAPTER 136: OFFENSES AGAINST JUSTICE AND ADMINISTRATION

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§ 136.01 DEFINITIONS.

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

CAMPAIGN COMMITTEE. Has the same meaning as in R.C. § 3517.01.

CONTRIBUTION. Has the same meaning as in R.C. § 3517.01.

DETENTION. Arrest; confinement in any vehicle subsequent to an arrest; confinement in any public or private facility for custody of persons charged with or convicted of crime in this state or another state or under the laws of the United States or alleged or found to be a delinquent child or unruly child in this state or another state or under the laws of the United States; hospitalization, institutionalization, or confinement in any public or private facility that is ordered pursuant to or under the authority of R.C. § 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401 or 2945.402; confinement in any vehicle for transportation to or from any facility of any of those natures; detention for extradition or deportation; except as provided in this division, supervision by any employee of any facility of any of those natures that is incidental to hospitalization, institutionalization, or confinement in the facility but that occurs outside the facility; supervision by an employee of the Department of Rehabilitation and Correction of a person on any type of release from a state correctional institution; or confinement in any vehicle, airplane, or place while being returned from outside of this state into this state by a private person or entity pursuant to a contract entered into under R.C. § 311.29(E) or R.C. § 5149.03(B). For a person confined in a county jail who participates in a county jail industry program pursuant to R.C. § 5147.30, the term includes time spent at an assigned work site and going to and from the work site.

DETENTION FACILITY. Any public or private place used for the confinement of a person charged with or convicted of any crime in this state or another state or under the laws of the United States or alleged or found to be a delinquent child or an unruly child in this state or another state or under the laws of the United States.

LEGISLATIVE CAMPAIGN FUND. Has the same meaning as in R.C. § 3517.01.

OFFICIAL PROCEEDING. Any proceeding before a legislative, judicial, administrative, or other governmental agency or official authorized to take evidence under oath, and includes any proceeding before a referee, hearing examiner, commissioner, notary, or other person taking testimony or a deposition in connection with an official proceeding.

PARTY OFFICIAL. Any person who holds an elective or appointive post in a political party in the United States or this state, by virtue of which he or she directs, conducts, or participates in directing or conducting party affairs at any level of responsibility.

POLITICAL ACTION COMMITTEE. Has the same meaning as in R.C. § 3517.01.

POLITICAL CONTRIBUTING ENTITY. Has the same meaning as in R.C. § 3517.01.

POLITICAL PARTY. Has the same meaning as in R.C. § 3517.01.

PROVIDER AGREEMENT. Has the same meaning as in R.C. § 5164.01.

PUBLIC OFFICIAL. Any elected or appointed officer, employee, or agent of the state or any political subdivision thereof, whether in a temporary or permanent capacity, and includes but is not limited to legislators, judges, and law enforcement officers. The term does not include an employee, officer, or governor-appointed member of the board of directors of the nonprofit corporation formed under R.C. § 187.01.

PUBLIC SERVANT.

(1) Any of the following:

(a) Any public official.

(b) Any person performing ad hoc a governmental function, including but not limited to a juror, member of a temporary commission, master, arbitrator, advisor, or consultant.

(c) A person who is a candidate for public office, whether or not he or she is elected or appointed to the office for which he or she is a candidate. A person is a candidate for purposes of this division if he or she has been nominated according to law for election or appointment to public office, or if he or she has filed a petition or petitions as required by law to have his or her name placed on the ballot in a primary, general, or special election, or if he or she campaigns as a write-in candidate in any primary, general, or special election.

(2) The term does not include an employee, officer, or governor-appointed member of the board of directors of the nonprofit corporation formed under R.C. § 187.01.

VALUABLE THING or ***VALUABLE BENEFIT.*** Includes but is not limited to a contribution. This inclusion does not indicate or imply that a contribution was not included in those terms before September 17, 1986.
(R.C. § 2921.01) (Rev. 2014)

§ 136.02 FALSIFICATION.

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

(1) The statement is made in any official proceeding.

(2) The statement is made with purpose to incriminate another.

(3) The statement is made with purpose to mislead a public official in performing his or her official function.

(4) The statement is made with purpose to secure the payment of unemployment compensation; Ohio Works First; prevention, retention and contingency benefits and services; disability financial assistance; retirement benefits or health care coverage from a state retirement system; economic development assistance as defined in R.C. § 9.66; or other benefits administered by a governmental agency or paid out of a public treasury.

(5) The statement is made with purpose to secure the issuance by a governmental agency of a license, permit, authorization, certificate, registration, release, or provider agreement.

(6) The statement is sworn or affirmed before a notary public or another person empowered to administer oaths.

(7) The statement is in writing on or in connection with a report or return that is required or authorized by law.

(8) The statement is in writing, and is made with purpose to induce another to extend credit to or employ the offender, or to confer any degree, diploma, certificate of attainment, award of excellence, or honor on the offender, or to extend to or bestow upon the offender any other valuable benefit or distinction, when the person to whom the statement is directed relies upon it to his or her detriment.

(9) The statement is made with purpose to commit or facilitate the commission of a theft offense.

(10) The statement is knowingly made to a probate court in connection with any action, proceeding, or other matter within its jurisdiction, either orally or in a written document, including but not limited to an application, petition, complaint, or other pleading, or an inventory, account, or report.

(11) The statement is made on an account, form, record, stamp, label or other writing that is required by law.

(12) The statement is made in connection with the purchase of a firearm, as defined in R.C. § 2923.11, and in conjunction with the furnishing to the seller of the firearm of a fictitious or altered driver's or commercial driver's license or permit, a fictitious or altered identification card, or any other document that contains false information about the purchaser's identity.

(13) The statement is made in a document or instrument of writing that purports to be a judgment, lien, or claim of indebtedness and is filed or recorded with the

Secretary of State, a county recorder, or the clerk of a court of record.

(14) The statement is made in an application filed with a county sheriff pursuant to R.C. § 2923.125 in order to obtain or renew a concealed handgun license or is made in an affidavit submitted to a county sheriff to obtain a concealed handgun license on a temporary emergency basis under R.C. § 2923.1213.

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

(B) No person, in connection with the purchase of a firearm as defined in R.C. § 2923.11, shall knowingly furnish to the seller of the firearm a fictitious or altered driver's or commercial driver's license or permit, a fictitious or altered identification card, or any other document that contains false information about the purchaser's identity.

(C) No person, in an attempt to obtain a concealed handgun license under R.C. § 2923.125, shall knowingly present to a sheriff a fictitious or altered document that purports to be certification of the person's competence in handling a handgun as described in division (B)(3) of that section.

(D) It is no defense to a charge under division (A)(6) of this section that the oath or affirmation was administered or taken in an irregular manner.

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

(F) (1) Whoever violates division (A)(1), (A)(2), (A)(3), (A)(4), (A)(5), (A)(6), (A)(7), (A)(8), (A)(10), (A)(11), (A)(13) or (A)(15) of this section is guilty of falsification. Except as otherwise provided in this division, falsification is a misdemeanor of the first degree.

(2) Whoever violates division (A)(9) of this section is guilty of falsification in a theft offense. Except as otherwise provided in this division, falsification in a theft offense is a misdemeanor of the first degree. If the value of the property or services stolen is $1,000 or more, falsification in a theft offense is a felony to be prosecuted under appropriate state law.

(3) Whoever violates division (A)(12) or (B) of this section is guilty of falsification to purchase a firearm, a felony to be prosecuted under appropriate state law.

(4) Whoever violates division (A)(14) or (C) of this section is guilty of falsification to obtain a concealed handgun license, a felony to be prosecuted under appropriate state law.

(5) Whoever violates division (A) of this section in removal proceedings under R.C. § 319.26, 321.37, 507.13 or 733.78 is guilty of falsification regarding a removal proceeding, a felony to be prosecuted under appropriate state law.
(R.C. § 2921.13) (Rev. 2016)

(G) (1) No person who has knowingly failed to maintain proof of financial responsibility in accordance with R.C. § 4509.101 shall produce any document or present to a peace officer an electronic wireless communications device that is displaying any text or images with the purpose to mislead a peace officer upon the request of a peace officer for proof of financial responsibility made in accordance with R.C. § 4509.101(D)(2).

(2) Whoever violates this division (G) is guilty of falsification, a misdemeanor of the first degree.
(R.C. § 4509.102) (Rev. 2016)

Statutory reference:

Civil liability for violations of this section, see R.C. § 2921.13(G)

§ 136.03 COMPOUNDING A CRIME.

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

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

(1) The pending prosecution involved is for a violation of R.C. § 2913.02, 2913.11, 2913.21(B)(2), or 2913.47, or a substantially equivalent municipal ordinance, of which the actor under this section was the victim.

(2) The thing of value demanded, accepted, or agreed to be accepted, in consideration of abandoning or agreeing to abandon the prosecution, did not exceed an amount that the actor reasonably believed due him or her as restitution for the loss caused him or her by the offense.

(C) When a prosecuting witness abandons or agrees to abandon a prosecution under division (B) of this section, the abandonment or agreement in no way binds the state to abandoning the prosecution.

(D) Whoever violates this section is guilty of compounding a crime, a misdemeanor of the first degree.
(R.C. § 2921.21) (Rev. 1999)

§ 136.04 FAILURE TO REPORT A CRIME.

(A) (1) Except as provided in division (A)(2) of this section, no person, knowing that a felony has been or is being committed, shall knowingly fail to report the information to law enforcement authorities.

(2) No person, knowing that a violation of R.C. § 2913.04(B) has been or is being committed or that the person has received information derived from such a violation, shall knowingly fail to report the violation to law enforcement authorities.

(B) Except for conditions that are within the scope of division (E) of this section, no person giving aid to a sick or injured person shall negligently fail to report to law enforcement authorities any gunshot or stab wound treated or observed by the person, or any serious physical harm to persons that the person knows or has reasonable cause to believe resulted from an offense of violence.

(C) No person who discovers the body or acquires the first knowledge of the death of a person shall fail to report the death immediately to a physician or advanced practice registered nurse whom the person knows to be treating the deceased for a condition from which death at such time would not be unexpected, or to a law enforcement officer, an ambulance service, an emergency squad, or the coroner in a political subdivision in which the body is discovered, the death is believed to have occurred, or knowledge concerning the death is obtained. For purposes of this division, "advanced practice registered nurse" does not include a certified registered nurse anesthetist.

(D) No person shall fail to provide upon request of the person to whom a report required by division (C) of this section was made, or to any law enforcement officer who has reasonable cause to assert the authority to investigate the circumstances surrounding the death, any facts within his or her knowledge that may have a bearing on the investigation of the death.

(E) (1) As used in this section, ***BURN INJURY*** means any of the following:

(a) Second or third degree burns;

(b) Any burns to the upper respiratory tract or laryngeal edema due to the inhalation of super-heated air;

(c) Any burn injury or wound that may result in death;

(d) Any physical harm to persons caused by or as the result of the use of fireworks, novelties and trick noisemakers, and wire sparklers, as each is defined by R.C. § 3743.01.

(2) No physician, nurse, physician assistant, or limited practitioner who, outside a hospital, sanitarium, or other medical facility, attends or treats a person who has sustained a burn injury inflicted by an explosion or other incendiary device, or that shows evidence of having been inflicted in a violent, malicious, or criminal manner, shall fail to report the burn injury immediately to the local arson bureau, if there is such a bureau in the jurisdiction in which the person is attended or treated, or otherwise to local law enforcement authorities.

(3) No manager, superintendent, or other person in charge of a hospital, sanitarium, or other medical facility in which a person is attended or treated for any burn injury inflicted by an explosion or other incendiary device, or that shows evidence of having been inflicted in a violent, malicious, or criminal manner, shall fail to report the burn injury immediately to the local arson bureau, if there is such a bureau in the jurisdiction in which the person is attended or treated, or otherwise to local law enforcement authorities.

(4) No person who is required to report any burn injury under division (E)(2) or (E)(3) of this section shall fail to file, within three working days after attending or treating the victim, a written report of the burn injury with the office of the State Fire Marshal. The report shall be made on a form provided by the State Fire Marshal.

(5) Anyone participating in the making of reports under division (E) of this section or anyone participating in a judicial proceeding resulting from the reports is immune from any civil or criminal liability that otherwise might be incurred or imposed as a result of such actions. Notwithstanding R.C. § 4731.22, the physician-patient relationship or advanced practice registered nurse-patient relationship is not a ground for excluding evidence regarding a person's burn injury or the cause of the burn injury in any judicial proceeding resulting from a report submitted under division (E) of this section.

(F) (1) Any doctor of medicine or osteopathic medicine, hospital intern or resident, nurse, psychologist, social worker, independent social worker, social work assistant, licensed professional clinical counselor, licensed professional counselor, independent marriage and family therapist, or marriage and family therapist who knows or has reasonable cause to believe that a patient or client has been the victim of domestic violence, as defined in R.C. § 3113.31, shall note that knowledge or belief and the basis for it in the patient's or client's records.

(2) Notwithstanding R.C. § 4731.22, the physician-patient privilege or advanced practice registered nurse-patient privilege shall not be a ground for excluding any information regarding the report containing the knowledge or belief noted under division (F)(1) of this section, and the information may be admitted as evidence in accordance with the Rules of Evidence.

(G) Division (A) or (D) of this section does not require disclosure of information, when any of the following applies:

(1) The information is privileged by reason of the relationship between attorney and client; physician and patient; advanced practice registered nurse and patient; licensed psychologist or licensed school psychologist and client; licensed professional clinical counselor, licensed professional counselor, independent social worker, social worker, independent marriage and family therapist, or marriage and family therapist and client; member of the clergy, rabbi, minister, or priest and any person communicating information confidentially to the member of the clergy, rabbi, minister, or priest for a religious counseling

purpose of a professional character; husband and wife; or a communications assistant and those who are a party to a telecommunications relay service call.

(2) The information would tend to incriminate a member of the actor's immediate family.

(3) Disclosure of the information would amount to revealing a news source, privileged under R.C. § 2739.04 or 2739.12.

(4) Disclosure of the information would amount to disclosure by a member of the ordained clergy of an organized religious body of a confidential communication made to him or her in his or her capacity as such by a person seeking his or her aid or counsel.

(5) Disclosure would amount to revealing information acquired by the actor in the course of his or her duties in connection with a bona fide program of treatment or services for drug dependent persons or persons in danger of drug dependence, which program is maintained or conducted by a hospital, clinic, person, agency, or community addiction services provider whose alcohol and drug addiction services are certified pursuant to R.C. § 5119.36.

(6) Disclosure would amount to revealing information acquired by the actor in the course of his or her duties in connection with a bona fide program for providing counseling services to victims of crimes that are violations of R.C. § 2907.02 or 2907.05, or to victims of felonious sexual penetration in violation of former R.C. § 2907.12. As used in this division, "counseling services" include services provided in an informal setting by a person who, by education or experience, is competent to provide such services.

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

(I) Whoever violates division (A) or (B) of this section is guilty of failure to report a crime. Violation of division (A)(1) of this section is a misdemeanor of the fourth degree. Violation of division (A)(2) or (B) of this section is a misdemeanor of the second degree.

(J) Whoever violates division (C) or (D) of this section is guilty of failure to report knowledge of a death, a misdemeanor of the fourth degree.

(K) (1) Whoever negligently violates division (E) of this section is guilty of a minor misdemeanor.

(2) Whoever knowingly violates division (E) of this section is guilty of a misdemeanor of the second degree.

(L) As used in this section, ***NURSE*** includes an advanced practice registered nurse, registered nurse, and licensed practical nurse.
(R.C. § 2921.22) (Rev. 2019)

§ 136.05 FAILURE TO AID A LAW ENFORCEMENT OFFICER.

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

(B) Whoever violates this section is guilty of failure to aid a law enforcement officer, a minor misdemeanor.
(R.C. § 2921.23)

§ 136.06 OBSTRUCTING OFFICIAL BUSINESS.

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

(B) Whoever violates this section is guilty of obstructing official business. Except as otherwise provided in this division, obstructing official business is a misdemeanor of the second degree. If a violation of this section creates a risk of physical harm to any person, obstructing official business is a felony to be prosecuted under appropriate state law.
(R.C. § 2921.31) (Rev. 2000)

§ 136.07 OBSTRUCTING JUSTICE.

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

(1) Harbor or conceal the other person or child.

(2) Provide the other person or child with money, transportation, a weapon, a disguise, or other means of avoiding discovery or apprehension.

(3) Warn the other person or child of impending discovery or apprehension.

(4) Destroy or conceal physical evidence of the crime or act, or induce any person to withhold testimony or information or to elude legal process summoning him or her 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 division (A) of this section 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 division (C) of this section in determining the penalty for violation of division (A) of this section, regardless of whether the person or child aided ultimately is apprehended for, is charge 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) Whoever violates this section is guilty of obstructing justice.

(1) 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 crime 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.

(2) If the crime committed by the person aided is a felony or if the act committed by the child aided would be a felony if committed by an adult, or if the crime or act committed by the person or child aided is an act of terrorism, obstructing justice is a felony to be prosecuted under appropriate state law.

(D) As used in this section:

ACT OF TERRORISM. Has the same meaning as in R.C. § 2909.21.

ADULT. Has the same meaning as in R.C. § 2151.011.

CHILD. Has the same meaning as in R.C. § 2151.011.

DELINQUENT CHILD. Has the same meaning as in R.C. § 2152.02.
(R.C. § 2921.32) (Rev. 2003)

§ 136.08 RESISTING ARREST.

(A) No person, recklessly or by force, shall resist or interfere with a lawful arrest of himself, herself 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) No person, recklessly or by force, shall resist or interfere with a lawful arrest of the person or another person if either of the following applies:

(1) The offender, during the course of or as a result of the resistance or interference, recklessly causes physical harm to a law enforcement officer by means of a deadly weapon; or

(2) The offender, during the course of the resistance or interference, brandishes a deadly weapon.

(D) Whoever violates this section is guilty of resisting arrest. A violation of division (A) of this section is a misdemeanor of the second degree. A violation of division (B) of this section is a misdemeanor of the first degree. A violation of division (C) of this section is a felony to be prosecuted under appropriate state law.

(E) As used in this section, ***DEADLY WEAPON*** has the same meaning as in R.C. § 2923.11.
(R.C. § 2921.33) (Rev. 1999)
Statutory reference:
Unlawful taking of deadly weapon from a law enforcement officer, felony offense, see R.C. § 2911.01

§ 136.09 HAVING AN UNLAWFUL INTEREST IN A PUBLIC CONTRACT.

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

(1) Authorize or employ the authority of the public official's office to secure authorization of any public contract in which the public official, a member of the public official's family, or any of the public official's business associates has an interest.

(2) Authorize or employ the authority or influence of the public official's office to secure the investment of public funds in any share, bond, mortgage, or other security with respect to which the public official, a member of the public official's family, or any of the public official's business associates either has an interest, is an underwriter, or receives any brokerage, origination, or servicing fees.

(3) 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.

(4) Have an interest in the profits or benefits of a public contract entered into by or for the use of the political

subdivision or governmental agency or instrumentality with which the public official is connected.

(5) Have an interest in the profits or benefits of a public contract that is not let by competitive bidding when required by law, and that involves more than $150.

(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 or the investment of public funds, 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 5% of the outstanding shares of the corporation, and the amount due that person as creditor does not exceed 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 political subdivision 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 political subdivision 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 political subdivision or governmental agency or instrumentality as part of a continuing course of dealing established prior to the public official's becoming associated with the political subdivision or governmental agency or instrumentality involved.

(3) The treatment accorded the political subdivision 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 political subdivision 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 decision of the political subdivision or governmental agency or instrumentality with respect to the public contract.

(D) Division (A)(4) of this section does not prohibit participation by a public employee in any housing program funded by public monies 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 monies 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 division (A)(1) or (A)(2) of this section is a felony to be prosecuted under appropriate state law. Violation of division (A)(3), (A)(4), or (A)(5) 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 R.C. §§ 309.06 and 2921.421, or for a chief legal officer of a municipality or an official designated as prosecutor in a municipality to appoint assistants and employees in accordance with R.C. §§ 733.621 and 2921.421, or for a township law director appointed under R.C. § 504.15 to appoint assistants and employees in accordance with R.C. §§ 504.151 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:

CHIEF LEGAL OFFICER. Has the same meaning as in R.C. § 733.621.

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 or 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. (R.C. § 2921.42) (Rev. 2008)

Statutory reference:

Assistants and employees of Prosecutors, Law Directors, and Solicitors, see R.C. § 2921.421

§ 136.10 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 as allowed by R.C. § 102.03(G), (H), (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 state for a period of seven years from the date of conviction.

(F) Divisions (A), (B), and (C) of this section do not prohibit any 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.
(R.C. § 2921.43) (Rev. 2006)

§ 136.11 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 shall recklessly create a deficiency, incur a liability, or expend a greater sum than is appropriated by the Legislative Authority 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) Except as otherwise provided by law, a public servant who is a county treasurer; county auditor; township fiscal officer; city auditor; city treasurer; village fiscal officer; village clerk-treasurer; village clerk; in the case of a municipal corporation having a charter that designates an officer who, by virtue of the charter, has duties and functions similar to those of the city or village officers referred to in

this section, the officer so designated by the charter; school district treasurer; fiscal officer of a community school established under R.C. Chapter 3314; treasurer of a science, technology, engineering, and mathematics school established under R.C. Chapter 3326; or fiscal officer of a college-preparatory boarding school established under R.C. Chapter 3328 and is convicted of or pleads guilty to dereliction of duty is disqualified from holding any public office, employment, or position of trust in this state for four years following the date of conviction or of entry of the plea, and is not entitled to hold any public office until any repayment or restitution required by the court is satisfied.

(H) As used in this section, ***PUBLIC SERVANT*** includes the following:

(1) An officer or employee of a contractor as defined in R.C. § 9.08;

(2) A fiscal officer employed by the operator of a community school established under R.C. Chapter 3314 or by the operator of a college-preparatory boarding school established under R.C. Chapter 3328.
(R.C. § 2921.44) (Rev. 2016)

§ 136.12 INTERFERING WITH CIVIL RIGHTS.

(A) No public servant, under color of his or her office, employment, or authority, shall knowingly deprive, 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.
(R.C. § 2921.45)

§ 136.13 ILLEGAL CONVEYANCE OF PROHIBITED ITEMS ONTO GROUNDS OF A DETENTION FACILITY OR OTHER SPECIFIED GOVERNMENTAL FACILITY.

(A) No person shall knowingly convey, or attempt to convey, onto the grounds of a detention facility or of an institution, office building, or other place that is under the control of the Department of Mental Health and Addiction Services, the Department of Developmental Disabilities, the Department of Youth Services, or the Department of Rehabilitation and Correction, any of the following items:

(1) Any deadly weapon or dangerous ordnance, as defined in R.C. § 2923.11, or any part of or ammunition for use in such deadly weapon or dangerous ordnance.

(2) Any drug of abuse, as defined in R.C. § 3719.011.

(3) Any intoxicating liquor, as defined in R.C. § 4301.01.

(B) Division (A) of this section does not apply to any person who conveys or attempts to convey an item onto the grounds of a detention facility or of an institution, office building, or other place under the control of the Department of Mental Health and Addiction Services, the Department of Developmental Disabilities, the Department of Youth Services, or the Department of Rehabilitation and Correction, with written authorization of the person in charge of the detention facility or the institution, office building, or other place and in accordance with the written rules of the detention facility or the institution, office building, or other place.

(C) No person shall knowingly deliver, or attempt to deliver, to any person who is confined in a detention facility, to a child confined in a youth services facility, to a prisoner who is temporarily released from confinement for a work assignment, or to any patient in an institution under the control of the Department of Mental Health and Addiction Services or the Department of Developmental Disabilities, any item listed in division (A).

(D) No person shall knowingly deliver or attempt to deliver cash to any person who is confined in a detention facility, to a child confined in a youth services facility, or to a prisoner who is temporarily released from confinement for a work assignment.

(E) No person shall knowingly deliver, or attempt to deliver, to any person who is confined in a detention facility, to a child confined in a youth services facility, or to a prisoner who is temporarily released from confinement for a work assignment a cellular telephone, two-way radio, or other electronic communications device.

(F) (1) It is an affirmative defense to a charge under division (A)(1) of this section that the weapon or dangerous ordnance in question was being transported in a motor vehicle for any lawful purpose, that it was not on the actor's person, and if the weapon or dangerous ordnance was a firearm, that it was unloaded and was being carried in a closed package, box or case or in a compartment that can be reached only by leaving the vehicle.

(2) It is an affirmative defense to a charge under division (C) of this section that the actor was not otherwise prohibited by law from delivering the item to the confined person, the child, the prisoner, or the patient and that either of the following applies:

(a) The actor was permitted by the written rules of the detention facility or the institution, office building, or other place to deliver the item to the confined person or the patient.

(b) The actor was given written authorization by the person in charge of the detention facility or the institution, office building, or other place to deliver the item to the confined person or the patient.

(G) (1) Whoever violates division (A)(1) of this section or commits a violation of division (C) of this section

involving any item listed in division (A)(1) of this section is guilty of illegal conveyance of weapons onto the grounds of a specified governmental facility, a felony to be prosecuted under appropriate state law.

(2) Whoever violates division (A)(2) of this section or commits a violation of division (C) of this section involving any drug of abuse is guilty of illegal conveyance of drugs of abuse onto the grounds of a specified governmental facility, a felony to be prosecuted under appropriate state law.

(3) Whoever violates division (A)(3) of this section or commits a violation of division (C) of this section involving any intoxicating liquor is guilty of illegal conveyance of intoxicating liquor onto the grounds of a specified governmental facility, a misdemeanor of the second degree.

(4) Whoever violates division (D) of this section is guilty of illegal conveyance of cash onto the grounds of a detention facility, a misdemeanor of the first degree. If the offender previously has been convicted of or pleaded guilty to a violation of division (D) of this section or a substantially equivalent state law or municipal ordinance, illegal conveyance of cash onto the grounds of a detention facility is a felony to be prosecuted under appropriate state law.

(5) Whoever violates division (E) of this section is guilty of illegal conveyance of a communications device onto the grounds of a specified governmental facility, a misdemeanor of the first degree. If the offender previously has been convicted or pleaded guilty to a violation of division (E) of this section or a substantially equivalent state law or municipal ordinance, illegal conveyance of a communications device onto the grounds of a detention facility is a felony to be prosecuted under appropriate state law.
(R.C. § 2921.36) (Rev. 2014)

(H) The person in charge of a detention facility shall, on the grounds of the detention facility, have the same power as a peace officer, as defined in R.C. § 2935.01, to arrest a person who violates this section.
(R.C. § 2921.37)

Cross-reference:

Possession of an object indistinguishable from a firearm in a school safety zone, see § 137.11

Possession of deadly weapon while under detention, see § 137.12

Statutory reference:

Conveyance or possession of deadly weapons or dangerous ordnance on school premises, felony offense, see R.C. § 2923.122

Conveyance, possession, or control of deadly weapon or dangerous ordinance in a courthouse, felony offense, see R.C. § 2923.123

Possession of deadly weapon while under detention, felony offense, see R.C. § 2923.131

§ 136.14 FALSE REPORT OF CHILD ABUSE OR NEGLECT.

(A) No person shall knowingly make or cause another person to make a false report under R.C. § 2151.421(B) alleging that any person has committed an act or omission that resulted in a child being an abused child as defined in R.C. § 2151.031 or a neglected child as defined in R.C. § 2151.03.

(B) Whoever violates this section is guilty of making or causing a false report of child abuse or child neglect, a misdemeanor of the first degree.
(R.C. § 2921.14)

§ 136.15 ASSAULTING POLICE DOG OR HORSE, OR ASSISTANCE DOG.

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

(1) The police dog or horse is assisting a law enforcement officer in the performance of the officer's official duties at the time the physical harm is caused or attempted.

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

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

(1) Taunt, torment, or strike a police dog or horse;

(2) Throw an object or substance at a police dog or horse;

(3) Interfere with or obstruct a police dog or horse, or interfere with or obstruct a law enforcement officer who is being assisted by a police dog or horse, in a manner that does any of the following:

(a) Inhibits or restricts the law enforcement officer's control of the police dog or horse;

(b) Deprives the law enforcement officer of control of the police dog or horse;

(c) Releases the police dog or horse from its area of control;

(d) Enters the area of control of the police dog or horse without the consent of the law enforcement officer, including placing food or any other object or substance into that area;

(e) Inhibits or restricts the ability of the police dog or horse to assist a law enforcement officer;

(4) Engage in any conduct that is likely to cause serious physical injury or death to a police dog or horse;

(5) If the person is the owner, keeper, or harborer of a dog, fail to reasonably restrain the dog from taunting, tormenting, chasing, approaching in a menacing fashion or apparent attitude of attack, or attempting to bite or otherwise endanger a police dog or horse that at the time of the conduct is assisting a law enforcement officer in the performance of the officer's duties or that the person knows is a police dog or horse.

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

(1) The dog is assisting or serving a blind, deaf or hearing impaired, or mobility impaired person at the time the physical harm is caused or attempted.

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

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

(1) Taunt, torment, or strike an assistance dog;

(2) Throw an object or substance at an assistance dog;

(3) Interfere with or obstruct an assistance dog, or interfere with or obstruct a blind, deaf or hearing impaired, or mobility impaired person who is being assisted or served by an assistance dog, in a manner that does any of the following:

(a) Inhibits or restricts the assisted or served person's control of the dog;

(b) Deprives the assisted or served person of control of the dog;

(c) Releases the dog from its area of control;

(d) Enters the area of control of the dog without the consent of the assisted or served person, including placing food or any other object or substance into that area;

(e) Inhibits or restricts the ability of the dog to assist the assisted or served person;

(4) Engage in any conduct that is likely to cause serious physical injury or death to an assistance dog;

(5) If the person is the owner, keeper, or harborer of a dog, fail to reasonably restrain the dog from taunting, tormenting, chasing, approaching in a menacing fashion or apparent attitude of attack, or attempting to bite or otherwise endanger an assistance dog that at the time of the conduct is assisting or serving a blind, deaf or hearing impaired, or mobility impaired person or that the person knows is an assistance dog.

(E) (1) Whoever violates division (A) of this section is guilty of assaulting a police dog or horse. Except as otherwise provided in this division, assaulting a police dog or horse is a misdemeanor of the second degree. If the violation results in physical harm to the police dog or horse other than death or serious physical harm, assaulting a police dog or horse is a misdemeanor of the first degree. If the violation results in serious physical harm to the police dog or horse or results in its death, assaulting a police dog or horse is a felony to be prosecuted under appropriate state law.

(2) Whoever violates division (B) of this section is guilty of harassing a police dog or horse. Except as otherwise provided this division, harassing a police dog or horse is a misdemeanor of the second degree. If the violation results in physical harm to the police dog or horse but does not result in its death or in serious physical harm to it, harassing a police dog or horse is a misdemeanor of the first degree. If the violation results in serous physical harm to the police dog or horse or results in its death, harassing a police dog or horse is a felony to be prosecuted under appropriate state law.

(3) Whoever violates division (C) of this section is guilty of assaulting an assistance dog. Except as otherwise provided in this division, assaulting an assistance dog is a misdemeanor of the second degree. If the violation results in physical harm to the assistance dog other than death or serious physical harm, assaulting an assistance dog is a misdemeanor of the first degree. If the violation results in serious physical harm to the assistance dog or results in its death, assaulting an assistance dog is a felony to be prosecuted under appropriate state law.

(4) Whoever violates division (D) of this section is guilty of harassing an assistance dog. Except as otherwise provided in this division, harassing an assistance dog is a misdemeanor of the second degree. If the violation results in physical harm to the assistance dog but does not result in the death or in serious physical harm to it, harassing an assistance dog is a misdemeanor of the first degree. If the violation results in serious physical harm to the assistance dog or results in its death, harassing an assistance dog is a felony to be prosecuted under appropriate state law.

(5) In addition to any other sanctions or penalty imposed for the offense under this section, R.C. Chapter 2929 or any other provision of the Ohio Revised Code or this code, whoever violates division (A), (B), (C), or (D) of this section is responsible for the payment of all of the following:

(a) Any veterinary bill or bill for medication incurred as a result of the violation by the Police

Department regarding a violation of division (A) or (B) of this section or by the blind, deaf or hearing impaired, or mobility impaired person assisted or served by the assistance dog regarding a violation of division (C) or (D) of this section;

(b) The cost of any damaged equipment that results from the violation;

(c) If the violation did not result in the death of the police dog or horse or the assistance dog that was the subject of the violation and if, as a result of that dog or horse being the subject of the violation, the dog or horse needs further training or retraining to be able to continue in the capacity of a police dog or horse or an assistance dog, the cost of any further training or retraining of that dog or horse by a law enforcement officer or by the blind, deaf or hearing impaired, or mobility impaired person assisted or served by the assistance dog;

(d) If the violation resulted in the death of the assistance dog that was the subject of the violation or resulted in serious physical harm to the police dog or horse or the assistance dog that was the subject of the violation to the extent that the dog or horse needs to be replaced on either a temporary or a permanent basis, the cost of replacing that dog or horse and of any further training of a new police dog or horse or a new assistance dog by a law enforcement officer or by the blind, deaf or hearing impaired, or mobility impaired person assisted or served by the assistance dog, which replacement or training is required because of the death of or the serious physical harm to the dog or horse that was the subject of the violation.

(F) This section does not apply to a licensed veterinarian whose conduct is in accordance with R.C. Chapter 4741.

(G) This section only applies to an offender who knows or should know at the time of the violation that the police dog or horse or assistance dog that is the subject of a violation under this section is a police dog or horse or an assistance dog.

(H) As used in this section:

ASSISTANCE DOG. Has the same meaning as in R.C. § 955.011.

BLIND. Has the same meaning as in R.C. § 955.011.

MOBILITY IMPAIRED PERSON. Has the same meaning as in R.C. § 955.011.

PHYSICAL HARM. Means any injury, illness, or other psychological impairment, regardless of its gravity or duration.

POLICE DOG OR HORSE. Means a dog or horse that has been trained and may be used to assist law enforcement officers in the performance of their official duties.

SERIOUS PHYSICAL HARM. Means any of the following:

(a) Any physical harm that carries a substantial risk of death.

(b) Any physical harm that causes permanent maiming or that involves some temporary, substantial maiming.

(c) Any physical harm that causes acute pain of a duration that results in substantial suffering.
(R.C. § 2921.321) (Rev. 2017)

§ 136.16 DISCLOSURE OF CONFIDENTIAL PEACE OFFICER INFORMATION.

(A) No officer or employee of a law enforcement agency or court, or of the clerk's office of any court, shall disclose during the pendency of any criminal case the home address of any peace officer, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, or youth services employee who is a witness or arresting officer in the case.

(B) Division (A) of this section does not prohibit a peace officer, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, or youth services employee from disclosing the peace officer's, parole officer's, prosecuting attorney's, assistant prosecuting attorney's, correctional employee's, or youth services employee's own home address, and does not apply to any person who discloses the home address of a peace officer, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, or youth services employee pursuant to a court-ordered disclosure under division (C) of this section.

(C) The court in which any criminal case is pending may order the disclosure of the home address of any peace officer, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, or youth services employee who is a witness or arresting officer in the case, if the court determines after a written request for the disclosure that good cause exists for disclosing the home address of the peace officer, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, or youth services employee.

(D) Whoever violates division (A) of this section is guilty of disclosure of confidential information, a misdemeanor of the fourth degree.
(R.C. § 2921.24) (Rev. 2008)

(E) No judge of a court of record, or Mayor presiding over a Mayor's Court, shall order a peace officer, parole officer, prosecuting attorney, assistant prosecuting attorney,

correctional employee, or youth services employee who is a witness in a criminal case, to disclose the peace officer's, parole officer's, prosecuting attorney's, assistant prosecuting attorney's, correctional employee's, or youth services employee's home address during the peace officer's, parole officer's, prosecuting attorney's, assistant prosecuting attorney's, correctional employee's, or youth services employee's examination in the case unless the judge or Mayor determines that the defendant has a right to the disclosure.

(F) As used in this section:

PEACE OFFICER. Has the same meaning as in R.C. § 2935.01.

CORRECTIONAL EMPLOYEE. Has the same meaning as in R.C. § 149.43.

YOUTH SERVICES EMPLOYEE. Has the same meaning as in R.C. § 149.43.
(R.C. § 2921.25) (Rev. 2008)

§ 136.17 INTIMIDATION OF CRIME VICTIM OR WITNESS.

(A) No person shall knowingly attempt to intimidate or hinder the victim of a crime or delinquent act in the filing or prosecution of criminal charges or a delinquent child action or proceeding, and no person shall knowingly attempt to intimidate a witness to a criminal or delinquent act by reason of the person being a witness to that act.

(B) No person, knowingly and by force or by unlawful threat of harm to any person or property or by unlawful threat to commit any offense or calumny against any person, shall attempt to influence, intimidate, or hinder any of the following persons:

(1) The victim of a crime or delinquent act in the filing or prosecution of criminal charges or a delinquent child action or proceeding;

(2) A witness to a criminal or delinquent act by reason of the person being a witness to that act;

(3) An attorney by reason of the attorney's involvement in any criminal or delinquent child action or proceeding.

(C) Division (A) of this section does not apply to any person who is attempting to resolve a dispute pertaining to the alleged commission of a criminal offense, either prior to or subsequent to the filing of a complaint, indictment, or information by participating in the arbitration, mediation, compromise, settlement or conciliation of that dispute pursuant to an authorization for arbitration, mediation, compromise, settlement, or conciliation of a dispute of that nature that is conferred by any of the following:

(1) A section of the Ohio Revised Code.

(2) The Rules of Criminal Procedure, the Rules of Superintendence for Municipal Courts and County Courts, the Rules of Superintendence for Courts of Common Pleas, or another rule adopted by the Ohio Supreme Court in accordance with Ohio Constitution, Article IV, Section 5.

(3) A local rule of court, including but not limited to a local rule of court that relates to alternative dispute resolution or other case management programs and that authorizes the referral of disputes pertaining to the alleged commission of certain types of criminal offenses to appropriate and available arbitration, mediation, compromise, settlement or other conciliation programs.

(4) The order of a judge of a municipal court, county court, or court of common pleas.

(D) Whoever violates this section is guilty of intimidation of an attorney, victim or witness in a criminal case. A violation of division (A) of this section is a misdemeanor of the first degree. A violation of division (B) of this section is a felony to be prosecuted under appropriate state law.

(E) As used in this section, ***WITNESS*** means any person who has or claims to have knowledge concerning a fact or facts concerning a criminal or delinquent act, whether or not criminal or delinquent child charges are actually filed.
(R.C. § 2921.04) (Rev. 2013)
Statutory reference:
Retaliation, felony offense, see R.C. § 2921.05

§ 136.18 USING SHAM LEGAL PROCESS.

(A) As used in this section:

LAWFULLY ISSUED. Means adopted, issued, or rendered in accordance with the United States Constitution, the Constitution of a state, and the applicable statutes, rules, regulations and ordinances of the United States, a state, and the political subdivisions of a state.

POLITICAL SUBDIVISIONS. Means municipal corporations, townships, counties, school districts, and all other bodies corporate and politic that are organized under state law and are responsible for governmental activities only in geographical areas smaller than that of a state.

SHAM LEGAL PROCESS. Means an instrument that meets all of the following conditions:

(a) It is not lawfully issued.

(b) It purports to do any of the following:

1. To be a summons, subpoena, judgment, or order of a court, a law enforcement officer, or a legislative, executive or administrative body.

2. To assert jurisdiction over or determine the legal or equitable status, rights, duties, powers, or privileges of any person or property.

3. To require or authorize the search, seizure, indictment, arrest, trial, or sentencing of any person or property.

(c) It is designed to make another person believe that it is lawfully issued.

STATE. Means a state of the United States, including without limitation the state legislature, the highest court of the state that has statewide jurisdiction, the offices of all elected state officers, and all departments, boards, offices, commissions, agencies, institutions, and other instrumentalities of the state. The term does not include the political subdivisions of the state.

(B) No person shall, knowing the sham legal process to be a sham legal process, do any of the following:

(1) Knowingly issue, display, deliver, distribute, or otherwise use sham legal process.

(2) Knowingly use sham legal process to arrest, detain, search or seize any person or the property of another person.

(3) Knowingly commit or facilitate the commission of an offense using sham legal process.

(4) Knowingly commit a felony by using sham legal process.

(C) It is an affirmative defense to a charge under division (B)(1) or (B)(2) of this section that the use of sham legal process was for a lawful purpose.

(D) Whoever violates this section is guilty of using sham legal process. A violation of division (B)(1) of this section is a misdemeanor of the fourth degree. A violation of division (B)(2) or (B)(3) of this section is a misdemeanor of the first degree, except that if the purpose of a violation of division (B)(3) of this section is to commit or facilitate the commission of a felony, a violation of division (B)(3) of this section is a felony to be prosecuted under appropriate state law. A violation of division (B)(4) of this section is a felony to be prosecuted under appropriate state law.
(R.C. § 2921.52(A) - (D)) (Rev. 1997)
Statutory reference:
Civil liability, see R.C. § 2921.52(E)

§ 136.19 MAKING FALSE ALLEGATION OF PEACE OFFICER MISCONDUCT.

(A) As used in this section, ***PEACE OFFICER*** has the same meaning as in 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 division (B) of this section is guilty of making a false allegation of peace officer misconduct, a misdemeanor of the first degree.
(R.C. § 2921.15) (Rev. 2001)

§ 136.20 MISUSE OF 9-1-1 SYSTEM.

(A) As used in this section, ***9-1-1 SYSTEM*** means a system through which individuals can request emergency service using the telephone number 9-1-1.
(R.C. § 128.01(A)) (Rev. 2014)

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

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

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

(1) For the purpose of the 9-1-1 system;

(2) For the purpose of responding to an emergency call to an emergency service provider;

(3) In the circumstance of the inadvertent disclosure of such information due solely to technology of the wireless telephone network portion of the 9-1-1 system not allowing access to the database to be restricted to 9-1-1 specific answering lines at a public safety answering point;

(4) In the circumstance of access to a database being given by a telephone company that is a wireless service provider to a public utility or municipal utility in handling customer calls in times of public emergency or service outages. The charge, terms, and conditions for the disclosure or use of such information for the purpose of such access to a database shall be subject to the jurisdiction of the Steering Committee;

(5) In the circumstance of access to a database given by a telephone company that is a wireline service provider to a state and local government in warning of a public emergency, as determined by the Steering Committee. The charge, terms and conditions for the disclosure or use of that information for the purpose of access to a database is subject to the jurisdiction of the Steering Committee.
(R.C. § 128.32(E) - (G)) (Rev. 2014)

(E) (1) Whoever violates division (B) of this section is guilty of a misdemeanor of the fourth degree.

(2) Whoever violates division (C) or (D) of this section is guilty of a misdemeanor of the fourth degree on a

first offense and a felony to be prosecuted under appropriate state law on each subsequent offense.
(R.C. § 128.99(A), (B)) (Rev. 2014)

§ 136.21 FAILURE TO DISCLOSE PERSONAL INFORMATION.

(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 property;

(c) Any attempt or conspiracy to commit, or complicity in committing, any offenses identified in division (A)(2)(a) or (A)(2)(b) of this section;

(d) Any conduct reasonably indicating that any offense identified in division (A)(2)(a) or (A)(2)(b) of this section or any attempt, conspiracy, or complicity described in division (A)(2)(c) of this section has been, is being, or is about to be committed.

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

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

(D) It is not a violation of division (A) 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.
(R.C. § 2921.29) (Rev. 2007)

(E) No person entering an airport, train station, port, or other similar critical transportation infrastructure site shall refuse to show identification when requested by a law enforcement officer when there is a threat to security and the law enforcement officer is requiring identification of all persons entering the site.

(F) A law enforcement officer may prevent any person who refuses to show identification when asked under the circumstances described in division (E) of this section from entering the critical transportation infrastructure site.
(R.C. § 2909.31) (Rev. 2007)

Editor's note: *Effective December 28, 2019, R.C. § 9.68 (Right to Bear Arms – Challenge to Law) was significantly amended. There is widespread uncertainty as to the effect of this amendment and the amended law is currently being challenged on several grounds (see preface page vii). Before issuing any citations under this chapter or any other provisions of the Ohio Basic Code relating to firearms- or weapons-related offenses, please contact the Village Attorney and/or the Ohio Municipal League for advice and direction.*

CHAPTER 137: WEAPONS CONTROL

Section

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§ 137.01 DEFINITIONS.

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

ACTIVE DUTY. Has the same meaning as defined in 10 U.S.C. § 101.

ALIEN REGISTRATION NUMBER. The number issued by the United States Citizenship and Immigration Services Agency that is located on the alien's permanent resident card and may also be commonly referred to as the "USCIS number" or the "alien number".

AUTOMATIC FIREARM. Any firearm designed or specially adapted to fire a succession of cartridges with a single function of the trigger.

BALLISTIC KNIFE. A knife with a detachable blade that is propelled by a spring-operated mechanism.

CONCEALED HANDGUN LICENSE or ***LICENSE TO CARRY A CONCEALED HANDGUN***.

(1) Means, subject to division (2) of this definition, a license or temporary emergency license to carry a concealed handgun issued under R.C. § 2923.125 or R.C. § 2923.1213 or a license to carry a concealed handgun issued by another state with which the Attorney General has entered into a reciprocity agreement under R.C. § 109.69.

(2) A reference in any provision of this Code to a concealed handgun license issued under R.C. § 2923.125 or a license to carry a concealed handgun issued under R.C. § 2923.125 means only a license of the type that is specified in that section. A reference in any provision of this Code to a concealed handgun license issued under R.C. § 2923.1213, a license to carry a concealed handgun issued under R.C. § 2923.1213, or a license to carry a concealed handgun on a temporary emergency basis means only a license of the type that is specified in R.C. § 2923.1213. A reference in any provision of this Code to a concealed handgun license issued by another state or a license to carry a concealed handgun issued by another state means only a license issued by another state with which the Attorney General has entered into a reciprocity agreement under R.C. § 109.69.

DANGEROUS ORDNANCE.

(1) Any of the following, except as provided in division (2) of this definition:

(a) Any automatic or sawed-off firearm, zip-gun, or ballistic knife.

(b) Any explosive device or incendiary device.

(c) Nitroglycerin, nitrocellulose, nitrostarch, PETN, cyclonite, TNT, picric acid, and other high explosives; amatol, tritonal, tetrytol, pentolite, pecretol, cyclotol, and other high explosive compositions; plastic explosives; dynamite, blasting gelatin, gelatin dynamite, sensitized ammonium nitrate, liquid-oxygen blasting explosives, blasting powder, and other blasting agents; and any other explosive substance having sufficient brisance or power to be particularly suitable for use as a military explosive, or for use in mining, quarrying, excavating, or demolitions.

(d) Any firearm, rocket launcher, mortar, artillery piece, grenade, mine, bomb, torpedo, or similar weapon, designed and manufactured for military purposes, and the ammunition for that weapon.

(e) Any firearm muffler or suppressor.

(f) Any combination of parts that is intended by the owner for use in converting any firearm or other device into a dangerous ordnance.

(2) The term does not include any of the following:

(a) Any firearm, including a military weapon and the ammunition for that weapon, and regardless of its actual age, that employs a percussion cap or other obsolete ignition system, or that is designed and safe for use only with black powder.

(b) Any pistol, rifle, or shotgun, designed or suitable for sporting purposes, including a military weapon as issued or as modified, and the ammunition for that weapon, unless the firearm is an automatic or sawed-off firearm.

(c) Any cannon or other artillery piece that, regardless of its actual age, is of a type in accepted use prior to 1887, has no mechanical, hydraulic, pneumatic, or other system for absorbing recoil and returning the tube into battery without displacing the carriage, and is designed and safe for use only with black powder.

(d) Black powder, priming quills, and percussion caps possessed and lawfully used to fire a cannon of a type defined in division (2)(c) of this definition during displays, celebrations, organized matches or shoots, and target practice, and smokeless and black powder, primers, and percussion caps possessed and lawfully used as a propellant or ignition device in small-arms or small-arms ammunition.

(e) Dangerous ordnance that is inoperable or inert and cannot readily be rendered operable or activated, and that is kept as a trophy, souvenir, curio, or museum piece.

(f) Any device that is expressly excepted from the definition of a destructive device pursuant to the Gun Control Act of 1968, 18 U.S.C. § 921(a)(4), as amended, and regulations issued under that act.

(g) Any firearm with an overall length of at least 26 inches that is approved for sale by the Federal Bureau of Alcohol, Tobacco, Firearms, and Explosives under the "Gun Control Act of 1968", 82 Stat. 1213, 18 U.S.C. § 921(a)(3), but that is found by the Bureau not to be regulated under the "National Firearms Act", 68A Stat. 725 (1934), 26 U.S.C. § 5845(a).

DEADLY WEAPON. Any instrument, device, or thing capable of inflicting death, and designed or specially adapted for use as a weapon, or possessed, carried, or used as a weapon.

EXPLOSIVE. Any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion. The term includes all materials that have been classified as division 1.1, division 1.2, division 1.3, or division 1.4 explosives by the United States Department of Transportation in its regulations and includes but is not limited to dynamite, black powder, pellet powders, initiating explosives, blasting caps, electric blasting caps, safety fuses, fuse igniters, squibs, cordeau detonant fuses, instantaneous fuses, and igniter cords and igniters. The term does not include "fireworks", as defined in R.C. § 3743.01, or any substance or material otherwise meeting the definition of explosive set forth in this section that is manufactured, sold, possessed, transported, stored, or used in any activity described in R.C. § 3743.80, provided the activity is conducted in accordance with all applicable laws, rules, and regulations, including but not limited to the provisions of R.C. § 3743.80 and the rules of the Fire Marshal adopted pursuant to R.C. § 3737.82.

EXPLOSIVE DEVICE. Any device designed or specially adapted to cause physical harm to persons or property by means of an explosion, and consisting of an explosive substance or agency and a means to detonate it. The term includes without limitation any bomb, any explosive demolition device, any blasting cap or detonator containing an explosive charge, and any pressure vessel that has been knowingly tampered with or arranged so as to explode.

FIREARM.

(1) Any deadly weapon capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant. The term includes an unloaded firearm, and any firearm that is inoperable but that can readily be rendered operable.

(2) When determining whether a firearm is capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant, the trier of fact may rely upon circumstantial evidence, including but not limited to the representations and actions of the individual exercising control over the firearm.

HANDGUN. Any of the following:

(1) Any firearm that has a short stock and is designed to be held and fired by the use of a single hand;

(2) Any combination of parts from which a firearm of a type described in division (1) of this definition can be assembled.

INCENDIARY DEVICE. Any firebomb, and any device designed or specially adapted to cause physical harm to persons or property by means of fire, and consisting of an incendiary substance or agent and a means to ignite it.

MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR A TERM EXCEEDING ONE YEAR. The phrase does not include any of the following:

(1) Any federal or state offense pertaining to antitrust violations, unfair trade practices, restraints of trade, or other similar offenses relating to the regulation of business practices;

(2) Any misdemeanor offense punishable by a term of imprisonment of two years or less.

SAWED-OFF FIREARM. A shotgun with a barrel less than 18 inches long, or a rifle with a barrel less than 16 inches long, or a shotgun or rifle less than 26 inches long overall. "Sawed-off firearm" does not include any firearm with an overall length of at least 26 inches that is approved for sale by the Federal Bureau of Alcohol, Tobacco, Firearms, and Explosives under the "Gun Control Act of 1968", 82 Stat. 1213, 18 U.S.C. § 921(a)(3), but that is found by the Bureau not to be regulated under the "National Firearms Act", 68A Stat. 725 (1934), 26 U.S.C. § 5845(a).

SEMI-AUTOMATIC FIREARM. Any firearm designed or specially adapted to fire a single cartridge and automatically chamber a succeeding cartridge ready to fire, with a single function of the trigger.

VALID CONCEALED HANDGUN LICENSE or ***VALID LICENSE TO CARRY A CONCEALED HANDGUN.*** A concealed handgun license that is currently valid, that is not under a suspension under R.C. § 2923.128(A)(1), under R.C. § 2923.1213, or under a suspension provision of the state other than this state in which the license was issued, and that has not been revoked under R.C. § 2923.128(B)(1), under R.C. § 2923.1213, or under a revocation provision of the state other than this state in which the license was issued.

ZIP-GUN. Any of the following:

(1) Any firearm of crude and extemporized manufacture.

(2) Any device, including without limitation a starter's pistol, not designed as a firearm, but that is specially adapted for use as a firearm.

(3) Any industrial tool, signaling device, or safety device, not designed as a firearm, but that as designed is capable of use as such, when possessed, carried, or used as a firearm.
(R.C. § 2923.11) (Rev. 2020)

§ 137.02 CARRYING CONCEALED WEAPONS.

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

(1) A deadly weapon other than a handgun;

(2) A handgun other than a dangerous ordnance;

(3) A dangerous ordnance.

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

(1) If the person is stopped for a law enforcement purpose, and is carrying a concealed handgun, fail to promptly inform any law enforcement officer who approaches the person after the person has been stopped that the person has been issued a concealed handgun license and that the person then is carrying a concealed handgun;

(2) If the person is stopped for a law enforcement purpose and is carrying a concealed handgun, knowingly fail to keep the person's hands in plain sight at any time after any law enforcement officer begins approaching the person while stopped and before the law enforcement officer leaves, unless the failure is pursuant to and in accordance with directions given by a law enforcement officer;

(3) If the person is stopped for a law enforcement purpose, if the person is carrying a concealed handgun, and if the person is approached by any law enforcement officer while stopped, knowingly remove or attempt to remove the loaded handgun from the holster, pocket, or other place in which the person is carrying it, knowingly grasp or hold the loaded handgun, or knowingly have contact with the loaded handgun by touching it with the person's hands or fingers at any time after the law enforcement officer begins approaching and before the law enforcement officer leaves, unless the person removes, attempts to remove, grasps, holds, or has contact with the loaded handgun pursuant to and in accordance with directions given by the law enforcement officer;

(4) If the person is stopped for a law enforcement purpose and is carrying a concealed handgun, knowingly disregard or fail to comply with any lawful order of any law enforcement officer given while the person is stopped, including but not limited to a specific order to the person to keep the person's hands in plain sight.

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

(a) An officer, agent, or employee of this or any other state or the United States, or to a law enforcement officer, who is authorized to carry concealed weapons or dangerous ordnance or is authorized to carry handguns and is acting within the scope of the officer's, agent's, or employee's duties;

(b) Any person who is employed in this state, who is authorized to carry concealed weapons or dangerous ordnance or is authorized to carry handguns, and who is subject to and in compliance with the requirements of R.C. § 109.801, unless the appointing authority of the person has expressly specified that the exemption provided in this division (C)(1)(b) does not apply to the person;

(c) A person's transportation or storage of a firearm, other than a firearm described in R.C. § 2923.11(G) to (M), in a motor vehicle for any lawful purpose if the firearm is not on the actor's person;

(d) A person's storage or possession of a firearm, other than a firearm described in R.C. § 2923.11(G) to (M), in the actor's own home for any lawful purpose.

(2) Division (A)(2) of this section does not apply to any person who, at the time of the alleged carrying or possession of a handgun, either is carrying a valid concealed handgun license or is an active duty member of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in R.C. § 2923.125(G)(1), unless the person knowingly is in a place described in R.C. § 2923.126(B).

(D) It is an affirmative defense to a charge under division (A)(1) of this section of carrying or having control of a weapon other than a handgun and other than a dangerous ordnance, that the actor was not otherwise prohibited by law from having the weapon, and that any of the following applies:

(1) The weapon was carried or kept ready at hand by the actor for defensive purposes, while the actor was engaged in or was going to or from the actor's lawful business or occupation, which business or occupation was of a character or was necessarily carried on in a manner or at a time or place as to render the actor particularly susceptible to criminal attack, such as would justify a prudent person in going armed.

(2) The weapon was carried or kept ready at hand by the actor for defensive purposes, while the actor was engaged in a lawful activity and had reasonable cause to fear a criminal attack upon the actor, a member of the actor's family, or the actor's home, such as would justify a prudent person in going armed.

(3) The weapon was carried or kept ready at hand by the actor for any lawful purpose and while in the actor's own home.

(E) No person who is charged with a violation of this section shall be required to obtain a concealed handgun license as a condition for the dismissal of the charge.

(F) (1) Whoever violates this section is guilty of carrying concealed weapons. Except as otherwise provided in this division or divisions (F)(2), (F)(6), and (F)(7) of this section, carrying concealed weapons in violation of division (A) of this section is a misdemeanor of the first degree. Except as otherwise provided in this division or divisions (F)(2), (F)(6), and (F)(7) of this section, if the offender previously has been convicted of a violation of this section or any substantially equivalent state law or municipal ordinance or of any offense of violence, if the weapon involved is a firearm that is either loaded or for which the offender has ammunition ready at hand, or if the weapon involved is dangerous ordnance, carrying concealed weapons in violation of division (A) of this section is a felony to be prosecuted under appropriate state law. Except as otherwise provided in divisions (F)(2), (F)(6), and (F)(7) of this section, if the offense is committed aboard an aircraft, or with purpose to carry a concealed weapon aboard an aircraft, regardless of the weapon involved, carrying concealed weapons in violation of division (A) of this section is a felony to be prosecuted under appropriate state law.

(2) Except as provided in division (F)(6) of this section, if a person being arrested for a violation of division (A)(2) of this section promptly produces a valid concealed handgun license, and if at the time of the violation the person was not knowingly in a place described in R.C. § 2923.126(B), the officer shall not arrest the person for a violation of that division. If the person is not able to promptly produce any concealed handgun license and if the person is not in a place described in that section, the officer may arrest the person for a violation of that division, and the offender shall be punished as follows:

(a) The offender shall be guilty of a minor misdemeanor if both of the following apply:

1. Within 10 days after the arrest, the offender presents a concealed handgun license, which license was valid at the time of the arrest to the law enforcement agency that employs the arresting officer.

2. At the time of the arrest, the offender was not knowingly in a place described in R.C. § 2923.126(B).

(b) The offender shall be guilty of a misdemeanor and shall be fined $500 if all of the following apply:

1. The offender previously had been issued a concealed handgun license, and that license expired within the two years immediately preceding the arrest.

2. Within 45 days after the arrest, the offender presents a concealed handgun license to the law enforcement agency that employed the arresting officer, and the offender waives in writing the offender's right to a speedy trial on the charge of the violation that is provided in R.C. § 2945.71.

3. At the time of the commission of the offense, the offender was not knowingly in a place described in R.C. § 2923.126(B).

(c) If divisions (F)(2)(a) and (F)(2)(b) and (F)(6) of this section do not apply, the offender shall be punished under division (F)(1) or (F)(7) of this section.

(3) Except as otherwise provided in this division, carrying concealed weapons in violation of division (B)(1) of this section is a misdemeanor of the first degree, and, in addition to any other penalty or sanction imposed for a violation of division (B)(1) of this section, the offender's concealed handgun license shall be suspended pursuant to R.C. § 2923.128(A)(2). If, at the time of the stop of the offender for a law enforcement purpose that was the basis of the violation, any law enforcement officer involved with the

stop had actual knowledge that the offender has been issued a concealed handgun license, carrying concealed weapons in violation of division (B)(1) of this section is a minor misdemeanor, and the offender's concealed handgun license shall not be suspended pursuant to R.C. § 2923.128(A)(2).

(4) Carrying concealed weapons in violation of division (B)(2) or (B)(4) of this section is a misdemeanor of the first degree or, if the offender previously has been convicted of or pleaded guilty to a violation of division (B)(2) or (B)(4) of this section or any substantially equivalent state law or municipal ordinance, a felony to be prosecuted under appropriate state law. In addition to any other penalty or sanction imposed for a misdemeanor violation of division (B)(2) or (B)(4) of this section, the offender's concealed handgun license shall be suspended pursuant to R.C. § 2923.128(A)(2).

(5) Carrying concealed weapons in violation of division (B)(3) of this section is a felony to be prosecuted under appropriate state law.

(6) If a person being arrested for a violation of division (A)(2) of this section is an active duty m ember of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in R.C. § 2923.125(G)(1), and if at the time of the violation the person was not knowingly in a place described in R.C. 2923.126(B), the officer shall not arrest the person for a violation of that division. If the person is not able to promptly produce a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in R.C. § 2923.125(G)(1) and if the person is not in a place described in R.C. § 2923.126(B), the officer shall issue a citation and the offender shall be assessed a civil penalty of not more than $500. The citation shall be automatically dismissed and the civil penalty shall not be assessed if both of the following apply:

(a) Within ten days after the issuance of the citation, the offender presents a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in R.C. § 2923.125(G)(1), which were both valid at the time of the issuance of the citation to the law enforcement agency that employs the citing officer.

(b) At the time of the citation, the offender was not knowingly in a place described in R.C. § 2923.126(B).

(7) If a person being arrested for a violation of division (A)(2) of this section is knowingly in a place described in R.C. § 2923.126(B)(5) and is not authorized to carry a handgun or have a handgun concealed on the person's person or concealed ready at hand under that division, the penalty shall be as follows:

(a) Except as otherwise provided in this division, if the person produces a valid concealed handgun license within ten days after the arrest and has not previously been convicted or pleaded guilty to a violation of division (A)(2) of this section or any substantially equivalent state law or municipal ordinance, the person is guilty of a minor misdemeanor;

(b) Except as otherwise provided in this division, if the person has previously been convicted of or pleaded guilty to a violation of division (A)(2) of this section or any substantially equivalent state law or municipal ordinance, the person is guilty of a misdemeanor of the fourth degree;

(c) Except as otherwise provided in this division, if the person has previously been convicted of or pleaded guilty to two violations of division (A)(2) of this section or any substantially equivalent state law or municipal ordinance, the person is guilty of a misdemeanor of the third degree;

(d) Except as otherwise provided in this division, if the person has previously been convicted of or pleaded guilty to three or more violations of division (A)(2) of this section or any substantially equivalent state law or municipal ordinance, or convicted of or pleaded guilty to any offense of violence, if the weapon involved is a firearm that is either loaded or for which the offender has ammunition ready at hand, or if the weapon involved is a dangerous ordnance, the person is guilty of a misdemeanor of the second degree.

(G) If a law enforcement officer stops a person to question the person regarding a possible violation of this section, for a traffic stop, or for any other law enforcement purpose, if the person surrenders a firearm to the officer, either voluntarily or pursuant to a request or demand of the officer, and if the officer does not charge the person with a violation of this section or arrest the person for any offense, the person is not otherwise prohibited by law from possessing the firearm, and the firearm is not contraband, the officer shall return the firearm to the person at the termination of the stop. If a court orders a law enforcement officer to return a firearm to a person pursuant to the requirement set forth in this division, R.C. § 2923.163(B) applies.
(R.C. § 2923.12) (Rev. 2018)

Statutory reference:

Carrying concealed handguns, licensing through county sheriff, see R.C. §§ 2923.124 et seq.
Conveyance or possession of deadly weapons or dangerous ordnance on school premises, felony offense, see R.C. § 2923.122
Conveyance, possession, or control of deadly weapon or dangerous ordinance in a courthouse, felony offense, see R.C. § 2923.123
Possession of deadly weapon while under detention, felony offense, see R.C. § 2923.131
Possession of firearm in liquor permit premises, felony offense, see R.C. § 2923.121

§ 137.03 USING WEAPONS WHILE INTOXICATED.

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

(B) Whoever violates this section is guilty of using weapons while intoxicated, a misdemeanor of the first degree. (R.C. § 2923.15)

§ 137.04 IMPROPERLY HANDLING FIREARMS IN A MOTOR VEHICLE.

(A) No person shall knowingly discharge a firearm while in or on a motor vehicle.

(B) No person shall knowingly transport or have a loaded firearm in a motor vehicle in such a manner that the firearm is accessible to the operator or any passenger without leaving the vehicle.

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

(1) In a closed package, box, or case.

(2) In a compartment that can be reached only by leaving the vehicle.

(3) In plain sight and secured in a rack or holder made for the purpose.

(4) If the firearm is at least 24 inches in overall length as measured from the muzzle to the part of the stock furthest from the muzzle and if the barrel is at least 18 inches in length, either in plain sight with the action open or the weapon stripped, or, if the firearm is of a type on which the action will not stay open or which cannot easily be stripped, in plain sight.

(D) No person shall knowingly transport or have a loaded handgun in a motor vehicle if, at the time of that transportation or possession, any of the following applies:

(1) The person is under the influence of alcohol, a drug of abuse, or a combination of them.

(2) The person's whole blood, blood serum or plasma, breath, or urine contains a concentration of alcohol, a listed controlled substance, or a listed metabolite of a controlled substance prohibited for persons operating a vehicle, as specified in R.C. § 4511.19(A), regardless of whether the person at the time of the transportation or possession as described in this division is the operator of or a passenger in the motor vehicle.

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

(1) Fail to promptly inform any law enforcement officer who approaches the vehicle while stopped that the person has been issued a concealed handgun license or is authorized to carry a concealed handgun as an active duty member of the armed forces of the United States and that the person then possesses or has a loaded handgun in the motor vehicle;

(2) Fail to promptly inform the employee of the unit who approaches the vehicle while stopped that the person has been issued a concealed handgun license or is authorized to carry a concealed handgun as an active duty member of the armed forces of the United States and that the person then possesses or has a loaded handgun in the commercial motor vehicle;

(3) Knowingly fail to remain in the motor vehicle while stopped, or knowingly fail to keep the person's hands in plain sight at any time after any law enforcement officer begins approaching the person while stopped and before the law enforcement officer leaves, unless the failure is pursuant to and in accordance with directions given by a law enforcement officer;

(4) Knowingly have contact with the loaded handgun by touching it with the person's hands or fingers in the motor vehicle at any time after the law enforcement officer begins approaching and before the law enforcement officer leaves, unless the person has contact with the loaded handgun pursuant to and in accordance with directions given by the law enforcement officer.

(5) Knowingly disregard or fail to comply with any lawful order of any law enforcement officer given while the motor vehicle is stopped, including but not limited to a specific order to the person to keep the person's hands in plain sight.

(F) (1) Divisions (A), (B), (C), and (E) of this section do not apply to any of the following:

(a) An officer, agent, or employee of this or any other state or the United States, or a law enforcement officer, when authorized to carry or have loaded or accessible firearms in motor vehicles and acting within the scope of the officer's, agent's, or employee's duties;

(b) Any person who is employed in this state, who is authorized to carry or have loaded or accessible

firearms in motor vehicles, and who is subject to and in compliance with the requirements of R.C. § 109.801, unless the appointing authority of the person has expressly specified that the exemption provided in this division (F)(1)(b) does not apply to the person.

(2) Division (A) of this section does not apply to a person if all of the following circumstances apply:

(a) The person discharges a firearm from a motor vehicle at a coyote or groundhog, the discharge is not during the deer gun hunting season as set by the Chief of the Division of Wildlife of the Department of Natural Resources, and the discharge at the coyote or groundhog, but for the operation of this section, is lawful.

(b) The motor vehicle from which the person discharges the firearm is on real property that is located in an unincorporated area of a township and that is either zoned for agriculture or is used for agriculture.

(c) The person owns the real property described in division (F)(2)(b) of this section, is the spouse or a child of another person who owns that real property, is a tenant of another person who owns that real property, or is the spouse or a child of a tenant of another person who owns that real property.

(d) The person does not discharge the firearm in any of the following manners:

1. While under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse;

2. In the direction of a street, highway or other public or private property used by the public for vehicular traffic or parking;

3. At or into an occupied structure that is a permanent or temporary habitation;

4. In the commission of any violation of law, including but not limited to a felony that includes, as an essential element, purposely or knowingly causing or attempting to cause the death of or physical harm to another and that was committed by discharging a firearm from a motor vehicle.

(3) Division (A) of this section does not apply to a person if all of the following apply:

(a) The person possesses a valid all-purpose vehicle permit issued under R.C. § 1533.103 by the Chief of the Division of Wildlife.

(b) The person discharges a firearm at a wild quadruped or game bird as defined in R.C. § 1531.01 during the open hunting season for the applicable wild quadruped or game bird.

(c) The person discharges a firearm from a stationary all-purpose vehicle as defined in R.C. § 1531.01 from private or publicly owned lands or from a motor vehicle that is parked on a road that is owned or administered by the Division of Wildlife.

(d) The person does not discharge the firearm in any of the following manners:

1. While under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse;

2. In the direction of a street, a highway, or other public or private property that is used by the public for vehicular traffic or parking;

3. At or into an occupied structure that is a permanent or temporary habitation;

4. In the commission of any violation of law, including but not limited to a felony that includes, as an essential element, purposely or knowingly causing or attempting to cause the death of or physical harm to another and that was committed by discharging a firearm from a motor vehicle.

(4) Divisions (B) and (C) of this section do not apply to a person if all of the following circumstances apply:

(a) At the time of the alleged violation of either of those divisions, the person is the operator of or a passenger in a motor vehicle.

(b) The motor vehicle is on real property that is located in an unincorporated area of a township and that is either zoned for agriculture or is used for agriculture.

(c) The person owns the real property described in division (F)(4)(b) of this section, is the spouse or a child of another person who owns that real property, is a tenant of another person who owns that real property, or is the spouse or a child of a tenant of another person who owns that real property.

(d) The person, prior to arriving at the real property described in division (F)(4)(b) of this section, did not transport or possess a firearm in the motor vehicle in a manner prohibited by division (B) or (C) of this section while the motor vehicle was being operated on a street, highway or other public or private property used by the public for vehicular traffic or parking.

(5) Divisions (B) and (C) of this section do not apply to a person who transports or possesses a handgun in a motor vehicle if, at the time of that transportation or possession, both of the following apply:

(a) The person transporting or possessing the handgun is either carrying a valid concealed handgun license or is an active duty member of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in R.C. § 2923.125(G)(1).

(b) The person transporting or possessing the handgun is not knowingly in a place described in R.C. § 2923.126(B).

(6) Divisions (B) and (C) of this section do not apply to a person if all of the following apply:

(a) The person possesses a valid all-purpose vehicle permit issued under R.C. § 1533.103 by the Chief of the Division of Wildlife.

(b) The person is on or in an all-purpose vehicle as defined in R.C. § 1531.01 or a motor vehicle during the open hunting season for a wild quadruped or game bird.

(c) The person is on or in an all-purpose vehicle as defined in R.C. § 1531.01 on private or publicly owned lands or on or in a motor vehicle that is parked on a road that is owned or administered by the Division of Wildlife.

(G) (1) The affirmative defenses authorized in R.C. § 2923.12(D)(1) and (D)(2) are affirmative defenses to a charge under division (B) or (C) of this section that involves a firearm other than a handgun.

(2) It is an affirmative defense to a charge under division (B) or (C) of this section of improperly handling firearms in a motor vehicle that the actor transported or had the firearm in the motor vehicle for any lawful purpose and while the motor vehicle was on the actor's own property, provided that this affirmative defense is not available unless the person, immediately prior to arriving at the actor's own property, did not transport or possess the firearm in a motor vehicle in a manner prohibited by division (B) or (C) of this section while the motor vehicle was being operated on a street, highway, or other public or private property used by the public for vehicular traffic.

(H) (1) No person who is charged with a violation of division (B), (C), or (D) of this section shall be required to obtain a concealed handgun license as a condition for the dismissal of the charge.

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

(b) If a person is convicted of, was convicted of, pleads guilty to, or has pleaded guilty to a violation of division (B) or (C) of this section as the division existed prior to September 30, 2011, and if the conduct that was the basis of the violation no longer would be a violation of division (B) or (C) of this section on or after September 30, 2011, due to the application of division (F)(5) of this section as it exists on and after September 30, 2011, the person may file an application under R.C. § 2953.37 requesting the expungement of the record of conviction.

(I) Whoever violates this section is guilty of improperly handling firearms in a motor vehicle. Violation of division (A) of this section is a felony to be prosecuted under appropriate state law. Violation of division (C) of this section is a misdemeanor of the fourth degree. A violation of division (D) of this section is a felony to be prosecuted under appropriate state law and, if the loaded handgun is concealed on the person's person, it is also a felony to be prosecuted under appropriate state law. Except as otherwise provided in this division, a violation of division (E)(1) or (E)(2) of this section is a misdemeanor of the first degree, and, in addition to any other penalty or sanction imposed for the violation, the offender's concealed handgun license shall be suspended pursuant to R.C. § 2923.128(A)(2). If at the time of the stop of the offender for a traffic stop, for another law enforcement purpose, or for a purpose defined in R.C. § 5503.34 that was the basis of the violation any law enforcement officer involved with the stop or the employee of the motor carrier enforcement unit who made the stop had actual knowledge of the offender's status as a licensee, a violation of division (E)(1) or (E)(2) of this section is a minor misdemeanor, and the offender's concealed handgun license shall not be suspended pursuant to R.C. § 2923.128(A)(2). A violation of division (E)(4) of this section is a felony to be prosecuted under appropriate state law. A violation of division (E)(3) or (E)(5) of this section is a misdemeanor of the first degree or, if the offender previously has been convicted of or pleaded guilty to a violation of division (E)(3) or (E)(5) of this section or any substantially equivalent state law or municipal ordinance, a felony to be prosecuted under appropriate state law. In addition to any other penalty or sanction imposed for a misdemeanor violation of division (E)(3) or (E)(5) of this section, the offender's concealed handgun license shall be suspended pursuant to R.C. § 2923.128(A)(2). A violation of division (B) of this section is a felony to be prosecuted under appropriate state law.

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

(K) As used in this section:

AGRICULTURE. Has the same meaning as in R.C. § 519.01.

COMMERCIAL MOTOR VEHICLE. Has the same meaning as in R.C. § 4506.25(A).

HIGHWAY. Has the same meaning as in R.C. § 4511.01.

MOTOR CARRIER ENFORCEMENT UNIT. Means the Motor Carrier Enforcement Unit in the Department of Public Safety, Division of State Highway Patrol, that is created by R.C. § 5503.34.

MOTOR VEHICLE. Has the same meaning as in R.C. § 4511.01.

OCCUPIED STRUCTURE. Has the same meaning as in R.C. § 2909.01.

STREET. Has the same meaning as in R.C. § 4511.01.

TENANT. Has the same meaning as in R.C. § 1531.01.

UNLOADED.

(a) With respect to a firearm other than a firearm described in division (d) of this definition, means that no ammunition is in the firearm in question, no magazine or speed loader containing ammunition is inserted into the firearm, and one of the following applies:

1. There is no ammunition in a magazine or speed loader that is in the vehicle in question and that may be used with the firearm in question.

2. Any magazine or speed loader that contains ammunition and that may be used with the firearm in question is stored in a compartment within the vehicle in question that cannot be accessed without leaving the vehicle or is stored in a container that provides complete and separate enclosure.

(b) For the purposes of division (a)2. of this definition, a "container that provides complete and separate enclosure" includes, but is not limited to, any of the following:

1. A package, box, or case with multiple compartments, as long as the loaded magazine or speed loader and the firearm in question either are in separate compartments within the package, box, or case, or, if they are in the same compartment, the magazine or speed loader is contained within a separate enclosure in that compartment that does not contain the firearm and that closes using a snap, button, buckle, zipper, hook and loop closing mechanism, or other fastener that must be opened to access the contents or the firearm is contained within a separate enclosure of that nature in that compartment that does not contain the magazine or speed loader;

2. A pocket or other enclosure on the person of the person in question that closes using a snap, button, buckle, zipper, hook and loop closing mechanism, or other fastener that must be opened to access the contents.

(c) For the purposes of divisions (a) and (b) of this definition, ammunition held in stripper-clips or in en-bloc clips is not considered ammunition that is loaded into a magazine or speed loader.

(d) "Unloaded" means, with respect to a firearm employing a percussion cap, flintlock, or other obsolete ignition system, when the weapon is uncapped or when the priming charge is removed from the pan.

(L) Divisions (a) and (b) of the definition of "unloaded" in division (K) of this section do not affect the authority of a person who is carrying a valid concealed handgun license to have one or more magazines or speed loaders containing ammunition anywhere in a vehicle, without being transported as described in those divisions, as long as no ammunition is in a firearm, other than a handgun, in the vehicle other than as permitted under any other provision of this chapter. A person who is carrying a valid concealed handgun license may have one or more magazines or speed loaders containing ammunition anywhere in a vehicle without further restriction, as long as no ammunition is in a firearm, other than a handgun, in the vehicle other than as permitted under any provision of this chapter.
(R.C. § 2923.16) (Rev. 2019)

Statutory reference:

Return of surrendered firearms by law enforcement, see R.C. § 2923.163

§ 137.05 POSSESSING CRIMINAL TOOLS.

(A) No person shall possess or have under his or her control any substance, device, instrument, or article, with purpose to use it criminally.

(B) Each of the following constitutes prima facie evidence of criminal purpose:

(1) Possession or control of any dangerous ordnance, or the materials or parts for making a dangerous ordnance, in the absence of circumstances indicating the dangerous ordnance, materials or parts are intended for a legitimate use.

(2) Possession or control of any substance, device, instrument, or article designed or specially adapted for criminal use.

(3) Possession or control of any substance, device, instrument, or article commonly used for criminal purposes, under circumstances indicating the item is intended for criminal use.

(C) Whoever violates this section is guilty of possessing criminal tools. Except as otherwise provided in this division, possessing criminal tools is a misdemeanor of the first degree. If the circumstances indicate that the substance, device, instrument, or article involved in the offense was intended for use in the commission of a felony,

possessing criminal tools is a felony to be prosecuted under appropriate state law.
(R.C. § 2923.24)

§ 137.06 FAILURE TO SECURE DANGEROUS ORDNANCE.

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

(1) To secure the dangerous ordnance against theft, or against its acquisition or use by any unauthorized or incompetent person.

(2) To insure the safety of persons and property.

(B) Whoever violates this section is guilty of failure to a secure dangerous ordnance, a misdemeanor of the second degree.
(R.C. § 2923.19)

§ 137.07 UNLAWFUL TRANSACTIONS IN WEAPONS.

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

(1) Recklessly sell, lend, give or furnish any firearm to any person prohibited by R.C. § 2923.13 or 2923.15, or a substantially equivalent municipal ordinance, from acquiring or using any firearm, or recklessly sell, lend, give or furnish any dangerous ordnance to any person prohibited by R.C. § 2923.13, 2923.15 or 2923.17, or a substantially equivalent municipal ordinance, from acquiring or using any dangerous ordnance;

(2) Possess any firearm or dangerous ordnance with purpose to dispose of it in violation of division (A)(1) of this section;

(3) Except as otherwise provided in division (B) of this section, knowingly solicit, persuade, encourage, or entice a federally licensed firearms dealer or private seller to transfer a firearm or ammunition to any person in a manner prohibited by state or federal law;

(4) Except as otherwise provided in division (B) of this section, with an intent to deceive, knowingly provide materially false information to a federally licensed firearms dealer or private seller;

(5) Except as otherwise provided in division (B) of this section, knowingly procure, solicit, persuade, encourage, or entice a person to act in violation of division (A)(3) or (A)(4) of this section;

(6) Manufacture, possess for sale, sell, or furnish to any person other than a law enforcement agency for authorized use in police work, any brass knuckles, cestus, billy, blackjack, sandbag, switchblade knife, springblade knife, gravity knife, or similar weapon;

(7) When transferring any dangerous ordnance to another, negligently fail to require the transferee to exhibit such identification, license, or permit showing the transferee to be authorized to acquire dangerous ordnance pursuant to R.C. § 2923.17, or negligently fail to take a complete record of the transaction and forthwith forward a copy of the record to the sheriff of the county or Safety Director or Police Chief of the municipality where the transaction takes place;

(8) Knowingly fail to report to law enforcement authorities forthwith the loss or theft of any firearm or dangerous ordnance in the person's possession and under his or her control.

(B) Divisions (A)(3), (A)(4), and (A)(5) of this section do not apply to any of the following:

(1) A law enforcement officer who is acting within the scope of the officer's duties;

(2) A person who is acting in accordance with directions given by a law enforcement officer described in division (B)(1) of this section.

(C) Whoever violates this section is guilty of unlawful transactions in weapons. A violation of division (A)(1), (A)(2), (A)(3), (A)(4), or (A)(5) of this section is a felony to be prosecuted under appropriate state law. A violation of division (A)(6) or (A)(7) of this section is a misdemeanor of the second degree. A violation of division (A)(8) of this section is a misdemeanor of the fourth degree.

(D) As used in this section:

AMMUNITION. Has the same meaning as in R.C. § 2305.401.

FEDERALLY LICENSED FIREARMS DEALER. Has the same meaning as in R.C. § 5502.63.

MATERIALLY FALSE INFORMATION. Means information regarding the transfer of a firearm or ammunition that portrays an illegal transaction as legal or a legal transaction as illegal.

PRIVATE SELLER. Means a person who sells, offers for sale, or transfers a firearm or ammunition and who is not a federally licensed firearms dealer.
(R.C. § 2923.20) (Rev. 2020)

§ 137.08 UNDERAGE PURCHASE OF FIREARM OR HANDGUN.

(A) No person under 18 years of age shall purchase or attempt to purchase a firearm.

(B) No person under 21 years of age shall purchase or attempt to purchase a handgun; provided, that this division does not apply to the purchase or attempted purchase of a handgun by a person 18 years of age or older and under 21 years of age if either of the following applies:

(1) The person is a law enforcement officer and has received firearms training approved by the Ohio Peace Officer Training Council or equivalent firearms training.

(2) The person is an active or reserve member of the armed services of the United States or the Ohio National Guard, or was honorably discharged from military service in the active or reserve armed services of the United States or the Ohio National Guard, and the person has received firearms training from the armed services or the national guard or equivalent firearms training.

(C) Whoever violates division (A) of this section is guilty of underage purchase of a firearm, a delinquent act that would be a felony to be prosecuted under appropriate state law if it could be committed by an adult. Whoever violates division (B) of this section is guilty of underage purchase of a handgun, a misdemeanor of the second degree.
(R.C. § 2923.211) (Rev. 2010)

Statutory reference:

Improperly furnishing firearms to a minor, felony, see R.C. § 2923.21

§ 137.09 POINTING AND DISCHARGING FIREARMS AND OTHER WEAPONS.

(A) *Discharge of firearms on or near prohibited premises.* No person shall do any of the following:

(1) Without permission from the proper officials and subject to division (B)(1) of this section, discharge a firearm upon or over a cemetery or within 100 yards of a cemetery;

(2) Subject to division (B)(2) of this section, discharge of a firearm on a lawn, park, pleasure ground, orchard, or other ground appurtenant to a schoolhouse, church, or inhabited dwelling, the property of another, or a charitable institution;

(3) Discharge a firearm upon or over a public road or highway.

(B) *Application of division (A).*

(1) Division (A)(1) of this section does not apply to a person who while on the person's own land, discharges a firearm.

(2) Division (A)(2) of this section does not apply to a person who owns any type of property described in that division and who, while on the person's own enclosure, discharges a firearm.

(C) *Penalty for violation of division (A).* Whoever violates division (A) of this section is guilty of discharge of a firearm on or near prohibited premises. A violation of division (A)(1) or (A)(2) of this section is a misdemeanor of the fourth degree. A violation of division (A)(3) shall be punished as follows:

(1) Except as otherwise provided in division (C)(2) of this section, a violation of division (A)(3) of this section is a misdemeanor of the first degree.

(2) If the violation created a substantial risk of physical harm to any person, caused serious physical harm to property, caused physical harm to any person, or caused serious physical harm to any person, a violation of division (A)(3) is a felony to be prosecuted under appropriate state law.
(R.C. § 2923.162) (Rev. 2005)

(D) *Hunting near township park.*

(1) No person shall hunt, shoot, or kill game within one-half mile of a township park unless the Board of Township Park Commissioners has granted permission to kill game not desired within the limits prohibited by this division.
(R.C. § 3773.06)

(2) Whoever violates division (D)(1) of this section is guilty of a misdemeanor of the fourth degree.
(R.C. § 3773.99(A))

(E) *Unlawful discharge.* No person shall discharge any BB gun, air gun, or firearm, or make use of any sling, bow and arrow, or crossbow, within the corporate limits of the municipality.

(F) *Unlawful pointing or aiming.* No person shall, intentionally and without malice, point or aim any BB gun, air gun, or firearm, or any sling, bow and arrow, or crossbow at or toward another.

(G) *Penalty for violations of division (E) or (F).* Whoever violates division (E) or (F) of this section is guilty of a misdemeanor of the fourth degree.

(H) *Exceptions.* This section shall not prohibit the firing of a military salute or the firing of weapons by persons of the nation's armed forces acting under military authority, and shall not apply to law enforcement officials or other government officials in the proper enforcement of the law, or to any person in the proper exercise of the right of self defense, or to any person otherwise lawfully permitted by proper federal, state or local authorities to discharge a BB gun, air gun, or firearm, or to use a sling, bow and arrow, or crossbow in a manner contrary to the provisions of this section. Division (E) of this section does not extend to cases in which BB guns, air guns, or firearms, or slings, bows and arrows, or crossbows are used in the confines of structures or used within the confines of a person's own property, provided such use is under adult supervision and is approved by the municipality.
(Rev. 2003)

Statutory reference:

Improperly discharging firearm at or into habitation or school safety zone, felony offense, see R.C. § 2923.161

§ 137.10 LICENSE OR PERMIT TO POSSESS DANGEROUS ORDNANCE.

(A) Upon application to the sheriff of the county or Safety Director or Police Chief of the municipality where the applicant resides or has the applicant's principal place of business, and upon payment of the fee specified in division (B) of this section, a license or temporary permit shall be issued to qualified applicants to acquire, possess, carry or use a dangerous ordnance for the following purposes:

(1) Contractors, wreckers, quarriers, mine operators and other persons regularly employing explosives in the course of a legitimate business, with respect to explosives and explosive devices acquired, possessed, carried or used in the course of such business.

(2) Farmers, with respect to explosives and explosive devices acquired, possessed, carried or used for agricultural purposes on lands farmed by them.

(3) Scientists, engineers, and instructors, with respect to a dangerous ordnance acquired, possessed, carried or used in the course of bona fide research or instruction.

(4) Financial institutions and armored car company guards, with respect to automatic firearms lawfully acquired, possessed, carried or used by any such person while acting within the scope of the person's duties.

(5) In the discretion of the issuing authority, any responsible person, with respect to a dangerous ordnance lawfully acquired, possessed, carried or used for a legitimate research, scientific, educational, industrial or other proper purpose.

(B) Application for a license or temporary permit under this section shall be in writing under oath to the sheriff of the county or Safety Director or Police Chief of the municipality where the applicant resides or has the applicant's principal place of business. The application shall be accompanied by an application fee of $50 when the application is for a license, and an application fee of $5 when the application is for a temporary permit. The fees shall be paid into the General Revenue Fund of the county or municipality. The application shall contain the following information:

(1) The name, age, address, occupation and business address of the applicant, if the applicant is a natural person, or the name, address, and principal place of business of the applicant if the applicant is a corporation.

(2) A description of the dangerous ordnance for which a permit is requested.

(3) A description of the places where and the manner in which the dangerous ordnance is to be kept, carried, and used.

(4) A statement of the purposes for which the dangerous ordnance is to be acquired, possessed, carried or used.

(5) Such other information as the issuing authority may require in giving effect to this section.

(C) Upon investigation, the issuing authority shall issue a license or temporary permit only if all of the following apply:

(1) The applicant is not otherwise prohibited by law from acquiring, having, carrying or using a dangerous ordnance.

(2) The applicant is 21 years of age or over, if the applicant is a natural person.

(3) It appears that the applicant has sufficient competence to safely acquire, possess, carry or use the dangerous ordnance, and that proper precautions will be taken to protect the security of the dangerous ordnance and ensure the safety of persons and property.

(4) It appears that the dangerous ordnance will be lawfully acquired, possessed, carried and used by the applicant for a legitimate purpose.

(D) The license or temporary permit shall identify the person to whom it is issued, identify the dangerous ordnance involved and state the purposes for which the license or temporary permit is issued, state the expiration date, if any, and list such restrictions on the acquisition, possession, carriage, or use of the dangerous ordnance as the issuing authority considers advisable to protect the security of the dangerous ordnance and ensure the safety of persons and property.

(E) A temporary permit shall be issued for the casual use of explosives and explosive devices, and other consumable dangerous ordnance, and shall expire within 30 days of its issuance. A license shall be issued for the regular use of consumable dangerous ordnance, or for any non-consumable dangerous ordnance, which license need not specify an expiration date, but the issuing authority may specify such expiration date, not earlier than one year from the date of issuance, as it considers advisable in view of the nature of the dangerous ordnance and the purposes for which the license is issued.

(F) The dangerous ordnance specified in a license or temporary permit may be obtained by the holder anywhere in the state. Pursuant to R.C. § 2923.18(F), the holder of a license may use such dangerous ordnance anywhere in the state. The holder of a temporary permit may use such dangerous ordnance only within the territorial jurisdiction of the issuing authority.

(G) The issuing authority shall forward to the State Fire Marshal a copy of each license or temporary permit issued pursuant to this section, and a copy of each record of a transaction in a dangerous ordnance and of each report of a lost or stolen dangerous ordnance, given to the local law enforcement authority as required by R.C. § 2923.20(A)(7) and (A)(8) or a substantially equivalent municipal ordinance. The State Fire Marshal will keep a permanent file of all licenses and temporary permits issued pursuant to this section, and of all records of transactions in, and losses or thefts of a dangerous ordnance forwarded by local law enforcement authorities pursuant to this section.
(R.C. § 2923.18) (Rev. 2020)

§ 137.11 POSSESSION OF AN OBJECT INDISTINGUISHABLE FROM A FIREARM IN A SCHOOL SAFETY ZONE.

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

(1) The object is indistinguishable from a firearm, whether or not the object is capable of being fired.

(2) The person indicates that the person possesses the object and that it is a firearm, or the person knowingly displays or brandishes the object and indicates that it is a firearm.

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

(a) An officer, agent, or employee of this or any other state or the United States who is authorized to carry deadly weapons or dangerous ordnance and is acting within the scope of the officer's, agent's, or employee's duties, a law enforcement officer who is authorized to carry deadly weapons or dangerous ordnance, a security officer employed by a board of education or governing body of a school during the time that the security officer is on duty pursuant to that contract of employment, or any other person who has written authorization from the board of education or governing body of a school to convey deadly weapons or dangerous ordnance into a school safety zone or to possess a deadly weapon or dangerous ordnance in a school safety zone and who conveys or possesses the deadly weapon or dangerous ordnance in accordance with that authorization;

(b) Any person who is employed in this state, who is authorized to carry deadly weapons or dangerous ordnance, and who is subject to and in compliance with the requirements of R.C. § 109.801, unless the appointing authority of the person has expressly specified that the exemption provided in this division (B)(1)(b) does not apply to the person.

(2) This section does not apply to premises upon which home schooling is conducted. This section also does not apply to a school administrator, teacher or employee who possesses an object that is indistinguishable from a firearm for legitimate school purposes during the course of employment, a student who uses an object that is indistinguishable from a firearm under the direction of a school administrator, teacher or employee, or any other person who, with the express prior approval of a school administrator, possesses an object that is indistinguishable from a firearm for a legitimate purpose, including the use of the object in a ceremonial activity, a play, re-enactment or other dramatic presentation, school safety training, or a ROTC activity or another similar use of the object.

(3) This section does not apply to a person who conveys or attempts to convey a handgun into, or possesses a handgun in, a school safety zone if, at the time of that conveyance, attempted conveyance, or possession of the handgun, all of the following apply:

(a) The person does not enter into a school building or onto school premises and is not at a school activity.

(b) The person is carrying a valid concealed handgun license or the person is an active duty member of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in R.C. § 2923.125(G)(1).

(c) The person is in the school safety zone in accordance with 18 U.S.C. § 922(q)(2)(B).

(d) The person is not knowingly in a place described in R.C. § 2923.126(B)(1) or (B)(3) through (B)(8).

(4) This section does not apply to a person who conveys or attempts to convey a handgun into, or possesses a handgun in, a school safety zone if at the time of that conveyance, attempted conveyance, or possession of the handgun all of the following apply:

(a) The person is carrying a valid concealed handgun license or the person is an active duty member of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in R.C. § 2923.125(G)(1).

(b) The person leaves the handgun in a motor vehicle.

(c) The handgun does not leave the motor vehicle.

(d) If the person exits the motor vehicle, the person locks the motor vehicle.

(C) Whoever violates this section is guilty of illegal possession of an object indistinguishable from a firearm in a school safety zone. Except as otherwise provided in this division, illegal possession of an object indistinguishable from a firearm in a school safety zone is a misdemeanor of

the first degree. If the offender previously has been convicted of a violation of this section, illegal possession of an object indistinguishable from a firearm in a school safety zone is a felony to be prosecuted under appropriate state law.

(D) (1) In addition to any other penalty imposed upon a person who is convicted of or pleads guilty to a violation of this section, and subject to division (D)(2) of this section, if the offender has not attained 19 years of age, regardless of whether the offender is attending or is enrolled in a school operated by a board of education or for which the State Board of Education prescribes minimum standards under R.C. § 3301.07, the court shall impose upon the offender a class four suspension of the offender's probationary driver's license, restricted license, driver's license, commercial driver's license, temporary instruction permit, or probationary commercial driver's license that then is in effect from the range specified in R.C. § 4510.02(A)(4) and shall deny the offender the issuance of any permit or license of that type during the period of the suspension. If the offender is not a resident of this state, the court shall impose a class four suspension of the nonresident operating privilege of the offender from the range specified in R.C. § 4510.02(A)(4).

(2) If the offender shows good cause why the court should not suspend one of the types of licenses, permits or privileges specified in division (D)(1) of this section or deny the issuance of one of the temporary instruction permits specified in division (D)(1) of this section, the court in its discretion may choose not to impose the suspension, revocation or denial required in division (D)(1) of this section, but the court, in its discretion, instead may require the offender to perform community service for a number of hours determined by the court.

(E) As used in this section, ***OBJECT THAT IS INDISTINGUISHABLE FROM A FIREARM*** means an object made, constructed or altered so that, to a reasonable person without specialized training in firearms, the object appears to be a firearm.
(R.C. § 2923.122(C) - (G)) (Rev. 2018)
Statutory reference:
Conveyance or possession of deadly weapons or dangerous ordnance in a school safety zone, felony offense, see R.C. § 2923.122(A) and (B)

§ 137.12 POSSESSION OF DEADLY WEAPON WHILE UNDER DETENTION.

(A) As used in this section, ***DETENTION*** and ***DETENTION FACILITY*** have the same meanings as in R.C. § 2921.01.

(B) No person under detention at a detention facility shall possess a deadly weapon.

(C) Whoever violates this section is guilty of possession of a deadly weapon while under detention.

(1) Except as otherwise provided in division (C)(2) of this section, possession of a deadly weapon while under detention is a felony to be prosecuted under state law.

(2) If the offender, at the time of the commission of the offense, was under detention as an alleged or adjudicated delinquent child or unruly child and if at the time the offender commits the act for which the offender was under detention it would not be a felony if committed by an adult, possession of a deadly weapon while under detention is a misdemeanor of the first degree.
(R.C. § 2923.131) (Rev. 2002)
Statutory reference:
Possession of deadly weapon while under detention, felony offenses, see R.C. § 2923.131

§ 137.13 CONCEALED HANDGUN LICENSES: POSSESSION OF A REVOKED OR SUSPENDED LICENSE; ADDITIONAL RESTRICTIONS; POSTING OF SIGNS PROHIBITING POSSESSION.

(A) *Possession of a revoked or suspended concealed handgun license.*

(1) No person, except in the performance of official duties, shall possess a concealed handgun license that was issued and that has been revoked or suspended.

(2) Whoever violates this division (A) is guilty of possessing a revoked or suspended concealed handgun license, a misdemeanor of the third degree.
(R.C. § 2923.1211(B), (C)) (Rev. 2014)

(B) *Additional restrictions.* Pursuant to R.C. § 2923.126:

(1) (a) A concealed handgun license that is issued under R.C. § 2923.125 shall expire five years after the date of issuance. A licensee who has been issued a license under that section shall be granted a grace period of 30 days after the licensee's license expires during which the licensee's license remains valid. Except as provided in divisions (B)(2) and (B)(3) of this section, a licensee who has been issued a concealed handgun license under R.C. § 2923.125 or 2923.1213 may carry a concealed handgun anywhere in this state if the licensee also carries a valid license when the licensee is in actual possession of a concealed handgun. The licensee shall give notice of any change in the licensee's residence address to the sheriff who issued the license within 45 days after that change.

(b) If a licensee is the driver or an occupant of a motor vehicle that is stopped as the result of a traffic stop or a stop for another law enforcement purpose and if the licensee is transporting or has a loaded handgun in the motor vehicle at that time, the licensee shall promptly inform any law enforcement officer who approaches the vehicle while stopped that the licensee has been issued a concealed handgun license and that the licensee currently possesses or has a loaded handgun; the licensee shall not knowingly disregard or fail to comply with lawful orders of a law

enforcement officer given while the motor vehicle is stopped, knowingly fail to remain in the motor vehicle while stopped, or knowingly fail to keep the licensee's hands in plain sight after any law enforcement officer begins approaching the licensee while stopped and before the officer leaves, unless directed otherwise by a law enforcement officer; and the licensee shall not knowingly have contact with the loaded handgun by touching it with the licensee's hands or fingers, in any manner in violation of R.C. § 2923.16(E), after any law enforcement officer begins approaching the licensee while stopped and before the officer leaves. Additionally, if a licensee is the driver or an occupant of a commercial motor vehicle that is stopped by an employee of the motor carrier enforcement unit for the purposes defined in R.C. § 5503.34 and if the licensee is transporting or has a loaded handgun in the commercial motor vehicle at that time, the licensee shall promptly inform the employee of the unit who approaches the vehicle while stopped that the licensee has been issued a concealed handgun license and that the licensee currently possesses or has a loaded handgun.

(c) If a licensee is stopped for a law enforcement purpose and if the licensee is carrying a concealed handgun at the time the officer approaches, the licensee shall promptly inform any law enforcement officer who approaches the licensee while stopped that the licensee has been issued a concealed handgun license and that the licensee currently is carrying a concealed handgun; the licensee shall not knowingly disregard or fail to comply with lawful orders of a law enforcement officer given while the licensee is stopped or knowingly fail to keep the licensee's hands in plain sight after any law enforcement officer begins approaching the licensee while stopped and before the officer leaves, unless directed otherwise by a law enforcement officer; and the licensee shall not knowingly remove, attempt to remove, grasp, or hold the loaded handgun or knowingly have contact with the loaded handgun by touching it with the licensee's hands or fingers, in any manner in violation of R.C. § 2923.12(B), after any law enforcement officer begins approaching the licensee while stopped and before the officer leaves.

(2) A valid concealed handgun license does not authorize the licensee to carry a concealed handgun in any manner prohibited under R.C. § 2923.12(B) or in any manner prohibited under R.C. § 2923.16. A valid license does not authorize the licensee to carry a concealed handgun into any of the following places:

(a) A police station, sheriff's office, or state highway patrol station, premises controlled by the bureau of criminal identification and investigation; a state correctional institution, jail, workhouse, or other detention facility; any area of an airport passenger terminal that is beyond a passenger or property screening checkpoint or to which access is restricted through security measures by the airport authority or a public agency; or an institution that is maintained, operated, managed, and governed pursuant to R.C. § 5119.14(A) or R.C. § 5123.03(A)(1);

(b) A school safety zone if the licensee's carrying the concealed handgun is in violation of R.C. § 2923.122;

(c) A courthouse or another building or structure in which a courtroom is located if the licensee's carrying the concealed handgun is in violation of R.C. § 2923.123;

(d) Any premises or open air arena for which a D permit has been issued under R.C. Chapter 4303 if the licensee's carrying the concealed handgun is in violation of R.C. § 2923.121;

(e) Any premises owned or leased by any public or private college, university, or other institution of higher education, unless the handgun is in a locked motor vehicle or the licensee is in the immediate process of placing the handgun in a locked motor vehicle or unless the licensee is carrying the concealed handgun pursuant to a written policy, rule, or other authorization that is adopted by the institution's board of trustees or other governing body and that authorizes specific individuals or classes of individuals to carry a concealed handgun on the premises;

(f) Any church, synagogue, mosque, or other place of worship, unless the church, synagogue, mosque, or other place of worship posts or permits otherwise;

(g) Any building that is a government facility of this state or a political subdivision of this state and that is not a building that is used primarily as a shelter, restroom, parking facility for motor vehicles, or rest facility and is not a courthouse or other building or structure in which a courtroom is located that is subject to division (B)(2)(c) of this section, unless the governing body with authority over the building has enacted a statute, ordinance, or policy that permits a licensee to carry a concealed handgun into the building;

(h) A place in which federal law prohibits the carrying of handguns.

(3) (a) Nothing in this division (B) shall negate or restrict a rule, policy, or practice of a private employer that is not a private college, university, or other institution of higher education concerning or prohibiting the presence of firearms on the private employer's premises or property, including motor vehicles owned by the private employer. Nothing in this division (B) shall require a private employer of that nature to adopt a rule, policy, or practice concerning or prohibiting the presence of firearms on the private employer's premises or property, including motor vehicles owned by the private employer.

(b) 1. A private employer shall be immune from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to a licensee bringing a handgun onto the premises or property of the private employer, including motor vehicles owned by the private employer, unless the private employer

acted with malicious purpose. A private employer is immune from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to the private employer's decision to permit a licensee to bring, or prohibit a licensee from bringing, a handgun onto the premises or property of the private employer.

2. A political subdivision shall be immune from liability in a civil action, to the extent and in the manner provided in R.C. Chapter 2744, for any injury, death, or loss to person or property that allegedly was caused by or related to a licensee bringing a handgun onto any premises or property owned, leased, or otherwise under the control of the political subdivision. As used in this division, ***POLITICAL SUBDIVISION*** has the same meaning as in R.C. § 2744.01.

3. An institution of higher education shall be immune from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to a licensee bringing a handgun onto the premises of the institution, including motor vehicles owned by the institution, unless the institution acted with malicious purpose. An institution of higher education is immune from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to the institution's decision to permit a licensee or class of licensees to bring a handgun onto the premises of the institution.

(c) 1. a. Except as provided in division (B)(3)(c)2. of this section and R.C. § 2923.1214, the owner or person in control of private land or premises, and a private person or entity leasing land or premises owned by the state, the United States, or a political subdivision of the state or the United States, may post a sign in a conspicuous location on that land or on those premises prohibiting persons from carrying firearms or concealed firearms on or onto that land or those premises. Except as otherwise provided in this division, a person who knowingly violates a posted prohibition of that nature is guilty of criminal trespass in violation of R.C. § 2911.21(A)(4) and is guilty of a misdemeanor of the fourth degree. If a person knowingly violates a posted prohibition of that nature and the posted land or premises primarily was a parking lot or other parking facility, the person is not guilty of criminal trespass under R.C. § 2911.21 or under any other criminal law of this state or criminal law, ordinance, or resolution of a political subdivision of this state, and instead is subject only to a civil cause of action for trespass based on the violation.

b. If a person knowingly violates a posted prohibition of the nature described in this division and the posted land or premises is a child day-care center, type A family day-care home, or type B family day-care home, unless the person is a licensee who resides in a type A family day-care home or type B family day-care home, the person is guilty of aggravated trespass in violation of R.C. § 2911.211. Except as otherwise provided in this division, the offender is guilty of a misdemeanor of the first degree. If the person previously has been convicted of a violation of this division or any substantially equivalent state law or municipal ordinance, or of any offense of violence, if the weapon involved is a firearm that is either loaded or for which the offender has ammunition ready at hand, or if the weapon involved is dangerous ordnance, the offender is guilty of a felony to be prosecuted under appropriate state law.

2. A landlord may not prohibit or restrict a tenant who is a licensee and who on or after September 9, 2008 enters into a rental agreement with the landlord for the use of residential premises, and the tenant's guest while the tenant is present, from lawfully carrying or possessing a handgun on those residential premises.

3. As used in division (B)(3)(c) of this section:

LANDLORD. Has the same meaning as in R.C. § 5321.01.

RENTAL AGREEMENT. Has the same meaning as in R.C. § 5321.01.

RESIDENTIAL PREMISES. Has the same meaning as in R.C. § 5321.01, except the term does not include a dwelling unit that is owned or operated by a college or university.

TENANT. Has the same meaning as in R.C. § 5321.01.

(4) A person who holds a valid concealed handgun license issued by another state that is recognized by the Attorney General pursuant to a reciprocity agreement entered into pursuant to R.C. § 109.69 or a person who holds a valid concealed handgun license under the circumstances described in R.C. § 109.69(B) has the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license under R.C. § 2923.125 and is subject to the same restrictions that apply to a person who carries a license issued under that section.

(5) (a) A peace officer has the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license under R.C. § 2923.125, provided that the officer when carrying a concealed handgun under authority of this division is carrying validating identification. For purposes of reciprocity with other states, a peace officer shall be considered to be a licensee in this state.

(b) An active duty member of the armed forces of the United States who is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in R.C. § 2923.125(G)(1) has the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license under R.C. § 2923.125 and is subject to the same restrictions as specified in this division (B).

(c) A tactical medical professional who is qualified to carry firearms while on duty under R.C. § 109.771 has the same right to carry a concealed handgun in

this state as a person who was issued a concealed handgun license under R.C. § 2923.125.

(6) (a) A qualified retired peace officer who possesses a retired peace officer identification card issued pursuant to division (B)(6)(b) of this section and a valid firearms requalification certification issued pursuant to division (B)(6)(c) of this section has the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license under R.C. § 2923.125 and is subject to the same restrictions that apply to a person who carries a license issued under that section. For purposes of reciprocity with other states, a qualified retired peace officer who possesses a retired peace officer identification card issued pursuant to division (B)(6)(b) of this section and a valid firearms requalification certification issued pursuant to division (B)(6)(c) of this section shall be considered to be a licensee in this state.

(b) 1. Each public agency of this state or of a political subdivision of this state that is served by one or more peace officers shall issue a retired peace officer identification card to any person who retired from service as a peace officer with that agency, if the issuance is in accordance with the agency's policies and procedures and if the person, with respect to the person's service with that agency, satisfies all of the following:

a. The person retired in good standing from service as a peace officer with the public agency, and the retirement was not for reasons of mental instability.

b. Before retiring from service as a peace officer with that agency, the person was authorized to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law and the person had statutory powers of arrest.

c. At the time of the person's retirement as a peace officer with that agency, the person was trained and qualified to carry firearms in the performance of the peace officer's duties.

d. Before retiring from service as a peace officer with that agency, the person was regularly employed as a peace officer for an aggregate of 15 years or more, or, in the alternative, the person retired from service as a peace officer with that agency, after completing any applicable probationary period of that service, due to a service-connected disability, as determined by the agency.

2. A retired peace officer identification card issued to a person under division (B)(6)(b)1. of this section shall identify the person by name, contain a photograph of the person, identify the public agency of this state or of the political subdivision of this state from which the person retired as a peace officer and that is issuing the identification card, and specify that the person retired in good standing from service as a peace officer with the issuing public agency and satisfies the criteria set forth in divisions (B)(6)(b)1.a. to (B)(6)(B)1.d. of this section. In addition to the required content specified in this division, a retired peace officer identification card issued to a person under division (B)(6)(b)1. of this section may include the firearms requalification certification described in division (B)(6)(c) of this section, and if the identification card includes that certification, the identification card shall serve as the firearms requalification certification for the retired peace officer. If the issuing public agency issues credentials to active law enforcement officers who serve the agency, the agency may comply with division (B)(6)(b)1. of this section by issuing the same credentials to persons who retired from service as a peace officer with the agency and who satisfy the criteria set forth in divisions (B)(6)(b)1.a. to (B)(6)(b)1.d. of this section, provided that the credentials so issued to retired peace officers are stamped with the word "RETIRED".

3. A public agency of this state or of a political subdivision of this state may charge persons who retired from service as a peace officer with the agency a reasonable fee for issuing to the person a retired peace officer identification card pursuant to division (B)(6)(b)1. of this section.

(c) 1. If a person retired from service as a peace officer with a public agency of this state or of a political subdivision of this state and the person satisfies the criteria set forth in divisions (B)(6)(b)1.a. to (B)(6)(b)1.d. of this section, the public agency may provide the retired peace officer with the opportunity to attend a firearms requalification program that is approved for purposes of firearms requalification required under R.C. § 109.801. The retired peace officer may be required to pay the cost of the course.

2. If a retired peace officer who satisfies the criteria set forth in divisions (B)(6)(b)1.a. to (B)(6)(b)1.d. of this section attends a firearms requalification program that is approved for purposes of firearms requalification required under R.C. § 109.801, the retired peace officer's successful completion of the firearms requalification program requalifies the retired peace officer for purposes of division (B)(6) of this section for five years from the date on which the program was successfully completed, and the requalification is valid during that five-year period. If a retired peace officer who satisfies the criteria set forth in divisions (B)(6)(b)1.a. to (B)(6)(b)1.d. of this section satisfactorily completes such a firearms requalification program, the retired peace officer shall be issued a firearms requalification certification that identifies the retired peace officer by name, identifies the entity that taught the program, specifies that the retired peace officer successfully completed the program, specifies the date on which the course was successfully completed, and specifies that the requalification is valid for five years from that date of successful completion. The firearms requalification certification for a retired peace officer may be included in the retired peace officer identification card issued to the retired peace officer under division (B)(6)(b) of this section.

3. A retired peace officer who attends a firearms requalification program that is approved

for purposes of firearms requalification required under R.C. § 109.801 may be required to pay the cost of the program.

(7) As used in division (B) of this section:

GOVERNING BODY. Has the same meaning as in R.C. § 154.01.

GOVERNMENT FACILITY OF THIS STATE OR A POLITICAL SUBDIVISION OF THIS STATE. Means any of the following:

1. A building or part of a building that is owned or leased by the government of this state or a political subdivision of this state and where employees of the government of this state or the political subdivision regularly are present for the purpose of performing their official duties as employees of the state or political subdivision;

2. The office of a deputy registrar serving pursuant to R.C. Chapter 4503 that is used to perform deputy registrar functions.

QUALIFIED RETIRED PEACE OFFICER. Means a person who satisfies all of the following:

1. The person satisfies the criteria set forth in divisions (B)(6)(b)1.a. to (B)(6)(b)1.d. of this section.

2. The person is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.

3. The person is not prohibited by federal law from receiving firearms.

RETIRED PEACE OFFICER IDENTIFICATION CARD. Means an identification card that is issued pursuant to division (B)(6)(b) of this section to a person who is a retired peace officer.

TACTICAL MEDICAL PROFESSIONAL. Has the same meaning as in R.C. § 109.71.

VALIDATING IDENTIFICATION. Means photographic identification issued by the agency for which an individual serves as a peace officer that identifies the individual as a peace officer of the agency.
(R.C. § 2923.126) (Rev. 2020)

(C) *Posting of signs prohibiting possession.* Each person, board, or entity that owns or controls any place or premises identified in R.C. § 2923.126(B) as a place into which a valid license does not authorize the licensee to carry a concealed handgun, or a designee of such a person, board, or entity, shall post in the following one or more conspicuous locations in the premises a sign that contains a statement in substantially the following form: "Unless otherwise authorized by law, pursuant to the Ohio Revised Code, no person shall knowingly possess, have under the person's control, convey, or attempt to convey a deadly weapon or dangerous ordnance onto these premises."
(R.C. § 2923.1212) (Rev. 2020)

§ 137.14 DEFACED FIREARMS.

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

(1) Change, alter, remove, or obliterate the name of the manufacturer, model, manufacturer's serial number, or other mark of identification on a firearm.

(2) Possess a firearm knowing or having reasonable cause to believe that the name of the manufacturer, model, manufacturer's serial number, or other mark of identification on the firearm has been changed, altered, removed, or obliterated.

(B) (1) Whoever violates division (A)(1) of this section is guilty of defacing identification marks of a firearm. Except as otherwise provided in this division, defacing identification marks of a firearm is a misdemeanor of the first degree. If the offender previously has been convicted of or pleaded guilty to a violation of division (A)(1) of this section, defacing identification marks of a firearm is a felony to be prosecuted under appropriate state law.

(2) Whoever violates division (A)(2) of this section is guilty of possessing a defaced firearm. Except as otherwise provided in this division, possessing a defaced firearm is a misdemeanor of the first degree. If the offender previously has been convicted of or pleaded guilty to a violation of division (A)(2) of this section, possessing a defaced firearm is a felony to be prosecuted under appropriate state law.

(C) Division (A) of this section does not apply to any firearm on which no manufacturer's serial number was inscribed at the time of its manufacture.
(R.C. § 2923.201) (Rev. 2007)

CHAPTER 138: DRUG OFFENSES

Section

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Statutory reference:

Administration of epinephrine, exemption from prosecution, see R.C. § 2925.64
Controlled substances, regulation of pharmacists and other professionals, see R.C. Chapters 3719 and 4729
Conviction of professionally licensed persons to be reported to licensing board, see R.C. § 2925.38
Criminal and civil forfeiture of property for felony drug abuse offenses, see R.C. Chapter 2981
Destruction of chemicals used to produce methamphetamine; preservation of samples, see R.C. § 2925.52
Tampering with drugs, felony offense, see R.C. § 2925.24

§ 138.01 DEFINITIONS.

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

ADMINISTER. Has the same meaning as in R.C. § 3719.01.

ADULTERATE. To cause a drug to be adulterated as described in R.C. § 3715.63.

BULK AMOUNT. Of a controlled substance means any of the following:

(1) For any compound, mixture, preparation, or substance included in Schedule I, Schedule II, or Schedule III, with the exception of any controlled substance analog, marihuana, cocaine, L.S.D., heroin, any fentanyl-related compound, and hashish and except as provided in division (2), (5), or (6) of this definition, whichever of the following is applicable:

(a) An amount equal to or exceeding ten grams or 25 unit doses of a compound, mixture, preparation, or substance that is or contains any amount of a Schedule I opiate or opium derivative;

(b) An amount equal to or exceeding ten grams of a compound, mixture, preparation, or substance that is or contains any amount of raw or gum opium;

(c) An amount equal to or exceeding 30 grams or ten unit doses of a compound, mixture, preparation, or substance that is or contains any amount of a Schedule I hallucinogen other than tetrahydrocannabinol or lysergic acid amide, or a Schedule I stimulant or depressant;

(d) An amount equal to or exceeding 20 grams or five times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a Schedule II opiate or opium derivative;

(e) An amount equal to or exceeding five grams or ten unit doses of a compound, mixture, preparation, or substance that is or contains any amount of phencyclidine;

(f) An amount equal to or exceeding 120 grams or 30 times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a Schedule II stimulant that is in a final dosage form manufactured by a person authorized by the Federal Food, Drug, and Cosmetic Act (21 U.S.C. §§ 301 et seq., as amended) and the federal drug abuse control laws, as defined in this section, that is or contains any

amount of a Schedule II depressant substance or a Schedule II hallucinogenic substance;

(g) An amount equal to or exceeding three grams of a compound, mixture, preparation, or substance that is or contains any amount of a Schedule II stimulant, or any of its salts or isomers, that is not in a final dosage form manufactured by a person authorized by the Federal Food, Drug, and Cosmetic Act (21 U.S.C. §§ 301 et seq., as amended) and the federal drug abuse control laws;

(2) An amount equal to or exceeding 120 grams or 30 times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a Schedule III or IV substance other than an anabolic steroid or a Schedule III opiate or opium derivative;

(3) An amount equal to or exceeding 20 grams or five times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a Schedule III opiate or opium derivative;

(4) An amount equal to or exceeding 250 milliliters or 250 grams of a compound, mixture, preparation, or substance that is or contains any amount of a Schedule V substance;

(5) An amount equal to or exceeding 200 solid dosage units, 16 grams, or 16 milliliters of a compound, mixture, preparation, or substance that is or contains any amount of a Schedule III anabolic steroid;

(6) For any compound, mixture, preparation, or substance that is a combination of a fentanyl-related compound and any other compound, mixture, preparation, or substance included in Schedule III, Schedule IV, or Schedule V, if the defendant is charged with a violation of R.C. § 2925.11 and the sentencing provisions set forth in R.C. § 2925.11(C)(10)(b) and (C)(11) will not apply regarding the defendant and the violation, the bulk amount of the controlled substance for purposes of the violation is the amount specified in division (1), (2), (3), (4), or (5) of this definition for the other Schedule III, Schedule IV, or Schedule V controlled substance that is combined with the fentanyl-related compound.

CERTIFIED GRIEVANCE COMMITTEE. A duly constituted and organized committee of the Ohio State Bar Association or of one or more local bar associations of the state that complies with the criteria set forth in Rule V, Section 6 of the Rules for the Government of the Bar of Ohio.

COCAINE. Any of the following:

(1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine.

(2) Coca leaves or a salt, compound, derivative, or preparation of coca leaves, including ecgonine, a salt, isomer, or derivative of ecgonine, or a salt of an isomer or derivative of ecgonine.

(3) A salt, compound, derivative, or preparation of a substance identified in division (1) or (2) of this definition that is chemically equivalent to or identical with any of those substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves if the extractions do not contain cocaine or ecgonine.

COMMITTED IN THE VICINITY OF A JUVENILE. An offense is "committed in the vicinity of a juvenile" if the offender commits the offense within 100 feet of a juvenile or within the view of a juvenile, regardless of whether the offender knows the age of the juvenile, whether the offender knows the offense is being committed within 100 feet of or within view of the juvenile, or whether the juvenile actually views the commission of the offense.

COMMITTED IN THE VICINITY OF A SCHOOL. An offense is "committed in the vicinity of a school" if the offender commits the offense on school premises, in a school building, or within 1,000 feet of the boundaries of any school premises, regardless of whether the offender knows the offense is being committed on school premises, in a school building, or within 1,000 feet of the boundaries of any school premises.

CONTROLLED SUBSTANCE. Has the same meaning as in R.C. § 3719.01.

CONTROLLED SUBSTANCE ANALOG. Has the same meaning as in R.C. § 3719.01.

COUNTERFEIT CONTROLLED SUBSTANCE. Any of the following:

(1) Any drug that bears, or whose container or label bears, a trademark, trade name, or other identifying mark used without authorization of the owner of rights to the trademark, trade name, or identifying mark.

(2) Any unmarked or unlabeled substance that is represented to be a controlled substance manufactured, processed, packed, or distributed by a person other than the person that manufactured, processed, packed, or distributed it.

(3) Any substance that is represented to be a controlled substance but is not a controlled substance or is a different controlled substance.

(4) Any substance other than a controlled substance that a reasonable person would believe to be a controlled substance because of its similarity in shape, size, and color, or its markings, labeling, packaging, distribution, or the price for which it is sold or offered for sale.

CULTIVATE. Includes planting, watering, fertilizing or tilling.

DANGEROUS DRUG. Has the same meaning as in R.C. § 4729.01.

DECEPTION. Has the same meaning as in R.C. § 2913.01.

DISCIPLINARY COUNSEL. The disciplinary counsel appointed by the Board of Commissioners on Grievances and Discipline of the Ohio Supreme Court under the Rules for the Government of the Bar of Ohio.

DISPENSE. Has the same meaning as in R.C. § 3719.01.

DISTRIBUTE. Has the same meaning as in R.C. § 3719.01.

DRUG. Has the same meaning as in R.C. § 4729.01.

DRUG ABUSE OFFENSE. Any of the following:

(1) A violation of R.C. § 2913.02(A) that constitutes theft of drugs, or any violation of R.C. § 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, or 2925.37.

(2) A violation of an existing or former law of a municipality, state or any other state or of the United States, that is substantially equivalent to any section listed in division (1) of this definition.

(3) An offense under an existing or former law of a municipality, state or any other state, or of the United States, of which planting, cultivating, harvesting, processing, making, manufacturing, producing, shipping, transporting, delivering, acquiring, possessing, storing, distributing, dispensing, selling, inducing another to use, administering to another, using, or otherwise dealing with a controlled substance is an element.

(4) A conspiracy to commit, attempt to commit, or complicity in committing or attempting to commit, any offense under division (1), (2), or (3) of this definition.

DRUG DEPENDENT PERSON. Has the same meaning as in R.C. § 3719.011.

DRUG OF ABUSE. Has the same meaning as in R.C. § 3719.011.

FELONY DRUG ABUSE OFFENSE. Any drug abuse offense that would constitute a felony under the laws of this state, any other state, or the United States.

FENTANYL-RELATED COMPOUND. Any of the following:

(1) Fentanyl;

(2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);

(3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide);

(4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4-piperidinyl]-N-phenylpropanamide);

(5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide);

(6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide);

(7) 3-methylthiofentanyl (N-[3-methyl-1-[2-(thienyl)ethyl]-4-piperidinyl]-– phenylpropanamide);

(8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]propanamide;

(9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide;

(10) Alfentanil;

(11) Carfentanil;

(12) Remifentanil;

(13) Sufentanil;

(14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide); and

(15) Any compound that meets all of the following fentanyl pharmacophore requirements to bind at the mu receptor, as identified by a report from an established forensic laboratory, including acetylfentanyl, furanylfentanyl, valerylfentanyl, butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl, para-fluorobutyrylfentanyl, acrylfentanyl, and ortho-fluorofentanyl:

(a) A chemical scaffold consisting of both of the following:

1. A five, six, or seven member ring structure containing a nitrogen, whether or not further substituted;

2. An attached nitrogen to the ring, whether or not that nitrogen is enclosed in a ring structure, including an attached aromatic ring or other lipophilic group to that nitrogen.

(b) A polar functional group attached to the chemical scaffold, including but not limited to a hydroxyl, ketone, amide, or ester;

(c) An alkyl or aryl substitution off the ring nitrogen of the chemical scaffold; and

(d) The compound has not been approved for medical use by the United States food and drug administration.

HARMFUL INTOXICANT. Does not include beer or intoxicating liquor, but means any of the following:

(1) Any compound, mixture, preparation, or substance the gas, fumes, or vapor of which when inhaled can induce intoxication, excitement, giddiness, irrational behavior, depression, stupefaction, paralysis, unconsciousness, asphyxiation, or other harmful physiological effects, and includes but is not limited to any of the following:

(a) Any volatile organic solvent, plastic cement, model cement, fingernail polish remover, lacquer thinner, cleaning fluid, gasoline, or other preparation containing a volatile organic solvent.

(b) Any aerosol propellant.

(c) Any fluorocarbon refrigerant.

(d) Any anesthetic gas.

(2) Gamma Butyrolactone;

(3) 1,4 Butanediol.

HASHISH.

(1) A resin or a preparation of a resin to which both of the following apply:

(a) It is contained in or derived from any part of the plant of the genus cannabis, whether in solid form or in a liquid concentrate, liquid extract, or liquid distillate form.

(b) It has a delta-9 tetrahydrocannabinol concentration of more than 0.3%.

(2) The term does not include a hemp byproduct in the possession of a licensed hemp processor under R.C. Chapter 928, provided that the hemp byproduct is being produced, stored, and disposed of in accordance with rules adopted under R.C. § 928.03.

HYPODERMIC. Has the same meaning as in R.C. § 3719.01.

JUVENILE. A person under 18 years of age.

LICENSED HEALTH PROFESSIONAL AUTHORIZED TO PRESCRIBE DRUGS. Has the same meaning as in R.C. § 4729.01.

L.S.D. Lysergic acid diethylamide.

MAJOR DRUG OFFENDER. Has the same meaning as in R.C. § 2929.01.

MANDATORY PRISON TERM. Has the same meaning as in R.C. § 2929.01.

MANUFACTURE. To plant, cultivate, harvest, process, make, prepare, or otherwise engage in any part of the production of a drug, by propagation, extraction, chemical synthesis, or compounding, or any combination of the same, and includes packaging, repackaging, labeling, and other activities incident to production.

MANUFACTURER. Has the same meaning as in R.C. § 3719.01.

MARIHUANA. Has the same meaning as in R.C. § 3719.01, except that it does not include hashish.

METHAMPHETAMINE. Methamphetamine, any salt, isomer, or salt of an isomer of methamphetamine, or any compound, mixture, preparation, or substance containing methamphetamine or any salt, isomer, or salt of an isomer of methamphetamine.

MINOR DRUG POSSESSION OFFENSE. Either of the following:

(1) A violation of R.C. § 2925.11 as it existed prior to July 1, 1996, or a substantially equivalent municipal ordinance.

(2) A violation of R.C. § 2925.11 as it exists on and after July 1, 1996, or a substantially equivalent municipal ordinance, that is a misdemeanor or a felony of the fifth degree.

OFFICIAL WRITTEN ORDER. Has the same meaning as in R.C. § 3719.01.

PERSON. Has the same meaning as in R.C. § 3719.01.

PHARMACIST. Has the same meaning as in R.C. § 3719.01.

PHARMACY. Has the same meaning as in R.C. § 3719.01.

POSSESS or ***POSSESSION.*** Having control over a thing or substance but may not be inferred solely from mere access to the thing or substance through ownership or occupation of the premises upon which the thing or substance is found.

PRESCRIPTION. Has the same meaning as in R.C. § 4729.01.

PRESUMPTION FOR A PRISON TERM or ***PRESUMPTION THAT A PRISON TERM SHALL BE IMPOSED.*** A presumption as described in 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 R.C. § 2929.11.

PROFESSIONAL LICENSE. Any license, permit, certificate, registration, qualification, admission, temporary license, temporary permit, temporary certificate, or temporary registration that is described in R.C. § 2925.01(W)(1) through (W)(37) and that qualifies a person as a professionally licensed person.

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 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 R.C. Chapter 4703;

(3) A person who is registered as a landscape architect under R.C. Chapter 4703 or who holds a permit as a landscape architect issued under that chapter;

(4) A person licensed under R.C. Chapter 4707;

(5) A person who has been issued a certificate of registration as a registered barber 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 R.C. Chapter 4710;

(7) A person who has been issued a cosmetologist's license, hair designer's license, manicurist's license, esthetician's license, natural hair stylist's license, advanced cosmetologist's license, advanced hair designer's license, advanced manicurist's license, advanced esthetician's license, advanced natural hair stylist's license, cosmetology instructor's license, hair design instructor's license, manicurist instructor's license, esthetics instructor's license, natural hair style instructor's license, independent contractor's license, or tanning facility permit under 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 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 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 R.C. Chapter 4723;

(11) A person who has been licensed to practice optometry or to engage in optical dispensing under R.C. Chapter 4725;

(12) A person licensed to act as a pawnbroker under R.C. Chapter 4727;

(13) A person licensed to act as a precious metals dealer under R.C. Chapter 4728;

(14) A person licensed under 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 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 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 R.C. Chapter 4731 or has been issued a certificate to practice a limited branch of medicine under that chapter;

(18) A person licensed as a psychologist or school psychologist under R.C. Chapter 4732;

(19) A person registered to practice the profession of engineering or surveying under R.C. Chapter 4733;

(20) A person who has been issued a license to practice chiropractic under R.C. Chapter 4734;

(21) A person licensed to act as a real estate broker or real estate salesperson under R.C. Chapter 4735;

(22) A person registered as a registered sanitarian under R.C. Chapter 4736;

(23) A person licensed to operate or maintain a junkyard under R.C. Chapter 4737;

(24) A person who has been issued a motor vehicle salvage dealer's license under R.C. Chapter 4738;

(25) A person who has been licensed to act as a steam engineer under 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 R.C. Chapter 4741;

(27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under 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 R.C. Chapter 4749;

(29) A person licensed to practice as a nursing home administrator under R.C. Chapter 4751;

(30) A person licensed to practice as a speech-language pathologist or audiologist under R.C. Chapter 4753;

(31) A person issued a license as an occupational therapist or physical therapist under 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 R.C. Chapter 4757;

(33) A person issued a license to practice dietetics under R.C. Chapter 4759;

(34) A person who has been issued a license or limited permit to practice respiratory therapy under R.C. Chapter 4761;

(35) A person who has been issued a real estate appraiser certificate under R.C. Chapter 4763;

(36) A person who has been issued a home inspector license under 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.

PUBLIC PREMISES. Any hotel, restaurant, tavern, store, arena, hall, or other place of public accommodation, business, amusement, or resort.

SALE. Has the same meaning as in R.C. § 3719.01.

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.

SCHEDULE I, SCHEDULE II, SCHEDULE III, SCHEDULE IV or ***SCHEDULE V.*** Have the same meaning as in R.C. § 3719.01.

SCHOOL. Any school operated by a board of education, any community school established under R.C. Chapter 3314, or any nonpublic school for which the State Board of Education prescribes minimum standards under R.C. § 3301.07, whether or not any instruction, extra-curricular activities, or training provided by the school is being conducted at the time a criminal offense is committed.

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.

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 R.C. Chapter 3314, or the governing body of a nonpublic school for which the State Board of Education prescribes minimum standards under 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.

STANDARD PHARMACEUTICAL REFERENCE MANUAL. The current edition, with cumulative changes if any, of references that are approved by the State Board of Pharmacy.

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.

WHOLESALER. Has the same meaning as in R.C. § 3719.01.
(R.C.§ 2925.01) (Rev. 2021)

§ 138.02 TRAFFICKING IN CONTROLLED SUBSTANCES; GIFT OF MARIHUANA.

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

(1) Sell or offer to sell a controlled substance or a controlled substance analog;

(2) Prepare for shipment, ship, transport, deliver, prepare for distribution, or distribute a controlled substance or a controlled substance analog, when the offender knows or has reasonable cause to believe that the controlled substance or a controlled substance analog is intended for sale or resale by the offender or another person.

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

(1) Manufacturers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies, and other persons whose conduct is in accordance with R.C. Chapters 3719, 4715, 4723, 4729, 4730, 4731, and 4741.

(2) If the offense involves an anabolic steroid, any person who is conducting or participating in a research project involving the use of an anabolic steroid if the project has been approved by the United States Food and Drug Administration.

(3) Any person who sells, offers for sale, prescribes, dispenses, or administers for livestock or other nonhuman species an anabolic steroid that is expressly intended for administration through implants to livestock or other nonhuman species and approved for that purpose under the "Federal Food, Drug and Cosmetic Act" (21 U.S.C. §§ 301 et seq., as amended), and is sold, offered for sale, prescribed, dispensed, or administered for that purpose in accordance with that Act.

(C) Whoever violates division (A) of this section is guilty of the following:

(1) Except as otherwise provided in divisions (C)(2) and (C)(3) of this section, trafficking in controlled substances is a felony to be prosecuted under appropriate state law.

(2) Except as otherwise provided in this division, if the offense involves a gift of 20 grams or less of marihuana, trafficking in marihuana is a minor misdemeanor upon a first offense and a misdemeanor of the third degree upon a subsequent offense. If the offense involves a gift of 20 grams or less of marihuana and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in marihuana is a misdemeanor of the third degree.

(3) If the drug involved in the violation is a compound, mixture, preparation, or substance that is a combination of a fentanyl-related compound and marihuana, one of the following applies:

(a) Except as otherwise provided in division (C)(3)(b) of this section, the offender is guilty of trafficking in marihuana and shall be punished under division (C)(2) of this section. The offender is not guilty of trafficking in a fentanyl-related compound and shall not be charged with, convicted of, or punished under R.C. § 2925.03(C)(9) for trafficking in a fentanyl-related compound.

(b) If the offender knows or has reason to know that the compound, mixture, preparation, or substance that is the drug involved contains a fentanyl-related compound, the offender is guilty of trafficking in a fentanyl-related compound and shall be punished under R.C. § 2925.03(C)(9).

(D) As used in this section, "drug" includes any substance that is represented to be a drug.
(R.C. § 2925.03(A) - (C), (I)) (Rev. 2020)

Statutory reference:
Felony drug trafficking offenses, see R.C. § 2925.03(C)

§ 138.03 DRUG POSSESSION OFFENSES.

(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 any of the following:

(a) Manufacturers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies, and other persons whose conduct is in accordance with R.C. Chapters 3719, 4715, 4723, 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, and is sold, offered for sale, prescribed, dispensed, or administered for that purpose in accordance with that Act.

(d) Any person who obtained the controlled substance pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs if the prescription was issued for a legitimate medical purpose and not altered, forged, or obtained through deception or commission of a theft offense. As used in this division (B)(1)(d), "deception" and "theft offense" have the same meanings as in R.C. § 2913.01.

(2) (a) As used in division (B)(2) of this section:

COMMUNITY ADDICTION SERVICES PROVIDER. Has the same meaning as in R.C. § 5119.01.

COMMUNITY CONTROL SANCTION. Has the same meanings as in R.C. § 2929.01

DRUG TREATMENT PROGRAM. Has the same meanings as in R.C. § 2929.01.

HEALTH CARE FACILITY. Has the same meaning as in R.C. § 2919.16.

MINOR DRUG POSSESSION OFFENSE. A violation of this section or R.C. § 2925.11 that is a misdemeanor or a felony of the fifth degree.

PEACE OFFICER. Has the same meaning as in R.C. § 2935.01.

POST-RELEASE CONTROL SANCTION. Has the same meaning as in R.C. § 2967.28.

PUBLIC AGENCY. Has the same meaning as in R.C. § 2930.01.

QUALIFIED INDIVIDUAL. A person who is not on community control or post-release control and is a person acting in good faith who seeks or obtains medical assistance for another person who is experiencing a drug overdose, a person who experiences a drug overdose and who seeks medical assistance for that overdose, or a person who is the subject of another person seeking or obtaining medical assistance for that overdose as described in division (B)(2)(b) of this section.

SEEK OR OBTAIN MEDICAL ASSISTANCE. Includes, but is not limited to making a 9-1-1 call, contacting in person or by telephone call an on-duty peace officer, or transporting or presenting a person to a health care facility.

(b) Subject to division (B)(2)(f) of this section, a qualified individual shall not be arrested, charged, prosecuted, convicted, or penalized pursuant to this chapter for a minor drug possession offense if all of the following apply:

1. The evidence of the obtaining, possession, or use of the controlled substance or controlled substance analog that would be the basis of the offense was obtained as a result of the qualified individual seeking the medical assistance or experiencing an overdose and needing medical assistance.

2. Subject to division (B)(2)(g) of this section, within 30 days after seeking or obtaining the medical assistance, the qualified individual seeks and obtains a screening and receives a referral for treatment from a community addiction services provider or a properly credentialed addiction treatment professional.

3. Subject to division (B)(2)(g) of this section, the qualified individual who obtains a screening and receives a referral for treatment under division (B)(2)(b)2. of this section, upon the request of any prosecuting attorney, submits documentation to the prosecuting attorney that verifies that the qualified individual satisfied the requirements of that division. The documentation shall be limited to the date and time of the screening obtained and referral received.

(c) If a person is found to be in violation of any community control sanction and if the violation is a result of either of the following, the court shall first consider ordering the person's participation or continued participation in a drug treatment program or mitigating the penalty specified in R.C. § 2929.13, 2929.15, or 2929.25, or any substantially equivalent municipal ordinance, whichever is applicable, after which the court has the discretion either to order the person's participation or continued participation in a drug treatment program or to impose the penalty with the mitigating factor specified in any of those applicable sections:

1. Seeking or obtaining medical assistance in good faith for another person who is experiencing a drug overdose;

2. Experiencing a drug overdose and seeking medical assistance for that overdose or being the subject of another person seeking or obtaining medical assistance for that overdose as described in division (B)(2)(b) of this section.

(d) If a person is found to be in violation of any post-release control sanction and if the violation is a result of either of the following, the court or the parole board shall first consider ordering the person's participation or continued participation in a drug treatment program or mitigating the penalty specified in R.C. § 2929.141 or 2967.28, whichever is applicable, after which the court or the parole board has the discretion either to order the person's participation or continued participation in a drug treatment program or to impose the penalty with the mitigating factor specified in either of those applicable sections:

1. Seeking or obtaining medical assistance in good faith for another person who is experiencing a drug overdose;

2. Experiencing a drug overdose and seeking medical assistance for that emergency or being the subject of another person seeking or obtaining medical assistance for that overdose as described in division (B)(2)(b) of this section.

(e) Nothing in division (B)(2)(b) of this section shall be construed to do any of the following:

1. Limit the admissibility of any evidence in connection with the investigation or prosecution of a crime with regards to a defendant who does not qualify for the protections of division (B)(2)(b) of this section or with regards to any crime other than a minor drug possession offense committed by a person who qualifies for protection pursuant to division (B)(2)(b) of this section for a minor drug possession offense;

2. Limit any seizure of evidence or contraband otherwise permitted by law;

3. Limit or abridge the authority of a peace officer to detain or take into custody a person in the course of an investigation or to effectuate an arrest for any offense except as provided in that division;

4. Limit, modify, or remove any immunity from liability available pursuant to law in effect prior to September 13, 2016 to any public agency or to an employee of any public agency.

(f) Division (B)(2)(b) of this section does not apply to any person who twice previously has been granted an immunity under division (B)(2)(b) of this section. No person shall be granted an immunity under division (B)(2)(b) of this section more than two times.

(g) Nothing in this section shall compel any qualified individual to disclose protected health information in a way that conflicts with the requirements of the "Health Insurance Portability and Accountability Act of 1996", 104 Pub. L. No. 191, 110 Stat. 2021, 42 U.S.C. §§ 1320d et seq., as amended, and regulations promulgated by the United States Department of Health and Human Services to implement the act or the requirements of 42 C.F.R. Part 2.

(C) Whoever violates division (A) of this section is guilty of one of the following:

(1) If the drug involved in the violation is a compound, mixture, preparation, or substance included in Schedule I or Schedule II, with the exception of marihuana or hashish, whoever violates division (A) of this section is guilty of a felony to be prosecuted under appropriate state law.

(2) If the drug involved in the violation is a compound, mixture, preparation, or substance included in Schedule III, Schedule IV, or Schedule V, whoever violates division (A) of this section is guilty of possession of drugs. The penalty for the offense shall be determined as follows:

(a) Except as otherwise provided in division (C)(2)(b) of this section, possession of drugs is a misdemeanor of the first degree or, if the offender previously has been convicted of a drug abuse offense, a felony to be prosecuted under appropriate state law.

(b) If the amount of the drug involved equals or exceeds the bulk amount, possession of drugs is a felony to be prosecuted under appropriate state law.

(3) If the drug involved in the violation is marihuana or a compound, mixture, preparation, or substance containing marihuana other than hashish, whoever violates division (A) of this section is guilty of possession of marihuana. The penalty for the offense shall be determined as follows:

(a) Except as otherwise provided in division (C)(3)(b) or (C)(3)(c) of this section, possession of marihuana is a minor misdemeanor.

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

(c) If the amount of the drug involved equals or exceeds 200 grams, possession of marihuana is a felony to be prosecuted under appropriate state law.

(4) If the drug involved in the violation is hashish or a compound, mixture, preparation, or substance containing hashish, whoever violates division (A) of this section is guilty of possession of hashish. The penalty for the offense shall be determined as follows:

(a) Except as otherwise provided in division (C)(4)(b) or (C)(4)(c) of this section, possession of hashish is a minor misdemeanor.

(b) If the amount of the drug involved equals or exceeds five grams but is less than ten grams of hashish in a solid form or equals or exceeds one gram but is less than two grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, possession of hashish is a misdemeanor of the fourth degree.

(c) If the amount of the drug involved equals or exceeds ten grams of hashish in a solid form or equals or exceeds two grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, possession of hashish is a felony to be prosecuted under appropriate state law.

(5) If the drug involved in the violation is a compound, mixture, preparation, or substance that is a combination of a fentanyl-related compound and marihuana, one of the following applies:

(a) Except as otherwise provided in division (C)(5)(b) of this section, the offender is guilty of possession of marihuana and shall be punished as provided in division (C)(3) of this section. Except as otherwise provided in division (C)(5)(b) of this section, the offender is not guilty of possession of a fentanyl-related compound under R.C. § 2925.11(C)(11) and shall not be charged with, convicted of, or punished under R.C. § 2925.11(C)(11) for possession of a fentanyl-related compound.

(b) If the offender knows or has reason to know that the compound, mixture, preparation, or substance that is the drug involved contains a fentanyl-related compound, the offender is guilty of possession of a fentanyl-related compound and shall be punished under R.C. § 2925.11(C)(11).

(6) If the drug involved in the violation is a compound, mixture, preparation, or substance that is a combination of a fentanyl-related compound and any Schedule III, Schedule IV, or Schedule V controlled substance that is not a fentanyl-related compound, one of the following applies:

(a) Except as otherwise provided in division (C)(6)(b) of this section, the offender is guilty of possession of drugs and shall be punished as provided in division (C)(2) of this section. Except as otherwise provided in division (C)(6)(b) of this section, the offender is not guilty of possession of a fentanyl-related compound under R.C. § 2925.11(C)(11) and shall not be charged with, convicted of, or punished under R.C. § 2925.11(C)(11) for possession of a fentanyl-related compound.

(b) If the offender knows or has reason to know that the compound, mixture, preparation, or substance that is the drug involved contains a fentanyl-related compound, the offender is guilty of possession of a fentanyl-related compound and shall be punished under R.C. § 2925.11(C)(11).

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

(E) (1) In addition to any prison term or jail term authorized or required by division (C) of this section and R.C. §§ 2929.13, 2929.14, 2929.22, 2929.24, and 2929.25, or any substantially equivalent municipal ordinance, and in addition to any other sanction that is imposed for the offense under this section, R.C. §§ 2929.11 through 2929.18, or R.C. §§ 2929.21 through 2929.28, or any substantially equivalent municipal ordinance, the court that sentences an offender who is convicted of or pleads guilty to a violation of division (A) of this section may suspend the offender's driver's or commercial driver's license or permit for not more than five years. However, if the offender pleaded guilty to or was convicted of a violation of R.C. § 4511.19 or a substantially equivalent municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit for not more than five years.

(2) If the offender is a professionally licensed person, in addition to any other sanction imposed for a violation of this section, the court immediately shall comply with R.C. § 2925.38.

(F) (1) Any offender who received a mandatory suspension of the offender's driver's or commercial driver's license or permit under this section prior to September 13, 2016 may file a motion with the sentencing court requesting the termination of the suspension. However, an offender who pleaded guilty to or was convicted of a violation of R.C. § 4511.19 or a substantially equivalent municipal ordinance or law of another state or the United States that arose out of the same set of circumstances as the violation for which the offender's license or permit was suspended under this section shall not file such a motion.

(2) Upon the filing of a motion under division (F) of this section, the sentencing court, in its discretion, may terminate the suspension.
(R.C. § 2925.11) (Rev. 2020)

Statutory reference:

Felony drug possession offenses, see R.C. § 2925.11(C)

§ 138.04 POSSESSING DRUG ABUSE INSTRUMENTS.

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

(B) This section does not apply to manufacturers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies, and other persons whose conduct was in accordance with R.C. Chapters 3719, 4715, 4723, 4729, 4730, 4731, and 4741.

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

(D) (1) In addition to any other sanction imposed upon an offender for a violation of this section, the court may suspend for not more than five years the offender's driver's or commercial driver's license or permit. However, if the offender pleaded guilty to or was convicted of a violation of R.C. § 4511.19 or a substantially equivalent municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit for not more than five years. If the offender is a professionally licensed person, in addition to any other sanction imposed for a violation of this section, the court immediately shall comply with R.C. § 2925.38.

(2) (a) Any offender who received a mandatory suspension of the offender's driver's or commercial driver's license or permit under this section prior to September 13, 2016 may file a motion with the sentencing court requesting the termination of the suspension. However, an offender who pleaded guilty to or was convicted of a violation of R.C. § 4511.19 or a substantially equivalent municipal ordinance or law of another state or the United States that arose out of the same set of circumstances as the violation for which the offender's license or permit was suspended under this section shall not file such a motion.

(b) Upon the filing of a motion under division (D)(2) of this section, the sentencing court, in its discretion, may terminate the suspension.
(R.C. § 2925.12) (Rev. 2020)

§ 138.05 PERMITTING DRUG ABUSE.

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

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

(C) Whoever violates this section is guilty of permitting drug abuse.

(1) Except as provided in division (C)(2) of this section, permitting drug abuse is a misdemeanor of the first degree.

(2) Permitting drug abuse is a felony to be prosecuted under appropriate state law if the felony drug abuse offense in question is a violation of R.C. § 2925.02, 2925.03, or 2925.04, or if the felony drug abuse offense in question is a violation of R.C. § 2925.041 and the offender had actual knowledge, at the time the offender permitted the vehicle, premises, or real estate to be used as described in division (A) or (B) of this section, that the person who assembled or possessed the chemicals in question in violation of R.C. § 2925.041 had assembled or possessed them with the intent to manufacture a controlled substance in Schedule I or Schedule II in violation of R.C. § 2925.04.

(D) Any premises or real estate that is permitted to be used in violation of division (B) of this section constitutes a nuisance subject to abatement pursuant to R.C. Chapter 3767.
(R.C. § 2925.13(A) - (C), (F)) (Rev. 2019)

§ 138.06 ILLEGAL CULTIVATION OF MARIHUANA.

(A) No person shall knowingly cultivate marihuana.

(B) This section does not apply to any person listed in R.C. § 2925.03(B)(1), (B)(2) or (B)(3), or a substantially equivalent municipal ordinance, to the extent and under the circumstances described in that division.

(C) Whoever commits a violation of division (A) of this section is guilty of illegal cultivation of marihuana.

(1) Except as otherwise provided in the following divisions, illegal cultivation of marihuana is a minor misdemeanor or, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, a misdemeanor of the fourth degree.

(2) If the amount of marihuana involved equals or exceeds 100 grams but is less than 200 grams, illegal cultivation of marihuana is a misdemeanor of the fourth degree or, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, a misdemeanor of the third degree.

(3) If the amount of marihuana involved equals or exceeds 200 grams, illegal cultivation of marihuana is a felony to be prosecuted under appropriate state law.

(D) Arrest or conviction for a minor misdemeanor violation of this section does not constitute a criminal record and need not be reported by the person so arrested or convicted in response to any inquiries about the person's criminal record, including any inquiries contained in any application for employment, license, or other right or privilege, or made in connection with the person's appearance as a witness.
(R.C. § 2925.04(A), (B), (C)(5), (G)) (Rev. 2019)

Statutory reference:

Illegal manufacturing of controlled substances, felony, see R.C. § 2925.04

Sale or use of drugs not approved by Food and Drug Administration, felony, see R.C. § 2925.09

§ 138.07 ABUSING HARMFUL INTOXICANTS.

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

(B) Whoever violates this section is guilty of abusing harmful intoxicants, a misdemeanor of the first degree. If the offender previously has been convicted of a drug abuse offense, abusing harmful intoxicants is a felony to be prosecuted under appropriate state law.

(C) (1) In addition to any other sanction imposed upon an offender for a violation of this section, the court may suspend for not more than five years the offender's driver's or commercial driver's license or permit. However, if the offender pleaded guilty to or was convicted of a violation of R.C. § 4511.19 or a substantially equivalent municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit for not more than five years. If the offender is a professionally licensed person, in addition to any other sanction imposed for a violation of this section, the court immediately shall comply with R.C. § 2925.38.

(2) (a) Any offender who received a mandatory suspension of the offender's driver's or commercial driver's license or permit under this section prior to the September 13, 2016 may file a motion with the sentencing court requesting the termination of the suspension. However, an offender who pleaded guilty to or was convicted of a violation of R.C. § 4511.19 or a substantially equivalent municipal ordinance or law of another state or the United States that arose out of the same set of circumstances as the violation for which the

offender's license or permit was suspended under this section shall not file such a motion.

(b) Upon the filing of a motion under division (C)(2) of this section, the sentencing court, in its discretion, may terminate the suspension.
(R.C. § 2925.31) (Rev. 2020)

§ 138.08 ILLEGAL DISPENSING OF DRUG SAMPLES.

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

(B) Division (A) of this section does not apply to manufacturers, wholesalers, pharmacists, owners of pharmacies, licensed health professionals authorized to prescribe drugs, and other persons whose conduct is in accordance with R.C. Chapters 3719, 4715, 4723, 4725, 4729, 4730, 4731, and 4741.

(C) (1) Whoever violates this section is guilty of illegal dispensing of drug samples.

(2) If the drug involved in the offense is a compound, mixture, preparation, or substance included in Schedule I or Schedule II, with the exception of marihuana, illegal dispensing of drug samples is a felony to be prosecuted under appropriate state law.

(3) If the drug involved in the offense is a dangerous drug or a compound, mixture, preparation, or substance included in Schedule III, Schedule IV or Schedule V, or is marihuana, the penalty for the offense shall be determined as follows:

(a) Except as otherwise provided in the following division, illegal dispensing of drug samples is a misdemeanor of the second degree.

(b) If the offense was committed in the vicinity of a school or in the vicinity of a juvenile, illegal dispensing of drug samples is a misdemeanor of the first degree.
(R.C. § 2925.36(A) - (C)) (Rev. 2019)
Statutory reference:
Felony offenses, see R.C. § 2925.36(C)(2)

§ 138.09 FEDERAL PROSECUTION BAR TO MUNICIPAL PROSECUTION.

No person shall be prosecuted for a violation of this chapter if the person has been acquitted or convicted under the federal drug abuse control laws of the same act or omission which, it is alleged, constitutes a violation of this chapter.
(R.C. §§ 2925.50, 3719.19) (Rev. 2002)

§ 138.10 NITROUS OXIDE: IMPROPER DISPENSING OR DISTRIBUTION; POSSESSION IN A MOTOR VEHICLE.

(A) *Improper dispensing or distribution.*

(1) No person who dispenses or distributes nitrous oxide in cartridges shall fail to comply with either of the following:

(a) The record-keeping requirements established under division (A)(3) of this section.

(b) The labeling and transaction identification requirements established under division (A)(4) of this section.

(2) Whoever violates division (A)(1)(a) or (A)(1)(b) of this section is guilty of improperly dispensing or distributing nitrous oxide, a misdemeanor of the fourth degree.

(3) Beginning July 1, 2001, a person who dispenses or distributes nitrous oxide shall record each transaction involving the dispensing or distribution of the nitrous oxide on a separate card. The person shall require the purchaser to sign the card and provide a complete residence address. The person dispensing or distributing the nitrous oxide shall sign and date the card. The person shall retain the card recording a transaction for one year from the date of the transaction. The person shall maintain the cards at the person's business address and make them available during normal business hours for inspection and copying by officers or employees of the State Board of Pharmacy or of other law enforcement agencies that are authorized to investigate violations of this code, R.C. Chapters 2925, 3719, or 4729, or federal drug abuse control laws. The cards used to record each transaction shall inform the purchaser of the following:

(a) That nitrous oxide cartridges are to be used only for purposes of preparing food;

(b) That inhalation of nitrous oxide can have dangerous health effects; and

(c) That it is a violation of state law to distribute or dispense cartridges of nitrous oxide to any person under age 21, punishable as a felony of the fifth degree.

(4) (a) Each cartridge of nitrous oxide dispensed or distributed in this municipality shall bear the following printed warning: "Nitrous oxide cartridges are to be used only for purposes of preparing food. Nitrous oxide cartridges may not be sold to persons under age 21. Do not inhale contents. Misuse can be dangerous to your health."

(b) Each time a person dispenses or distributes one or more cartridges of nitrous oxide, the person shall mark the packaging containing the cartridges with a label or other device that identifies the person who dispensed

or distributed the nitrous oxide and the person's business address.
(R.C. § 2925.32(B)(4), (D)(2), (F), (G)) (Rev. 2001)

(B) *Possession in a motor vehicle.*

(1) As used in this section, ***MOTOR VEHICLE, STREET*** and ***HIGHWAY*** have the same meaning as in R.C. § 4511.01.

(2) Unless authorized by this code or by state law, no person shall possess an open cartridge of nitrous oxide in either of the following circumstances:

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

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

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

(4) In addition to any other sanction imposed upon an offender for possessing nitrous oxide in a motor vehicle, the court may suspend for not more than five years the offender's driver's or commercial driver's license or permit.
(R.C. § 2925.33) (Rev. 2017)
Statutory reference:
Trafficking in harmful intoxicants, see R.C. § 2925.32

§ 138.11 LABORATORY REPORT REQUIRED.

(A) (1) In any criminal prosecution for a violation of this chapter or R.C. Chapters 2925 or 3719, a laboratory report from the Bureau of Criminal Identification and Investigation or a laboratory operated by another law enforcement agency, or a laboratory established by or under the authority of an institution of higher education that has its main campus in this state and that is accredited by the Association of American Universities or the North Central Association of Colleges and Secondary Schools, primarily for the purpose of providing scientific service to law enforcement agencies, and signed by the person performing the analysis, stating that the substance that is the basis of the alleged offense has been weighed and analyzed and stating the findings as to the content, weight, and identity of the substance and that it contains any amount of a controlled substance and the number and description of unit dosages, is prima facie evidence of the content, identity, and weight or the existence and number of unit dosages of the substance. In any criminal prosecution for a violation of R.C. § 2925.041 or a violation of this chapter, R.C. Chapter 2925 or R.C. Chapter 3719 that is based on the possession of chemicals sufficient to produce a compound, mixture, preparation, or substance included in Schedule I, II, III, IV, or V, a laboratory report from the Bureau or from any laboratory that is operated or established as described in this division that is signed by the person performing the analysis, stating that the substances that are the basis of the alleged offense have been weighed and analyzed and stating the findings as to the content, weight, and identity of each of the substances, is prima facie evidence of the content, identity, and weight of the substances.

(2) Attached to that report shall be a copy of a notarized statement by the signer of the report giving the name of the signer and stating that the signer is an employee of the laboratory issuing the report and that performing the analysis is a part of the signer's regular duties, and giving an outline of the signer's education, training, and experience for performing an analysis of materials included under this section. The signer shall attest that scientifically accepted tests were performed with due caution, and that the evidence was handled in accordance with established and accepted procedures while in the custody of the laboratory.

(B) The prosecuting attorney shall serve a copy of the report on the attorney of record for the accused, or on the accused if the accused has no attorney, prior to any proceeding in which the report is to be used against the accused other than at a preliminary hearing or grand jury proceeding where the report may be used without having been previously served upon the accused.

(C) The report shall not be prima facie evidence of the contents, identity, and weight or the existence and number of unit dosages of the substance if the accused or the accused's attorney demands the testimony of the person signing the report, by serving the demand upon the prosecuting attorney, within seven days from the accused or the accused's attorney's receipt of the report. The time may be extended by a trial judge in the interests of justice.

(D) Any report issued for use under this section shall contain notice of the right of the accused to demand, and the manner in which the accused shall demand, the testimony of the person signing the report.

(E) Any person who is accused of a violation of this chapter or R.C. Chapters 2925 or 3719 is entitled, upon written request made to the prosecuting attorney, to have a portion of the substance that is, or of each of the substances that are, the basis of the alleged violation preserved for the benefit of independent analysis performed by a laboratory analyst employed by the accused person, or, if the accused is indigent, by a qualified laboratory analyst appointed by the court. Such portion shall be a representative sample of the entire substance that is, or of each of the substances that are, the basis of the alleged violation and shall be of sufficient size, in the opinion of the court, to permit the accused's analyst to make a thorough scientific analysis concerning the identity of the substance or substances. The prosecuting attorney shall provide the accused's analyst with the sample portion at least 14 days prior to trial, unless the trial is to be held in a court not of record or unless the accused person is charged with a minor misdemeanor, in which case the

prosecuting attorney shall provide the accused's analyst with the sample portion at least three days prior to trial. If the prosecuting attorney determines that such a sample portion cannot be preserved and given to the accused's analyst, the prosecuting attorney shall so inform the accused person, or the accused's attorney. In such a circumstance, the accused person is entitled, upon written request made to the prosecuting attorney, to have the accused's privately employed or court appointed analyst present at an analysis of the substance that is, or the substances that are, the basis of the alleged violation, and, upon further written request, to receive copies of all recorded scientific data that result from the analysis and that can be used by an analyst in arriving at conclusions, findings, or opinions concerning the identity of the substance or substances subject to the analysis.

(F) In addition to the rights provided under division (E) of this section, any person who is accused of a violation of this chapter or R.C. Chapters 2925 or 3719 that involves a bulk amount of a controlled substance, or any multiple thereof, or who is accused of a violation of R.C. § 2925.11 or a substantially equivalent municipal ordinance, other than a minor misdemeanor violation, that involves marihuana, is entitled, upon written request made to the prosecuting attorney, to have a laboratory analyst of the accused's choice, or, if the accused is indigent, a qualified laboratory analyst appointed by the court, present at a measurement or weighing of the substance that is the basis of the alleged violation. Also, the accused person is entitled, upon further written request, to receive copies of all recorded scientific data that result from the measurement or weighing and that can be used by an analyst in arriving at conclusions, findings, or opinions concerning the weight, volume, or number of unit doses of the substance subject to the measurement or weighing.
(R.C. § 2925.51) (Rev. 2002)

(G) In addition to the financial sanctions authorized or required under R.C. §§ 2929.18 and 2929.28 and to any costs otherwise authorized or required under any provision of law, the court imposing sentence upon an offender who is convicted of or pleads guilty to a drug abuse offense may order the offender to pay to the state, municipal, or county law enforcement agencies that handled the investigation and prosecution all of the costs that the state, municipal corporation, or county reasonably incurred in having tests performed under this section or R.C. § 2925.51 or in any other manner on any substance that was the basis of, or involved in, the offense to determine whether the substance contained any amount of a controlled substance if the results of the tests indicate that the substance tested contained any controlled substance. No court shall order an offender under this section to pay the costs of tests performed on a substance if the results of the tests do not indicate that the substance tested contained any controlled substance. The court shall hold a hearing to determine the amount of costs to be imposed under this section. The court may hold the hearing as part of the sentencing hearing for the offender.
(R.C. § 2925.511) (Rev. 2007)

§ 138.12 COUNTERFEIT CONTROLLED SUBSTANCES.

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

(B) Whoever violates division (A) of this section shall be guilty of possession of counterfeit controlled substances, a misdemeanor of the first degree.
(R.C. § 2925.37(A), (G)) (Rev. 2019)
Statutory reference:
Trafficking and other felony counterfeit controlled substance offenses, see R.C. § 2925.37(H) - (M)

§ 138.13 USE, POSSESSION, OR SALE OF DRUG PARAPHERNALIA.

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

(1) A kit for propagating, cultivating, growing, or harvesting any species of a plant that is a controlled substance or from which a controlled substance can be derived.

(2) A kit for manufacturing, compounding, converting, producing, processing, or preparing a controlled substance.

(3) Any object, instrument, or device for manufacturing, compounding, converting, producing, processing, or preparing methamphetamine.

(4) An isomerization device for increasing the potency of any species of a plant that is a controlled substance.

(5) Testing equipment for identifying, or analyzing the strength, effectiveness, or purity of, a controlled substance.

(6) A scale or balance for weighing or measuring a controlled substance.

(7) A diluent or adulterant, such as quinine hydrochloride, mannitol, mannite, dextrose, or lactose, for cutting a controlled substance.

(8) A separation gin or sifter for removing twigs and seeds from, or otherwise cleaning or refining, marihuana.

(9) A blender, bowl, container, spoon, or mixing device for compounding a controlled substance.

(10) A capsule, balloon, envelope, or container for packaging small quantities of a controlled substance.

(11) A container or device for storing or concealing a controlled substance.

(12) A hypodermic syringe, needle, or instrument for parenterally injecting a controlled substance into the human body.

(13) An object, instrument, or device for ingesting, inhaling, or otherwise introducing into the human body, marihuana, cocaine, hashish, or hashish oil, such as a metal, wooden, acrylic, glass, stone, plastic, or ceramic pipe, with or without a screen, permanent screen, hashish head, or punctured metal bowl; water pipe; carburetion tube or device; smoking or carburetion mask; roach clip or similar object used to hold burning material, such as a marihuana cigarette, that has become too small or too short to be held in the hand; miniature cocaine spoon, or cocaine vial; chamber pipe; carburetor pipe; electric pipe; air driver pipe; chillum; bong; or ice pipe or chiller.

(B) In determining if any equipment, product, or material is drug paraphernalia, a court or law enforcement officer shall consider, in addition to other relevant factors, the following:

(1) Any statement by the owner or by anyone in control of the equipment, product, or material, concerning its use.

(2) The proximity in time or space of the equipment, product, or material, or of the act relating to the equipment, product, or material, to a violation of any provision of this chapter or R.C. Chapter 2925.

(3) The proximity of the equipment, product, or material to any controlled substance.

(4) The existence of any residue of a controlled substance on the equipment, product, or material.

(5) Direct or circumstantial evidence of the intent of the owner, or of anyone in control, of the equipment, product, or material, to deliver it to any person whom he or she knows intends to use the equipment, product, or material to facilitate a violation of any provision of this chapter or R.C. Chapter 2925. A finding that the owner or anyone in control of the equipment, product, or material is not guilty of a violation of any other provision of this chapter or R.C. Chapter 2925 does not prevent a finding that the equipment, product, or material was intended or designed by the offender for use as drug paraphernalia.

(6) Any oral or written instruction provided with the equipment, product, or material concerning its use.

(7) Any descriptive material accompanying the equipment, product, or material and explaining or depicting its use.

(8) National or local advertising concerning the use of the equipment, product, or material.

(9) The manner and circumstances in which the equipment, product, or material is displayed for sale.

(10) Direct or circumstantial evidence of the ratio of the sales of the equipment, product, or material to the total sales of the business enterprise.

(11) The existence and scope of legitimate uses of the equipment, product, or material in the community.

(12) Expert testimony concerning the use of the equipment, product, or material.

(C) (1) Subject to division (D)(2) of this section, no person shall knowingly use, or possess with purpose to use, drug paraphernalia.

(2) No person shall knowingly sell, or possess or manufacture with purpose to sell, drug paraphernalia, if he or she knows or reasonably should know that the equipment, product, or material will be used as drug paraphernalia.

(3) No person shall place an advertisement in any newspaper, magazine, handbill, or other publication that is published and printed and circulates primarily within this state, if he or she knows that the purpose of the advertisement is to promote the illegal sale in this municipality or in this state of the equipment, product, or material that the offender intended or designed for use as drug paraphernalia.

(D) (1) This section does not apply to manufacturers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies, and other persons whose conduct is in accordance with R.C. Chapters 3719, 4715, 4723, 4729, 4730, 4731, and 4741. This section shall not be construed to prohibit the possession or use of a hypodermic as authorized by R.C. § 3719.172.

(2) Division (C)(1) of this section does not apply to a person's use, or possession with purpose to use, any drug paraphernalia that is equipment, a product, or material of any kind that is used by the person, intended by the person for use, or designed for use in storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body marihuana.

(E) Notwithstanding R.C. Chapter 2981, any drug paraphernalia that was used, possessed, sold, or manufactured in violation of this section shall be seized, after a conviction for that violation, shall be forfeited, and upon forfeiture shall be disposed of pursuant to R.C. § 2981.12(B).

(F) (1) Whoever violates division (C)(1) of this section is guilty of illegal use or possession of drug paraphernalia, a misdemeanor of the fourth degree.

(2) Except as provided in division (F)(3) of this section, whoever violates division (C)(2) of this section is guilty of dealing in drug paraphernalia, a misdemeanor of the second degree.

(3) Whoever violates division (C)(2) of this section by selling drug paraphernalia to a juvenile is guilty of selling drug paraphernalia to juveniles, a misdemeanor of the first degree.

(4) Whoever violates division (C)(3) of this section is guilty of illegal advertising of drug paraphernalia, a misdemeanor of the second degree.

(G) (1) In addition to any other sanction imposed upon an offender for a violation of this section, the court may suspend for not more than five years the offender's driver's or commercial driver's license or permit. However, if the offender pleaded guilty to or was convicted of a violation of R.C. § 4511.19 or a substantially equivalent municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit for not more than five years. If the offender is a professionally licensed person, in addition to any other sanction imposed for a violation of this section, the court immediately shall comply with R.C. § 2925.38.

(2) (a) Any offender who received a mandatory suspension of the offender's driver's or commercial driver's license or permit under this section prior to September 13, 2016 may file a motion with the sentencing court requesting the termination of the suspension. However, an offender who pleaded guilty to or was convicted of a violation of R.C. § 4511.19 or a substantially equivalent municipal ordinance or law of another state or the United States that arose out of the same set of circumstances as the violation for which the offender's license or permit was suspended under this section shall not file such a motion.

(b) Upon the filing of a motion under division (G)(2) of this section, the sentencing court, in its discretion, may terminate the suspension.
(R.C. § 2925.14) (Rev. 2020)

(H) *Illegal use or possession of marihuana drug paraphernalia.*

(1) As used in this division (H), ***DRUG PARAPHERNALIA*** has the same meaning as in division (A) of this section.

(2) In determining if any equipment, product, or material is drug paraphernalia, a court or law enforcement officer shall consider, in addition to other relevant factors, all factors identified in division (B) of this section.

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

(4) This division (H) does not apply to any person identified in division (D)(1) of this section, and it shall not be construed to prohibit the possession or use of a hypodermic as authorized by R.C. § 3719.172.

(5) Division (E) of this section applies with respect to any drug paraphernalia that was used or possessed in violation of this section.

(6) Whoever violates division (H)(3) of this section is guilty of illegal use or possession of marihuana drug paraphernalia, a minor misdemeanor.

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

(b) 1. Any offender who received a mandatory suspension of the offender's driver's or commercial driver's license or permit under division (H) of this section prior to September 13, 2016 may file a motion with the sentencing court requesting the termination of the suspension. However, an offender who pleaded guilty to or was convicted of a violation of R.C. § 4511.19 or a substantially equivalent municipal ordinance or law of another state or the United States that arose out of the same set of circumstances as the violation for which the offender's license or permit was suspended under division (H) of this section shall not file such a motion.

2. Upon the filing of a motion under division (H)(7)(b) of this section, the sentencing court, in its discretion, may terminate the suspension.
(R.C. § 2925.141) (Rev. 2020)

§ 138.14 CONTROLLED SUBSTANCE OR PRESCRIPTION LABELS.

(A) Whenever a manufacturer sells a controlled substance, and whenever a wholesaler, repackager, or outsourcing facility sells a controlled substance in a package the wholesaler, repackager, or outsourcing facility has prepared, the manufacturer or the wholesaler, repackager, or outsourcing facility, as the case may be, shall securely affix to each package in which the controlled substance is contained a label showing in legible English the name and address of the vendor and the quantity, kind, and form of

controlled substance contained therein. No person, except a pharmacist for the purpose of dispensing a controlled substance upon a prescription shall alter, deface, or remove any label so affixed. As used in this division, "repackager" and "outsourcing facility" have the same meanings as in R.C. § 4729.01.

(B) No person shall alter, deface or remove any label affixed pursuant to R.C. § 3719.08 as long as any of the original contents remain.
(R.C. § 3719.08(A), (E)) (Rev. 2018)

(C) Whoever violates this section is guilty of a misdemeanor of the first degree. If the offender previously has been convicted of a violation of this section, or R.C. § 3719.07 or 3719.08, or a drug abuse offense, a violation of this section is a felony to be prosecuted under appropriate state law. If the violation involves the sale, offer to sell, or possession of a Schedule I or II controlled substance, with the exception of marihuana, and if the offender, as a result of the violation, is a major drug offender, then R.C. § 3719.99(D) applies.
(R.C. § 3719.99(C)) (Rev. 1999)

§ 138.15 POSSESSION, SALE AND DISPOSAL OF HYPODERMICS.

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

(1) A manufacturer or distributor of, or dealer in hypodermics, or medication packaged in hypodermics, and any authorized agent of employee of that manufacturer, distributor or dealer, in the regular course of business;

(2) A terminal distributor of dangerous drugs, in the regular course of business;

(3) A person authorized to administer injections, in the regular course of the person's profession or employment;

(4) A person, when the hypodermic in his possession was lawfully obtained and is kept and used for the purpose of self-administration of insulin or other drug prescribed for the treatment of disease by a licensed health professional authorized to prescribe drugs;

(5) A person whose use of a hypodermic is for legal research, clinical, educational or medicinal purposes;

(6) A farmer, for the lawful administration of a drug to an animal;

(7) A person whose use of a hypodermic is for lawful professional, mechanical, trade or craft purposes.

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

(C) Whoever violates division (B) of this section is guilty of a misdemeanor of the third degree. If the offender previously has been convicted of a violation of division (B) of this section, R.C. § 3719.05, 3719.06, 3719.13, 3719.172(B), or 3719.31, or a drug abuse offense, a violation of division (B) of this section is a misdemeanor of the first degree.
(R.C. § 3719.99(E)) (Rev. 1999)
Statutory reference:
Felony offenses, see R.C. § 3719.172(C) and (D)

§ 138.16 CONTROLLED SUBSTANCE SCHEDULES.

Controlled Substance Schedules I, II, III, IV, and V, as established in R.C. § 3719.41 and amended by R.C. §§ 3719.43 and 3719.44, are hereby adopted by reference, and shall be treated as if set forth in full herein.
(Rev. 2020)

§ 138.17 UNLAWFUL FURNISHING OF PRESCRIPTION TO ENABLE PERSONS TO BE ISSUED HANDICAPPED PARKING PLACARDS OR LICENSE PLATES.

(A) No physician or chiropractor shall do either of the following:

(1) Furnish a person with a prescription in order to enable the person to be issued a removable windshield placard, temporary removable windshield placard, or license plates under R.C. § 4503.44, knowing that the person does not meet any of the criteria contained in R.C. § 4503.44(A)(1).

(2) Furnish a person with a prescription described in division (A)(1) of this section and knowingly misstate on the prescription the length of time the physician or chiropractor expects the person to have the disability that limits or impairs the person's ability to walk in order to enable the person to retain a placard issued under R.C. § 4503.44 for a period of time longer than that which would be estimated by a similar practitioner under the same or similar circumstances.
(R.C. §§ 4731.481, 4734.161) (Rev. 2001)

(B) Whoever violates this section is guilty of a misdemeanor of the first degree.
(R.C. §§ 4731.99(F), 4734.99(B))
Cross-reference:
Parking privileges for persons with disabilities, see § 76.05

§ 138.18 PSEUDOEPHEDRINE SALES.

(A) *Unlawful purchases.*

(1) As used in divisions (A), (B), (C) and (D) of this section:

CONSUMER PRODUCT. Any food or drink that is consumed or used by humans and any drug, including a drug that may be provided legally only pursuant to a prescription, that is intended to be consumed or used by humans.

EPHEDRINE. Any material, compound, mixture, or preparation that contains any quantity of ephedrine, any of its salts, optical isomers, or salts of optical isomers.

EPHEDRINE PRODUCT. A consumer product that contains ephedrine.

PSEUDOEPHEDRINE. Any material, compound, mixture, or preparation that contains any quantity of pseudoephedrine, any of its salts, optical isomers, or salts of optical isomers.

PSEUDOEPHEDRINE PRODUCT. A consumer product that contains pseudoephedrine.

RETAILER. A place of business that offers consumer products for sale to the general public.

SINGLE-INGREDIENT PREPARATION. A compound, mixture, preparation, or substance that contains a single active ingredient.

TERMINAL DISTRIBUTOR OF DANGEROUS DRUGS. Has the same meaning as in R.C. § 4729.01.

(2) (a) 1. No individual shall knowingly purchase, receive, or otherwise acquire an amount of pseudoephedrine product or ephedrine product that is greater than either of the following unless the pseudoephedrine product or ephedrine product is dispensed by a pharmacist pursuant to a valid prescription issued by a licensed health professional authorized to prescribe drugs and the conduct of the pharmacist and the licensed health professional authorized to prescribe drugs is in accordance with R.C. Chapter 3719, 4715, 4723, 4729, 4730, 4731, or 4741:

a. Three and six tenths grams within a period of a single day;

b. Nine grams within a period of 30 consecutive days.

2. The limits specified in divisions (A)(2)(a)1.a. and (A)(2)(a)1.b. of this section apply to the total amount of base pseudoephedrine or base ephedrine in the pseudoephedrine product or ephedrine product, respectively. The limits do not apply to the product's overall weight.

(b) It is not a violation of division (B)(1) of this section for an individual to receive or accept more than an amount of pseudoephedrine product or ephedrine product specified in division (A)(2)(a)1.a. or (A)(2)(a)1.b. of this section if the individual is an employee of a retailer or terminal distributor of dangerous drugs, and the employee receives or accepts from the retailer or terminal distributor of dangerous drugs the pseudoephedrine product or ephedrine product in a sealed container in connection with manufacturing, warehousing, placement, stocking, bagging, loading, or unloading of the product.

(3) (a) No individual under 18 years of age shall knowingly purchase, receive, or otherwise acquire a pseudoephedrine product, or ephedrine product unless the pseudoephedrine product or ephedrine product is dispensed by a pharmacist pursuant to a valid prescription issued by a licensed health professional authorized to prescribe drugs and the conduct of the pharmacist and the licensed health professional authorized to prescribe drugs is in accordance with R.C. Chapter 3719, 4715, 4723, 4729, 4730, 4731, or 4741.

(b) Division (A)(3)(a) of this section does not apply to an individual under 18 years of age who purchases, receives, or otherwise acquires a pseudoephedrine product or ephedrine product from any of the following:

1. A licensed health professional authorized to prescribe drugs or pharmacist who dispenses, sells, or otherwise provides the pseudoephedrine product or ephedrine product to that individual and whose conduct is in accordance with R.C. Chapter 3719, 4715, 4723, 4729, 4730, 4731, or 4741;

2. A parent or guardian of that individual who provides the pseudoephedrine product or ephedrine product to the individual;

3. A person, as authorized by that individual's parent or guardian, who dispenses, sells, or otherwise provides the pseudoephedrine product or ephedrine product to the individual;

4. A retailer or terminal distributor of dangerous drugs who provides the pseudoephedrine product or ephedrine product to that individual if the individual is an employee of the retailer or terminal distributor of dangerous drugs and the individual receives or accepts from the retailer or terminal distributor of dangerous drugs the pseudoephedrine product or ephedrine product in a sealed container in connection with manufacturing, warehousing, placement, stocking, bagging, loading, or unloading of the product.

(4) No individual under 18 years of age shall knowingly show or give false information concerning the individual's name, age, or other identification for the purpose

of purchasing, receiving, or otherwise acquiring a pseudoephedrine product or ephedrine product.

(5) No individual shall knowingly fail to comply with the requirements of R.C. § 3715.051(B).

(6) Whoever violates division (A)(2)(a) of this section is guilty of unlawful purchase of a pseudoephedrine product or ephedrine product, a misdemeanor of the first degree.

(7) Whoever violates division (A)(3)(a) of this section is guilty of underage purchase of a pseudoephedrine product or ephedrine product, a delinquent act that would be a misdemeanor of the fourth degree if it could be committed by an adult.

(8) Whoever violates division (A)(4) of this section is guilty of using false information to purchase a pseudoephedrine product or ephedrine product, a delinquent act that would be a misdemeanor of the first degree if it could be committed by an adult.

(9) Whoever violates division (A)(5) of this section is guilty of improper purchase of a pseudoephedrine product or ephedrine product, a misdemeanor of the fourth degree.
(R.C. § 2925.55) (Rev. 2014)

(B) *Unlawful retail sales.*

(1) (a) 1. Except as provided in division (B)(1)(b) of this section, no retailer or terminal distributor of dangerous drugs or an employee of a retailer or terminal distributor of dangerous drugs shall knowingly sell, offer to sell, hold for sale, deliver, or otherwise provide to any individual an amount of pseudoephedrine product or ephedrine product that is greater than either of the following:

a. Three and six tenths grams within a period of a single day;

b. Nine grams within a period of 30 consecutive days.

2. The maximum amounts specified in divisions (B)(1)(a)1.a. and (B)(1)(a)1.b. of this section apply to the total amount of base pseudoephedrine or base ephedrine in the pseudoephedrine product or ephedrine product, respectively. The maximum amounts do not apply to the product's overall weight.

(b) 1. Division (B)(1)(a) of this section does not apply to any quantity of pseudoephedrine product or ephedrine product dispensed by a pharmacist pursuant to a valid prescription issued by a licensed health professional authorized to prescribe drugs if the conduct of the pharmacist and the licensed health professional authorized to prescribe drugs is in accordance with R.C. Chapter 3719, 4715, 4723, 4729, 4730, 4731, or 4741.

2. It is not a violation of division (B)(1)(a) of this section for a retailer, terminal distributor of dangerous drugs, or employee of either to provide to an individual more than an amount of pseudoephedrine product or ephedrine product specified in division (B)(1)(a)1.a. or (B)(1)(a)1.b. of this section under either of the following circumstances:

a. The individual is an employee of the retailer or terminal distributor of dangerous drugs, and the employee receives or accepts from the retailer, terminal distributor of dangerous drugs, or employee the pseudoephedrine product or ephedrine product in a sealed container in connection with manufacturing, warehousing, placement, stocking, bagging, loading, or unloading of the product;

b. A stop-sale alert is generated after the submission of information to the national precursor log exchange under the conditions described in R.C. § 3715.052(A)(2).

(2) (a) Except as provided in division (B)(2)(b) of this section, no retailer or terminal distributor of dangerous drugs or an employee of a retailer or terminal distributor of dangerous drugs shall sell, offer to sell, hold for sale, deliver, or otherwise provide a pseudoephedrine product or ephedrine product to an individual who is under 18 years of age.

(b) Division (B)(2)(a) of this section does not apply to any of the following:

1. A licensed health professional authorized to prescribe drugs or pharmacist who dispenses, sells, or otherwise provides a pseudoephedrine product or ephedrine product to an individual under 18 years of age and whose conduct is in accordance with R.C. Chapter 3719, 4715, 4723, 4729, 4730, 4731, or 4741;

2. A parent or guardian of an individual under 18 years of age who provides a pseudoephedrine product or ephedrine product to the individual;

3. A person who, as authorized by the individual's parent or guardian, dispenses, sells, or otherwise provides a pseudoephedrine product or ephedrine product to an individual under 18 years of age;

4. The provision by a retailer, terminal distributor of dangerous drugs, or employee of either of a pseudoephedrine product or ephedrine product in a sealed container to an employee of the retailer or terminal distributor of dangerous drugs who is under 18 years of age in connection with manufacturing, warehousing, placement, stocking, bagging, loading, or unloading of the product.

(3) No retailer or terminal distributor of dangerous drugs shall fail to comply with the requirements of R.C. § 3715.051(A) or R.C. § 3715.052(A)(2).

(4) No retailer or terminal distributor of dangerous drugs shall fail to comply with the requirements of R.C. § 3715.052(A)(1).

(5) Whoever violates division (B)(1)(a) of this section is guilty of unlawfully selling a pseudoephedrine product or ephedrine product, a misdemeanor of the first degree.

(6) Whoever violates division (B)(2)(a) of this section is guilty of unlawfully selling a pseudoephedrine product or ephedrine product to a minor, a misdemeanor of the fourth degree.

(7) Whoever violates division (B)(3) of this section is guilty of improper sale of a pseudoephedrine product or ephedrine product, a misdemeanor of the second degree.

(8) Whoever violates division (B)(4) of this section is guilty of failing to submit information to the national precursor log exchange, a misdemeanor for which the offender shall be fined not more than $1,000 per violation.
(R.C. § 2925.56) (Rev. 2014)

(C) *Transaction scans.*

(1) As used in this division and division (D) of this section:

CARD HOLDER. Means any person who presents a driver's or commercial driver's license or an identification card to a seller, or an agent or employee of a seller, to purchase or receive any pseudoephedrine product or ephedrine product from the seller, agent, or employee.

IDENTIFICATION CARD. Has the same meaning as in R.C. § 2927.021.

SELLER. Means a retailer or terminal distributor of dangerous drugs.

TRANSACTION SCAN. Means the process by which a seller or an agent or employee of a seller checks by means of a transaction scan device the validity of a driver's or commercial driver's license or an identification card that is presented as a condition for purchasing or receiving any pseudoephedrine product or ephedrine product.

TRANSACTION SCAN DEVICE. Has the same meaning as in R.C. § 2927.021.

(2) (a) A seller or an agent or employee of a seller may perform a transaction scan by means of a transaction scan device to check the validity of a driver's or commercial driver's license or identification card presented by a card holder as a condition for selling, giving away, or otherwise distributing to the card holder a pseudoephedrine product or ephedrine product.

(b) If the information deciphered by the transaction scan performed under division (C)(2)(a) of this section fails to match the information printed on the driver's or commercial driver's license or identification card presented by the card holder, or if the transaction scan indicates that the information so printed is false or fraudulent, neither the seller nor any agent or employee of the seller shall sell, give away, or otherwise distribute any pseudoephedrine product or ephedrine product to the card holder.

(c) Division (C)(2)(a) of this section does not preclude a seller or an agent or employee of a seller as a condition for selling, giving away, or otherwise distributing a pseudoephedrine product or ephedrine product to the person presenting the document from using a transaction scan device to check the validity of a document other than a driver's or commercial driver's license or an identification card if the document includes a bar code or magnetic strip that may be scanned by the device.

(3) Rules adopted by the Registrar of Motor Vehicles under R.C. § 4301.61(C) apply to the use of transaction scan devices for purposes of this division (C) and division (D) of this section.

(4) (a) No seller or agent or employee of a seller shall electronically or mechanically record or maintain any information derived from a transaction scan, except the following:

1. The name, address, and date of birth of the person listed on the driver's or commercial driver's license or identification card presented by a card holder;

2. The expiration date, identification number, and issuing agency of the driver's or commercial driver's license or identification card presented by a card holder.

(b) No seller or agent or employee of a seller shall use the information that is derived from a transaction scan or that is permitted to be recorded and maintained under division (C)(4)(a) of this section except for purposes of division (D) of this section, R.C. § 2925.58, or R.C. § 3715.052(A)(1).

(c) No seller or agent or employee of a seller shall use a transaction scan device for a purpose other than the purpose specified in division (C)(2)(a) of this section.

(d) No seller or agent or employee of a seller shall sell or otherwise disseminate the information derived from a transaction scan to any third party, including but not limited to selling or otherwise disseminating that information for any marketing, advertising, or promotional activities, but a seller or agent or employee of a seller may release that information pursuant to a court order or as specifically authorized by division (D) of this section or any other section of the Ohio Revised Code.

(5) Nothing in this division (C) or division (D) of this section relieves a seller or an agent or employee of a seller of any responsibility to comply with any other applicable state or federal laws or rules governing the sale, giving away, or other distribution of pseudoephedrine products or ephedrine products.

(6) Whoever violates division (C)(2)(b) or (C)(4) of this section is guilty of engaging in an illegal pseudoephedrine product or ephedrine product transaction scan, and the court may impose upon the offender a civil penalty of up to $1,000 for each violation. The Clerk of the Court shall pay each collected civil penalty to the County Treasurer for deposit into the County Treasury.
(R.C. § 2925.57) (Rev. 2014)

(D) *Affirmative defenses.*

(1) A seller or an agent or employee of a seller may not be found guilty of a charge of a violation of division (B) of this section in which the age of the purchaser or other recipient of a pseudoephedrine product is an element of the alleged violation if the seller, agent, or employee raises and proves as an affirmative defense that all of the following occurred:

(a) A card holder attempting to purchase or receive a pseudoephedrine product presented a driver's or commercial driver's license or an identification card.

(b) A transaction scan of the driver's or commercial driver's license or identification card that the card holder presented indicated that the license or card was valid.

(c) The pseudoephedrine product was sold, given away, or otherwise distributed to the card holder in reasonable reliance upon the identification presented and the completed transaction scan.

(2) In determining whether a seller or an agent or employee of a seller has proven the affirmative defense provided by division (D)(1) of this section, the trier of fact in the action for the alleged violation of division (B) of this section shall consider any written policy that the seller has adopted and implemented and that is intended to prevent violations of division (B) of this section. For purposes of division (D)(1)(c) of this section, the trier of fact shall consider that reasonable reliance upon the identification presented and the completed transaction scan may require a seller or an agent or employee of a seller to exercise reasonable diligence to determine, and that the use of a transaction scan device does not excuse a seller or an agent or employee of a seller from exercising reasonable diligence to determine, the following:

(a) Whether a person to whom the seller or agent or employee of a seller sells, gives away, or otherwise distributes a pseudoephedrine product is 18 years of age or older;

(b) Whether the description and picture appearing on the driver's or commercial driver's license or identification card presented by a card holder is that of the card holder.

(3) In any criminal action in which the affirmative defense provided by division (D)(1) of this section is raised, the Registrar of Motor Vehicles or a deputy registrar who issued an identification card under R.C. §§ 4507.50 through 4507.52 shall be permitted to submit certified copies of the records of that issuance in lieu of the testimony of the personnel of or contractors with the Bureau of Motor Vehicles in the action.
(R.C. § 2925.58) (Rev. 2007)

(E) *Retailer's duties.*

(1) As used in divisions (E) and (F) of this section:

CONSUMER PRODUCT. Any food or drink that is consumed or used by humans and any drug, including a drug that may be provided legally only pursuant to a prescription, that is intended to be consumed or used by humans.

DRUG. Has the same meanings as in R.C. § 4729.01.

EPHEDRINE. Any material, compound, mixture, or preparation that contains any quantity of ephedrine, any of its salts, optical isomers, or salts of optical isomers.

EPHEDRINE PRODUCT. A consumer product that contains ephedrine.

LAW ENFORCEMENT OFFICIAL. An officer or employee of any agency or authority of the United States, a state, a territory, a political subdivision of a state or territory, or an Indian tribe, who is empowered by the law to investigate or conduct an official inquiry into a potential violation of law or prosecute or otherwise conduct a criminal, civil, or administrative proceeding arising from an alleged violation of law.

LICENSED HEALTH PROFESSIONAL AUTHORIZED TO PRESCRIBE DRUGS. Has the same meanings as in R.C. § 4729.01.

NATIONAL PRECURSOR LOG EXCHANGE or ***EXCHANGE.*** The electronic system for tracking sales of pseudoephedrine products and ephedrine products on a national basis that is administered by the National Association of Drug Diversion Investigators or a successor organization.

PHARMACIST. A person licensed under R.C. Chapter 4729 to engage in the practice of pharmacy.

PHARMACY. Has the same meanings as in R.C. § 4729.01.

PRESCRIBER. Has the same meanings as in R.C. § 4729.01.

PRESCRIPTION. Has the same meanings as in R.C. § 4729.01.

PROOF OF AGE. A driver's license, a commercial driver's license, a military identification card, a passport, or an identification card issued under R.C. §§ 4507.50 to 4507.52 that shows a person is 18 years of age or older.

PSEUDOEPHEDRINE. Any material, compound, mixture, or preparation that contains any quantity of pseudoephedrine, any of its salts, optical isomers, or salts of optical isomers.

PSEUDOEPHEDRINE PRODUCT. A consumer product that contains pseudoephedrine.

RETAILER. A place of business that offers consumer products for sale to the general public.

SINGLE-INGREDIENT PREPARATION. A compound, mixture, preparation, or substance that contains a single active ingredient.

STOP-SALE ALERT. A notification sent from the national precursor log exchange to a retailer or terminal distributor of dangerous drugs indicating that the completion of a sale of a pseudoephedrine product or ephedrine product would result in a violation of R.C. § 2925.56(A)(1) or federal law.

TERMINAL DISTRIBUTOR OF DANGEROUS DRUGS. Has the same meanings as in R.C. § 4729.01.

WHOLESALER. Has the same meaning as in R.C. § 3719.01.

(2) A retailer or terminal distributor of dangerous drugs that sells, offers to sell, holds for sale, delivers, or otherwise provides a pseudoephedrine product or ephedrine product to the public shall do all of the following:

(a) Segregate pseudoephedrine products or ephedrine products from other merchandise so that no member of the public may procure or purchase such products without the direct assistance of a pharmacist or other authorized employee of the retailer or terminal distributor of dangerous drugs;

(b) With regard to each time a pseudoephedrine product or ephedrine product is sold or otherwise provided without a valid prescription:

1. Determine, by examination of a valid proof of age, that the purchaser or recipient is at least 18 years of age;

2. a. Using any information available, including information from the national precursor log exchange if the information is accessible, make a reasonable attempt to ensure that no individual purchases or receives an amount of pseudoephedrine product or ephedrine product that is greater than either of the following:

i. Three and six tenths grams within a period of a single day;

ii. Nine grams within a period of 30 consecutive days.

b. The maximum amounts specified in divisions (E)(2)(b)2.a.i. and (E)(2)(b)2.a.ii. of this section apply to the total amount of base pseudoephedrine or base ephedrine in the pseudoephedrine product or ephedrine product, respectively. The maximum amounts do not apply to the product's overall weight.

(c) Maintain a log book of pseudoephedrine product or ephedrine product purchases, in accordance with R.C. § 3715.051;

(d) If required to comply with section R.C. § 3715.052, submit the information specified in divisions (A)(1)(a) to (A)(1)(d) of that section to the national precursor log exchange.

(3) Prescriptions, orders, and records maintained pursuant to this section and stocks of pseudoephedrine products and ephedrine products shall be open for inspection to federal, state, county, and municipal officers, and employees of the State Board of Pharmacy whose duty it is to enforce the laws of this state or of the United States relating to controlled substances. Such prescriptions, orders, records, and stocks shall be open for inspection by the State Medical Board and its employees for purposes of enforcing R.C. Chapter 4731.
(R.C. § 3715.05) (Rev. 2014)

(F) *Theft or loss; reporting requirements.*

(1) Each retailer, terminal distributor of dangerous drugs, pharmacy, prescriber, or wholesaler that sells, offers to sell, holds for sale, delivers, or otherwise provides any pseudoephedrine product and that discovers the theft or loss of any pseudoephedrine product in an amount of more than nine grams per incident of theft or loss shall notify all of the following upon discovery of the theft or loss:

(a) The State Board of Pharmacy, by telephone immediately upon discovery of the theft or loss;

(b) Law enforcement authorities. If the incident is a theft and the theft constitutes a felony, the retailer, terminal distributor of dangerous drugs, pharmacy, prescriber, or wholesaler shall report the theft to the law enforcement authorities in accordance with R.C. § 2921.22.

(2) Within 30 days after making a report by telephone to the State Board of Pharmacy pursuant to

division (F)(1)(a) of this section, a retailer, terminal distributor of dangerous drugs, pharmacy, prescriber, or wholesaler shall send a written report to the State Board of Pharmacy.

(3) The reports required under this section shall identify the product that was stolen or lost, the amount of the product stolen or lost, and the date and time of discovery of the theft or loss.
(R.C. § 3715.06) (Rev. 2007)

§ 138.19 SALE OF PURE CAFFEINE PRODUCT.

(A) As used in this section, ***PURE CAFFEINE PRODUCT*** means:

(1) Subject to division (A)(2) of this section, a product that consists solely or primarily of caffeine and is manufactured into a crystalline, liquid, or powdered form.

(2) The phrase does not include any of the following that contains caffeine and is formulated, manufactured, and labeled in accordance with the laws and regulations enforced by the United States Food and Drug Administration:

(a) Coffee, tea, any soft drink, any energy drink, or any other caffeine-containing beverage;

(b) Any energy product.

(B) Except as provided in division (C) of this section, no person shall knowingly sell or offer for sale a pure caffeine product.

(C) Division (B) of this section does not prohibit a person from selling or offering for sale any product manufactured in a unit-dose form such as a pill, tablet, or caplet, but only if each unit dose of the product contains not more than 250 milligrams of caffeine.

(D) Nothing in this section prohibits either of the following:

(1) Possession of a product described in division (C) of this section;

(2) Possession of a pure caffeine product by any of the following:

(a) A food processing establishment, as defined in R.C. § 3715.021;

(b) A manufacturer of a drug that is available without a prescription;

(c) A laboratory that holds a current, valid category III terminal distributor of dangerous drugs license issued by the state board of pharmacy under R.C. § 4729.54;

(d) A laboratory of any agency or department of this state that performs testing, analysis, and other laboratory services on behalf of the state;

(e) A postal or delivery service that transports or delivers a pure caffeine product to an entity specified in divisions (D)(2)(a) to (D)(2)(d) of this section.

(E) Whoever violates division (B) of this section is guilty of illegal sale of pure caffeine, a minor misdemeanor on a first offense and a misdemeanor of the third degree on each subsequent offense.
(R.C. § 2925.34) (Rev. 2020)

TITLE XV: LAND USAGE

Chapter

150. GENERAL PROVISIONS

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CHAPTER 150: GENERAL PROVISIONS

Section

Parks and Recreation

150.01 Recreation Board
150.02 Board of Park Trustees

Planning and Zoning

150.15 Planning Commission
150.16 Board of Zoning Appeals

Statutory reference:

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Approval of subdivisions and plats, see R.C. § 711.09
Basis of districting or zoning; classification of buildings and structures, see R.C. § 713.10
Enactment and amendment of subdivision regulations, see R.C. § 711.101
Lost or destroyed records, see R.C. §§ 711.34 et seq.
Notice and hearing on municipal zoning regulations, see R.C. § 713.12
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Restriction on location, height, bulk and location of buildings and structures, see R.C. §§ 713.07 et seq.
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Violation of zoning ordinances, see R.C. § 713.13

PARKS AND RECREATION

§ 150.01 RECREATION BOARD.

(A) *Establishment; powers; membership; Joint Board and District.*

(1) If the Legislative Authority determines that the power to equip, operate and maintain parks, playgrounds, playfields, gymnasiums, public baths, swimming pools or recreation centers shall be exercised by a Recreation Board, it may establish such a Board, which shall possess all the powers and be subject to all the responsibilities of the respective local authorities under R.C. §§ 755.12 through 755.18. The Board shall consist of five persons, two of whom shall be members of the Board of Education of the Municipal School District or shall be appointed by that Board of Education. The other members of the Recreation Board shall be appointed by the Mayor, as executive of the municipality, with the consent of the Legislative Authority. The members who are Board of Education members and members appointed by the Board of Education shall be residents of the school district making the appointment, but need not be residents of the municipality. All other members of the Board shall be residents of the municipality. All members of the Board shall serve for terms of five years, except that the members first appointed shall be appointed for such terms that the term of one member shall expire annually thereafter. Members of the Board shall serve without pay. Vacancies on the Board, occurring otherwise than by expiration of term, shall be for the unexpired term and shall be filled in the same manner as original appointments.

(2) The legislative authorities of the municipal corporations, boards of township trustees of the townships, boards of township park commissioners, boards of county commissioners of the counties, and boards of education of the school districts joined in the operation and maintenance of parks or recreation facilities under R.C. § 755.16 may, by resolution, establish a Joint Recreation Board which may possess all the powers and be subject to all the responsibilities of the respective local authorities under R.C. §§ 755.12 through 755.18. The resolutions shall specify the number of members of the Joint Recreation Board and the method of appointing members and filling vacancies. Members of the Board shall serve without pay.

(3) If the municipality joins in the operation and maintenance of recreation facilities under R.C. § 755.16, the Legislative Authority may, by resolution, establish a Joint Recreation District, consisting of all the territory of the subdivisions so joined. The Joint Recreation District Board of Trustees shall be the governing body of a District and shall possess all the powers of a Legislative Authority of an individual subdivision under R.C. §§ 755.12 through 755.18. Subject to R.C. § 755.141, the number of Trustees shall be fixed by the resolutions creating the District and may be any number so long as there is representation of all participating subdivisions.
(R.C. § 755.14) (Rev. 2011)

(B) *Organization of boards.*

(1) The members of Boards established pursuant to division (A) of this section shall elect their own Chairperson and Secretary, shall select all other necessary officers to serve for a period of one year, and may employ such other persons as are needed. Such Boards may adopt rules for the conduct of all business within their jurisdiction.

(2) A Joint Recreation District Board of Trustees formed pursuant to division (A)(3) of this section shall appoint one of its members or employ another as fiscal officer of the District.
(R.C. § 755.15) (Rev. 2002)

§ 150.02 BOARD OF PARK TRUSTEES.

(A) *Establishment for donated property.* When a deed of gift, devise, or bequest of property or funds to the municipality for park purposes requires the investment or change of investment of the principal of such property or funds, or any part thereof, to be made upon the approval of an advisory committee appointed by a court or judge, or an advisory committee appointed by a civic organization of the municipality, or by the Legislative Authority, then such property or funds, and any park for the improvement of which, in whole or in part, such funds are to be used, or any property for the care or management of which, in whole or in part, such funds are to be used, shall be managed, controlled and administered by a Board of Park Trustees.
(R.C. § 755.20)

(B) *Membership.* The Board of Park Trustees mentioned in division (A) of this section shall consist of four resident electors of the municipality who shall be appointed by the Mayor and who shall serve without compensation for the term of four years. The Park Trustees shall be appointed in the first instance to serve for one, two, three and four years, respectively, and thereafter their successors shall be appointed one each year to serve for the term of four years, but not more than two shall be of the same political party. A vacancy in the Board caused by death, resignation or otherwise shall be filled in like manner for the remainder of the term.
(R.C. § 755.21)

(C) *Powers.*

(1) The Board of Park Trustees shall have the entire management and control of any property or funds acquired as provided in R.C. § 755.19, all improvements within any such park, moneys derived from levies made for park purposes, moneys from the General Fund appropriated by the Legislative Authority for such purposes, proceeds of bonds issued or sold for park purposes, moneys or other property donated to the municipality for park purposes, and all other park property legally acquired. All such moneys shall be placed in a special fund called the "Park Fund" and shall be disbursed by the Treasurer only upon a warrant of the Clerk, drawn in accordance with the order of the Board.

(2) Such Board shall have the control and management of parks, park entrances, parkways, boulevards, connecting viaducts, subways, children's playgrounds, public baths and stations of public comfort located in such parks, of all improvements thereon, and the acquisition, construction, repair and maintenance thereof. The Board shall exercise exclusively all the powers and perform all the duties in regard to such property vested in and imposed upon a director of public service in a city under general law.

(3) The Board may apply, control, invest and reinvest the funds coming or arising from a gift, devise or bequest according to the terms on which the same are acquired.
(R.C. § 755.22)

(D) *Compensation; oath; bond.* The members of the Board of Park Trustees shall serve without compensation. Before entering upon the discharge of their duties, they shall each take the oath of office prescribed by R.C. § 733.68 and, except as otherwise provided in the municipal charter or in R.C. § 3.061, shall give bond in the sum of $2,500, conditioned according to R.C. § 733.71 and to the approval of the Mayor and the Legislative Authority.
(R.C. § 755.23) (Rev. 2020)

(E) *Meetings: rules and regulations; Clerk.* The Board of Park Trustees shall hold meetings at least once a month and shall adopt necessary rules for the regulation of its business. It shall keep a complete record of its proceedings, which record, or a copy thereof, certified by the Clerk of the Board, shall be competent evidence of its transactions in the courts of the state. The yeas and nays shall be called upon the passage of every resolution or order. Three members of the Board shall constitute a quorum, but no resolution or order shall be adopted unless three members vote in its favor. The Municipal Clerk shall act as the Clerk of the Board of Park Trustees, but shall receive no additional salary or compensation for such services.
(R.C. § 755.24)

PLANNING AND ZONING

§ 150.15 PLANNING COMMISSION.

(A) *Establishment; membership; compensation; general powers.*

(1) The Legislative Authority may establish a commission of five members, consisting of the Mayor, one member of the Legislative Authority to be elected by the Legislative Authority for the remainder of the individual's term as such member of the Legislative Authority, and two citizens of the municipality, and one public member to be appointed by the Mayor for terms of six years each, except that the term of one of the members of the first Planning Commission shall be for four years and one for two years. All members shall serve without compensation.

(2) The public member appointed under this section need not be residents of the municipality but shall be residents of the county in which the municipality is located or a township that is adjacent to the county. For purposes of this section, all members of the Planning Commission are subject to R.C. § 2921.42.

(3) Whenever the Planning Commission is appointed under this section, it shall have all the powers conferred in R.C. § 735.15.

(4) If and when the municipality adopts a Charter, and except as otherwise may be provided in that Charter, a Planning Commission created in the manner and by virtue of authority granted by such Charter shall have the powers of, and the plans made by it shall have the effect of,

a planning commission or city plan created under R.C. §§ 713.01 through 713.15.

(5) Any member of a Planning Commission established under this section or by Charter, except as otherwise provided in such Charter, may hold any other public office and may serve as a member of a county planning commission and/or a regional planning commission.
(R.C. § 713.01) (Rev. 2018)

(B) *Specific powers and duties.*

(1) The Planning Commission established under this section shall make plans and maps of the whole or any portion of the municipality, and of any land outside thereof, which, in the opinion of the Commission, is related to the planning of the municipality, and make changes in such plans or maps when it deems it advisable. Such maps or plans shall show the Commission's recommendations for the general location, character and extent of streets, alleys, ways, viaducts, bridges, waterways, waterfronts, subways, boulevards, parkways, parks, playgrounds, aviation fields and other public grounds, ways and open spaces; the general location of public buildings and other public property; the general location and extent of public utilities and terminals, whether publicly or privately owned or operated, for water, light, sanitation, transportation, communication, power and other purposes; and the removal, relocation, widening, narrowing, vacating, abandonment, change of use of or extension of such public ways, grounds, open spaces, buildings, property, utilities or terminals. With a view to the systematic planning of the municipality, the Commission may make recommendations to public officials concerning the general location, character and extent of any such public ways, grounds, open spaces, buildings, property, utilities or terminals. As the work of making the whole plan progresses, the Commission may from time to time adopt and publish any part thereof, and such part shall cover one or more major sections or divisions of the municipality or one or more of the functional matters to be included in the plan. The Commission may from time to time amend, extend or add to the plan. This section does not confer any powers on the Commission with respect to the construction, maintenance, use or enlargement of improvements by any public utility or railroad on its own property if such utility is owned or operated by an individual, partnership, association or a corporation for profit.

(2) The Planning Commission may accept, receive and expend funds, grants and services from the federal government or its agencies, from departments, agencies and instrumentalities of the state or any adjoining state or from one or more counties of the state or any adjoining state or from any municipal corporation or political subdivision of this or any adjoining state, including county, regional and municipal planning commissions of this or any adjoining state, or from civic sources, and contract with respect thereto, either separately or jointly or cooperatively, and provide such information and reports as may be necessary to secure such financial aid.

(3) The Commission may control, preserve and care for historical landmarks; control, in the manner provided by ordinance, the design and location of statuary and other works of art, which are the property of the municipality; control the removal, relocation and alteration of any such works; and control the design of harbors, bridges, viaducts, street fixtures and other public structures and appurtenances.

(4) Whenever the Commission makes a plan of the municipality, or any portion thereof, no public building or structure, street, boulevard, parkway, park, playground, public ground, canal, river front, harbor, dock, wharf, bridge, viaduct, tunnel or other public way, ground, works or utility, whether publicly or privately owned, or a part thereof, shall be constructed or authorized to be constructed in the municipality or a planned portion thereof unless the location, character and extent thereof is approved by the Commission. In case of disapproval, the Commission shall communicate its reasons therefor to the Legislative Authority and to the head of the department which has control of the construction of the proposed improvement or utility. The Legislative Authority, by a vote of not less than two-thirds of its members and of such department head, together may overrule such disapproval. If such public way, ground, works, building, structure or utility is one the authorization or financing of which does not, under the law or charter provisions governing it, fall within the province of the Legislative Authority or any other municipal body or official, the submission to the Commission shall be by the state, school, county, district or township official, board, commission or body having such jurisdiction, and the Commission's disapproval may be overruled by such official, board, commission or body by a vote of not less than two-thirds of its membership. The narrowing, ornamentation, vacation or change in the use of streets and other public ways, grounds and places shall be subject to similar approval, and disapproval may be similarly overruled. The Commission may make recommendations to any public authorities or to any corporations or individuals in the municipality, or the territory contiguous thereto, concerning the location of any buildings, structures or works to be erected or constructed by them.
(R.C. § 713.02)

(C) *Commission shall be Platting Commission.* The Planning Commission of the municipality shall be the Platting Commission thereof, and all the powers and duties provided by R.C. §§ 735.17 through 735.26 shall, upon the appointment of a Planning Commission under this section, be transferred to it.
(R.C. § 713.03)

(D) *Control of buildings.* The Legislative Authority may authorize the Planning Commission to control the height, design and location of buildings.
(R.C. § 713.04)

(E) *Employment of architects and engineers.* The Planning Commission may control, appoint or employ such architects, engineers and other professional service, and may appoint such clerks, draftsmen and other subordinates as are necessary for the performance of its functions. The expenditures for such service and employments shall be

within the amounts appropriated for such persons by the Legislative Authority, and the Legislative Authority shall provide for the expenses and accommodations necessary for the work of the Commission.
(R.C. § 713.05)

(F) *Division of municipality into zones.* The Planning Commission may frame and adopt a plan for dividing the municipality or any portion thereof into zones or districts, representing the recommendations of the Commission, in the interest of the public health, safety, convenience, comfort, prosperity or general welfare, for the limitation and regulation of the height, bulk and location of buildings and other structures, including percentage of lot occupancy, setback building lines, area and dimensions of yards, courts and other open spaces, and uses, of buildings and other structures and of premises in such zones or districts.
(R.C. § 713.06) (Rev. 2002)

§ 150.16 BOARD OF ZONING APPEALS.

(A) The Legislative Authority may create an administrative board to administer the details of the application of the regulations under R.C. §§ 713.06 through 713.12, and may delegate to such board, in accordance with general rules to be set forth in the districting ordinances and regulations, the power to hear and determine appeals from refusal of building permits by building commissioners or other officers, to permit exceptions to and variations from the district regulations in the classes of cases or situations specified in the regulations, and to administer the regulations as specified therein. Such administrative powers and functions may be delegated by the Legislative Authority to the Planning Commission or to the Board of Zoning Appeals.

(B) If the county administers a county zoning resolution, the Legislative Authority and the Board of County Commissioners may contract with each other to have the county administer local zoning regulations, with its powers to include hearing and deciding zoning appeals and authorizing variances.
(R.C. § 713.11) (Rev. 2002)

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