

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

Complete to July 31, 2014

We, Rebecca W. Stinchcomb, Mayor, and Kimberly McWilliams, CMC, 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 31, 2014.

/s/ Rebecca W. Stinchcomb
Mayor

/s/ Kimberly McWilliams, CMC
Clerk of Council

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publication by
THE WALTER H. DRANE COMPANY
Cleveland, Ohio

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CITY OF GAHANNA
 ROSTER OF OFFICIALS
 (July 31, 2014)

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Jamie Leeseberg	Ward 4
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Karen J. Angelou	At Large
Ryan P. Jolley	At Large
Kimberly McWilliams, CMC	Clerk of Council

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Dennis Murphy	Chief of Police
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Rory Gaydos	Director of Technology
Niel M. Jurist	Public Information Manager

The publisher
expresses his appreciation
to

KIMBERLY McWILLIAMS, CMC
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.

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0032-2011	2-22-11	137.01 to 137.03	0136-2012	7-16-12	559.01 to 559.08,
0033-2011	2-22-11	138.01 to 138.04			559.99
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,	0182-2012	9-17-12	929.12
		913.99	0184-2012	10-1-12	1163.01
0135-2011	7-5-11	131.07	0191-2012	10-15-12	559.01 to 559.08,
0136-2011	7-5-11	143.03			559.99
0147-2011	8-1-11	1101.04, 1101.07,	0192-2012	10-15-12	501.99
		1101.17, 1105.01	0195-2012	11-5-12	303.99
		to 1105.06,	0197-2012	11-5-12	927.24
		1106.05, 1107.03,	0198-2012	10-22-12	559.01 to 559.08,
		1107.04, 1108.01,			559.99
		1108.03, 1108.04,	0199-2012	11-5-12	941.01 to 941.18,
		1108.05, 1109.01,			941.99
		1109.03 to	0200-2012	11-19-12	929.01 to 929.19,
		1109.05, 1109.11			929.99
0150-2011	8-1-11	1131.03 to	0201-2012	11-19-12	921.01 to 921.14,
		1131.08			921.99
0151-2011	8-1-11	1133.01 to	0202-2012	11-19-12	927.17
		1133.05, 1133.07	0230-2012	11-19-12	513.12, 513.121
0152-2011	8-1-11	1169.02 to	0234-2012	12-3-12	105.02
		1169.06	0053-2013	3-18-13	907.01 to
0192-2011	10-3-11	157.02			907.04, 907.99
0198-2011	10-17-11	333.032	0073-2013	4-15-13	Repeals Ch. 914
0211-2011	12-27-11	1150.01 to	0100-2013	7-1-13	105.01 to 105.03
		1150.12	0111-2013	8-19-13	161.18
0212-2011	12-19-11	1197.01, 1197.02,	0115-2013	8-19-13	135.01 to 135.09
		1197.05, 1197.06,	0147-2013	12-2-13	929.01 to 929.19,
		1197.08 to			929.99
		1197.10, 1197.12,	0148-2013	12-2-13	921.01 to 921.14,
		1197.99			921.99
0213-2011	12-19-11	1135.01	0151-2013	11-25-13	105.01 to 105.08
0238-2011	12-5-11	929.12, 929.15	0035-2014	4-7-14	708.01 to 708.06,
0239-2011	12-5-11	921.11			708.99
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 B- EASEMENTS (Cont.)

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>
0121-2013	9-3-13	Authorizes the Mayor to execute easement with American Electric Power to allow installation of underground conduit along a portion of Bricklawn Avenue.
0150-2013	12-2-13	Vacates a slope easement for property located at 701 TechCenter Drive, a portion of Lot 3 of Tech Center Commons.
0013-2014	2-3-14	Accepts deed of easement for sanitary sewer easement from The Residences at Central Park, LLC.
0081-2014	5-19-14	Accepts deed of easement in the area of 1241 North Hamilton Road, for a sanitary sewer easement grant and a storm sewer easement grant from Ellen I. Lepera, successor trustee of the Martha J. Lepera Trust.

TABLE D - DEDICATION AND PLAT APPROVAL (Cont.)

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>
0246-2000	11-6-00	Accepts final plat for Eastgate Industrial Center (91.315 acres); Pizzuti Properties, applicant.
0247-2000	10-16-00	Amends Ord. 0158-2000 (accepting final plat for The Greens at Clarenton, Sec. 1, Pt. 2).
0002-2001	1-16-01	Accepts final plat called Beecher Crossing North Dedication and Easements (1.003 acres).
0114-2001	6-18-01	Accepts final plat for The Park at Harrison Pond, the Villages at Rocky Fork, Section 11 (15.865 acres); HMI Properties, Ltd., applicant.
0172-2001	8-20-01	Accepts final plat for Eastgate Industrial Center; Pizzuti Properties, applicant.
0076-2002	4-15-02	Accepts final plat for Rivers Edge property; Canini & Pellecchia, applicant.
0153-2002	8-19-02	Accepts final plat for Stonegate property on Olde Ridenour Rd.; A.F. Archer, applicant.
0165-2002	9-3-02	Accepts final plat for Eastgate Industrial Center; J. Russell, applicant.
0247-2002	12-16-02	Abandons portion of McCutcheon Rd. as public roadway with utility easements maintained; declares 0.407 acres on McCutcheon Rd. E of Stygler Rd. and W of Olde Ridenour Rd. as excess land; repeals Ord. 0022-2001; dedicates 0.226 acres as roadway r-o-w.
0050-2003	3-3-03	Accepts final plat for Foxwood, Section 1; Homewood Corp., applicant.
0098-2003	5-5-03	Accepts final plat for Eastgate Industrial Center; Pizzuti Properties, applicant.
0144-2003	7-7-03	Amends Ord. 0050-2003; dedicated streets for this ord. are Kason's Way, Preservation Lane and Taylor Rd.
0169-2003	8-18-03	Accepts general warranty deed from Portrait Homes - Gahanna Grove, LLC, for r-o-w for .418 acres dedicated to YMCA Place.
0170-2003	8-18-03	Dedicates City-owned property as r-o-w for YMCA Place.
0194-2003	9-2-03	Authorizes deeds to create dedicated r-o-w for Riva Ridge extension.
0223-2003	11-17-03	Accepts dedication plat entitled Granville Street Dedication.
0112-2004	5-3-04	Accepts final plat of Foxwood, Sec. 2; Homewood Corp., applicant.
0038-2005	3-21-05	Accepts final plat for Woods at Rose Run; M/I Homes of Central Ohio, LLC, applicant.
0233-2005	11-21-05	Final plat of Foxwood Section 3.
0101-2006	6-5-06	Accepts street, storm and water Improvement No. 813 in Imperial Rise III Subdivision, Phase 2.
0216-2006	11-20-06	Accepts Sanitary Sewer Improvement No. 815, at the Market at Hamilton.
0218-2006	11-20-06	Accepts the final plat for Hamilton Parke; Allodium Inc., applicant.
0022-2007	2-20-07	Accepts final plat for Village at Hannah Farms, Phase I; Advanced Civil Design, applicant.
0136-2007	7-16-07	Accepts Street, Storm and Water Improvement No. 823 and Sanitary Sewer Improvement No. 824 in Stonegate Subdivision.

TABLE D - DEDICATION AND PLAT APPROVAL (Cont.)

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>
0153-2007	9-4-07	Accepts final plat for property known as Meadowbrooke; Brookewood Construction Company, Inc., applicant.
0236-2007	10-15-07	Accepts final plat for property known as Hamilton Parke, Allodium Inc., applicant.
0238-2007	11-5-07	Accepts street, storm and street light improvement No. 904, and appurtenances thereto, in the Village of Hannah Farms, Phase I, Subdivision.
0275-2007	12-17-07	Accepts street and waterline improvements and appurtenances thereto, for Marinell Lane; Improvement No. ST 884; Walnut Creek Presbyterian Church.
0008-2008	1-2-08	Accepts infrastructure improvements and appurtenances thereto, for Hamilton Parke; Improvement No. ST 909 and SA 910.
0251-2008	11-17-08	Accepts storm sewer improvement #ST932 and appurtenances thereto, for Whit's Frozen Custard, 121 South Stygler Road.
0252-2008	11-17-08	Accepts sanitary sewer improvement #SA930 and waterline improvement #ST931 and appurtenances thereto, for Morse Road Medical Office, 5175 Morse Road.
0121-2009	6-1-09	Accepts the final plat for property known as Techcenter Drive extension and Greenspace Dedication Plat; Value Recovery Group II by Advanced Civil Design, applicant.
0137-2009	7-6-09	Accepts the final plat for property known as Science Boulevard extension dedication plat; Value Recovery Group II and City of Gahanna, by Karl Wetherholt, applicant.
0029-2010	2-16-10	Accepts the plat titled Dedication of Highway Easement YMCA place owned by the City of Gahanna, and general purpose utility easement.
0055-2010	3-15-10	Accepts the final plat for property known as Science Boulevard Extension Dedication Plat; Value Recovery Group II and City of Gahanna, by Karl Wetherholt, applicant.
0158-2011	8-15-11	Accepts the final plat for property known as TechCenter Commons; Trivium Development, LLC, Tim Spencer, applicant.
0066-2012	4-2-12	Accepts Fifth Amendment to Articles of Dedication for Gahanna Woods State Nature Preserve.
0104-2013	7-15-13	Accepts Sanitary Sewer Improvement No. SA 1000 and appurtenances thereto, for Residences at Central park, 840 Claycraft Road.
0124-2013	9-16-13	Accepts the final plat for property known as Village at Hannah Farms, Phase 2, Dublin Manor, LLC, applicant.
0077-2014	5-19-14	Accepts the final plat for property known as Meadowbrooke Green; Shawn Lanning, Watcon Engineering, applicant.

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.
0109-2013	8-5-13	Authorizes the release of a Master Lease Agreement and a City Lease Agreement between the Community Urban Redevelopment Corporation and the City and authorizes the Mayor to sign a General Warranty Deed to transfer property known as 1125 Gahanna Parkway (Lots 7, 8 & 9 of the TIZ), to Alloy Polymers, Inc.
0110-2013	8-5-13	Accepts General Warranty Deed for property located on Clotts Road consisting of 0.196 acres from M & M Management Co.
0116-2013	8-19-13	Accepts General Warranty Deed for right of way purposes for property located along Price Road from Therese M. and Joseph A. Bisang.
0117-2013	8-19-13	Accepts warranty deed for property located off of Morrison Road containing 10.135 acres from Elizabeth Pizzurro.
0132-2013	10-21-13	Accepts limited warranty deed for 1.983 acres at 471 North Hamilton Road for parkland for the Hamilton Road Apartments Development.
0060-2014	5-5-14	Authorizes the Mayor to execute a deed of a City owned parcel on North Hamilton Road in order to meet federal requirements to have portions converted to the right-of-way by deeding them to the County as part of the Hamilton Road Central Project; Improvement No. ST 785.
0061-2014	5-5-14	Authorizes the Mayor to execute a deed of a City owned parcel on North Hamilton Road in order to meet federal requirements to have portions converted to the right-of-way by deeding them to the County as part of the Hamilton Road Central Project; Improvement No. ST 785.
0062-2014	5-5-14	Authorizes the Mayor to execute a deed of a City owned parcel on North Hamilton Road in order to meet federal requirements to have portions converted to the right-of-way by deeding them to the County as part of the Hamilton Road Central Project; Improvement No. ST 785.
0063-2014	5-5-14	Authorizes the Mayor to execute a deed of a City owned parcel on North Hamilton Road in order to meet federal requirements to have portions converted to the right-of-way by deeding them to the County as part of the Hamilton Road Central Project; Improvement No. ST 785.

TABLE F - LEASE OF REAL PROPERTY (Cont.)

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>
0075-2014	5-19-14	Authorizes the Mayor to enter into lease agreement with Daria Pdegimas for the residential use of City owned property.

TABLE I - ZONING MAP CHANGES

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>
18-59	10-5-59	Land annexed by Ord. 4-59 zoned M-1 Manufacturing District.
22-59	11-16-59	Land annexed by Ord. 19-59 zoned R-4 Residential District.
9-61	3-6-61	Land annexed by Ord. 40-60 zoned R-3 Residential District.
22-61	7-3-61	Reserve A of Royal Manor (13.151 acres) from R-4 Residential to General Commercial.
35-61	8-21-61	Property of C. Shull and other contiguous property fronting on Granville St. between Rocky Fork Creek and Sycamore Run from R-3 Residential to General Commercial.
7-62	2-19-62	Parcel beginning at intersection of Big Walnut Creek and southerly corporation line from R-3 Residential to M-1 Manufacturing.
18-62	4-16-62	Land beginning at NE corner of Reserve A of Styger Heights Subdivision from R-3 Residential and General Commercial to General Commercial 1.
28-62	8-13-62	Swanson 2.736 acre tract from R-3 Residential to M-1 Manufacturing.
13-63	4-15-63	Land at intersection of Hamilton and Taylor Rds. from R-2 to GC-2.
16A-63	5-6-63	Bobb property on NE corner of Hamilton and Havens Corners Rds. from R-3 Residential to GC-1.
17-63	5-20-63	Area north of Route 62, west of Ridenour Rd. and south of Agler Rd. from GC-1 to GC-2.
23-63	6-17-63	G. Schott property on Johnstown Rd. (7.64 acres) from GC-1 to AR-1.
24-63	6-17-63	Present GC-1 area east of Ridenour Rd. and north of Route 62 from GC-1 to GC-2.
19-64	4-20-64	Property of Cheney, Fisbaugh, Cheney, Patterson, Landrum, Chatlain and Carlson bordering on Havens-Corners Rd. zoned SR-1.
20-64	4-20-64	Ferroni parcel (17.227 acres) bordering on Havens Corners Rd. zoned R-1.
21-64	4-20-64	Albert and McCormick parcels bordering on Goshen Lane from R-3 to R-5.
51-64	11-23-64	E. Bobb property (4.13 acres) on east side of Hamilton Rd. from R-3 Residential to GC-2 Commercial.
50-65	11-15-65	538.684 acres of territory annexed by Ord. 4-61 from unzoned to R-2 Residential and R-3 Residential.
11-66	2-21-66	30.38 acres on Taylor Rd. annexed by Ord. 52-65 zoned R-3 Residential.
15-66	3-7-66	Property of Dolan and Luft at NW corner of Johnstown and Stygler Rds. from R-3 Residential to GC-2 General Commercial.
20-66	4-25-66	333 Johnstown Rd. from R-3 Residential to GC-2 General Commercial.
33-66	7-18-66	Conditionally rezoning 4.718 acres fronting on Hamilton and Carpenter Rds. from R-2 Residential to GC-2 General Commercial for a Masonic Lodge Hall.

TABLE I - ZONING MAP CHANGES (Cont.)

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>
40-66	9-19-66	Sindel Tract (93.64 acres) annexed by Ord. 32-66 zoned R-3 Residential.
8-67	1-16-67	Property located at SW corner of Agler and Stygler Rds. from R-3 Residential to GC-2 General Commercial.
16-67	4-17-67	8 acres of newly annexed territory near NE corner of Brookside Sales, Inc. zoned R-5 Residential.
17-67	4-17-67	11 acres of newly annexed territory near Agler Rd. and west corporation line zoned AR-1 Multiple Family Residential.
26-67	7-17-67	Property (479+ acres) owned by M. G. Buckles and Equitable Development Corp. from R-1 and R-2 Residential to Planned Unit Development.
41-67	12-4-67	Fannin property (9.5 acres on Invicta Place) from R-2 Residential to R-3 Residential.
19-68	5-20-68	Certain lots on Granville St. from Rocky Fork Creek to Hamilton Rd. from R-3 and R-5 Residential to GC-2 General Commercial.
23-68	4-15-68	All unplatted R-4 Residential lands rezoned to R-3 Residential.
32-68	9-3-68	Parcel being part of Lot 1 of David Taylor's Subdivision from R-1 Residential to R-2 Residential.
35-68	9-3-68	Certain lots on Agler Rd., Stygler Rd. and in Moorfield from R-3 Residential to GC-2 General Commercial.
36-68	9-3-68	187 and 207 Johnstown Rd. from GC-1 General Commercial to GC-2 General Commercial.
43-68	12-16-68	12.524 acres north of proposed I-270 from R-3 Residential to AR-1 Multiple Family Residential.
1-69	2-3-69	Lots 4 and 5 of Stygler Heights Subdivision from R-3 Residential to CG General Commercial.
28-69	8-4-69	0.655 acres on Johnstown Rd. from R-3 Residential to GC-2 General Commercial.
8-70	1-5-70	81 Johnstown Rd. from GC-2 General Commercial to AR-1 Multiple Family Residential.
16-70	3-16-70	Lots 5 through 8 and part of Lot 9 of Chrysland from R-3 Residential to GC-2 General Commercial.
21-70	4-6-70	0.991 acres as annexed by Ord. 10-70 zoned R-3 Residential.
2-70	6-1-70	Parcel at 4010 Agler Road zoned R-3 Residential.
27-70	7-20-70	1.433 acre parcel on Hamilton Road from GC-2 General Commercial to GC-3 General Commercial.
29-71	4-5-71	Part of Reserve "A" of Charles Shull Addition from R-4 Residential to AR-1 Multiple Family.

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.
0009-2014	3-3-14	Rezones 3.55 +/- acres as CX-1, Neighborhood Commercial, Mixed Use District; for property located at 391-361 South Hamilton Road and 390 Rocky Fork Drive South; Ranger Development Group, LLC, Jason Zadeh applicant.
0010-2014	2-3-14	Rezones 1.84 +/- acres as MR-1, Two Family Residential District; for property located at 559 North Hamilton; Creative Housing, Inc.; Connie Klema applicant.

CHAPTER 105
Wards and Boundaries

105.01 Division into wards.

105.03 Filing certified copy.

105.02 Ward boundaries defined.

CROSS REFERENCES

Division into wards - see Ohio R.C. 731.06

Voting precincts - see Ohio R.C. 3501.18

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 and every four (4) years thereafter.
(Ord. 0151-2013. Passed 11-25-13.)

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 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 Stygler Road;

thence southerly with said centerline of Stygler 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.'

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 Stygler Road;

thence southerly with said centerline of Stygler 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.

WARD 3

Beginning at the intersection of the southerly limited access right-of-way line of Interstate Route 270 (1-270), 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. 170-00 1890;

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 A venue 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 ofBig Walnut Creek;

thence southerly with the meanders of said Big Walnut Creek, returning 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, 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 comer of Parcel No. 025-012233;

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

thence easterly along the northerly line of said Parcel No. 027-000077, to the southwestly comer 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 comer 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 southwestly comer of said Subdivision;

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

thence westerly and northerly along the southerly and westerly lines of said Parcel No. 025-012233 to the northwesterly comer 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 southwestly 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 comer 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 southwestly comer 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 comer of said Subdivision;

thence westerly along the southerly line of said "Bryn Mawr Section 2" Subdivision to the northeasterly comer 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 comer 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 southwestery 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 of 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 southwestery 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. 0151-2013. Passed 11-25-13.)

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. 0151-2013. Passed 11-25-13.)

CHAPTER 135
Department of Public Service and Engineering

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| <p>135.01 Director of Public Service.
 135.011 Deputy Director of Public Service.
 135.02 Sale of obsolete items.
 135.03 Purchasing Agent and procedures.
 135.04 Purchasing requirements.
 135.05 Bid opening and acceptance.
 135.06 Council action.</p> | <p>135.07 Contract execution and delegation by Mayor.
 135.08 Prohibited bidder.
 135.09 Usage charges for City vehicles or off-road unlicensed equipment.</p> |
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CROSS REFERENCES

Department of Public Service and Engineering - see CHTR. 5.05

135.01 DIRECTOR OF PUBLIC SERVICE.

(a) The Director of Public Service shall have the responsibility for construction, improvement, and maintenance of all public works, buildings, cemeteries, roads, streets, and all other public places of the Municipality, except as provided elsewhere by Code, and the collection and disposal of wastes and the enforcement of sanitary regulations. The Director shall have charge of, and shall supervise the maintenance of, all municipal property, and the collection and disposal of wastes and the enforcement of sanitary regulations. The Director shall have charge of and shall supervise the maintenance of all municipal property, and equipment and the storage of all materials and supplies. The Director shall also have charge of and supervise the Division of Water and the division of sewers which shall operate, maintain and control all of the water mains, water distribution system, pumps, meters, etc. in the Municipality, and the entire sanitary and storm sewer systems of said Municipality respectively. The Director shall be responsible for the purchasing function for the Municipality and all purchases shall be made only in the manner provided for within the Codified Ordinances.

(b) The hours worked, vacation and other employment benefits set out in the unclassified salary ordinance shall apply to the Director of Public Service.
(Ord. 0115-2013. Passed 8-19-13.)

135.011 DEPUTY DIRECTOR OF PUBLIC SERVICE.

The Mayor is authorized and directed when such position is deemed necessary to employ a Deputy Director of Public Service for the City.

The Deputy Director of Public Service shall:

- (a) Work under the general direction of the Director of Public Service and shall serve as the Director in the Director's absence.

- (b) Act as the Utilities/Right of Way Manager.
- (c) Perform such other duties as may be assigned by the Director of Public Service. (Ord. 0115-2013. Passed 8-19-13.)

135.02 SALE OF OBSOLETE ITEMS.

At such time as equipment with marketable value, including motor vehicles and supplies of the City, serve no municipal purpose as determined in writing by the Director of Public Service, said Director is authorized and directed to provide for the sale, trade-in or disposal of such equipment and supplies, in the following manner:

- (a) Surplus property shall be sold, traded-in or disposed of by one of the following methods:
 - (1) By acceptance of sealed bids, after appropriate advertising;
 - (2) By public auction, after appropriate advertising;
 - (3) By internet auction;
 - (4) By trade-in, when advantageous to the City, if the City is purchasing equipment in which the trade-in value can be used to reduce the cost of the new piece of equipment.
 - (5) By disposal to a recycling company.
- (b) Equipment that is determined by the Director of Public Service to have no marketable value or deemed unsafe or in dangerous condition, may be disposed of as determined by the Director.

Proceeds from the sale of surplus property shall be deposited in the city treasury to the credit of the fund having paid for the equipment. Proceeds from the sale of surplus property that was not purchased by the City shall be credited to the general fund. The Director of Finance shall keep full and accurate records of the sale or trade-in of such property. (Ord. 0115-2013. Passed 8-19-13.)

135.03 PURCHASING AGENT AND PROCEDURES.

- (a) Except as otherwise provided in this chapter, the Director of Public Service shall have the exclusive authority to purchase and lease all goods and services not requiring bidding except under the following circumstances:
 - (1) Peace officer services pursuant to Chapter 139, Police Department, which shall be authorized by the Director of Public Service and the Mayor;
 - (2) In an emergency, as declared by the Mayor pursuant to Section 131.01, the Mayor or the Mayor's designee can purchase directly without regard to bidding procedures those items necessary to overcome the emergency. In such cases, the Mayor shall personally authorize such purchases.
 - (3) The purchase of any goods or services on behalf of the City without the written approval of the Director of Public Service or the Director's designee, shall be without authority of the City.

(b) For audit purposes and as a matter of public record, the following information will be documented and included with the purchase order when sent to the Director of Finance concerning purchases made in excess of three thousand dollars (\$3,000.00), but not purchased through competitive bidding procedures:

- (1) Procedures that were used to select the seller of the goods and services, including the names of the competitors contacted;
- (2) The reasons for selecting the seller;
- (3) Other information as required depending on the nature of the purchase.

(c) The Director of Public Service shall adopt rules and regulations for the internal management and operation of the purchasing function. The Director shall prescribe and maintain such forms as reasonably necessary to the operation of the purchase function and the Director may require any department or board seeking the purchase of any goods or services to justify their request and may require that prior to making any purchases, the department or agency requesting the purchase shall first seek Director of Finance approval that there are sufficient funds in that department or agency budget to enable the encumbrance of the appropriate amount of money.

(d) The Director of Public Service may develop a prohibited bidder list pursuant to Section 135.08.

(e) The Director of Public Service may negotiate with other units of government, including the Board of Education, in the joint purchasing of goods and services when the best interest of the City would thereby be served.

(f) The Director of Public Service may monitor contracts to assure that the terms of the agreement are fulfilled and in the event of any violation thereof shall report to the City Attorney the results of the Director of Public Service's investigation for further action.

(g) When City of Gahanna funds are expended, the Director of Public Service requires that:

- Competitive bids be obtained where appropriate.
- Avoid sole-source purchases unless fully justified.
- Purchase only authorized goods and services.
- Ensure that all expenditures are made in accordance with City of Gahanna guidelines.

(Ord. 0115-2013. Passed 8-19-13.)

135.04 PURCHASING REQUIREMENTS.

(a) All purchases and leases, of equipment, supplies, parts, and services approved by the Director of Public Service, including options for longer than six months, shall be accomplished through competitive bidding except as listed in paragraph 135.05(e), Exceptions to the Competitive Bidding Requirement.

(b) There are four basic means of making purchases for the City of Gahanna as follows:

- (1) Invitation for bids (IFB).
- (2) Request for proposals (RFP).
- (3) Petty cash.
- (4) Reverse auction.

(c) Invitation for Bid Procedures.

- (1) Upon receipt of any request by a department or agency of the City for goods or services which are required to be bid, the Director of Public Service shall seek Council approval by motion and vote for the Director to advertise for such bids. Upon receipt of approval, the Director shall thereafter prepare appropriate notice for bid request which shall be advertised in full in a newspaper of general circulation within the city for one week. Thereafter, the Director shall advertise a second time either in the full version or in an abbreviated version that directs the public to the full notice on the State of Ohio's public notice website.
- (2) The notice for bid request shall contain the following information:
 - A. The quantity of items specified and, in general, the use for which they are intended;
 - B. The time and place where the bids will be opened;
 - C. Conditions under which the bid will be received;
 - D. Terms of the proposed purchase or lease including a notice that the bid selected by the Director of Public Service may be conditioned upon subsequent Council approval;
 - E. Bond requirements for both bidding and the performance of the contract;
 - F. Such other information as the Director of Public Service deems necessary.
- (3) The Director of Public Service may, to secure the lowest responsive and responsible bid, divide the goods and services requested or needed within the ninety days of the bid request in such manner as the Director deems appropriate, but may not divide the purchase or lease in such a way to avoid the competitive bidding.

(d) Request for Proposals. As listed under Section 135.05(e), purchases under \$50,000 generally fall into the category of the informal method of purchasing. Specifications or descriptions are necessary and request for proposals will normally be submitted in writing. However, under unusual circumstances, proposals may be obtained verbally or over the phone. Also, quotes may be accepted, which are submitted on the quoter's letterhead. Under this informal method of purchasing, the City employee conducting the negotiation will be required to be fully familiar with item(s) or services being procured, the need for the materials or services, and will be further qualified to inspect and accept the finished product. The department or agency involved in purchases under \$50,000 must also ascertain from the Director of Finance that sufficient funds are available in the proper category to cover the purchase.

(e) Petty Cash. Expenditures up to \$20.00 may be reimbursed through the petty cash system as outlined in the City of Gahanna Policy and Procedure Manual.

(f) Reverse Auction. Purchasing process in which offerors submit proposals in competing to sell services or supplies in an open environment via the Internet:

- (1) Whenever the City determines that the use of the reverse auction is advantageous to the City, the Director of Public Service or designee may purchase goods or services by reverse auction.
 - A. The City, in establishing a reverse auction process will:
 1. Determine the specifications and requirements of the goods or services to be acquired.

2. Provide notice to potential sellers concerning the proposed acquisition as noted in Section 135.04.
- B. Prior to conducting a reverse auction, the City may establish a threshold amount which shall be the maximum amount that the City is willing to pay for the goods or service to be acquired.
- C. The City may enter into a contract with a seller which meets the specifications or description of the goods or services to be procured and whose proposal the City determines to be the lowest, responsive, and responsible as described in Section 135.05(d). (Ord. 0115-2013. Passed 8-19-13.)

135.05 BID OPENING AND ACCEPTANCE.

(a) All bids shall be received only at a location and time specified in the notice and shall be kept sealed until the bids are opened. Bids shall be opened publicly and read aloud.

(b) The Director of Public Service may reject any bid which fails to comply materially with the terms of the bid notice. Bids which are not accompanied with bonds, as required in the notice, shall be deemed to have failed to comply with the terms of the bid notice.

(c) A bidder for a contract shall be considered responsive when the bidder's proposal responds to bid specifications in all material aspects and contains no irregularities or deviations from the specifications which would affect the amount of the bid or otherwise give the bidder a competitive advantage. Irregularities which do not materially affect the bid may be deemed technical defects and may be corrected after the bid opening.

In determining whether a bidder is responsible, the following factors shall be considered:

- (1) The bidder's experience;
- (2) The bidder's financial condition;
- (3) The bidder's conduct and performance on previous contracts;
- (4) The bidder's facilities;
- (5) The bidder's management skills;
- (6) The bidder's ability to execute the contract properly;
- (7) The character, integrity, reputation, judgment, experience and efficiency of the bidder;
- (8) The quality, availability, and adaptability of the supplies or contractual services to the particular use required;
- (9) The ability of the bidder to provide future maintenance and service for the use of the subject of the contract;
- (10) The number and scope of conditions attached to the bid.

(d) Upon consideration, the Director of Public Service shall select the three lowest, responsive, and responsible bidders, if there are more than three bids, and shall recommend to Council in writing a choice from the bidders as the lowest, responsive and responsible. In the event that a recommendation is in favor of one other than the lowest, the Director shall also state the reasons in writing therefor. Further, the Director shall include with the recommendation, if available, a proposed contract approved in the form by the City Attorney and other accompanying documents needed for the final execution of the award of the contract.

(e) Exceptions to the competitive bidding requirement:

- (1) Formal competitive bidding is not required for purchases less than fifty thousand dollars (\$50,000).

- (2) Products and services of the severely disabled. Competitive bidding is exempt for those purchases from a qualified nonprofit agency pursuant to Ohio R.C. 4115.31 to 4115.35.
- (3) Emergency purchases. Council may, by majority vote of Council, authorize the Director of Public Service to enter into a contract for work to be done or for the purchase of goods and services without formal bidding and advertising. If this section is enacted, the Director of Public Service must provide adequate documentation to Council to justify the exception to the bidding requirement.
- (4) Purchases from governmental entities. The Director of Public Service may purchase equipment, services, materials or supplies from the State of Ohio, any department, division, agency, political subdivision of the State, or other cooperative purchasing organization of public entities without advertising and bidding, provided Council authorizes the purchase by ordinance. Section 9.48 Joint Purchasing Programs of the Ohio Revised Code is hereby incorporated by reference.
- (5) Purchases of used equipment. Council may authorize by ordinance the Director of Public Service to purchase, without competitive bidding, used equipment or supplies at an auction open to the public or at a public sale requesting the submission of written bids.
- (6) Professional and/or personal services. The statutory provisions regarding competitive bidding for City contracts, generally, do not apply to contracts for professional and/or personal services.
- (7) Reverse auction.
(Ord. 0115-2013. Passed 8-19-13.)

135.06 COUNCIL ACTION.

(a) Council shall consider within thirty days of the receipt of the recommendation of the Director of Public Service, pursuant to Section 135.05, and shall place the matter on the Council agenda. The Director of Finance shall certify to Council prior to the meeting at which the recommendation is scheduled to be considered that there are funds available or in the process of being collected for the payment of the agreement, pursuant to its terms.

(b) If Council approves the recommendation as the lowest responsive and responsible bidder, it shall pass an ordinance authorizing the Mayor to enter into such an agreement with the selected bidder. Council may authorize either the Mayor or the Director of Public Service to further negotiate certain items of the agreement.

(c) Upon enactment of the ordinance, the Director of Finance shall approve the encumbrance of sufficient funds to fulfill the obligation of the City. The Director of Finance shall remove any encumbrances when, in the Finance Director's judgment, the City no longer has any obligations with respect to the contract.
(Ord. 0115-2013. Passed 8-19-13.)

135.07 CONTRACT EXECUTION AND DELEGATION BY MAYOR.

When an ordinance is enacted, the Mayor shall proceed to execute the contract as authorized and shall report to Council any unforeseen delays in negotiation and execution of the contract.

(Ord. 0115-2013. Passed 8-19-13.)

135.08 PROHIBITED BIDDER.

(a) The Director of Public Service shall have the authority to declare a vendor or lessor a prohibited bidder who shall thereafter not be permitted to participate in the bidding procedure nor receive any business from the Municipality for a stated period of time, as deemed appropriate by the Director of Public Service, not to exceed one year, if the vendor:

- (1) Has previously defaulted in its quotations to the City;
- (2) Has failed to fulfill its obligations under a previous contract with or purchase by the City;
- (3) Is presently disqualified from bidding or receiving any business from any other unit of local government within Franklin County.

(Ord. 0115-2013. Passed 8-19-13.)

**135.09 USAGE CHARGES FOR CITY VEHICLES OR OFF-ROAD,
UNLICENSED EQUIPMENT.**

(a) The Department of Public Service shall be solely responsible for the use of all such vehicles or off-road unlicensed equipment, as well as for the billing, collection and depositing of fees as established.

(b) The hourly rates shall be based upon the Federal Emergency Management Agency's Schedule of Equipment rates prevailing at the time of the use.

(Ord. 0115-2013. Passed 8-19-13.)

CHAPTER 149
Civil Service Commission

EDITOR'S NOTE: Rules and regulations of the Civil Service Commission were adopted by Council by Ordinance 0141-2002, and amended by Ordinance 0208-2002, Ordinance 0154-2010, Ordinance 0203 and Ordinance 0021-2014.

<p>149.01 Powers and duties.</p> <p>149.02 Present employees.</p> <p>149.03 Organization.</p> <p>149.04 Rules.</p> <p>149.05 Appeals/grievances to the Commission.</p>	<p>149.06 Fees.</p> <p>149.10 Subpoena power.</p> <p>149.20 Failure to appear.</p> <p>149.25 Settlements and withdrawals.</p> <p>149.30 Disposition of appeals/grievances.</p> <p>149.35 Further appeals.</p>
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CROSS REFERENCES

Charter provisions - see CHTR. Art. XIII
Civil service - see Ohio Const., Art. XV, §10
Civil Service Law - see Ohio R.C. Ch. 124

149.01 POWERS AND DUTIES.

The Civil Service Commission shall have the jurisdiction derived from Article XIII of the Charter, and the power, and duty to hear and decide appeals/grievances from administrative determinations pursuant to the provisions of the Civil Service Rules and Regulations as enacted by Council and the Codified Ordinances. The Commission shall have such other powers, duties, and functions as provided by ordinance and in accordance with applicable collective bargaining agreements. The City may, from time to time, contract with other public entities.
(Ord. 0065-2012. Passed 4-2-12.)

149.02 PRESENT EMPLOYEES.

Any person who has served the City in a position included in the classified service for at least thirty days preceding the effective date of Ordinance 193-95 shall retain his position without examination until discharged, reduced, promoted or transferred in accordance with this chapter or the rules and regulations of the Civil Service Commission adopted hereunder.
(Ord. 0065-2012. Passed 4-2-12.)

149.03 ORGANIZATION.

Council shall establish the date, time and place for the first meeting each year, at which the Civil Service Commission shall organize under a Chairman and Vice Chairman. The Mayor shall preside at this meeting until the Chairman is elected. The Civil Service Commission shall establish its own rules of procedure. The Clerk of Council shall serve as the Secretary of the Board, shall serve as the official custodian of the records of the Commission, and shall perform such duties for the Commission as is required. All filings pertaining to official Board actions and appeals/grievances shall be submitted to the Clerk. A duly appointed Deputy Clerk of Council may perform the duties prescribed for the Clerk under this section.
(Ord. 0065-2012. Passed 4-2-12.)

149.04 RULES.

The Civil Service Rules & Regulations as adopted by City Council shall be kept on file with the Clerk of Council and the Department of Human Resources for inspection by the public. The Civil Service Rules & Regulations shall be formally evaluated every 5 years by City Council.
(Ord. 0065-2012. Passed 4-2-12.)

149.05 APPEALS/GRIEVANCES TO THE COMMISSION.

(a) Parties. The party filing an appeal/grievance is the appellant. The party against whom an appeal/grievance has been filed is the appellee. A party shall have the right to appeal/grieve an administrative determination pursuant to provisions of the Civil Service Rules and Regulations and the Codified Ordinances of the City of Gahanna.

(b) Rules of Evidence. The rules of evidence prevailing in civil actions in Ohio courts of general jurisdiction are adopted for guidance in hearings before the Commission, except as modified by this Code, Civil Service Rules & Regulations, and Civil Service Rules of Procedure. The rules of evidence shall not be strictly applied, but deference may be afforded to the rules of evidence.

(c) Appellant's Requirements. Appeals/grievances shall be in writing and shall be filed with the Clerk of Council within 30 calendar days from the date of the action being appealed. An appeal is considered filed when it is time stamped by the office of the Clerk of Council. Any appeal/grievance received after 5:00 p.m. on a business day or at any time on a non-business day shall be considered to be filed on the next business day. The following items shall be filed with each appeal/grievance:

- (1) A copy of the action being appealed/grieved shall be attached to the appeal/grievance.
- (2) A statement outlining the reason or legal basis for the appeal/grievance, along with a citation of the applicable rules and regulations section(s) signed by the appellant and/or agent.
- (3) The name, address, telephone number and e-mail address of the appellant and/or agent. Appellants shall notify the Clerk of Council, in writing, of any change of address while an appeal is pending.

(d) Appellees' Requirements. Within seven (7) business days of notification of an appeal/grievance, the appellee shall transmit to the Clerk of Council the records pertaining to the matter under appeal/grievance. Further, the Commission may require the appellees to provide a written statement describing the basis for the decision under appeal/grievance.

(f) The failure of any employer, taxpayer or person to receive or procure a return, declaration or other required form shall not excuse him from making any information return, return or declaration, from filing such form, or from paying the tax.

(g) The term "person" as used in this section shall, in addition to the meaning prescribed in Section 161.02, include in the case of an association or corporation not having any partner, member or officer within the Municipality, any employee or agent of such association or corporation who can be found within the corporate limits of the Municipality.
(Ord. 0293-2009. Passed 12-21-09.)

161.14 BOARD OF REVIEW.

(a) A Board of Review, consisting of three (3) members, residents of the Municipality, all to be appointed by the Mayor and approved by Council, is hereby created and shall be maintained to hear appeals. The members of the Board of Review shall be appointed for a term of three (3) years; however, in January 2005 the members of the Board of Review shall be appointed for one, two and three years respectively. A majority of the members of the Board shall constitute a quorum. The Board shall adopt its own procedural rules and shall keep a record of its transactions. Any hearing by the Board shall be conducted privately and the provisions of Section 161.09 with reference to the confidential character of information required to be disclosed by the Chapter shall apply to such matters as may be heard before the Board on appeals.

(b) All rules and regulations and amendments or changes thereto which are adopted by the Tax Administrator under the authority conferred by this Chapter, must be approved by the Board of Review before the same becomes effective. After such approval, such rules, regulations, amendments and changes shall be filed with the Clerk of Council and shall be open to public inspection. The Board shall hear and pass on appeals from any ruling or decision of the Tax Administrator, and, at the request of the taxpayer or Tax Administrator, is empowered to substitute alternate methods of apportionment.

(c) Whenever the Tax Administrator issues a decision regarding an income tax obligation that is subject to appeal as provided in this section, or in an ordinance or regulation of the Municipality, the Tax Administrator shall notify the taxpayer in writing at the same time of the taxpayer's right to appeal the decision and of the manner in which the taxpayer may appeal the decision.

(d) Any person who is aggrieved by a decision by the Tax Administrator and who has filed with the Municipality the required returns or other documents pertaining to the municipal income tax obligation at issue in the decision may appeal the decision to the Board of Review by filing a request with the Board. The request shall be in writing, shall state with particularity why the decision should be deemed incorrect or unlawful, and shall be filed within thirty (30) days after the Tax Administrator has issued the decision.

(e) The imposition of penalty and interest as prescribed in the Codified Ordinances of the Municipality is not a sole basis for an appeal.

(f) The Board of Review shall schedule a hearing within forty-five (45) days after receiving the request, unless the taxpayer waives a hearing. If the taxpayer does not waive the hearing, the taxpayer may appear before the Board and may be represented by an attorney at law, certified public accountant or other representative.

(g) The Board may affirm, reverse, or modify the Tax Administrator's decision or any part of that decision. The Board shall issue a decision on the appeal within ninety (90) days after the Board's final hearing on the appeal, and send notice of its final decision by ordinary mail to all of the parties to the appeal within fifteen (15) days after issuing the decision. The taxpayer or the Tax Administrator may appeal the Board's decision as provided in section 5717.011 of the Ohio Revised Code.

(h) Each Board of Review created pursuant to this section shall adopt rules governing its procedures and shall keep a record of its transactions. Such records are not public records available for inspection under section 149.43 of the Ohio Revised Code. Hearings requested by a taxpayer before a Board of Review created pursuant to this section are not meetings of a public body subject to section 121.22 of the Ohio Revised Code.
(Ord. 0276-2004. Passed 12-20-04.)

161.15 INFORMATION BY LANDLORDS.

(a) All owners or management companies of rental property who rent to tenants of apartments, rooms and other rental accommodations, shall file with the Tax Administrator on a quarterly basis a report showing the name, address and telephone number, if available, of each such tenant who occupies an apartment, room or other rental property within the Municipality in the reporting period.

(b) On the quarterly reporting from subsection (a) above, the owner or management company of vacated rental property shall file with the Tax Administrator a report showing the date of vacation from the rental property and a forwarding address of any tenant that has vacated an apartment, room or other rental property located within the Municipality in the reporting period.

(c) The reporting period will be on a calendar quarter with the reporting being due in the Tax Administrator's office 30 days after the end of the quarter. (Reports are due as follows: 1st quarter - April 30th, 2nd quarter - July 31, 3rd quarter - October 31, and 4th quarter - January 31).

(d) Any person who violates this section shall be guilty of a misdemeanor and shall be subject to a fine of five dollars (\$5.00) per day for each and every day they remain in violation or subject to a maximum penalty of two hundred fifty dollars (\$250.00).
(Ord. 0276-2004. Passed 12-20-04.)

161.18 CREDIT FOR TAX PAID TO ANOTHER MUNICIPALITY.

(a) Every individual taxpayer who resides in the City, but who received net profits, salaries, wages, commissions, distributions from associations, or other compensation for work done or services performed or rendered outside the City, if it is made to appear that he has paid a municipal income tax or excise tax based on income, or such net profits, salaries, wages, commissions, distributions from associations, or other compensation in another municipality, shall be allowed a credit of eighty-three and one-third percent (83 1/3 %) of the amount so paid by him or in his behalf in such other municipality to the extent of the tax assessed by this chapter, by reason of such net profits, salaries, wages, commissions or other compensation earned in such other municipality where such tax is paid. In no instance shall the allowable credit for tax paid another municipality exceed the amount of tax imposed by this chapter. Prior to any alteration of this section, Council shall, at least sixty days prior to any revision, conduct a minimum of three public hearings on any proposed amendment.

(b) Commencing with the 1983 fiscal year for the City, and continuing thereafter until otherwise determined by Council, the tax proceeds collected under the provisions of subsection (a) hereof, as those proceeds are certified by the Finance Director, shall be exclusively reserved or expended for and upon capital improvement or maintenance projects within the City as specifically approved and authorized by Council and which directly benefit the general public. Council shall budget and appropriate each fiscal year from the tax proceeds collected herein a minimum of one hundred thousand dollars (\$100,000) for street repair and maintenance, fifty thousand dollars (\$50,000) for police capital equipment and twenty thousand dollars (\$20,000) for stormwater system improvement and maintenance provided that the Finance Director can reasonably and fairly estimate tax proceeds to be collected during the fiscal year at no less than two hundred fifty thousand dollars (\$250,000).

(c) Commencing with the 1984 fiscal year for the City, and continuing thereafter until otherwise determined by Council, the tax proceeds collected under the provisions of subsection (a) hereof, as those proceeds are certified by the Finance Director, shall be exclusively reserved or expended for capital improvements and equipment in the following categories:

- (1) Safety;
- (2) Streets; and
- (3) Stormwater Maintenance.

(Ord. 0111-2013. Passed 8-19-13.)

161.19 CONTRACT PROVISIONS.

No contract on behalf of the City for works or improvements of the City shall be binding or valid unless such contract contains the following provisions:

"Said hereby further agrees to withhold all City income tax due or payable under the provisions of Chapter 161, Income Tax, of the Codified Ordinances of the City of Gahanna, Ohio, for wages, salaries, and commissions paid to its employees and further agrees that any of its contractors shall be required to agree to withhold any such City income taxes due under said Chapter for services performed under this contract."

(Ord. 0257-2003. Passed 12-15-03.)

161.20 ALLOCATION OF FUNDS.

The funds collected under the provisions of this chapter except as defined in Section 161.18, shall be deposited to the General Fund and be applied for the following purposes, and in the following order to wit:

- (a) Such part thereof as shall be necessary to defray all costs of collecting the taxes levied by this chapter and the cost of maintaining the Division of Taxation and administering and enforcing the provisions thereof.
- (b) Such part thereof as Council may appropriate for the purpose of paying the cost of general municipal operations.
- (c) Such part thereof as Council may appropriate for the purpose of paying the cost for repairs and maintenance of streets.
- (d) Such part thereof as Council may appropriate for the purpose of purchasing new equipment, maintenance, and capital improvements.
- (e) Such part thereof as Council may appropriate for the payment of principal and interest on certain bond issues for capital improvements.

(Ord. 0257-2003. Passed 12-15-03.)

161.21 SAVING CLAUSE.

If any sentence, clause, section or part of this chapter, or any tax against any individual or any of the several groups specified herein, is found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall affect only such clause, sentence, section or part of this chapter and shall not affect or impair any of the remaining provisions, sentences, clauses, sections or other parts of this chapter. It is hereby declared to be the intention of Council that this chapter would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

(Ord. 0257-2003. Passed 12-15-03.)

161.99 PENALTY.

Whoever violates any of the provisions of this chapter for which no penalty is otherwise provided shall be guilty of a minor misdemeanor on a first offense, and a third degree misdemeanor for a second and subsequent offense.

(Ord. 0257-2003. Passed 12-15-03.)

CODIFIED ORDINANCES OF GAHANNA

PART THREE - TRAFFIC CODE

TITLE ONE - Administration

- Chap. 301. Definitions.
 Chap. 303. Enforcement, Impounding and Penalty.
 Chap. 305. Traffic Control.

CHAPTER 301 Definitions

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CROSS REFERENCES

See sectional histories for similar State law
Funeral procession defined - see TRAF. 331.24
Street racing defined - see TRAF. 333.07
Studded tire defined - see TRAF. 339.11
Blind person defined - see TRAF. 371.02
Snowmobile, off-highway motorcycle and all purpose vehicle
defined - see TRAF. 375.01
School zones defined - see TRAF. 333.03(b)

301.01 MEANING OF WORDS AND PHRASES.

The following words and phrases when used in this Traffic Code, except as otherwise provided, shall have the meanings respectively ascribed to them in this chapter.

301.02 AGRICULTURAL TRACTOR.

"Agricultural tractor" means every self-propelling vehicle designed or used for drawing other vehicles or wheeled machinery but having no provision for carrying loads independently of such other vehicles, and used principally for agricultural purposes. (ORC 4511.01(J))

301.03 ALLEY.

"Alley" means a street or highway intended to provide access to the rear or side of lots or buildings in urban districts and not intended for the purpose of through vehicular traffic, and includes any street or highway that has been declared an "alley" by Council. (ORC 4511.01(XX))

301.031 BEACON; HYBRID BEACON.

(a) "Beacon" means a highway traffic signal with one or more signal sections that operate in a flashing mode. (ORC 4511.01(KKK))

(b) "Hybrid beacon" means a type of beacon that is intentionally placed in a dark mode between periods of operation where no indications are displayed and, when in operation, displays both steady and flashing traffic control signal indications. (ORC 4511.01(LLL))

301.04 BICYCLE; MOTORIZED BICYCLE.

(a) "Bicycle" means every device, other than a device that is designed solely for use as a play vehicle by a child, that is propelled solely by human power, upon which a person may ride and that has two or more wheels any of which is more than fourteen inches in diameter. (ORC 4511.01(G))

(b) "Motorized bicycle" means any vehicle having either two tandem wheels or one wheel in the front and two wheels in the rear, that is capable of being pedaled and is equipped with a helper motor of not more than fifty cubic centimeters piston displacement which produces no more than one brake horsepower and is capable of propelling the vehicle at a speed of no greater than twenty miles per hour on a level surface. (ORC 4511.01(H))

301.05 BUS.

"Bus" means every motor vehicle designed for carrying more than nine passengers and used for the transportation of persons other than in a ridesharing arrangement as defined in Ohio R.C. 4511.01, and every motor vehicle, automobile for hire or funeral car, other than a taxicab or motor vehicle used in a ridesharing arrangement, designed and used for the transportation of persons for compensation. (ORC 4511.01(L))

301.06 BUSINESS DISTRICT.

"Business district" means the territory fronting upon a street or highway, including the street or highway, between successive intersections where fifty percent or more of the frontage between such successive intersections is occupied by buildings in use for business, or where fifty percent or more of the frontage for a distance of 300 feet or more is occupied by buildings in use for business, and the character of such territory is indicated by official traffic control devices. (ORC 4511.01(NN))

301.07 COMMERCIAL TRACTOR.

"Commercial tractor" means every motor vehicle having motive power designed or used for drawing other vehicles and not so constructed as to carry any load thereon, or designed or used for drawing other vehicles while carrying a portion of such other vehicles, or the load thereon, or both. (ORC 4511.01(I))

301.08 CONTROLLED-ACCESS HIGHWAY.

"Controlled-access highway" means every street or highway in respect to which owners or occupants of abutting lands and other persons have no legal right or access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such street or highway. (ORC 4511.01(CC))

301.09 CROSSWALK.

"Crosswalk" means:

- (a) That part of a roadway at intersections ordinarily included within the real or projected prolongation of property lines and curb lines or, in the absence of curbs, the edges of the traversable roadway;
- (b) Any portion of a roadway at an intersection or elsewhere, distinctly indicated for pedestrian crossing by lines or other markings on the surface;
- (c) Notwithstanding subsections (a) and (b) hereof, there shall not be a crosswalk where authorized signs have been placed indicating no crossing.

(ORC 4511.01(LL))

301.10 DRIVER OR OPERATOR.

"Driver" or "operator" means every person who drives or is in actual physical control of a vehicle. (ORC 4511.01(Y))

301.11 EMERGENCY VEHICLE.

"Emergency vehicle" means emergency vehicles of municipal, township or county departments or public utility corporations when identified as such as required by law, the Ohio Director of Public Safety or local authorities, and motor vehicles when commandeered by a police officer. (ORC 4511.01(D))

301.12 EXPLOSIVES.

"Explosives" means any chemical compound or mechanical mixture that is intended for the purpose of producing an explosion that contains any oxidizing and combustible units or other ingredients in such proportions, quantities or packing that an ignition by fire, by friction, by concussion, by percussion or by a detonator of any part of the compound or mixture may cause

such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects, or of destroying life or limb.

Manufactured articles shall not be held to be explosives when the individual units contain explosives in such limited quantities, of such nature or in such packing, that it is impossible to procure a simultaneous or a destructive explosion of such units, to the injury of life, limb or property by fire, by friction, by concussion, by percussion or by a detonator, such as fixed ammunition for small arms, firecrackers or safety fuse matches. (ORC 4511.01(T))

301.13 EXPRESSWAY.

"Expressway" means a divided arterial highway for through traffic with full or partial control of access with an excess of fifty percent of all crossroads separated in grade. (ORC 4511.01(ZZ))

301.14 FLAMMABLE LIQUID.

"Flammable liquid" means any liquid that has a flash point of seventy degrees Fahrenheit, or less, as determined by a tagliabue or equivalent closed cup test device. (ORC 4511.01(U))

301.15 FREEWAY.

"Freeway" means a divided multi-lane highway for through traffic with all crossroads separated in grade and with full control of access. (ORC 4511.01(Y))

301.16 GROSS WEIGHT.

"Gross weight" means the weight of a vehicle plus the weight of any load thereon. (ORC 4511.01(V))

301.161 HIGHWAY MAINTENANCE VEHICLE.

"Highway maintenance vehicle" means a vehicle used in snow and ice removal or road surface maintenance, including a snow plow, traffic line striper, road sweeper, mowing machine, asphalt distributing vehicle, or other such vehicle designed for use in specific highway maintenance activities. (ORC 4511.01(QQQ))

301.162 HIGHWAY TRAFFIC SIGNAL.

"Highway traffic signal" means a power-operated traffic control device by which traffic is warned or directed to take some specific action. "Highway traffic signal" does not include a power-operated sign, steadily illuminated pavement markers, warning light, or steady burning electric lamp. (ORC 4511.01(MMM))

301.17 INTERSECTION.

"Intersection" means:

- (a) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, the lateral boundary lines of the roadways of two highways that join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways that join at any other angle might come into conflict. The junction of an alley or driveway with a roadway or highway does not constitute an intersection unless the roadway or highway at the junction is controlled by a traffic control device.
- (b) If a highway includes two roadways that are thirty feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway constitutes a separate intersection. If both intersecting highways include two roadways thirty feet or more apart, then every crossing of any two roadways of such highways constitutes a separate intersection.

303.04 ROAD WORKERS, MOTOR VEHICLES AND EQUIPMENT EXCEPTED.

(a) The provisions of this Traffic Code do not apply to persons, teams, motor vehicles, and other equipment while actually engaged in work upon the surface of a highway within an area designated by traffic control devices, but apply to such persons and vehicles when traveling to or from such work.

(b) The driver of a highway maintenance vehicle owned by this state or any political subdivision of this state, while the driver is engaged in the performance of official duties upon a street or highway, provided the highway maintenance vehicle is equipped with flashing lights and such other markings as are required by law, and such lights are in operation when the driver and vehicle are so engaged, shall be exempt from criminal prosecution for violations of Sections 331.01 to 331.04, 331.06 to 331.08, 331.31, 333.04, 337.01 and Ohio R.C. 4511.66 and 5577.01 to 5577.09.

- (c) (1) This section does not exempt a driver of a highway maintenance vehicle from civil liability arising from a violation of Sections 331.01 to 331.04, 331.06 to 331.08, 331.31, 333.04, 337.01 or Ohio R.C. 4511.66 or 5577.01 to 5577.09.
- (2) This section does not exempt the driver of a vehicle that is engaged in the transport of highway maintenance equipment from criminal liability for a violation of Ohio R.C. 5577.01 to 5577.09.
(ORC 4511.04)

303.041 EMERGENCY, PUBLIC SAFETY AND CORONER'S VEHICLES EXEMPT.

(a) Ohio R.C. 4511.12, 4511.13, 4511.131, 4511.132, 4511.14, 4511.202, 4511.21, 4511.211, 4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 4511.29, 4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 4511.36, 4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 4511.43, 4511.431, 4511.432, 4511.44, 4511.441, 4511.57, 4511.58, 4511.59, 4511.60, 4511.61, 4511.62, 4511.66, 4511.68, 4511.681 and 4511.69 and all sections of this Traffic Code or other municipal ordinances that are substantially equivalent to the sections listed above, do not apply to the driver of an emergency vehicle or public safety vehicle if the emergency vehicle or public safety vehicle is responding to an emergency call, is equipped with and displaying at least one flashing, rotating or oscillating light visible under normal atmospheric conditions from a distance of 500 feet to the front of the vehicle and if the driver of the vehicle is giving an audible signal by siren, exhaust whistle or bell. This section does not relieve the driver of an emergency vehicle or public safety vehicle from the duty to drive with due regard for the safety of all persons and property upon the highway. (ORC 4511.041)

(b) Ohio R.C. 4511.25, 4511.26, 4511.27, 4511.28, 4511.29, 4511.30, 4511.31, 4511.32, 4511.33, 4511.35, 4511.36, 4511.37, 4511.38 and 4511.66, and all sections of this Traffic Code or other municipal ordinances that are substantially equivalent to the sections listed above, do not apply to a coroner, deputy coroner, or coroner's investigator operating a motor vehicle in accordance with Ohio R.C. 4513.171. This section does not relieve a coroner, deputy coroner, or coroner's investigator operating a motor vehicle from the duty to drive with due regard for the safety of all persons and property upon the highway. (ORC 4511.042)

303.05 APPLICATION TO PERSONS RIDING, DRIVING ANIMALS UPON ROADWAY.

Every person riding, driving or leading an animal upon a roadway shall be subject to the provisions of this Traffic Code applicable to the driver of a vehicle, except those provisions of such sections which by their nature are inapplicable. (ORC 4511.05)

303.06 FREEWAY USE PROHIBITED BY PEDESTRIANS, BICYCLES AND ANIMALS.

(a) No person, unless otherwise directed by a police officer, shall:

- (1) As a pedestrian, occupy any space within the limits of the right-of-way of a freeway, except: in a rest area; on a facility that is separated from the roadway and shoulders of the freeway and is designed and appropriately marked for pedestrian use; in the performance of public works or official duties; as a result of an emergency caused by an accident or breakdown of a motor vehicle; or to obtain assistance;
- (2) Occupy any space within the limits of the right of way of a freeway, with: an animal-drawn vehicle; a ridden or led animal; herded animals; a pushcart; a bicycle, except on a facility that is separated from the roadway and shoulders of the freeway and is designed and appropriately marked for bicycle use; a bicycle with motor attached; a motor driven cycle with a motor which produces not to exceed five brake horsepower; an agricultural tractor; farm machinery; except in the performance of public works or official duties.

(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.051)

303.07 APPLICATION TO DRIVERS OF GOVERNMENT VEHICLES.

The provisions of this Traffic Code applicable to the drivers of vehicles shall apply to the drivers of all vehicles owned or operated by the United States, any state or any political subdivision thereof, including this Municipality, except as may be otherwise provided by law and subject to such specific exceptions as are set forth with reference to authorized emergency and public safety vehicles.

303.08 IMPOUNDING OF VEHICLES; REDEMPTION.

(a) Police officers are authorized to provide for the removal of a vehicle under the following circumstances:

- (1) When any vehicle is left unattended upon any street, bridge or causeway and is so illegally parked so as to constitute a hazard or obstruction to the normal movement of traffic, or so as to unreasonably interfere with street cleaning or snow removal operations.

1. Pedestrians lawfully within an associated crosswalk;
 2. Other vehicles lawfully within the intersection.
- B. In addition, vehicular traffic turning left or making a u-turn movement to the left shall yield the right-of-way to other vehicles approaching from the opposite direction so closely as to constitute an immediate hazard during the time when such turning vehicle is moving across or within the intersection.
- (2) Vehicular traffic facing a green arrow signal indication, displayed alone or in combination with another signal indication, is permitted to cautiously enter the intersection only to make the movement indicated by such arrow, or such other movement as is permitted by other indications displayed at the same time. Such vehicular traffic, including vehicles turning right or left or making a u-turn movement, shall yield the right-of-way to both of the following:
- A. Pedestrians lawfully within an associated crosswalk.
 - B. Other traffic lawfully using the intersection.
- (3) A. Unless otherwise directed by a pedestrian signal indication, as provided in Section 313.05, pedestrians facing a circular green signal indication are permitted to proceed across the roadway within any marked or unmarked associated crosswalk. The pedestrian shall yield the right-of-way to vehicles lawfully within the intersection or so close as to create an immediate hazard at the time that the green signal indication is first displayed.
- B. Pedestrians facing a green arrow signal indication, unless otherwise directed by a pedestrian signal indication or other traffic control device, shall not cross the roadway.
- (b) Steady Yellow Signal Indication:
- (1) Vehicular traffic facing a steady circular yellow signal indication is thereby warned that the related green movement or the related flashing arrow movement is being terminated or that a steady red signal indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection. The provisions governing vehicular operation under the movement being terminated shall continue to apply while the steady circular yellow signal indication is displayed.
 - (2) Vehicular traffic facing a steady yellow arrow signal indication is thereby warned that the related green arrow movement or the related flashing arrow movement is being terminated. The provisions governing vehicular operation under the movement being terminated shall continue to apply while the steady yellow arrow signal indication is displayed.
 - (3) Pedestrians facing a steady circular yellow or yellow arrow signal indication, unless otherwise directed by a pedestrian signal indication as provided in Section 313.05 or other traffic control device, shall not start to cross the roadway.
- (c) Steady Red Signal Indication:
- (1) A. Vehicular traffic facing a steady circular red signal indication, unless entering the intersection to make another movement permitted by another signal indication, shall stop at a clearly marked stop line; but if there is no stop line, traffic shall stop before entering the crosswalk on the near side of the intersection; or if there is no crosswalk, before then before entering the intersection; and shall remain stopped until a signal indication to proceed is displayed except as provided in subsections (c)(1), (2) and (3) of this section.

- B. Except when a traffic control device is in place prohibiting a turn on red or a steady red arrow signal indication is displayed, vehicular traffic facing a steady circular red signal indication is permitted, after stopping, to enter the intersection to turn right, or to turn left from a one-way street into a one-way street. The right to proceed with the turn shall be subject to the provisions that are applicable after making a stop at a stop sign.
- (2) A. Vehicular traffic facing a steady red arrow signal indication shall not enter the intersection to make the movement indicated by the arrow and, unless entering the intersection to make another movement permitted by another signal indication, shall stop at a clearly marked stop line; but if there is no stop line, before entering the crosswalk on the near side of the intersection; or if there is no crosswalk, then before entering the intersection; and shall remain stopped until a signal indication or other traffic control device permitting the movement indicated by such red arrow is displayed.
 - B. When a traffic control device is in place permitting a turn on a steady red arrow signal indication, vehicular traffic facing a steady red arrow indication is permitted, after stopping, to enter the intersection to turn right or to turn left from a one-way street into a one-way street. The right to proceed with the turn shall be limited to the direction indicated by the arrow, and shall be subject to the provisions that are applicable after making a stop at a stop sign.
- (3) Unless otherwise directed by a pedestrian signal indication as provided in Section 313.05 or other traffic control device, pedestrians facing a steady circular red or steady red arrow signal indication shall not enter the roadway.
 - (4) Local authorities by ordinance, or the Director of Transportation on State highways, may prohibit a right or a left turn against a steady red signal at any intersection, which shall be effective when signs giving notice thereof are posted at the intersection.
- (d) Flashing Green Signal Indication. A flashing green signal indication has no meaning and shall not be used.
 - (e) Flashing Yellow Signal Indication:
 - (1) A. Vehicular traffic, on an approach to an intersection, facing a flashing circular yellow signal indication, is permitted to cautiously enter the intersection to proceed straight through or turn right or left or make a u-turn movement except as such movement is modified by lane-use signs, turn prohibition signs, lane markings, roadway design, separate turn signal indications, or other traffic control devices. Such vehicular traffic, including vehicles turning right or left or making a u-turn movement, shall yield the right-of-way to both of the following:
 1. Pedestrians lawfully within an associated crosswalk;
 2. Other vehicles lawfully within the intersection.
 - B. In addition, vehicular traffic turning left or making a u-turn to the left shall yield the right-of-way to other vehicles approaching from the opposite direction so closely as to constitute an immediate hazard during the time when such turning vehicle is moving across or within the intersection.

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

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

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

(h) General OVI Penalty.

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

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

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

The court may suspend the execution of the three-day jail term under this subsection if the court, in lieu of that suspended term, places the offender under a community control sanction pursuant to Ohio R.C. 2929.25 and requires the offender to attend, for three consecutive days, a drivers' intervention program certified under Ohio R.C. 5119.38.

The court also may suspend the execution of any part of the three-day jail term under this subsection if it places the offender under a community control sanction pursuant to Ohio R.C. 2929.25 for part of the three days, requires the offender to attend for the suspended part of the term a drivers' intervention program so certified, and sentences the offender to a jail term equal to the remainder of the three consecutive days that the offender does not spend attending the program. The court may require the offender, as a condition of community control and in addition to the required attendance at a drivers' intervention program, to attend and satisfactorily complete any treatment or education programs that comply with the minimum standards adopted pursuant to Ohio R.C. Chapter 5119 by the Director of Mental Health and Addiction Services that the operators of the drivers' intervention program determine that the offender should attend and to report periodically to the court on the offender's progress in the programs. The court also may impose on the offender any other conditions of community control that it considers necessary.

2. If the sentence is being imposed for a violation of subsection (a)(1)F., G., H. or I. or (a)(2) of this section, except as otherwise provided in this subsection, a mandatory jail term of at least three consecutive days and a requirement that the offender attend, for three consecutive days, a drivers' intervention program that is certified pursuant to Ohio R.C. 5119.38. As used in this subsection, three consecutive days means seventy-two consecutive hours. If the court determines that the offender is not conducive to treatment in a drivers' intervention program, if the offender refuses to attend a drivers' intervention program, or if the jail at which the offender is to serve the jail term imposed can provide a drivers' intervention program, the court shall sentence the offender to a mandatory jail term of at least six consecutive days.

The court may require the offender, under a community control sanction imposed under Ohio R.C. 2929.25, to attend and satisfactorily complete any treatment or education programs that comply with the minimum standards adopted pursuant to Ohio R.C. Chapter 5119 by the Director of Mental Health and Addiction Services, in addition to the required attendance at drivers' intervention program, that the operators of the drivers' intervention program determine that the offender should attend and to report periodically to the court on the offender's progress in the programs. The court also may impose any other conditions of community control on the offender that it considers necessary.

3. In all cases, a fine of not less than three hundred seventy-five dollars (\$375.00) and not more than one thousand seventy-five dollars (\$1,075).

4. In all cases, a class five license suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege from the range specified in division (A)(5) of Ohio R.C. 4510.02. The court may grant limited driving privileges relative to the suspension under Ohio R.C. 4510.021 and 4510.13.
- B. Except as otherwise provided in subsection (h)(1)E. of this section, an offender who, within six years of the offense, previously has been convicted of or pleaded guilty to one violation of subsection (a) or (b) of this section or one other equivalent offense is guilty of a misdemeanor of the first degree. The court shall sentence the offender to all of the following:
1. If the sentence is being imposed for a violation of subsection (a)(1)A., B., C., D., E., or J. of this section, a mandatory jail term of ten consecutive days. The court shall impose the ten-day mandatory jail term under this subsection unless, subject to subsection (h)(3) of this section, it instead imposes a sentence under that subsection consisting of both a jail term and a term of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring. The court may impose a jail term in addition to the ten-day mandatory jail term. The cumulative jail term imposed for the offense shall not exceed six months.
In addition to the jail term or the term of house arrest with electronic monitoring or continuous alcohol monitoring or both types of monitoring and jail term, the court shall require the offender to be assessed by a community addiction services provider that is authorized by Ohio R.C. 5119.21, subject to subsection (k) of this section, and shall order the offender to follow the treatment recommendations of the services provider. The purpose of the assessment is to determine the degree of the offender's alcohol usage and to determine whether or not treatment is warranted. Upon the request of the court, the services provider shall submit the results of the assessment to the court, including all treatment recommendations and clinical diagnoses related to alcohol use.
 2. If the sentence is being imposed for a violation of subsection (a)(1)F., G., H. or I. or (a)(2) of this section, except as otherwise provided in this subsection, a mandatory jail term of twenty consecutive days. The court shall impose the twenty-day mandatory jail term under this subsection unless, subject to subsection (h)(3) of this section, it instead imposes a sentence under that subsection consisting of both a jail term and a term of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring. The court may impose a jail term in addition to the twenty-day mandatory jail term. The cumulative jail term imposed for the offense shall not exceed six months.

In addition to the jail term or the term of house arrest with electronic monitoring or continuous alcohol monitoring or both types of monitoring and jail term, the court shall require the offender to be assessed by a community addiction services provider that is authorized by Ohio R.C. 5119.21, subject to subsection (k) of this section, and shall order the offender to follow the treatment recommendations of the services provider. The purpose of the assessment is to determine the degree of the offender's alcohol usage and to determine whether or not treatment is warranted. Upon the request of the court, the services provider shall submit the results of the assessment to the court, including all treatment recommendations and clinical diagnoses related to alcohol use.

3. In all cases, notwithstanding the fines set forth in Section 303.99, a fine of not less than five hundred twenty-five dollars (\$525.00) and not more than one thousand six hundred twenty-five dollars (\$1,625).
 4. In all cases, a class four license suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(4) of Ohio R.C. 4510.02. The court may grant limited driving privileges relative to the suspension under Ohio R.C. 4510.021 and 4510.13. (ORC 4511.19)
 5. In all cases, if the vehicle is registered in the offender's name, immobilization of the vehicle involved in the offense for ninety days in accordance with Ohio R.C. 4503.233 and impoundment of the license plates of that vehicle for ninety days. (ORC 4511.193)
- C. Except as otherwise provided in subsection (h)(1)E. of this section, an offender who, within six years of the offense, previously has been convicted of or pleaded guilty to two violations of subsection (a) or (b) of this section or other equivalent offenses is guilty of a misdemeanor. The court shall sentence the offender to all of the following:
1. If the sentence is being imposed for a violation of subsection (a)(1)A., B., C., D., E., or J. of this section, a mandatory jail term of thirty consecutive days. The court shall impose the thirty-day mandatory jail term under this subsection unless, subject to subsection (h)(3) of this section, it instead imposes a sentence under that subsection consisting of both a jail term and a term of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring. The court may impose a jail term in addition to the thirty-day mandatory jail term. Notwithstanding the jail terms set forth in Section 303.99, the additional jail term shall not exceed one year, and the cumulative jail term imposed for the offense shall not exceed one year.

2. If the sentence is being imposed for a violation of subsection (a)(1)F., G., H. or I. or (a)(2) of this section, a mandatory jail term of sixty consecutive days. The court shall impose the sixty-day mandatory jail term under this subsection unless, subject to subsection (h)(3) of this section, it instead imposes a sentence under that subsection consisting of both a jail term and a term of electronically monitored house arrest with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring. The court may impose a jail term in addition to the sixty-day mandatory jail term. Notwithstanding the terms of imprisonment set forth in Section 303.99, the additional jail term shall not exceed one year, and the cumulative jail term imposed for the offense shall not exceed one year.
 3. In all cases, notwithstanding the fines set forth in Section 303.99, a fine of not less than eight hundred fifty dollars (\$850.00) and not more than two thousand seven hundred fifty dollars (\$2,750).
 4. In all cases, a class three license suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(3) of Ohio R.C. 4510.02. The court may grant limited driving privileges relative to the suspension under Ohio R.C. 4510.021 and 4510.13. (ORC 4511.19)
 5. In all cases, if the vehicle is registered in the offender's name, criminal forfeiture of the vehicle involved in the offense in accordance with Ohio R.C. 4503.234. Subsection (h)(5) of this section applies regarding any vehicle that is subject to an order of criminal forfeiture under this subsection. (ORC 4511.193)
 6. In all cases, the court shall order the offender to participate with a community addiction services provider authorized by Ohio R.C. 5119.21, subject to subsection (k) of this section, and shall order the offender to follow the treatment recommendations of the services provider. The operator of the services provider shall determine and assess the degree of the offender's alcohol dependency and shall make recommendations for treatment. Upon the request of the court, the services provider shall submit the results of the assessment to the court, including all treatment recommendations and clinical diagnoses related to alcohol use.
- D. Except as otherwise provided in subsection (h)(1)E. of this section, an offender who, within six years of the offense, previously has been convicted of or pleaded guilty to three or four violations of subsection (a) or (b) of this section or other equivalent offenses or an offender who, within twenty years of the offense, previously has been convicted of or pleaded guilty to five or more violations of that nature is guilty of a felony of the fourth degree and shall be prosecuted under appropriate state law.

- (2) If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one or more violations of subsection (a) or (b) of this section or other equivalent offenses, the offender is guilty of a misdemeanor of the third degree. In addition to any other sanction imposed for the offense, the court shall impose a class four suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(4) of Ohio R.C. 4510.02.
- (3) If the offender also is convicted of or also pleads guilty to a specification of the type described in Ohio R.C. 2941.1416 and if the court imposes a jail term for the violation of subsection (b) of this section, the court shall impose upon the offender an additional definite jail term pursuant to division (E) of Ohio R.C. 2929.24.
- (4) The offender shall provide the court with proof of financial responsibility as defined in Ohio R.C. 4509.01. If the offender fails to provide that proof of financial responsibility, then, in addition to any other penalties provided by law, the court may order restitution pursuant to Ohio R.C. 2929.28, in an amount not exceeding five thousand dollars (\$5,000) for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the vehicle before, during or after committing the violation of subsection (b) of this section.
(ORC 4511.19)

(j) Physical Control Penalty. Whoever violates subsection (d) hereof is guilty of having physical control of a vehicle while under the influence, a misdemeanor of the first degree. In addition to other sanctions imposed, the court may impose on the offender a class seven suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(7) of Ohio R.C. 4510.02. (ORC 4511.194)

(k) Compliance With Ohio R.C. Chapter 5119 Standards.

- (1) No court shall sentence an offender to an alcohol treatment program under this section unless the treatment program complies with the minimum standards for alcohol treatment programs adopted under Ohio R.C. Chapter 5119 by the Director of Mental Health and Addiction Services.
- (2) An offender who stays in a driver's intervention program or in an alcohol treatment program under an order issued under this section shall pay the cost of the stay in the program. However, if the court determines that an offender who stays in an alcohol treatment program under an order issued under this section is unable to pay the cost of the stay in the program, the court may order that the cost be paid from the court's indigent drivers' alcohol treatment fund.

(l) Appeal Does Not Stay Operation of License Suspension. If a person whose driver's or commercial driver's license or permit or nonresident operating privilege is suspended under this section files an appeal regarding any aspect of the person's trial or sentence, the appeal itself does not stay the operation of the suspension.

(m) Subsection (a)(1)J. of this section does not apply to a person who operates a vehicle while the person has a concentration of a listed controlled substance or a listed metabolite of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or exceeds the amount specified in that subsection, if both of the following apply:

- (1) The person obtained the controlled substance pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs.
- (2) The person injected, ingested, or inhaled the controlled substance in accordance with the health professional's directions.

(n) The prohibited concentrations of a controlled substance or a metabolite of a controlled substance listed in subsection (a)(1)J. of this section also apply in a prosecution of a violation of Ohio R.C. 2923.16(D) in the same manner as if the offender is being prosecuted for a prohibited concentration of alcohol.

(o) Conflict of Terms. All terms defined in Ohio R.C. 4510.01 apply to this section. If the meaning of a term defined in Ohio R.C. 4510.01 conflicts with the meaning of the same term as defined in Ohio R.C. 4501.01 or this Traffic Code, the term as defined in Ohio R.C. 4510.01 applies to this section. (ORC 4511.19)

(p) Indigent Drivers Alcohol Treatment Fund. Twenty-five dollars (\$25.00) of any fine imposed for a violation of subsection (a) hereof shall be deposited into the municipal or county indigent drivers alcohol treatment fund pursuant to Ohio R.C. 4511.193. (ORC 4511.193)

(q) Definitions. As used in this section:

- (1) "Equivalent offense" means any of the following:
 - A. A violation of division (A) or (B) of Ohio R.C. 4511.19;
 - B. A violation of a municipal OVI ordinance;
 - C. A violation of Ohio R.C. 2903.04 in a case in which the offender was subject to the sanctions described in division (D) of that section;
 - D. A violation of division (A)(1) of Ohio R.C. 2903.06 or 2903.08 or a municipal ordinance that is substantially equivalent to either of those divisions;
 - E. A violation of division (A)(2), (3) or (4) of Ohio R.C. 2903.06, division (A)(2) of Ohio R.C. 2903.08, or former Ohio R.C. 2903.07, or a municipal ordinance that is substantially equivalent to any of those divisions or that former section, in a case in which a judge or jury as the trier of fact found that the offender was under the influence of alcohol, a drug of abuse, or a combination of them;
 - F. A violation of division (A) or (B) of Ohio R.C. 1547.11;
 - G. A violation of a municipal ordinance prohibiting a person from operating or being in physical control of any vessel underway or from manipulating any water skis, aquaplane or similar device on the waters of this State while under the influence of alcohol, a drug of abuse, or a combination of them or prohibiting a person from operating or being in physical control of any vessel underway or from manipulating any water skis, aquaplane or similar device on the waters of this State with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath or urine;
 - H. A violation of an existing or former municipal ordinance, law of another state, or law of the United States that is substantially equivalent to division (A) or (B) of Ohio R.C. 4511.19 or division (A) or (B) or Ohio R.C. 1547.11;
 - I. A violation of a former law of this State that was substantially equivalent to division (A) or (B) of Ohio R.C. 4511.19 or division (A) or (B) of Ohio R.C. 1547.11;

Nothing in this section shall be construed to invalidate the Director's initial action on August 9, 1976, establishing all school zones at the traditional school zone boundaries defined by projecting school property lines, except when those boundaries are extended as provided in subsections (b)(1)A. and C. hereof.

- D. As used in this subsection, "crosswalk" has the meaning given that term in Section 301.09. The Director may, upon request by resolution of Council, and upon submission by the Municipality of such engineering, traffic and other information as the Director considers necessary, designate a school zone on any portion of a State route lying within the Municipality that includes a crosswalk customarily used by children going to or leaving a school during recess and opening and closing hours, whenever the distance, as measured in a straight line, from the school property line nearest the crosswalk to the nearest point of the crosswalk is no more than 1,320 feet. Such a school zone shall include the distance encompassed by the crosswalk and extending 300 feet on each approach direction of the State route;
- (2) Twenty-five miles per hour in all other portions of the Municipality, except on State routes outside business districts, through highways outside business districts and alleys;
 - (3) Thirty-five miles per hour on all State routes or through highways within the Municipality outside business districts, except as provided in subsections (b)(4) and (5) hereof;
 - (4) Fifty miles per hour on controlled-access highways and expressways within the Municipality;
 - (5) Fifty miles per hour on State routes within the Municipality outside urban districts unless a lower prima-facie speed is established as further provided in this section;
 - (6) Fifteen miles per hour on all alleys within the Municipality;
 - (7) Fifty-five miles per hour at all times on freeways with paved shoulders inside the Municipality other than freeways as provided in subsection (b)(10) and (12);
 - (8) Sixty miles per hour for operators of any motor vehicle at all times on all portions of rural divided highways;
 - (9) Sixty-five miles per hour for operators of any motor vehicle at all times on rural expressways without traffic control signals;
 - (10) Seventy miles per hour for operators of any motor vehicle at all times on all rural freeways.
 - (11) Fifty-five miles per hour for operators of any motor vehicle at all times on all portions of freeways in congested areas as determined by the Director and that are part of the interstate system and are located within a municipal corporation or within an interstate freeway outerbelt;

- (12) Sixty-five miles per hour for operators of any motor vehicle at all times on all portions of freeways in urban areas as determined by the Director and that are part of the interstate system and are part of an interstate freeway outerbelt;

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

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

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

(f) When a speed in excess of both a prima-facie limitation and a limitation in subsection (d) hereof is alleged, the defendant shall be charged in a single affidavit, alleging a single act, with a violation indicated of both subsections (b)(1)A. to (b)(6) hereof, or of a limit declared or established pursuant to this section by the Director or local authorities, and of the limitation in subsection (d) hereof. If the court finds a violation of subsection (b)(1)A. to (b)(6) hereof, or a limit declared or established pursuant to this section has occurred, it shall enter a judgment of conviction under such subsection and dismiss the charge under subsection (d) hereof. If it finds no violation of subsections (b)(1)A. to (b)(6) hereof or a limit declared or established pursuant to this section, it shall then consider whether the evidence supports a conviction under subsection (d) hereof.

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

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

(i) As used in this section:

- (1) "Interstate system" has the same meaning as in 23 U.S.C.A. 101.
- (2) "Commercial bus" means a motor vehicle designed for carrying more than nine passengers and used for the transportation of persons for compensation.
- (3) "Noncommercial bus" includes but is not limited to a school bus, or a motor vehicle operated solely for the transportation of persons associated with a charitable or nonprofit organization.
- (4) "Outerbelt" means a portion of a freeway that is part of the interstate system and is located in the outer vicinity of a major municipal corporation or group of municipal corporations, as designated by the Director.
- (5) "Rural" means outside urbanized areas, as designated in accordance with 23 USC 101, and outside of a business or urban district.

- (j) (1) A violation of any provision of this section is one of the following:
- A. Except as otherwise provided in subsections (j)(1)B., (1)C., (2) and (3) of this section, a minor misdemeanor;
 - B. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to two violations of any provision of this section or of any provision of Ohio R.C. 4511.21 or a municipal ordinance that is substantially similar to any provision of this section, a misdemeanor of the fourth degree;
 - C. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to three or more violations of any provision of this section or of any provision of Ohio R.C. 4511.21 or a municipal ordinance that is substantially similar to any provision of this section, a misdemeanor of the third degree.

- (2) If the offender has not previously been convicted of or pleaded guilty to a violation of any provision of Ohio R.C. 4511.21 or of any provision of a municipal ordinance that is substantially similar to Ohio R.C. 4511.21 and operated a motor vehicle faster than thirty-five miles an hour in a business district of a municipal corporation, faster than fifty miles an hour in other portions of a municipal corporation, or faster than thirty-five miles an hour in a school zone during recess or while children are going to or leaving school during the school's opening or closing hours, a misdemeanor of the fourth degree.
- (3) Notwithstanding subsection (j)(1) of this section, if the offender operated a motor vehicle in a construction zone where a sign was then posted in accordance with Ohio R.C. 4511.98, the court, in addition to all other penalties provided by law, shall impose upon the offender a fine of two times the usual amount imposed for the violation. No court shall impose a fine of two times the usual amount imposed for the violation upon an offender if the offender alleges, in an affidavit filed with the court prior to the offender's sentencing, that the offender is indigent and is unable to pay the fine imposed pursuant to this subsection and if the court determines that the offender is an indigent person and unable to pay the fine. (ORC 4511.21)

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

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

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

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

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

- (c) (1) Flashing lights are prohibited on motor vehicles, except as a means for indicating a right or a left turn, or in the presence of a vehicular traffic hazard requiring unusual care in approaching, or overtaking or passing. This prohibition does not apply to emergency vehicles, road service vehicles servicing or towing a disabled vehicle, rural mail delivery vehicles, vehicles transporting preschool children as provided in Ohio R.C. 4513.182, highway maintenance vehicles, funeral hearses, funeral escort vehicles and similar equipment operated by the Department or local authorities, which shall be equipped with and display, when used on a street or highway for the special purpose necessitating such lights, a flashing, oscillating or rotating amber light, but shall not display a flashing, oscillating or rotating light of any other color, nor to vehicles or machinery permitted by Section 337.10 to have a flashing red light.
- (2) When used on a street or highway, farm machinery and vehicles escorting farm machinery may be equipped with and display a flashing, oscillating, or rotating amber light, and the prohibition contained in subsection (c)(1) hereof does not apply to such machinery or vehicles. Farm machinery also may display the lights described in Section 337.10.
- (d) Except a person operating a public safety vehicle, as defined in Section 301.27, or a school bus, no person shall operate, move or park upon or permit to stand within the right of way of any public street or highway any vehicle or equipment that is equipped with and displaying a flashing red or a flashing combination red and white light, or an oscillating or rotating red light, or a combination red and white oscillating or rotating light; and except a public law enforcement officer, or other person sworn to enforce the criminal and traffic laws of the State or Municipality, operating a public safety vehicle when on duty, no person shall operate, move or park upon, or permit to stand within the right of way of any street or highway any vehicle or equipment that is equipped with, or upon which is mounted, and displaying a flashing blue or a flashing combination blue and white light, or an oscillating or rotating blue light, or a combination blue and white oscillating or rotating light.
- (e) This section does not prohibit the use of warning lights required by law or the simultaneous flashing of turn signals on disabled vehicles or on vehicles being operated in unfavorable atmospheric conditions in order to enhance their visibility. This section also does not prohibit the simultaneous flashing of turn signals or warning lights either on farm machinery or vehicles escorting farm machinery, when used on a street or highway.
- (f) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4513.17)

337.17 FOCUS AND AIM OF HEADLIGHTS.

- (a) No person shall use any lights mentioned in Section 337.02 to 337.16, inclusive, upon any motor vehicle, trailer or semitrailer unless the lights are equipped, mounted and adjusted as to focus and aim in accordance with State regulations.
- (b) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4513.19)

337.18 MOTOR VEHICLE AND MOTORCYCLE BRAKES.

- (a) The following requirements govern as to brake equipment on vehicles:
- (1) Every motor vehicle, other than a motorcycle, when operated upon a street or highway, shall be equipped with brakes adequate to control the movement of and to stop and hold such motor vehicle, including two separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two wheels. If these two separate means of applying the brakes are connected in any way, then on such motor vehicles manufactured or assembled after January 1, 1942, they shall be so constructed that failure of any one part of the operating mechanism shall not leave the motor vehicle without brakes on at least two wheels.
 - (2) Every motorcycle, when operated upon a street or highway, shall be equipped with at least one adequate brake, which may be operated by hand or by foot.
 - (3) Every motorized bicycle shall be equipped with brakes meeting the rules adopted by the Ohio Director of Public Safety under Ohio R.C. 4511.521.
 - (4) When operated upon the streets or highways of this Municipality, the following vehicles shall be equipped with brakes adequate to control the movement of and to stop and to hold the vehicle designed to be applied by the driver of the towing motor vehicle from its cab, and also designed and connected so that, in case of a breakaway of the towed vehicle, the brakes shall be automatically applied:
 - A. Except as otherwise provided in this section, every trailer or semitrailer, except a pole trailer, with an empty weight of two thousand pounds or more, manufactured or assembled on or after January 1, 1942;
 - B. Every manufactured home or travel trailer with an empty weight of two thousand pounds or more, manufactured or assembled on or after January 1, 2001.
 - (5) Every watercraft trailer with a gross weight or manufacturer's gross vehicle weight rating of three thousand pounds or more that is manufactured or assembled on or after January 1, 2008, shall have separate brakes equipped with hydraulic surge or electrically operated brakes on two wheels.
 - (6) In any combination of motor-drawn trailers or semitrailers equipped with brakes, means shall be provided for applying the rearmost brakes in approximate synchronism with the brakes on the towing vehicle, and developing the required braking effort on the rearmost wheels at the fastest rate; or means shall be provided for applying braking effort first on the rearmost brakes; or both of the above means, capable of being used alternatively, may be employed.
 - (7) Every vehicle and combination of vehicles, except motorcycles and motorized bicycles, and except trailers and semitrailers of a gross weight of less than 2,000 pounds, and pole trailers, shall be equipped with parking brakes adequate to hold the vehicle on any grade on which it is operated, under all conditions of loading, on a surface free from snow, ice or loose material. The parking brakes shall be capable of being applied in conformance with the foregoing requirements by the driver's muscular

- (4) 102 inches for recreational vehicles, excluding safety devices and retracted awnings and other appurtenances of six inches or less in width and except that the Director may prohibit the operation of 102-inch recreational vehicles on designated State highways or portions of highways;
 - (5) 102 inches, including load, for all other vehicles, except that the Director may prohibit the operation of 102-inch vehicles on such State highways or portions of State highways as the Director designates.
- (c) No such vehicle shall have a length in excess of:
- (1) 66 feet for passenger bus type vehicles and articulated passenger bus type vehicles operated by a regional transit authority pursuant to Ohio R.C. 306.30 to 306.54;
 - (2) 45 feet for all other passenger bus type vehicles;
 - (3) 53 feet for any semitrailer when operated in a commercial tractor-semitrailer combination, with or without load, except that the Director may, by journal entry, prohibit the operation of any such commercial tractor-semitrailer combination on such State highways or portions of State highways as the Director designates;
 - (4) 28.5 feet for any semitrailer or trailer when operated in a commercial tractor-semitrailer-trailer or commercial tractor-semitrailer-semitrailer combination, except that the Director may prohibit the operation of any such commercial tractor-semitrailer-trailer or commercial tractor-semitrailer-semitrailer combination on such State highways or portions of State highways as the Director designates;
 - (5) A. 97 feet for drive-away saddlemount vehicle transporter combinations and drive-away saddlemount with fullmount vehicle transporter combinations when operated on any interstate, United States route, or State route, including reasonable access travel on all other roadways for a distance not to exceed one road mile from any interstate, United States route, or State route, not to exceed three saddlemounted vehicles, but which may include one fullmount;
B. 75 feet for drive-away saddlemount vehicle transporter combinations and drive-away saddlemount with fullmount vehicle transporter combinations, when operated on any roadway not designated as an interstate, United States route, or State route, not to exceed three saddlemounted vehicles, but which may include one fullmount;
 - (6) 65 feet for any other combination of vehicles coupled together, with or without load, except as provided in subsections (c)(3) and (4) and in subsection (e) hereof;
 - (7) 45 feet for recreational vehicles.
 - (8) 50 feet for all other vehicles except trailers and semitrailers, with or without load.
- (d) No such vehicle shall have a height in excess of thirteen feet six inches, with or without load.

(e) An automobile transporter or boat transporter shall be allowed a length of sixty-five feet and a stinger-steered automobile transporter or stinger-steered boat transporter shall be allowed a length of seventy-five feet, except that the load thereon may extend no more than four feet beyond the rear of such vehicles and may extend no more than three feet beyond the front of such vehicles, and except further that the Director may prohibit the operation of any stinger-steered automobile transporter or stinger-steered boat transporter or a B-train assembly on any State highway or portion of any State highway that the Director designates.

(f) The widths prescribed in subsection (b) shall not include side mirrors, turn signal lamps, marker lamps, handholds for cab entry and egress, flexible fender extensions, mud flaps, splash and spray suppressant devices, and load-induced tire bulge.

The width prescribed in subsection (b)(5) shall not include automatic covering devices, tarp and tarp hardware, and tiedown assemblies, provided these safety devices do not extend more than three inches from each side of the vehicle.

The lengths prescribed in subsections (c)(2) to (8) hereof shall not include safety devices, bumpers attached to the front or rear of such bus or combination, nonproperty carrying devices or components that do not extend more than twenty-four inches beyond the rear of the vehicle and are needed for loading or unloading, B-train assembly used between the first and second semitrailer of a commercial tractor-semitrailer-semitrailer combination, energy conservation devices as provided in any regulations adopted by the Secretary of the United States Department of Transportation, or any noncargo-carrying refrigeration equipment attached to the front of trailers and semitrailers. In special cases, vehicles whose dimensions exceed those prescribed by this section may operate in accordance with rules adopted by the Ohio Director of Transportation.

(g) This section does not apply to fire engines, fire trucks or other vehicles or apparatus belonging to any municipal corporation or to the volunteer fire department of any municipal corporation or used by such department in the discharge of its functions. This section does not apply to vehicles and pole trailers used in the transportation of wooden and metal poles, nor to the transportation of pipes or well-drilling equipment, nor to farm machinery and equipment. The owner or operator of any vehicle, machinery or equipment not specifically enumerated in this section but the dimensions of which exceed the dimensions provided by this section, when operating the same on the highways and streets of this State shall comply with the rules of the Director governing such movement, that the Director may adopt. Ohio R.C. 119.01 to 119.13 apply to any rules the Director adopts under this section, or the amendment or rescission of the rules, and any person adversely affected shall have the same right of appeal as provided in those sections.

This section does not require the State, the Municipality, County, township or any railroad or other private corporation to provide sufficient vertical clearance to permit the operation of such vehicle, or to make any changes in or about existing structures now crossing streets, roads and other public thoroughfares in the Municipality.

(h) As used in this section, "recreational vehicle" has the same meaning as in Ohio R.C. 4501.01. (ORC 5577.05)

(i) Whoever violates this section shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00). (Ord. 0004-2000. Passed 3-6-00.)

339.04 ROUTE AND LOAD INFORMATION.

Drivers of vehicles described in this chapter shall be required, upon request by a police officer, to give full and true information as to the route they are following and the name of the consignor and consignee and place of delivery or removal and the location of any consignment being hauled or goods being removed, and upon a designation by such police officer of a route to be followed, shall immediately adopt and pursue such route.

351.04 PARKING NEAR CURB; HANDICAPPED LOCATIONS ON PUBLIC AND PRIVATE LOTS AND GARAGES.

(a) Every vehicle stopped or parked upon a roadway where there is an adjacent curb shall be stopped or parked with the curb side wheels of the vehicle parallel with and not more than twelve inches from the curb, unless it is impossible to approach so close to the curb; in such case the stop shall be as close to the curb as possible and only for the time necessary to discharge and receive passengers or to load or unload merchandise.

(b) (1) This subsection does not apply to streets or parts thereof where angle parking is lawfully permitted. However, no angle parking shall be permitted on a state route unless an unoccupied roadway width of not less than twenty-five feet is available for free-moving traffic.

(2) A. No angled parking space that is located on a state route within a municipal corporation is subject to elimination, irrespective of whether there is or is not at least twenty-five feet of unoccupied roadway width available for free-moving traffic at the location of that angled parking space, unless the municipal corporation approves of the elimination of the angled parking space.

B. Replacement, repainting or any other repair performed by or on behalf of the municipal corporation of the lines that indicate the angled parking space does not constitute an intent by the municipal corporation to eliminate the angled parking space.

(c) (1) A. Except as provided in subsection (c)(1)B. hereof, no vehicle shall be stopped or parked on a road or highway with the vehicle facing in a direction other than the direction of travel on that side of the road or highway.

B. The operator of a motorcycle may back the motorcycle into an angled parking space so that when the motorcycle is parked it is facing in a direction other than the direction of travel on the side of the road or highway.

(2) The operator of a motorcycle may back the motorcycle into a parking space that is located on the side of, and parallel to, a road or highway. The motorcycle may face any direction when so parked. Not more than two motorcycles at a time shall be parked in a parking space as described in subsection (c)(2) of this section irrespective of whether or not the space is metered.

(d) Notwithstanding any provision of this Code or any rule, air compressors, tractors, trucks and other equipment, while being used in the construction, reconstruction, installation, repair or removal of facilities near, on, over or under a street, may stop, stand or park where necessary in order to perform such work, provided a flagperson is on duty, or warning signs or lights are displayed as may be prescribed by the Ohio Director of Transportation.

(e) Special parking locations and privileges for persons with disabilities that limit or impair the ability to walk, also known as handicapped parking spaces or disability parking spaces shall be provided and designated by the Municipality and all agencies and instrumentalities thereof at all offices and facilities, where parking is provided, whether owned, rented or leased, and at all publicly owned parking garages. The locations shall be designated through the posting of an elevated sign, whether permanently affixed or movable, imprinted with the international symbol of access and shall be reasonably close to exits, entrances, elevators and ramps. All elevated signs posted in accordance with this subsection and Ohio R.C. 3781.111 (C) shall be mounted on a fixed

or movable post, and the distance from the ground to the bottom edge of the sign shall measure not less than five feet. If a new sign or a replacement sign designating a special parking location is posted on or after October 14, 1999, there also shall be affixed upon the surface of that sign or affixed next to the designating sign a notice that states the fine applicable for the offense of parking a motor vehicle in the special designated parking location if the motor vehicle is not legally entitled to be parked in that location.

- (f) (1) No person shall stop, stand or park any motor vehicle at special parking locations provided under subsection (e) hereof, or at special clearly marked parking locations provided in or on privately owned parking lots, parking garages, or other parking areas and designated in accordance with subsection (e) hereof, unless one of the following applies:
 - A. The motor vehicle is being operated by or for the transport of a person with a disability that limits or impairs the ability to walk and is displaying a valid removable windshield placard or special license plates;
 - B. The motor vehicle is being operated by or for the transport of a handicapped person and is displaying a parking card or special handicapped license plates.
- (2) Any motor vehicle that is parked in a special marked parking location in violation of subsection (f)(1) of this section may be towed or otherwise removed from the parking location by the Police Department. A motor vehicle that is so towed or removed shall not be released to its owner until the owner presents proof of ownership of the motor vehicle and pays all towing and storage fees normally imposed by the Municipality for towing and storing motor vehicles. If the motor vehicle is a leased vehicle, it shall not be released to the lessee until the lessee presents proof that that person is the lessee of the motor vehicle and pays all towing and storage fees normally imposed by the Municipality for towing and storing motor vehicles.
- (3) If a person is charged with a violation of subsection (f)(1) of this section, it is an affirmative defense to the charge that the person suffered an injury not more than seventy-two hours prior to the time the person was issued the ticket or citation and that, because of the injury, the person meets at least one of the criteria contained in Ohio R.C. 4503.44(A)(1).

(g) When a motor vehicle is being operated by or for the transport of a person with a disability that limits or impairs the ability to walk and is displaying a removable windshield placard or a temporary removable windshield placard or special license plates, or when a motor vehicle is being operated by or for the transport of a handicapped person and is displaying a parking card or special handicapped license plates, the motor vehicle is permitted to park for a period of two hours in excess of the legal parking period permitted by local authorities, except where local ordinances or police rules provide otherwise or where the vehicle is parked in such a manner as to be clearly a traffic hazard.

- (h) As used in this section:
 - (1) "Handicapped person" means any person who has lost the use of one or both legs, or one or both arms, who is blind, deaf or so severely handicapped as to be unable to move without the aid of crutches or a wheelchair, or whose mobility is restricted by a permanent cardiovascular, pulmonary or other handicapping condition.

- (2) "Person with a disability that limits or impairs the ability to walk" has the same meaning as in Ohio R.C. 4503.44.
 - (3) "Special license plates" and "removable windshield placard" mean any license plates or removable windshield placard or temporary removable windshield placard issued under Ohio R.C. 4503.41 or 4503.44, and also mean any substantially similar license plates or removable windshield placard or temporary removable windshield placard issued by a state, district, country or sovereignty.
- (i) (1) Whoever violates subsection (a) or (c) of this section is guilty of a minor misdemeanor.
- (2) A. Whoever violates subsection (f)(1)A. or B. of this section is guilty of a misdemeanor and shall be punished as provided in subsection (i)(2)A. and B. of this section. Except as otherwise provided in subsection (i)(2)A. of this section, an offender who violates subsection (f)(1)A. or B. of this section shall be fined not less than two hundred fifty dollars (\$250.00) nor more than five hundred dollars (\$500.00). An offender who violates subsection (f)(1)A. or B. of this section shall be fined not more than one hundred dollars (\$100.00) if the offender, prior to sentencing, proves either of the following to the satisfaction of the court:
- 1. At the time of the violation of subsection (f)(1)A. of this section, the offender or the person for whose transport the motor vehicle was being operated had been issued a removable windshield placard that then was valid or special license plates that then were valid but the offender or the person neglected to display the placard or license plates as described in subsection (f)(1)A. of this section.
 - 2. At the time of the violation of subsection (f)(1)B. of this section, the offender or the person for whose transport the motor vehicle was being operated had been issued a parking card that then was valid or special handicapped license plates that then were valid but the offender or the person neglected to display the card or license plates as described in subsection (f)(1)B. of this section.
- B. In no case shall an offender who violates subsection (f)(1)A. or B. of this section be sentenced to any term of imprisonment.

An arrest or conviction for a violation of subsection (f)(1)A. or B. of this section does not constitute a criminal record and need not be reported by the person so arrested or convicted in response to any inquiries contained in any application for employment, license, or other right or privilege, or made in connection with the person's appearance as a witness. (ORC 4511.69)

351.05 MAXIMUM CONSECUTIVE PARKING ON STREETS.

(a) No person shall park any vehicle upon any street or alley in excess of forty-eight consecutive hours.

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

351.06 SELLING, WASHING OR REPAIRING VEHICLE UPON ROADWAY.

(a) No person shall stop, stand or park a vehicle upon any roadway for the principal purpose of:

- (1) Displaying such vehicle for sale;
- (2) Washing, greasing or repairing such vehicle except repairs necessitated by an emergency.

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

351.07 UNATTENDED VEHICLE: DUTY TO STOP ENGINE, REMOVE KEY, SET BRAKE AND TURN WHEELS.

(a) No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key from the ignition, effectively setting the parking brake, and, when the motor vehicle is standing upon any grade, turning the front wheels to the curb or side of the highway.

The requirements of this section relating to the stopping of the engine, locking of the ignition and removing the key from the ignition of a motor vehicle shall not apply to an emergency vehicle or a public safety vehicle.

(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.661)

351.08 OPENING VEHICLE DOOR ON TRAFFIC SIDE.

(a) No person shall open the door of a vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, and can be done without interfering with the movement of other traffic, nor shall any person leave a door open on the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.70(C), (D))

351.09 PARKING ON PUBLIC OR PRIVATE LOTS AND LANDS.

(a) The parking of vehicles on public or private property, excluding dedicated streets and ways set out for public travel and heretofore regulated, shall be prohibited without the consent of the owner of private property or duly directed by the Director of Public Safety or posted by the Police Department.

(b) No vehicle shall be parked on public property in violation of appropriate signs set out by or under the direction of the Police Department or Director of Public Safety.

(c) No vehicle shall be parked on any private or public property in violation of regulations posted in a conspicuous manner on such lot, setting forth the prohibition of parking or the conditions and regulations under which parking is permitted.

(d) If any vehicle is found upon public or private property in violation of any of the foregoing sections and the identity of the driver cannot be determined, the owner or person in whose name such vehicle is registered shall be held prima-facie responsible for such violation.

(e) Action under this section shall be initiated only upon complaint of the parking lot owner or manager or their authorized agents.
(Ord. 8-68. Passed 1-15-68.)

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

351.10 PARKING BEFORE DRIVEWAYS OR GARAGE ENTRANCES.

(a) No vehicle shall be parked or left standing on any street or alley in such manner as to interfere with the free ingress to any public or private driveway or public or private garage.
(Ord. 9-56. Passed 6-18-56.)

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

351.11 PARKING ON NARROW STREETS.

(a) No driver shall stop, stand or park any vehicle upon a street or alley in such manner or under such conditions as to leave available less than ten feet of the width of the roadway for the free movement of vehicular traffic.
(Ord. 9-56. Passed 6-18-56.)

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

351.12 PROHIBITION AGAINST PARKING ON STREETS OR HIGHWAYS.

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

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

(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.66)

351.13 NIGHT PARKING OF TRUCKS.

(a) No motor truck shall be parked or left standing on any street or alley longer than six hours, between the hours of 10:00 p.m. and 6:00 a.m. of the following day. (Ord. 9-56. Passed 6-18-56.)

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

351.14 STANDING FOR LOADING OR UNLOADING.

(a) No driver of a truck shall stop, stand or park such vehicle, for a period of time longer than is necessary for the unloading and delivery, or pickup and loading of materials. In no case shall the stop for loading or for unloading of materials exceed thirty minutes. (Ord. 9-56. Passed 6-18-56.)

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

351.15 VEHICLES DISPLAYING ADVERTISING.

(a) No vehicle to which is attached any advertising sign or placard not painted on the body thereof shall be parked on any street for a period longer than thirty minutes. (Ord. 9-56. Passed 6-18-56.)

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

351.16 SELLING FROM VEHICLES.

(a) No vehicles from which anything is offered for sale shall be permitted to stand in the street for a period exceeding fifteen minutes, except when special permission of the Police Chief has been granted. (Ord. 9-56. Passed 6-18-56.)

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

- (3) As used in this section, "cable television service", "computer", "computer software", "computer system", "computer network", "data", and "telecommunications device" have the same meanings as in Ohio R.C. 2913.01.
- (k) "Law enforcement officer" means any of the following:
- (1) A sheriff, deputy sheriff, constable, police officer of a township or joint police district, marshal, deputy marshal, municipal police officer, member of a police force employed by a metropolitan housing authority under Ohio R.C. 3735.31(D) or State highway patrol trooper;
 - (2) An officer, agent or employee of the State or any of its agencies, instrumentalities or political subdivisions, upon whom, by statute, Charter or ordinance, a duty to conserve the peace or to enforce all or certain laws is imposed and the authority to arrest violators is conferred, within the limits of that statutory duty and authority;
 - (3) A mayor or manager in the mayor's or manager's capacity as chief conservator of the peace within the mayor's or manager's municipal corporation;
 - (4) A member of an auxiliary police force organized by county, township or municipal law enforcement authorities, within the scope of the member's appointment or commission;
 - (5) A person lawfully called pursuant to Ohio R.C. 311.07 to aid a sheriff in keeping the peace, for the purposes and during the time when the person is called;
 - (6) A person appointed by a mayor pursuant to Ohio R.C. 737.01 as a special patrolling officer during riot or emergency, for the purposes and during the time when the person is appointed;
 - (7) A member of the organized militia of this State or the armed forces of the United States, lawfully called to duty to aid civil authorities in keeping the peace or protect against domestic violence;
 - (8) A prosecuting attorney, assistant prosecuting attorney, secret service officer or municipal prosecutor;
 - (9) A veterans' home police officer appointed under Ohio R.C. 5907.02;
 - (10) A member of a police force employed by a regional transit authority under Ohio R.C. 306.35(Y);
 - (11) A special police officer employed by a port authority under Ohio R.C. 4582.04 or 4582.28;
 - (12) The Senate Sergeant of Arms and or Assistant Sergeant at Arms;
 - (13) A special police officer employed by a municipal corporation at a municipal airport, or other municipal air navigation facility, that has scheduled operations, as defined in Section 119.3 of Title 14 of the Code of Federal Regulations, 14 C.F.R. 119.3, as amended, and that is required to be under a security program and is governed by aviation security rules of the transportation security administration of the United States Department of Transportation as provided in Parts 1542 and 1544 of Title 49 of the Code of Federal Regulations, as amended.
- (l) "Privilege" means an immunity, license or right conferred by law, or bestowed by express or implied grant, or arising out of status, position, office or relationship, or growing out of necessity.
- (m) "Contraband" means any property that is illegal for a person to acquire or possess under a statute, ordinance, or rule, or that a trier of fact lawfully determines to be illegal to possess by reason of the property's involvement in an offense. "Contraband" includes, but is not limited to, all of the following:
- (1) Any controlled substance, as defined in Ohio R.C. 3719.01, or any device, or paraphernalia;

- (2) Any unlawful gambling device, or paraphernalia;
- (3) Any dangerous ordnance or obscene material.
- (n) A person is “not guilty by reason of insanity” relative to a charge of an offense only if the person proves, in the manner specified in Ohio R.C. 2901.05, that at the time of the commission of the offense, the person did not know, as a result of a severe mental disease or defect, the wrongfulness of the person’s acts.
- (o) (1) A. Subject to subsection (o)(2) hereof, as used in any section contained in Part Five - General Offenses Code that sets forth a criminal offense, “person” includes all of the following:
 - 1. An individual, corporation, business trust, estate, trust, partnership, and association;
 - 2. An unborn human who is viable.
- B. As used in any section contained in Part Five - General Offenses Code that does not set forth a criminal offense, “person” includes an individual, corporation, business trust, estate, trust, partnership and association.
- C. As used in subsection (o)(1)A. hereof:
 - 1. “Unborn human” means an individual organism of the species *Homo sapiens* from fertilization until live birth.
 - 2. “Viable” means the stage of development of a human fetus at which there is a realistic possibility of maintaining and nourishing of a life outside the womb with or without temporary artificial life-sustaining support.
- (2) Notwithstanding subsection (o)(1)A. hereof, in no case shall the portion of the definition of the term “person” that is set forth in subsection (o)(1)A.2. hereof be applied or construed in any section contained in Part Five - General Offenses Code that sets forth a criminal offense in any of the following manners:
 - A. Except as otherwise provided in subsection (o)(2)A. hereof, in a manner so that the offense prohibits or is construed as prohibiting any pregnant woman or her physician from performing an abortion with the consent of the pregnant woman, with the consent of the pregnant woman implied by law in a medical emergency, or with the approval of one otherwise authorized by law to consent to medical treatment on behalf of the pregnant woman. An abortion that violates the conditions described in the immediately preceding sentence may be punished as a violation of Ohio R.C. 2903.01, 2903.02, 2903.03, 2903.04, 2903.05, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 2903.14, 2903.21, or 2903.22, as applicable. An abortion that does not violate the conditions described in the second immediately preceding sentence, but that does violate Ohio R.C. 2919.12, division (B) of Ohio R.C. 2919.13, or Ohio R.C. 2919.151, 2919.17 or 2919.18, may be punished as a violation of Ohio R.C. 2919.12, division (B) of Ohio R.C. 2919.13, or Ohio R.C. 2919.151, 2919.17 or 2919.18, as applicable. Consent is sufficient under this subsection if it is of the type otherwise adequate to permit medical treatment to the pregnant woman, even if it does not comply with Ohio R.C. 2919.12.
 - B. In a manner so that the offense is applied or is construed as applying to a woman based on an act or omission of the woman that occurs while she is or was pregnant and that results in any of the following:
 - 1. Her delivery of a stillborn baby;
 - 2. Her causing, in any other manner, the death in utero of a viable, unborn human that she is carrying;

505.05 ABANDONING ANIMALS.

- (a) No owner or keeper of a dog, cat or other animal shall abandon such animal.
- (b) Whoever violates this section is guilty of a misdemeanor of the fourth degree.
(Ord. 0105-2002. Passed 6-17-02.)

505.06 KILLING, INJURING OR POISONING ANIMALS.

(a) No person shall knowingly and without the consent of the owner, kill, injure or administer poison to any animal that is the property of another; and no person shall knowingly and without the consent of the owner of the lands place any poisoned food where it may be easily found and eaten by children or animals, either upon his own lands or the lands of another. This section does not apply to a licensed veterinarian or Animal Warden acting in an official capacity.
(ORC 959.02, 959.03)

(b) Whoever violates this section is guilty of a misdemeanor of the first degree.
(ORC 959.99(B); Ord. 0105-2002. Passed 6-17-02.)

505.07 CRUELTY TO ANIMALS GENERALLY.

(a) No person shall overwork, overdrive, overload, torture an animal, deprive one of necessary sustenance or necessary veterinary care, physically attack or cruelly beat, needlessly mutilate, purposely injure, or kill an animal.

(b) No person shall impound or confine an animal without affording it, during such confinement, a sufficient quantity of good wholesome food and water, access to shelter from extreme temperatures, wind, rain, snow, or excessive direct sunlight if it can be reasonably expected that the animal would otherwise become sick or in some other way suffer. For the purpose of this section, "shelter" means a manmade enclosure, windbreak, sunshade, or natural windbreak or sunshade that is developed from the earth's contour, tree development or vegetation.

(c) No person shall carry or convey an animal in a cruel or inhumane manner.

(d) No person shall cause or allow any place where an animal is kept to become unclean or unwholesome.

(e) Whoever violates this section is guilty of a misdemeanor of the second degree. In addition, the court may order the offender to forfeit the animal to the Capital Humane Society.
(Ord. 28-2001. Passed 3-5-01.)

505.071 CRUELTY TO COMPANION ANIMALS.

(a) As used in this section:

- (1) "Companion animal" means any animal that is kept inside a residential dwelling and any dog or cat regardless of where it is kept. "Companion animal" does not include livestock or any wild animal.
- (2) "Cruelty", "torment" and "torture" have the same meanings as in Ohio R.C. 1717.01.
- (3) "Residential dwelling" means a structure or shelter or the portion of a structure or shelter that is used by one or more humans for the purpose of a habitation.
- (4) "Practice of veterinary medicine" has the same meaning as in Ohio R.C. 4741.01.

- (5) "Wild animal" has the same meaning as in Ohio R.C. 1531.01.
- (6) "Federal animal welfare act" means the "Laboratory Animal Act of 1966", Pub. L. No. 89-544, 80 Stat. 350 (1966), 7 U.S.C.A. 2131 et seq., as amended by the "Animal Welfare Act of 1970", Pub. L. No. 91-579, 84 Stat. 1560 (1970), the "Animal Welfare Act Amendments of 1976", Pub. L. No. 94-279, 90 Stat. 417 (1976), and the "Food Security Act of 1985", Pub. L. No. 99-198, 99 Stat. 1354 (1985), and as it may be subsequently amended.
- (7) "Dog kennel" means an animal rescue for dogs that is registered under Ohio R.C. 956.06, a boarding kennel or a training kennel.

(b) No person shall knowingly torture, torment, needlessly mutilate or maim, cruelly beat, poison, needlessly kill, or commit an act of cruelty against a companion animal.

(c) No person who confines or who is the custodian or caretaker of a companion animal shall negligently do any of the following:

- (1) Commit any act by which unnecessary or unjustifiable pain or suffering is caused, permitted or allowed to continue, when there is a reasonable remedy or relief, against the companion animal;
- (2) Omit any act of care by which unnecessary or unjustifiable pain or suffering is caused, permitted or allowed to continue, when there is a reasonable remedy or relief, against the companion animal;
- (3) Commit any act of neglect by which unnecessary or unjustifiable pain or suffering is caused, permitted or allowed to continue, when there is a reasonable remedy or relief, against the companion animal;
- (4) Needlessly kill the companion animal;
- (5) Deprive the companion animal of necessary sustenance, confine the companion animal without supplying it during the confinement with sufficient quantities of good, wholesome food and water, or impound or confine the companion animal without affording it, during the impoundment or confinement, with access to shelter from heat, cold, wind, rain, snow, or excessive direct sunlight, if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the deprivation, confinement, or impoundment in any of those specified manners.

(d) No owner, manager, or employee of a dog kennel who confines or is the custodian or caretaker of a companion animal shall negligently do any of the following:

- (1) Commit any act by which unnecessary or unjustifiable pain or suffering is caused, permitted or allowed to continue, when there is a reasonable remedy or relief, against the companion animal;
- (2) Omit any act of care by which unnecessary or unjustifiable pain or suffering is caused, permitted, or allowed to continue, when there is a reasonable relief, against the companion animal;
- (3) Commit any act of neglect by which unnecessary or unjustifiable pain or suffering is caused, permitted or allowed to continue, when there is a reasonable remedy or relief, against the companion animal;
- (4) Needlessly kill the companion animal;

- (5) Deprive the companion animal of necessary sustenance, confine the companion animal without supplying it during the confinement with sufficient quantities of good, wholesome food and water, or impound or confine the companion animal without affording it, during the impoundment or confinement, with access to shelter from heat, cold, wind, rain, snow or excessive direct sunlight if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the deprivation, confinement, or impoundment or confinement in any of those specified manners.
- (e) Subsections (b), (c) and (d) of this section do not apply to any of the following:
- (1) A companion animal used in scientific research conducted by an institution in accordance with the federal animal welfare act and related regulations;
 - (2) The lawful practice of veterinary medicine by a person who has been issued a license, temporary permit, or registration certificate to do so under Ohio R.C. Chapter 4741;
 - (3) Dogs being used or intended for use for hunting or field trial purposes, provided that the dogs are being treated in accordance with usual and commonly accepted practices for the care of hunting dogs;
 - (4) The use of common training devices, if the companion animal is being treated in accordance with usual and commonly accepted practices for the training of animals;
 - (5) The administering of medicine to a companion animal that was properly prescribed by a person who has been issued a license, temporary permit, or registration certificate under Ohio R.C. Chapter 4741.
(ORC 959.131)
- (f)
- (1) Whoever violates subsection (b) hereof is guilty of a misdemeanor of the first degree on a first offense. On each subsequent offense such person is guilty of a felony and shall be prosecuted under appropriate State law.
 - (2) Whoever violates subsection (c) hereof is guilty of a misdemeanor of the second degree on a first offense and a misdemeanor of the first degree on each subsequent offense.
 - (3) Whoever violates subsection (d) hereof is guilty of a misdemeanor of the first degree.
 - (4) A. A court may order a person who is convicted of or pleads guilty to a violation of this section to forfeit to an impounding agency, as defined in Ohio R.C. 959.132, any or all of the companion animals in that person's ownership or care. The court also may prohibit or place limitations on the person's ability to own or care for any companion animals for a specified or indefinite period of time.
B. A court may order a person who is convicted of or pleads guilty to a violation of this section to reimburse an impounding agency for the reasonably necessary costs incurred by the agency for the care of a companion animal that the agency impounded as a result of the investigation or prosecution of the violation, provided that the costs were not otherwise paid under Ohio R.C. 959.132.
 - (5) If a court has reason to believe that a person who is convicted of or pleads guilty to a violation of this section suffers from a mental or emotional disorder that contributed to the violation, the court may impose as a community control sanction or as a condition of probation a requirement that the offender undergo psychological evaluation or counseling. The court shall order the offender to pay the costs of the evaluation or counseling. (ORC 959.99)

505.08 HOUSING OF ANIMALS.

(a) Horses, cattle, chickens, swine, sheep, goats or any other farm animals may be kept within the City pursuant to the conditions established in the Planning and Zoning Code of the City of Gahanna.

(b) Whoever violates this section is guilty of a minor misdemeanor.
(Ord. 28-2001. Passed 3-5-01.)

505.09 ANIMAL NUISANCE CONDITIONS PROHIBITED.

(a) No person shall keep or harbor any animal in the City so as to create offensive odors, excessive noise or unsanitary conditions which are a menace to the health, comfort or safety of the public, or otherwise permit the commission or existence of a nuisance as defined herein.

(b) No person shall keep or otherwise harbor any animal within the City which, by frequent and habitual barking, howling or yelping, menacing passersby, chasing vehicles, or attacking other domestic animals, results in disturbance of the peace, quiet and good order of the City. Any person, who allows any animal habitually to remain, be lodged, or fed within any dwelling, building, yard or enclosure, which he occupies or owns, shall be considered as harboring such animal.

(c) Any animal which scratches, digs or defecates upon any lawn, tree, shrub, plant, sidewalk, building, park, playground, school ground or private property, other than the property of the owner or person in charge or control of such animal, is hereby declared to be a nuisance.

(d) No person being the owner or in charge or control of any animal shall allow or permit such animal to commit a nuisance on any school grounds, playground, City park or upon any private property other than that of the owner or person in charge or control of such animal without the permission of the owner of such property. Where the owner or person in charge or control of such animal immediately removes all feces deposited by such animal and disposes of same in a sanitary manner, such nuisance shall be considered abated.

(e) No person shall erect, use or maintain a building, structure or place for the keeping or feeding of animals which by causing noise or offensive smells becomes injurious to the health, comfort or property of individuals or the public.

(f) No person shall keep more than four adult animals for pleasure, profit, breeding or exhibiting without obtaining a kennel license and complying with the Zoning Code. Adult animals are defined as older than three months in age.

(g) Whoever violates this section is guilty of a minor misdemeanor for the first offense, a misdemeanor of the fourth degree for the second offense, and a misdemeanor of the second degree for all subsequent offenses.

(Ord. 0105-2002. Passed 6-17-02.)

505.10 ANIMAL BITES, QUARANTINE AND REPORT.

(a) Whenever any person is bitten by a dog or other animal, report of such bite shall be made to the Board of Health of Franklin County within twenty-four hours. The dog or other animal inflicting a bite shall immediately be examined by a qualified veterinarian at the expense of the owner, when known, and results of such examination shall be reported to the Board of Health within twenty-four hours. At the discretion of the Board of Health, the dog or other animal shall either be confined by its owner or harbinger to his premises away from the public at large,

or be placed under supervision of a veterinarian at the owner's or harborer's expense. The isolation or observation period shall be not less than ten days from the date the person was bitten at which time report of the condition of the animal shall be made to the Board of Health. No person shall fail to comply with the requirements of this section or with an order of the Board of Health of Franklin County made pursuant thereto, nor fail to immediately report to the Board of Health any symptom or behavior suggestive of rabies.

(b) Whoever violates this section is guilty of a misdemeanor in the first degree.
(Ord. 0105-2002. Passed 6-17-02.)

505.11 HUNTING AND TRAPPING.

(a) Hunting. No person shall hunt game animals or game birds within the City.

(b) Trapping. Except on his own premises, no person shall, by use of a metal trap or other similar device, trap or attempt to trap birds, or animals of any kind whatsoever within the City, except for the purpose of handling birds by a State-licensed bander with the written permission and approval of the Animal Control Officer. Any animal trapped by a person on his own premises shall forthwith be turned over to the Animal Control Officer. The use of leg traps is expressly prohibited within the City.

(c) Whoever violates this section is guilty of a misdemeanor in the first degree.
(Ord. 0105-2002. Passed 6-17-02.)

505.12 BREAKING OPEN POUND.

(a) No person shall interfere with, break open or destroy a pound erected by authority of law, or set at liberty any animal impounded therein.

(b) Whoever violates this section is guilty of a misdemeanor of the fourth degree.
(Ord. 28-2001. Passed 3-5-01.)

505.13 REPORT OF ESCAPE OF EXOTIC OR DANGEROUS ANIMAL.

(a) The owner or keeper of any member of a species of the animal kingdom that escapes from his custody or control and that is not indigenous to this State or presents a risk of serious physical harm to persons or property, or both, shall, within one hour after he discovers or reasonably should have discovered the escape, report it to:

(1) A law enforcement officer of the Municipality and the sheriff of the county where the escape occurred.

(b) Whoever violates this section is guilty of a misdemeanor of the first degree.
(ORC 2927.21; Ord. 28-2001. Passed 3-5-01.)

505.14 DANGEROUS AND VICIOUS ANIMALS.

(a) As used in this section:

(1) A. "Dangerous animal" means an animal that, without provocation, and subject to subsection (a)(1)B. hereof, has chased or approached in either a menacing fashion or an apparent attitude of attack, or has attempted to bite or otherwise endanger any person, while that animal is off the premises of its owner, keeper or harborer and not under the reasonable control of its owner, keeper, harborer or some other responsible person, or not physically restrained or confined in a locked pen which has a top and is secured to the ground, locked fenced yard, or other locked enclosure which has a top and is secured to the ground.

- B. "Dangerous animal" does not include a police dog that has chased or approached in either a menacing fashion or an apparent attitude of attack, or has attempted to bite or otherwise endanger any person while the police dog is being used to assist one or more law enforcement officers in the performance of their official duties.
- (2) "Menacing fashion" means that an animal would cause any person being chased or approached to reasonably believe that the animal will cause physical injury to that person.
- (3) "Police dog" means a dog that has been trained, and may be used, to assist one or more law enforcement officers in the performance of their official duties.
- (4) A. "Vicious animal" means an animal that, without provocation and subject to subsection (a)(4)B. hereof, meets any of the following:
1. Without provocation, has killed or caused serious injury to any persons or domesticated animal;
 2. Without provocation, has caused injury, other than killing or serious injury to any person, or has killed another domesticated animal.
- B. "Vicious animal" does not include either of the following:
1. A police dog that has killed or caused serious injury to any person or that has caused injury, other than killing or serious injury, to any person while the police dog is being used to assist one or more law enforcement officers in the performance of their official duties;
 2. An animal that has killed or caused serious injury to any person while a person was committing or attempting to commit a trespass or other criminal offense on the property of the owner, keeper or harbinger of the animal.
- (5) "Without provocation" means that a domesticated animal was not teased, tormented or abused by a person, or that the domesticated animal was not coming to the aid or the defense of a person who was not engaged in illegal or criminal activity and who was not using the domesticated animal as a means of carrying out such activity.
(ORC 955.11)

(b) No owner, keeper or harbinger of a dangerous and/or vicious animal shall fail to do either of the following:

- (1) While that animal is on the premises of the owner, keeper or harbinger, securely confine it at all times in a building, in a locked pen which has a top and is secured to the ground, locked fenced yard or other locked enclosure which has a top and is secured to the ground;
- (2) While that animal is off the premises of the owner, keeper or harbinger, keep it on a chain-link leash or tether that is not more than six feet in length and additionally do at least one of the following:
 - A. Keep that animal in a locked pen that has a top and is secured to the ground, locked fenced yard or other locked enclosure which has a top and is secured to the ground;
 - B. Keep that animal on a chain-link leash. The leash must be controlled by a person who is eighteen years of age or older, and in addition muzzle the animal with a police K-9 working muzzle with a sewn-in, steel-reinforced nose bridge, inside nose pad protector, and double neck strap.

- (3) The owner, keeper or harbinger of a dangerous and/or vicious animal shall pay a permit fee to own, keep or harbor the animal within the City and obtain a permit from the Chief of Police at the cost of five hundred dollars (\$500.00) for such permit in addition to the payment of any fee for registration of the animal as required by the Ohio Revised Code and these Codified Ordinances.
- A. The owner, keeper or harbinger of such dangerous and/or vicious animal shall pay for the permit at the City Cashier's office and receive a receipt. The receipt and proof of insurance as stated in subsection (c) hereof shall be presented to the Chief of Police in order to obtain a permit.
 - B. The permit to own, keep or harbor a dangerous and/or vicious animal shall be valid only during the calendar year in which the permit is issued, and during the first twenty days of the following calendar year.
 - C. The permit fee for any dangerous and/or vicious animal is five hundred dollars (\$500.00) if purchased prior to July 1 of any calendar year. If the permit is purchased on or after July 1 of any calendar year, the permit fee is two hundred fifty dollars (\$250.00).

(c) No owner, keeper or harbinger of a vicious animal shall fail to obtain liability insurance with an insurer authorized to write liability insurance in this State providing coverage in each occurrence, subject to a limit, exclusive of interest and costs, of not less than one hundred thousand dollars (\$100,000) because of damage or bodily injury to or death of a person caused by the vicious animal. (ORC 955.22)

(d) If a violation of subsection (b) hereof involves a dangerous animal, whoever violates that subsection is guilty of a misdemeanor of the fourth degree on a first offense and of a misdemeanor of the first degree on each subsequent offense. Additionally, the court may order the offender to personally supervise the dangerous animal that he owns, keeps or harbors, to cause that animal to complete obedience training, or to do both, and the court may order the offender to obtain liability insurance pursuant to subsection (c) hereof. The court, in the alternative, may order the dangerous animal to be humanely destroyed at the owner's expense by a licensed veterinarian, the Animal Control Officer or the Humane Society.

(e) If a violation of subsection (b) hereof involves a vicious animal, whoever violates that subsection is guilty of one of the following:

- (1) A misdemeanor of the first degree on a first offense. Additionally, the court may order the vicious animal to be humanely destroyed at the owner's expense by a licensed veterinarian, the Animal Control Officer or the Human Society.
- (2) A misdemeanor of the first degree if the animal causes injury other than killing or serious injury, to any person.

(f) Whoever violates subsection (c) hereof is guilty of a misdemeanor of the first degree. (ORC 955.99; Ord. 0105-2002. Passed 6-17-02.)

505.15 KEEPING AND MAINTAINING OF WILD ANIMALS.

(a) "Wild animal" means any living wild or potentially dangerous mammal, reptile, fowl, or other species which is not naturally tame or gentle, but is of a wild nature or disposition and not customarily domesticated, and which because of its characteristics may constitute a danger to human life or property if it escaped from secure quarters. A wild animal shall include, but not be limited to:

- (1) All poisonous snakes.
- (2) Bears (Ursidae).
- (3) Cheetahs (*Acinonyx jubatus*).
- (4) Coyotes and coyote-dog hybrids (Canids).
- (5) Elephants (*Elephas* and *Loxodonts*).
- (6) Hyenas (*Hyaenides*).
- (7) Jaguars (*Panthera onca*).
- (8) Leopards (*Panthera pardus*).
- (9) Lions (*Panthera leo*).
- (10) Lynxes (*lynx*).
- (11) Pumas, also known as cougars, mountain lions and panthers (*Felis concolor*).
- (12) Primates (non-human) apes, monkeys, baboons, chimpanzees, gibbons, gorillas, orangutans, siamangs.
- (13) Tigers (*Panthera tigris*).
- (14) Wolf-dog hybrids (*canis lupus*).
- (15) Wild cats, ocelot, margay, serval, leopard cat.

(b) It shall be unlawful for any person or persons to keep or maintain a wild animal, either inside or outside a structure, within the City, with the following exceptions:

- (1) Temporary events such as a circus, sporting event or zoo exhibition where the animals or mascots are handled by trained professional caretakers.
- (2) Retail pet stores, with all proper licenses, located in a commercial zoning district.
- (3) Any fish or similar aquatic vertebrates bred to remain in a confined body of water.
- (4) Any domestic, nonfarm animal including, but not limited to dogs or cats.

(c) Any person violating this section shall be deemed guilty of a misdemeanor of the first degree. In addition, the court may order the wild animal transferred to an appropriate zoological or similar facility. If this is not practical, as an alternative, the court may order the wild animal humanely destroyed by a qualified veterinarian at the expense of the owner. (Ord. 0105-2002. Passed 6-17-02.)

505.99 PENALTY.

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

CHAPTER 517
Gambling

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CROSS REFERENCES

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

517.01 DEFINITIONS.

As used in this chapter:

- (a) "Bookmaking" means the business of receiving or paying off bets.
- (b) "Bet" means the hazarding of anything of value upon the result of an event, undertaking or contingency, but does not include a bona fide business risk.
- (c) "Scheme of chance" means a slot machine unless authorized under Ohio R.C. Chapter 3772, lottery unless authorized under Ohio R.C. Chapter 3770, numbers game, pool conducted for profit, or other scheme in which a participant gives a valuable consideration for a chance to win a prize, but does not include bingo, a skill-based amusement machine, or a pool not conducted for profit. "Scheme of chance" includes the use of an electronic device to reveal the results of a game entry if valuable consideration is paid, directly or indirectly, for a chance to win a prize. Valuable consideration is deemed to be paid for a chance to win a prize in the following instances:
 - (1) Less than fifty per cent of the goods or services sold by a scheme of chance operator in exchange for game entries are used or redeemed by participants at any one location;

- (2) Less than fifty per cent of participants who purchase goods or services at any one location do not accept, use or redeem the goods or services sold or purportely sold;
 - (3) More than fifty per cent of prizes at any one location are revealed to participants through an electronic device simulating a game of chance or a "casino game" as defined in Ohio R.C. 3772.01;
 - (4) The good or service sold by a scheme of chance operator in exchange for a game entry cannot be used or redeemed in the manner advertised;
 - (5) A participant pays more than fair market value for goods or services offered by a scheme of chance operator in order to receive one or more game entries;
 - (6) A participant may use the electronic device to purchase additional game entries;
 - (7) A participant may purchase additional game entries by using points or credits won as prizes while using the electronic device;
 - (8) A scheme of chance operator pays out in prize money more than twenty per cent of the gross revenue received at one location; or
 - (9) A participant makes a purchase or exchange in order to obtain any good or service that may be used to facilitate play on the electronic device.
- As used in this subsection, "electronic device" means a mechanical, video, digital or electronic machine or device that is capable of displaying information on a screen or other mechanism and that is owned, leased or otherwise possessed by any person conducting a scheme of chance, or by that person's partners, affiliates, subsidiaries or contractors.
- (d) "Game of chance" means poker, craps, roulette, or other game in which a player gives anything of value in the hope of gain, the outcome of which is determined largely by chance, but does not include bingo.
 - (e) "Game of chance conducted for profit" means any game of chance designed to produce income for the person who conducts or operates the game of chance, but does not include bingo.
 - (f) "Gambling device" means any of the following:
 - (1) A book, totalizer or other equipment for recording bets;
 - (2) A ticket, token or other device representing a chance, share or interest in a scheme of chance or evidencing a bet;
 - (3) A deck of cards, dice, gaming table, roulette wheel, slot machine, or other apparatus designed for use in connection with a game of chance;
 - (4) Any equipment, device, apparatus or paraphernalia specially designed for gambling purposes;
 - (5) Bingo supplies sold or otherwise provided, or used, in violation of this chapter.
 - (g) "Gambling offense" means the following:
 - (1) A violation of Ohio R.C. 2915.02 to 2915.092, 2915.10 or 2915.11;
 - (2) A violation of an existing or former municipal ordinance or law of this or any other state or the United States substantially equivalent to any section listed in subsection (g)(1) hereof or a violation of Ohio R.C. 2915.06 as it existed prior to July 1, 1996;
 - (3) An offense under an existing or former municipal ordinance or law of this or any other state or the United States, of which gambling is an element;
 - (4) A conspiracy or attempt to commit, or complicity in committing an offense under subsection (g)(1), (2) or (3) hereof.
 - (h) Except as otherwise provided in this chapter, "charitable organization" means either of the following:

- (1) An organization that is and has received from the Internal Revenue Service a determination letter that currently is in effect stating that the organization is, exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code;
- (2) A volunteer rescue service organization, volunteer firefighter's organization, veteran's organization, fraternal organization, or sporting organization that is exempt from federal, income taxation under subsection 501(c)(4), (c)(7), (c)(8), (c)(10) or (c)(19) of the Internal Revenue Code.

To qualify as a charitable organization, an organization shall have been in continuous existence as such in this State for a period of two years immediately preceding either the making of an application for a bingo license under Ohio R.C. 2915.08 or the conducting of any game of chance as provided in division (D) of Ohio R.C. 2915.02.

- (i) "Religious organization" means any church, body of communicants or group that is not organized or operated for profit, that gathers in common membership for regular worship and religious observances.
- (j) "Veteran's organization" means any individual post or state headquarters of a national veteran's association or an auxiliary unit of any individual post of a national veteran's association, which post, state headquarters, or auxiliary unit is incorporated as a nonprofit corporation and either has received a letter from the state headquarters of the national veteran's association indicating that the individual post or auxiliary unit is in good standing with the national veteran's association or has received a letter from the national veteran's association indicating that the state headquarters is in good standing with the national veteran's association. As used in this subsection, "national veteran's association" means any veteran's association that has been in continuous existence as such for a period of at least five years and either is incorporated by an act of the United States congress or has a national dues-paying membership of at least five thousand persons.
- (k) "Volunteer firefighter's organization" means any organization of volunteer firefighters, as defined in Ohio R.C. 146.01, that is organized and operated exclusively to provide financial support for a volunteer fire department or a volunteer fire company and that is recognized or ratified by a county, municipal corporation, or township.
- (l) "Fraternal organization" means any society, order, state headquarters, or association within this State, except a college or high school fraternity, that is not organized for profit, that is a branch, lodge or chapter of a national or state organization, that exists exclusively for the common business of sodality of its members.
- (m) "Volunteer rescue service organization" means any organization of volunteers organized to function as an emergency medical service organization as defined in Ohio R.C. 4765.01.
- (n) "Charitable bingo game" means any bingo game described in subsection (o)(1) or (2) of this section that is conducted by a charitable organization that has obtained a license pursuant to Ohio R.C. 2915.08 and the proceeds of which are used for a charitable purpose.
- (o) "Bingo" means either of the following:
 - (1) A game with all of the following characteristics:
 - A. The participants use bingo cards or sheets, including paper formats and electronic representation or image formats, that are divided into twenty-five spaces arranged in five horizontal and five vertical rows of spaces, with each space, except the central space, being designated by a combination of a letter and a number and with the central space being designated as a free space.

- B. The participants cover the space on the bingo cards or sheets that correspond to combinations of letters and numbers that are announced by a bingo game operator.
 - C. A bingo game operator announces combinations of letters and numbers that appear on objects that a bingo game operator selects by chance, either manually or mechanically from a receptacle that contains seventy-five objects at the beginning of each game, each object marked by a different combination of a letter and a number that corresponds to one of the seventy-five possible combinations of a letter and a number that can appear on the bingo cards or sheets.
 - D. The winner of the bingo game includes any participant who properly announces during the interval between the announcements of letters and numbers as described in subsection (o)(1)C. hereof, that a predetermined and preannounced pattern of spaces has been covered on a bingo card or sheet being used by a participant.
- (2) Instant bingo, punch boards and raffles.
- (p) "Conduct" means to back, promote, organize, manage, carry on, sponsor, or prepare for the operation of bingo or a game of chance, a scheme of chance, or a sweepstakes.
 - (q) "Bingo game operator" means any person, except security personnel, who performs work or labor at the site of bingo, including, but not limited to, collecting money from participants, handing out bingo cards or sheets or objects to cover spaces on bingo cards or sheets, selecting from a receptacle the objects that contain the combination of letters and numbers that appear on bingo cards or sheets, calling out the combinations of letters and numbers, distributing prizes, selling or redeeming instant bingo tickets or cards, supervising the operation of a punch board, selling raffle tickets, selecting raffle tickets from a receptacle and announcing the winning numbers in a raffle, and preparing, selling, and serving food or beverages.
 - (r) "Participant" means any person who plays bingo.
 - (s) "Bingo session" means a period that includes both of the following:
 - (1) Not to exceed five continuous hours for the conduct of one or more games described in subsection (o)(1) of this section, instant bingo, and seal cards;
 - (2) A period for the conduct of instant bingo and seal cards for not more than two hours before and not more than two hours after the period described in subsection (s)(1) of this section.
 - (t) "Gross receipts" means all money or assets, including admission fees, that a person receives from bingo without the deduction of any amounts for prizes paid out or for the expenses of conducting bingo. "Gross receipts" does not include any money directly taken in from the sale of food or beverages by a charitable organization conducting bingo, or by a bona fide auxiliary unit or society of a charitable organization conducting bingo, provided all of the following apply:
 - (1) The auxiliary unit or society has been in existence as a bona fide auxiliary unit or society of the charitable organization for at least two years prior to conducting bingo.
 - (2) The person who purchases the food or beverage receives nothing of value except the food or beverage and items customarily received with the purchase of that food or beverage.
 - (3) The food and beverages are sold at customary and reasonable prices.

- (u) "Security personnel" includes any person who either is a sheriff, deputy sheriff, marshal, deputy marshal, township constable, or a police officer of a municipal corporation or has successfully completed a peace officer's training course pursuant to Ohio R.C. 109.71 to 109.79 and who is hired to provide security for the premises on which bingo is conducted.
- (v) "Charitable purpose" means that the net profit of bingo, other than instant bingo, is used by, or is given, donated, or otherwise transferred to, any of the following:
 - (1) Any organization that is described in subsection 509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code and is either a governmental unit or an organization that is tax exempt under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code;
 - (2) A veteran's organization that is a post, chapter, or organization of veterans, or an auxiliary unit or society of, or a trust or foundation for, any such post, chapter, or organization organized in the United States or any of its possessions, at least seventy-five per cent of the members of which are veterans and substantially all of the other members of which are individuals who are spouses, widows, or widowers of veterans, or such individuals, provided that no part of the net earnings of such post, chapter, or organization inures to the benefit of any private shareholder or individual, and further provided that the net profit is used by the post, chapter, or organization for the charitable purposes set forth in division (B)(12) of Ohio R.C. 5739.02, is used for awarding scholarships to or for attendance at an institution mentioned in division (B)(12) of Ohio R.C. 5739.02, is donated to a governmental agency, or is used for nonprofit youth activities, the purchase of United States or Ohio flags that are donated to schools, youth groups, or other bona fide nonprofit organizations, promotion of patriotism, or disaster relief;
 - (3) A fraternal organization that has been in continuous existence in this State for fifteen years and that uses the net profit exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals if contributions for such use would qualify as a deductible charitable contribution under subsection 170 of the Internal Revenue Code;
 - (4) A volunteer firefighter's organization that uses the net profit for the purposes set forth in subsection (k) of this section.
- (w) "Internal Revenue Code" means the Internal Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C. 1, as now or hereafter amended.
- (x) "Youth athletic organization" means any organization, not organized for profit, that is organized and operated exclusively to provide financial support to, or to operate, athletic activities for persons who are twenty-one years of age or younger by means of sponsoring, organizing, operating or contributing to the support of an athletic team, club, league or association.
- (y) "Youth athletic park organization" means any organization, not organized for profit, that satisfies both of the following:
 - (1) It owns, operates and maintains playing fields that satisfy both of the following:
 - A. The playing fields are used at least one hundred days per year for athletic activities by one or more organizations not organized for profit, each of which is organized and operated exclusively to provide financial support to, or to operate, athletic activities for persons who are eighteen years of age or younger by means of sponsoring, organizing, operating or contributing to the support of an athletic team, club, league or association;

- B. The playing fields are not used for any profit-making activity at any time during the year,
- (2) It uses the proceeds of bingo it conducts exclusively for the operation, maintenance and improvement of its playing fields of the type described in paragraph (1) hereof.
- (z) "Bingo supplies" means bingo cards or sheets; instant bingo tickets or cards; electronic bingo aids; raffle tickets; punch boards; seal cards; instant bingo ticket dispensers; and devices for selecting or displaying the combination of bingo letters and numbers or raffle tickets. Items that are "bingo supplies" are not gambling devices if sold or otherwise provided, and used, in accordance with this chapter. For purposes of this chapter, "bingo supplies" are not to be considered equipment used to conduct a bingo game.
- (aa) "Instant bingo" means a form of bingo that shall use folded or banded tickets or paper cards with perforated break-open tabs, a face of which is covered or otherwise hidden from view to conceal a number, letter, or symbol, or set of numbers, letters, or symbols, some of which have been designated in advance as prize winners, and may also include games in which some winners are determined by the random selection of one or more bingo numbers by the use of a seal card or bingo blower. In all "instant bingo" the prize amount and structure shall be predetermined. "Instant bingo" does not include any device that is activated by the insertion of a coin, currency, token, or an equivalent, and that contains as one of its components a video display monitor that is capable of displaying numbers, letters, symbols, or characters in winning or losing combinations.
- (bb) "Seal card" means a form of instant bingo that uses instant bingo tickets in conjunction with a board or placard that contains one or more seals that, when removed or opened, reveal predesignated winning numbers, letters, or symbols.
- (cc) "Raffle" means a form of bingo in which the one or more prizes are won by one or more persons who have purchased a raffle ticket. The one or more winners of the raffle are determined by drawing a ticket stub or other detachable section from a receptacle containing ticket stubs or detachable sections corresponding to all tickets sold for the raffle. "Raffle" does not include the drawing of a ticket stub or other detachable section of a ticket purchased to attend a professional sporting event if both of the following apply:
- (1) The ticket stub or other detachable section is used to select the winner of a free prize given away at the professional sporting event; and
- (2) The cost of the ticket is the same as the cost of a ticket to the professional sporting event on days when no free prize is given away.
- (dd) "Punch board" means a board containing a number of holes or receptacles of uniform size in which are placed, mechanically and randomly, serially numbered slips of paper that may be punched or drawn from the hole or receptacle when used in conjunction with instant bingo. A player may punch or draw the numbered slips of paper from the holes or receptacles and obtain the prize established for the game if the number drawn corresponds to a winning number or, if the punch board includes the use of a seal card, a potential winning number.
- (ee) "Gross profit" means gross receipts minus the amount actually expended for the payment of prize awards.

- (tt) "Game flare" means the board or placard that accompanies each deal of instant bingo tickets and that has printed on or affixed to it the following information for the game:
- (1) The name of the game;
 - (2) The manufacturer's name or distinctive logo;
 - (3) The form number;
 - (4) The ticket count;
 - (5) The prize structure, including the number of winning instant bingo tickets by denomination and the respective winning symbol or number combinations for the winning instant bingo tickets;
 - (6) The cost per play;
 - (7) The serial number of the game.
- (uu) (1) "Skill-based amusement machine" means mechanical, video, digital, or electronic device that rewards the player or players, if at all, only with merchandise prizes or with redeemable vouchers redeemable only for merchandise prizes, provided that with respect to rewards for playing the game all of the following apply:
- A. The wholesale value of a merchandise prize awarded as a result of the single play of a machine does not exceed ten dollars;
 - B. Redeemable vouchers awarded for any single play of a machine are not redeemable for a merchandise prize with a wholesale value of more than ten dollars;
 - C. Redeemable vouchers are not redeemable for a merchandise prize that has a wholesale value of more than ten dollars times the fewest number of single plays necessary to accrue the redeemable vouchers required to obtain that prize; and
 - D. Any redeemable vouchers or merchandise prizes are distributed at the site of the skill-based amusement machine at the time of play.
- A card for the purchase of gasoline is a redeemable voucher for purposes of division (uu)(1) of this section even if the skill-based amusement machine for the play of which the card is awarded is located at a place where gasoline may not be legally distributed to the public or the card is not redeemable at the location of, or at the time of playing, the skill-based amusement machine.
- (2) A device shall not be considered a skill-based amusement machine and shall be considered a slot machine if it pays cash or one or more of the following apply:
- A. The ability of a player to succeed at the game is impacted by the number or ratio of prior wins to prior losses of players playing the game.
 - B. Any reward of redeemable vouchers is not based solely on the player achieving the object of the game or the player's score;
 - C. The outcome of the game, or the value of the redeemable voucher or merchandise prize awarded for winning the game, can be controlled by a source other than any player playing the game.
 - D. The success of any player is or may be determined by a chance event that cannot be altered by player actions.

- E. The ability of any player to succeed at the game is determined by game features not visible or known to the player.
- F. The ability of the player to succeed at the game is impacted by the exercise of a skill that no reasonable player could exercise.
- (3) All of the following apply to any machine that is operated as described in subsection (uu)(1) of this section:
 - A. As used in subsection (uu) of this section, “game” and “play” mean one event from the initial activation of the machine until the results of play are determined without payment of additional consideration. An individual utilizing a machine that involves a single game, play, contest, competition or tournament may be awarded redeemable vouchers or merchandise prizes based on the results of play.
 - B. Advance play for a single game, play, contest, competition or tournament participation may be purchased. The cost of the contest, competition, or tournament participation may be greater than a single noncontest, competition or tournament play.
 - C. To the extent that the machine is used in a contest, competition or tournament, that contest, competition, or tournament has a defined starting and ending date and is open to participants in competition for scoring and ranking results toward the awarding of redeemable vouchers or merchandise prizes that are stated prior to the start of the contest, competition or tournament.
- (4) For purposes of subsection (uu)(1) of this section, the mere presence of a device, such as a pin-setting, ball-releasing, or scoring mechanism, that does not contribute to or affect the outcome of the play of the game does not make the device a skill-based amusement machine.
- (vv) “Merchandise prize” means any item of value, but shall not include any of the following:
 - (1) Cash, gift cards, or any equivalent thereof;
 - (2) Plays on games of chance, state lottery tickets, bingo, or instant bingo;
 - (3) Firearms, tobacco, or alcoholic beverages; or
 - (4) A redeemable voucher that is redeemable for any of the items listed in subsection (vv)(1), (2) or (3) of this section.
- (ww) “Redeemable voucher” means any ticket, token, coupon, receipt, or other noncash representation of value.
- (xx) “Pool not conducted for profit” means a scheme in which a participant gives a valuable consideration for a chance to win a prize and the total amount of consideration wagered is distributed to a participant or participants.
- (yy) “Sporting organization” means a hunting, fishing or trapping organization, other than a college or high school fraternity or sorority, that is not organized for profit, that is affiliated with a state or national sporting organization, including but not limited to, the league of Ohio sportsmen, and that has been in continuous existence in this State for a period of three years.
- (zz) “Community action agency” has the same meaning as in Ohio R.C. 122.66.

- (aaa) (1) "Sweepstakes terminal device" means a mechanical, video, digital or electronic machine or device that is owned, leased or otherwise possessed by any person conducting a sweepstakes, or by that person's partners, affiliates, subsidiaries, or contractors, that is intended to be used by a sweepstakes participant, and that is capable of displaying information on a screen or other mechanism. A device is a sweepstakes terminal device if any of the following apply:
- A. The device uses a simulated game terminal as a representation of the prizes associated with the results of the sweepstakes entries.
 - B. The device utilizes software such that the simulated game influences or determines the winning of or value of the prize.
 - C. The device selects prizes from a predetermined finite pool of entries.
 - D. The device utilizes a mechanism that reveals the content of a predetermined sweepstakes entry.
 - E. The device predetermines the prize results and stores those results for delivery at the time the sweepstakes entry results are revealed.
 - F. The device utilizes software to create a game result.
 - G. The device reveals the prize incrementally, even though the device does not influence the awarding of the prize or the value of any prize awarded.
 - H. The device determines and associates the prize with an entry or entries at the time the sweepstakes is entered.
- (2) As used in this subsection and in Section 517.02:
- A. "Enter" means the act by which a person becomes eligible to receive any prize offered in a sweepstakes.
 - B. "Entry" means one event from the initial activation of the sweepstakes terminal device until all of the sweepstakes prize results from that activation are revealed.

- C. "Prize" means any gift, award, gratuity, good, service, credit, reward or any other thing of value that may be transferred to a person, whether possession of the prize is actually transferred, or placed on an account or other record as evidence of the intent to transfer the prize.
 - D. "Sweepstakes terminal device facility" means any location in this Municipality where a sweepstakes terminal device is provided to a sweepstakes participant, except as provided in Ohio R.C. 2915.02(G).
- (bbb) "Sweepstakes" means any game, contest, advertising scheme or plan, or other promotion where consideration is not required for a person to enter to win or become eligible to receive any prize, the determination of which is based upon chance. "Sweepstakes" does not include bingo as authorized under this chapter, pari-mutuel wagering as authorized by Ohio R.C. Chapter 3769, lotteries conducted by the State Lottery Commission as authorized by Ohio R.C. Chapter 3770, and casino gaming as authorized by Ohio R.C. Chapter 3772.
(ORC 2915.01)

517.02 GAMBLING.

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

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

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

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

- (d) This section does not apply to any of the following:
- (1) Games of chance, if all of the following apply:
 - A. The games of chance are not craps for money or roulette for money.
 - B. The games of chance are conducted by a charitable organization that is, and has received from the Internal Revenue Service a determination letter that is currently in effect, stating that the organization is, exempt from Federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code.

- C. The games of chance are conducted at festivals of the charitable organization that are conducted not more than a total of five days a calendar year, and are conducted on premises owned by the charitable organization for a period of no less than one year immediately preceding the conducting of the games of chance, on premises leased from a governmental unit, or on premises that are leased from a veteran's or fraternal organization and that have been owned by the lessor veteran's or fraternal organization for a period of no less than one year immediately preceding the conducting of the games of chance.

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

- D. All of the money or assets received from the games of chance after deduction only of prizes paid out during the conduct of the games of chance are used by, or given, donated or otherwise transferred to, any organization that is described in subsection 509(a)(1), (2) or (3) of the Internal Revenue Code and is either a governmental unit or an organization that is tax exempt under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code;

- E. The games of chance are not conducted during, or within ten hours of, a bingo game conducted for amusement purposes only pursuant to Section 517.13.

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

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

- (i) "Provider agreement" has the same meaning as in Ohio R.C. 5164.01.
(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 of or display the identification of a particular person or of a member of a class of persons with purpose to make another person believe that the actor is that particular person or is a member of that class of persons.

(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.

- (f) (1) Any doctor of medicine or osteopathic medicine, hospital intern or resident, registered or licensed practical nurse, psychologist, social worker, independent social worker, social work assistant, professional clinical counselor or professional counselor who knows or has reasonable cause to believe that a patient or client has been the victim of domestic violence, as defined in Ohio R.C. 3113.31, shall note that knowledge or belief and the basis for it in the patient's or client's records.
- (2) Notwithstanding Ohio R.C. 4731.22, the doctor-patient privilege shall not be a ground for excluding any information regarding the report containing the knowledge or belief noted under subsection (f)(1) of this section, and the information may be admitted as evidence in accordance with the Rules of Evidence.
- (g) Subsections (a) and (d) of this section do not require disclosure of information, when any of the following applies:
- (1) The information is privileged by reason of the relationship between attorney and client; doctor and patient; licensed psychologist or licensed school psychologist and client; member of the clergy, rabbi, minister, or priest and any person communicating information confidentially to the member of the clergy, rabbi, minister, or priest for a religious counseling purpose of a professional character; husband and wife; or a communications assistant and those who are a party to a telecommunications relay service call.
- (2) The information would tend to incriminate a member of the actor's immediate family.
- (3) Disclosure of the information would amount to revealing a news source, privileged under Ohio R.C. 2739.04 or 2739.12.
- (4) Disclosure of the information would amount to disclosure by a member of the ordained clergy of an organized religious body of a confidential communication made to that member of the clergy in that member's capacity as a member of the clergy by a person seeking the aid or counsel of that member of the clergy.
- (5) Disclosure would amount to revealing information acquired by the actor in the course of the actor's duties in connection with a bona fide program of treatment or services for drug dependent persons or persons in danger of drug dependence, which program is maintained or conducted by a hospital, clinic, person, agency, or services provider certified pursuant to Ohio R.C. 5119.36.
- (6) Disclosure would amount to revealing information acquired by the actor in the course of the actor's duties in connection with a bona fide program for providing counseling services to victims of crimes that are violations of Ohio R.C. 2907.02 or 2907.05 or to victims of felonious sexual penetration in violation of former Ohio R.C. 2907.12. As used in this subsection, "counseling services" include services provided in an informal setting by a person who, by education or experience, is competent to provide those services.
- (h) No disclosure of information pursuant to this section gives rise to any liability or recrimination for a breach of privilege or confidence.
- (i) Whoever violates subsection (a) or (b) of this section is guilty of failure to report a crime. Violation of subsection (a)(1) of this section is a misdemeanor of the fourth degree. Violation of subsection (a)(2) or (b) of this section is a misdemeanor of the second degree.

(j) Whoever violates subsection (c) or (d) of this section is guilty of failure to report knowledge of a death, a misdemeanor of the fourth degree.

- (k) (1) Whoever negligently violates subsection (e) of this section is guilty of a minor misdemeanor.
- (2) Whoever knowingly violates subsection (e) of this section is guilty of a misdemeanor of the second degree.
(ORC 2921.22)

525.06 FAILURE TO AID A LAW ENFORCEMENT OFFICER.

(a) No person shall negligently fail or refuse to aid a law enforcement officer, when called upon for assistance in preventing or halting the commission of an offense, or in apprehending or detaining an offender, when such aid can be given without a substantial risk of physical harm to the person giving it.

(b) Whoever violates this section is guilty of failure to aid a law enforcement officer, a minor misdemeanor. (ORC 2921.23)

525.07 OBSTRUCTING OFFICIAL BUSINESS.

(a) No person, without privilege to do so and with purpose to prevent, obstruct or delay the performance by a public official of any authorized act within the public official's official capacity, shall do any act that hampers or impedes a public official in the performance of the public official's lawful duties.

(b) Whoever violates this section is guilty of obstructing official business. Except as otherwise provided in this subsection (b), obstructing official business is a misdemeanor of the second degree. If a violation of this section creates a risk of physical harm to any person, obstructing official business is a felony and shall be prosecuted under appropriate State law.
(ORC 2921.31)

525.08 OBSTRUCTING JUSTICE.

(a) No person, with purpose to hinder the discovery, apprehension, prosecution, conviction, or punishment of another for a misdemeanor, or to assist another to benefit from the commission of a misdemeanor, and no person, with purpose to hinder the discovery, apprehension, prosecution, adjudication as a delinquent child, or disposition of a child for an act that if committed by an adult would be a misdemeanor or to assist a child to benefit from the commission of an act that if committed by an adult would be a misdemeanor, shall do any of the following:

- (1) Harbor or conceal the other person or child;
- (2) Provide the other person or child with money, transportation, a weapon, a disguise, or other means of avoiding discovery or apprehension;
- (3) Warn the other person or child of impending discovery or apprehension;
- (4) Destroy or conceal physical evidence of the misdemeanor, or act, or induce any person to withhold testimony or information or to elude legal process summoning the person to testify or supply evidence;
- (5) Communicate false information to any person.
- (6) Prevent or obstruct any person, by means of force, intimidation, or deception, from performing any act to aid in the discovery, apprehension, or prosecution of the other person or child.

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

CHAPTER 529
Liquor Control

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

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

529.01 DEFINITIONS.

As used in the Codified Ordinances:

- (a) "Alcohol" means ethyl alcohol, whether rectified or diluted with water or not, whatever its origin may be, and includes synthetic ethyl alcohol. Such term excludes denatured alcohol and wood alcohol.
- (b) "Intoxicating liquor" and "liquor" include all liquids and compounds, other than beer as defined in subsection (c) hereof, containing one half of one percent (0.5%) or more of alcohol by volume which are fit to use for beverage purposes, from whatever source and by whatever process produced, by whatever name called and whether they are medicated, proprietary or patented. Such phrase includes cider and alcohol and all solids and confections which contain one-half of one percent or more of alcohol by volume.
- (c) "Beer" includes all beverages brewed or fermented wholly or in part from malt products and containing one-half of one percent (0.5%) or more, but not more than twelve percent (12%) of alcohol by volume.
- (d) "Person" includes firms and corporations.
- (e) "Low-alcohol beverage" means any brewed or fermented malt product, or any product made from the fermented juices of grapes, fruits, or other agricultural products, that contains either no alcohol or less than one-half of one percent (0.5%) of alcohol by volume. The beverages described in subsection (e) hereof do not include a soft drink such as root beer, birch beer, or ginger beer.
 (ORC 4301.01)

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

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

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

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

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

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

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

(j) Whoever violates any provision of this section for which no other penalty is provided is guilty of a misdemeanor of the fourth degree.

(k) Whoever violates subsection (b) hereof shall be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00). The court imposing a fine for a violation of subsection (b) hereof may order that the fine be paid by the performance of public work at a reasonable hourly rate established by the court. The court shall designate the time within which the public work shall be completed. (ORC 4301.99)

529.07 OPEN CONTAINER PROHIBITED.

- (a) As used in this section:
- (1) "Chauffeured limousine" means a vehicle registered under Ohio R.C. 4503.24.
 - (2) "Street," "highway" and "motor vehicle" have the same meanings as in Ohio R.C. 4511.01.
- (b) No person shall have in the person's possession an opened container of beer or intoxicating liquor in any of the following circumstances:
- (1) In a State liquor store;
 - (2) Except as provided in subsection (c) hereof, on the premises of the holder of any permit issued by the Division of Liquor Control;
 - (3) In any other public place;
 - (4) Except as provided in subsection (d) or (e) hereof, while operating or being a passenger in or on a motor vehicle on any street, highway or other public or private property open to the public for purposes of vehicular travel or parking;
 - (5) Except as provided in subsection (d) or (e) hereof, while being in or on a stationary motor vehicle on any street, highway or other public or private property open to the public for purposes of vehicular travel or parking.
- (c) (1) A person may have in the person's possession an opened container of any of the following:
- A. Beer or intoxicating liquor that has been lawfully purchased for consumption on the premises where bought from the holder of an A-1-A, A-2, A-3a, D-1, D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, D-7, D8, E, F, F-2, F-5, F-7 or F-8 permit;
 - B. Beer, wine or mixed beverages served for consumption on the premises by the holder of an F-3 permit or wine served for consumption on the premises by the holder of an F-4 or F-6 permit;
 - C. Beer or intoxicating liquor consumed on the premises of a convention facility as provided in Ohio R.C. 4303.201;
 - D. Beer or intoxicating liquor to be consumed during tastings and samplings approved by rule of the Liquor Control Commission.
 - E. Spirituous liquor to be consumed for purposes of a tasting sample, as defined in Ohio R.C. 4301.171.

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

- B. As used in subsection (c)(6)A. of this section:
1. "Racing event" means a motor vehicle racing event sanctioned by one or more motor racing sanctioning organizations.
 2. "Outdoor motorsports facility" means an outdoor racetrack to which all of the following apply:
 - a. It is two and four-tenths miles or more in length.
 - b. It is located on two hundred acres or more of land.
 - c. The primary business of the owner of the facility is the hosting and promoting of racing events.
 - d. The holder of a D-1, D-2 or D-3 permit is located on the property of the facility.

(d) This section does not apply to a person who pays all or a portion of the fee imposed for the use of a chauffeured limousine pursuant to a prearranged contract, or the guest of such a person, when all of the following apply:

- (1) The person or guest is a passenger in the limousine;
- (2) The person or guest is located in the limousine, but is not occupying a seat in the front compartment of the limousine where the operator of the limousine is located;
- (3) The limousine is located on any street, highway, or other public or private property open to the public for purposes of vehicular travel or parking.

(e) An opened bottle of wine that was purchased from the holder of a permit that authorizes the sale of wine for consumption on the premises where sold is not an opened container for the purposes of this section if both of the following apply:

- (1) The opened bottle of wine is securely resealed by the permit holder or an employee of the permit holder before the bottle is removed from the premises. The bottle shall be secured in such a manner that it is visibly apparent if the bottle has been subsequently opened or tampered with.
- (2) The opened bottle of wine that is resealed in accordance with subsection (e)(1) of this section is stored in the trunk of a motor vehicle or, if the motor vehicle does not have a trunk, behind the last upright seat or in an area not normally occupied by the driver or passengers and not easily accessible by the driver. (ORC 4301.62)

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

529.08 HOURS OF SALE OR CONSUMPTION.

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

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

- (1) From Monday to Saturday between the hours of one a.m. and five thirty a.m.
- (2) On Sunday between the hours of one a.m. and Sunday midnight, unless statutorily authorized otherwise.

- (3) Consumption of beer, wine, mixed beverages, or spirituous liquor is also prohibited during the above hours upon the premises of the above permit holders who are authorized by their permit to sell beer, wine, mixed beverages, or spirituous liquor for on-premises consumption.

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

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

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

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

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

529.99 PENALTY.

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

CHAPTER 537
Offenses Against Persons

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

CROSS REFERENCES

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

537.01 NEGLIGENT HOMICIDE.

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

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

537.02 VEHICULAR HOMICIDE AND MANSLAUGHTER.

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

(1) A. Negligently;

- B. As the proximate result of committing, while operating or participating in the operation of a motor vehicle or motorcycle in a construction zone, a speeding offense, provided that this subsection applies only if the person whose death is caused or whose pregnancy is unlawfully terminated is in the construction zone at the time of the offender's commission of the speeding offense in the construction zone and does not apply as described in subsection (d) of this section.
- (2) As the proximate result of committing a violation of any provision of any section contained in Title XLV of the Ohio Revised Code that is a minor misdemeanor or of a municipal ordinance that, regardless of the penalty set by ordinance for the violation, is substantially equivalent to any provision of any section contained in Title XLV of the Ohio Revised Code that is a minor misdemeanor.
- (b) (1) Whoever violates subsection (a)(1) of this section is guilty of vehicular homicide. Except as otherwise provided in this subsection, vehicular homicide is a misdemeanor of the first degree. Vehicular homicide is a felony and shall be prosecuted under appropriate State law if, at the time of the offense, the offender was driving under a suspension or cancellation imposed under Ohio R.C. Chapter 4510 or any other provision of the Ohio Revised Code or was operating a motor vehicle or motorcycle, did not have a valid driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege, and was not eligible for renewal of the offender's driver's license or commercial driver's license without examination under Ohio R.C. 4507.10 or if the offender previously has been convicted of or pleaded guilty to a violation of this section or any traffic-related homicide, manslaughter or assault offense. The court shall impose a mandatory jail term on the offender when required by Ohio R.C. 2903.06(E).
- (2) Whoever violates subsection (a)(2) of this section is guilty of vehicular manslaughter. Except as otherwise provided in this subsection, vehicular manslaughter is a misdemeanor of the second degree. Vehicular manslaughter is a misdemeanor of the first degree if, at the time of the offense, the offender was driving under a suspension or cancellation imposed under Ohio R.C. Chapter 4510 or any other provision of the Ohio Revised Code or was operating a motor vehicle or motorcycle, did not have a valid driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege, and was not eligible for renewal of the offender's driver's license or commercial driver's license without examination under Ohio R.C. 4507.10 or if the offender previously has been convicted of or pleaded guilty to a violation of this section or any traffic-related homicide, manslaughter, or assault offense.
- (c) The court shall impose a mandatory jail term of at least fifteen days on an offender who is convicted of or pleads guilty to a violation of subsection (a)(1)B. of this section and may impose upon the offender a longer jail term as authorized pursuant to Section 501.99. The court shall impose a mandatory prison term on an offender who is convicted of or pleads guilty to a violation of subsection (a)(1)A. hereof if either of the following applies:
- (1) The offender previously has been convicted of or pleaded guilty to a violation of this section or Ohio R.C. 2903.06 or 2903.08.

(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), (8) or (9) 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 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 or the Department of Youth Services, and the offense is committed by a person incarcerated in the State correctional institution or by a person institutionalized in the Department of Youth Services Institution pursuant to a commitment to the Department of Youth Services.

- (4) If the offense is committed in any of the following circumstances:
- A. 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.
 - B. 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.
 - C. 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.
 - D. 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.

- (5) 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.
- (6) 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.
- (7) 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.
- (8) 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)(8)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.
- (9) 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)(9)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.

- (10) 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;

- (2) A protection order issued pursuant to Ohio R.C. 2151.34, 2903.213 or 2903.214;
 - (3) A protection order issued by a court of another state.
- (b)
- (1) Whoever violates this section is guilty of violating a protection order.
 - (2) Except as otherwise provided in subsection (b)(3) of this section, violating a protection order is a misdemeanor of the first degree.
 - (3) If the offender previously has been convicted of, pleaded guilty to or been adjudicated a delinquent child for a violation of a protection order issued pursuant to Ohio R.C. 2151.34, 2903.213 or 2903.214, two or more violations of Ohio R.C. 2903.21, 2903.211, 2903.22, or 2911.211 that involved the same person who is the subject of the protection order or consent agreement, or one or more violations of this section, violating a protection order is a felony and shall be prosecuted under appropriate state law.
 - (4) If the offender violates a protection order or consent agreement while committing a felony offense, violating a protection order is a felony and shall be prosecuted under appropriate state law.
 - (5) If the protection order violated by the offender was an order issued pursuant to Ohio R.C. 2151.34 or 2903.214 that required electronic monitoring of the offender pursuant to that section, the court may require in addition to any other sentence imposed upon the offender that the offender be electronically monitored for a period not exceeding five years by a law enforcement agency designated by the court. If the court requires under this subsection that the offender be electronically monitored, unless the court determines that the offender is indigent, the court shall order that the offender pay the costs of the installation of the electronic monitoring device and the cost of monitoring the electronic monitoring device. If the court determines that the offender is indigent and subject to the maximum amount allowable and the rules promulgated by the Attorney General under Ohio R.C. 2903.214, the costs of the installation of the electronic monitoring device and the cost of monitoring the electronic monitoring device may be paid out of funds from the reparations fund created pursuant to Ohio R.C. 2743.191. The total amount paid from the reparations fund created pursuant to Ohio R.C. 2743.191 for electronic monitoring under this section and Ohio R.C. 2151.34 and 2903.214 shall not exceed three hundred thousand dollars per year.

(c) It is an affirmative defense to a charge under subsection (a)(3) of this section that the protection order issued by a court of another state does not comply with the requirements specified in 18 U.S.C. 2265(b) for a protection order that must be accorded full faith and credit by a court of this State or that it is not entitled to full faith and credit under 18 U.S.C. 2265(c).

(d) As used in this section, "protection order issued by a court of another state" means an injunction or another order issued by a criminal court of another state for the purpose of preventing violent or threatening acts or harassment against, contact or communication with, or physical proximity to another person, including a temporary order, and means an injunction or order of that nature issued by a civil court of another state, including a temporary order and a final order issued in an independent action or as a pendente lite order in a proceeding for other relief, if the court issued it in response to a complaint, petition or motion filed by or on behalf of a person seeking protection. "Protection order issued by a court of another state" does not include an order for support or for custody of a child. (ORC 2919.27)

537.16 ILLEGAL DISTRIBUTION OF CIGARETTES, OTHER TOBACCO PRODUCTS, OR ALTERNATE NICOTINE PRODUCTS.

- (a) As used in this section:
- (1) “Age verification” means a service provided by an independent third party (other than a manufacturer, producer, distributor, wholesaler, or retailer of cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes) that compares information available from a commercially available database, or aggregate of databases, that regularly are used by government and businesses for the purpose of age and identity verification to personal information provided during an internet sale or other remote method of sale to establish that the purchaser is eighteen years of age or older.
 - (2) A. “Alternative nicotine product” means, subject to subsection (a)(2)B. of this section, an electronic cigarette or any other product or device that consists of or contains nicotine that can be ingested into the body by any means, including, but not limited to, chewing, smoking, absorbing, dissolving or inhaling.
B. “Alternative nicotine product” does not include any of the following:
 1. Any cigarette or other tobacco product;
 2. Any product that is a “drug” as that term is defined in 21 U.S.C. 321(g)(1);
 3. Any product that is a “device” as that term is defined in 21 U.S.C. 321(h);
 4. Any product that is a “combination product” as described in 21 U.S.C. 353(g).
 - (3) “Child” has the same meaning as in Ohio R.C. 2151.011.
 - (4) “Cigarette” includes clove cigarettes and hand-rolled cigarettes.
 - (5) “Distribute” means to furnish, give, or provide cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes to the ultimate consumer of the cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes.
 - (6) A. “Electronic cigarette” means, subject to subsection (a)(6)B. of this section, any electronic product or device that produces a vapor that delivers nicotine or any other substance to the person inhaling from the device to simulate smoking and that is likely to be offered to or purchased by consumers as an electronic cigarette, electronic cigar, electronic cigarillo or electronic pipe.
B. “Electronic cigarette” does not include any item, product or device described in subsections (a)(2)B.1. to 4. of this section.
 - (7) “Proof of age” means a driver’s license, a commercial driver’s license, a military identification card, a passport, or an identification card issued under Ohio R.C. 4507.50 to 4507.52 that shows that a person is eighteen years of age or older.
 - (8) “Tobacco product” means any product that is made from tobacco, including, but not limited to, a cigarette, a cigar, pipe tobacco, chewing tobacco or snuff.
 - (9) “Vending machine” has the same meaning as “coin machine” in Ohio R.C. 2913.01.

(b) No manufacturer, producer, distributor, wholesaler, or retailer of cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes, no agent, employee, or representative of a manufacturer, producer, distributor, wholesaler, or retailer of cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes, and no other person shall do any of the following:

- (1) Give, sell or otherwise distribute cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes to any child;
- (2) Give away, sell or distribute cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes in any place that does not have posted in a conspicuous place a sign stating that giving, selling or otherwise distributing cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes to a person under eighteen years of age is prohibited by law;
- (3) Knowingly furnish any false information regarding the name, age or other identification of any child with purpose to obtain cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes for that child;
- (4) Manufacture, sell or distribute in this state any pack or other container of cigarettes containing fewer than twenty cigarettes or any package of roll-your-own tobacco containing less than six-tenths of one ounce of tobacco;
- (5) Sell cigarettes or alternative nicotine products in a smaller quantity than that placed in the pack or other container by the manufacturer;
- (6) Give, sell or otherwise distribute alternative nicotine products, papers used to roll cigarettes, or tobacco products other than cigarettes over the internet or through another remote method without age verification.

(c) No person shall sell or offer to sell cigarettes, other tobacco products or alternative nicotine products by or from a vending machine, except in the following locations:

- (1) An area within a factory, business, office, or other place not open to the general public;
- (2) An area to which children are not generally permitted access;
- (3) Any other place not identified in subsection (c)(1) or (2) of this section, upon all of the following conditions:
 - A. The vending machine is located within the immediate vicinity, plain view, and control of the person who owns or operates the place, or an employee of that person, so that all cigarettes, other tobacco product and alternative nicotine product purchases from the vending machine will be readily observed by the person who owns or operates the place or an employee of that person. For the purpose of this section, a vending machine located in any unmonitored area, including an unmonitored coatroom, restroom, hallway or outer-waiting area, shall not be considered located within the immediate vicinity, plain view, and control of the person who owns or operates the place, or an employee of that person.
 - B. The vending machine is inaccessible to the public when the place is closed.

(d) The following are affirmative defenses to a charge under subsection (b)(1) of this section:

- (1) The child was accompanied by a parent, spouse who is eighteen years of age or older, or legal guardian of the child.

- (2) The person who gave, sold or distributed cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes to a child under subsection (b)(1) of this section is a parent, spouse who is eighteen years of age or older, or legal guardian of the child.

(e) It is not a violation of subsection (b)(1) or (2) of this section for a person to give or otherwise distribute to a child cigarettes, other tobacco products, alternative nicotine products or papers used to roll cigarettes while the child is participating in a research protocol if all of the following apply:

- (1) The parent, guardian or legal custodian of the child has consented in writing to the child participating in the research protocol;
- (2) An institutional human subjects protection review board, or an equivalent entity, has approved the research protocol;
- (3) The child is participating in the research protocol at the facility or location specified in the research protocol.

- (f)
 - (1) Whoever violates subsection (b)(1), (2), (4), (5) or (6) or (c) of this section is guilty of illegal distribution of cigarettes, other tobacco products, or alternative nicotine products. Except as otherwise provided in this subsection, illegal distribution of cigarettes, other tobacco products, or alternative nicotine products is a misdemeanor of the fourth degree. If the offender previously has been convicted of a violation of subsection (b)(1), (2), (4), (5) or (6) or (c) of this section, illegal distribution of cigarettes, other tobacco products, or alternative nicotine products is a misdemeanor of the third degree.
 - (2) Whoever violates subsection (b)(3) of this section is guilty of permitting children to use cigarettes, other tobacco products, or alternative nicotine products. Except as otherwise provided in this subsection, permitting children to use cigarettes, other tobacco products, or alternative nicotine products is a misdemeanor of the fourth degree. If the offender previously has been convicted of a violation of subsection (b)(3) of this section, permitting children to use cigarettes, other tobacco products, or alternative nicotine products is a misdemeanor of the third degree.

(g) Any cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes that are given, sold or otherwise distributed to a child in violation of this section and that are used, possessed, purchased or received by a child in violation of Ohio R.C. 2151.87 are subject to seizure and forfeiture as contraband under Ohio R.C. Chapter 2981. (ORC 2927.02)

537.17 CRIMINAL CHILD ENTICEMENT.

(a) No person, by any means and without privilege to do so, shall knowingly solicit, coax, entice or lure any child under fourteen years of age to accompany the person in any manner, including entering into any vehicle, or onto any vessel, whether or not the offender knows the age of the child, if both of the following apply:

- (1) The actor does not have the express or implied permission of the parent, guardian or other legal custodian of the child in undertaking the activity;

(2) The actor is not a law enforcement officer, medic, firefighter, or other person who regularly provides emergency services, and is not an employee or agent of, or a volunteer acting under the direction of any Board of Education, or the actor is any of such persons, but, at the time the actor undertakes the activity, the actor is not acting within the scope of the actor's lawful duties in that capacity.

(b) No person, with a sexual motivation, shall violate subsection (a) of this section.

(c) No person, for any unlawful purpose other than, or in addition to, that proscribed by subsection (a) of this section, shall engage in any activity described in subsection (a) of this section.

(d) It is an affirmative defense to a charge under subsection (a) hereof that the actor undertook the activity in response to a bona fide emergency situation or that the actor undertook the activity in a reasonable belief that it was necessary to preserve the health, safety or welfare of the child.

(e) Whoever violates this section is guilty of criminal child enticement, a misdemeanor of the first degree. If the offender has previously been convicted of a violation of this section or Ohio R.C. 2905.05, 2907.02, or 2907.03, or former Section 2907.12, or Ohio R.C. 2905.01 or 2907.05 when the victim of that prior offense was under seventeen years of age at the time of the offense, criminal child enticement is a felony and shall be prosecuted under appropriate State law.

(f) As used in this section:

- (1) "Sexual motivation" has the same meaning as in Ohio R.C. 2971.01.
- (2) "Vehicle" has the same meaning as in Ohio R.C. 4501.01.
- (3) "Vessel" has the same meaning as in Ohio R.C. 1547.01.

(ORC 2905.05)

537.18 CONTRIBUTING TO UNRULINESS OR DELINQUENCY OF A CHILD.

(a) No person, including a parent, guardian or other custodian of a child, shall do any of the following:

- (1) Aid, abet, induce, cause, encourage or contribute to a child or a ward of the juvenile court becoming an unruly child as defined in Ohio R.C. 2151.022, or a delinquent child as defined in Ohio R.C. 2152.02.
- (2) Act in a way tending to cause a child or a ward of the juvenile court to become an unruly child as defined in Ohio R.C. 2151.022 or a delinquent child as defined in Ohio R.C. 2152.02.
- (3) If the person is the parent, guardian, or custodian of a child who has the duties under Ohio R.C. Chapters 2152 and 2950 to register, register a new residence address, and periodically verify a residence address and, if applicable, to send a notice of intent to reside, and if the child is not emancipated, as defined in Ohio R.C. 2919.121, fail to ensure that the child complies with those duties under Ohio R.C. Chapters 2152 and 2950.

(b) Whoever violates this section is guilty of contributing to the unruliness or delinquency of a child, a misdemeanor of the first degree. Each day of violation of this section is a separate offense. (ORC 2919.24)

537.99 PENALTY.

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

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

- (1) The value of the property or services stolen is one thousand dollars (\$1,000) or more; or
- (2) The victim of the offense is an elderly person or disabled adult, or
- (3) The property stolen is a firearm or dangerous ordnance, or
- (4) The property stolen is a motor vehicle.
- (5) The property stolen is any dangerous drug.
- (6) The property stolen is a police dog or horse or an assistance dog and the offender knows or should know that the property stolen is a police dog or horse or an assistance dog.
- (7) The property stolen is anhydrous ammonia.
- (8) The property stolen is a special purpose article as defined in Ohio R.C. 4737.04 or a bulk merchandise container as defined in Ohio R.C. 4737.012.

(c) In addition to the penalties described in subsection (b) of this section, if the offender committed the violation by causing a motor vehicle to leave the premises of an establishment at which gasoline is offered for retail sale without the offender making full payment for gasoline that was dispensed into the fuel tank of the motor vehicle or into another container, the court may do one of the following:

- (1) Unless subsection (c)(2) of this section applies, suspend for not more than six months the offender's driver's license, probationary driver's license, commercial driver's license, temporary instruction permit, or nonresident operating privilege;
- (2) If the offender's driver's license, probationary driver's license, commercial driver's license, temporary instruction permit, or nonresident operating privilege has previously been suspended pursuant to subsection (c)(1) of this section, impose a class seven suspension of the offender's license, permit, or privilege from the range specified in Ohio R.C. 4510.02(A)(7), provided that the suspension shall be for at least six months.
- (3) The court, in lieu of suspending the offender's driver's or commercial driver's license, probationary driver's license, temporary instruction permit, or nonresident operating privilege pursuant to subsections (c)(1) or (2) of this section, instead may require the offender to perform community service for a number of hours determined by the court.

(d) In addition to the penalties described in subsection (b) hereof, if the offender committed the violation by stealing rented property or rental services, the court may order that the offender make restitution pursuant to Ohio R.C. 2929.18 or 2929.28. Restitution may include, but is not limited to, the cost of repairing or replacing the stolen property, or the cost of repairing the stolen property and any loss of revenue resulting from deprivation of the property due to theft of rental services that is less than or equal to the actual value of the property at the time it was rented. Evidence of intent to commit theft of rented property or rental services shall be determined pursuant to the provisions of Ohio R.C. 2913.72.

(e) The sentencing court that suspends an offender's license, permit, or nonresident operating privilege under subsection (c) of this section may grant the offender limited driving privileges during the period of the suspension in accordance with Ohio R.C. Chapter 4510. (ORC 2913.02)

545.06 UNAUTHORIZED USE OF A VEHICLE; VEHICLE TRESPASS.

(a) No person shall knowingly use or operate an aircraft, motor vehicle, motorcycle, motorboat or other motor-propelled vehicle without the consent of the owner or person authorized to give consent.

- (b) This section does not apply to property removed from the State or if possession is kept for more than forty-eight hours.
- (c) The following are affirmative defenses to a charge under this section:
- (1) At the time of the alleged offense, the actor, though mistaken, reasonably believed that the actor was authorized to use or operate the property.
 - (2) At the time of the alleged offense, the actor reasonably believed that the owner or person empowered to give consent would authorize the actor to use or operate the property.
- (d) No person shall knowingly enter into or upon a motor vehicle, motorcycle or other motor-propelled vehicle without the consent of the owner or person authorized to give consent.
- (e) Whoever violates subsection (a) hereof is guilty of unauthorized use of a vehicle, a misdemeanor of the first degree. If the victim of the offense is an elderly person or disabled adult and if the victim incurs a loss as a result of the violation, a violation of subsection (a) hereof is a felony and shall be prosecuted under appropriate State law. (ORC 2913.03)
- (f) Whoever violates subsection (d) hereof is guilty of vehicle trespass, a misdemeanor of the fourth degree.

545.07 INSURANCE FRAUD.

- (a) As used in this section:
- (1) "Data" has the same meaning as in Section 545.01 and additionally includes any other representation of information, knowledge, facts, concepts or instructions that are being or have been prepared in a formalized manner.
 - (2) "Deceptive" means that a statement, in whole or in part, would cause another to be deceived because it contains a misleading representation, withholds information, prevents the acquisition of information or by any other conduct, act or omission creates, confirms or perpetuates a false impression, including, but not limited to, a false impression as to law, value, state of mind or other objective or subjective fact.
 - (3) "Insurer" means any person that is authorized to engage in the business of insurance in this State under Title XXXIX of the Ohio Revised Code; The Ohio Fair Plan Underwriting Association created under Ohio R.C. 3929.43; any health insuring corporation; and any legal entity that is self-insured and provides benefits to its employees or members.
 - (4) "Policy" means a policy, certificate, contract or plan that is issued by an insurer.
 - (5) "Statement" includes, but is not limited to, any notice, letter or memorandum; proof of loss; bill of lading; receipt for payment; invoice, account or other financial statement; estimate of property damage; bill for services; diagnosis or prognosis; prescription; hospital, medical or dental chart or other record; X-Ray, photograph, videotape or movie film; test result; other evidence of loss, injury or expense; computer-generated document; and data in any form.
- (b) No person, with purpose to defraud or knowing that the person is facilitating a fraud, shall do either of the following:
- (1) Present to, or cause to be presented to, an insurer any written or oral statement that is part of, or in support of, an application for insurance, a claim for payment pursuant to a policy or a claim for any other benefit pursuant to a policy, knowing that the statement, or any part of the statement, is false or deceptive;

- (2) Misrepresent or refuse to disclose to a fiduciary appointed to administer or manage the person's affairs or estate, the existence, amount or location of any of the person's property, or any other information regarding such property that the person is legally required to furnish to the fiduciary.

(b) Whoever violates this section is guilty of defrauding creditors, a misdemeanor of the first degree. If the value of the property involved is one thousand dollars (\$1,000) or more, defrauding creditors is a felony and shall be prosecuted under appropriate State law.
(ORC 2913.45)

545.18 RECEIVING STOLEN PROPERTY.

(a) No person shall receive, retain or dispose of property of another, knowing or having reasonable cause to believe that the property has been obtained through commission of a theft offense.

(b) It is not a defense to a charge of receiving stolen property in violation of this section that the property was obtained by means other than through the commission of a theft offense if the property was explicitly represented to the accused person as being obtained through the commission of a theft offense.

(c) Whoever violates this section is guilty of receiving stolen property, a misdemeanor of the first degree. Receiving stolen property is a felony and shall be prosecuted under appropriate State law if:

- (1) The value of the property involved is one thousand dollars (\$1,000) or more; or
 - (2) The property involved is:
 - A. Listed in Section 545.03; or
 - B. A motor vehicle as defined in Ohio R.C. 4501.01; or
 - C. A dangerous drug as defined in Ohio R.C. 4729.01.
 - D. A special purchase article as defined in Ohio R.C. 4737.04 or a bulk merchandise container as defined in Ohio R.C. 4737.012.
- (ORC 2913.51)

545.19 POSSESSION OF CRIMINAL TOOLS.

(a) No person shall possess or have under the person's control any substance, device, instrument, or article, with purpose to use it criminally.

- (b) Each of the following constitutes prima-facie evidence of criminal purpose:
- (1) Possession or control of any dangerous ordnance, or the materials or parts for making dangerous ordnance, in the absence of circumstances indicating the dangerous ordnance, materials, or parts are intended for legitimate use;
 - (2) Possession or control of any substance, device, instrument, or article designed or specially adapted for criminal use;
 - (3) Possession or control of any substance, device, instrument, or article commonly used for criminal purposes, under circumstances indicating the item is intended for criminal use.

(c) Whoever violates this section is guilty of possessing criminal tools, a misdemeanor of the first degree. If the circumstances indicate that the substance, device, instrument, or article involved in the offense was intended for use in the commission of a felony, possessing criminal tools is a felony and shall be prosecuted under appropriate State law.
(ORC 2923.24)

545.20 FORGERY OF IDENTIFICATION CARDS.

(a) No person shall knowingly do either of the following:

- (1) Forge an identification card;
- (2) Sell or otherwise distribute a card that purports to be an identification card, knowing it to have been forged.
- (3) As used in this section, "identification card" means a card that includes personal information or characteristics of an individual, a purpose of which is to establish the identity of the bearer described on the card, whether the words "identity," "identification," "identification card" or other similar words appear on the card.

(b) Whoever violates subsection (a) hereof is guilty of forging identification cards or selling or distributing forged identification cards. Except as otherwise provided in this subsection, forging or selling or distributing forged identification cards is a misdemeanor of the first degree. If the offender previously has been convicted of a violation of this section or Ohio R.C. 2913.31 (B), forging identification cards or selling or distributing forged identification cards is a misdemeanor of the first degree and, in addition, the court shall impose upon the offender a fine of not less than two hundred fifty dollars (\$250.00).
(ORC 2913.31)

545.21 IDENTITY FRAUD.

(EDITOR'S NOTE: Former Section 545.21 has been deleted from the Codified Ordinances. Ohio R.C. 2913.49, from which Section 545.21 was derived, has been reclassified from a misdemeanor to a felony offense.)

545.99 PENALTY.

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

CHAPTER 553
Railroads

553.01 Obstructing streets by railroad companies. 553.011 Obstructing streets by abandoning the locomotive. 553.02 Climbing upon railroad cars.	553.03 Duties of locomotive engineer. 553.04 Railroad vandalism. 553.05 Grade crossing device vandalism. 553.99 Penalty.
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CROSS REFERENCES

See sectional histories for similar State law
Lighting railroads - see Ohio R.C. 723.33 et seq.
Power to regulate train speed - see Ohio R.C. 723.48
Vehicular homicide - see GEN. OFF. 537.02
Criminal mischief - see GEN. OFF. 541.04

553.01 OBSTRUCTING STREETS BY RAILROAD COMPANIES.

- (a) (1) No railroad company shall obstruct or permit or cause to be obstructed a public street, road or highway by permitting a railroad car, locomotive or other obstruction to remain upon or across it for longer than five minutes to the hindrance or inconvenience of travelers or a person passing along or upon such street, road or highway.
- (2) At the end of each five minute period of obstruction of a public street, road or highway, each railroad company shall cause such railroad car, locomotive or other obstruction to be removed for sufficient time, not less than three minutes, to allow the passage of persons and vehicles waiting to cross.
- (3) This section does not apply to obstruction of a public street, road or highway by a continuously moving through train or caused by circumstances wholly beyond the control of the railroad company, but does apply to other obstructions, including without limitation those caused by stopped trains and trains engaged in switching, loading or unloading operations.
- (4) If a railroad car, locomotive, or other obstruction is obstructing a public street, road, or highway in violation of subsection (a)(1) hereof and the violation occurs in the unincorporated area of one or more counties, or in one or more municipal corporations, the officers and employees of each affected county or municipal corporation may charge the railroad company with only one violation of the law arising from the same facts and circumstances and the same act.

(5) Upon the filing of an affidavit or complaint for violation of this subsection (a)(1) hereof, summons shall be issued to the railroad company pursuant to Ohio R.C. 2935.10(B), which summons shall be served on the regular ticket or freight agent of the company in the county where the offense occurred. (ORC 5589.21)

(b) For purposes of this section, "railroad company" includes the officers, employees and agents of such company.

(c) Whoever violates this section is guilty of a misdemeanor of the first degree and shall be fined one thousand dollars (\$1,000).

553.011 OBSTRUCTING STREETS BY ABANDONING THE LOCOMOTIVE.

(a) No railroad company shall obstruct, or permit or cause to be obstructed, a public street, road, or highway, by permitting any part of a train whose crew has abandoned the locomotive to remain across it for longer than five minutes to the hindrance or inconvenience of travelers or a person passing along or upon the street, road, or highway, unless the safety of the train crew requires them to abandon the locomotive.

(b) Upon the filing of an affidavit or complaint for violation of this section, summons shall be issued to the railroad company pursuant to Ohio R.C. 2935.10(B), which summons shall be served on the regular ticket or freight agent of the company in the county where the offense occurred. (ORC 5589.211)

(c) Whoever violates this section is guilty of a misdemeanor of the first degree and shall be fined five thousand dollars (\$5,000). (ORC 5589.99)

553.02 CLIMBING UPON RAILROAD CARS.

(a) No person shall climb, jump, step or stand upon or cling or attach himself to a locomotive, engine or car upon the track of a railroad, unless in compliance with law or by permission under the rules of the corporation managing such railroad.

(b) Whoever violates this section is guilty of a minor misdemeanor. (ORC 4999.02)

553.03 DUTIES OF LOCOMOTIVE ENGINEER.

(a) No person in charge of a locomotive shall fail to bring the locomotive to a full stop at least 200 feet before arriving at a crossing with another track, or proceed through the crossing before signaled to do so or before the way is clear.

(b) Whoever violates this section is guilty of a misdemeanor of the fourth degree. If violation of this misdemeanor causes physical harm to any person, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4999.04)

CODIFIED ORDINANCES OF GAHANNA
PART SEVEN - BUSINESS REGULATION CODE

- Chap. 705. Pawnbrokers.**
- Chap. 708. Secondhand Dealers.**
- Chap. 711. Mechanical Amusement Devices.**
- Chap. 713. Billiard Rooms.**
- Chap. 715. Alarm Systems.**
- Chap. 721. Canvassing and Solicitation.**
- Chap. 731. Taxicabs.**
- Chap. 733. Street Food Vendors.**
- Chap. 735. Creekside Island Peddler. (Repealed)**
- Chap. 741. Home Solicitation Sales.**
- Chap. 751. Cable System. (Repealed)**
- Chap. 753. Video Service Authorizations.**
- Chap. 761. Solid Waste and Waste Recycling Facilities.**
- Chap. 771. Sexually Oriented Businesses.**

CHAPTER 708
Secondhand Dealers

708.01	Definitions; sign required.	708.05	Prohibited purchases; false information.
708.02	Records; identification; inspections.	708.06	Exceptions.
708.03	Daily reports for inspection.	708.99	Penalty.
708.04	Retention of articles.		

CROSS REFERENCES

Power to regulate- see Ohio R.C. 715.61
 Secondhand dealers- see Ohio R.C. Ch. 4737
 Record of transactions required- see Ohio R.C. 4737.01, 4737.04 .
 Dealing with minors prohibited; hours regulated- see Ohio R.C. 4737.03

708.01 DEFINITIONS; SIGN REQUIRED.

- (a) As used in this chapter certain terms are defined as follows:
- (1) "Person" means any individual, partnership, corporation, association or other organized or united group and includes the personal responsibility of every officer or director of a corporation.
 - (2) "Personal identification card" means a current and valid driver's license, military identification card, state identification card issued under Sections 4507.50 to 4507.52 of the Ohio Revised Code, or a state identification card issued by another state on the condition that the card contains information substantially similar to the information contained in a state identification card issued under Sections 4507.50 to 4507.52 of the Ohio Revised Code and also contains a photograph of the person to whom the card is issued.
 - (3) "Secondhand dealer" means a person operating a store, shop or other business outlet for the purpose of purchasing, selling, exchanging or receiving secondhand articles of any kind on a continuing basis.
 - (4) "Secondhand article" means any item which has previously been owned, used or worn by another or something which is not new. This includes any secondhand scrap iron, old metal, canvas, rope, branded bottles, junk or lead pipe, household furniture or furnishings, musical instruments or related equipment, electronic gaming consoles, games and related accessories, household appliances, office equipment, coins, jewelry, weapons, bicycles, toys and/or electronic equipment.

(b) A person who is operating as a secondhand dealer in the City shall post in a conspicuous place in or upon the person's shop, store, or other place of business a notice substantially similar to the following. The size of the notice shall be no smaller than eight and one-half inches by 11 inches with lettering no smaller than one-fourth of an inch in height and shall be worded substantially as follows:

NOTICE

THE SALE OR ATTEMPTED SALE OF PROPERTY TO A
SECONDHAND DEALER WITHOUT CONSENT OF THE
PROPERTY'S OWNER IS PUNISHABLE BY A CIVIL
PENALTY NOT TO EXCEED \$500 PER ITEM.

DO NOT. SELL PROPERTY WITHOUT CONSENT OF THE
PROPERTY'S OWNER. YOU WILL BE HELD STRICTLY
LIABLE FOR VIOLATION OF THIS LAW.

(Ord. 0035-2014. Passed 4-7-14.)

708.02 RECORDS; IDENTIFICATION; INSPECTIONS.

(a) At the time of the purchase or exchange of any article, a secondhand dealer shall be required to keep a written record in the English language of the following data, whether in paper or electronic format:

- (1) A complete description, including serial number (where available), monograms, inscriptions or other marks of identification of any article listed in subsection (a) hereof, which has been purchased or received by such dealer;
- (2) The name, address or residence, and general description, of the person from whom the article was purchased or received;
- (3) A copy of the person's personal identification card; and
- (4) The day and time when such purchase or exchange was made.
- (5) How much was paid for the item(s).

(b) Every entry kept shall be numbered consecutively, commencing with the number one.

(c) The secondhand dealer shall retain the record and copies of personal identification cards for at least two years after the purchase or exchange date.

(d) All books, records, articles, and copies of personal identification cards which are required to be maintained as a result of this section, shall be open and available for inspection at all reasonable times by the Mayor, Director of Public Safety, Chief of Police, or by any law enforcement officer or any agent duly authorized by the Mayor, Director of Public Safety, or the Chief of Police.

(e) Whenever necessary to make an inspection to enforce the provisions of this chapter, or when the Chief of Police has reasonable grounds to believe more likely than not that a specific item of regulated property held by a secondhand dealer is associated with criminal conduct, the Chief of Police (or designee) may enter the premises of the secondhand business at any reasonable time, provided that the premises are occupied at the time of entry and the Chief of Police (or designee) presents proper official identification at or near the time of demanding entry. If entry is refused, the Chief of Police (or designee) shall have recourse to every remedy provided by law to secure entry, including an administrative search warrant or a criminal search warrant.

(f) Authority to inspect secondhand business premises under this chapter is in addition to and not in limitation of the authority the City or the Chief of Police would otherwise have to enter the business premises. Once allowed to enter the premises of the secondhand business, the Chief of Police (or designee) may inspect property kept there. All books or records which are required to be maintained as a result of this section shall be open to inspection by any of the following persons:

- (1) The Mayor;
- (2) The Director of Public Safety;
- (3) The Chief of Police; or
- (4) A police officer or any agent duly authorized by the Mayor, the Director of Public Safety, or the Chief of Police.

(g) Upon demand by any of the previously specified persons, the secondhand dealer shall also produce and show the article or articles thus listed and described which are in his or her possession. (Ord. 0035-2014. Passed 4-7-14.)

708.03 DAILY REPORTS FOR INSPECTION.

(a) Every secondhand dealer shall prepare and have available for daily inspection a legible and correct copy written in English, from such record(s) referenced in Section 708.02(a) a complete description of each article purchased or received during the preceding day, the date and time the purchase was made, and a description as to name, address and a copy of the personal identification card of the person from whom it was purchased or received.

(b) If any article in the possession of the secondhand dealer is determined to be the subject of a criminal investigation by police, the dealer shall be required to retain said article on the business premises until such time it is released from "Police Hold" by the investigating officer. The dealer shall be notified of the release.

(c) If said investigation determines the true owner of a stolen article, the true owner may purchase the article from the secondhand dealer for an amount not to exceed 65% of the dealer's original cost to purchase the article.
(Ord. 0035-2014. Passed 4-7-14.)

708.04 RETENTION OF ARTICLES.

Articles purchased or exchanged by a secondhand dealer shall be retained for at least three (3) days in an accessible place within the confines where such articles are purchased or received, before disposing of them.
(Ord. 0035-2014. Passed 4-7-14.)

708.05 PROHIBITED PURCHASES; FALSE INFORMATION.

(a) No secondhand dealer shall purchase, exchange, trade or receive any secondhand article from a seller who fails to provide any identification or information required under this chapter.

(b) No secondhand dealer shall purchase or receive by sale, exchange or otherwise, any article from a minor knowing or having reason to believe the person to be a minor.

(c) A secondhand dealer shall report immediately to the police any article which is offered for sale to him or her, or which he/ she does purchase if he/she has reasonable suspicion that the article is lost or stolen.

(d) It shall be unlawful for any person to knowingly give false information or identification when said person sells merchandise to a secondhand store in the City.

(e) No secondhand dealer shall purchase or receive by sale, exchange or otherwise, any article from any person who appears at that time to be under the influence of alcohol or drugs.

(f) No secondhand dealer shall knowingly purchase or receive items from any person identified in writing to the dealer by the Chief of Police or designee as a known or suspected thief or receiver of stolen property.
(Ord. 0035-2014. Passed 4-7-14.)

708.06 EXCEPTIONS.

A person, firm or corporation meeting one or more of the following criteria shall not be considered a "secondhand dealer" under the terms of this chapter:

- (a) A non-for-profit entity recognized as tax exempt by the Internal Revenue Service and/or registered with the Ohio Secretary of State as a not-for-profit organization.
- (b) A religious, nonprofit, charitable organization or organizations whose primary source of sellable property is obtained through donation.
- (c) Persons who deal exclusively in furniture.
- (d) Persons who deal exclusively in secondhand automobiles.
- (e) Persons conducting an infrequent sale, also known as "garage", "yard", "basement", "driveway" or "sidewalk", sales.
(Ord. 0035-2014. Passed 4-7-14.)

708.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a second degree misdemeanor, and is guilty of a first degree misdemeanor if that person has previously been convicted of any violation of this chapter, and in addition to any other penalty provided by law shall be fined not less than one thousand dollars (\$1,000). Each day during which noncompliance or a violation continues shall constitute a separate offense.
(Ord. 0035-2014. Passed 4-7-14.)

CHAPTER 921
Sanitary Sewer Connections and Rental Rates

921.01	Definitions.	921.09	General provisions.
921.02	Property owner required to install; notice; failure to comply.	921.10	Prohibitions.
921.03	Permit required; fee; multiple use connections prohibited.	921.11	Sewer rental rates.
921.04	Sewerage system capacity charge.	921.12	Unpaid bills.
921.05	Sewer footage fees.	921.13	Partial payment.
921.06	Sewer installer permit.	921.14	Application, administration and enforcement of Columbus sewer usage ordinances.
921.07	Materials and construction.	921.99	Violations.
921.08	Inspections.		

CROSS REFERENCES

Power to license sewer tappers and vault cleaners - see Ohio R.C. 715.27
 Compulsory sewer connections - see Ohio R.C. 729.06
 Sewerage rates - see Ohio R.C. 729.49, 729.52
 Management and control of sewerage system - see Ohio R.C. 729.50

921.01 DEFINITIONS.

For the purposes of this chapter:

- (a) "Sewer service connections" means the complete sewer line from the City sewer main in the street, alley or private right of way to a connection with the plumbing at the building.
- (b) "Sewer main" means the sewer pipe located in a street, alley or easement in which the waste water from the building service connection is delivered to a treatment facility.
- (c) "Sewer system" means all City facilities for storing, pumping, and transporting waste water.
- (d) "Owner" means any person, group of persons, corporation, partnership, or firm which holds title to a lot or parcel of land adjacent to the sewer system.
 (Ord. 0148-2013. Passed 12-2-13.)

921.02 PROPERTY OWNER REQUIRED TO INSTALL; NOTICE; FAILURE TO COMPLY.

The owner or owners of any house, cottage or other building which is adjacent to a sanitary sewer main and which contains a toilet, kitchen sink or laundry facilities producing liquid wastes, shall, within ninety days after receipt of a notice from the Director of Public Service to install a sanitary sewer service connection, make application to the City for a permit to construct such connection. In the event such property owner or owners fail to apply for such permit or fail to construct such sewer service connection within the time limit of such permit, the City shall proceed to construct or cause to be constructed such sanitary sewer service connection and shall assess the cost of such construction, including acreage fees, front foot fees, permit fees and all other related costs to the property owner. (Ord. 0148-2013. Passed 12-2-13.)

921.03 PERMIT REQUIRED; FEE; MULTIPLE USE CONNECTIONS PROHIBITED.

(a) No connection with any part of the City sanitary sewer system, nor the repair or removal thereof, nor any excavation thereof shall be started without first securing a permit from the Department of Public Service. Such permit must be on the premises where such sewer service connection is being done, prior to the beginning of such work and during the continuation thereof. A charge of eighty dollars (\$80.00) shall be made for such permit to cover the cost of issuance and inspections. Such amount shall be deposited in the Treasury to the credit of the Sewer Fund. The charge for such permit is nonrefundable.

(b) No permit shall be issued which contemplates the construction or installation of any multiple use connection. Each commercial, industrial, residential, occupied structure, etc., shall have a separate sewer service connection to the sanitary sewer system, whether or not such facilities are owned by one person. Multiple structures shall have separate connections for each unit, except where this would create a manifest hardship, in which case the Director of Public Service may grant special written permission to the owner to use a single connection. (Ord. 0148-2013. Passed 12-2-13.)

921.04 SEWERAGE SYSTEM CAPACITY CHARGE.

(a) Before any permit is issued for a sanitary sewer connection, there shall be exacted and collected by the City, a sanitary sewer system capacity charge for all property which is, or will be tributary, directly or indirectly, to any trunk sanitary sewer built by the City. The charge shall be exacted and collected only upon the granting of permission to connect a property to the sanitary sewer system.

(b) The charge so exacted shall be determined in accordance with the following and reviewed annually by the Director of Public Service with recommendation to Council for necessary code changes. In the event that an existing water tap is subsequently enlarged, the difference between the charges for the two tap sizes shall be paid:

Domestic Supply Water Tap Size (Inches)	System Capacity Charge Effective Charge Beginning 2006
3/4	\$ 5,327
1	8,880
1-1/2	17,757
2	28,413
3	56,826
4	88,790
6	177,581
8	284,130

(c) Any tap larger shall be based on the same appropriate relationship to that charged by Columbus, so that Gahanna keeps the same amount as it did during 1999. This section shall be changed should Columbus increase their capacity charge.

(d) The funds received from the charges herein imposed shall be deposited in the Treasury, shall be credited to the Sanitary Sewer Capital Fund, and shall be available for the construction, operation, maintenance, management, repair, extension or enlargement of the sanitary sewer system, and for the payment of principal and interest on any debt incurred for the construction, improvement, repair, or extension of any part of such sanitary sewer system. (Ord. 0148-2013. Passed 12-2-13.)

921.05 SEWER FOOTAGE FEES.

(a) Front Footage Fee. Before issuing any permit to tap, as set forth in this chapter, a charge of thirty dollars (\$30.00) per front foot of the property to be served shall be made and collected, provided that such property has not been specially assessed for the cost of construction of a sewer to provide a lateral sewer benefit, or provided that such lateral sewer is not constructed under a private sewer agreement. Lots or parcels of ground which have the same width at the front and rear and the same depth on each side shall be charged on the basis of actual frontage. However, where the depth of such lot or parcel of ground abuts on a street or other public way and the owner elects to construct a building fronting on the street or public way abutting such depth, the fee shall be exacted for such depth.

In the event the lot or parcel of ground is irregular in shape, the front footage shall be measured on a line forty feet from the front lot line and parallel to the center line of the street. However, where the frontage is curved, it shall be measured on a line parallel to and forty feet distant from a line tangent to such curved frontage at a point midway between the sides of the lot or parcel of ground.

A deduction shall be made from the charges herein imposed, wherever, and to the extent that the owner of the property concerned can show that a special assessment has been paid for such or similar trunk sanitary sewer benefit, provided that such deduction shall be limited to the amount of such special assessment so paid.

All amounts so collected shall be deposited in the Treasury and credited to the Sewer System Capital Improvement Fund, Front Footage Fees Account.

(b) Subtrunk Sewer Fees. Before connecting any property to a subtrunk sewer constructed through undeveloped lands, acreage fees shall be charged to the property to be served by such connection. The acreage fees shall be determined and charged on a per acre basis, except under the following conditions:

- (1) Such property has been specially assessed for the cost of the sewer;
- (2) Such sewer has been constructed by the owner of such property and such owner's predecessors in interest under a private sewer agreement;
- (3) Such sewer has been constructed by the owner of such property or such owner's predecessors in interest under a separate special agreement.

These fees are to be reviewed annually by the Director of Public Service.

All amounts so collected shall be deposited in the Treasury and credited to the Sewer System Capital Improvement Fund, Front Footage Fees Account. (Ord. 0148-2013. Passed 12-2-13.)

921.06 SEWER INSTALLER PERMIT.

Any person, firm or corporation desiring to engage in the business of installing sewer service connections to any part of the sanitary sewerage system shall make application to the Department of Public Service for an installer's permit. The application for such permit shall be furnished by the City and shall be executed by the applicant and submitted together with evidence of prior experience, a performance bond on an approved company in the amount of not less than five thousand dollars (\$5,000), proof of Worker's Compensation Insurance, a liability insurance policy in an amount approved by the Director of Public Service and an application fee of seventy-five dollars (\$75.00). The permit shall not be transferable and shall expire on December 31 of the year in which it is issued. The installer shall carry such permit and shall exhibit the same to any authorized agent of the City on demand. No sewer service connections shall be installed by any person, firm or corporation without an installer's permit. Poor workmanship or violation of any of the regulations herein shall be sufficient cause for revocation of the permit. The application fee shall not be refundable should the permit be voided for any reason.

(Ord. 0148-2013. Passed 12-2-13.)

921.07 MATERIALS AND CONSTRUCTION.

(a) All material used and work performed in making sanitary sewer service connections must conform with regulations and standard drawings approved by the City Engineer and issued by the Department of Public Service. Substitutions shall not be made without specific written approval of the Director of Public Service.

(b) Traps shall not be placed in the main line of the service connections and any change in direction shall be made only with curves. Basement floor drains shall be permitted only when they connect to a trap with a permanent waterseal between them and the sewer service connection. Vents shall be so constructed as to prevent foreign objects from being introduced into the sanitary sewerage system. Tee intersections shall not be permitted in any part of a sewer service connection. (Ord. 0148-2013. Passed 12-2-13.)

921.08 INSPECTIONS.

Each sewer service connection must be inspected, in its entirety and before being backfilled, by a duly authorized representative of the Department of Public Service, serving as Sewer Inspector. Twenty-four hours' notice must be given the Department of Public Service before starting construction of the sewer service connection. The sewer service connection must be constructed in accordance with the City specifications.

(Ord. 0148-2013. Passed 12-2-13.)

921.09 GENERAL PROVISIONS.

(a) Within fifteen days after inspection by the agent of the City, the stone, brick, earth, concrete, asphalt or other material which may have been excavated or disturbed, shall be replaced by the sewer installer as nearly as possible to the same condition in which it was found. All rubbish and excess material shall be immediately removed, and the restored area shall be maintained by the sewer installer until all possible trench settlement has taken place.

(b) The sewer installer shall use care not to injure or break any other pipe or drain tile encountered during the construction. In case any such pipes, conduit or tiles are damaged, they shall be restored or replaced in as good condition as originally found, at the expense of the sewer installer.

(c) The owner and the sewer installer shall at all times have the sole responsibility to protect each opening or excavation made by such installer in the public streets, roads or alleys, with sufficient barriers and caution lights to effectually guard the public from accidents and damages.

(d) It shall be the responsibility of the owner to properly install the sewer service connection, and inspection shall not, in any way, relieve the owner of maintaining, operating and repairing the connection, nor shall the City, its agents or employees be liable for any damages arising from the installation or use of the sewer service connection.

(e) Plumbing for all buildings having sewer service connections to the sanitary sewer system shall be installed strictly in accordance with the City and State Building Codes. (Ord. 0148-2013. Passed 12-2-13.)

921.10 PROHIBITIONS.

(a) The sanitary sewer system and connections thereto shall be used exclusively for drainage of water-borne wastes from water closets, urinals, lavatories, bath tubs and showers, laundry tubs, washing machines, refrigerator drips, automatic dishwashers, drinking fountains, sinks, floor drains of all types, soda fountains and for no other purpose whatever. However, garage floor drains, when receiving oil, grease or gasoline shall not be connected to the sanitary sewer system and the residue therefrom must be disposed of by the owner.

(b) Any wastes which may cause damage to, or stoppage of the sanitary sewer system or which may interfere with the purification or treatment of sewage, shall not be permitted to enter the sanitary sewer system. If any such waste is found, the sewer connection or connections discharging the same shall be disconnected at the expense of the owner.

(c) The connection of foundation drains in any way or manner, direct or indirect, shall not be permitted under any circumstances. All such drains found to be so connected shall be immediately disconnected at the owner's expense and such use discontinued.

(d) The connection of downspout or gutter drains, or of any roof water, either directly or indirectly, shall not be permitted under any circumstances. Any such connections shall be immediately disconnected at the owner's expense and their use discontinued.

(e) The entrance of any surface water whatever shall not be permitted, regardless of the method of entrance. Any person or the officers of any firm or corporation deliberately introducing surface water into the sanitary sewer system shall suffer the penalties hereinafter set forth.

(f) No person, group of persons, firm or corporation shall maintain a private sewer system within the City, except where the sanitary sewerage system is not available for use. All buildings accessible to the sanitary sewer system shall, upon order of the Director of Public Service, be required to connect to the sanitary sewer system in accordance with this chapter and the private sewer and septic tank shall be properly abandoned per Franklin County Health Code requirements. (Ord. 0148-2013. Passed 12-2-13.)

921.11 SEWER RENTAL RATES.

(a) All lots and land served by the sanitary sewer system shall be charged rental at the following rate, as recommended by the sewer rate study, with the table modified to include the surcharge in the basic rates as shown in the following tables:

Sewer Rental Table

EFFECTIVE DATE	BASE RATE CHARGE PER 1,000 GALLONS WATER	CAPITAL IMPROVEMENT FUND PER 1,000 GALLONS	TOTAL BASE CHARGE PER 1,000 GALLONS	SEWER SURCHARGE FOR CITY OF COLUMBUS CONSENT ORDER PROJECTS PER EQUIVALENT RESIDENTIAL UNIT (ERU)	TOTAL CHARGE CALCULATION FORMULA
JANUARY 1, 2013	5.18	0.35	5.53	2.54/MONTH/ERU	TOTAL BASE CHARGE PER 1,000 GALLONS PLUS 2.54/MONTH/ERU FOR COLUMBUS SURCHARGE
JANUARY 1, 2014	5.38	0.35	5.73	2.54/MONTH/ERU	TOTAL BASE CHARGE PER 1,000 GALLONS PLUS 2.54/MONTH/ERU FOR COLUMBUS SURCHARGE

GALLONS OF WATER PER QUARTER - FIRST 3,000 OR LESS

<u>Effective Date</u>	<u>Base Total Fee</u>	<u>Sewer Surcharge for City of Columbus Consent Order Projects Per Equivalent Residential Unit (ERU)</u>	<u>Total Charge Calculation Formula</u>
JANUARY 1, 2013	16.59	2.54/MONTH/ ERU	BASE TOTAL FEE PLUS 2.54/MONTH/ERU FOR COLUMBUS SURCHARGE
JANUARY 1, 2014	17.19	2.54/MONTH/ ERU	BASE TOTAL FEE PLUS 2.54/MONTH/ERU FOR COLUMBUS SURCHARGE

(b) The City of Gahanna adopts the Columbus Low Income Discount Program and the Director of Public Service is authorized to create regulations for administering said program. So long as the City of Columbus offers the Low Income Discount Program, or similar programs, to master meter communities, the City of Gahanna may offer the program to its qualified users.

(c) Additional billing charges may be incurred due to industrial use classification changes, which shall be charged to the individual customer(s) affected in accordance with the industrial user class charges established in Columbus City Code, Section 1147.08. These additional charges shall become a part of the quarterly bill.

(d) Quarters shall consist of three-month periods with billings commencing on a schedule to be determined by the Director of Public Service. The quarter bill, including all penalties, shall be due and payable thirty days from the date of mailing. A ten percent (10%) penalty shall be assessed to all accounts paying after the due date. A final notice granting an additional fourteen days before discontinuance of service shall be mailed to those accounts not paid in the thirty day period.

(e) Bills shall be sent on a time schedule to be determined by the Director of Public Service, but no less frequently than a quarterly basis, with the water bills, to the address given by the owner. The owner shall be responsible for promptly notifying the City of any change of address and no consideration shall be given for failure to do so.

(f) Any property owner who uses or intends to use the City sanitary sewer system, but does not use the water system of such City, shall be required to purchase a water meter from the City and install the same on the private water system line, in order to determine the proper sewer rental charges to be assessed. The owner must agree to permit authorized personnel to have access to read and inspect such meter and shall keep the meter in good operating condition.

(g) The Sewer Improvement Fund shall be used primarily for the retirement of bonds and notes issued for the purpose of financing sewer system capital improvements, and no moneys therein shall be used for any other purpose until and unless the Director of Finance of the City certifies that there are sufficient moneys within the Fund to make all payments necessary to retire the bonds and notes. In the event the Director of Finance so certifies, then the excess funds may be used for capital improvements and maintenance of the sewer system. Once the Director of Finance certifies that bonds and notes have been retired, the remaining moneys within the Fund, if any, shall be transferred to the General Sewer Fund.

(h) The sewer surcharge for City of Columbus consent order projects is mandated to address wet weather issues caused by rain and snow melt overwhelming the sanitary sewer system through inflow and infiltration. (Ord. 0148-2013. Passed 12-2-13.)

921.12 UNPAID BILLS.

(a) Each sewer charge rendered under or pursuant to this chapter is hereby made a lien upon the corresponding lot, parcel of land, building or premises served by a connection to the sanitary sewerage system of the city. If the same is not paid within sixty (60) days after said sewer charge becomes due and payable, in addition to any other remedies available to the City, said sewer charge may be certified to the Auditor of the county in which the property is located, who shall place the certified amount on the real property tax list and duplicate of the property served by the connection. Certified amount to include the interest and penalties allowed by law and shall be collected as other taxes are collected.

(b) It shall be a buyer and seller responsibility, where property is sold, to assure that a final reading of water consumption, for purposes of calculating the sanitary sewer charge, is made and provisions agreed to for payment; otherwise, the responsibility for payment for any sanitary sewer charge whatsoever shall reside with the current owner of such property. (Ord. 0148-2013. Passed 12-2-13.)

921.13 PARTIAL PAYMENT.

Partial payments may be accepted. In accepting such partial payments, the amount owing shall be considered delinquent and the moneys paid shall be applied in the following order:

- (a) Refuse;
- (b) Penalty/miscellaneous;
- (c) Storm water management;
- (d) Sewer improvement;
- (e) Water improvement;
- (f) Columbus consent order;
- (g) Sewer; and
- (h) Water.

(Ord. 0148-2013. Passed 12-2-13.)

921.14 APPLICATION, ADMINISTRATION, AND ENFORCEMENT OF COLUMBUS SEWER USAGE ORDINANCES.

So long as the City of Gahanna discharges its sewage, industrial waste, water and other liquid waste into the transportation, pumping and treatment system of the City of Columbus, all of the provisions of Chapter 1145 of the Columbus City Code, both as they exist and as they are hereafter amended, relating to the regulation of sewage use are hereby adopted by reference and made applicable to the City sewerage system. In the event of conflict between the provisions of this chapter and Chapter 1145 of the Columbus City Code, the provisions of Chapter 1145 of the Columbus City Code shall prevail. Officers and employees of the City of Columbus are hereby empowered to enforce such provisions of the Columbus City Code within the boundaries of the City of Gahanna. (Ord. 0148-2013. Passed 12-2-13.)

921.99 VIOLATIONS.

Any person violating any provision of this chapter shall be charged with a minor misdemeanor on the first offense and for each subsequent offense shall be charged with a misdemeanor of the fourth degree. (Ord. 0148-2013. Passed 12-2-13.)

CHAPTER 929
Water Connections and Rates

929.01	Definitions.	929.11	Prohibitions.
929.02	Permit required; multiple use connections prohibited.	929.12	Water rates.
929.03	Water tap charge.	929.13	Unpaid bills.
929.04	Water main extension.	929.14	System capacity rates.
929.05	Charge for extension of water mains.	929.15	Private fire protection service.
929.06	Installer's permit.	929.16	Separability of provisions.
929.07	Inspections.	929.17	Special charges.
929.08	Meter service fee.	929.18	Charge for renewal of service.
929.09	Materials and construction.	929.19	Partial payment.
929.10	General provisions.	929.99	Violations.

CROSS REFERENCES

Compulsory water connections - see Ohio R.C. 729.06, 743.23
 Management and control of water works - see Ohio R.C. 743.02 et seq.
 Weekly deposit of water works money collected - see Ohio R.C. 743.06
 Unauthorized connections - see Ohio R.C. 4933.22

929.01 DEFINITIONS.

For the purposes of this chapter:

- (a) "Water service connection" means the water pipe extending from the water main to the connection with the plumbing at the building served.
- (b) "Water main" means the water pipe located in a street, alley or easement from which the domestic water supply is delivered to the service pipe leading to the building served.
- (c) "Water system" means all City facilities for supplying, treating, storing, pumping and distributing potable water.

- (d) "Owner" means any person, group of persons, corporation, partnership or firm which holds title to a lot or parcel of land adjacent to the water system, or desires to purchase water from the City.
- (e) "Fixture" means any valve, valve box, hydrant, meter, curb stop, curb box, tank, building or any other physical article owned or operated by, or essential to the operation of the water system.
- (f) "Front foot" means the frontage which abuts on the street right of way. On corner parcels, it shall be the shortest frontage so abutting. Front foot shall be measured at the building line where lots are irregular in shape. When the property to be served does not abut upon a street right of way, front foot means the smaller of the parcel dimensions, but in no event shall be less than the required frontage for the zoning of that parcel. (Ord. 0147-2013. Passed 12-3-13.)

929.02 PERMIT REQUIRED; MULTIPLE USE CONNECTIONS PROHIBITED.

(a) No connection with any part of the City water system, nor the repair or removal thereof, nor any excavation thereof shall be started without first securing a permit from the Department of Public Service. Such permit must be on the premises where such water service connection is being done, prior to beginning such work and during the continuation thereof. A charge of eighty dollars (\$80.00) shall be made for such permit, to cover the cost of issuance and inspections. Such amount shall be deposited in the Treasury to the credit of the Water Fund. The charge for such permit is non-refundable.

(b) No permit shall be issued which contemplates the construction or installation of any multiple use connections. Each commercial, industrial, residential, occupied structure, etc., shall have a separate water service connection to the water system, whether or not such facilities are owned by one person. Multiple structures shall have separate connections for each unit, except where this would create a manifest hardship, in which case the Director of Public Service may grant special written permission to the owner to use a single connection. Where such permission is granted for double units to use a single connection, it must provide that such connection shall not be less than one inch in diameter, and that separate curb stops and boxes, and separate meters are installed.

(c) The Director of Public Service shall review these permit fees annually and submit a written report to Council, recommending that this fee either be maintained or modified. (Ord. 0147-2013. Passed 12-2-13.)

929.03 WATER TAP CHARGE.

(a) The Division of Water shall maintain the water tap which shall remain the property of the City. The tap charges shall be paid in advance as follows:

DIAMETER OF TAP (in inches)	TAP CHARGE (effective January 1, 2006)
0.75 or less	\$ 770.00
1.00	900.00
1.50	1,155.00
2.00	1,540.00

(b) The water tap charges, set forth above, shall be reviewed each year by the Director of Public Service, who shall submit a written report to Council, recommending needed adjustments based upon actual cost.

(c) All water taps in subdivisions or developments must be installed at the time the water mains are installed.

(d) Every property owner shall be required to install a tap for each lot or parcel immediately prior to the paving of any street when ordered by the Director.

(e) Taps may be installed by a qualified contractor upon issuance of a permit by the Division of Water. Such installation must conform to the standards and specifications of the Division and must be approved by the Division.

(f) Before issuing any permit to tap, as set forth in this chapter, a charge of thirty dollars (\$30.00) per front foot of the property to be served shall be made and collected, provided that such property has not been specially assessed for the cost of construction of the water main to be tapped, or provided that such water main is not constructed under a private water line agreement. Lots or parcels of ground which have the same width at the front and rear, and the same depth on each side shall be charged on the basis of actual frontage, except where the depth of such lot or parcel of ground abuts on a street or other public way and the owner elects to construct a building fronting on the street or public way abutting such depth, the fee shall be exacted for such depth.

(g) Amounts collected for front footage shall be credited to the Water System Capital Improvements Fund.

(h) The Director shall review these water tap charges and front footage fees annually and submit a written report to Council, recommending that these fees either be maintained or modified. (Ord. 0147-2013. Passed 12-2-13.)

929.04 WATER MAIN EXTENSION.

The Director of Public Service is authorized to provide water service to new consumers when he determines that the water main extension is feasible both economically and from an engineering point of view and will not be detrimental to the best interest of the City having given consideration to the overall effect on the total water system and to the long term plans and probable future growth of the water system of the City. (Ord. 0147-2013. Passed 12-2-13.)

929.05 CHARGE FOR EXTENSION OF WATER MAINS.

(a) All water main extensions in the City shall be paid for by the applicants or developer requesting such extension. Water main extensions will be of the same diameter as the existing main being extended unless otherwise required by the City.

(b) The Director of Public Service shall determine from the Division of Water records, or other sources, the cost of the pipe, fittings and valves and this determination shall be final.

(c) The Director of Public Service may authorize water main extensions to be installed by a qualified developer and he shall determine whether the water main shall be installed by the City or by the applicant or developer.

(d) For each water main extension requested and installed by the City, the Division of Water shall make an estimate of the total costs involved and the applicants or developer shall make a deposit to the City that is sufficient to cover the estimated cost of the water main extension. If the actual cost of the extension is higher or lower than the deposit, the applicants or developer will be refunded the amount of any excess deposit or shall pay the City any deficit that may exist in the deposit, as the case may be.

(e) When water main extensions are installed by the City, the cost may be assessed against the abutting property owners, with the approval of Council. Such assessment shall be in an amount equal to the total installation cost unless the line is required by the City to be larger than eight inches. When the water main is required by the City to be installed larger than eight inches, the amount assessed shall be the total installation cost less 10 percent of the difference in the cost of the pipes, fittings and valves between the installation of an eight-inch water main and the water main installed. The costs shall be determined as prescribed in subsection (b) hereof.

(f) The specifications and standards of construction for all water main extensions shall be prepared by the City Engineer. Plans and installation shall be subject to approval of the Division.

(g) The size of all water mains shall be determined by the Director of Public Service and shall be large enough not only to serve the areas under immediate consideration but also to serve areas which are likely to be developed and which should be served by the water main under consideration. Unless otherwise required by the Director of Public Service, no water main shall be smaller than eight inches nominal diameter.

(h) All extensions of water mains shall include the installation of all taps, valves and fire hydrants. The number and location of fire hydrants shall be in accordance with the requirements of the City. The number and location of all taps and valves shall be as required by the Director of Public Service.

(i) All water mains and appurtenances shall be owned, operated and maintained by the City, with title to be vested in the City upon completion of the water main.

(j) No water mains shall be installed except by the City, unless authorized by an agreement between the City and the developer or applicants. Where water mains are installed by a developer or applicant and abut on parcels not owned by the developer or applicant not included in the agreement, the developer or applicant shall be entitled to reimbursement when such parcels are connected to the water main within ten years after the completion of the water main from the funds collected by the City for such connections pursuant to Section 929.03(f).

(k) To be eligible for this reimbursement, the developer or applicant must file with the Division of Water within ninety days after the completion of the water main or such further time as may be authorized by the Director of Public Service in accordance with the standards and specifications, receipts for all labor and material used in connection with the construction of the water main, together with final, as-built plans, properly referenced for future location of the work. (Ord. 0147-2013. Passed 12-2-13.)

929.06 INSTALLER'S PERMIT.

Any person, firm or corporation desiring to engage in the business of installing water service connections shall make application to the Department of Public Service for an installer's permit, as set forth in Section 921.06. The permit issued under such section shall authorize the person to whom granted to install both sewer and water service connections. All pertinent parts of Section 921.06 are incorporated by reference in this section, as if fully written herein. (Ord. 0147-2013. Passed 12-2-13.)

929.07 INSPECTIONS.

Each water service connection must be inspected, in its entirety and before being backfilled, by a duly authorized representative of the Department of Public Service, serving as Water Inspector. Twenty-four hours notice must be given the Department before starting construction of the water service connection. The water service connection must be constructed in accordance with the City specifications. (Ord. 0147-2013. Passed 12-2-13.)

929.08 METER SERVICE FEE.

(a) When a permit is issued for a service connection or a change in meter size, the meter shall be installed by the City, and a fee equal to the cost of the meter and remote plus ten percent (10%) shall be paid.

(b) Where the meter is one and one-half inches or larger in nominal diameter, the fee shall be equal to the cost of the meter and remote plus ten percent (10%) with installation of meter to be made by the applicant under the inspection and approval of the Division of Water. Remote reading devices will be required on all meters and installed by the Division.

(c) After the meter is procured and before the curb stop is opened, the meter shall be set and installed in an easily-accessible position in a manner approved by the City, and shall not thereafter be moved, removed or otherwise tampered with, except upon express written approval of a duly authorized agent of the City.

(d) The meter service fee as set forth, shall be reviewed each year by the Director of Public Service, who shall recommend to Council any needed adjustments based upon actual cost.

(e) All water meters exclusive of deducting meters, shall be maintained by and remain the property of the City.

(f) The installation of a meter transceiving unit will be required where such readers are deemed necessary by the Director of Public Service.

(g) Sewer adjustment meters for the purpose of deducting water not entering the sanitary sewer system from the sewer portion of the bill shall be permitted. Such meters shall be purchased from the City at a rate of cost plus 10%. Additionally, a transmitter shall be purchased from the city at a rate of cost plus 10%. All deducting meters must meet the specifications established by the City and shall be owned and maintained by the property owner. The meters shall be installed in such manner as to register water that does not enter the sanitary sewer system in any way. Such installation shall meet with the standards of the Division of Water and Sewer and shall be inspected by its representative upon completion. Sewer adjustment credits will only be allowed after inspection and approval of the meter by the City. Any usage from the date of installation to the date of inspection and approval will not be subject to a reduction. The fee for said inspection shall be forty dollars (\$40.00). (Ord. 0147-2013. Passed 12-2-13.)

929.09 MATERIALS AND CONSTRUCTION.

All material used and work performed in making water service connections must conform with regulations and standard drawings approved by the City Engineer and issued by the Department of Public Service. Substitutions shall not be made without the specific written approval of the Director of Public Service.
(Ord. 0147-2013. Passed 12-2-13.)

929.10 GENERAL PROVISIONS.

(a) It shall be the responsibility of the owner to properly install the water service connection. Inspection shall not, in any way, relieve the owner of maintaining, operating and repairing the connection, nor shall the City or its agents or employees be liable for any damage arising from the installation or use of the water service connection.

(b) The owner shall maintain the service pipe from the curb stop to the meter, the meter and transmitter in good condition and shall permit inspection and testing of the same at any reasonable time by a duly authorized representative of the Division of Water. In the event such service pipe is determined to be defective and leaking, service may be discontinued immediately until repair or replacement of such pipe is made.

(c) Within fifteen days after inspection by the agent of the City, the stone, brick, earth, concrete, asphalt or other material which may have been excavated or disturbed, shall be replaced by the water installer as nearly as possible to the same condition in which it was found. All rubbish and excess material shall be immediately removed, and the restored area shall be maintained by the water installer until all possible trench settlement has taken place.

(d) The water installer shall use care not to injure or break any other pipe, drain tile or conduit encountered during construction. In case any such pipes, conduit or tiles are damaged, they shall be restored or replaced in as good condition as originally found, at the expense of the water installer.

(e) The owner and the water installer shall at all times have the sole responsibility of protecting each opening or excavation made by the installer in the public streets, roads or alleys, with sufficient barriers and caution lights to effectually guard the public from accidents and damages.

(f) Plumbing for all buildings having water service connections to the water system shall be installed strictly in accordance with the City and State Building Codes.
(Ord. 0147-2013. Passed 12-2-13.)

929.11 PROHIBITIONS.

(a) Except as otherwise provided herein, no person, group of persons, firm or corporation shall connect or cause to be connected to the water system any pipe, hose, conduit or fixture for the purpose of using water from the system without the use of a properly installed and approved meter. All water so used for any purpose whatsoever shall be billed at the rate hereinafter established. Failure to comply with this regulation in all respects shall subject the violator to loss of water service and other penalties prescribed herein.

(b) No cross connections shall be installed or maintained between the water system and any private water supply. Any premises using both the water system and a private water supply shall be subject to periodic inspection to ascertain whether or not such cross connections are being or have been maintained.

(c) No person, other than the Director of Public Service or his authorized agent, shall operate, manipulate or tamper with any fixture of the water system.

(d) No persons shall install a private water supply system for domestic use within the City, except where the City water system is not available. All existing buildings, other than residential, accessible to the water system, upon recommendation of the Director of Public Service, shall be required to connect to the City water system, and have the private water supply disconnected from the City water system in such building. All existing residential buildings shall be exempted from the requirements of this section for so long as the existing private water supply is safe and potable and in sufficient quantity to meet the reasonable needs of the residents without supplementation. (Ord. 0147-2013. Passed 12-2-13.)

929.12 WATER RATES.

(a) The following rates shall apply to water service within the City:

EFFECTIVE DATE	BASE RATE PER THOUSAND GALLONS	PLUS CAPITAL IMPROVEMENT PER THOUSAND GALLONS	BILLING RATE PER THOUSAND GALLONS
JANUARY 1, 2013	6.68	.59	7.27
JANUARY 1, 2014	6.68	.89	7.57

- (1) The "billing rate per thousand gallons" in the above table shall be applied to the first nine million gallons of water purchased per user per quarter. Quantities beyond nine million gallons purchased per user per quarter shall be charged an amount equal to the supply cost.
- (2) Minimum base rate water charges per quarter.

EFFECTIVE DATE

Meter Diameter	2013 January 1	2014 January 1
(inches) Less than 3	\$21.81	\$22.71
3	\$100.93	\$104.97
4	\$207.15	\$215.41
6	\$312.84	\$325.35
8	\$420.10	\$436.90
10	\$479.14	\$498.31

(b) The City of Gahanna adopts the Columbus Low Income Discount Program and the Director of Public Service is authorized to create regulations for administering said program. So long as the City of Columbus offers the Low Income Discount Program, or similar programs, to master meter communities, the City of Gahanna may offer the program to its qualified users.

(c) The Water Improvement Fund Number 1, created pursuant to Ordinance No. 48-63, shall be used for the retirement of bonds and notes issued for the purpose of financing water system capital improvements, and no moneys therein shall be used for any other purpose until and unless the Finance Director of the City of Gahanna certifies that there are sufficient moneys within the fund to make all payments necessary to retire the bonds and notes. In the event the Finance Director so certifies, then the excess funds may be used for capital improvements and maintenance of the water system.

Once the Finance Director certifies that bonds and notes have been retired, the remaining moneys within the fund, if any, shall be transferred to the General Water Fund.

(d) Quarters shall consist of three-month periods with billings commencing on a schedule to be determined by the Director of Public Service. The quarter bill, including all penalties, shall be due and payable thirty days from the date of mailing. A ten percent (10%) penalty shall be assessed to all accounts paying after the due date. A final notice granting an additional fourteen days before discontinuance of service shall be mailed to those accounts not paid in the thirty day period.

(e) Bills shall be sent on a time schedule to be determined by the Director of Public Service, but no less frequently than a quarterly basis to the address given by the owner, who shall be responsible for promptly notifying the Division of Water of any change of address, and no consideration shall be given for failure to do so.

(f) The Director of Public Service shall review these water rates annually and shall submit a written report to Council, recommending either that this rate schedule be maintained or modified. (Ord. 0147-2013. Passed 12-2-13.)

929.13 UNPAID BILLS.

(a) Each water charge rendered under or pursuant to this chapter is hereby made a lien upon the corresponding lot, parcel of land, building or premises served by a connection to the water system of the City. If the same is not paid within sixty (60) days after said water charge becomes due and payable, in addition to any other remedies available to the City, said water charge may be certified to the auditor of the county in which the property is located, who shall place the certified amount on the real property tax list and duplicate of the property served by the connection. Certified amount to include the interest and penalties allowed by law and shall be collected as other taxes are collected.

(b) It shall be a buyer and seller responsibility, where property is sold, to assure that a final reading of water consumption is made and provisions agreed to for payment; otherwise, the responsibility for payment for any water usage whatsoever shall reside with the current owner of such property.
(Ord. 0147-2013. Passed 12-2-13.)

929.14 SYSTEM CAPACITY RATES.

(a) The following rates shall be charged for each service connection made to any property and shall be paid at the time a permit is issued for the service connection. No person shall make a service connection or any part thereof, unless he has been issued a permit by the Director of Public Service. In the event a tap is subsequently enlarged, the difference between the charges for the two sizes shall be paid:

Tap Diameter (Inches)	Effective Date (January 1, 2006)
0.75	\$1,593
1.00	3,312
1.50	8,568
2.00	14,699
3.00	30,624
4.00	47,775
6.00	108,529
8.00	191,100

(b) For all taps used to supply fire protection only, the rate shall be one-half the rate specified in this section.

(c) The Director of Public Service shall review these system capacity rates annually and submit a written report to Council, recommending either that this rate schedule be maintained or modified. (Ord. 0147-2013. Passed 12-2-13.)

929.15 PRIVATE FIRE PROTECTION SERVICE.

(a) For all fire protection service installations made after the effective date of Ordinance 70-73, requiring a separate fire service line, the consumer shall install at his expense, subject to the inspection and approval of the Division of Water, all of the piping system necessary to extend from the consumer's system and connect to the City's existing water main.

(b) All separate fire service lines shall have installed, before service is established, an approved meter installation. Such meter and the installation shall meet the specifications and approval of the Division and the entire installation shall be at the expense of the consumer. The applicable rates as prescribed in Section 929.12 shall be paid for metered fire service lines.

(c) The City reserves the right to order the installation of a meter on an existing fire protection line upon violation of applicable ordinances and the rules and regulations of the Director of Public Service.

(d) No charge except the minimum charge will be made for any measured water flow resulting from the use of water for fire fighting purposes when such fire has been reported to the fire department serving the area involved.

(e) Where an unmetered tap for a fire service line exists, the following charge shall be paid in lieu of the minimum charges per quarter prescribed:

Fire Tap Diameter (Inches)	2013 CHARGE PER QUARTER (METER SIZE MINIMUM PLUS 10%)	2014 CHARGE PER QUARTER (METER SIZE MINIMUM PLUS 10%)
4	\$227.87	\$236.98
6	\$344.12	\$357.89
8	\$462.11	\$480.59
10	\$527.05	\$548.14

(f) When a property is served with both an unmetered fire protection service and water service, the amount to be paid for the combined service shall be the charge computed by using the applicable commodity rate established in Section 929.12 or the minimum fire protection charge established in this section, whichever is larger.

(g) When a property is served by more than one fire protection service and such service provides water to a common interconnected fire protection system, the services shall be considered a single fire protection service with the rates or charges to be based on the largest tap or meter.

(h) When a property is served with one or more fire protection services and one or more water services, the owner or contract holder may notify the Division at the time of application for service or as of January 1, of each year, which commodity service shall be combined with which of the fire protection services for billing purposes. In the event no such notice is received, the Division shall make such determination.

(i) All outlets, except sprinkler heads, on unmetered fire protection service shall be sealed under the supervision of the Division. No person shall break a seal, or withdraw water from any unmetered fire protection system, except in the case of fire, without prior approval of the Director of Public Service.

(j) The Director of Public Service shall review these water rates annually and submit a written report to Council, recommending either that this rate schedule be maintained or modified. (Ord. 0147-2013. Passed 12-2-13.)

929.16 SEPARABILITY OF PROVISIONS.

Each section and each part of each section of this chapter is hereby declared to be an independent section or part of a section and, notwithstanding any other evidence of legislative intent that if any such section or part of a section, or any provision thereof, or the application thereof to any person or circumstances, is held to be invalid, the remaining sections or parts of sections and the application of such provisions to any other person or circumstances, other than those as to which it is held invalid, shall not be affected thereby.

It is hereby declared to be the legislative intent that these sections or parts of sections would have been adopted independently of such sections or parts of a section so held to be invalid. (Ord. 0147-2013. Passed 12-2-13.)

929.17 SPECIAL CHARGES.

The following charges shall be paid for the specified special services furnished by the City:

- (a) Trip to place door hanger notifying of turn off if account not paid: \$ 12.00
- (b) Trip to turn off service for nonpayment of account during regular work hours: \$ 36.00
- (c) Trip to turn on service after turn-off for nonpayment during regular work hours: 36.00
- (d) Trip to turn on or off service at curb box at request of customer after regular working hours: 125.00
- (e) Trip to service meter and/or transmitter damaged by negligence, vandalism, freezing, or hot water or to service transmitter due to negligence or vandalism 50.00
plus cost to repair or replace.
- (f) Trip to turn off service as a result of fraud or illegal diversion of water, unauthorized turn on of water meter tampering, bypass of meter, or other violation of the rules and regulations of the Director of Public Service: 250.00
- (g) Testing of meter at the request of consumer:
 - (1) Where meter tests Outside the American Water Works Association Standard, which is 98.5% to 101.5%: None

- | | | |
|-----|--|-------|
| (2) | Where meter tests within
The American Water
Works Association
Standard, which is
98.5% to 101.5%: | 80.00 |
| (3) | Where meter is two inches or larger
in diameter, the meter shall be
removed, transported to and from the
meter shop, and reinstalled by the
consumer, with permission, under the
inspection and approval of the
Division of Water: | 75.00 |
| | plus actual cost to test, repair or replace. | |
| (h) | Permit to use water from fire hydrant: | 25.00 |
| | plus water used, charged at regular
rate plus 15%. | |

The Director of Public Service shall review these water rates annually and submit a written report to Council, recommending either that this rate schedule be maintained or modified. (Ord. 0147-2013. Passed 12-2-13.)

929.18 CHARGE FOR RENEWAL OF SERVICE.

In all cases where the Director of Public Service has ordered a discontinuance of water service for a violation of any rule or regulation there shall be charged the fees prescribed in Section 929.17 for renewal of the water service. (Ord. 0147-2013. Passed 12-2-13.)

929.19 PARTIAL PAYMENT.

Partial payments may be accepted. In accepting such partial payments, the amount owing shall be considered delinquent and the moneys paid shall be applied in the following order:

- (a) Refuse;
- (b) Penalty/miscellaneous;
- (c) Storm water management;
- (d) Sewer improvement;
- (e) Water improvement;
- (f) Columbus consent order;
- (g) Sewer; and
- (h) Water.

(Ord. 0147-2013. Passed 12-2-13.)

929.99 VIOLATIONS.

Any person violating any provision of this chapter shall be charged with a minor misdemeanor on the first offense and for each subsequent offense shall be charged with a misdemeanor of the fourth degree. (Ord. 0147-2013. Passed 12-2-13.)

