

**INSTRUCTIONS FOR INSERTING  
JULY 2013 REPLACEMENT PAGES  
FOR THE  
CODIFIED ORDINANCES OF GAHANNA**

All new replacement pages bear the footnote "July 2013 Replacement". Please discard old pages and insert these new replacement pages immediately as directed in the following table.

Discard Old Pages

Insert New Pages

PRELIMINARY UNIT

Cover and Certification Page	Cover and Certification Page
3, 4	3, 4
49, 50	49, 50
60A, 60B	60A, 60B
82E	82E
None	114M, 114N
145, 146	145, 146

PART ONE - ADMINISTRATIVE CODE

9 through 16	9 through 16F
--------------	---------------

PART THREE - TRAFFIC CODE

82C	82C
87 through 90	87 through 90
155, 156	155, 156

PART FIVE - GENERAL OFFENSES CODE

29 through 36	29 through 36
57 through 60	57 through 60
71, 72	71, 72
106A through 108	106A through 108B
127, 128	127, 128
145 through 150F	145 through 150F

PART NINE - STREETS AND PUBLIC SERVICES CODE

Table of Contents Page through 4	Table of Contents Page through 4
7, 8 22C through 22E	7, 8 22C

**CODIFIED  
ORDINANCES  
OF THE  
CITY OF  
GAHANNA  
OHIO**

Complete to July 1, 2013

We, Rebecca W. Stinchcomb, Mayor, and Isobel L. Sherwood, Clerk of Council of Gahanna, Ohio, pursuant to Municipal Charter Section 4.19 and Ohio Revised Code Sections 731.23 and 731.42, hereby certify that the general and permanent ordinances of Gahanna, Ohio, as revised, rearranged, compiled, renumbered as to sections, codified and printed herewith in component codes are correctly set forth and constitute the Codified Ordinances of Gahanna, Ohio, as amended to July 1, 2013.

/s/ Rebecca W. Stinchcomb  
Mayor

/s/ Isobel L. Sherwood  
Clerk of Council

Codified, edited and prepared for  
publication by  
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**CITY OF GAHANNA**  
**ROSTER OF OFFICIALS**

(July 1, 2013)

**COUNCIL**

Stephen A. Renner	Ward 1
Brandon Wright	Ward 2
Brian D. Larick	Ward 3
Beryl D. Anderson	Ward 4
David L. Samuel	At Large
Karen J. Angelou	At Large
Ryan P. Jolley	At Large
Isobel L. Sherwood, MMC	Clerk of Council

**OFFICIALS**

Rebecca W. Stinchcomb	Mayor
Shane Ewald	City Attorney
Robert O. E. Keyes	Director of Public Safety
Dennis Murphy	Chief of Police
Dottie Franey	Director of Public Service
Karl C. Wetherholt	City Engineer
Anthony Jones	Director of Development
Tony Collins	Director of Parks and Recreation
Jennifer Teal	Director of Finance
Jeffrey J. Feltz	Water Resources Engineer
Amanda Parker	Clerk of Court
James R. Williams	Director of Emergency Management
Bonnie Gard	Planning & Zoning Administrator
Kenneth W. Fultz	Chief Building Official
Sue Wadley	Director of Human Resources
Alan DeLoera	Director of Technology

The publisher  
expresses his appreciation  
to

ISOBEL L. SHERWOOD, MMC  
Council Clerk

and to all other officers and employees  
who gave time and counsel in the  
preparation of the Codified Ordinances  
and current replacement pages.

TAMPERING	
bicycles	373.14, 373.15, 373.20
coin machine	545.12
criminal mischief	541.04
library; museum; archival institution	545.05
records	545.14
traffic control device	313.08
TAXATION (see also INCOME TAX)	
limitations	Chtr. 4.06
TAXATION DIVISION	161.10
TAXICAB (see also COMMERCIAL AND HEAVY VEHICLE)	
display of name	731.07
failure to render service	731.08
driver's license	
application	731.11
examination of applicant	731.13
fee	731.12
issuance or denial	731.14
new application after denial	731.15
renewal	731.17
required	731.10
suspension or revocation	731.19
inspection; fee	731.02
insurance	
cancellation	731.05
required	731.03
liability, extent of	731.04
license	
application; issuance; display	731.06
expiration	731.02
identification card	731.16
required; fee	731.01(a)
maximum fare rates	731.09
parking	731.01(b)
penalty	731.99
Safety Director regulations	731.18
TECHNICAL CODES (see ADOPTION BY REFERENCE)	
TECHNOLOGY DEPARTMENT	
creation	Chtr. 5.01
powers and duties	Chtr. 5.10
TELECOMMUNICATIONS	
harassment	537.10
TELEPHONE	
harassment	537.10
misuse of 9-1-1 system	509.08, 537.12
TELEVISION	
satellite earth station (see SATELLITE EARTH STATIONS)	
TEMPORARY PROTECTION ORDER	537.15
TEMPORARY STORAGE UNITS	1173.01 et seq.
TEXTING	
prohibited while driving	333.11
THEFT	
bicycle	373.15
criminal tools, possession	545.19
definitions	545.01
felony exceptions	545.03
library; museum; archival institution	545.04
petty	545.05
property	
defined	501.01(j)
determining value	545.02
receiving stolen	545.18
unauthorized use	545.08
shoplifters	545.04
vehicle	
alarm signal	337.19
unauthorized use	545.06
THREATS (see also MENACING)	
coercion	537.09
THROUGH STREET (see STREET)	
TIRES (see also VEHICLE EQUIPMENT)	
peeling	331.36
studded	339.11
TOBACCO	
minor, illegal distribution	537.16
TOW-AWAY ZONES	
private	303.082
TOWING	
requirements	339.07
TOY VEHICLES	
attaching to vehicles	373.03
streets, on	311.03
TRAFFIC CODE	
arrest procedure	303.12(a)
authority to regulate	305.02
definitions	Ch. 301
emergency regulations	305.10
enforcement outside corporate limits	303.11
government vehicles	303.07
misdemeanor classification	303.99(a)
penalties	303.99(b)
road workers, equipment excepted	303.04

<b>TRAFFIC CODE (Cont.)</b>	
Safety Director	
authority	305.02
emergency regulations	305.10
powers	305.04, 305.06
records	305.07
failure to obey	303.12
violation	
generally	305.09
notice; failure to obey	303.12
radar, radio message; use	333.032
timing device, based on	333.032
<b>TRAFFIC CONTROL DEVICES (see also DRIVING)</b>	
advertising prohibited	313.07
alteration, removal	313.08
ambiguous	313.09
avoiding	331.41
beacon; hybrid beacon	301.031
center line, painted	313.08
conformity with State Manual	305.03
Council powers	305.08
crosswalk signals, manual	313.11
defined	301.46
hidden	313.07
highway traffic signal	301.161
lane-use control	
signal indications	313.04
nonworking	313.09
obedience	313.01
parking near prohibited	351.03
pedestrian control signal,	
special	313.05
portable signal preemption	
devices prohibited	313.12
posting signs, signals required	305.05
purchase, possession, sale	313.10
removal, injury	313.08
Safety Director's authority	305.02
State manual conformance	305.03
stop sign or signal	
emergency vehicle	331.20
operation at	331.19
placing	313.02
public safety vehicle	331.20
right of way	331.19
through streets, signs at	313.02
unauthorized	313.07
violations	305.09
yield signs	
operation at	331.18
placing	313.02
<b>TRAFFIC ENFORCEMENT</b>	
animal rider, driver	303.05
arrest procedure	303.11
emergencies; traffic	
direction power	303.02
government vehicle drivers	303.07
penalty for violation	303.99
police officer	
compliance with order	303.01
fleeing	303.01
school guard, obedience	303.02
traffic regulation in	
emergencies	303.02
<b>TRAFFIC ENGINEERING AND SAFETY DIVISION</b>	
created; Safety Director	
as head	305.01
<b>TRAFFIC SIGNAL (see TRAFFIC CONTROL DEVICES)</b>	
<b>TRAILER</b>	
defined	301.48, 1123.55
lights (see VEHICLE LIGHTS)	
occupying moving	331.35
parking with zoning	
certificate	1167.07
parking, storing in	
residential districts	1163.04
<b>TRAILER CAMPS</b>	1167.07
<b>TRAIN (see RAILROAD)</b>	
<b>TREE LAWN (see STREET LAWN)</b>	
<b>TREES AND SHRUBBERY (see also WEEDS)</b>	
abuse or mutilation	913.10(j)
burning leaves	521.09
destruction	541.06
protection	913.09
street, planting requirements	913.10
<b>TRESPASS</b>	
aggravated	541.051
amusement place, public	541.10
land or premises	541.05
railroad	553.04(d)
vehicle	545.06
voyeurism	533.06
<b>TRUCK (see COMMERCIAL AND HEAVY VEHICLE)</b>	
<b>UNSAFE BUILDINGS</b>	
general regulations	1307.04

<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>	<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>
0093-2008	4-21-08	1109.08	0270-2009	12-7-09	921.01 to 921.14, 921.99
0138-2008	7-7-08	333.01	0271-2009	12-7-09	927.17
0143-2008	8-4-08	133.093	0272-2009	12-7-09	941.15
0164-2008	8-18-08	1181.01 to 1181.27, 1181.99	0293-2009	12-21-09	161.13
0176-2008	9-2-08	135.02	0011-2010	2-1-10	154.01 to 154.04
0230-2008	11-3-08	921.11	0021-2010	2-1-10	1193.01 to 1193.09, 1195.01
0233-2008	11-3-08	927.17			to 1195.10, 1195.99
0235-2008	11-3-08	929.08, 929.12, 929.17	0042-2010	3-1-10	155.01
0236-2008	11-3-08	941.15	0074-2010	4-19-10	721.01 to 721.05, 721.99
0266-2008	11-17-08	148.13	0075-2010	4-19-10	131.01
0271-2008	12-1-08	1163.07	0114-2010	6-21-10	537.12
0283-2008	12-15-08	1173.01 to 1173.08, 1173.99	0115-2010	6-21-10	715.06; repeals 715.09
0009-2009	1-2-09	131.08	0134-2010	8-2-10	331.34
0026-2009	2-17-09	153.04	0148-2010	9-7-10	914.01, 914.02, 914.99
0028-2009	2-17-09	Repeals Ch. 751	0154-2010	9-7-10	Ch. 149
0029-2009	2-17-09	Repeals Ch. 150			Editor's Note
0087-2009	5-4-09	563.05, 563.08, 563.99	0178-2010	12-6-10	921.01 to 921.14, 921.99
0092-2009	5-4-09	139.02	0179-2010	12-6-10	927.01 to 927.25, 927.99
0105-2009	5-18-09	133.11	0180-2010	12-6-10	929.01 to 929.19, 929.99
0107-2009	5-18-09	Repeals Ch. 735	0181-2010	12-6-10	941.01 to 941.03, 941.11 to 941.18, 941.99
0109-2009	5-18-09	148.12	0194-2010	12-20-10	1195.04
0111-2009	5-18-09	135.01 to 135.09	0203-2010	12-20-10	Ch. 149
0112-2009	5-18-09	1171.01 to 1171.05, 1171.99			Editor's Note
0119-2009	6-1-09	1153.07			
0141-2009	9-21-09	1155.01 to 1155.12, 1155.99			
0142-2009	9-21-09	1108.01			
0143-2009	9-21-09	1135.01			
0144-2009	9-21-09	1152.02			
0145-2009	9-21-09	1157.02			
0146-2009	9-21-09	1165.04, 1165.07, 1165.08			
0147-2009	9-21-09	1151.02, 1151.03			
0148-2009	9-21-09	1167.18			
0149-2009	9-21-09	1181.06, 1181.07			
0150-2009	9-21-09	1197.08, 1197.09			
0151-2009	9-21-09	1171.03			
0152-2009	9-21-09	559.02			
0153-2009	9-21-09	913.06			
0177-2009	8-17-09	941.15			
0198-2009	9-8-09	1171.03			
0269-2009	12-7-09	929.01 to 929.19, 929.99			

## SUPPLEMENTAL COMPARATIVE SECTION TABLE

60B

<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>	<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>
0014-2011	2-7-11	148.13	0065-2012	4-2-12	149.01 to 149.06,
0015-2011	2-7-11	1501.15			149.10, 149.20,
0016-2011	2-7-11	1311.01 to 1311.06, 1311.99			149.25, 149.30, 149.35
0030-2011	2-22-11	151.01 to 151.03, 153.01 to 153.04	0089-2012	4-16-12	908.01 to 908.09, 908.99
0031-2011	2-22-11	136.01	0110-2012	6-4-12	154.01 to 154.04
0032-2011	2-22-11	137.01 to 137.03	0136-2012	7-16-12	559.01 to 559.08, 559.99
0033-2011	2-22-11	138.01 to 138.04			
0061-2011	4-4-11	121.01	0116-2012	6-4-12	135.02
0100-2011	6-6-11	1152.02	0117-2012	9-17-12	135.01 to 135.09
0107-2011	6-20-11	913.01 to 913.10, 913.99	0182-2012	9-17-12	929.12
			0184-2012	10-1-12	1163.01
0135-2011	7-5-11	131.07	0191-2012	10-15-12	559.01 to 559.08, 559.99
0136-2011	7-5-11	143.03	0192-2012	10-15-12	501.99
0147-2011	8-1-11	1101.04, 1101.07, 1101.17, 1105.01 to 1105.06, 1106.05, 1107.03, 1107.04, 1108.01, 1108.03, 1108.04, 1108.05, 1109.01, 1109.03 to 1109.05, 1109.11	0195-2012	11-5-12	303.99
			0197-2012	11-5-12	927.24
			0198-2012	10-22-12	559.01 to 559.08, 559.99
			0199-2012	11-5-12	941.01 to 941.18, 941.99
0150-2011	8-1-11	1131.03 to 1131.08	0200-2012	11-19-12	929.01 to 929.19, 929.99
0151-2011	8-1-11	1133.01 to 1133.05, 1133.07	0201-2012	11-19-12	921.01 to 921.14, 921.99
0152-2011	8-1-11	1169.02 to 1169.06	0202-2012	11-19-12	927.17
			0230-2012	11-19-12	513.12, 513.121
0192-2011	10-3-11	157.02	0234-2012	12-3-12	105.02
0198-2011	10-17-11	333.032	0053-2013	3-18-13	907.01 to 907.04, 907.99
0211-2011	12-27-11	1150.01 to 1150.12	0073-2013	4-15-13	Repeals Ch. 914
			0100-2013	7-1-13	105.01 to 105.03
0212-2011	12-19-11	1197.01, 1197.02, 1197.05, 1197.06, 1197.08 to 1197.10, 1197.12, 1197.99			
0213-2011	12-19-11	1135.01			
0238-2011	12-5-11	929.12, 929.15			
0239-2011	12-5-11	921.11			
0240-2011	12-5-11	927.17			
0241-2011	12-5-11	135.05			

TABLE B- EASEMENTS (Cont.)

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>
0236-2011	12-5-11	Accepts right of way easements made by Judgment Entry for Donatos Pizzeria, LLC, for property at 377 Granville Street, for the Hamilton/Granville Intersection Project.
0255-2011	12-19-11	Authorizes the Mayor to vacate an ingress egress easement in the Creekside Area.
0256-2011	12-19-11	Authorizes the Mayor to vacate a blanket easement for operation of drainage tiles in the Creekside Area.
0034-2012	3-5-12	Accepts deed of easement for property located at 53 Granville Street for a facade easement from Robin Ruhl.
0037-2012	3-5-12	Accepts deed of easement from Billy G. Decker for a utility easement at 3891 Clotts Road.
0112-2012	6-4-12	Vacates the unused gas line easement in Reserve B of Hunters Ridge.
0218-2012	12-3-12	Accepts deed of easement for property located at 194 Academy Woods Drive for storm sewer and appurtenances thereto; from Brock Dietrich.
0219-2012	12-3-12	Accepts deed of easement for property located at 1035 Eastchester Drive for storm sewer and appurtenances thereto; from Daniel Donovan.
0003-2013	1-22-13	Accepts a General Warranty Deed which includes an easement for sanitary sewer and water lines for property at 4491 E. Johnstown Road.
0005-2013	1-22-13	Acknowledges easement for utility purposes for property known as Reserve A of Springbrook Farm Subdivision containing .734 acres +/-.
0007-2013	1-22-13	Acknowledges easement for utility purposes for property located east of Cherry Bottom Road and south of Coldwell Drive from Columbus Academy containing 2.797 acres.
0010-2013	1-22-13	Acknowledges easement for utility purposes to Columbia Gas for property on Havens Corners Road containing 6.263 acres +/-.
0011-2013	1-22-13	Acknowledges easement for utility purposes to Columbia Gas for property on Challis Springs Drive and in Headley Park.
0050-2013	3-18-13	Accepts deed of easement for property located at 110 Clark Avenue for sanitary sewer purposes from Thomas A. and Margie A. Gyde.
0051-2013	3-18-13	Accepts deed of easement for property located at 116 Clark Avenue for sanitary sewer purposes from Jeffery and Tracey Girard.
0052-2013	3-18-13	Accepts deed of easement for Buckles Waterline near Techcenter Drive from Andre M. Buckles.
0069-2013	4-1-13	Authorizes the Mayor to execute encroachment easement for property located at 73-77 Mill Street to legally permit right-of-way encroachment.
0086-2013	5-20-13	Accepts deed of easement for 1.076 acres and 0.903 acres of land; property located at 975 and 1025 North Hamilton Road; from Academy Development Limited Partnership; for utility purposes and establishment of preservation areas.



TABLE E - ACQUISITION AND DISPOSAL OF REAL PROPERTY (Cont.)

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>
0004-2013	1-22-13	Accepts quit claim deed for right of way purposes for use as an alley and known as Parcel #025-00021; from William and Flora Clotts.
0006-2013	1-22-13	Acknowledges warranty deed for purchase of property located at 94 N. High St. from George and Carrie McMillin.
0008-2013	1-22-13	Accepts general warranty deed for property located at 465 E. Johnstown Road; from Certified Oil Corporation.
0009-2013	1-22-13	Accepts limited warranty deed for right of way purposes for property located on Morrison Road from Glimcher Properties Limited Partnership; containing .052 acres +/-.
0012-2013	1-22-13	Accepts warranty deed for property located at 455 Clark State Road from Peace Lutheran Church; and acknowledges warranty deed to Peace Lutheran Church by the City of Gahanna for property fronting on Hamilton Road adjacent to 455 Clark State Road.
0013-2013	1-22-13	Accepts general warranty deed for property located along Morse Road east of Hamilton Road, consisting of 0.384 acres from Daiseyland Farms, Inc.
0014-2013	1-22-13	Accepts general warranty deed for property located along Morse Road east of Hamilton Road, consisting of 2.353 acres from Harrison W. Smith, Jr., Trustee.
0015-2013	1-22-13	Accepts general warranty deed for property located along Morse Road east of Hamilton Road, consisting of 0.230 acres from Plateau Acres, Inc.
0016-2013	1-22-13	Accepts general warranty deed for property located along Morse Road east of Hamilton Road, consisting of 1.120 acres from Gahanna Trucking, Inc.
0017-2013	1-22-13	Accepts general warranty deed for property located along Morse Road east of Hamilton Road, consisting of 1.601 acres from the New Albany Company.
0018-2013	1-22-13	Acknowledges quit claim deed for 0.195 +/- acres to become a part of Silver Lane; from the 470 Silver Lane Condominium Association.
0019-2013	1-22-13	Accepts warranty deed for right of way purposes for property located on Havens Corners Road from Gahanna Woods Partnership containing 0.777 acres +/-.
0020-2013	1-22-13	Accepts warranty deed for right of way purposes for property located on Havens Corners Road from Gahanna Woods Partnership containing 0.384 acres +/-.
0021-2013	1-22-13	Accepts warranty deed for right of way purposes for property located on Havens Corners Road from Mike G. and Carolyn Y. Kucsma containing 0.196 acres +/-.
0022-2013	1-22-13	Accepts warranty deed for right of way purposes for property located on Havens Corners Road from David K. and June E. Peters containing 0.188 acres +/-.
0023-2013	2-4-13	Accepts general warranty deed for 0.571 +/- acres on Taylor Station Road; from Franklin Steel Company by Sidney Blatt.

TABLE E - ACQUISITION AND DISPOSAL OF REAL PROPERTY (Cont.)

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>
0029-2013	2-4-13	Accepts general warranty deed for property located along Techcenter Drive, consisting of 0.379 acres and 2.978 acres from Value Recovery Group II, LLC.
0075-2013	4-15-13	Accepts general warranty deed and quit claim deed for 23.014 acres along Ridenour Road, now known as Lower McCorkle Park, from the Gahanna Investment Club, Inc.
0076-2013	4-15-13	Accepts limited warranty deed for 7.915 acres along Ridenour Road, a portion of which is part of the Gahanna Municipal Golf Course, from George and Vivian Parker.

TABLE I - ZONING MAP CHANGES (Cont.)

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>
0201-2008	10-6-08	Rezones 10.000 +/- acres as L-AR, Limited Overlay Multi-Family Residential for property located at 433 through 531 North Hamilton Road; by Stonehenge Land Company, Terry Andrews, applicant.
0209-2008	10-20-08	Zones 0.926 acres located at 6010 Taylor Road; requested zoning SF-1, Single Family Residential; by Karl Wetherholt, City of Gahanna, applicant.
0210-2008	10-20-08	Zones 5.615 acres located at 6052 Taylor Road; requested zoning ER-1, Estate Residential; by Karl Wetherholt, City of Gahanna, applicant.
0270-2008	12-1-08	Zones 27.9 +/- acres as M-1, Manufacturing; for property located at 5847 Taylor Road as part of Central Park and additional adjacent parcels; Value Recovery Group II, LLC, owner.
0025-2009	2-2-09	Zones 0.79 +/- acres as SO, Suburban Office; for property located at 211 West Johnstown Road; Sunrise Lodge No. 783 F&AM, by Jack L. Allen, applicant.
0069-2009	4-6-09	Rezones 190.3 +/- acres as L-M1, Limited Overlay, Manufacturing; for property bounded by Taylor Road, Morrison Road, Claycraft Road and Science Blvd.; known as Central Park; Value Recovery Group II, LLC; Dwight McCabe, applicant.
0070-2009	4-6-09	Zones 3.9 +/- acres more or less, as ER-2, Estate Residential; for property located at 4705 East Johnstown Road; Edward J. Doersam, owner.
0072-2009	4-6-09	Zones 6.3 +/- acres more or less, as ER-1, Estate Residential; for property located at 3891 Clotts Road; Billy G. & Vanieta Decker, owners.
0073-2009	4-6-09	Zones 1.5 +/- acres, more or less, as ER-2, Estate Residential; for property located at 4301 Johnstown Road; Mifflin Township, owner.
0139-2009	7-20-09	Rezones 3.546 +/- acres as RID, Restricted Institutional District; for property located at 94 Price Road; Eagle Academy by John Kenimer, applicant.
0140-2009	8-3-09	Zones 6.905 +/- acres, as CX-1, Neighborhood Commercial Mixed Use District; for property located at 83-109 North Hamilton Road; Gahanna Jefferson Local School District, applicant.
0196-2009	9-8-09	Rezones 1.626 acres and 0.558 acre as RID, Restricted Institutional District; for property located at 296 Rocky Fork Drive South; Gahanna Christian Church, owner; by City of Gahanna, applicant.
0197-2009	9-8-09	Rezones 4.7205 acres as RID, Restricted Institutional District; for property located at 81 Price Road; the Resurrection Power Church of God in Christ, owner; by City of Gahanna, applicant.

TABLE I - ZONING MAP CHANGES (Cont.)

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>
0086-2011	5-2-11	Rezones 222 +/- acres of property as CC Community Commercial; said property located at 470 Havens Corners Road; Fifth Third Bank, applicant.
0096-2011	6-6-11	Rezones 4.7 +/- acres of property as ROD/SF3, Residential Overlay District/Single Family 3; said property located at 5593 Havens Corners Road; Brookewood Construction Company, Inc., Doug Maddy, applicant.
0167-2011	9-6-11	Zones 13.175 +/- acres of property as OCT, Office Commerce and Technology; and property located at 655 TechCenter Drive; Trivium Development, applicant.
0067-2012	4-2-12	Zones 2.45 +/- acres of property as ER-2, Estate Residential; said property located at 5061 Shagbark Road; City of Gahanna, applicant.
0068-2012	4-2-12	Zones 0.29 +/- acres of property as SO, Suburban Office; said property located at 4427 East Johnstown Road; City of Gahanna, applicant.
0069-2012	4-2-12	Zones 0.826 +/- acres of property at CC-2, Community Commercial; said property located at 1150 North Hamilton Road; City of Gahanna, applicant.
0093-2012	5-7-12	Zones .840 +/- acres of property as SO, Suburban Office; said property located at 790 East Johnstown Road; Leader Development, LLC, Kathy Weible, applicant.
0031-2013	2-4-13	Rezones 5.478 +/- acres of property as SO, Suburban Office; said property located at 975 North Hamilton Road; current zoning PCC; Otterbein Homes, applicant.
0091-2013	7-15-13	Rezones 3.9 +/- acres of property as ROD/SF3, Residential Overlay District/Single Family 3; said property located at 5593 Havens Corners Road; known as the Meadowbrooke Subdivision; Brookewood Construction Company, Inc., Doug Maddy, applicant.

## CHAPTER 105 Wards and Boundaries

**105.01 Division into wards.**  
**105.02 Ward boundaries defined.**

**105.03 Filing certified copy.**

### CROSS REFERENCES

Division into wards - see Ohio R.C. 731.06  
Voting precincts - see Ohio R.C. 3501.18

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#### **105.01 DIVISION INTO WARDS.**

The City of Gahanna redistricts its wards in a manner equitably balanced as to present population and voter registration statistics provided by the Franklin County Board of Elections and City of Gahanna records to prepare for the election of Council members to be elected from wards in the regular municipal election in 2013.

(Ord. 0100-2013. Passed 7-1-13.)

#### **105.02 WARD BOUNDARIES DEFINED.**

The Council of the City of Gahanna hereby reestablishes the division of the City into four Wards, to be known as Ward 1, Ward 2, Ward 3, and Ward 4, and described and bounded as follows:

##### WARD 1

Beginning at the intersection of the centerline of Goshen Lane with the southerly limited access right-of-way line of Interstate Route 270 (I-270), being the southerly Corporation Line of the City of Gahanna (Corporation Line);

thence westerly and northwesterly along the southerly and southwesterly Corporation Line, being the limited access right-of-way line of I-270, approximately 1530 feet to an angle point in said Corporation Line;

thence northerly, southwesterly, northwesterly and northerly, with the westerly Corporation Line to an angle point in said line in the southerly right-of-way line of Agler Road;

thence westerly with said Corporation Line, being said southerly right-of-way line of Agler Road, approximately 700 feet to the intersection of said line with the easterly limited access right-of-way line of said I-270, being an angle point in said Corporation Line;

thence northerly, westerly and northerly with said Corporation Line, being said easterly limited access right-of-way line of I-270, approximately 5000 feet to an angle point in said Corporation Line in the northerly right-of-way line of McCutcheon Road;

thence westerly with said corporation line, being said northerly right-of-way line of McCutcheon road approximately 330 feet to the intersection of said line with the westerly line of parcel no. 025-006747, being an angle point in said corporation line;

thence northerly with said Corporation Line, being said westerly line of said Parcel No. 025-006747, approximately 1085 feet to an angle point in said Corporation Line;

thence easterly along said Corporation Line, approximately 60 feet to an angle point in said line, being in the westerly limited access right-of-way line of said I-270;

thence northerly along said Corporation Line, being said westerly limited access right-of-way line of I-270, approximately 220 feet to an angle point in said Corporation Line;

thence easterly along said Corporation Line, approximately 810 feet to the westerly right-of-way line of Hines Road;

thence northerly along said Corporation Line, being said westerly right-of-way of Hines Road, approximately 1935 feet to an angle point in said Corporation Line in the southerly line of "Virginia Terrace" Subdivision;

thence easterly, southerly, easterly, northerly and easterly along the northerly Corporation Line, being said southerly line of "Virginia Terrace" Subdivision, to an angle point in said Corporation Line in the centerline of Big Walnut Creek;

thence northerly along the westerly Corporation Line, being said centerline of Big Walnut Creek, to an angle point in said Corporation Line in the original southerly right-of-way line of Morse Road;

thence easterly along the northerly Corporation Line, being said southerly line of Morse Road, to the intersection of said line with the centerline of Greencroft Drive;

thence southerly with said centerline of Greencroft Drive to the intersection with the centerline of Highmeadow Drive;

thence southeasterly with said centerline of Highmeadow Drive to the intersection with the centerline of Ashburnham Drive;

thence southerly with said centerline of Ashburnham Drive to the northerly of Parcel No. 025-004301, being the southerly line of "Cherry Bottom Glade Section 2" Subdivision;

thence westerly along northerly line of said Parcel No. 025-004301, being the southerly line of "Cherry Bottom Glade" Subdivision, to the centerline of Cherry Bottom Road;

thence southerly and southeasterly, with said centerline of Cherry Bottom Road, to the intersection of said line with the westerly line of Parcel No. 025-004345;

thence southerly along the westerly line of said Parcel No. 025-004345 to the northerly line of Reserve "B" of "Woodside Green Section 2" Subdivision;

thence southwesterly, westerly and southerly along the northerly and westerly lines of said Reserve "B," to the centerline of Big Walnut Creek;

thence westerly with the centerline of said Big Walnut Creek, being the southerly line of Parcel No. 025-004276, to the intersection of said line with the northerly extension of the centerline of Stygler Road;

thence southerly with aforesaid northerly extension and centerline of Stygler Road, to the northwesterly corner of the "Sherwood Meadows" Subdivision;

thence easterly and southerly along the northerly and easterly lines of said "Sherwood Meadows" Subdivision, and the southerly extension of said easterly line, to the centerline of McCutcheon Road;

thence westerly with said centerline of McCutcheon Road to the intersection with the centerline of said Stygler Road;

thence southerly with said centerline of Stygler Road to the intersection with the centerline of Dunchurch Road;

thence easterly with said centerline of Dunchurch Road, and the southerly line of "Imperial Rise Plat No. 4" Subdivision, to the centerline of Ridenour Road;  
thence southerly with said centerline of Ridenour Road to the intersection with the centerline of West Johnstown Road;  
thence southwesterly with said centerline of West Johnstown Road, to the northeasterly corner of Parcel No. 025-000849;  
thence southerly and westerly along the easterly and southerly lines of said Parcel No. 025-000849, to the northeasterly corner of Parcel No. 025-000847;  
thence southerly along the easterly line of said Parcel No. 025-000847, to the southeasterly corner thereof, being a corner of the "Heritage" Subdivision;  
thence westerly along a northerly line of said "Heritage" Subdivision, to the centerline of aforesaid Goshen Lane;  
thence southerly with said centerline of Goshen Lane to the point of beginning.

## WARD 2

Beginning at the intersection of the centerline of Goshen Lane with the southerly Limited Access right-of-way line of Interstate Route 270 (I-270), being the southerly Corporation Line of the City of Gahanna (Corporation Line);

thence easterly along said southerly Corporation Line, being said southerly limited access right-of-way line of I-270, to the intersection of said line with the centerline of Big Walnut Creek;

thence northerly with the meanders of said Big Walnut Creek to the confluence of Rocky Fork Creek;

thence northerly and northeasterly with the meanders of the centerline of said Rocky Fork Creek to the centerline of Granville Street;

thence easterly along said centerline of Granville Street to the intersection with the centerline of Hamilton Road;

thence northerly with said centerline of Hamilton Road to the northeasterly corner of Parcel No. 025-001982;

thence westerly along the northerly line of said Parcel No. 025-001982, the northerly line of the "Valerio Heights No. 3" Subdivision, and the westerly extension thereof, to the intersection of said line with the centerline of Johnstown Road;

thence westerly with said centerline of Johnstown Road to the northeasterly corner of Parcel No. 025-001929;

thence westerly along the northerly line of said Parcel No. 025-001929 to the centerline of Big Walnut Creek;

thence northerly, westerly and northerly with the meanders of the centerline of said Big Walnut Creek to the northwesterly corner of Reserve "A" of the "Cliffside" Subdivision;

thence easterly, northeasterly and easterly along the northerly line of said "Cliffside" Subdivision to the northeasterly corner of said Subdivision, being the northwesterly corner of "Academy Woods" Subdivision, being in the centerline of Cherry Bottom Road;

thence easterly along the northerly line of said "Academy Woods" Subdivision to the intersection of said line with the centerline of Eastchester Drive;

thence southerly with said centerline of said Eastchester Drive, the southerly extension thereof, and the centerline of Trapp Drive, to the intersection of the centerline of Commission Drive;

thence easterly with said centerline of Trapp Drive to the centerline of Johnstown Road;  
thence northeasterly with said centerline of Johnstown Road to the intersection with Hamilton Road;

thence continuing northeasterly with the centerline of said Johnstown Road to the intersection of said line with the northerly Corporation Line in Morse Road;

thence westerly along said northerly Corporation Line, being in said Morse Road, passing the intersection with Hamilton Road, to the intersection of said line with the centerline of Greencroft Drive;

thence southerly with said centerline of Greencroft Drive to the intersection with the centerline of Highmeadow Drive;

thence southeasterly with said centerline of Highmeadow Drive to the intersection with the centerline of Ashburnham Drive;

thence southerly with said centerline of Ashburnham Drive to the northerly of Parcel No. 025-004301, being the southerly line of "Cherry Bottom Glade Section 2" Subdivision;

thence westerly along northerly line of said Parcel No. 025-004301, being the southerly line of the "Cherry Bottom Glade" Subdivision, to the centerline of Cherry Bottom Road;

thence southerly and southeasterly, with said centerline of Cherry Bottom Road, to the intersection of said line with the westerly line of Parcel No. 025-004345;

thence southerly along the westerly line of said Parcel No. 025-004345 to the northerly line of Reserve "B" of "Woodside Green Section 2" Subdivision;

thence southwesterly, westerly and southerly along the northerly and westerly lines of said Reserve "B," to the centerline of Big Walnut Creek;

thence westerly with the centerline of said Big Walnut Creek, being the southerly line of Parcel No. 025-004276, to the intersection of said line with the northerly extension of the centerline of Styler Road;

thence southerly with aforesaid northerly extension and centerline of Styler Road to the northwesterly corner of the "Sherwood Meadows" Subdivision;

thence easterly and southerly along the northerly and easterly lines of said "Sherwood Meadows" Subdivision, and the southerly extension of said easterly line, to the centerline of McCutcheon Road;

thence westerly with said centerline of McCutcheon Road to the intersection with the centerline of said Styler Road;

thence southerly with said centerline of Styler Road to the intersection with the centerline of Dunchurch Road;

thence easterly with said centerline of Dunchurch Road, and the southerly line of the "Imperial Rise Plat No. 4" Subdivision, to the centerline of Ridenour Road;

thence southerly with said centerline of Ridenour Road to the intersection with the centerline of West Johnstown Road;

thence southwesterly with said centerline of West Johnstown Road, to the northeasterly corner of Parcel No. 025-000849;

thence southerly and westerly along the easterly and southerly lines of said Parcel No. 025-000849, to the northeasterly corner of Parcel No. 025-000847;

thence southerly along the easterly line of said Parcel No. 025-000847 to the southeasterly corner thereof, being a corner of the "Heritage" Subdivision;

thence westerly along a northerly line of said "Heritage" Subdivision, to the centerline of aforesaid Goshen Lane;

thence southerly with said centerline of Goshen Lane to the point of beginning.

### WARD 3

Beginning at the intersection of the southerly limited access right-of-way line of Interstate Route 270 (I-270), with the centerline of Big Walnut Creek, being in the southerly City of Gahanna Corporation Line (Corporation Line);

thence easterly along said southerly Corporation Line, being said southerly line of I-270, to an angle point in said line in the westerly right-of-way line of Hamilton Road;

thence southerly along said Corporation Line, being said westerly right-of-way line of Hamilton Road to the intersection of said line with the centerline Big Walnut Creek;

thence easterly and southerly along said Corporation Line, being along the meanders of said centerline of Big Walnut Creek, to the intersection of said line with the westerly limited access right-of-way line of aforesaid I-270;

thence southerly along said westerly limited access right-of-way line of I-270 to an angle point in said line in the southerly right-of-way line of the B & O Railroad;

thence easterly and northeasterly along said Corporation Line, being said southerly right-of-way line of B & O Railroad, approximately 11, 900 feet to an angle point in said Corporation Line;

thence northerly along said Corporation Line, approximately 100 feet, to an angle point in said Corporation Line, being in the northerly right-of-way line of said B & O Railroad;

thence northeasterly along said northerly right-of-way line of B & O Railroad, to an angle point in said Corporation Line at the southwesterly corner of the "Darsts" Subdivision, being the southeasterly corner of Parcel No. 025-006521;

thence northerly, westerly, northerly, westerly, southerly and westerly along said Corporation Line and the lines of said Parcel No. 025-006521, to the southeasterly corner of Parcel No. 025-010884;

thence northerly, westerly and northerly along said Corporation Line, being the easterly and northerly line of said Parcel No. 025-006521 and the easterly line of Parcel No. 025-010847 to an angle point in said Corporation Line, being in the original southerly right-of-way line of Taylor Road;

thence westerly along said Corporation Line, being said line of Taylor Road, to the intersection of said line with the easterly line of Parcel No. 170-001271;

thence southerly along said Corporation Line, being the easterly line of said Parcel No. 170-001271 to a corner of said Corporation Line, being the southeasterly corner of said Parcel No. 170-001271;

thence westerly along said Corporation Line, being the southerly line of Parcels No. 170-001271, 170-000127, 170-001346 & 170-001270 to an angle point in said Corporation Line in the easterly right-of-way line of Taylor Station Road;

thence southerly along said Corporation Line, being said easterly right-of-way line of Taylor Station Road and the easterly line of Parcel Nos. 170-000138, 170-001150 & 170-1149, to an angle point in said Corporation Line, being at the southeasterly corner of said Parcel No. 170-001149;

thence westerly along said Corporation Line, being the southerly line of said Parcel Nos. 170-001149, 170-000682 & 170-001896 to an angle point in said Corporation Line at the southwesterly corner of said 170-001896;

thence northerly along said Corporation Line, being the westerly line of said 170-001896 and Parcel No. 170-000079, to an angle point in said Corporation Line at the southeasterly corner of Parcel No. 170-000215;

thence westerly and northerly along said Corporation Line, being the southerly and westerly lines of said Parcel No. 170-000215, to an angle point in said Corporation Line in the original northerly right-of-way line of Taylor Road;

thence easterly along said Corporation Line, being said northerly right-of-way line of Taylor Road, to an angle point in said Corporation Line, being at the intersection of said line with the westerly line of Parcel No. 170-001239;

thence northerly and easterly along said Corporation Line, being said westerly and northerly lines of Parcel No. 170-001239 to an angle point in said Corporation Line, being in the westerly line of Parcel No. 170-000265;

thence northerly, easterly and southerly, along the westerly, northerly and easterly lines of Parcel No. 170-000265, and the easterly line of Parcel No. 170-001097, to and angle point in said Corporation Line in the northerly right-of-way line of Taylor Road;

thence easterly along said Corporation Line, being said northerly right-of-way line of said Taylor Road, to an angle point in said Corporation Line in the westerly right-of-way line of Taylor Station Road;

thence northerly along said Corporation Line, being said westerly right-of-way line of Taylor Station Road, to an angle point in said line at the intersection with the southerly right-of-way line of Havens Corners Road;

thence westerly along said Corporation Line, being said southerly right-of-way line of Havens Corners Road, approximately 6,285 feet to an angle point in said Corporation Line;

thence northerly along said Corporation Line, being the easterly line of Parcel No. 025-004000 to an angle point in said Corporation Line in the centerline of Rocky Fork Creek;

thence westerly along said Corporation Line, being with the meanders of said centerline of Rocky Fork Creek, to an angle point in said Corporation Line in the easterly line of the "Southwind" Subdivision;

thence northerly and westerly along said Corporation Line, being along the easterly and northerly line of said "Southwind" Subdivision, and along the southerly line of Parcel No. 170-001890, to the southwesterly corner of said Parcel No. 170-001890;

thence northerly along said Corporation Line, being the westerly line of said Parcel No. 170-001890, to an angle point in said Corporation Line at the northeasterly corner of Parcel No. 025-004261;

thence westerly and northwesterly along said Corporation Line, being the northerly and northeasterly line of said Parcel No. 025-004261, to an angle point in said Corporation Line in the northwesterly right-of-way line of Clark State Road;

thence northeasterly along said Corporation Line, being said northwesterly right-of-way line of Clark State Road, approximately 430 feet to an angle point in said Corporation Line;

thence southeasterly, southerly, easterly and northerly along said Corporation Line, being the along the southwesterly, westerly, southerly and easterly lines of Parcel No. 025-003897 and the easterly line of Parcel No. 025-003896, to an angle point in said Corporation Line, being in said northwesterly right-of-way line of Clark State Road;

thence northeasterly along said Corporation Line, being along said northwesterly right-of-way line of said Clark State Road, approximately 1,625 feet to an angle point in said Corporation Line in the easterly line of the "Gahanna Greens" Subdivision;

thence northerly along said Corporation Line, being the easterly line of said "Gahanna Greens" Subdivision, to the northeasterly corner of said "Gahanna Green" Subdivision;

thence westerly along the northerly line of said "Gahanna Greens" Subdivision, and the northerly line of the "Foxboro No. 4" Subdivision and the westerly extension thereof, approximately 2,890 feet to the centerline of Hamilton Road;

thence southerly with the centerline of said Hamilton Road to the intersection with the centerline of Granville Street;

thence westerly with said centerline of Granville Street to the intersection of the centerline of Rocky Fork Creek;

thence southwesterly with the meanders of the centerline of said Rocky Fork Creek to the confluence of Big Walnut Creek;

thence southeasterly with the meanders of the centerline of Big Walnut Creek to the point of beginning.

## WARD 4

Beginning at the intersection of the centerline of Johnstown Road with the northerly City of Gahanna Corporation Line (Corporation Line) in Morse Road;

thence easterly, along said northerly Corporation Line in said Morse Road, to the easterly Corporation Line;

thence southerly along said easterly Corporation Line to the centerline of Clark State Road;

thence westerly and southwesterly with said centerline of Clark State Road to the intersection with the centerline of Headley Road;

thence westerly with said centerline of Headley Road to the intersection with the centerline of Shull Road;

thence northerly along said centerline of Shull Road to the southeasterly corner of "The Villages at Rocky Fork Section 2" Subdivision;

thence westerly along the Corporation Line, being the southerly line of said "The Villages at Rocky Fork Section 2" Subdivision to the southwesterly corner of said Subdivision, being in the easterly line of the "Bryn Mawr Section 2" Subdivision;

thence southerly along said easterly line of the "Bryn Mawr Section 2" Subdivision, to the southeasterly corner of said Subdivision;

thence westerly along the southerly line of said "Bryn Mawr Section 2" Subdivision to the northeasterly corner of the "Bryn Mawr Woods" Subdivision;

thence southerly along the easterly line of said "Bryn Mawr Woods" Subdivision, and along the easterly line of Parcel No. 025-001141 to the southeasterly corner of said Parcel No. 025-001141;

thence westerly along the southerly line of said Parcel No. 025-001141 and the southerly line of Parcel No. 025-003195 to the southwesterly corner of said Parcel No. 025-003195, being in the easterly line of the "Deer Run Section 2" Subdivision;

thence southerly along said easterly line of the "Deer Run Section 2" Subdivision to the southeasterly corner of said Subdivision;

thence westerly along the southerly line of said "Deer Run Section 2" Subdivision, the northerly line of the "Gahanna Greens" Subdivision, and the northerly line of the "Foxboro No. 4" Subdivision, and the westerly extension thereof, approximately 4,015 feet to the centerline of Hamilton Road;

thence southerly with said centerline of Hamilton Road to the northeasterly corner of Parcel No. 025-001982;

thence westerly along the northerly line of said Parcel No. 025-001982, the northerly line of the "Valerio Heights No. 3" Subdivision, and the westerly extension thereof, to the intersection of said line with the centerline of Johnstown Road;

thence westerly with said centerline of Johnstown Road to the northeasterly corner of Parcel No. 025-001929;

thence westerly along the northerly line of said Parcel No. 025-001929 to the centerline Big Walnut Creek;

thence northerly, westerly and northerly with the meanders of the centerline of said Big Walnut Creek to the northwesterly corner of Reserve "A" of the "Cliffside" Subdivision;

thence easterly, northeasterly and easterly along the northerly line of said "Cliffside" Subdivision to the northeasterly corner of said Subdivision, being the northwesterly corner of "Academy Woods" Subdivision, being in the centerline of Cherry Bottom Road;

thence easterly along the northerly line of said "Academy Woods" Subdivision to the intersection of said line with the centerline of Eastchester Drive;

thence southerly with the centerline of said Eastchester Drive, the southerly extension thereof, and the centerline of Trapp Drive to the intersection with the centerline of Commission Drive;

thence easterly with said centerline of Trapp Drive to the centerline of Johnstown Road; thence northeasterly with said centerline of Johnstown Road to the intersection with Hamilton Road;

thence continuing northeasterly with the centerline of said Johnstown Road to the point of beginning.

Excepting therefrom, those parcels which have not been annexed to the City of Gahanna, Ohio.

\* End of Descriptions \*

EFFECTIVE WITH THE MAY PRIMARY ELECTION IN 2017 THE WARD BOUNDARIES SHALL BE AS FOLLOWS:

#### WARD 1

Beginning at the intersection of the southerly limited access right-of-way line of Interstate Route 270 (I-270), with the centerline of Big Walnut Creek, being in the southerly City of Gahanna Corporation Line;

thence westerly and northwesterly along the southerly and southwesterly Corporation Line, being the limited access right-of-way line of I-270, approximately 7200 feet to an angle point in said Corporation Line;

thence northerly, southwesterly, northwesterly and northerly, with the westerly Corporation Line to an angle point in said line in the southerly right-of-way line of Agler Road;

thence westerly with said Corporation Line, being said southerly right-of-way line of Agler Road, approximately 700 feet to the intersection of said line with the easterly limited access right-of-way line of said I-270, being an angle point in said Corporation Line;

thence northerly, westerly and northerly with said Corporation Line, being said easterly limited access right-of-way line of I-270, approximately 5500 feet to an angle point in said Corporation Line in the northerly right-of-way line of McCutcheon Road;

thence westerly with said Corporation Line, being said northerly right-of-way line of McCutcheon Road approximately 390 feet to the intersection of said line with the westerly line of Parcel No. 025-006747, being an angle point in said Corporation Line;

thence northerly with said Corporation Line, being said westerly line of said Parcel No. 025-006747, approximately 1135 feet to an angle point in said Corporation Line;

thence easterly along said Corporation Line, approximately 60 feet to an angle point in said line, being in the westerly limited access right-of-way line of said I-270;

thence northerly along said Corporation Line, being said westerly limited access right-of-way line of I-270, approximately 610 feet to an angle point in said Corporation Line;

thence easterly along said Corporation Line, approximately 810 feet to the westerly right-of-way line of Hines Road;

thence northerly along said Corporation Line, being said westerly right-of-way line of Hines Road, approximately 3065 feet to an angle point in said Corporation Line in the southerly line of "Virginia Terrace" Subdivision;

thence easterly, southerly, easterly, northerly and easterly along the northerly Corporation Line, being said southerly line of "Virginia Terrace" Subdivision, to an angle point in said Corporation Line in the centerline of Styler Road;

thence southerly with said centerline of Styler Road, to the intersection with the centerline of West Johnstown Road;

thence southwesterly with said centerline of West Johnstown Road, to the intersection with the centerline of Sandra Court;

thence easterly along said centerline of Sandra Court, being a line common to Block Numbers 2007 & 2010 of the 2010 Census, to the terminus of said Court;

thence easterly, northeasterly, easterly and southeasterly continuing along the lines common to said Block Numbers 2007 & 2010 of the 2010 Census, to the centerline of James Road;

thence northerly with said centerline of James Road, and the northerly extension thereof, to the intersection with the centerline of U.S. Route 62;

thence easterly with said centerline of U.S. Route 62, to the intersection with the centerlines of Granville and Mill Streets;

thence easterly along said centerline of Granville Street to the intersection with the centerline of Rocky Fork Creek;

thence southerly, southwesterly and southerly with the meanders of said centerline of Rocky Fork Creek to the intersection of the centerline of Big Walnut Creek;

thence southerly with the meanders of said Big Walnut Creek, returning to the 'Point of Beginning.'

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## WARD 2

Beginning at the intersection of the centerline of Johnstown Road with the northerly City of Gahanna Corporation Line (Corporation Line) in Morse Road;

thence westerly along said northerly Corporation Line in said Morse Road, approximately 13,100 feet to the intersection of said line with the centerline of Big Walnut Creek, being the westerly Corporation Line;

thence southerly with the meanders of said centerline of Big Walnut Creek, being said westerly Corporation Line, approximately 4200 feet to an angle point in said Corporation Line at the southeasterly corner of Parcel No. 520-117502

thence westerly along the southerly line of said Parcel No. 520-117502 to the centerline of Styler Road;

thence southerly with said centerline of Styler Road, to the intersection with the centerline of West Johnstown Road;

thence southwesterly with said centerline of West Johnstown Road, to the intersection with the centerline of Sandra Court;

thence easterly along said centerline of Sandra Court, being a line common to Block Numbers 2007 & 2010 of the 2010 Census, to the terminus of said Court;

thence easterly, northeasterly, easterly and southeasterly continuing along the lines common to said Block Numbers 2007 & 2010 of the 2010 Census, to the centerline of James Road;

thence northerly with said centerline of James Road, and the northerly extension thereof, to the intersection with the centerline of U.S. Route 62;

thence easterly with said centerline of U.S. Route 62, to the intersection with the centerlines of Granville and Mill Streets;

thence easterly along said centerline of Granville Street to the intersection with the centerline of Shull Avenue;

thence northerly with said centerline of Shull Avenue to the intersection with the centerline of Carpenter Road;

thence westerly with said centerline of Carpenter Road to the intersection with Johnstown Road;

thence northerly with said centerline of Johnstown Road, to the intersection of the southerly line of Parcel No. 025-001072;

thence westerly along said southerly line of Parcel No. 025-001072 to the southwesterly corner of said Parcel;

thence northerly along the easterly lines of Parcel Nos. 025-001072, 025-001912, 025-002217 025-001966, 025-001945 & 025-001929, being the easterly lines of Parcel Nos. 025-001805 025-000822, to the westerly corner common to Parcel Nos. 025-001929 & 025-001944;

thence easterly along the line common to said Parcel Nos. 025-001929 & 025-001944 to the centerline of Cherry Bottom Road;

thence northerly with said centerline of Cherry Bottom Road to the intersection of the centerline of Academy Woods Drive;

thence easterly along said centerline of Academy Woods Drive to the intersection with the centerline of Eastchester Drive;

thence southerly with the centerline of said Eastchester Drive, the southerly extension thereof, and the centerline of Trapp Drive to the intersection with the centerline of Commission Drive;

thence easterly with said centerline of Commission Drive to the centerline of Johnstown Road;

thence northeasterly with said centerline of Johnstown Road to the intersection with Hamilton Road;

thence continuing northeasterly with the centerline of said Johnstown Road returning to the 'Point of Beginning.'

Excepting therefrom, those parcels which have not been annexed to the City of Gahanna, Ohio.

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### WARD 3

Beginning at the intersection of the southerly limited access right-of-way line of Interstate Route 270 (I-270), with the centerline of Big Walnut Creek, being in the southerly City of Gahanna Corporation Line;

thence easterly along said southerly Corporation Line, being said southerly line of I-270, to an angle point in said line in the westerly right-of-way line of Hamilton Road;

thence southerly along said Corporation Line, being said westerly right-of-way line of Hamilton Road to the intersection of said line with the centerline of Big Walnut Creek;

thence easterly and southerly along said Corporation Line, being along the meanders of said centerline of Big Walnut Creek, to the intersection of said line with the westerly limited access right-of-way line of aforesaid I-270;

thence southerly along said westerly limited access right-of-way line of I-270 to an angle point in said line in the southerly right-of-way line of the B & O Railroad;

thence easterly and northeasterly along said Corporation Line, being said southerly right-of-way line of B & O Railroad, approximately 11,900 feet to an angle point in said Corporation Line;

thence northerly along said Corporation Line, approximately 100 feet, to an angle point in said Corporation Line, being in the northerly right-of-way line of said B & O Railroad;

thence northeasterly along said northerly right-of-way line of B & O Railroad, to an angle point in said Corporation Line at the southwesterly corner of the "Darsts" Subdivision, being the southeasterly corner of Parcel No. 025-013006;

thence northerly and westerly along the easterly and northerly lines of said Corporation Line, being the easterly and northerly lines of said Parcel No. 025-013006, to an angle point in said Corporation Line at the southwesterly corner of Parcel No. 170-000785, being a southeasterly corner of Parcel No. 025-012946;

thence northerly and westerly, continuing along said Corporation Line, being a westerly line of said Parcel No. 170-000785, and being the easterly and northerly lines of said Parcel No. 025-012946 and the northerly line of Parcel No. 025-012945, to an angle point in said Corporation Line at the northwesterly corner of said Parcel No. 025-012945, being in the easterly line of Eastgate Parkway;

thence northerly along said easterly line of Eastgate Parkway to an angle point in said Corporation Line, being in the original southerly right-of-way line of Taylor Road;

thence westerly along said Corporation Line, being said line of Taylor Road, to the intersection with the original westerly right-of-way line of Taylor Station Road;

thence northerly along said westerly right-of-way line of Taylor Station Road, being along said Corporation Line, to an angle point in said line at the intersection with the southerly right-of-way line of Havens Corners Road;

thence westerly along said Corporation Line, being along said Havens Corners Road, approximately 6,285 feet to an angle point in said Corporation Line in a westerly line of Parcel No. 170-000019;

thence northerly along said Corporation Line, being said westerly line of Parcel No. 170-000019, and being the easterly line of Parcel No. 025-004000, to an angle point in said Corporation Line in the centerline of Rocky Fork Creek;

thence westerly along said Corporation Line, being with the meanders of said centerline of Rocky Fork Creek, to an angle point in said Corporation Line in the easterly line of the "Southwind" Subdivision;

thence northerly and westerly along said Corporation Line, being along the easterly and northerly line of said "Southwind" Subdivision, and along the southerly line of Parcel No. 170-001890, to the southwesterly corner of said Parcel No. 170-001890;

thence northerly along said Corporation Line, being the westerly line of said Parcel No. 170-001890, to an angle point in said Corporation Line at the northeasterly corner of Parcel No. 025-004261;

thence westerly and northwesterly along said Corporation Line, being the northerly and northeasterly line of said Parcel No. 025-004261, to an angle point in said Corporation Line in the northwesterly right-of-way line of Clark State Road;

thence southwesterly along said line of Clark State Road, to the intersection with the centerline of Hamilton Road;

thence northerly with the centerline of said Hamilton Road to the intersection with the centerline of Worman Drive;

thence westerly, northwesterly and northerly with said centerline of Worman Drive to the intersection with the centerline of Finstock Way;

thence westerly with said centerline of Finstock Way to the intersection with the centerline of Lyncroft Drive;

thence northerly with said centerline of Lyncroft Drive to the centerline of Larry Lane;

thence westerly and northwesterly with said centerline of Larry Lane to the intersection with the centerline of Johnstown Road;

thence westerly with said Johnstown Road to the intersection with the centerline of Cherry Bottom Road, being at the easterly corner common to Parcel Nos. 025-001944 & 025-001929;

thence westerly along the line common to said Parcel Nos. 025-001944 & 025-001929, to the westerly corner common to said parcels in the centerline of aforesaid Big Walnut Creek;

thence southerly along the westerly lines of Parcel Nos. 025-001929, 025-001945, 025-001966, 025-002217, 025-001912 & 025-001072, being the easterly lines of 025-000822 & 025-00 1805, to the southwesterly corner of said Parcel 025-001072;

thence easterly along the southerly line of said Parcel No. 025-001072 to the centerline of Johnstown Road;

thence southerly with said centerline of Johnstown Road to the intersection with the centerline of Carpenter Road;

thence easterly with said centerline of Carpenter Road to the intersection with the centerline of Shull Avenue;

thence southerly with said centerline of Shull Avenue to the intersection with the centerline of Granville Street;

thence easterly with said centerline of Granville Street, to the intersection with the centerline of Rocky Fork Creek;

thence southerly, southwesterly and southerly with the meanders of said centerline of Rocky Fork Creek to the intersection of the centerline of Big Walnut Creek;

thence southerly with the meanders of said Big Walnut Creek, returning to the 'Point of Beginning.'

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#### WARD 4

Beginning at the intersection of the centerline of Johnstown Road with the northerly City of Gahanna Corporation Line (Corporation Line) in Morse Road;

thence easterly along said northerly Corporation Line in said Morse Road, , approximately 6,920 feet to the easterly Corporation Line;

thence southerly, easterly and southerly along said easterly Corporation Line, approximately 3,810 feet to the northerly right-of-way line of Clark State Road;

thence westerly along said line of Clark State Road, to the northerly extension of the westerly line of Parcel No. 170-001500;

thence southerly and easterly along said extension, the westerly and southerly lines of said Parcel No. 170-001500, to the northeasterly corner of Parcel No. 025-012233;

thence southerly along the easterly line of said Parcel 025-012233 to the northwesterly corner of Parcel No. 027-000077;

thence easterly along the northerly line of said Parcel No. 027-000077, to the southwesterly corner of Parcel No. 027-000016;

thence northerly along the westerly line of said Parcel No. 027-000016 to the southerly right-of-way line of said Clark State Road;

thence easterly along said line of Clark State Road, to the easterly line of said Parcel No. 027-000016;

thence southerly along said easterly line of Parcel No. 027-000016, to the southeasterly corner of said Parcel, being in the northerly line of the "Village at Hannah Farms Phase 1" Subdivision;

thence easterly, southerly and easterly along the northerly lines of said Subdivision, to the westerly right-of-way line of Reynoldsburg-New Albany Road;

thence southerly with said line of Reynoldsburg-New Albany Road to the intersection with the southerly line of said "Village at Hannah Farms Phase 1" Subdivision;

thence westerly along said southerly line to the southwesterly corner of said Subdivision;

thence northerly along the westerly line of said of "Village at Hannah Farms Phase 1" to the southeasterly corner of Parcel No. 025-012233;

thence westerly and northerly along the southerly and westerly lines of said Parcel No. 025-012233 to the northwesterly corner of said Parcel, being in the southerly line of Parcel No. 025-012232;

thence westerly and northerly along the southerly and westerly lines of said Parcel No. 025-012232 to said centerline of Clark State Road;

thence westerly and southwesterly with said centerline of Clark State Road to the intersection with the centerline of Headley Road;

thence westerly with said centerline of Headley Road to the intersection with the centerline of Shull Road;

thence northerly along said centerline of Shull Road to the southeasterly corner of "The Villages at Rocky Fork Section 2" Subdivision;

thence westerly along the Corporation Line, being the southerly line of said "The Villages at Rocky Fork Section 2" Subdivision to the southwesterly corner of said Subdivision, being in the easterly line of the "Bryn Mawr Section 2" Subdivision;

thence southerly along said easterly line of the "Bryn Mawr Section 2" Subdivision, to the southeasterly corner of said Subdivision;

thence westerly along the southerly line of said "Bryn Mawr Section 2" Subdivision to the northeasterly corner of the "Bryn Mawr Woods" Subdivision;

thence southerly along the easterly line of said "Bryn Mawr Woods" Subdivision, and along the easterly line of Parcel No. 025-001141 to the southeasterly corner of said Parcel No. 025-001141;

thence westerly along the southerly line of said Parcel No. 025-001141 and the southerly line of Parcel No. 025-003195 to the southwesterly corner of said Parcel No. 025-003195, being in the easterly line of the "Deer Run Section 2" Subdivision;

thence southerly along said easterly line of the "Deer Run Section 2" Subdivision to the southeasterly corner of said Subdivision;

thence westerly along the southerly line of said "Deer Run Section 2" Subdivision, to the northeasterly corner of the "Gahanna Greens" Subdivision;

thence southerly along the easterly line of said "Gahanna Greens" Subdivision, being a Gahanna Corporation Line, to the original northerly right-of-way line of aforesaid Clark State Road;

thence southwesterly along said line of Clark State Road to the northerly extension of the easterly line of Parcel No. 025-003896;

thence southerly along the easterly line if said Parcel No. 025-003896, and the easterly line of Parcel No. 025-003897, to the southeasterly corner of said Parcel No. 025-003897;

thence westerly, northerly and westerly, along the southerly and westerly lines of said Parcel No. 025-003897, being along said Corporation Line, to the northwesterly right-of-way line of said Clark State Road;

thence southwesterly along said line of Clark State Road, to the intersection with the centerline of Hamilton Road;

thence northerly with the centerline of said Hamilton Road to the intersection with the centerline of Worman Drive;

thence westerly, northwesterly and northerly with said centerline of Worman Drive to the intersection with the centerline of Finstock Way;

thence westerly with said centerline of Finstock Way to the intersection with the centerline of Lyncroft Drive;

thence northerly with said centerline of Lyncroft Drive to the centerline of Larry Lane;  
thence westerly and northwesterly with said centerline of Larry Lane to the intersection with the centerline of Johnstown Road;

thence westerly with said Johnstown Road to the intersection with the centerline of Cherry Bottom Road, being at the easterly corner common to Parcel Nos. 025-001944 & 025-001929;

thence northerly with said centerline of Cherry Bottom Road to the intersection with the centerline of Academy Woods Drive;

thence easterly along said centerline of Academy Woods Drive to the intersection with the centerline of Eastchester Drive;

thence southerly with the centerline of said Eastchester Drive, the southerly extension thereof, and the centerline of Trapp Drive to the intersection with the centerline of Commission Drive;

thence easterly with said centerline of Commission Drive to the centerline of Johnstown Road;

thence northeasterly with said centerline of Johnstown Road to the intersection with Hamilton Road;

thence continuing northeasterly with the centerline of said Johnstown Road returning to the 'Point of Beginning.'

Excepting therefrom, those parcels which have not been annexed to the City of Gahanna, Ohio. (Ord. 0100-2013. Passed 7-1-13.)

### **105.03 FILING CERTIFIED COPY.**

The Clerk of Council is hereby authorized and directed to file a certified copy of this chapter with the Franklin County Board of Elections.

(Ord. 0100-2013. Passed 7-1-13.)

(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 subsection (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 subsection (a) of this section is guilty of a minor misdemeanor.

(e) A prosecution for a violation of Ohio R.C. 4511.204 does not preclude a prosecution for a violation of a substantially equivalent municipal ordinance based on the same conduct. However, if an offender is convicted of or pleads guilty to a violation of Ohio R.C. 4511.204 and is also convicted of or pleads guilty to a violation of a substantially equivalent municipal ordinance based on the same conduct, the two offenses are allied offenses of similar import under Ohio R.C. 2941.25.

(f) As used in this section:

- (1) "Electronic wireless communications device" includes any of the following:
  - A. A wireless telephone;
  - B. A text-messaging device;
  - C. A personal digital assistant;
  - D. A computer, including a laptop computer and a computer tablet;
  - E. Any other substantially similar wireless device that is designed or used to communicate text.
- (2) "Voice-operated or hands-free device" means 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.
- (3) "Write, send or read a text-based communication" means 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.

(ORC 4511.204)



(b) Except as provided in subsection (b) hereof, no holder of a temporary instruction permit that is issued under Ohio R.C. 4507.05(A) and that is issued on or after July 1, 1998, and who has not attained the age of eighteen years, shall operate a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking between the hours of midnight and six a.m.

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

(c) As used in this section:

- (1) "Eligible adult" means any of the following:
  - A. An instructor of a driver education course approved by the Department of Education or a driver training course approved by the Department of Public Safety;
  - B. Any of the following persons who holds a current valid driver's or commercial driver's license issued by this State:
    - 1. A parent, guardian or custodian of the permit holder;
    - 2. A person twenty-one years of age or older who acts in loco parentis of the permit holder.
- (2) "Occupant restraining device" has the same meaning as in Ohio R.C. 4513.263.

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

#### **335.031 DRIVING WITH PROBATIONARY LICENSE; CURFEW.**

- (a) (1) A. No holder of a probationary driver's license, who has not attained the age of seventeen years shall operate a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking between the hours of midnight and six a.m. unless the holder is accompanied by the holder's parent or guardian.
  - B. No holder of a probationary driver's license who has attained the age of seventeen years but has not attained the age of eighteen years shall operate a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking between the hours of one a.m. and five a.m. unless the holder is accompanied by the holder's parent or guardian.
- (2) A. Subject to subsection (c)(1)A., subsection (a)(1)A. does not apply to the holder of a probationary driver's license who is traveling to or from work between the hours of midnight and six a.m. and has in the holder's immediate possession written documentation from the holder's employer.
  - B. Subsection (a)(1)B. does not apply to the holder of a probationary driver's license who is traveling to or from work between the hours of one a.m. and five a.m. and has in the holder's immediate possession written documentation from the holder's employer.

- (3) An employer is not liable in damages in a civil action for any injury, death, or loss to person or property that allegedly arises from, or is related to, the fact that the employer provided an employee who is the holder of a probationary driver's license with the written documentation described in subsection (a)(2). The registrar of motor vehicles shall make available at no cost a form to serve as the written documentation described in subsection (a)(2), and employers and holders of probationary driver's licenses may utilize that form or may choose to utilize any other written documentation to meet the requirements of that division.
- (4) No holder of a probationary driver's license who is less than seventeen years of age shall operate a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking with more than one person who is not a family member occupying the vehicle unless the probationary license holder is accompanied by the probationary license holder's parent, guardian, or custodian.

(b) It is an affirmative defense to a violation of subsection (a)(1)A. or B. hereof if, at the time of the violation, the holder of the probationary driver's license was traveling to or from an official function sponsored by the school the holder attends, or an emergency existed that required the holder to operate a motor vehicle in violation of subsection (a)(1)A. or B. hereof, or the holder was an emancipated minor.

- (c) (1) A. Except as otherwise provided in subsection (c)(2) hereof, if a person is issued a probationary driver's license prior to attaining the age of seventeen years and the person pleads guilty to, is convicted of, or is adjudicated in juvenile court of having committed a moving violation during the six-month period commencing on the date on which the person is issued the probationary driver's license, the holder must be accompanied by the holder's parent or guardian whenever the holder is operating a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking during whichever of the following time periods applies:
1. If, on the date the holder of the probationary driver's license pleads guilty to, is convicted of, or is adjudicated in juvenile court of having committed the moving violation, the holder has not attained the age of sixteen years six months, during the six-month period commencing on that date;
  2. If, on the date the holder pleads guilty to, is convicted of, or is adjudicated in juvenile court of having committed the moving violation, the holder has attained the age of sixteen years six months but not seventeen years, until the person attains the age of seventeen years.
- B. If the holder of a probationary driver's license commits a moving violation during the six-month period after the person is issued the probationary driver's license and before the person attains the age of seventeen years and on the date the person pleads guilty to, is convicted of, or is adjudicated in juvenile court of having committed the moving violation, the person has attained the age of seventeen years, or if the person commits the moving violation during the six-month period after the person is issued the probationary driver's license and after the person attains the age of seventeen years, the

holder is not subject to the restriction described in subsection (c)(1)A.1. and 2. hereof unless the court or juvenile court imposes such a restriction upon the holder.

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

(d) No holder of a probationary license shall operate a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking unless the total number of occupants of the vehicle does not exceed the total number of occupant restraining devices originally installed in the motor vehicle by its manufacturer, and each occupant of the vehicle is wearing all of the available elements of a properly adjusted occupant restraining device.

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

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

(g) As used in this section:

- (1) "Occupant restraining device" has the same meaning as in Ohio R.C. 4513.263.
- (2) "Family member" of a probationary license holder includes any of the following:
- A. A spouse;
  - B. A child or stepchild;
  - C. A parent, stepparent, grandparent, or parent-in-law;

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

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

### **335.032 USE OF ELECTRONIC WIRELESS COMMUNICATION DEVICE PROHIBITED WHILE DRIVING.**

- (a) No holder of a temporary instruction permit who has not attained the age of eighteen years and no holder of a probationary driver's license shall drive a motor vehicle on any street, highway, or property used by the public for purposes of vehicular traffic or parking while using in any manner an electronic wireless communications device.
- (b) Subsection (a) of this section does not apply to either of the following:
  - (1) A person using an electronic wireless communications device for emergency purposes, including an emergency contact with a law enforcement agency, hospital or health care provider, fire department, or other similar emergency agency or entity;
  - (2) A person using an electronic wireless communications device whose motor vehicle is in a stationary position and the motor vehicle is outside a lane of travel;
  - (3) A person using a navigation device in a voice-operated or hands-free manner who does not manipulate the device while driving.
- (c) (1) Except as provided in subsection (c)(2) of this section, whoever violates subsection (a) of this section shall be fined one hundred fifty dollars (\$150.00). In addition, the court shall impose a class seven suspension of the offender's driver's license or permit for a definite period of sixty days.  
(2) If the person previously has been adjudicated a delinquent child or a juvenile traffic offender for a violation of this section, whoever violates this section shall be fined three hundred dollars (\$300.00). In addition, the court shall impose a class seven suspension of the person's driver's license or permit for a definite period of one year.
- (d) The filing of a sworn complaint against a person for a violation of Ohio R.C. 4511.205 does not preclude the filing of a sworn complaint for a violation of a substantially equivalent municipal ordinance for the same conduct. However, if a person is adjudicated a delinquent child or a juvenile traffic offender for a violation of Ohio R.C. 4511.205 and is also adjudicated a delinquent child or a juvenile traffic offender for a violation of a substantially equivalent municipal ordinance for the same conduct, the two offenses are allied offenses of similar import under Ohio R.C. 2941.25.

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

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

#### **335.04 CERTAIN ACTS PROHIBITED.**

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

- (1) Display, or cause or permit to be displayed, or possess any identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license temporary instruction permit knowing the same to be fictitious, or to have been canceled, suspended or altered;
- (2) Lend to a person not entitled thereto, or knowingly permit a person not entitled thereto to use any identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license temporary instruction permit issued to the person so lending or permitting the use thereof;
- (3) Display or represent as one's own, any identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license temporary instruction permit not issued to the person so displaying the same;
- (4) Fail to surrender to the Registrar of Motor Vehicles, upon the Registrar's demand, any identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license temporary instruction permit that has been suspended or canceled;
- (5) In any application for an identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license temporary instruction permit, or any renewal or duplicate thereof, knowingly conceal a material fact, or present any physician's statement required under Ohio R.C. 4507.08 or 4507.081 when knowing the same to be false or fictitious.

(b) Whoever violates this section is guilty of a misdemeanor of the first degree.  
(ORC 4507.30)

#### **335.05 WRONGFUL ENTRUSTMENT OF A MOTOR VEHICLE.**

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

- (1) The offender knows or has reasonable cause to believe that the other person does not have a valid driver's or commercial driver's license or permit or valid nonresident driving privileges.
- (2) The offender knows or has reasonable cause to believe that the other person's driver's or commercial driver's license or permit or nonresident operating privileges have been suspended or canceled under Ohio R.C. Chapter 4510, or any other provision of the Ohio Revised Code or this Traffic Code.
- (3) The offender knows or has reasonable cause to believe that the other person's act of driving the motor vehicle would violate any prohibition contained in Ohio R.C. Chapter 4509.

(4) The offender knows or has reasonable cause to believe that the other person's act of driving would violate Ohio R.C. 4511.19 or any substantially equivalent municipal ordinance.

(5) The offender knows or has reasonable cause to believe that the vehicle is the subject of an immobilization waiver order issued under Ohio R.C. 4503.235 and the other person is prohibited from operating the vehicle under that order.

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

(1) Regarding an operator allegedly in the category described in subsection (a)(1), (3) or (5) of this section, the offender and the operator of the motor vehicle reside in the same household and are related by consanguinity or affinity.

(2) Regarding an operator allegedly in the category described in subsection (a)(2) of this section, the offender and the operator of the motor vehicle reside in the same household, and the offender knows or has reasonable cause to believe that the operator has been charged with or convicted of any violation of law or ordinance, or has committed any other act or omission, that would or could result in the suspension or cancellation of the operator's license, permit or privilege.

(3) Regarding an operator allegedly in the category described in subsection (a)(4) of this section, the offender and the operator of the motor vehicle occupied the motor vehicle together at the time of the offense.

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

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

(2) A. If, within three years of a violation of subsection (a)(1), (2) or (3) of this section, the offender previously has pleaded guilty to or been convicted of two or more violations of division (A)(1), (2) or (3) of Ohio R.C. 4511.203 or a substantially equivalent municipal ordinance, the offender is guilty of a misdemeanor of the first degree.  
B. Whoever violates subsection (a)(4) or (5) of this section is guilty of a misdemeanor of the first degree.

## CHAPTER 373

### Bicycles and Motorcycles

373.01	Code application to bicycles.	373.11	Minimum age for operation on streets.
373.02	Riding upon seats; handle bars; helmets and glasses.	373.12	Parental responsibility.
373.03	Attaching bicycle or sled to vehicle.	373.13	Impounding.
373.04	Riding bicycles and motorcycles abreast.	373.14	Tampering with tires.
373.05	Signal device on bicycle.	373.15	Removing bicycles from premises of another.
373.06	Lights and reflector on bicycle; brakes.	373.16	Bicycle license required.
373.07	Riding bicycle on right side of roadway; obedience to traffic rules; passing.	373.17	Issuance of license; fee and term.
373.08	Reckless operation; control, course and speed.	373.18	Violations; records; suspension of license.
373.09	Parking of bicycle.	373.19	Appeal of suspension.
373.10	Riding on sidewalks.	373.20	Mutilation of serial numbers, decals or plates.
		373.21	Paths exclusively for bicycles.

#### CROSS REFERENCES

See sectional histories for similar State law

Motorcycle protective equipment - see OAC Ch. 4501-17

Motorized bicycle equipment - see OAC Ch. 4501-23

Bicycle defined - see TRAF. 301.04

Motorcycle defined - see TRAF. 301.19

Bicycles prohibited on freeways - see TRAF. 303.06

Motorcycle operator's license required - see TRAF. 335.01(a)

Motorcycle headlight - see TRAF. 337.03

Motorcycle brakes - see TRAF. 337.18(b)

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#### **373.01 CODE APPLICATION TO BICYCLES.**

(a) The provisions of this Traffic Code that are applicable to bicycles apply whenever a bicycle is operated upon any street or upon any path set aside for the exclusive use of bicycles.

(b) Except as provided in subsection (d) of this section, a bicycle operator who violates any section of this Traffic Code described in subsection (a) of this section that is applicable to 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 shall not have any points assessed against the person's driver's license, commercial driver's license, temporary instruction permit, or probationary license under Ohio R.C. 4510.036.

(c) Except as provided in subsection (d) of this section, in the case of a violation of any section of this Traffic Code described in subsection (a) of this section by a bicycle operator or by a motor vehicle operator when the trier of fact finds that the violation by the motor vehicle operator endangered the lives of bicycle riders at the time of the violation, the court, notwithstanding any provision of this Traffic Code to the contrary, may require the 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 the Traffic Code for that violation.

(d) Subsections (b) and (c) of this section do not apply to violations of Section 333.01 of this Traffic Code. (ORC 4511.52)

(e) The provisions of this Traffic Code shall apply to bicycles except those which by their nature are not applicable.

**373.02 RIDING UPON SEATS; HANDLE BARS; HELMETS AND GLASSES.**

(a) For purposes of this section "snowmobile" has the same meaning as given that term in Ohio R.C 4519.01.

(b) No person operating a bicycle shall ride other than upon or astride the permanent and regular seat attached thereto, or carry any other person upon such bicycle other than upon a firmly attached and regular seat thereon, and no person shall ride upon a bicycle other than upon such a firmly attached and regular seat.

(c) 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.

(d) 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.

(e) No person shall ride upon a motorcycle that is equipped with a seat other than while sitting upon the seat.

(f) No person operating a bicycle shall carry any package, bundle or article that prevents the driver from keeping at least one hand upon the handle bars.

(g) No 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.

(h) No person shall operate or be a passenger on a snowmobile or motorcycle without using safety glasses or other protective eye device. No person who is under the age of eighteen years, or who holds a motorcycle operator's endorsement or license bearing "novice" designation that is currently in effect as provided in Ohio 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 subsection or a violation thereof shall not be used in the trial of any civil action.

## CHAPTER 513

### Drug Abuse Control

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

#### CROSS REFERENCES

See sectional histories for similar State law  
 Federal prosecution bar to local prosecution - see Ohio R.C.  
 2925.50, 3719.19  
 Analysis report and notarized statement as evidence - see  
 Ohio R.C 2925.51  
 Criteria for granting probation - see Ohio R.C 3719.70(B)  
 Adulterating food with drug of abuse - see GEN. OFF. 537.13  
 Using weapons while under the influence - see GEN. OFF. 549.03.

#### **513.01 DEFINITIONS.**

As used in this chapter, certain terms are defined as follows:

- (a) "Administer" means the direct application of a drug, whether by injection, inhalation, ingestion or any other means to a person or an animal.
- (b) "Controlled substance" means a drug, compound, mixture, preparation or substance included in Schedule I, II, III, IV, or V.
- (c) "Dispense" means sell, leave with, give away, dispose of or deliver.
- (d) "Distribute" means to deal in, ship, transport or deliver but does not include administering or dispensing a drug.
- (e) "Hypodermic" means a hypodermic syringe or needle, or other instrument or device for the injection of medication.

- (f) "Manufacturer" means a person who manufactures a controlled substance as "manufacture" is defined in Ohio R.C. 3715.01.
- (g) Except as provided in subsection (g)(2) hereof:
  - (1) "Marihuana" means all parts of a plant of the genus cannabis, whether growing or not, the seeds of a plant of that type; the resin extracted from a part of a plant of that type; and every compound, manufacture, salt, derivative, mixture or preparation of a plant of that type or of its seeds or resin. "Marihuana" does not include the mature stalks of the plant, fiber produced from the stalks, oils or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted from the mature stalks, fiber, oil or cake, or the sterilized seed of the plant that is incapable of germination. (ORC 3719.01)
  - (2) "Marihuana" does not include hashish.  
(ORC 2925.01)
- (h) "Controlled substance analog" has the same meaning as provided in Ohio R.C. 3719.01.
- (i) "Official written order" means an order written on a form provided for that purpose by the Director of the United States Drug Enforcement Administration, under any laws of the United States making provision for the order, if the order forms are authorized and required by Federal law.
- (j) "Pharmacist" means a person licensed under Ohio R.C. Chapter 4729 to engage in the practice of pharmacy.
- (k) "Pharmacy" has the same meaning as in Ohio R.C. 4729.01.
- (l) "Poison" means any drug, chemical, or preparation likely to be deleterious or destructive to adult human life in quantities of four grams or less.
- (m) "Licensed health professional authorized to prescribe drugs", "prescriber" and "prescription" have the same meanings as in Ohio R.C. 4729.01.
- (n) "Sale" includes delivery, barter, exchange, transfer or gift, or offer thereof, and each transaction of those natures made by any person, whether as principal, proprietor, agent, servant or employee.
- (o) "Schedule I", "Schedule II", "Schedule III", "Schedule IV" and "Schedule V" mean controlled substance Schedules I, II, III, IV, and V respectively, established pursuant to Ohio R.C. 3719.41, as amended pursuant to Ohio R.C. 3719.43 or 3719.44.
- (p) "Wholesaler" means a person who, on official written orders other than prescriptions, supplies controlled substances that the person has not manufactured, produced or prepared personally and includes a "wholesale distributor of dangerous drugs" as defined in Ohio R.C. 4729.01.  
(ORC 3719.01)
- (q) "Drug of abuse" means any controlled substance as defined in subsection (b) hereof, any harmful intoxicant as defined in subsection (x) hereof and any dangerous drug as defined in subsection (r) hereof.  
(ORC 3719.011)

- (r) "Dangerous drug" means any of the following:
- (1) Any drug to which either of the following applies:
    - A. Under the "Federal Food, Drug, and Cosmetic Act", 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is required to bear a label containing the legend "Caution: Federal law prohibits dispensing without prescription" or "Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian" or any similar restrictive statement, or the drug may be dispensed only upon a prescription;
    - B. Under Ohio R.C. Chapter 3715 or 3719, the drug may be dispensed only upon a prescription.
  - (2) Any drug that contains a Schedule V narcotic drug and that is exempt from Ohio R.C. Chapter 3719 or to which that chapter does not apply;
  - (3) Any drug intended for administration by injection into the human body other than through a natural orifice of the human body. (ORC 4729.02)
- (s) "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 controlled substance analogs, marihuana, cocaine, L.S.D., heroin, and hashish and except as provided in subsection (s)(2) or (5) hereof, whichever of the following is applicable:
    - A. An amount equal to or exceeding ten grams or twenty-five unit doses of a compound, mixture, preparation or substance that is or contains any amount of a Schedule I opiate or opium derivative;
    - B. An amount equal to or exceeding ten grams of a compound, mixture, preparation or substance that is or contains any amount of raw or gum opium;
    - C. An amount equal to or exceeding thirty grams or ten unit doses of a compound, mixture, preparation or substance that is or contains any amount of a Schedule I hallucinogen other than tetrahydrocannabinol, or lysergic acid amide, or a Schedule I stimulant or depressant;
    - D. An amount equal to or exceeding twenty grams or five times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation or substance that is or contains any amount of a Schedule II opiate or opium derivative;
    - E. An amount equal to or exceeding five grams or ten unit doses of a compound, mixture, preparation or substance that is or contains any amount of phencyclidine;
    - F. An amount equal to or exceeding 120 grams or thirty times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation or substance that is or contains any amount of a Schedule II stimulant that is in a final dosage form manufactured by a person authorized by the Federal Food, Drug, and Cosmetic Act, 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, and the Federal Drug Abuse Control laws as defined in Ohio R.C. 3719.01, 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 and the Federal Drug Abuse Control laws;
- (2) An amount equal to or exceeding one hundred twenty grams or thirty times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a Schedule III or IV substance other than an anabolic steroid or a Schedule III opiate or opium derivative;
- (3) An amount equal to or exceeding twenty grams or five times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a Schedule III opiate or opium derivative;
- (4) An amount equal to or exceeding 250 milliliters or 250 grams of a compound, mixture, preparation or substance that is or contains any amount of a Schedule V substance.
- (5) An amount equal to or exceeding 200 solid dosage units, sixteen grams or sixteen milliliters of a compound, mixture, preparation or substance that is or contains any amount of a Schedule III anabolic steroid.
- (t) "Unit dose" means an amount or unit of 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.
- (u) "Cultivate" includes planting, watering, fertilizing or tilling.
- (v) "Drug abuse offense" means any of the following:
- (1) A violation of Ohio R.C. 2925.02, 2925.03, 2925.04 to 2925.06, 2925.11, 2925.12, 2925.13, 2925.22, 2925.23, 2925.31, 2925.32, 2925.36 or 2925.37; or a violation of Ohio R.C. 2913.02(A) that constitutes theft of drugs;
- (2) A violation of an existing or former law of this or any other state or of the United States, that is substantially equivalent to any section listed in subsection (v)(1) hereof;
- (3) An offense under an existing or former law of this 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 or attempt to commit, or complicity in committing or attempting to commit any offense under subsection (v)(1), (2) or (3) hereof.
- (w) "Felony drug abuse offense" means any drug abuse offense that would constitute a felony under the laws of this State, any other state or the United States.

- (x) "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.
- (y) "Manufacture" means 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.
- (z) "Possess" or "possession" means 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.
- (aa) "Sample drug" means 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.
- (bb) "Standard pharmaceutical reference manual" means the current edition, with cumulative changes if any, of references that are approved by the State Board of Pharmacy.
- (cc) "Juvenile" means a person under eighteen years of age.
- (dd) "School" means any school operated by a board of education, any community school established under Ohio R.C. Chapter 3314, or any nonpublic school for which the State Board of Education prescribes minimum standards under Ohio R.C. 3301.07, whether or not any instruction, extracurricular activities or training provided by the school is being conducted at the time a criminal offense is committed.
- (ee) "School premises" means 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, any community school established under Ohio R.C. Chapter 3314, or the governing body of a nonpublic school for which the State Board of Education prescribes minimum standards under Ohio R.C. 3301.07 and on which some of the instruction, extracurricular activities or training of the school is conducted, whether or not any instruction, extracurricular activities or training provided by the school is being conducted on the parcel of real property at the time a criminal offense is committed.
- (ff) "School building" means 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.
- (gg) "Counterfeit controlled substance" means:
- (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 that trademark, trade name or identifying mark; or
  - (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; or
  - (3) Any substance that is represented to be a controlled substance but is not a controlled substance or is a different controlled substance; or
  - (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 marking, labeling, packaging, distribution or the price for which it is sold or offered for sale.
- (hh) 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 one thousand 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 one thousand feet of the boundaries of any school premises.
- (ii) An offense is "committed in the vicinity of a juvenile" if the offender commits the offense within one hundred feet of a juvenile or within the view of a juvenile, regardless of whether the offender knows the age of the juvenile, whether the offender knows the offense is being committed within one hundred feet of or within view of the juvenile, or whether the juvenile actually views the commission of the offense.
- (jj) "Hashish" means the resin or a preparation of the resin contained in marihuana, whether in solid form or in a liquid concentrate, liquid extract, or liquid distillate form.
- (kk) "Public premises" means any hotel, restaurant, tavern, store, arena, hall, or other place of public accommodation, business, amusement, or resort.
- (ll) "Methamphetamine" means 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.
- (mm) "Lawful prescription" means a prescription that is issued for a legitimate medical purpose by a licensed health professional authorized to prescribe drugs, that is not altered or forged, and that was not obtained by means of deception or by the commission of any theft offense.
- (nn) "Deception" and "theft offense" have the same meanings as in Ohio R.C. 2913.01. (ORC 2925.01)

**513.02 GIFT OF MARIHUANA.**

- (a) No person shall knowingly give or offer to make a gift of twenty grams or less of marihuana.
- (b) Whoever violates this section is guilty of trafficking in marihuana. Trafficking in marihuana is a minor misdemeanor for the first offense and, for any subsequent offense, it is a misdemeanor of the third degree. If the offense was committed in the vicinity of a school or the vicinity of a juvenile, trafficking in marihuana is a misdemeanor of the third degree.
- (c) The court may suspend for not less than six months or more than five years the driver's or commercial driver's license or permit of any person who is convicted of or pleads guilty to any violation of this section. If an offender's driver's or commercial driver's license or permit is suspended pursuant to this subsection, the offender, at any time after the expiration of two years from the day on which the offender's sentence was imposed, may file a motion with the sentencing court requesting termination of the suspension; upon the filing of such a motion and the court's finding of good cause for the termination, the court may terminate the suspension.  
(ORC 2925.03)

**513.03 DRUG ABUSE; CONTROLLED SUBSTANCE POSSESSION OR USE.**

- (a) No person shall knowingly obtain, possess or use a controlled substance or a controlled substance analog.
- (b) This section does not apply to the following:
- (1) Manufacturers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies and other persons whose conduct was in accordance with Ohio R.C. Chapters 3719, 4715, 4729, 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", 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, and is sold, offered for sale, prescribed, dispensed or administered for that purpose in accordance with that Act;
  - (4) Any person who obtained the controlled substance pursuant to a lawful prescription issued by a licensed health professional authorized to prescribe drugs.
- (c) Whoever violates subsection (a) hereof is guilty of one of the following:
- (1) If the drug involved in the violation is a compound, mixture, preparation, or substance included in Schedule III, IV, or V, whoever violates subsection (a) hereof is guilty of possession of drugs. Possession of drugs is a misdemeanor if the amount of the drug involved does not exceed the bulk amount. The penalty for the offense shall be determined as follows: possession of drugs is a misdemeanor of the first degree or, if the offender previously has been convicted of a drug abuse offense, a felony and shall be prosecuted under appropriate State law.

- (2) If the drug involved in the violation is marihuana or a compound, mixture, preparation, or substance containing marihuana other than hashish, whoever violates subsection (a) hereof is guilty of possession of marihuana. Possession of marihuana is a misdemeanor if the amount of the drug involved does not exceed 200 grams. The penalty for the offense shall be determined as follows:
- A. Except as otherwise provided in subsection (c)(2)B. hereof, possession of marihuana is a minor misdemeanor.
  - B. If the amount of the drug involved equals or exceeds 100 grams but is less than 200 grams, possession of marihuana is a misdemeanor of the fourth degree.
- (3) If the drug involved in the violation is hashish or a compound, mixture, preparation, or substance containing hashish, whoever violates subsection (a) hereof is guilty of possession of hashish. Possession of hashish is a misdemeanor if the amount of the drug involved does not exceed the maximum amount specified in subsection (c)(3)B. hereof. The penalty for the offense shall be determined as follows:
- A. Except as otherwise provided in subsection (c)(3)B. hereof, possession of hashish is a minor misdemeanor.
  - B. If the amount of the drug involved equals or exceeds five grams but is less than ten grams of hashish in a solid form or equals or exceeds one gram but is less than two grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, possession of hashish is a misdemeanor of the fourth degree.

(d) In addition to any other sanction that is imposed for an offense under this section, the court that sentences an offender who is convicted of or pleads guilty to a violation of this section may suspend for not less than six months or more than five years the offender's driver's or commercial driver's license or permit.

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

#### **513.04 POSSESSING DRUG ABUSE INSTRUMENTS.**

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

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

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

### **517.03 OPERATING A GAMBLING HOUSE.**

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

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

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

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

### **517.04 PUBLIC GAMING.**

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

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

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

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

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

### **517.05 CHEATING.**

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

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

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

#### **517.06 METHODS OF CONDUCTING A BINGO GAME; PROHIBITIONS.**

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

- (1) Own all of the equipment used to conduct bingo or lease that equipment from a charitable organization that is licensed to conduct bingo, or from the landlord of a premises where bingo is conducted, for a rental rate that is not more than is customary and reasonable for that equipment;
- (2) Use, or give, donate, or otherwise transfer, all of the net profit derived from bingo, other than instant bingo, for a charitable purpose listed in its license application and described in Section 517.01(z), or distribute all of the net profit from the proceeds of the sale of instant bingo as stated in its license application and in accordance with Ohio R.C. 2915.101.

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

- (1) Conduct the bingo game on premises that are owned by the charitable organization, on premises that are owned by another charitable organization and leased from that charitable organization for a rental rate not in excess of the lesser of six hundred dollars (\$600.00) per bingo session or forty-five per cent of the gross receipts of the bingo session, on premises that are leased from a person other than a charitable organization for a rental rate that is not more than is customary and reasonable for premises that are similar in location, size, and quality but not in excess of four hundred fifty dollars (\$450.00) per bingo session, or on premises that are owned by a person other than a charitable organization, that are leased from that person by another charitable organization, and that are subleased from that other charitable organization by the charitable organization for a rental rate not in excess of four hundred fifty dollars (\$450.00) per bingo session. No charitable organization is required to pay property taxes or assessments on premises that the charitable organization leases from another person to conduct bingo sessions. If the charitable organization leases from a person other than a charitable organization the premises on which it conducts bingo sessions, the lessor of the premises shall provide the premises to the organization and shall not provide the organization with bingo game operators, security personnel, concessions or concession operators, bingo supplies, or any other type of service. A charitable organization shall not lease or sublease premises that it owns or leases to more than three 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 the definition of bingo set forth in Section 517.01(o)(1).

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

- (1) Pay any compensation to a bingo game operator for operating a bingo session that is conducted by the charitable organization or for preparing, selling, or serving food or beverages at the site of the bingo session, permit any auxiliary unit or society of the charitable organization to pay compensation to any bingo game operator who prepares, sells, or serves food or beverages at a bingo session conducted by the charitable organization, or permit any auxiliary unit or society of the charitable organization to prepare, sell, or serve food or beverages at a bingo session conducted by the charitable organization, if the auxiliary unit or society pays any compensation to the bingo game operators who prepare, sell, or serve the food or beverages;
- (2) Pay consulting fees to any person for any services performed in relation to the bingo session;
- (3) Pay concession fees to any person who provides refreshments to the participants in the bingo session;
- (4) Except as otherwise provided in subsection (c)(4) of this section, conduct more than three bingo sessions in any seven-day period. A volunteer firefighter's organization or a volunteer rescue service organization that conducts not more than five bingo sessions in a calendar year may conduct more than three bingo sessions in a seven-day period after notifying the Attorney General when it will conduct the sessions;
- (5) Pay out more than six thousand dollars (\$6,000) in prizes for bingo games described in Section 517.01(o)(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 two a.m. and ten a.m., at any time during, or within ten hours of, a bingo game conducted for amusement only pursuant to Ohio R.C. 2915.12, at any premises not specified on its license, or on any day of the week or during any time period not specified on its license. Subsection (c)(6) of this section does not prohibit the sale of instant bingo tickets beginning at nine a.m. for a bingo session that begins at ten a.m. If circumstances make it impractical for the charitable organization to conduct a bingo session at the premises, or on the day of the week or at the time, specified on its license or if a charitable organization wants to conduct bingo sessions on a day of the week or at a time other than the day or time specified on its license, the charitable organization may apply in writing to the Attorney General for an amended license, pursuant to division (F) of Ohio R.C. 2915.08. A charitable organization may apply twice in each calendar year for an amended license to conduct bingo sessions on a day of the week or at a time other than the day or time specified on its license. If the amended license is granted, the organization may conduct bingo sessions at the premises, on the day of the week, and at the time specified on its amended license;
- (7) Permit any person whom the charitable organization knows, or should have known, is under the age of eighteen to work as a bingo game operator;
- (8) Permit any person whom the charitable organization knows, or should have known, has been convicted of a felony or gambling offense in any jurisdiction to be a bingo game operator;

- (9) Permit the lessor of the premises on which the bingo session is conducted, if the lessor is not a charitable organization, to provide the charitable organization with bingo game operators, security personnel, concessions, bingo supplies, or any other type of service;
- (10) Purchase or lease bingo supplies from any person except a distributor issued a license under Ohio R.C. 2915.081;
- (11)
  - A. Use or permit the use of electronic bingo aids except under the following circumstances:
    - 1. For any single participant, not more than ninety bingo faces can be played using an electronic bingo aid or aids.
    - 2. The charitable organization shall provide a participant using an electronic bingo aid with corresponding paper bingo cards or sheets.
    - 3. The total price of bingo faces played with an electronic bingo aid shall be equal to the total price of the same number of bingo faces played with a paper bingo card or sheet sold at the same bingo session but without an electronic bingo aid.
    - 4. An electronic bingo aid cannot be part of an electronic network other than a network that includes only bingo aids and devices that are located on the premises at which the bingo is being conducted or be interactive with any device not located on the premises at which the bingo is being conducted.
    - 5. An electronic bingo aid cannot be used to participate in bingo that is conducted at a location other than the location at which the bingo session is conducted and at which the electronic bingo aid is used.
    - 6. An electronic bingo aid cannot be used to provide for the input of numbers and letters announced by a bingo caller other than the bingo caller who physically calls the numbers and letters at the location at which the bingo session is conducted and at which the electronic bingo aid is used.
  - B. The Attorney General may adopt rules in accordance with Ohio R.C. Chapter 119 that govern the use of electronic bingo aids. The rules may include a requirement that an electronic bingo aid be capable of being audited by the Attorney General to verify the number of bingo cards or sheets played during each bingo session.
- (12) Permit any person the charitable organization knows, or should have known, to be under eighteen years of age to play bingo described in Section 517.01(o)(1).
- (d)
  - (1) Except as otherwise provided in subsection (d)(3) hereof, no charitable organization shall provide to a bingo game operator, and no bingo game operator shall receive or accept, any commission, wage, salary, reward, tip, donation, gratuity, or other form of compensation, directly or indirectly, regardless of the source, for conducting bingo or providing other work or labor at the site of bingo during a bingo session.
  - (2) Except as otherwise provided in subsection (d)(3) hereof, no charitable organization shall provide to a bingo game operator any commission, wage, salary, reward, tip, donation, gratuity, or other form of compensation, directly or indirectly, regardless of the source, for conducting instant bingo other than at a bingo session at the site of instant bingo other than at a bingo session.

- (i) "Provider agreement" and "medical assistance program" have the same meanings as in Ohio R.C. 2913.40. (ORC 2921.01)

### 525.02 FALSIFICATION.

(a) No person shall knowingly make a false statement, or knowingly swear or affirm the truth of a false statement previously made, when any of the following applies:

- (1) The statement is made in any official proceeding.
- (2) The statement is made with purpose to incriminate another.
- (3) The statement is made with purpose to mislead a public official in performing the public official's official function.
- (4) The statement is made with purpose to secure the payment of unemployment compensation; 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 Ohio R.C. 9.66; or other benefits administered by a governmental agency or paid out of a public treasury.
- (5) The statement is made with purpose to secure the issuance by a governmental agency of a license, permit, authorization, certificate, registration, release or provider agreement.
- (6) The statement is sworn or affirmed before a notary public or another person empowered to administer oaths.
- (7) The statement is in writing on or in connection with a report or return that is required or authorized by law.
- (8) The statement is in writing, and is made with purpose to induce another to extend credit to or employ the offender, or to confer any degree, diploma, certificate of attainment, award of excellence or honor on the offender, or to extend to or bestow upon the offender any other valuable benefit or distinction, when the person to whom the statement is directed relies upon it to that person's detriment.
- (9) The statement is made with purpose to commit or facilitate the commission of a theft offense.
- (10) The statement is knowingly made to a probate court in connection with any action, proceeding or other matter within its jurisdiction, either orally or in a written document, including, but not limited to, an application, petition, complaint or other pleading, or an inventory, account or report.
- (11) The statement is made on an account, form, record, stamp, label or other writing that is required by law.
- (12) The statement is made in a document or instrument of writing that purports to be a judgment, lien, or claim of indebtedness and is filed or recorded with the Secretary of State, a county recorder, or the clerk of a court of record.
- (13) The statement is required under Ohio R.C. 5743.71 in connection with the person's purchase of cigarettes or tobacco products in a delivery sale.

(b) It is no defense to a charge under subsection (a)(6) hereof that the oath or affirmation was administered or taken in an irregular manner.

(c) If contradictory statements relating to the same fact are made by the offender within the period of the statute of limitations for falsification, it is not necessary for the prosecution to prove which statement was false, but only that one or the other was false.

- (d) (1) Whoever violates any provision of subsection (a)(1) to (8) or (10) to (13) hereof is guilty of falsification, a misdemeanor of the first degree.

(2) Whoever violates subsection (a)(9) hereof is guilty of falsification in a theft offense, a misdemeanor of the first degree. If the value of the property or services stolen is one thousand dollars (\$1,000) or more, falsification in a theft offense is a felony and shall be prosecuted under appropriate State law.

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

### **525.03 IMPERSONATION OF PEACE OFFICER.**

(a) As used in this section:

(1) "Peace officer" means a sheriff, deputy sheriff, marshal, deputy marshal, member of the organized police department of a municipal corporation or township constable who is employed by a political subdivision of this State; a member of a police force employed by a metropolitan housing authority under Ohio R.C. 3735.31(D); a member of a police force employed by a regional transit authority under Ohio R.C. 306.35(Y), a State university law enforcement officer appointed under Ohio R.C. 3345.04; a veterans' home police officer appointed under Ohio R.C. 5907.02; a special police officer employed by a port authority under Ohio R.C. 4582.04 or 4582.28; 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.

(2) "Private police officer" means any security guard, special police officer, private detective or other person who is privately employed in a police capacity.

(3) "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.

(4) "Investigator of the Bureau of Criminal Identification and Investigation" has the same meaning as in Ohio R.C. 2903.11.

(5) "Impersonate" means to act the part of, assume the identity of, wear the uniform or any part of the uniform or display the identification of a particular person or of a member of a class of persons with purpose to make another person believe that the actor is that particular person or is a member of that class of persons.

(b) No person shall impersonate a peace officer, private police officer, federal law enforcement officer or investigator of the Bureau of Criminal Identification and Investigation.

(c) No person, by impersonating a peace officer, private police officer, federal law enforcement officer, or investigator of the Bureau of Criminal Identification and Investigation, shall arrest or detain any person, search any person or search the property of any person.

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

(e) As used in this section:

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

(f) For the purposes of this section, when a penalty or suspension is enhanced because of a prior or current violation of a specified law or a prior or current specified offense, the reference to the violation of the specified law or the specified offense includes any violation of any substantially equivalent municipal ordinance, former law of this State, or current or former law of another state or the United States. (ORC 2903.08)

### **537.03 ASSAULT.**

(a) No person shall knowingly cause or attempt to cause physical harm to another or to another's unborn.

(b) No person shall recklessly cause serious physical harm to another or to another's unborn.

- (c)
- (1) Whoever violates this section is guilty of assault, a misdemeanor of the first degree, and the court shall sentence the offender as provided in subsection (c) hereof. If the assault was committed under the circumstances provided in subsection (c)(2), (3), (4), (5), (6), (7) or (8) hereof, assault is a felony and shall be prosecuted under appropriate State law.
  - (2) Except as otherwise provided in this subsection, if the offense is committed by a caretaker against a functionally impaired person under the caretaker's care.
  - (3) If the offense is committed in any of the following circumstances:
    - A. The offense occurs in or on the grounds of a State correctional institution or an institution of the Department of Youth Services, the victim of the offense is an employee of the Department of

Rehabilitation and Correction, the Department of Youth Services, or a probation department or is on the premises of the particular institution for business purposes or as a visitor, and the offense is committed by a person incarcerated in the State correctional institution, a person institutionalized in the Department of Youth Services institution pursuant to a commitment to the Department of Youth Services, by a parolee, by an offender under transitional control, under a community control sanction, or on an escorted visit, by a person under post-release control, or by an offender under any other type of supervision by a government agency.

- B. The offense occurs in or on the grounds of a local correctional facility, the victim of the offense is an employee of the local correctional facility or a probation department or is on the premises of the facility for business purposes or as a visitor, and the offense is committed by a person who is under custody in the facility subsequent to the person's arrest for any crime or delinquent act, subsequent to the person's being charged with or convicted of any crime, or subsequent to the person's being alleged to be or adjudicated a delinquent child.
- C. The offense occurs off the grounds of a State correctional institution and off the grounds of an institution of the Department of Youth Services, the victim of the offense is an employee of the Department of Rehabilitation and Correction, the Department of Youth Services, or a probation department, the offense occurs during the employee's official work hours and while the employee is engaged in official work responsibilities, and the offense is committed by a person incarcerated in a State correctional institution or institutionalized in the Department of Youth Services who temporarily is outside of the institution for any purpose, by a parolee, by an offender under transitional control, under a community control sanction, or on an escorted visit, by a person under post-release control, or by an offender under any other type of supervision by a government agency.
- D. The offense occurs off the grounds of a local correctional facility, the victim of the offense is an employee of the local correctional facility or a probation department, the offense occurs during the employee's official work hours and while the employee is engaged in official work responsibilities, and the offense is committed by a person who is under custody in the facility subsequent to the person's arrest for any crime or delinquent act, subsequent to the person being charged with or convicted of any crime, or subsequent to the person being alleged to be or adjudicated a delinquent child and who temporarily is outside of the facility for any purpose or by a parolee, by an offender under transitional control, under a community control sanction, or on an escorted visit, by a person under post-release control, or by an offender under any other type of supervision by a government agency.
- E. The victim of the offense is a school teacher or administrator or a school bus operator, and the offense occurs in a school, on school premises, in a school building, on a school bus or while the victim is outside of school premises or a school bus and is engaged in duties or official responsibilities associated with the victim's

- employment or position as a school teacher or administrator or a school bus operator, including, but not limited to, driving, accompanying, or chaperoning students at or on class or field trips, athletic events, or other school extracurricular activities or functions outside of school premises.
- (4) If the victim of the offense is a peace officer or an investigator of the Bureau of Criminal Identification and Investigation, a firefighter, or a person performing emergency medical service, while in the performance of their official duties.
- (5) If the victim of the offense is a peace officer or an investigator of the Bureau of Criminal Identification and Investigation and if the victim suffered serious physical harm as a result of the commission of the offense.
- (6) 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.
- (7) If the victim of the offense is a health care professional of a hospital, a health care worker of a hospital, or a security officer of a hospital whom the offender knows or has reasonable cause to know is a health care professional of a hospital; a health care worker of a hospital, or a security officer of a hospital, if the victim is engaged in the performance of the victim's duties, and if the hospital offers de-escalation or crisis intervention training for such professionals, workers or officers, assault is one of the following:
- A. Except as otherwise provided in subsection (c)(7)B. of this section, assault committed in the specified circumstances is a misdemeanor of the first degree. Notwithstanding the fine specified in division (A)(2)(b) of Ohio R.C. 2929.28 for a misdemeanor of the first degree, in sentencing the offender under this subsection and if the court decides to impose a fine, the court may impose upon the offender a fine of not more than five thousand dollars (\$5,000).
- B. If the offender previously has been convicted of or pleaded guilty to one or more assault or homicide offenses committed against hospital personnel, assault committed in the specified circumstances is a felony.
- (8) If the victim of the offense is a judge, magistrate, prosecutor or court official or employee whom the offender knows or has reasonable cause to know is a judge, magistrate, prosecutor or court official or employee, and if the victim is engaged in the performance of the victim's duties, assault is one of the following:
- A. Except as otherwise provided in subsection (c)(8)B. of this section, assault committed in the specified circumstances is a misdemeanor of the first degree. In sentencing the offender under this subsection, if the court decides to impose a fine, notwithstanding the fine specified in division (A)(2)(b) of Ohio R.C. 2929.28 for a misdemeanor of the first degree, the court may impose upon the offender a fine of not more than five thousand dollars (\$5,000).
- B. If the offender previously has been convicted of or pleaded guilty to one or more assault or homicide offenses committed against justice system personnel, assault committed in the specified circumstances is a felony.

- (9) 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 Ohio R.C. 2941.1423 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 division (G) of Ohio R.C. 2929.24.
- (d) As used in this section:
- (1) "Peace officer" has the same meaning as in Ohio R.C. 2935.01.
  - (2) "Firefighter" has the same meaning as in Ohio R.C. 3937.41.
  - (3) "Emergency medical service" has the same meaning as in Ohio R.C. 4765.01.
  - (4) "Local correctional facility" means a county, multicounty, municipal, municipal-county or multicounty-municipal jail or workhouse. A minimum security jail established under Ohio R.C. 341.23 or 753.21, or another county, multicounty, municipal, municipal-county, or multicounty-municipal facility used for the custody of persons arrested for any crime or delinquent act, persons charged with or convicted of any crime, or persons alleged to be or adjudicated a delinquent child.
  - (5) "Employee of a local correctional facility" means a person who is an employee of the political subdivision or of one or more of the affiliated political subdivisions that operates the local correctional facility and who operates or assists in the operation of the facility.
  - (6) "School teacher or administrator" means either of the following:
    - A. A person who is employed in the public schools of the State under a contract described in Ohio R.C. 3311.77 or 3319.08 in a position in which the person is required to have a certificate issued pursuant to Ohio R.C. 3319.22 to 3319.311.
    - B. A person who is employed by a nonpublic school for which the State Board of Education prescribes minimum standards under Ohio R.C. 3301.07 and who is certified in accordance with Ohio R.C. 3301.071.
  - (7) "Community control sanction" has the same meaning as in Ohio R.C. 2929.01.
  - (8) "Escorted visit" means an escorted visit granted under Ohio R.C. 2967.27.
  - (9) "Post-release control" and "transitional control" have the same meanings as in Ohio R.C. 2967.01.
  - (10) "Investigator of the Bureau of Criminal Identification and Investigation" has the same meaning as in Ohio R.C. 2903.11.
  - (11) "Health care professional" and "health care worker" have the same meanings as in Ohio R.C. 2305.234.
  - (12) "Assault or homicide offense committed against hospital personnel" means a violation of this section or Ohio R.C. 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13 or 2903.14 committed in circumstances in which all of the following apply:
    - A. The victim of the offense was a health care professional of a hospital, a health care worker of a hospital or a security officer of a hospital.
    - B. The offender knew or had reasonable cause to know that the victim was a health care professional of a hospital, a health care worker of a hospital, or a security officer of a hospital;

- C. The victim was engaged in the performance of the victim's duties.
  - D. The hospital offered de-escalation or crisis intervention training for such professionals, workers or officers.
- (13) "De-escalation or crisis intervention training" means de-escalation or crisis intervention training for health care professionals of a hospital, health care workers of a hospital, and security officers of a hospital to facilitate interaction with patients, members of a patient's family, and visitors, including those with mental impairments.
- (14) "Assault or homicide offense committed against justice system personnel" means a violation of this section or of Ohio R.C. 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13 or 2903.14 committed in circumstances in which the victim of the offense was a judge, magistrate, prosecutor, or court official or employee whom the offender knew or had reasonable cause to know was a judge, magistrate, prosecutor, or court official or employee, and the victim was engaged in the performance of the victim's duties.
- (15) "Court official or employee" means any official or employee of a court created under the constitution or statutes of this State or of a United States court located in this State.
- (16) "Judge" means a judge of a court created under the constitution or statutes of this State or of a United States court located in this State.
- (17) "Magistrate" means an individual who is appointed by a court of record of this State and who has the powers and may perform the functions specified in Civil Rule 53, Criminal Rule 19, or Juvenile Rule 40, or an individual who is appointed by a United States court located in this State who has similar powers and functions.
- (18) "Prosecutor" has the same meaning as in Ohio R.C. 2935.01.
- (19) A. "Hospital" means, subject to subsection (d)(19)B. of this section, an institution classified as a hospital under Ohio R.C. 3701.01 in which are provided to patients diagnostic, medical, surgical, obstetrical, psychiatric, or rehabilitation care or a hospital operated by a health maintenance organization.  
B. "Hospital" does not include any of the following:
  1. A facility licensed under Ohio R.C. Chapter 3721, a health care facility operated by the Department of Mental Health or the Department of Developmental Disabilities, a health maintenance organization that does not operate a hospital, or the office of any private, licensed health care professional, whether organized for individual or group practice;
  2. An institution for the sick that is operated exclusively for patients who use spiritual means for healing and for whom the acceptance of medical care is inconsistent with their religious beliefs, accredited by a national accrediting organization, exempt from federal income taxation under Section 501 of the "Internal Revenue Code of 1986", 100 Stat. 2085, 26 U.S.C. 1, as amended, and providing twenty-four-hour nursing care pursuant to the exemption in division (E) of Ohio R.C. 4723.32 from the licensing requirements of Ohio R.C. Chapter 4723.
- (20) "Health maintenance organization" has the same meaning as in Ohio R.C. 3727.01. (ORC 2903.13)

**537.04 NEGLIGENT ASSAULT.**

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

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

**537.05 AGGRAVATED MENACING.**

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

(b) Whoever violates this section is guilty of aggravated menacing. Except as otherwise provided in this subsection (b), 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, 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, aggravated menacing is a felony and shall be prosecuted under appropriate State law. (ORC 2903.21)

**537.051 MENACING BY STALKING.**

- (a) (1) 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 cause mental distress to the other person.
- (2) No person, through the use of any electronic method of remotely transferring information, including, but not limited to, any computer, computer network, computer program, or computer system, shall post a message with purpose to urge or incite another to commit a violation of subsection (a)(1) of this section.
- (3) No person, with sexual motivation, shall violate subsection (a)(1) or (2) of this section.
- (b) Whoever violates this section is guilty of menacing by stalking.
- (1) Except as otherwise provided in subsections (b)(2) and (3) of this section, menacing by stalking is a misdemeanor of the first degree.
- (2) Menacing by stalking is a felony and shall be prosecuted under appropriate State law if any of the following applies:
- A. The offender previously has been convicted of or pleaded guilty to a violation of this section or a violation of Section 541.051.
  - B. In committing the offense under subsection (a)(1), (2), or (3) 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 subsection (a)(2) or (3) of this section, a third person induced by the offender's posted message made a threat of physical harm to or against the victim.

## CHAPTER 545

### Theft and Fraud

<b>545.01</b>	<b>Definitions.</b>	<b>545.11</b>	<b>Making or using slugs.</b>
<b>545.02</b>	<b>Determining property value in theft offense.</b>	<b>545.12</b>	<b>Tampering with coin machines.</b>
<b>545.03</b>	<b>Property exceptions as felony offense.</b>	<b>545.13</b>	<b>Criminal simulation.</b>
<b>545.04</b>	<b>Detention of shoplifters; rights of museums and libraries.</b>	<b>545.14</b>	<b>Tampering with records.</b>
<b>545.05</b>	<b>Petty theft.</b>	<b>545.15</b>	<b>Securing writings by deception.</b>
<b>545.06</b>	<b>Unauthorized use of a vehicle; vehicle trespass.</b>	<b>545.16</b>	<b>Personating an officer.</b>
<b>545.07</b>	<b>Insurance fraud.</b>	<b>545.17</b>	<b>Defrauding creditors.</b>
<b>545.08</b>	<b>Unauthorized use of property.</b>	<b>545.18</b>	<b>Receiving stolen property.</b>
<b>545.09</b>	<b>Passing bad checks.</b>	<b>545.19</b>	<b>Possession of criminal tools.</b>
<b>545.10</b>	<b>Misuse of credit cards.</b>	<b>545.20</b>	<b>Forgery of identification cards.</b>
		<b>545.21</b>	<b>Identity fraud.</b>
		<b>545.99</b>	<b>Penalty.</b>

#### CROSS REFERENCES

See sectional histories for similar State law  
 Property defined - see GEN. OFF. 501.01(j)  
 Cheating - see GEN. OFF. 517.05  
 Falsification - see GEN. OFF. 525.02  
 Impersonating a public servant - see GEN. OFF. 525.03

#### **545.01 DEFINITIONS.**

As used in this chapter, unless the context requires that a term be given a different meaning:

- (a) "Deception" means knowingly deceiving another or causing 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.

- (b) "Defraud" means to knowingly obtain, by deception, some benefit for oneself or another, or to knowingly cause, by deception, some detriment to another.
- (c) "Deprive" means to do any of the following:
  - (1) Withhold property of another permanently, or for such 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) Dispose of property so as to make it unlikely that the owner will recover it;
  - (3) 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.
- (d) "Owner" means, 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.
- (e) "Services" include labor, personal services, professional services, rental services, public utility services, including wireless service as defined in Ohio R.C. 5507.01(F)(1), common carrier services, and food, drink, transportation, entertainment and cable television services.
- (f) "Writing" means any computer software, document, letter, memorandum, note, paper, plate, data, film or other thing having in or upon it any written, typewritten or printed matter, and any token, stamp, seal, credit card, badge, trademark, label or other symbol of value, right, privilege, license or identification.
- (g) "Forge" means 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.
- (h) "Utter" means to issue, publish, transfer, use, put or send into circulation, deliver or display.
- (i) "Coin machine" means any mechanical or electronic device designed to do both of the following:
  - (1) Receive a coin, 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.
- (j) "Slug" means 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.
- (k) "Theft offense" means any of the following:
  - (1) A violation of Ohio 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 to 2913.45, 2913.47, 2913.48, 2913.51, 2915.05, 2915.06, 2921.41 or 4737.04(B)(2).

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

- (2) A reference in any provision of the Ohio Revised Code to a concealed handgun license issued under Ohio R.C. 2923.125 or a license to carry a concealed handgun issued under Ohio R.C. 2923.125 means only a license of the type that is specified in that section. A reference in any provision of the Ohio Revised Code to a concealed handgun license issued under Ohio R.C. 2923.1213, a license to carry a concealed handgun issued under Ohio R.C. 2923.1213, or a license to carry a concealed handgun on a temporary emergency basis means only a license of the type that is specified in Ohio R.C. 2923.1213. A reference in any provision of the Ohio Revised Code to a concealed handgun license issued by another state or a license to carry a concealed handgun issued by another state means only a license issued by another state with which the Attorney General has entered into a reciprocity agreement under Ohio R.C. 109.69.
- (o) "Valid concealed handgun license" or "valid license to carry a concealed handgun" means a concealed handgun license that is currently valid, that is not under a suspension under division (A)(1) of Ohio R.C. 2923.128, under Ohio R.C. 2923.1213, or under a suspension provision of the state other than this State in which the license was issued, and that has not been revoked under division (B)(1) of Ohio R.C. 2923.128, under Ohio R.C. 2923.1213 or under a revocation provision of the state other than this State in which the license was issued.  
(ORC 2923.11)

#### **549.02 CARRYING CONCEALED WEAPONS.**

- (a) No person shall knowingly carry or have, concealed on the person's person or concealed ready at hand, any of the following:
- (1) A deadly weapon other than a handgun;
  - (2) A handgun other than a dangerous ordnance;
  - (3) A dangerous ordnance.
- (b) No person who has been issued a concealed handgun license, shall do any of the following:
- (1) If the person is stopped for a law enforcement purpose, and is carrying a concealed handgun, 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 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 or this or any other state or the United States, or to a law enforcement officer, who is authorized to carry concealed weapons or dangerous ordnance, or is authorized to carry handguns and is acting within the scope of the officer's, agent's or employee's duties;
  - B. Any person who is employed in this State, who is authorized to carry concealed weapons or dangerous ordnance or is authorized to carry handguns, and who is subject to and in compliance with the requirements of Ohio R.C. 109.801 unless the appointing authority of the person has expressly specified that the exemption provided in subsection (c)(1)B. hereof does not apply to the person.
  - C. A person's transportation or storage of a firearm, other than a firearm described in divisions (G) to (M) of Ohio R.C. 2923.11 in a motor vehicle for any lawful purpose if the firearm is not on the actor's person;
  - D. A person's storage or possession of a firearm, other than a firearm described in divisions (G) to (M) of Ohio R.C. 2923.11 in the actor's own home for any lawful purpose.
- (2) Subsection (a)(2) of this section does not apply to any person who, at the time of the alleged carrying or possession of a handgun, is carrying a valid concealed handgun license, unless the person knowingly is in a place described in division (B) of Ohio R.C. 2923.126.

(d) It is an affirmative defense to a charge under subsection (a)(1) of this section of carrying or having control of a weapon other than a handgun and other than a dangerous ordnance, that the actor was not otherwise prohibited by law from having the weapon, and that any of the following applies:

- (1) The weapon was carried or kept ready at hand by the actor for defensive purposes, while the actor was engaged in or was going to or from the actor's lawful business or occupation, which business or occupation was of a character or was necessarily carried on in a manner or at a time or place as to render the actor particularly susceptible to criminal attack, such as would justify a prudent person in going armed.
- (2) The weapon was carried or kept ready at hand by the actor for defensive purposes, while the actor was engaged in a lawful activity and had reasonable cause to fear a criminal attack upon the actor, a member of the actor's family, or the actor's home, such as would justify a prudent person in going armed.
- (3) The weapon was carried or kept ready at hand by the actor for any lawful purpose and while in the actor's own home.

(e) 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 subsection or subsection (f)(2) of this section, carrying concealed weapons in violation of subsection (a) of this section is a misdemeanor of the first degree. Except as otherwise provided in this subsection or subsection (f)(2) of this section, if the offender previously has been convicted of a violation of this section or of any offense

of violence, if the weapon involved is a firearm that is either loaded or for which the offender has ammunition ready at hand, or if the weapon involved is dangerous ordnance, carrying concealed weapons in violation of subsection (a) of this section is a felony and shall be prosecuted under appropriate State law. Except as otherwise provided in subsection (f)(2) of this section, if the weapon involved is a firearm and the violation of this section is committed at premises for which a D permit has been issued under Chapter 4303, of the Revised Code or if the offense is committed aboard an aircraft, or with purpose to carry a concealed weapon aboard an aircraft, regardless of the weapon involved, carrying concealed weapons in violation of subsection (a) of this section is a felony and shall be prosecuted under appropriate State law.

- (2) If a person being arrested for a violation of subsection (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 division (B) of Ohio R.C. 2923.126, the officer shall not arrest the person for a violation of that subsection. 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 subsection, 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 ten days after the arrest, the offender presents a concealed handgun license, which license was valid at the time of the arrest to the law enforcement agency that employs the arresting officer.
  2. At the time of the arrest, the offender was not knowingly in a place described in division (B) of Ohio R.C. 2923.126.
- B. The offender shall be guilty of a misdemeanor and shall be fined five hundred dollars (\$500.00) if all of the following apply:
1. The offender previously had been issued a concealed handgun license and that license expired within the two years immediately preceding the arrest.
  2. Within forty-five days after the arrest, the offender presents any type of concealed handgun license to the law enforcement agency that employed the arresting officer, and the offender waives in writing the offender's right to a speedy trial on the charge of the violation that is provided in Ohio R.C. 2945.71.
  3. At the time of the commission of the offense, the offender was not knowingly in a place described in division (B) of Ohio R.C. 2923.126.
- C. If neither subsection (f)(2)A. nor B. of this section applies, the offender shall be punished under subsection (f)(1) of this section.
- (3) Except as otherwise provided in this subsection, carrying concealed weapons in violation of subsection (b)(1) hereof is a misdemeanor of the first degree, and, in addition to any other penalty or sanction imposed for a violation of subsection (b)(1) hereof, the offender's concealed handgun license shall be suspended pursuant to Ohio 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 division (A)(2) of Ohio R.C. 2923.128.

(4) Except as otherwise provided herein, carrying concealed weapons in violation of subsection (b)(2) or (b)(3) hereof is a misdemeanor of the first degree. If the offender has previously been convicted or pleaded guilty to a violation of Ohio R.C. 2923.12(B)(2) or (B)(4) or a substantially equivalent municipal ordinance, carrying concealed weapons is a felony and shall be prosecuted under appropriate state law. In addition to any other penalty or sanction imposed for a violation of subsection (b)(2) or (b)(3) hereof, the offender's concealed handgun license shall be suspended pursuant to Ohio R.C. 2923.128(A)(2).

(g) If a law enforcement officer stops a person to question the person regarding a possible violation of this section, for a traffic stop, or for any other law enforcement purpose, if the person surrenders a firearm to the officer, either voluntarily or pursuant to a request or demand of the officer, and if the officer does not charge the person with a violation of this section or arrest the person for any offense, the person is not otherwise prohibited by law from possessing the firearm, and the firearm is not contraband, the officer shall return the firearm to the person at the termination of the stop. If a court orders a law enforcement officer to return a firearm to a person pursuant to the requirement set forth in this subsection, division (B) of Ohio R.C. 2923.163 applies. (ORC 2923.12)

#### **549.03 USING WEAPONS WHILE INTOXICATED.**

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

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

#### **549.04 IMPROPERLY HANDLING FIREARMS IN A MOTOR VEHICLE.**

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

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

(b) No person who has been issued a concealed handgun license, who is the driver or an occupant of a motor vehicle that is stopped as a result of a traffic stop or a stop for another law enforcement purpose or is the driver or an occupant of a commercial motor vehicle that is stopped by an employee of the motor carrier enforcement unit for the purposes defined in Ohio R.C. 5503.34, and who is transporting or has a loaded handgun in the motor vehicle or commercial motor vehicle in any manner, shall do any of the following:

- (1) Fail to promptly inform any law enforcement officer who approaches the vehicle while stopped that the person has been issued a concealed handgun license 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 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 disregard or fail to comply with any lawful order of any law enforcement officer given while the motor vehicle is stopped, including, but not limited to, a specific order to the person to keep the person's hands in plain sight.
- (c) (1) This section does not apply to any of the following:
- A. An officer, agent or employee of this or any other state or the United States, or a law enforcement officer, when authorized to carry or have loaded or accessible firearms in motor vehicles and acting within the scope of the officer's, agent's or employee's duties;
  - B. Any person who is employed in this State, who is authorized to carry or have loaded or accessible firearms in motor vehicles, and who is subject to and in compliance with the requirements of Ohio R.C. 109.801, unless the appointing authority of the person has expressly specified that the exemption provided in subsection (c)(1)B. does not apply to the person.
- (2) Subsection (a) of this section does not apply to a person who transports or possesses a handgun in a motor vehicle if, at the time of that transportation or possession, both of the following apply:
- A. The person transporting or possessing the handgun is carrying a valid concealed handgun license.
  - B. The person transporting or possessing the handgun is not knowingly in a place described in division (B) of Ohio R.C. 2923.126.
- (3) Subsection (a) of this section does not apply to a person if all of the following apply:
- A. The person possesses a valid electric-powered all-purpose vehicle permit issued under Ohio R.C. 1533.103 by the Chief of the Division of Wildlife.
  - B. The person is on or in an electric-powered all-purpose vehicle as defined in Ohio 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 electric-powered all-purpose vehicle as defined in Ohio R.C. 1531.01 or a motor vehicle that is parked on a road that is owned or administered by the Division of Wildlife, provided that the road is identified by an electric-powered all-purpose vehicle sign.

- (d) (1) The affirmative defenses authorized in Section 549.02(d)(1) and (2) are affirmative defenses to a charge under subsection (a) that involves a firearm other than a handgun.
- (2) It is an affirmative defense to a charge under subsection (a) of improperly handling firearms in a motor vehicle that the actor transported or had the firearm in the motor vehicle for any lawful purpose and while the motor vehicle was on the actor's own property, provided that the affirmative defense is not available unless the person, immediately prior to arriving at the actor's own property, did not transport or possess the firearm in a motor vehicle in a manner prohibited by subsection (a) while the motor vehicle was being operated on a street, highway, or other public or private property used by the public for vehicular traffic.
- (e) (1) No person who is charged with a violation of subsection (a) shall be required to obtain a concealed handgun license as a condition for the dismissal of the charge.
- (2) If a person is convicted of, was convicted of, pleads guilty to, or has pleaded guilty to a violation of subsection (b) of this section as it existed prior to September 30, 2011, and if the conduct that was the basis of the violation no longer would be a violation of subsection (b) of this section on or after September 30, 2011, the person may file an application under Ohio R.C. 2953.37 requesting the expungement of the record of conviction. If a person is convicted of, was convicted of, pleads guilty to, or has pleaded guilty to a violation of subsection (a) of this section as the subsection existed prior to September 30, 2011, and if the conduct that was the basis of the violation no longer would be a violation of subsection (a) of this section on or after September 30, 2011, due to the application of subsection (b)(4) of this section as it exists on and after September 30, 2011, the person may file an application under Ohio R.C. 2953.37 requesting the expungement of the record of conviction.

(f) Whoever violates this section is guilty of improperly handling firearms in a motor vehicle. Violation of subsection (a) of this section is a misdemeanor of the fourth degree. Except as otherwise provided in this subsection, a violation of subsection (b)(1) or (b)(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 Ohio 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 Ohio 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 subsection (b)(1) or (b)(2) of this section is a minor misdemeanor, and the offender's concealed handgun license shall not be suspended pursuant to division (A)(2) of Ohio R.C. 2923.128. A violation of subsection (b)(3) or (4) of this section is a misdemeanor of the first

degree or, if the offender previously has been convicted of or pleaded guilty to a violation of subsection (b)(3) or (4) of this section, a felony and shall be prosecuted under appropriate State law. In addition to any other penalty or sanction imposed for a misdemeanor violation of subsection (b)(3) or (4) of this section, the offender's concealed handgun license shall be suspended pursuant to Ohio R.C. 2923.128(A)(2).

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

(h) As used in this section:

(1) "Motor vehicle", "street" and "highway" have the same meanings as in Ohio R.C. 4511.01.

(2) A. "Unloaded" means:

1. With respect to a firearm other than a firearm described in subsection (h)(2)B. of this section, that no ammunition is in the firearm in question, no magazine or speed loader containing ammunition is inserted into the firearm in question and one of the following applies:

a. There is no ammunition in a magazine or speed loader that is in the vehicle in question and that may be used with the firearm in question.

b. Any magazine or speed loader that contains ammunition and that may be used with the firearm in question is stored in a compartment within the vehicle in question that cannot be accessed without leaving the vehicle or is stored in a container that provides complete and separate enclosure.

2. For the purposes of subsection (h)(2)A.1.b. of this section, a "container that provides complete and separate enclosure" includes, but is not limited to, any of the following:

a. A package, box or case with multiple compartments, as long as the loaded magazine or speed loader and the firearm in question either are in separate compartments within the package, box, or case, or, if they are in the same compartment, the magazine or speed loader is contained within a separate enclosure in that compartment that does not contain the firearm and that closes using a snap, button, buckle, zipper, hook and loop closing mechanism, or other fastener that must be opened to access the contents or the firearm is contained within a separate enclosure of that nature in that compartment that does not contain the magazine or speed loader;

b. A pocket or other enclosure on the person of the person in question that closes using a snap, button, buckle, zipper, hook and loop closing mechanism, or other fastener that must be opened to access the contents.

3. For the purposes of subsection (h)(2)A. of this section, ammunition held in stripper-clips or in en-bloc clips is not considered ammunition that is loaded into a magazine or speed loader.
  - B. "Unloaded" means, with respect to a firearm employing a percussion cap, flintlock, or other obsolete ignition system, when the weapon is uncapped or when the priming charge is removed from the pan.
  - (3) "Commercial motor vehicle" has the same meaning as in Ohio R.C. 4506.25(A).
  - (4) "Motor carrier enforcement unit" means the motor carrier enforcement unit in the Department of Public Safety, Division of State Highway Patrol, that is created by Ohio R.C. 5503.34.
- (i) Subsection (h)(2) of this section does 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 that subsection, 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 or Ohio R.C. Chapter 2923. 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 or Ohio R.C. Chapter 2923. (ORC 2923.16)

#### **549.05 FAILURE TO SECURE DANGEROUS ORDNANCE.**

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

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

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

#### **549.06 UNLAWFUL TRANSACTIONS IN WEAPONS.**

(a) No person shall:

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

(b) Whoever violates this section is guilty of unlawful transactions in weapons. Violation of subsections (a)(1) or (2) hereof is a misdemeanor of the second degree. Violation of subsection (a)(3) hereof is a misdemeanor of the fourth degree. (ORC 2923.20)

**549.07 UNDERAGE PURCHASE OF FIREARM.**

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

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

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

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

**549.071 CARRYING WEAPONS ONTO SCHOOL PROPERTY.**

(a) No person shall carry, possess, store, maintain, have under his control or conceal a firearm, gas, air or spring-operated weapon, dangerous ordnance, brass knuckles, cestus, billy, blackjack, switchblade knife, springblade knife, gravity knife, stun gun, shuriken (or throwing star), numchukas, or similar weapon within any place in a school building or on school premises including, but not limited to, school lockers, or motor vehicles operated or parked on school property.

(b) Exceptions. This section shall not apply to any of the following:

- (1) Law enforcement officers authorized to carry weapons or dangerous ordnances, and acting within the scope of their duties;
- (2) Security officers under contract with the school administration to provide security at or on the school premises;
- (3) An individual for use in a program or presentation approved by the administration, provided, however, that in no instance shall any such weapon be loaded or shall the individual carry or possess live ammunition for such weapon onto school property or premises;
- (4) An individual, twenty-one years of age or older, who is driving a person to or from school and is transporting a firearm in a motor vehicle in compliance with the provisions of Section 549.04(c) of the Codified Ordinances of the City of Gahanna.

(c) "School" means any public, parochial or private elementary or secondary educational facility.

(d) Whoever violates this section is guilty of carrying weapons onto school property, a misdemeanor of the first degree. (Ord. 169-92. Passed 8-4-92.)

**549.08 DISCHARGING FIREARMS.**

- (a) No person shall discharge any air gun, rifle, shotgun, revolver, pistol or other firearm within the corporate limits of the Municipality.
- (b) This section does not apply when firearms are used in self defense, in the discharge of official duty or when otherwise lawfully authorized.
- (c) Whoever violates this section is guilty of a misdemeanor of the first degree.

**549.09 THROWING OR SHOOTING MISSILES.**

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

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

**549.10 FIREWORKS POSSESSION, SALE OR DISCHARGE PROHIBITED; EXCEPTIONS.**

- (a) No person shall possess fireworks in this City or shall possess for sale or sell fireworks in this City, except a licensed manufacturer of fireworks as authorized by Ohio R.C. 3743.02 to 3743.08, a licensed wholesaler of fireworks as authorized by Ohio R.C. 3743.15 to 3743.21, an out-of-state resident as authorized by Ohio R.C. 3743.44, a resident of this State as authorized by Ohio R.C. 3743.45, or a licensed exhibitor of fireworks as authorized by Ohio R.C. 3743.50 to 3743.55 and except as provided in Ohio R.C. 3743.80.

- (b) Except as provided in Ohio R.C. 3743.80 and except for licensed exhibitors of fireworks authorized to conduct a fireworks exhibition pursuant to Ohio R.C. 3743.50 to 3743.55, no person shall discharge, ignite or explode any fireworks in this City.

- (c) No person shall use in a theater or public hall, what is technically known as fireworks showers, or a mixture containing potassium chlorate and sulphur.

- (d) No person shall sell fireworks of any kind to a person under eighteen years of age.

- (e) No person shall advertise Class C fireworks for sale. A sign located on a seller's premises identifying him as a seller of fireworks is not the advertising of fireworks for sale. (ORC 3743.65)

- (f) Whoever violates any provision of this section is guilty of a misdemeanor of the first degree for a first offense. (ORC 3743.99(C))

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

- (a) No person shall do either of the following:
- (1) Change, alter, remove, or obliterate the name of the manufacturer, model, manufacturer's serial number, or other mark or identification on a firearm.
  - (2) Possess a firearm knowing or having reasonable cause to believe that the name of the manufacturer, model, manufacturer's serial number, or other mark of identification on the firearm has been changed, altered, removed, or obliterated.

- (b) (1) Whoever violates subsection (a)(1) of this section is guilty of defacing identification marks of a firearm. Except as otherwise provided in this subsection, defacing identification marks of a firearm is a misdemeanor of the first degree. If the offender previously has been convicted of or pleaded guilty to a violation of subsection (a)(1) of this section, defacing identification marks of a firearm is a felony and shall be prosecuted under appropriate State law.
- (2) Whoever violates subsection (a)(2) of this section is guilty of possessing a defaced firearm. Except as otherwise provided in this subsection, possessing a defaced firearm is a misdemeanor of the first degree. If the offender previously has been convicted of or pleaded guilty to a violation of subsection (a)(2) of this section, possessing a defaced firearm is a felony and shall be prosecuted under appropriate State law.
- (ORC 2923.201)

**549.99 PENALTY.**

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

**CODIFIED ORDINANCES OF GAHANNA**  
**PART NINE - STREETS AND PUBLIC SERVICES CODE**

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**TITLE ONE - Street and Sidewalk Areas**

- Chap. 903. Sidewalk Construction.
- Chap. 905. Streets.
- Chap. 907. Driveways and Curb Cuts.
- Chap. 908. Sidewalk Dining, and Non-Permanent Amenities Installed Within Public Right-of-Way.
- Chap. 909. Driveway Drainage.
- Chap. 911. Diverting or Obstructing Drainage or Watercourses.
- Chap. 913. Landscaping Requirements.
- Chap. 914. Tree Replacement. (Repealed)
- Chap. 915. Material Standards.

**TITLE THREE - Public Utilities**

- Chap. 919. Water and Sewer Internal Review Board.
- Chap. 921. Sanitary Sewer Connections and Rental Rates.
- Chap. 923. Utility Contracts With Columbus.
- Chap. 925. Surface Water Discharge.
- Chap. 927. Storm Sewers.
- Chap. 928. Sewer Districts.
- Chap. 929. Water Connections and Rates.
- Chap. 931. Comprehensive Rights of Way Ordinance.
- Chap. 933. Backflow Prevention.
- Chap. 935. Public Water System.

**TITLE FIVE - Other Public Services**

- Chap. 941. Garbage and Rubbish Collection.
- Chap. 943. Sanitary Regulations.
- Chap. 945. Weeds and Grass.
- Chap. 947. Building Contractors' Responsibilities.



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**CHAPTER 903**  
**Sidewalk Construction**

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|---|--|
| <b>903.01</b> Plans and specifications.                         | <b>903.05</b> Guarantee of builder, owner. |
| <b>903.02</b> Copy of Exhibit A attached to<br>building permit. | <b>903.99</b> Penalty.                     |
| <b>903.03</b> Width of sidewalks.                               |  |
| <b>903.04</b> Permit fee.                                       |  |

**CROSS REFERENCES**

Construction or repair at owner's expense - see Ohio R.C. 729.01 et seq.  
Notice to construct or repair sidewalks - see Ohio R.C. 729.03

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**903.01 PLANS AND SPECIFICATIONS.**

All sidewalks constructed on public property in the Municipality shall henceforth be made and constructed in accordance with the Municipal Engineer's plans and specifications, File Number G-29, dated November 5, 1962, a copy of which is marked "Exhibit A" and is attached hereto and made a part hereof, as if fully written herein. Construction shall be made according to the requirements of the State Department of Highways Construction and Materials Specifications in force at the time of construction (as determined applicable by the Building Inspector), a copy of which is on file in the Municipal Building and/or the Municipal Engineer's Office. (Ord. 34-62. Passed 11-5-62.)

**903.02 EXHIBIT A ATTACHED TO BUILDING PERMIT.**

The Building Inspector shall henceforth attach a copy of such "Exhibit A" to each building permit issued in the Municipality. Final approval and acceptance shall be based upon such requirements and subject to the provision contained in Section 903.05.

(Ord. 34-62. Passed 11-5-62.)

**903.03 WIDTH OF SIDEWALKS;**

Sidewalks are to be four feet in width in residential districts. In all other districts, sidewalk widths are to be governed by the Municipal Engineers.

(Ord. 34-62. Passed 11-5-62.)

**903.04 PERMIT FEE.**

The Building Inspector shall charge a fee of five dollars (\$5.00) for such permit.

(Ord. 17-69. Passed 5-19-69.)

**903.05 GUARANTEE OF BUILDER, OWNER.**

Sidewalks must be guaranteed by the builder or owner for a period of one year for construction and material. (Ord. 34-62. Passed 11-5-62.)

**903.99 PENALTY.**

Whoever constructs a sidewalk in the Municipality without having first obtained a permit therefor, shall be fined not more than fifty dollars (\$50.00) and costs.

(Ord. 34-62. Passed 11-5-62.)

## CHAPTER 907

### Driveways and Curb Cuts

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|---|---|
| <b>907.01</b> Plans and specifications.<br><b>907.02</b> Copy of City of Columbus Standard Drawing attached to building permit. | <b>907.03</b> Inspection.<br><b>907.04</b> Width of driveway curb cuts.<br><b>907.99</b> Penalty. |
|---|---|

#### CROSS REFERENCES

Construction or repair at owner's expense - see Ohio R.C. 729.05  
 Repairing curbs - see Ohio R.C. 729.07  
 Driveway drainage - see S. & P S. Ch. 907

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#### **907.01 PLANS AND SPECIFICATIONS.**

All driveway approach construction and curb cut construction shall henceforth be made and constructed in accordance with the City of Columbus Standard Drawings, Current Version, Drawing Number 2201, 2202, 2210 or 2220. Such plans and specifications of the City of Columbus shall apply only where the street and curb grades are already determined and actually constructed, or are to be constructed, at the time the curb cut or driveway approach is put in. (Ord. 0053-2013. Passed 3-18-13.)

#### **907.02 COPY OF CITY OF COLUMBUS STANDARD DRAWING ATTACHED TO BUILDING PERMIT.**

The Chief Building Official shall henceforth attach a current copy of such City of Columbus Standard Drawing 2201, 2202, 2210 or 2220 to each building permit issued in the Municipality.

(Ord. 0053-2013. Passed 3-18-13.)

#### **907.03 INSPECTION.**

The owner, builder or contractor making a curb cut or constructing a driveway approach in the Municipality shall inform the Chief Building Official who shall thereupon inspect the project after the forms are in place and before the concrete is poured.

(Ord. 0053-2013. Passed 3-18-13.)

#### **907.04 WIDTH OF DRIVEWAY CURB CUTS.**

Any driveway curb cut made for a commercial or industrial establishment shall not be less than twenty-five feet, nor more than thirty-five feet in width and there shall be at least six feet between curb cuts, unless approved otherwise by the City Engineer. In no case shall curb cuts or openings encroach on the limits of a minimum twenty-foot radius curb circle at the intersections of streets. If a larger radius exists at such intersections, no encroachment shall be permitted on the limits thereof. (Ord. 0053-2013. Passed 3-18-13.)

**907.99 PENALTY.**

Any person, firm, corporation, partnership or association violating any provision of this chapter shall be guilty of a minor misdemeanor on the first offense. On a second or subsequent offense, if less than twelve months have elapsed since the last offense of the same provision, a person, firm, corporation, partnership or association is guilty of an unclassified misdemeanor. See Section 501.99 for penalties applicable to any misdemeanor classification. Each day such violation takes place shall constitute a new offense.

(Ord. 0053-2013. Passed 3-18-13.)

**CHAPTER 914**  
**Tree Replacement (Repealed)**

EDITOR'S NOTE: Former Chapter 914 was repealed by  
Ordinance 0073-2013.

